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Triadafilos Triadafilopoulos, Karen Schonwälder  <https://orcid.org/0000-0002-7458-6927>

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# **How the Federal Republic Became an Immigration Country**

## **Norms, Politics and the Failure of West Ger- many's Guest Worker System**

**Triadafilos Triadafilopoulos**

Political Science, University of Toronto

**Karen Schonwälder**

Wissenschaftszentrum Berlin für Sozialforschung

With the passage of a new citizenship law in 1999 and the so-called *Zuwanderungsgesetz* (Migration Law) of 2004, contemporary Germany has gone a long way toward acknowledging its status as an immigration country (*Einwanderungsland*). Yet, Germany is still regarded by many as a "reluctant" land of immigration, different than traditional immigration countries such as Canada, the United States, and Australia. It owes this image to the fact that many of today's "immigrants" were in fact "guests," invited to work in the Federal Republic in the 1950s, 1960s and 1970s and expected to leave when they were no longer needed. Migration was meant to be a temporary measure, to stoke the engine of the Economic Miracle but not fundamentally alter German society. The question, then, is how did these "guest workers" become immigrants? Why did the Federal Republic become an immigration country?

Extant explanations emphasize economic factors: policy-makers treated migration as a labor market issue and failed to calculate its long-term costs. In Stephen Castles' words: "[t]he state followed a short-term labor market policy in response to

employers' demands, taking no account of possible long-term consequences for society."<sup>1</sup> Similarly, in what remains the standard work on the history of migration politics and policy-making in the Federal Republic, Ulrich Herbert characterizes West German policy in the 1960s and early 1970s as "blind to the future" (*zukunftsblind*).<sup>2</sup> According to Herbert, employers' greed overwhelmed political concerns, which were limited at best. Like Castles, Herbert emphasizes the economic determinants of migration policy and generally neglects political considerations.

Familiar accounts also suggest that migration during the recruitment years was limited to young, single men, and that overall levels of settlement were modest. According to this view, settlement only became a political issue when recruitment was halted in November 1973, as guests decided to stay and sponsor family members to join them.<sup>3</sup> Furthermore, established narratives hardly mention normative concerns and related political dynamics for the period of labor recruitment (1955-1973). In most accounts, such concerns only begin to play a role *after* the recruitment stop, when the courts created enhanced rights for former guest workers, protecting them from forced expulsion and preserving their right to family reunification. These rights, it is generally assumed, allowed guests to stay and led to the growth of the foreign population in West Germany.<sup>4</sup>

These standard explanations are in need of revision. To begin with, the recruitment period was not as straightforward as the literature suggests. Officials were not blind to the fact that large-scale immigration was occurring in the early 1960s; indeed, some worked very hard to try to prevent it. In truth, West Germany never practiced a true guest worker policy, because it never implemented a mechanism for ensuring the consistent rotation of foreign workers. Forced rotation could not be reconciled with West Germany's post-

war identity as a liberal democracy, supportive of human rights and the rule of law, and determined to move away from its troubled past toward a reformed, European future. West Germany did not stumble into immigration in the mid-1970s, after waking up from a binge of economic growth to a hang-over of political consequences. Rather, normatively driven political considerations were important right through the recruitment phase.

We begin by presenting our argument in more detail, pointing out how normative factors influenced policymaking in the postwar period. We then apply the argument to demonstrate how normatively driven politics prevented the implementation of compulsory rotation, focusing on two key periods during which rotation was considered but ultimately rejected: 1961-1965 and 1967-1973. We conclude by summarizing our argument and briefly discussing its contribution to the understanding of migration policy in Germany and to broader discussions of migration and the pluralization of industrialized societies in the postwar era.

### **Postwar Norms and Migration Politics**

The division of the world into territorially distinct nation-states makes international migration a necessarily subversive process.<sup>5</sup> Migrants constitute an "alien" presence that challenges the fiction of national exclusivity and therefore threatens national cohesiveness. Thus, international migration raises a fundamental challenge: how to reconcile the entry of outsiders for economic or other reasons with the prerogatives of membership in nation-states. Immigration and citizenship policies represent answers to the very basic questions raised by this "migration-membership dilemma," namely: What are we? What do we wish to become? Which individuals can help us reach that goal? And, most importantly, which individuals constitute the "we" who shall decide these questions?<sup>6</sup>

How states respond to these questions depends on a wide range of factors, including their particular histories, geography, and economic profiles. Limiting our attention to these variables, however, obscures more encompassing structures that influence outcomes across states. As Aristide Zolberg has noted, domestic policymaking "takes place within the context provided by changing conditions in the world at large. Hence ... analysis must take into account the configuration of international conditions that generates changing opportunities and challenges in relation to ... immigration."<sup>7</sup> Alan Cairns' work on the transformation of indigenous peoples' politics in Canada and other settler countries after World War II proceeds in a similar direction. Cairns argues that the dramatic contrast in historic assumptions governing Aboriginal/non-Aboriginal relations in Canada and contemporary paradigms—specifically the move from assimilationist arguments to models based on self-government—cannot be understood without recognizing the impact of changing international norms, and in particular the demise of European colonialism.<sup>8</sup> Cairns distinguishes between the global culture of the late nineteenth and early twentieth century ("Globalization I") and that of the period after World War II ("Globalization II"). Although both periods were marked by globalization and "diversity," they differed significantly in their prevailing attitudes toward it:

Globalization I, the age of empire, encompassed not only an international system dominated by Europe but also the "colonial" treatment of indigenous minorities in the West, restrictive immigration policies, and a hierarchical view of cultures, religions, and races. Globalization II, the post-imperial era, supported the independence of colonies (leading to a multicultural and multiracial international state system), reinforced the aspirations of minority indigenous peoples in the West for enhanced self-governance, led to a relaxation of

immigration criteria, fostered respect for cultural differences at home, and was normatively underpinned by an international human rights movement that stressed equality as the norm of social and political relationships. Globalization II was clearly a reaction to Globalization I. *Empire and its demise were, respectively, the motor of change for the cluster of policies and assumptions linked to each globalization era* (emphasis added).<sup>9</sup>

Building on Zolberg and Cairns' insights, we maintain that pre-vailing *normative contexts-i.e.*, those structures, processes, and beliefs that serve as background conditions encompassing domestic policymaking-play a central role in shaping policymakers' beliefs and preferences.<sup>10</sup> Like Cairns, we distinguish between two periods with distinct normative contexts. The first spans the turn of the twentieth century until World War Two. The second emerges as a consequence of the war and related developments, including the Holocaust and the emergence of a global human rights culture. Both contexts had a profound impact on immigration and citizenship policies. Solutions to the migration-membership dilemma devised during the early part of the twentieth century were influenced by prevailing attitudes toward racial and ethnic difference, nationalism, and state sovereignty and tended, on the whole, to legitimize discriminatory exclusions.<sup>11</sup>

Here it is worth noting that the original "guest worker" system developed in Germany at the turn of the twentieth century and entrenched during the interwar era was very much a product of its times, in that it was purposefully designed to facilitate the exploitation of foreign workers while guarding against their social incorporation.<sup>12</sup> Foreign laborers would serve as a cheap and expendable "reserve army," used to fuel economic expansion in good times and discarded with impunity during downturns. The state's willingness to use force

to compel expulsion was key to the system's functioning, as was the paucity of rights afforded to foreign workers. The 1913 *Reichs- und Staatsangehörigkeitsgesetz* (Reich Citizenship Law) was similarly animated by a desire to exclude "unwanted races"-specifically East European Jews and foreign Poles-from German citizenship, by tying nationality to blood descent.<sup>13</sup> These approaches informed policymaking right through the first half of the twentieth century.

Efforts to revive the guest worker system in the post-World War II period foundered because of changes in the broader normative context encompassing political decision-making. Quite simply, crucial events and processes changed the "rules of the game" for liberal-democratic states in the postwar period.<sup>14</sup> The discrediting of scientific racism and integral nationalism, and the simultaneous emergence of human rights after the war made it difficult for West Germany and other liberal-democratic states to structure their migration policies along familiar prewar lines. The Federal Republic's history and self-identification as a reformed, liberal-democratic country that respected the rule of law and human rights made it especially vulnerable to charges of hypocrisy generated by the "lack of fit" between its liberal-democratic profile and its established solutions to the migration-membership dilemma.

Policymakers responded to this lack of fit by adapting older frameworks to the prevailing normative context without losing sight of the established policies' central objective- the avoidance of permanent immigration. We argue that this ultimately failed because one of the adjustments made was the abandoning of compulsory rotation. Unlike the early part of the twentieth century, the West German state opted to forgo forcibly removing large numbers of foreigners who chose to settle in the country. As a result, immigration was tacitly permitted, despite official claims that the Federal Republic was "not an immigration country." In the absence of a workable rotation policy, tempo-

rary labor recruitment was a palliative fiction, masking real immigration processes. The end result was a large, settled immigrant population that would ultimately challenge the boundaries of German nationhood.

## **Normatively Driven Politics and the Failure of Compulsory Rotation**

*Toward Recovery: 1945-1955*

Germany emerged from the war a defeated and divided country under foreign occupation. The shifting of its eastern borders and compulsory transfer of ethnic German minorities from Poland, Czechoslovakia, and other East European countries under Section XIII of the Potsdam Protocol created a refugee crisis of epic proportions, with upwards of nine million persons entering the Western zones of occupation alone.<sup>15</sup> The refugees joined millions of internally displaced Germans, civilian foreign workers, prisoners of war, and returning German servicemen- along with approximately 200,000 concentration camp prisoners-contributing to a highly mobile and chaotic situation, marked by shortages of housing and food and high unemployment.<sup>16</sup>

West Germany's rapid economic revival helped to diffuse what many feared was a potentially destabilizing refugee problem.<sup>17</sup> The combination of relatively robust industrial capacity and significant foreign assistance accelerated the expellees' integration into West Germany's postwar labor market. Indeed, industrial production in West Germany tripled between 1949 and 1959 and unemployment fell from 9 to 1 percent despite an increase in the active labor force from 13.6 to 19.6 million. Expellees and refugees from East Germany served as a useful replacement for the millions of recently departed forced laborers, contributing to the expansion of the economy. By 1953, unemployment among expellees in West Germany had dropped markedly.



These improvements in West Germany's economic fortunes led to a tightening of the labor market. Agitation from employers and concern among some in the federal government with maintaining growth prompted renewed interest in the recruitment of foreign labor. In 1955, the President of the Confederation of German Employers (*Bundesvereinigung der deutschen Arbeitgeberverbände*, BDA), cautiously noted that the recruitment of foreign workers could allow for a necessary expansion of the workforce, which was considered all the more necessary given employers' acceptance of union demands for a shorter workweek.<sup>18</sup>

Similarly, Economics Minister Ludwig Erhard noted that several factors, including the creation of the federal armed forces and an expected decline in West Germany's birth rate, necessitated the taking of "prophylactic measures" to maintain an adequate workforce.<sup>19</sup> Foreign workers' relative mobility, flexibility, lower levels of consumption might allow them to be deployed as a low-skilled industrial reserve and economic buffer, facilitating German workers' upward climb into more technologically sophisticated occupations.<sup>20</sup> The addition of foreign workers to the West German labor market would also check upward pressure on wages induced by the scarcity of workers in particular regions and sectors and assist in the project of building a united Europe.

The German-Italian Agreement on Worker Recruitment was signed in Rome on 20 December 1955.<sup>21</sup> A recruitment commission organized under the auspices of the Federal Institute of Labor, with the assistance of the Italian Labor Administration would select Italian workers. Upon arrival in West Germany, foreign workers registered with the local employment office and then the police, who issued a temporary residence permit (*Aufenthaltserlaubnis*). Accommodations were to be provided by the employer, as per guidelines formulated by the Federal Ministry of Labor and Social Affairs.<sup>22</sup>

*Migration and the Failure of Rotation I: 1961-1965*

Foreign worker recruitment was limited in size and scope during the 1950s, with approximately 167,000 workers entering West Germany between 1955 and 1959. Recruitment increased after 1959 as a result of several factors, including continuing economic growth and the building of the Berlin Wall, which stopped the flow of East German refugees into the Federal Republic and deprived employers of a hitherto important source of labor. Other factors, including a shrinking working-age population, the introduction of mandatory military service, a shorter workweek, and low rates of female participation in the labor market led to heightened demands for foreign labor.<sup>23</sup> Potential "sending" countries were also eager to secure recruitment agreements to help shed excess labor and improve trade balances through the receipt of remittances. Foreign policy concerns played a role as well, as West Germany was keen to enhance its international standing by stabilizing moderate governments in southern Europe and helping its NATO partners. Consequently, recruitment contracts along the lines of the Italian model were signed with Greece (1960), Spain (1960), Turkey (1961), Portugal (1964), and Yugoslavia (1968). Hence, a framework meant to administer relatively modest numbers of mostly seasonal laborers was adapted to mass recruitment. Whereas 85,000 foreign workers entered the Federal Republic in 1959, 259,000 arrived in 1961, with the total number of foreigner workers surging to 549,000 in 1961 and topping one million in 1964.<sup>24</sup>

German officials were aware of the rapid increase in the number of foreigners in the country. They were also conscious of the fact that guest workers' spouses and minor children were joining them in Germany. The first serious effort to counter these trends came with the 1961 recruitment agreement with Turkey. The original agreement included a strict two-year max-

imum stay clause, requested by the Federal Interior Ministry to make the temporary nature of labor recruitment explicit. However, before anyone was actually forced to return to Turkey the BDA, supported by the Federal Economics Ministry, intervened and demanded a revision of the two-year clause. Employers were impressed by how well Turkish workers performed on the job and believed it would cost too much to train new workers every two years. Not surprisingly, then, they lobbied for the removal of the maximum stay clause.<sup>25</sup>

Interior ministry officials attempted to strike a compromise by acceding to employers' requests while checking immigration through a proposed amendment to the recruitment agreement that set strict limits on Turkish workers' family reunification rights.<sup>26</sup> In essence, the proposed amendment denied Turkish workers the ability to be reunited with their spouses and minor children in Germany. Turkish officials rejected this proposal, arguing that the terms of such an agreement would make its workers subject to unfair discrimination. Several federal ministries also questioned the political merits of such a move, noting that the discriminatory bent of the proposal would raise unwanted criticism and damage West Germany's efforts to enhance its image abroad.<sup>27</sup> Once again, the Federal Interior Ministry relented. The revised recruitment agreement with Turkey implemented in 1964 lacked both a maximum stay clause and special restrictions on family reunification.<sup>28</sup>

In the meantime, migration continued to expand, with more and more guest workers staying for longer periods, often being joined by spouses and minor children. This prompted further concern among politicians and policymakers. In fact, a new "Foreigners Law" was passed in 1965, replacing the 1938 *Ausländerpolizeiverordnung* (APVo). Concerns that the APVO's unsavory history—it was a Nazi revision of a Weimar-era statute—might lead to an embarrassing situation for Germany led to

calls for a new more "liberal and open-minded" law, which would "demonstrate to the whole civilized world that the Federal Republic of Germany [was] striving to overcome the ill-fated past through positive regulations."<sup>29</sup>

In truth, the new law did very little to improve the rights of foreign workers in West Germany and completely ignored questions of integration. Article Two of the 1965 law instructed officials only to grant or extend residence where the foreigner's presence did "not injure the interests of the Federal Republic of Germany." Clearly, "liberalization" was approached from a cosmetic point of view rather than a principled one.

Indeed, at the same time, federal and state interior ministers were working behind the scenes to craft policy guidelines to guide administrative decisions "on the ground." Their "Fundamental Principles of Foreigners Policy" (*Grundsätze der Ausländerpolitik*) represented a renewed attempt to formalize the rotation principle and hinder family reunification.<sup>30</sup> There were four elements in the interior ministers' demands. First, the range of migration-sending countries should be narrowed to formalize the de facto practice of excluding non-Europeans- with the exception of citizens of the United States, Canada, Australia, New Zealand, and Israel. Second, control over entry should be strengthened, especially with regard to migrants who entered the Federal Republic with tourist visas. Third, efforts should be made to halt settlement and encourage rotation. Early drafts of the guidelines intended to accomplish this through the implementation of a three-year limit to residency. Finally, family reunification would only be granted to migrants who had been in the country for three or more years and could demonstrate the provision of "adequate living space."

Once again, the reaction to the interior ministers' efforts was sharply critical. Both the Economics and Foreign Ministries complained that the guidelines were too restrictive.<sup>31</sup> Thus the three-year limit was rejected. A series of exceptional reg-

ulations were also formulated to deal with various objections to, and problems with, the interior ministers' guidelines.<sup>32</sup> For example, the ministers had overlooked guarantees of freedom of movement granted to citizens of European Economic Community member states. Germany was bound to honor these accords and could in no way discriminate against fellow member states' nationals. Furthermore, provisions in several of the recruitment agreements provided for family reunification after only one year. The federal government could not allow bilateral treaties to be circumvented by administrative regulations.

Thus, the Federal Interior Ministry was forced to back down and be satisfied with the maintenance of its demand that family reunification only be allowed where foreigners demonstrated proof of adequate housing. Somewhat paradoxically, the "no non-Europeans" provision was also left intact and provided helpful cover for an exclusionist policy toward migration from Africa and Asia.<sup>33</sup> Despite these "victories," advocates of control were deprived of the means needed to aggressively block the settlement of guest workers in the Federal Republic. In the absence of a mechanism for compelling rotation, immigration would continue.

### *The Failure of Rotation II: 1967-1973*

Debate over rotation trailed off as the economy slowed in 1966-67. During the recession, over 300,000 guest workers left the Federal Republic as job prospects dimmed.<sup>34</sup> Some observers interpreted this as evidence that the guest worker system could work even without compulsory rotation. This hope would be short-lived. In 1969 the number of foreign workers already exceeded one million and in the autumn of 1970 almost two million foreign migrants worked in West Germany. These new migration flows reinforced patterns of settlement among foreign workers. The Federal Institute of Labor found that as of 1968

over 50 percent of male foreign workers had been in Germany for four or more years and 41 percent were living with their spouses.<sup>35</sup> Increasing awareness of what in fact constituted immigration prompted renewed concerns and efforts to introduce rotation.

On Bavaria's initiative, the Lander (states) introduced a series of "Principles for the Granting of Residency Permits" (*Grundsätze for die Erteilung der Aufenthaltsberechtigung* in 1969.<sup>36</sup> The principles called for a five-year maximum stay for all foreigners. The point was to make it clear that the Federal Republic was not and would not become a country of immigration. This time representatives of the BDA came out in favor of rotation, in a bid to save the goose laying the golden egg of flexible labor.<sup>37</sup>

Bavaria and Schleswig-Holstein's attempts to implement these rules generated a storm of protest against "forced rotation" (*Zwangrotation*). While foreign policy consideration limited restrictionists' aims in the 1960s, more general humanitarian beliefs had gained ground by the 1970s and were animating the positions of both state actors and civil society. Perhaps most importantly, the governing SPD-FDP (Social Democrat and Free Democrat) coalition's advocacy of the norms of solidarity and social justice severely restricted policymakers' room for maneuver. Thus, in January 1972 the federal government pledged that no legal instruments would be used to enforce limits on foreigners' stays in West Germany.<sup>38</sup>

Yet, only a few months later, Willy Brandt's government had also come to the conclusion that labor recruitment must be contained and immigration halted. Some variation of a rotation policy could very well have allowed the number of foreign workers to remain high, thus serving employers' interests, while limiting foreign workers' stays in Germany and keeping family members out. Under such a scheme, social costs would have been kept to an acceptable level and permanent immigration

avoided. In 1972-1973, a policy of rotation was briefly considered in internal government circles.<sup>39</sup> Nevertheless, it was rejected, as the Brandt-government opted to maintain its commitment to a liberal policy—a position supported by the labor unions and the media, both of which had branded rotation a brutal concept incompatible with the social and humanitarian principles of West German society.

Interested individuals and student organizations also argued that the federal government must resist rotation and instead do more to secure and improve the status and rights of foreign workers in the Federal Republic. Protest actions along these lines included the drafting of an alternative to the 1965 Foreigners Law that drew on UN conventions and tapped into the language of human rights.<sup>40</sup> In early 1973, the *Deutscher Gewerkschaftsbund* (Federation of German Unions) put forward its own "Demands for the Reform of the Aliens Law," according to which foreign workers' security should be increased by both limiting officials' discretion in granting residency permits and making deportation decisions subject to review by a special committee.<sup>41</sup>

Brandt also came out strongly against rotation, making it clear in a number of speeches that forced rotation did not accord with the Federal Republic's core principles. In a speech given at the Opel auto plant in Rüsselsheim on 26 June 1973, he declared that

[w]e should never leave the impression that the Federal Republic of Germany is exploiting foreign workers as some kind of reserve army of labor that one can haul into the country and then ship out. That would be socially irresponsible, inhumane and entirely uneconomical. Whether German or foreign, people for us are not "material," with which we feed a gigantic economic machine as we desire. The economy is there to serve people— and above all those people whose efforts make its successes possible ... The spirit of

social responsibility therefore compels us to reject forced rotation ... The state and administration alone cannot solve the foreign worker question. Solidarity is required both in the workplace and, where possible, during off-hours. It is precisely in this way that a people proves that it is a good neighbor.<sup>42</sup>

While Brandt and his government ruled out a harsh anti-immigration policy, they were unable to make a consequent move towards accepting the reality of immigration and enacting suitable policies. Interior Minister Hans-Dietrich Genscher acted alone when he came out in favor of an immigration policy and suggested that the Federal Republic amend its nationality law to facilitate the naturalization of settled foreign workers.<sup>43</sup> Genscher's cabinet colleagues rejected his suggestion after a far-reaching debate both within government circles and in the press. Most members of the German elite, including Brandt, were simply not ready to follow Genscher's lead, preferring instead to hope that most guest workers would eventually return to their home countries voluntarily.

While most migrants did elect to return to their home countries, millions opted to remain in the Federal Republic and arranged to have their spouses and minor children join them. Thus, while the proportion of working males and females declined, that of dependent spouses and children increased.<sup>44</sup> The decision to implement a "temporary" recruitment stop in November 1973 increased rates of family reunification and gave rise to shifts in the national composition of the foreign population, with migrants from Italy, Spain, and Greece deciding to return to their home countries more frequently than foreign workers from Turkey.<sup>45</sup> The membership in the European Community of Italy, and later of Spain, Greece, and Portugal also granted migrants from these countries rights of movement that Turkish nationals lacked. Consequently, the Turkish population



in the Federal Republic grew from 469, 000 in 1970 to approximately 1.5 million in 1984, representing the largest single national group in the country.<sup>46</sup>

Family migration quickened the growth of migrant communities in West German cities, so that by the mid-1970s one could speak of genuine "ethnic" neighborhoods in urban centers, "with their own shops, bars, churches, mosques and clubs."<sup>47</sup> In 1973, 26.5 percent of the employed labor force in Stuttgart was foreign; in Frankfurt the figure stood at 22.1 percent.<sup>48</sup> Wittingly or not, Germany had developed into an immigration country.

## **Conclusion**

West Germany's guest worker system failed because it lacked a true rotation mechanism. Although the state did have some instruments at its disposal, governments' lacked the will to compel large numbers of foreign workers and their families to leave. The decision to not implement rotation was driven in large part by changing norms in the postwar period, which made certain policy options like rotation difficult to implement because of foreign policy considerations and a general lack of fit with basic liberal-democratic norms. Norms helped define interests, leading to the questioning of traditional responses to the migration-membership dilemma.

Political considerations played an important, and hitherto neglected, role in determining policy decisions during the recruitment period. Postwar guest worker policy was crafted in an environment shaped not only by economic considerations but also distinctly normative ones. West Germany was not only determined to rebuild its economy; it was also keenly interested in presenting a new face to the world- an avowedly liberal democratic persona that distanced the Federal Republic from its past. German policymakers were well aware that their treatment of foreign workers could jeopardize these efforts and

therefore acted accordingly. Forcing large numbers of foreigners to leave West Germany against their will through state imposed violence was simply too high a price to pay in the post-war period. Thus, policymaking stood between two worlds: between declarations that Germany was "not an immigration country" and the reality of the Federal Republic's transformation into a multicultural society.

Our argument's implications extend beyond the German case and help us understand comparable processes in other liberal democratic countries. The unraveling of racially discriminatory admissions policies in Canada, the United States and Australia was driven by a similar set of normative factors which discredited the foundations upon which traditional exclusions rested. As in the German case, policymakers in these countries had to contend with the challenges raised by lack of fit and consider how their choices would appear both to domestic constituencies and outsiders. Changes in normative context made it difficult to square traditional solutions to the migration-membership dilemma with claims to being liberal-democratic states respectful of human rights. Cold War foreign policy considerations raised the costs of hypocrisy so that, over time, changes were introduced, which would transform these countries no less dramatically than was the case in Germany.<sup>49</sup>

In short, the politics generated by lack of fit set in motion comparable processes of policy unraveling and shifting which opened liberal-democratic states to immigration from a wide range of previously excluded source countries and regions. The result of these policy changes was the emergence of highly diverse, pluralized societies in Western Europe and North America.

**Triadafilos Triadafilopoulos** is Assistant Professor of Political Science, University of Toronto. His research and teaching is in the field of comparative public policy, with specialization in immigration and citizenship policy. His current research focuses on how immigration and citizenship policies intersect with and help define boundaries of national belonging in liberal democratic states. He earned his PhD in Political Science at the New School for Social Research and is a former Social Sciences and Humanities Research Council of Canada Postdoctoral Fellow and German Academic Exchange Service Visiting Research Fellow.

**Karen Schönwälder** is a political scientist and currently head of the Programme on Intercultural Conflicts and Societal Integration at the Social Science Research Center Berlin (WZB). She also teaches at the Free University in Berlin. She previously worked at the universities of Marburg, Giessen and Freiburg as well as the University of London. Her research interests include integration policy and more generally the migratory experience in Germany and Britain, the ideology and practice of New Labour, and the history of German universities and academia. Her publications include: *Politische Steuerung von Integrationsprozessen: Intentionen und Wirkungen*, (VS Verlag für Sozialwissenschaften: Wiesbaden, 2006, joint editor with Uwe Hunger and Sigrid Baringhorst); *Einwanderung und ethnische Pluralität. Politische Entscheidungen und öffentliche Debatten in Großbritannien und der Bundesrepublik von den 1950er bis zu den 1970er Jahren*, (Essen: Klartext 2001); "Why Germany's guestworkers were largely Europeans: the selective principles of post-war labour recruitment policy," in: *Ethnic and Racial Studies*, vol. 27, 2004, no. 2, pp. 248-265; "Multiculturalism in Germany: Rhetoric, Scattered Experiments and Future Chances," in: Keith Banting and Will Kymlicka (eds.), *Do Multiculturalism Policies Erode the Welfare State?* (Oxford: Oxford University Press, 2006, forthcoming with Peter A. Kraus).

## Notes

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2. Ulrich Herbert, *Geschichte der Ausländerbeschäftigung in Deutsch/and 1880 bis 1980. Saisonarbeiter, Zwangsarbeiter, Gastarbeiter* (Bonn, 1986), 232, 234.
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4. **Christian Joppke, *Immigration and the Nation-State: The United States, Germany, and Great Britain* (Oxford, 1999); Christian Joppke** "The Legal-Domestic Sources of Immigrant Rights: The United States, Germany, and the European Union," *Comparative Political Studies* 34, no. 4 (2001): 339-366.
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7. Aristide R. Zolberg, "A Nation by Design: Immigration Policy in the Fashioning of America," (paper presented at the 2002 meeting of the American Political Science Association), 4-5.
8. Alan C. Cairns, *Citizens Plus: Aboriginal Peoples and the Canadian State* (Vancouver, 2000), 41.
9. Alan C. Cairns, "Empire, Globalization, and the Fall and Rise of Diversity," in *Citizenship, Diversity, and Pluralism: Canadian and Comparative Perspectives*, ed. Alan C. Cairns et al. (Montreal and Kingston, 1999), 24-25. For related approaches see John D. Skrentny, *The Minority Rights Revolution* (Cambridge, 2002), 8; Thomas Borstelmann, *The Cold War and the Color Line: American Race Relations in the*

*Global Arena* (Cambridge, 2001); Mary L. Dudziak, *Cold War Civil Rights: Race and the Image of American Democracy* (Princeton, 2000); Philip A. Klinkner and Rogers M. Smith, *The Unsteady March: The Rise and Decline of Racial Equality in America* (Chicago, 1999); Jennifer Clark, "The Wind of Change' in Australia: Aborigines and the International Politics of Race, 1960-1972," *The International History Review* 20, no. 1 (1998): 89-117

10. We are familiar with similar claims made by Yasemin Soysal in *Limits of Citizenship: Migrants and Postnational Membership in Europe* (Chicago, 1994). The central difference between our approach and hers lies in our efforts to connect normative shifts to specific instances of policymaking through a more historically based approach.
11. Cairns, "Empire," (see note 9), 24-25; Robert H. Jackson, "The Weight of Ideas in Decolonization: Normative Change in International Relations," in *Ideas and Foreign Policy: Beliefs, Institutions, and Political Change*, ed. Judith Goldstein and Robert. Keohane (Ithaca, 1993), 135.
12. Klaus J. Bade, "'Preußengänger' und 'Abwehrpolitik': Ausländerbeschäftigung, Ausländerpolitik und Ausländerkontrolle auf dem Arbeitsmarkt in Preußen vor dem Erstem Weltkrieg," *Archiv für Sozialgeschichte* 24 (1984): 91-162; Knuth Dohse, *Ausländische Arbeiter und bürgerlicher Staat: Genese und Funktion von staatlicher Ausländerpolitik und Ausländerrecht. Vom Kaiserreich bis zur Bundesrepublik Deutsch/and* (Königstein, 1981); Jochen Oltmer, *Migration und Politik in der Weimarer Republik* (Göttingen, 2005); Karen Schonwälder, "Invited but Unwanted? Migrants from the East in Germany, 1890-1990," in *The German Lands and Eastern Europe: Essays on the History of their Social, Cultural and Political Relations*, ed. Roger Bartlett and Karen Schonwälder (Houndmills, 1999); Triadafilos Triadafilopoulos, "Building Walls, Bounding Nations: Migration and Exclusion in Canada and Germany, 1870-1939," *Journal of Historical Sociology* 17, no. 4 (2004): 385-427.
13. Jack Wertheimer, "'The Unwanted Element' East European Jews in

- Imperial Germany," in *Migration in European History I*, ed. Colin Holmes (Brookfield, 1996), 510; Dieter Gosewinkel, *Einbürgern und Ausschließen: Die Nationalisierung der Staatsangehörigkeit vom Deutschen Bund bis zur Bundesrepublik Deutschland* (Göttingen, 2001), 324.
14. Jürgen Habermas has noted that WWII marked the point where "the rug was pulled out from under *all* claims to legitimacy that did not at least rhetorically embrace the universalistic spirit of the political Enlightenment." "Aus Katastrophen lernen? Ein zeitdiagnostischer Rückblick auf das kurze 20. Jahrhundert," in *Die postnationale Konstellation: Politische Essays* (Frankfurt/Main, 1998), 75. See also Skrentny, (see note 9), 8; Elazar Barkan, *The Retreat of Scientific Racism: Changing Concepts of Race in Britain and the United States between the World Wars* (Cambridge, 1993); R.J. Vincent, "Racial Equality," in *The Expansion of International Society*, ed. Hedley Bull and Adam Watson (Oxford, 1984), 252.
  15. For background see Norman M. Naimark, *Fires of Hatred: Ethnic Cleansing in Twentieth-Century Europe* (Cambridge, 2001), 108-138.
  16. Rainer Schulze, "Growing Discontent: Relations between Native and Refugee Populations in a Rural District in Western Germany after the Second World War," *German History* 7 (1989): 332-350.
  17. Sigmund Neumann, "The New Crisis Strata in German Society," in *Germany and the Future of Europe*, ed. Hans J. Morgenthau (Chicago, 1951), 25-39.
  18. "Vollbeschäftigung ja ... aber mit Reserven," *Der Arbeitgeber*, 5 September 1955, 568; cited in John Bendix, *Importing Foreign Workers: A Comparison of German and American Policy* (New York, 1990), 16-17.
  19. Ulrich Herbert and Karin Hunn, "Guest Workers and Policy on Guest Workers in the Federal Republic: From the Beginning of Recruitment in 1955 Until its Halt in 1973," in *The Miracle Years: A Cultural History of West Germany, 1949-1968*, ed. Hanna Schissler (Princeton, 2000), 189.
  20. Bendix (see note 18), 21-22.

21. Herbert (see note 2), 205.
22. Fritz Franz, "The Legal Status of Foreign Workers in the Federal Republic of West Germany," in *Manpower Mobility Across Cultural Boundaries: Social, Economic and Legal Aspects*, ed. R. E. Krane (Leiden: E.J. Brill, 1975): 48.
23. Herbert, (see note 2), 210.
24. Horst Berger, "Hinter schönen Fassaden sieht es anders aus," *Metall* 20, no. 21 (1964); "Großer Bahnhof Armando sa Rodrigues. Der millionste Gastarbeiter in der Bundesrepublik empfangen," *Frankfurter Allgemeine Zeitung*, 11 September 1964; Bendix, (see note 18), 31.
25. Correspondence from BDA to BMA (Bundesministerium für Arbeit und Sozialordnung), 12 December 1962, Bundesarchiv Koblenz, B 149/22374.
26. Correspondence from BMI (Bundesministerium des Innern) to BMA, 19 January 1963, Bundesarchiv Koblenz, B 149/22374.
27. Minutes of the Working Group on Questions Concerning the Employment of Foreign Workers (Arbeitskreis für Fragen der Beschäftigung ausländischer Arbeitnehmer), 12 July 1963, Bundesarchiv Koblenz, B 149/622.5.
28. *Gemeinsames Ministerialblatt*, 1964, no. 32, 507; See also Karen Schönwälder, *Einwanderung und ethnische Pluralität. Politische Entscheidungen und öffentliche Debatten in Großbritannien und der Bundesrepublik von den 1950er bis zu den 1970er Jahren* (Essen, 2001), 2.51-2.56.
29. Hermann Höcherl, "Ausländer in der Bundesrepublik Deutschland," *Bulletin des Presse- und Informationsamtes der Bundesregierung*, no. 126, 12 August 1964, 1190.
30. Transcript of a discussion of the state officials responsible for foreigners (Ausländerreferenten der Länder), 28-29 January 1965, Bundesarchiv Koblenz, B 106/60291. For the final version of the *Grundsätze* see Niederschrift über die Sitzung der Ständigen Konferenz der Innenminister der Länder am 3./4. Juni 1965 in Berlin, in Bundesarchiv Koblenz B 106/38055, 19-21
31. BMWi (Bundesministerium für Wirtschaft, Dr. Walter) an Auswärtig-

- es Amt (AA), BMI, BMA und BMZ, 14.9.1965, in Bundesarchiv Koblenz B 106/69872; BMI-Vermerk "Grundsätze der Ausländerpolitik, " November 1965. Also see BMA (Käfferbitz) an BMI, 12.11.1965, both in Bundesarchiv Koblenz B 106/69872.
32. See the text of the Ausnahmerichtlinien, sent to the states' Interior Ministers on 2 March 1966 by the Federal Ministry of the Interior, in Bundesarchiv Koblenz B 106/69872.
  33. Karen Schönwälder, "Why Germany's Guest Workers Were Largely Europeans: The Selective Principles of Post-War Labour Recruitment Policy," *Ethnic and Racial Studies* 27, no. 2 (2004): 248-265.
  34. "Zahl der Gastarbeiter ging um 24.5% zurück," *Bulletin der Bundesregierung*, 21 March 1968.
  35. Bundesanstalt für Arbeit, "Ergebnisse einer Repräsentativuntersuchung der Bundesanstalt: Ausländische Arbeitnehmer. Beschäftigung, Anwerbung, Vermittlung-Erfahrungsbericht 1969," (Nuremberg, 1970), 48-54.
  36. "Niederschrift über die Besprechung der Ausländerreferenten des Bundes und der Länder," Munich, 22 May 1969, Bundesarchiv Koblenz, B 106/39993. Also see Karen Schönwälder, "Zukunftsblindheit oder Steuerungsversagen? Zur Ausländerpolitik der Bundesregierungen der 1960er und frühen 1970er Jahre," in *Migration steuern und verwalten. Deutschland vom späten 19. Jahrhundert bis zur Gegenwart*, IMIS-Schriften, vol. 12, ed. Jochen Oltmer (Göttingen, 2003), 134.
  37. Rolf Weber, "Rotationsprinzip bei der Beschäftigung von Ausländern," *Auslandskurier*, II, no. 5 (1970); "Rotation, Integration und Folgekosten," *Arbeit und Sozialpolitik* 27 (1973): 203-206.
  38. "Politik der Bundesregierung gegenüber den ausländischen Arbeitnehmern in der Bundesrepublik Deutschland" Deutscher Bundestag, Drucksachen, 6. Wahlperiode, no. 308.5, 31 January 1972, 4.
  39. In March 1973 references to a rotation policy were first included in drafts of a cabinet memorandum, but then dropped- apparently because of interventions by the Interior Ministry (see documents in Bundesarchiv Koblenz B 149/83758). There are indications that



Hans Friderichs, the liberal minister for the economy, was in favor of rotation (see his letter to Foreign Secretary Walter Scheel, 27 March 1973, in Bundesarchiv Koblenz B 106/45163, and his interview with the Süddeutsche Rundfunk on 8 April 1973, partly reproduced in the *Kommentarübersicht des Presse- und Informationsamtes*), and this strategy had supporters within the Labor Ministry. The Labor Ministry's cabinet memorandum of 16 May 1973 did say that Germany should actively encourage return and that no barriers should hinder voluntary return (in Bundesarchiv Koblenz B 106/69846).

40. "Alternativentwurf 1970 zum Ausländergesetz 1965," *Studentische Politik* 1 (1970): 5-9.
41. Deutscher Gewerkschaftsbund, Bundesvorstand, *Forderung des DGBs zur Reform des Ausländerrechts*, February 8, 1973; cited in Bendix, (see note 18), 57.
42. "Besuch in Rüsselsheim," *Bulletin des Presse- und Informationsamtes der Bundesregierung*, no. 2/3, 4 January 1974, 796-797.
43. Hans Dietrich Genscher, interview in the *Westdeutsche Allgemeine Zeitung*, 5 October 1972.
44. Stephen Castles notes that the number of women over 16 years of age per 1,000 men rose from 585 in 1974 to 715 in 1984. See, "The Guests Who Stayed," 520. Also see *Report by the Federal Government's Commissioner for Foreigners' Affairs on the Situation of Foreigners in the Federal Republic of Germany in 1993* (Bonn, 1994), 92-93.
45. On the recruitment stop see Karen Schönwälder, "The Difficult Task of Managing Migration: The 1973 Recruitment Stop," in *German History from the Margins*, ed. Mark Roseman, Neil Gregor and Nils Roemer (Bloomington, 2006), 326-345.
46. Faruk Şen and Andreas Goldberg, *Türken in Deutschland: Leben zwischen zwei Kulturen* (Munich, 1994), 20-22.
47. Stephen Castles, "Racism and Politics in Germany," *Race and Class* 25, no. 3 (1984): 40.

48. Herbert, (see note 2), 238.
49. On the United States see Skrentny, *The Minority Rights Revolution* (see note 9), Daniel Tichenor, *Dividing Lines: The Politics of Immigration Control in America* (Princeton, 2002) and Aristide R. Zolberg, *A Nation By Design: Immigration Policy in the Fashioning of America* (New York and Cambridge, 2006). For Australia see James Jupp, *From White Australia to Woomera* (Cambridge, 2002). For Canada see Ninette Kelley and Michael Trebilcock, *The Making of the Mosaic: A History of Canadian Immigration Policy* (Toronto, 1998). A comparison of Canada and Germany is presented in Triadafilos Triadafilopoulos, "Shifting Boundaries: Immigration, Citizenship and the Politics of National Membership in Canada and Germany" (Ph.D. dissertation, New School for Social Research, 2004).