Still German: The Case of *Aussiedler* and the Framing of German National Identity Through Citizenship in Periods of Transition, 1945-1955 and 1989-2000.

by

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BA, University of Victoria, 2014

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Supervisory Committee

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Abstract

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Traditionally, German citizenship has been viewed as one that embraces a common culture and heritage. The attributes of this culture and heritage are closely associated with the national identity of Germany. However, this national identity has been challenged, both through the tumultuous events of Germany's twentieth century as well as the allegations that the basis for German citizenship is exclusionary and contributes to a racist understanding of German national identity. This thesis investigates such allegations through a particular category of citizenship, *Aussiedler,* those who were considered German based upon their lineage and upholding of German culture and tradition, although they lived in Central and Eastern Europe, sometimes for generations. By analyzing *Aussiedler* from the context of its creation as a category in the aftermath of the Nazi dictatorship through to its modifications following the end of the Cold War the fluid nature of German national identity is traced through a shifting citizenship policy.

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Introduction

As a central force in the European Union, Germany has faced pressure in recent years to liberalize its citizenship laws following reunification, in accordance with those of other European Union (EU) members and the EU itself. Since the end of the Second World War Germany has experienced fundamental changes to its political system, national identity and territorial borders. However, its citizenship laws, which privilege blood-based rules and define nationality as a community of descent, remained essentially unchanged between 1913 and 1999. Such rules have had a substantial effect on Germany's approach to its foreign population and ethnic Germans coming to Germany from communities in the former Soviet Union. Since 1945, special provisions have been used to grant citizenship to people from certain areas of Eastern and Central Europe of German descent, regardless of how long ago their ancestors had lived in Germany. This has caused tension in the years since, as obtaining German citizenship, even for long-time residents of foreign origin, has been a lengthy and expensive process when applicants are not of German descent. The contrast between the difficulty long-term foreign residents face in obtaining citizenship and the automatic granting of citizenship to ethnic Germans who have never resided within Germany has drawn criticism, particularly in light of the racist extremism of the Nazi period, for the seeming desire to maintain an ethnically homogenous Germany. However, the reasons for granting citizenship to these ethnic Germans, who are seen as maintaining customs and language that still distinguished them as German, had more to do with the geopolitical situation following the war than the explicit desire to privilege ethnicity as a means of obtaining citizenship. Changes made

to the citizenship policy as tensions of the Cold War ended in 1989 also indicate this, as restrictions to who qualified as *Aussiedler* became more defined.

In the immediate aftermath of the Second World War, ethnic Germans living outside of the country's redrawn borders were the target of violent expulsions and discrimination. Many of these ethnic Germans had never actually lived in Germany, but had for generations lived in parts of Eastern and Central Europe and the former Soviet Union. Yet, West Germany created a legal category for these Germans, *Aussiedler* (resettler or repatriate), in 1955 and granted them citizenship and resources upon their arrival, based on a cultural understanding of their German ethnicity. The word *Aussiedler* is exclusive in its use as this legal category. The creation of this category of citizenship and the special resources it grants for successful applicants reflected the need to reset national identity following the years of Nazi dictatorship, both to rebuild as a European nation and to redefine what it means to be German. While this program is still in place today, it has been curtailed, specifically following the end of the Cold War and the resulting influx of applicants. The changes made since 1989 indicate another response by Germany to the increase in applicants as a result of the end of the Cold War, in conjunction with the increased number of non-ethnic German foreigners since the 1950s. The German qualities laid out in *Aussiedler* policy were defined and redefined as a result of changing politics, domestically and internationally, which helped to shape German national identity in times of transition and change, specifically between 1945-55 and 1989-2000, through the legal codification of who could be granted privileged citizenship based on German qualities.

At the heart of this thesis are the provisions granting *Aussiedler* privileged citizenship status based solely upon the concept of German ethnicity. This categorization is unique in that citizenship is granted, upon application, through descent despite these descendants having made their home outside of Germany for generations. *Aussiedler* initially made claim to the entitlements of this category based upon a shared culture, passed through descent and traditions and language. These criteria are similar to the German understanding of national identity, whereby the nation is viewed as a cultural community that is passed from generation to generation. This specific cultural understanding, or *Kulturnation*, is different from a civic or territorial understanding of national identity.[1] This linkage between such a specific category of citizenship, which grants provisions for rights and integration based on a traditional cultural understanding, constitutes an interesting case for determining the interrelation between citizenship and national identity. Investigating this category of citizenship in two periods of transition in twentieth century German history, the first during the creation of the category in the defeated post-Second World War Germany and the second from the end of the Cold War to the millennium, is useful in determining the influence of citizenship on national identity. The earlier period established this identity through a return to the previous incarnation of German citizenship, pre-dating the Nazi period, to establish a continuity that bypassed the attempted overhaul of national identity that the Nazi regime had set out to achieve. The later period, following the end of the Cold War, saw the political struggle to redefine this policy as a result of the demographic and political changes that had occurred within Germany and throughout Europe that challenged the idea of

[1] For a thorough description of the origins of *Kulturnation* and discussion of its implications for Germany as

citizenship based primarily upon ethnicity or descent. The criteria establishing German citizenship were no longer acceptable criteria for German national identity. The creation of and changes to *Aussiedler* policy thus demonstrate how citizenship can be used by the state to reformulate national identity in response to change. The specific criteria that made up "Germanness," the qualities that make one German, within this legislation and the changes made to it over time by lawmakers, indicate how the legislation was used to shape national identity based on who is accepted into that identity. These criteria and resulting policy also raised the question of inclusion and exclusion in that those who qualify as German are included in all aspects of the state, while those who do not are excluded from various aspects of state participation.

In sum, *Aussiedler* provides a critical test case for how citizenship can shape national identity. The investigation in this thesis challenges those who have argued that *Aussiedler* policy is grounded in a racist understanding of German citizenship. During the destruction and division of Germany between 1945 and 1955, West Germany struggled to find normalcy, following six years of war and twelve years of Nazi dictatorship. What did it mean to be German when so many atrocities had been carried out based on the supposed superiority of the German race? How could the people of a defeated, newly divided and occupied country define themselves as a nation, polity or people? As the Cold War came to an end in 1989 and the process of German reunification began, restrictions on emigration from the former Soviet Union eased, which created an influx of applications for *Aussiedler* status. Was it worth an increased cost to the German state to uphold provisions granting aspects of integration despite the increased number of applicants that lacked language skills and family ties? During the

period of reunification could *Aussiedler* still contribute to an understanding of national identity?

Before exploring the historical context that will assist in answering these questions, it is necessary to provide a brief overview of the relationship between citizenship and national identity, and to provide the historical understanding of both in Germany. This will guide the discussion in the following chapters.

Chapter 1: Key Concepts and Historical Background

Nations, National Identity and Citizenship

The relationship between national identity and citizenship essentially begins with nations themselves. While the modern nation-state did not find expression until the seventeenth century, it has been argued by scholars such as Ernest Renan that nations have existed since the pre-modern era but were not necessarily defined in this way, as people identified themselves and those around them into self and other beginning with smaller communities such as families, tribes or clans.[2] Although not necessarily territorially defined in the sense that boundary markers were recognized from one group to the next, an understanding of shared history and way of life united and divided such groups, providing a sense of identity based upon such criteria.[3] Such a perspective on a so-called primordial nation has been disputed, but it is worth considering in this context, given that it has been widely accepted that German national identity is primarily ethnic in origin as opposed to civic, which is based upon borders, a collective will and government institutions.[4] While national identity is a difficult concept to define, for the purposes of this thesis it will be defined in its most basic sense, as a collective sense of belonging to a nation. In this particular case, the concept of those belonging to the German nation is wrapped up in the notion of what it means to be German, as traditionally, Germanness is passed through descent.

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[2] Ernest Renan, "What is a Nation?" in *Becoming National: A Reader*, edited by Geoff Eley and Ronald Grigor Suny, 42-56, (New York: Oxford University Press, 1996).

[3] Anthony D. Smith, *National Identity*, Reno, Las Vegas: University of Nevada Press, 1991), 4-8.

[4] This is largely Rogers Brubaker's argument in *Citizenship and Nationhood in France and Germany* through his contrast between German ethnic nationhood and French civic nationhood.

With the rise of the nation-state, these links between people became formalized through various functions of the state. For example, language is often a key factor linking people together in a sense of commonality. Through the formalization of government institutions in the nation-state, such as education and codification of law, this commonality in turn denotes a characteristic of a nation-state. Even minorities within nation-states become linked to the general population through their geographic location, regardless of the depth of their sense of identification with the majority population and despite the lack of common links to it. As nation-states, whether fitting the definition of ethnic or civic, formed into governable units, the formality of linking the members of such units was legalized through citizenship. The legal status of who is included in the definition of a German is laid out within the parameters of the West German Basic Law of 1949 granting citizenship. It defines citizenship as follows:

> Unless otherwise provided by a law, a German within the meaning of this Basic Law is a person who possesses German citizenship or who has been admitted to the territory of the German Reich within the boundaries of 31 December 1937 as a refugee or expellee of German ethnic origin or as the spouse or descendant of such person.[5]

This definition, enshrined in law, is further defined within *Aussiedler* policy, defining Germans through cultural traditions, as the only legitimate foreign group permitted inclusion in the German nation. As such, a legal basis for who belongs to the nation has been established but, as will be discussed, this definition and policy have changed over time reflecting how citizenship can shape national identity.

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[5] Germany, Basic Law, art. 116, sec. 1, https://www.bundestag.de/blob/284870/ce0d03414872b427e57fccb703634dcd/basic_law-data.pdf, accessed July 11, 2015.

National identity is difficult to define because it contains personal, cultural, psychological, geographic and political elements, which vary in degrees according to each individual. Like citizenship, it is linked to the rise of the nation-state and is often expressed in an outward projection of what being a member of a particular national community means. With the rise of nations and proliferation of a national consciousness, national identity became a broader layer of identification, as opposed to the previous, smaller group identification with family and village, in addition to other layers of collective identity like gender and class. It should be noted, however, that national identity is different from the ideological movement of nationalism, which takes identification with the nation to an aggressive extreme.

National identity, as a collective form of identification, can be broken down into two categories, much in the same way nations themselves can be.[6] The first, civic, relies more upon a political conception of the nation, with the active participation of members in the functions of the state through rights. The second, ethnic, is seen as a more cultural conception, linking members together through shared language and cultural customs.[7] Yet, there is room for overlap in both categories, as nations became states with territorial boundaries and governments. For example, in an understanding of civic national identity, elements of a cultural understanding can be present and vice versa. Further complicating the matter, it has been debated as to whether national identities form organically along with the state or if they are shaped with intent politically. Germany falls into the cultural understanding of national identity, dating back to the Holy Roman Empire as group of

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[6] Anthony D. Smith, *National Identity*, 8-9.

[7] This is the concept of the nation put forward by scholars such as Ernest Renan, whereby the will of the majority of a population creates the nation instead of merely through similar cultural markers.

German-speakers with similar traditions and customs, referred to as a *Kulturnation*. They were loosely tied together through language and traditions, which did not dissipate upon the official establishment of the country in 1871, despite the boundaries excluding some who identified with the German national identity. This has formed links that extended national identity beyond the state borders of Germany and shaped an understanding that is inclusive of German communities outside of those borders. The idea of national citizenship upon German unification in 1871 was still controversial despite the establishment of a territorial nation-state because it failed to include all members of the German nation through this definition.[8] This thesis assumes that there is not one single national identity, that it depends upon the histories and shared experiences of a collective group who subscribe to this same identity. Historically, and right through to the present, there has been debate with regards to who makes up the national community of any nation. National identity is a collective identity based upon concepts of the nation and who belongs to it.

In simplest terms, citizenship essentially amounts to membership in a state. The impetus for the development of citizenship in the modern context lies within the consolidation of the modern state dating back to the seventeenth century. The rise of the nation-state as the sole granter and guarantor of civic, social and political rights has intrinsically created a membership system to allow individuals to claim such rights. As the power of the state rose, citizenship became an important institution for individuals to

[8] Rogers Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge; London: Harvard University Press, 1994): 52.

establish their rights.[9] Pertinent to the discussion throughout this thesis is the *jus soli* classification of citizenship, the right of citizenship based upon the place of birth, and *jus sanguinis,* the right of citizenship based upon the citizenship of the parents, in other words, through descent.

Despite claims of current rapid globalization, international travel without a passport denoting citizenship is nearly unimaginable today, with the exception of very few regions, such as the Schengen Area in Europe. Citizenship has not, however, been as necessary or all encompassing as it is at present. The purposes and functions of citizenship have evolved over time, depending on geographic, political, global and domestic issues. There is often tension in concepts of citizenship between a concept of ethnic membership and civic membership. The rights and duties granted and required of citizenship are, in fact, not static as governments and citizens can implement or call for changes to their stipulations.[10] While the state may regulate and administer citizenship, democratic participation has allowed citizens themselves to voice an opinion in regards to current or proposed regulations whether via public demonstrations or at the ballot box. Those rights and duties encompassed in citizenship legislation also vary from nation to nation and are often used to distinguish between members of the nation and those residing within its borders who do not belong and are considered foreigners.[11] Perhaps because of this, citizenship has become linked to national identity. Citizenship creates

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[9] Dieter Gosewinkel, "Citizenship and Naturalization Politics in Germany in the Nineteenth and Twentieth Centuries," in *Challenging Ethnic Citizenship: German and Israeli Perspectives on Immigration*, ed. Daniel Levy and Yfaat Weiss (New York; Oxford: Berghahn Books, 2002), 60.

[10] Geoff Eley and Jan Palmowski, " Citizenship and National Identity in Twentieth Century Germany," in *Citizenship and National Identity in Twentieth Century Germany*, ed. Geoff Eley and Jan Palmowski, (Stanford: Stanford University Press, 2008), 5.

[11] Dieter Gosewinkel, "Citizenship in Germany and France at the Turn of the Century: Some New Observations on an Old Comparison," in *Citizenship and National Identity in Twentieth Century Germany*, ed. Geoff Eley and Jan Palmowski, (Stanford: Stanford University Press, 2008), 28.

the legal mode of determining membership while national identity provides a collective identity that informs who is included in membership.

The discussion of citizenship and national identity is confusing because definitions vary from individual to individual. This discussion becomes even more complicated when nationality is considered because it can refer to either citizenship or national identity or both. For example, nationality can refer to one's identification with the hereditary homeland of one's ancestors, regardless of one's own current citizenship, as a form of national identity. Where citizenship is concerned, nationality is often used interchangeably to denote the country of which one is a legal member. While they can both legally mean the same thing, as Germany's law governing citizenship and immigration is called the "Nationality Law," nationality is usually less concrete than citizenship, taking on a similar character to national identity in that it can transcend the law to a more subjective element.

Rogers Brubaker's much-cited thesis that, in Germany in particular, national identity and citizenship are based upon continuity overlooks structural changes not only domestically, but also in international relations. To this point, Randall Hansen and Jobst Koehler highlight an important distinction between national identity and citizenship when they state that

> Brubaker's focus on political stasis and the reinforcing effects of value-laden concepts ('nationality', 'belonging', 'loyalty' and 'integration') overlooks the extent to which citizenship, however ideologically determined, remains a policy area.[12]

That citizenship is a policy area is important in this context because it means that it is subject to change in response to domestic and international issues. As a form of

[12] Randall Hansen and Jobst Koehler, "Issue Definition, Political Discourse and the Politics of Nationality Reform in France and Germany," *European Journal of Political Research* 44 (2005), 624.

membership, it is understandable that the entity to which citizenship grants membership must have existed before membership was possible; however, it is possible that the rules for membership may change over time as the nation defines and redefines itself. Thus, citizenship can be somewhat differentiated from national identity in that as a function of the state it is separate from the more personally-defined foundations of national identity. As such, for the purposes of this thesis, citizenship will be defined as a political tool. It can be broken down even further to be defined as the parameters required to belong to a state and the rights granted to those members.

The connection between national identity and citizenship has traditionally been understood by scholars such as Anthony Smith and Rogers Brubaker as citizenship policy formed out of an established national identity. However, by investigating *Aussiedler* policy it is evident that because citizenship is a policy tool it can be formulated to project a particular picture of how national identity in Germany is perceived. The two time periods studied show that domestic and foreign changes shaped and challenged both national identity and determined who would be permitted to take part in that identity, in terms of shaping it as well as embodying it. While one national identity accepted by all is difficult to establish, defining it as who is included within the nation can clarify the characteristics that are accepted as denoting "belonging" to the German nation. This can be observed in the creation of and challenges to *Aussiedler* policy alongside citizenship legislation and the access of other groups of foreigners in Germany to citizenship in these two periods.

Historical Overview of German Citizenship

The history and nature of citizenship in Germany is important to understand its relationship to national identity in the twentieth century. Citizenship in Germany developed before the unification of the country in 1871, with citizenship and the rights acquired through it provided and administered by the various German states. This did not immediately change upon unification, and reflected the regional nature of the unified German state still recognizable in the federal structure of Germany present today.

Throughout the nineteenth century until 1913 there was not a cohesive citizenship policy, nor did the various German states utilize descent as criteria for citizenship. In fact, during this period territoriality was the dominant basis for citizenship, the definition of which remained vague.[13] The Prussian citizenship law of 1842 first introduced the principle of descent as the central factor in determining citizenship in order to assert membership in the state.[14] Upon unification in 1871 national citizenship was based upon descent but the administration of it was left to each individual state; state citizenship meant federal citizenship. However, it should be noted that this definition of citizenship by descent was not based upon specific criteria defining race or ethnicity, but lineage based on the previous definition of citizenship, passed from parent to child as in the Prussian law of 1842.[15] This law did not lay out a set of cultural or ethnic markers required to obtain citizenship.

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[13] Andreas K. Fahrmeir, "Nineteenth-Century German Citizenships: A Reconsideration," *The Historical Journal* Vol. 40 3, (Sept. 1997), accessed August 9, 2015, http://www.jstor.org/stable/2639885, 723.

[14] Amanda Klewkowski von Koppenfels, *Politically Minded: The Case of Aussiedler as an Ideologically Defined Category*, *Research Gate*, March 27, 2015, https://www.researchgate.net/publication/48665877_Politically_minded_the_case_of_Aussiedler_as_an_ideologically_defined_category?, 8.

[15] Ulrich K. Preuss, "Citizenship and the German Nation," *Citizenship Studies*, Vol. 7 1, (2003): 47, accessed August 26, 2015, http://www-tandfonline-com.ezproxy.library.uvic.ca/doi/abs/10.1080/1362102032000048693.

The 1913 Citizenship Law, which remained the basis for citizenship throughout most of the twentieth century, maintained descent as the foundation for citizenship. This law centralized the acquisition and maintenance of citizenship within the federal government and was enshrined in the Weimar constitution of 1919. Despite the absence of any ethnic or racial definitions in this legislation, Patricia Hogwood has argued that its creation was influenced by "*volkisch"* nationalism that emerged in Germany during the Napoleonic wars of liberation, fostering cultural rather than territorial commonality among members of German states.[16] Jan Palmowski, however, argues that while part of the purpose was the exclusion of certain immigrant groups, the principle of descent had less to do with fostering a national identity and had more practical implications, namely that this law would subject Germans abroad to military service. He implies that this would cultivate a solidarity to the homeland among those living elsewhere, illustrating that German communities abroad were still considered as members of the German nation.[17] This point is also indicative of an "imagined community" of Germans living outside of the territorial borders of Germany, contributing to a *Kulturnation* of members. That connection through culture has been crucial to German national identity, as German territory was defined after many Germans had settled outside what became the country of Germany, while the borders did not change the affinity between groups of Germans. The absence of clear ethnic definition but rising rates of immigration also leads Jost Halfmann to agree with Palmowski's assessment of the 1913 Citizenship Law as a method for filtering immigrant groups, Poles in particular, to ensure that Germans living abroad did

[16] Patricia Hogwood, "Citizenship Controversies in Germany: the Twin Legacy of *Volkisch* Nationalism and the *Alleinvertretungsanspruch*," *German Politics* Vol. 9 3 (2000): 126-127, accessed August 26, 2015, http://www-tandfonline-com.ezproxy.library.uvic.ca/doi/abs/10.1080/09644000008404610#.Vp6wbxHcrlI.

[17] Jan Palmowski, "In Search of the German Nation: Citizenship and the Challenge of Integration," *Citizenship Studies*12, no. 6, (2008): 549, accessed December 7, 2015. DOI: 10.1080/13621020802450635.

not lose their citizenship, thereby discouraging their return.[18] These arguments help provide a historical basis for how *Aussiedler* policy was accepted and permitted ethnic Germans who had never lived in Germany to obtain German citizenship.

There is, however, no doubt that the manipulation of the constitution under the Nazi regime from 1933 to 1945 and resulting consequences for German citizenship had very specific racial elements to it. While the Nazi regime did not formally repeal the Weimar constitution, steps were taken to make it irrelevant. The use of Article 48 in February of 1933 legalized the dictatorial powers used by Adolf Hitler and the Enabling Act several weeks later permitted cabinet, specifically Hitler, to enact legislation without consultation from the Reichstag, regardless of the constitution. Decisions made were not themselves reached by decree, but followed some semblance of a formal legal framework as had been done with previous legislation prior to 1933.[19] Such moves rendered the existing Weimar constitution and citizenship policies contained within it irrelevant and paved the way for the introduction of new citizenship legislation based exclusively on exclusionary racial principles. However, it is worth noting that the laws concerning citizenship in the Third Reich, the Nuremberg Laws of 1935, and amendments to them, made more of an effort to detail who did *not* belong to the German race than who did. This exclusion was based on racial categories, specifically aimed at those of Jewish descent, revoking the citizenship of those not of Aryan blood.[20] [21] Through this

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[18] Jost Halfmann, "Immigration and Citizenship in Germany: Contemporary Dilemmas," *Political Studies* 45, (1997): 268, accessed April 27, 2015 http://web.a.ebscohost.com.ezproxy.library.uvic.ca/ehost/pdfviewer/pdfviewer?sid=44c22ed7-b9f0-44eb-b782-886549e4dda2%40sessionmgr4001&vid=1&hid=4212.

[19] Eric Erhenrenreich, *The Nazi Ancestral Proof: Genealogy, Racial Science, and the Final Solution*, Bloomington: Indiana University Press, 2007, 156.

[20] Derek Heater, *Citizenship: The Civic Ideal in World History, Politics and Education* (London; New York: Longman, 1990), 115.

legislation, and the amendments to it, non-Germans were defined and redefined, leading to their classification as subjects of the state, with the rights granted through citizenship reserved for those who were considered to be part of the German race. This illustrates how German citizenship was used by the Nazi regime to redefine German national identity through very specific cultural and racist criteria.

Upon Germany's surrender in 1945, the occupying forces dissolved the German government and took over all administrative aspects. In what would become the Federal Republic of Germany (West Germany) a new constitution, including citizenship regulations, would be created in the 1949 Basic Law and will be investigated in the following chapter.

Because this thesis focuses on *Aussiedler* and the framing of national identity, the German Democratic Republic (East Germany) will not be specifically examined as it did not have a similar policy in place and because upon reunification East Germany was politically absorbed to merge with West Germany and the political policies and institutions established by West Germany, including the Basic Law, governed reunited Germany. Yet it is worth briefly mentioning several key features of the East German state as it was distinguished from West Germany because of the role of national identity in the earlier period of 1945-1955 examined in this thesis and how it was constructed in such a way as to oppose the regime and ideology in East Germany. Further, this thesis will also investigate the period following reunification in 1990, which includes the

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[21] Aryanism was a central tenet of Nazi ideology that claimed the superiority of Nordic blood (specifically Germans) as the master race and superior to other races, particularly Jews and Slavs, a distinction made through descent and physical characteristics such as skin color. According to Nazi doctrine, Aryans were the only peoples fit to govern and guide culture and civilization while all other races were to be subjugated. For a detailed discussion of Aryanism and its role in the Nazi Germany see Eric Erhenrenreich, *The Nazi Ancestral Proof: Genealogy, Racial Science, and the Final Solution*, Bloomington: Indiana University Press, 2007.

former East Germany as part of reunited Germany. As a policy, citizenship did not exist in East Germany until 1967 and it had more to do with solidarity of the population with the ideology of the Communist regime than as a tool to construct national identity that had organically evolved as the state had over time.[22] Whereas West Germany defined citizenship through a cultural and historical perspective, East Germany attached it to the socialist ideals that governed the state. The most distinguishing characteristic of East Germany was its alignment with Soviet Russia and Communist ideology. This meant a command economy, restricted movement for citizens, censorship and surveillance in daily life and epic displays of propaganda demonizing the Capitalist West and the promotion of the superiority of Communism. While the widespread consequences of the East German dictatorship for those living within it are important, they are not the topic of this thesis. Although an analysis of the extent to which Germans living there suffered during this period is beyond the range of this thesis, the existence of such is pertinent to the following discussion as the aforementioned features were opposed by West Germany and reflected in their citizenship policies.

Category Definition

Because there are several terms given to groups of ethnic Germans that came to West Germany during and after the war further elaboration is required to avoid confusion. While not the main subject of this thesis, the ethnic Germans who were driven from Eastern and Central Europe between 1943-1949 had a significant impact on the establishment of *Aussiedler* policy, as will be discussed in the following chapter. While some scholars have used "refugee" *or* "expellee" to refer to all ethnic Germans

[22] Palmowski, "In Search of the German Nation," 552.

who were forced to leave Eastern and Central Europe between 1943-1949, a distinction will be made between each group throughout this thesis because each group is identified in the 1953 law granting citizenship to ethnic Germans originating from other countries, the Federal Expellees and Refugees Act of 1953 (*Bundesvertriebenen- und Flüchtlingsgesetz*, BVFG), as well as the Ministry of Expellees, Refugees and War-Damaged. This ministry, from the early 1950s to late 1960s, advocated for the political representation of expellees and refugees and was involved in documenting the experience of being driven from their homelands.[23] "Refugees" will refer to those ethnic Germans who fled from Eastern and Central Europe during the advance of the Red Army as the war ended while "expellee" will refer to those ethnic Germans who were expelled from German communities in Eastern and Central Europe through violent expulsions by local populations or through international agreements.[24]

A final category deserves to be mentioned at this point as well. In addition to accepting ethnic Germans from territories no longer part of West or East Germany, West Germany granted citizenship to those Germans fleeing East Germany. These Germans were called *Übersiedler* and received similar social assistance to *Aussiedler*.[25] Although not the focus of this thesis, this category is important to note because it demonstrates that West Germany saw itself as a refuge for Germans living under Communism, not just those experiencing discrimination as ethnic minorities. Additionally, it illustrates the use of citizenship by West Germany to establish itself as the rightful heir to the German

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[23] Ruth Wittlinger, "Taboo or Tradition? The 'Germans as Victims' Theme in West Germany until the early 1990s," in *Germans as Victims*, ed. Bill Niven, (New York, New York: Palgrave MacMillan, 2006), 70.

[24] Stefan Senders, "Aussiedler Repatriation: Rhetoric, Reproduction, and Demography in the Context of the Welfare State," *Zeitschrift für Ethnologie* Vol. 131 1, (2006), 82, accessed May 12, 2015, http://www.jstor.org.ezproxy.library.uvic.ca/stable/25843023.

[25] Douglas B. Klusmeyer and Demetrios G. Papademetriou, *Immigration Policy in the Federal Republic in Germany*, (New York; Oxford: Berghahan Books, 2009), 83.

Empire as opposed to East Germany by acknowledging the desire of East Germans to flee to the West.

The multiple categories of Germans applied by the West German government were not necessarily how ethnic Germans identified themselves. As will be discussed in the following chapter, ethnic Germans had often developed their own customs and traditions in their non-German homelands. Expellees, refugees and, later, *Aussiedler* commonly self-identified as *Volksdeutsche*, meaning ethnically German. *Volksdeutsche* relates back to the concept of a German *Kulturnation*, in that to belong to the German nation relates to language, tradition and cultural background, which these ethnic Germans had maintained in Eastern and Central Europe.[26]

Aussiedler Historiography

Much research and analysis regarding *Aussiedler* and German citizenship policy more broadly has considered it in the context of the origins of the nation state. Such perspectives revolve around the theme of continuity in that the current relationship between national identity and citizenship has emerged from a historical understanding of individual national identities that grant membership to a nation based on this historical understanding. Perhaps most prominently on the subject of historical understandings of national identity and its relation to citizenship, Rogers Brubaker has highlighted how Germany's particular development into a nation state from multiple states linked by language and culture has influenced both by contrasting Germany with the political development of France. The comparative approach in his popular book *Citizenship and Nationhood in France and Germany* is central to understanding the nature of current

[26] Rainer Münz, "Ethos or Demos?" in *Challenging Ethnic Citizenship: German and Israeli Perspectives on Immigration*, ed. Daniel Levy and Yfaat Weiss (New York; Oxford: Berghahn Books, 2002),19.

debates surrounding the development of German citizenship policy as his argument considers both citizenship and nationalism theory as a base of explanation for how descent formed the cornerstone to German citizenship, as opposed to how political territoriality did in France. Brubaker uses this same approach in his article "Immigration, Citizenship and the Nation-State in France and Germany: A Comparative Historical Analysis" to contrast the development of an assimilationist approach to foreigners in France with the exclusionary policies towards them in Germany as a result of the persistent understanding of citizenship as a right of descent.[27] Brubaker justifiably identifies *Aussiedler* as a representation of a particular aspect of citizenship, rather than a unique category. This understanding of German citizenship is based upon his perception of the continuity through which it developed in conjunction with the particular way that the German nation state developed around a common culture. Brubaker has theorized that this continuity has informed German citizenship policy since, from unification through to the present, with an emphasis on culture and descent.

The theme of continuity in the development of German citizenship and national identity as put forward by Brubaker has been very influential on scholars of German citizenship. This is evident in Joachim Oltmer's political perspective of continuity, through his examination of legislation and government correspondence as well as publications from interest groups during the German Empire through the Weimar period in order to provide background on the government's intention in the integration of ethnic Germans. Oltmer draws a comparison in the application of citizenship during the Weimar Republic to the post-war *Aussiedler* policy and the tensions between the

[27] Rogers Brubaker, "Immigration, Citizenship, and the Nation-State in France and Germany: A Comparative Historical Analysis" *International Sociology* Vol. 5 4, (December 1990): 379-407, accessed August 26, 2015, http://iss.sagepub.com.ezproxy.library.uvic.ca/content/5/4/379.

economic and humanitarian reasons for both. He emphasizes the importance of the Germanness of those recruited as workers during the First World War to replace Poles to those in charge of policy in the German Empire, and the perception that excluding minorities, such as Poles, while encouraging settlement of ethnic Germans from Eastern Europe would strengthen the nation.[28] Following Germany's defeat in the First World War, the economic climate was not conducive to receiving large-scale migrants during the Weimar period, but Oltmer also points out that the Weimar Republic had not created a functioning integration policy.[29] Throughout the 1920s political leaders feared what effect the tension between Poles and the Jewish population within Germany and ethnic Germans fleeing famine and terrorism kept at the border would have on the public, a tension that can be related to *Aussiedler* coming to Germany and foreigners within German borders in the years after 1945. Also similar to the provisions granted to *Aussiedler*, aid was arranged for the ethnic German enclaves in Russia to provide them relief without the need of resettlement.

The creation of *Aussiedler* policy is directly related to the situation in Europe in the aftermath of the war. Because of the brutal policies of the German occupation, in line with Nazi racial ideology that categorized Slavic peoples as "sub-human," the local populations in Eastern and Central Europe, in contrast to occupation policies in Western Europe, had been negatively affected through expulsions, genocide, slave labour, the exportation of raw materials, surveillance, punishment for disobedience and theft. The

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[28] Jochen Oltmer, ""The Unspoilt Nature of German Ethnicity": Immigration and Integration of "Ethnic Germans" in the German Empire and the Weimar Republic," *The Journal of Nationalism and Ethnicity* Vol. 34 4, (2006): 433, accessed April 27, 2015, http://www-tandfonline-com.ezproxy.library.uvic.ca/doi/abs/10.1080/00905990600841959#.Va0hMOtN3zI.

[29] Oltmer, "The Unspoilt Nature of German Ethnicity," 439.

legacy of harsh Nazi occupation policies led to violent expulsions of Germans from Eastern and Central Europe and resulted in discrimination by the indigenous population against those ethnic Germans who remained behind. With respect to this, Alfred de Zayas has written extensively about the expulsion of ethnic Germans from Eastern Europe. He has investigated the complicity of the Allied powers prior to the end of the Second World War in such a plan that resulted in loss of approximately nine million lives, and the displacement and detainment of ethnic Germans and the desire for revenge by countries that had suffered under Nazi occupation policy, including Poland, Czechoslovakia and Soviet Russia. De Zayas has investigated not only the legality of such population transfers, but also the process itself in the case of Eastern Germans. He has based his research on diplomatic records between the Allies as well as personal interviews with members of expellee organizations and French and Belgian prisoners of war to create an argument that the willingness of the Allies to permit transfers, although meant to be on humane grounds, caused the violent and tumultuous expulsions.[30] The result was millions displaced within Germany, often malnourished with no possessions, and millions of lives lost. This subject had remained largely neglected in terms of research or public discussion in the English-speaking world until the 1990s because of the difficulty in discussing the rights of those who were perceived as perpetrators of crimes against humanity and harsh occupation policies and what the appropriate measures of punishment should have been, along with the sensitive nature of borders and potential conflicts that might arise from such discussions during the Cold War. De

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[30] Alfred M. de Zayas, *Nemesis at Potsdam: the Expulsion of the Germans From the East*, Lincoln: University of Nebraska Press, 1989, 96-97.

Zayas' investigation helps to create an understanding of the domestic situation in Germany that led to the creation of *Aussiedler* policy and preservation of ethnic citizenship.

Picking up from this point in history, Robert G. Moeller has considered the social and political atmosphere in West Germany in the years immediately following the war. He takes into consideration historical works of the time, interviews from popular magazines, films and personal interviews to establish the mood in post-war Germany in light of the expellees, POWs and other returning ethnic Germans. Moeller shows how the loss of the war, a demoralized population and returning Germans in poor health without belongings or a place to live created solidarity amongst Germans in West Germany not only with each other but with those outside its territorial borders. The idea of cultural brethren being abused and discriminated against because of the very attributes that made them German evoked public sympathy and support for those trying to make their way to Germany.[31] This migration of ethnic Germans in the post war period thus in turn raises questions of homeland and belonging because, while considered ethnically German by local populations and having maintained German cultural practices, many ethnic Germans still yearned for the territories from which they were expelled and felt like outsiders upon their arrival in Germany. Stefan Wolff, a German political scientist, has studied ethnic conflicts and their settlement in Europe, Africa, the Middle East and Asia and provided scholarship on ethnic German minorities in Europe and the political consequences of denial of homeland and belonging. Wolff has provided an analysis of how activist organizations within Germany responded to the return of expellees between

[31] Robert G. Moeller, *War Stories: The Search for a Usable Past in the Federal Republic of Germany,* Berkeley; London: University of California Press 2003, 120-122.

1945-1950 by creating a new identity of belonging during the reconstruction of West Germany following the war, taking a similar approach to Moeller.[32] He traces how such organizations grew to take up the cause of *Aussiedler* from the 1960s, making contacts with those remaining across the border, and asserts that from these contacts such organizations began to make claims to the former homelands of the expellees in the form of compensation for expulsion.[33] While he has concentrated on expellee organizations, his research offers insight into the notion of homeland and domestic German public demands for aid to ethnic brethren outside the post-war borders.

At the onset of the Cold War, *Aussiedler* policy was also used as a means to demonstrate the binary ideologies between Capitalist West versus Communist East. First, the desire of ethnic Germans to uproot their lives and claim citizenship in a hereditary homeland that many had never been to was claimed by the West as proof of the superiority of the Capitalist system. Second, through *Aussiedler*, the West could exercise its commitment to human rights by granting those ethnic Germans who were experiencing discrimination a method of liberation. Brubaker has also investigated German citizenship in the context of migration in Europe, specifically referencing *Aussiedler*. Here, he sees the principle of descent as a way of providing protection to those Germans caught behind the Iron Curtain and facing abuse as a result of their heritage and the legacy of the Third Reich's occupation policies.[34] Patricia Hogwood sees the ethnic nature of German citizenship prior to the collapse of the Soviet Union and

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[32] Stefan Wolff, "The Politics of Homeland: Irredentism and Reconciliation in the External Minority Policies of German Federal Governments and Expellee Organizations," *German Politics* Vol. 11 2, (2002): 55, accessed April 27, 2015. http://www-tandfonline-com.ezproxy.library.uvic.ca/doi/abs/10.1080/714001279#.Va0p6utN3zI.

[33] Wolff, "The Politics of Homeland," 57.

[34] Rogers Brubaker, "Migrations of Ethnic Unmixing in the 'New Europe'," *International Migration Review* Vol. 32 4, (Winter 1998), 1051.

the end of the Cold War as the desire to maintain German identity on the part of West Germany as the territorial division and dictatorial regime in East Germany threatened to quash cultural distinctions in favour of Communism. In this way, she also sees citizenship by descent as necessary until the end of the Cold War and the reunification of Germany. She argues that the collapse of the Soviet Union and the unrest caused by the break up of Yugoslavia brought larger numbers of foreigners and refugees to Germany, but the exclusionary policies towards these people, combined with the privileged status of *Aussiedler* and the changing nature of those "returning" to Germany on the basis of their ethnicity, was challenged from below. Such exclusionary policies were attacked through the 1990s for being related to the Nazi period, particularly through those who came to Germany on the basis of their German heritage and lacked language skills but received financial and state support. The end of the Cold War also removed the need to tie ideology to each German state, as each had claimed to be the rightful heir of the German state. Moreover, internationally, it was now seen as politically unacceptable to refuse immigrants on ethnic grounds, which led to somewhat more restrictive changes to citizenship regarding *Aussiedler* and immigration in 1993.

Much of the recent work since the early 1990s focusing on *Aussiedler* in the modern context concentrates on citizenship and issues of integration and migration. Immediately following the end of the Cold War the changing cultural and linguistic make up of *Aussiedler* and integration policies in contrast to assistance given to foreigners, such as Turkish guest workers who had been German residents for several generations but were still unable to secure citizenship, became a central theme. Barbara Dietz has taken a socio-political perspective to look at how the cultural make up of *Aussiedler*

migrants as a whole have changed within sending countries and how it has forced a reevaluation of existing legislation. She argues that the 1949 Constitution of West Germany regulated the admission of ethnic Germans based on a sense of belonging, which received political support.[35] This support came from a feeling of responsibility to integrate ethnic Germans, as opposed to other groups of foreigners, as a result of the hardships they encountered following Third Reich policies and Cold War mentalities and that changes to their cultural backgrounds in the 1980s were the result of changes in sending countries. Originally, *Aussiedler* emigration had been based on ethnic qualities and family reunification, but Dietz points out that after the collapse of the USSR, reasons for emigration to Germany shifted to political and economic factors. These ethnic German migrants were younger, lacked language competency, often were not seeking family reunification and had a different skill set than earlier *Aussiedler*, making them similar to other non-German foreigners, which caused challenges in integration which led to decreased public support for funding such immigrants, regardless of their ethnicity. Dietz has also investigated *Aussiedler* in the context of migrant network theory, arguing that the theory of migrant networks is helpful in understanding the changing background and socioeconomic situation of *Aussiedler*. Because family reunification had earlier formed the basis for *Aussiedler* migration, networks were created with those remaining in the sending countries. Once the restrictions on freedom of movement were lifted after 1990 the increase in *Aussiedler* migration increased along these established networks.[36]

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[35] Dietz, Barbara. "*Aussiedler* in Germany: From Smooth Adaptation to Tough Integration," in *Paths of Integration: Migrants in Western Europe (1880-2004)*, ed. Leo Lucaseen et al. (Amsterdam: Amsterdam University Press, 2006),

[36] Barbara Dietz, "Ethnic German Immigration from Eastern Europe and the Former Soviet Union to Germany: The Effects of Migrant Network," (1999) IZA Discussion Paper No. 68, 8, accessed August 26, 2015. http://papers.ssrn.com/sol3/papers.cfm?abstract_id=193628.

This argument is backed up by the West German government's ethnonational arguments to grant *Aussiedler* citizenship and financial assistance. According to Dietz, sending countries play an important role in this theory as the changing make-up of *Aussiedler* and the communities developed through these networks have created resistance to integration by creating isolated *Aussiedler* communities.

The pressures of immigration and integration in modern Germany have drawn attention to government policy regarding foreigners. Government stipulations and provisions for accepting *Aussiedler* and providing integration assistance have given scholars of immigration and migration a powerful means against which to compare certain aspects of what is available to other foreigners or would-be immigrants to Germany. Kees Groenendijk, for example, has used *Aussiedler* as a case study for government controls over ethnic immigration. Similar to this thesis, instead of choosing one time frame, he looks at the changes in the specific policy regarding *Aussiedler* by government and the effect it has had on the ground, providing a useful method of examining the extent to which governments can regulate ethnic migration. He compares *Aussiedler* from Poland, Romania and the former USSR in terms of the changing numbers coming to Germany as well as their language skills and adaptability to German society. From a sociological perspective, he compares foreign and domestic factors that influenced West German regulations over time. These factors included the general public in West Germany, social security and personal economic factors. He concludes that governments have limited controls over ethnic migration because foreign and domestic circumstances also affect the flows of these migrants and legislation can be circumvented, for example, by those who choose to enter under labels other than

Aussiedler.[37] The same theme is seen in the contrast between welfare state provisions, granted to long term foreigners and citizens, and citizenship as investigated by Jost Halfmann. He has theorized that the discrepancy between those included in German citizenship and those included in welfare state provisions will eventually result in conflict if the ethnic basis for citizenship is not removed. Halfmann traces welfare state policy in Germany from the intention to undermine the labour movement with it in Imperial Germany to its connection to citizenship in Weimar Germany and beyond. To Halfmann, the nation building process in Germany only ended with reunification, as German sovereignty was restored, borders were solidified and ethnic minorities in former Soviet countries were granted protection there.[38] With this came the changes to *Aussiedler* policy and citizenship policy for long-time residents. Halfmann, like Hogwood, argues that the necessity of ethnocultural citizenship was nation building, and now that it has been obtained this basis is no longer necessary. He predicts that as long as there is an underlying ethnic bias to citizenship policy the potential for conflict remains, particularly as the welfare state provides an alternate mode of inclusion where citizenship does not. The idea of continuity is evident in Halfmann's argument, as citizenship based upon descent has been a necessary aspect of the German nation state until the present and has been legitimized through the cultural understanding of the German state because it was integral to the nation building process.

Through comparisons between *Aussiedler* and non-ethnic German foreign residents and the methods regarding the extent of their inclusion in German society, clear

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[37] Kees Groenendijk, "Regulating Ethnic Migration: The Case of the *Aüssiedler*," *Journal of Ethnic and Migration Studies* Vol. 23 4, (1997): 476, accessed April 27, 2015. http://www-tandfonline-com.ezproxy.library.uvic.ca/doi/abs/10.1080/1369183X.1997.9976606#.Va0cjutN3zI.

[38] Halfmann, "Immigration and Citizenship in Germany," 272-273.

differences and disparities are evident. The contrast between groups included and excluded in citizenship has caused criticism of the continuation of *Aussiedler* policy. In their article "Minorities Into Migrants: Making and Un-Making Central and Eastern Europe's Ethnic German Diasporas," Rainer Ohliger and Rainer Münz state that the ethnic Germans originating from the East of Germany's post-war Eastern border constitute a privileged migrant group, and have maintained that status since the creation of *Aussiedler* policy. Like Groenendijk, they describe the historical events that led to the creation of enclaves of ethnic Germans specifically in Poland, Romania and the former USSR and the legal framework granting them citizenship. Ohliger and Münz show that the West German government relied upon sending countries to restrict access to German citizenship for ethnic Germans and only placed their own restrictions on granting citizenship to *Aussiedler* when movement was less constrained following the fall of the Iron Curtain. Applicants were rarely accepted from Romania and Poland following agreements between their governments and the government of newly reunified Germany, while those from the former USSR were required to prove their German language skills, received less financial assistance and had to prove that they were discriminated against on the grounds of their German ethnicity. Yet, despite these new restrictions, Ohliger and Münz maintain that such ethnic migration currently still receives priority over other forms of migration due to the value placed on ethnicity by the Germany as well as the communities that lobby on their behalf.

With reunification in 1990 the contrast between citizenship rights for *Aussiedler* and the absence of them for long-term foreign residents was questioned. While few have blatantly blamed inherent racism, the implication is that such double standards for

granting national membership have racial overtones that are reminiscent of Nazi policies. Like Hogwood and Halfmann, Nora Räthzel identifies the end of the Cold War and the fall of the Iron Curtain as a turning point in German citizenship legislation. Yet, Räthzel attacks Brubaker's argument of continuity of German citizenship by examining citizenship in much the same way as him, stating that a nation state composed of a German "Volk" never existed. Räthzel points to the distribution of citizenship rights by the *Länder* prior to the Nazi legislation of 1934, which stripped the *Länder*'s ability to grant such rights and bestowed them upon the German state.[39] Her argument is that the analysis of citizenship as a natural outgrowth of the state as a community of descent is wrong in that it does not date back to the German Empire, but is instead the product of manipulation during the Nazi period. She points to the Weimar era, prior to the Nazi period, and lack of connection between "Germanness" and citizenship while during the period of division Räthzel investigates *Aussiedler* as a way for the West German government to solidify German unity through blood, while pointing to the political discourse surrounding foreigners as a "problem" to the state.[40] Räthzel argues that *Aussiedler* is an unnecessary categorization of citizenship that functions as an exclusionary vehicle for other foreigners and illustrates Germany's desire for an ethnically homogenous nation based on inherent racism. She sees this as a major problem today: since there is no longer a fascist regime, all traces of racism must be removed from current legislation.[41] It is from this point that she uses *Aussiedler* in

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[39] Nora Räthzel, "Germany: One Race, One Nation?" *Race & Class*, Vol. 32 3, (1991): 41-42, accessed August 26, 2015. http://rac.sagepub.com.ezproxy.library.uvic.ca/content/32/3/29.

[40] Nora Räthzel, "Aussiedler and Ausländer: Transforming German National Identity," in *Transformations of the New Germany*, Ruth A. Starkman, ed. New York: Palgrave Macmillan, 2006: 167, accessed July 20, 2015. http://www.palgraveconnect.com.ezproxy.library.uvic.ca/pc/doifinder/10.1057/9781403984661

[41] Räthzel, "Germany: One Race, One Nation?" 45.

contrast to "other" foreigners, such as second generation Turks born in Germany, to illustrate their privileged position and the idea that ethnic Germans might be somewhat culturally different, but were easier to integrate.

While many scholars are critical of blood-based citizenship in Germany generally, the main focus has been on why that has remained the case following the Cold War and the granting of freedom of movement along with guarantees of minority rights in sending countries. By contrast, there appears to be more of an understanding of the basis for German citizenship being through descent in the period immediately following the Second World War. While scholars such as Hogwood and Halfmann grant this policy as necessary for rebuilding German society, they fail to take into account that blood-based citizenship is directly related to the Nazi state and does not necessarily reflect a new start. The theme of continuity, in that the community of descent has informed citizenship in Germany since its unification in 1871 through the Nazi period and the Cold War, can also be seen in the ongoing tension between citizens and foreigners within Germany as such continuity excludes foreigners.

In an attempt to examine how citizenship can shape national identity, this thesis seeks to use *Aussiedler* as the lens through which to assess how this change takes place. Investigating how national identity can appear to be based upon the same policies that were taken to murderous extremes by the previous regime via the context of *Aussiedler* is helpful in filling the gap that is not thoroughly investigated in the existing English literature. *Aussiedler* provides a helpful lens through which to view changing German concepts of national identity during periods of transition because this policy grants generous settlement and integration provisions based upon specific criteria defining

successful applicants as German. This unique category is especially helpful in light of the historical understanding of Germany as a community of descent and how that national identity has been shaped over time. The two main chapters at the core of this thesis take into account unique periods of transition in German history where national identity has been questioned. Chapter 2 examines the period between the end of the war in 1945 to shortly after the creation of *Aussiedler* as a category of citizenship in 1955. It focuses on the historical context for the creation of this category, a period of transition and reflection. Chapter 3 investigates the end of the Cold War and the process of German reunification in 1989 through to 2000 when substantial changes were made to German citizenship laws. This chapter concentrates on another period of political upheaval and the changes made to *Aussiedler* policy as a result. The concluding chapter compares *Aussiedler* policy in each time period to establish how citizenship can define national identity through redefining what qualifies as German. By considering changes made to this particular mode of citizenship it is clear that such legislation can be modified to define and redefine national identity as a result of changing geopolitical circumstances and that national identity is a process that is never stagnant.

Chapter 2: Context and Creation: *Aussiedler* as a Policy 1945-1955

Introduction

The circumstances surrounding the creation of *Aussiedler* policy are complex. The label *Aussiedler* (lresettler) was given to the ethnic Germans who remained in Eastern European countries, most prominently Poland, Romania and Russia, after the Second World War and were subject to persecution as a result of their German ethnicity. The defeat of Germany and the reorganization of Europe following the war in 1945 created many areas of change, including geographic, social and political, that had a widespread impact on Germans in Europe. Inspecting some aspects of these changes, like the ideological and physical divide in Europe, territorial changes and the upheaval Germany's surrender caused, both to the country as well as those Germans living beyond the newly established borders to the East through the loss of territory to Poland, help to demonstrate the purpose of *Aussiedler* policy. By taking these various factors into consideration when investigating the qualifications for ethnic Germans to "return" to Germany as citizens, it becomes clear that German national identity was being reconstructed in such a way as to return to its pre-Nazi origins while simultaneously acknowledging that period and its lasting impact. The citizenship policy extended to *Aussiedler* represents a method for West Germany to shape its national identity in the years after 1945 by using it both to acknowledge the impact of Nazi crimes and as a tool of the government to redefine Germanness while recognizing the importance of humanitarian issues.

For ethnic Germans in Eastern Europe, including Yugoslavia, the period immediately following the war was one marked by the sharp contrast between the harsh

Nazi racial policies in the territories that they had occupied as victors and the often violent ethnic discrimination against them after Nazi occupiers retreated at the end of the war. West Germany, itself trying to come to terms with the Nazi dictatorship, utilized a unique citizenship policy in order to both establish itself as a liberal democracy, extending a form of humanitarian aid for those still suffering from the violence and loss inflicted by the Nazis, and to acknowledge and atone for that past. The expellees and refugees who had fled from the territories concerned as the war came to an end championed the category of *Aussiedler* and the privileges granted to those who fell within it. Ethnic Germans, both as expellees and refugees and *Aussiedler*, were held by the newly established government of West Germany as an indicator of national identity, and were used to build a Germany that acknowledged the Nazi dictatorship through the discrimination ethnic Germans experienced. As opposed to the earlier Nazi citizenship, which focused on who was to be excluded, the new citizenship provisions of West Germany laid out specific criteria for inclusion by redefining what it meant to be German, signalling a shift from the explicitly racist Nazi state and a reshaping of German national identity.

Germans in the East

From the fifteenth century, ethnic Germans had settled to the East and South of the borders of what would become the German Empire in 1871. Catherine the Great of Russia, for example, granted generous minority rights to these migrants who came primarily for economic reasons, to work in agriculture and industry. They were permitted their own autonomy within their settlements, granted religious freedoms and

given interest-free loans.[42] Habsburg emperors also sponsored German settlers and as a result, enclaves of ethnic Germans existed in present day Poland, Hungary, Russia, Romania, Slovenia, Czech Republic and former Yugoslavia prior to the outbreak of war in 1939.[43] [44] Throughout the generations of settlers, ties to their German ethnicity were maintained through language, traditions and culture, and education. As presented in the Introduction chapter, Germans within Germany proper were aware of these communities as members of a broader German nation.

Yet, despite the ties to their German ethnicity, these various groups of Germans to the East and Southeast developed their own particular cultures and group identities in their areas of settlement. Such particularities are important to note, as they would later impact their acceptance as Germans when government-funded programs to foster their integration in West Germany were implemented. While mostly maintaining the German language as the primary language of communication within each community, over time different dialects emerged. The relationship to the territories that they inhabited signified deeper distinct ethno-cultural communities which, to varying degrees, still contained some ties to German culture. Crucially, although these communities often recognized these ties, they developed their own cultural traditions, folklore and customs.[45] However different each community was from each other in terms of specific traditions, they were

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[42] Inge Weber-Newth, "Ethnic Germans Come "Home to the Fatherland"," *Journal of Contemporary Central and Eastern Europe* 3, 1 (1995): 127, accessed April 6, 2016. http://dx.doi.org/10.1080/09651569508454504.

[43] Roel Jennisson, "Ethnic Migration in Central and Eastern Europe: Its Historical Background and Contemporary Flows," *Studies in Ethnicity and Nationalism*, Vol. 11, 2 (2011): 256, accessed April 27, 2015. http://web.a.ebscohost.com.ezproxy.library.uvic.ca/ehost/pdfviewer/pdfviewer?sid=f62f7a3f-73ff-45aa-9d6f-ff1fc679d991%40sessionmgr4004&vid=1&hid=4106.

[44] Barbara Dietz, "*Aussiedler* in Germany," 117.

[45] Henning Süssner, "Still Yearning for the Lost Heimat? Ethnic German Expellees and the Politics of Belonging," *German Politics & Society*, Vol. 22, 2 (Summer 2004): 8, accessed April 8, 2016. http://www.jstor.org/stable/23740553.

recognized by the majorities of the countries in which they resided as German, which led to their eventual persecution as such after the Second World War.

Widespread political changes in the nineteenth and twentieth centuries, such as the rise of nationalism and the importance it placed on the idea of an ethnically homogenous nation, along with Germany's role in the First World War and its loss of territory to Poland, led to the discrimination against such German minority groups. Germans who had been citizens of the German Empire during the war now resided outside the redrawn borders as minorities in new countries.[46] The break up of the Austro-Hungarian Empire and establishment of independent nation states, for example, removed the previous privileges Germans had been granted as minorities. As the League of Nations was virtually powerless to assert the minority rights it had established during the Paris Peace Conference, some German minorities appealed to Germany itself for rights and protection.

Hitler's rise to power and Nazi ideology generally strengthened the connection of some of those ethnic German minority groups, *Volksdeutsche*, to Germany. Calls were made for their incorporation through either absorption of lands to the East in which these ethnic Germans resided or through calls for ethnic Germans to return to Germany.[47] As the *Lebensraum* (living space) policy of Nazi Germany saw the expansion of German occupied lands in the East, it displaced or exterminated Poles and Jews, as ethnic

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[46] Alfred M. de Zayas, *A Terrible Revenge: the Ethnic Cleansing of the East European Germans, 1944-1950*, translated by John A. Koehler, (New York: St. Martin's Press, 1994), 16.

[47] Christian Lieb, *Moving West: German-speaking Immigration to British Columbia, 1945-1961*, (PhD diss., University of Victoria, 2008), 42.

Germans from the Baltic states and other areas, including Germany, were settled on the lands evacuated for this purpose after the outbreak of war in 1939 through to 1943.[48]

The Expulsion of Germans in the East

As the war in the East began to turn in the Allies' favour and the Wehrmacht retreated, many ethnic Germans voluntarily retreated as well, fearing for their safety ahead of the arrival of the Red Army.[49] This was the first wave of the German evacuations in the East. The second came as the non-German civilian populations turned to violence in order to force Germans to leave along with the Red Army's advance towards Germany. Much of the violence aimed at the German minorities in the East during their expulsion and flight was directly related to and in retribution for the murderous policies undertaken by the Nazis in their conquest and occupation of these territories.[50] At the Yalta conference in February 1945, the Allied leaders met to discuss post-war settlements. One of the issues tabled was the post-war territorial adjustments and the possibility of transferring the German populations that would be contained within the redistributed territories of Poland, Hungary and Czechoslovakia. By July, at the time of the Potsdam conference, ethnic Germans were already faced with violent expulsions and the provisions created were intended to bring such expulsions under control.[51] The provisions granted at the Potsdam conference for the sanctioned resettlement as a result of the violence facing ethnic Germans made up the third wave of German evacuation in the East. The Allies also saw the ethnic homogenization of Eastern European nations as a

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[48] De Zayas, *A Terrible Revenge*, 28.

[49] Lieb, *Moving West*, 15.

[50] Philipp Ther, "A Century of Forced Migration: The Origins and Consequences of "Ethnic Cleansing"," in *Redrawing Nations: Ethnic Cleansing in East-Central Europe, 1944-1948*, ed. Philipp Ther et al. (Lanham, MD: Rowman & Littlefield, 2001): 55.

[51] De Zayas, *Terrible Revenge*, 83.

method of preventing future wars by reducing ethnic tensions.[52] That the Allies were in favour of the expulsions signifies a push factor for those considered German in the East and, as a result, Germany was forced to respond to this influx and their material and legal needs. There were, however, many Germans left behind in these territories after the third wave whose future well-being was uncertain.

Contextualizing Post-war Conditions in Germany

An important aspect in the creation of the citizenship category of *Aussiedler* is the significance of the situation in Germany, and Europe more broadly, for Germans following the end of the war. By the time of the German surrender in May 1945, much of Germany had been destroyed, both through Allied bombing campaigns as well as through ground force combat. Much of the infrastructure and metro centers were in ruins and disease and starvation posed real threats to the population. Such destruction also caused housing shortages, particularly in large city centres, which were only compounded by the flow of people from the East, including expellees, refugees and POWs. Occupying forces in the British, American and French zones oversaw the placement of this influx of people, often to the countryside where less destruction had taken place, although accommodations were still limited.[53] A sense of victimhood was felt both by the native German population and those ethnic Germans "returning" to Germany. Although there were initial tensions, a common sense of victimhood eventually led to support for those Germans returning from the East united through a sense of suffering for being German. The experiences of hardship due to one's Germanness created a solidarity out of the

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[52] Lieb, *Moving West*, 66.

[53] Rainer Schultze, "The German Refugees and Expellees from the East and the Creation of a Western German Identity After World War II," in *Redrawing Nations: Ethnic Cleansing in East-Central Europe, 1944-1948*, ed. Philipp Ther et al. (Lanham, MD: Rowman & Littlefield, 2001), 308-309.

suffering experienced, as evidenced by the calls of the West German government to accept expellees as Germans.[54]

Germany's surrender was a final blow to the collective morale of the country and it was clear that the Nazi system would be dismantled. For all the years of framing Germanness through the Nazi lens of Aryanism, the absolute destruction of the Nazi system meant that those qualities that made up its perversion of national identity were no longer viable. The experiences related to the loss of the war and utter defeat of Nazi Germany served as a moment for Germans to reevaluate what they wished to carry forward from the past as the country began to recover from war and dictatorship. While not all Germans had participated in the Nazi system to the same extent, or even subscribed to the doctrine to the same degree, there was a sense of solidarity among all Germans in regard to the victimhood they felt in 1945. Several external factors contributed to a collective feeling of victimhood by Germans as a whole in the post-war years. First, the utter destruction of Germany from Allied bombing campaigns during the war to the crushing advance of Allied forces to secure an unconditional surrender destroyed homes, industry, infrastructure and resources. The violence and extensive damage caused by the brutal fighting in the last few months of the war differed from the war time experience of German civilians in Germany in the extent of its devastation and the experience of invading forces. With communications infrastructure badly damaged, families and communities were virtually separated. Loss of life and German soldiers taken prisoner during the final months of fighting combined with the inability to reach relatives increased feelings of insecurity and fear. Homes were destroyed and many basic

[54] Moeller, *War Stories*, 35.

services lay in ruins, which removed a basic sense of stability for many.[55] These feelings were compounded by the mass rapes and looting by advancing troops, most notably but not exclusively by the Red Army, that terrorized German civilians who felt that they were being punished when they had not been the ones in combat.[56] Daily lives had been disrupted, lives had been lost and millions had been displaced. This sense of insecurity and destruction would be used as a unifying force to promote the acceptance of *Aussiedler* to the public based on their own hardships as a result of their German ethnicity.

Another condition of the immediate post-war period was the occupation and division of the country. Initially, the Allies viewed Germans with suspicion, as it was assumed that they had all become fanatical Nazis and rumours about heavy resistance by the civilian population ran rampant.[57] In the zones occupied by the Western Allies, Germans were forced to account for their activities through the process of denazification. This process was widely seen as an imposition by the victors upon the losers of the war, intended to emphasize Germany's status as a defeated nation.[58] Through the initial stages of this process, many were at risk of losing their jobs, particularly in the civil service, due to their affiliation with the Nazi party. As a result, much of the bureaucratic structure was altered and local governments were organized by the Allies. While these governments were administered by Germans, they reported to Allied authorities.[59] Such conditions also called into question the understanding of national identity, as Germany

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[55] Richard Bessel, *Germany 1945: From War to Peace*, (New York : Harper, 2009), 7.

[56] Bessel, *Germany, 1945*, 116-117.

[57] Bessel, *Germany 1945,* 175.

[58] Robert G. Moeller, *War Stories,* 24.

[59] Bessel, *Germany 1945,* 173.

seemed to come to a standstill as an independent country. That Germany was divided into East and West by the Iron Curtain and Cold War created an uncertainty as to the future of Germany, changing the reality for Germans in each of the Germanys. The experience of Germans under Allied occupation helped foster an understanding of the open hostility ethnic Germans now faced in Eastern and Central Europe through a sense of collective victimization for being German.

In all occupation zones in Germany, but most notably in the Russian zone, resources were removed as reparations for war damage caused by Germany. Further, following the 1949 amalgamation of Allied occupied zones into West Germany under Chancellor Konrad Adenauer, Adenauer agreed to retribution payments to Israel for suffering caused to Jews under Nazi policies. These payments were widely viewed as an imposition by the Western Allies and contributed to feelings of German victimhood as such funds could have been used to rebuild West Germany and assist in the integration of expellees and refugees.[60] As time wore on, the populations in each Germany were made to align themselves with the competing ideologies. In these circumstances of destruction and division, the loss of control over the material and physical security of the German population was also threatened by the removal of industry and manpower. The occupation and administration of Germany compounded the notion of a collective victimhood in Germany, which also reinforced the need to redefine national identity to overcome the sense of victimhood. However, as the economy began to recover, the case could be made that additional manpower could be found within the German community in the East who were eager to escape the persecution they faced.

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[60] Moeller, *War Stories,* 26.

After years of German aggression at the hands of the Nazi dictatorship, the international community was somewhat wary of perceived German ambitions. A particular aspect of this was evident in Polish fears that Germans would return to the territory from which they had fled to reclaim homes and property.[61] The expulsions had also taken place out of fear of the German minority constituting a "fifth column," as was the popular conception that the Sudeten Germans had formed prior to the annexation of that territory in 1938. Such were the reasons for the actions taken by the Allies at the end of the war, yet these suspicions were also a factor that contributed to the narrative of Germans as victims during this period. The years of Nazi occupation left a lasting legacy on German national identity through the treatment of Germans who remained in formerly occupied territories and the desire to offer protection to them by offering German citizenship.

While Germany had seen great territorial expansion under Hitler, in 1945 it saw a reduction in territory that shrunk it to smaller than its 1919 borders. Although this was a blow to the ego of many ordinary Germans, it was particularly traumatic for those who had called those territories home, often for generations. Where such places became Polish all traces of German ties were removed, as streets were renamed and speaking German was forbidden. It was made clear that returning would not be an immediate option for those Germans who had been expelled: their residence within the new borders of Germany would not be as temporary as they had anticipated.[62] The hope that such loss of homeland would be reversed did not fade until reunification in 1989, illustrating the importance of this loss. Although the hope remained, expellees realized the need to

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[61] Ther, "A Century of Forced Migration," 60-61.

[62] Bessel, *Germany 1945,* 222.

integrate into German society at the time to utilize institutions in order to advocate for their specific demands. In the meantime, West Germany became their home and their inclusion was signalled through the recognition of their rights as citizens. The loss of territory, made painfully visible through the arrival of expellees and the stories of their experiences, forced an awareness not only of the shrinking geographic nature of Germany, but also the shrinking of the *Kulturnation* and loss of bastions of German communities in Eastern and Central Europe. This seeming eradication of the cultural German community in Eastern and Central Europe instilled the realization that such a definition of German national identity, in place for generations, was now a target for discrimination by the native populations in the regions. While citizenship in West Germany would still be primarily dependent upon descent, it was through the expulsions of ethnic Germans that an element of territoriality was imposed upon the concept of German identity through the specific mention of dates and borders in the description of who was included in the definition of German in West Germany's Basic Law. This was despite the fact that those who had no material attachment to Germany in any of its historical territorial boundaries were forced to relocate there based upon externally imposed concepts of Germanness. This element of territoriality demonstrates that there was an acknowledgement that the German nation was increasingly defined by a territorial understanding. The division of Germany and redrawn borders highlighted the importance of territoriality in the period following the war. The consensus in Eastern Europe was that Germans belonged in Germany and communities of Germans were forced into the newly drawn territorial boundaries of Germany. Despite the ties to former homelands, Germany as a territorially defined country was now the only country in Europe that

would welcome these expellees not only as citizens, but as members of the established cultural community, intent on rebuilding national identity.

Impact of Expellees

The experience of ethnic Germans who had fled or been forcibly removed from their homes that now lay behind the Iron Curtain played a critical role in shaping not only national identity, but also had a direct impact on the creation of policy surrounding *Aussiedler*. Their experiences through the expulsions contributed to the notion of victimhood, as they were forced to leave what had been, in many cases, the only homeland they had known as a result of a presumption that they maintained loyalty to Germany. This also forced a realization within Germany of what the war and Nazi occupation policies had done to the international perception of Germans. Victimhood was also a contributing factor to the rebuilding of German national identity through the rebuilding of the country and a sense of solidarity in suffering. The experiences were made public and served as a reminder of what types of persecution those who remained in the East faced. Gradually, expellees formed organizations that not only lobbied for compensation for their suffering and losses, but also for the continued assistance for those still in the East.

The arrival of ethnic German refugees and expellees caused difficulties for the native population and those in charge of policy at first, as the shortages of food, clothing and shelter exacerbated tensions between the native population and newcomers. Those from the East had given up not only material possessions but also a loss of class and community. Because ethnic Germans had developed their own communities and social norms within them over time, social standing and class did not necessarily translate upon

arrival in West Germany in the late 1940s through early 1950s, particularly with such extensive loss of property. The native population, already weary from years of war and destruction, were reluctant to provide support for the newcomers, fearing that they would increase the current hardships. In return, the expellees and refugees, themselves already stricken by the difficulty of their flight and various losses, felt unwelcome and separate from those among whom they lived.[63] As the housing situation improved, it was the native population that benefitted first, as many of the refugees and expellees still lived in camps.[64] So, while they still identified with their German heritage, hence the reason for their expulsion in the first place, many ethnic Germans were treated as foreigners once they arrived in West Germany. The Western occupying forces feared that the disparities and discontent amongst the expellees would lead them to radical political action or Communism.[65] For their part, many expellees, although from vastly different geographic regions, were drawn together by a collective feeling of loss and created political organizations to advocate for themselves and those remaining in the Eastern Bloc. Actions such as these demonstrated solidarity through ethnic coding, in that although ethnic Germans had arrived from multiple regions they still recognized themselves as from the same community. This occurred on a broader scale when the native German population grew to accept them as fellow community members since their cultural persecution was made public and their integration was encouraged.

As a group, the background and experiences of refugees and expellees as Germans were used to encourage a renewed national identity based upon the cultural

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[63] Schultze, "The German Refugees and Expellees," 311.

[64] Lieb, *Moving West*, 101.

[65] Ther, "A Century of Forced Migration," 60-61.

characteristics of Germans. In some ways the expellee experience helped to create a new self-understanding of German national identity in that it was necessary that the previous concept of Germans as a *Kulturnation*, spreading across borders through links in language and culture, be reframed into a more territorial understanding for the protection of those members of the *Kulturnation* that remained within the borders of other nations. The need for some kind of incentive for ethnic Germans beyond the territorial boundaries of the Western occupied zones to return demonstrates that Germans beyond the territorial boundaries were seen as discriminated against based on their Germanness. Their experiences also forced Germans to accept that the Nazi period had altered how they were perceived internationally. This understanding helped lead to acceptance of *Aussiedler* policy and individuals through a humanitarian view of the situation that those ethnic Germans remaining in the East faced. The traditional understanding of a *Kulturnation*, whereby the connections between groups of Germans transcended territoriality, could no longer exist to the East because of the actions of the majority populations in those countries. The recalibration of national identity now had to include the persecution as a result of Nazi occupation policies, which can be seen in the citizenship provisions contained within the Basic Law. Such persecution influenced a "return" to Germany, though specifically granted by West Germany, as defined by territory.

The Basic Law and Citizenship Provisions

It was in this context that the constitution of the Federal Republic of Germany, containing citizenship provisions, was drafted in 1949. The *Grundgesetz,* or Basic Law, the constitution of the Federal Republic, more commonly known as West Germany,

symbolized a renewal of Germany as a political entity and culture after the Nazi regime that had dominated most aspects of daily life for Germans. As such, it set the tone for a national identity that embraced previous conceptions but with an awareness of the extremes that Nazi ideology had produced. As the Cold War set in and the division between East and West became more pronounced, the Western Allies sought to assure security on the continent by stabilizing West Germany as a centralized, functioning democratic society. Up until this point, newly created individual state governments under each occupation zone had been responsible for self-government during the occupation. It was the leaders of these regional bodies that elected the framers of the Basic Law, who saw it as a temporary measure while Germany remained divided, evidenced by the discussion among its drafters of a "transition period" during its creation.[66] That the Basic Law was conceived as temporary demonstrates the concern that the framers, acting for the population of West Germany, felt for their fellow Germans beyond the geographical area that they considered to be the true Germany, a continuation of that of the Wilhemine era that would eventually include East Germany. The assumption that this constitution was temporary reveals the expectation by most in West Germany that both Germanys would be reunited in the near future and the issue of the eastern border along the Oder-Neisse line, the new border between East Germany and Poland, would be open for reevaluation at this time as well. The Basic Law was a product of its time, in that the division of Germany and the ramifications of the Nazi dictatorship were taken into

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[66] Inga Markowitz, "Constitution Making After National Catastrophes: Germany in 1949 and 1990," *William and Mary Law Review,* 1309, accessed December 8, 2015. http://ezproxy.library.uvic.ca/login?url=http://go.galegroup.com.ezproxy.library.uvic.ca/ps/i.do?id=GALE%7CA178188477&sid=summon&v=2.1&u=uvictoria_p&it=r&p=LT&sw=w&asid=e294c4e6053613ade2b980e7e4575873.

consideration and prescribed in law, with the goal of eventual reunification evident. This was further demonstrated in the citizenship provisions of the Basic Law.

The Basic Law outlined the meaning of 'German' in the eyes of the law, which specifies territoriality but emphasizes the component of descent. Article 116 (1) of the Basic Law defines a German as

> a person who possesses German citizenship or who has been admitted to the territory of the German Reich within the boundaries of 31 December 1937 as a refugee or expellee of German ethnic origin or as the spouse or descendant of such person.[67]

This demonstrates both the desire for inclusion of ethnic Germans whose legal status was in question as a consequence of the post-war settlements, as well as the importance of the element of ethnicity in such inclusion. Enshrining such status in the new constitution of West Germany, although an occupied and divided Germany, is indicative of the importance of reinforcing some continuation of a German identity.

The discussions during the framing of the Basic Law reflect both the desire to acknowledge the catastrophe of the Nazi dictatorship as well as move forward with the rebuilding of the German nation. [68] Thus, the citizenship aspect of the Basic Law stood as much for humanitarian aid to fellow Germans as it did including them in the rebuilding of a post-Nazi Germany. The citizenship aspect of national identity therefore wasn't necessarily a reflection of a long-term vision of the German nation. It was used as a tool to unify Germany following defeat and accept ethnic Germans, reinforcing the humanitarian aspect. This is particularly evident in consideration of the lack of foresight for large-scale immigration, given the extensive damage to German infrastructure and

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[67] German Basic Law, Article 116(1)

[68] Markowitz, "Constitution Making," 1312.

economy during the war and the massive rebuilding project that lay ahead.[69] Such conditions did not create an environment that would be particularly appealing for would-be immigrants. It was only as time wore on that extending citizenship to ethnic Germans outside of its borders was a method of building a workforce for the reconstruction of Germany.

The Basic Law maintained, for the most part, the concept of citizenship that had been present in the 1913 Citizenship Law. Article 116 distinguishes Germans between citizens and those who belonged to the German "Volk."[70] This distinction was intended to pave the way for citizenship provisions for those who had been expelled and arrived in West Germany as ethnic Germans. As Jannis Panagiotidis puts it "the Federal Republic furthermore defined as "German" not just a German citizen but also someone who had settled in Germany as an "ethnic German expellee" (*Vertriebener deutscher Volkszugehörigkeit*), or would do so in the future, thereby opening up its citizenship to ethnic Germans from Eastern Europe who had never held German citizenship before".[71] The provisions provided here are a reflection of the 1913 Citizenship Law in that citizenship is passed through descent and with an understanding that citizenship is based on a sense of culture as opposed to civic engagement or territoriality. This is evident in the reference to expellees and native Germans belonging to the German people.[72] However, Article 116 does reference territoriality in that it grants citizenship to those

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[69] Kay Hailbronner, "Fifty Years of the Basic Law: Migration, Citizenship and Migration, " *SMU Law Review*, Vol. 53, 2 (Spring 2000): 2, accessed August 25, 2015.. http://heinonline.org.ezproxy.library.uvic.ca/HOL/Page?handle=hein.journals/smulr53&collection=journals&id=529

[70] Senders, "Aussiedler Repatriation," 82.

[71] Jannis Panagiotidis, "What is the German's Fatherland?: The GDR and the Resettlement of Ethnic Germans From Socialist Countries" *East European Politics and Societies* Vol. 29 1, (2015), 125, accessed April 27, 2015. http://eep.sagepub.com.ezproxy.library.uvic.ca/content/29/1/120.full.pdf+html.

[72] Klewkowski von Koppenfels, *Politically Minded,* 12.

ethnic Germans who resided in the territory of the German Reich in 1937 as expellees or refugees of ethnic German origin. Thus, while this specification was in a sense a continuation of the concept of citizenship of the Weimar period, predating the explicitly racist Nazi policies, there was an element of territoriality through the recognition for those ethnic Germans who were displaced from specific regions. This is a further indication of the context in which the Basic Law was drafted as the very recent events of German history were taken into account in creating criteria for citizenship instead of just a reliance upon the former 1913 Citizenship Law. It also reformulated "Germans" in the sense of national identity as belonging to specific territory. While this legislation laid the groundwork for the citizenship of ethnic Germans, the specific provisions granted to *Aussiedler* were only later provided in the Federal Expellees and Refugees Act of 1953 (*Bundesvertriebenen- und Flüchtlingsgesetz*, BVFG).[73]

The BVFG and the Creation of *Aussiedler* as a Legal Category

Aussiedler policy went hand in hand with the extension of citizenship and equal rights to expellees and refugees from the East. The violent experiences of expellees stoked fears as to how those ethnic Germans who, for various reasons, remained to the East of the Oder-Neisse line were treated. Throughout all three waves of evacuation from Eastern and Central Europe, ethnic Germans had been subjected to violence and hardship as they made their way to Germany. As the Red Army advanced there were innumerable incidences of sexual violence against German women. The non-German populations were quick to display their intent to punish Germans for the acts carried out by the Nazis and their collaborators through plundering the homes and possessions of

[73] Groenendijk, "Regulating Ethnic Migration," 462.

ethnic Germans as well as publically humiliating them.[74] Following the agreement by the Allies to relocate ethnic Germans, many were sent to internment camps to await deportation. The conditions of these camps were grim; close quarters were favourable for the spread of disease, which was rampant given the lack of adequate nutrition and hygiene.[75] In the Soviet Union, ethnic Germans living close to the Western border were deported to Siberia or Kazakhstan.[76] The ethnic Germans who were forced from Eastern and Central Europe until 1949 left behind their homes and belongings, often trekking on foot to Germany, and were visibly destitute to the native population in Germany upon their arrival.[77]

Through the BVFG the government of the Federal Republic was able to address what was seen as a humanitarian issue in the discrimination that ethnic Germans behind the Iron Curtain faced.[78] Both the BVFG and the citizenship provisions provided in the Basic Law were clearly reactions to the geopolitical situation in Eastern and Central Europe, intending to distinguish West Germany from the Communist dictatorship in the East, not evidence of an inherent understanding of national identity through the lens of race. Ethnic Germans in other Western countries, such as Canada and the United States were not granted such provisions.[79] The Basic Law stipulates the acceptance of those Germans who were citizens based on the pre-1938 boundaries as well as those expellees and refugees of German descent, acknowledging the change in Germany's borders

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[74] Moeller, *War Stories*, 65-68.

[75] De Zayas, *Terrible Revenge,* 93-94.

[76] Groenendijk, "Regulating Ethnic Migration," 462.

[77] Moeller, *War Stories*, 68.

[78] Marc Morjé Howard, "The Causes and Consequences of Germany's New Citizenship Law," *German Politics* 17, no. 1 (March 2008): 42, accessed August 25, 2015. DOI:10.1080/09644000701855127.

[79] Klewkowski von Koppenfels, *Politically Minded*, 14.

following its loss in the war, as well as those ethnic Germans who had been forced to flee their homes in countries which Germany had occupied during the war. The changes in borders as well as the expellee and refugee status were part of a changed reality that West Germany acknowledged through the Basic Law and BVFG.

The BVFG covered the distribution of citizenship and integration for four groups: ethnic Germans who had been expelled from Eastern and Central Europe, those Germans who had fled the country under threat of persecution during the Nazi period, Germans who remained in the Soviet-occupied zone of Germany and *Aussiedler* – ethnic Germans left behind after 1945 in Eastern and Central Europe who were persecuted for their Germanness.[80] Although somewhat vague, the statute laid out criteria for granting citizenship to *Aussiedler* to be administered by federal state bureaucracy. These criteria, which included proof of descent, language, culture and upbringing, was meant to demonstrate a continued attachment to the German people and homeland.[81] In addition to citizenship, the BVFG also enshrined equality with native Germans in social security as well as the legal rights bestowed upon *Aussiedler* for their integration into West German society. Such rights included language classes, cost of travel to Germany, recognition of foreign professional credentials and compensation for property left behind in addition to housing.[82] Aside from the logistical aspects of granting legal and integration rights, the BVFG also created the definition for what it meant to belong to the German people by way of the criteria it laid out for an individual to achieve that legal status through citizenship. These criteria were indicated as already present in successful applicants.

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[80] Groenendijk, "Regulating Ethnic Migration," 462.

[81] Senders, "Aussiedler Repatriation," 82.

[82] Groenedijk, "Regulating Ethnic Migration," 463.

The legal framework granting inclusion through citizenship also described the qualifications of those who were permitted such membership through an understanding of national identity. But indirectly, it also acknowledged that past German actions had caused persecution and through such laws it took responsibility for the conditions in which ethnic Germans now had to live and extended humanitarian assistance in the form of citizenship. Both show that West Germany was establishing a new phase in German history with a new national identity that saw the danger in ethnic discrimination.

Aussiedler Policy: the Early Years, 1945-1955

During the transitional period in Europe between the years 1945 and 1949, with the retributions carried out for Nazi policies and the impact of the expellee experience, it became clear that there was a need to protect those Germans who remained in Communist countries to the East. While provisions were made for those ethnic Germans "returning" to West Germany there were still approximately four million Germans in Eastern Europe and the USSR in the 1950s that faced hardships as a result of their German heritage.[83] During this period, the documents required to prove German lineage were not as rigorously scrutinized as they would become in later years by West German authorities. Language too was less of a prerequisite for claiming access to West German citizenship because it was acknowledged that many ethnic Germans were forbidden from speaking German in their country of origin, which indicated an aspect of their persecution.[84]

In consideration of the ramifications that Nazi policies later had on ethnic Germans as well as the perceived hardships of life under Communist rule, the provisions

[83] Dietz, "*Aussiedler* in Germany," 118.

[84] Klewkowski von Koppenfels, *Politically Minded*, 18.

and support provided in the BVFG were viewed as a necessary method of humanitarian aid to fellow Germans.[85] The experiences of the expellees and refugees before the arrival of *Aussiedler* and their political influence in the creation of this policy eased the acceptance of these resettlers by the native German population.[86] Native Germans saw the plight of expellees and refugees as similar to their own suffering as the war ended. The cultural markers that defined the expellees and refugees and separated them from the native population were less of an issue than the suffering they experienced as a result of external presumptions of Germanness by populations in Poland, Romania, Yugoslavia, Czechoslovakia and Soviet Russia.[87]

While differences remained between native Germans and resettlers, the assumption of discrimination based on Germanness in country of origin and the totalitarian nature of the Communist regimes also contributed to relatively smooth integration. The relatively low number of applicants to enter West Germany through the BVFG's provisions likely impacted this integration in that resources were not overwhelmed and they did not become a public burden. During this period, sending countries placed restrictions on emigration of all citizens, including ethnic Germans who were often only permitted to immigrate to West Germany for the purpose of family reunification.[88] Such restrictions kept the influx of ethnic Germans claiming equal citizenship rights and material compensation to approximately 20 000 – 25 000 per year

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[85] Rainer Münz, "Ethnic Germans in Central and Eastern Europe and Their Return to Germany," in *Diasporas and Ethnic Migrants: Germany, Israel, and Post-Soviet Successor States in Comparative Perspective*, ed. Rainer Ohlinger and Rainer Münz (London: Frank Cass, 2003), 244, accessed March 16, 2016. http://ezproxy.library.uvic.ca/login?url=http://www.myilibrary.com?id=4596

[86] Münz, "Ethnic Germans in Central and Eastern Europe*,"* 244.

[87] Moeller, "War Stories," 44.

[88] Dietz, "*Aussiedler* in Germany," 118.

in the first decade from 1945-1955, a minimal visible presence for the native population, particularly when the aspect of family reunification and absorption is considered.[89] That the admittance of *Aussiedler* to West Germany was dependent upon sending countries' stipulation for family reunification, there was less of a responsibility for the government to ensure the integration of newcomers. Family reunifications created a network that assisted *Aussiedler* in finding accommodation and employment, as well as to adhere to the social norms of their new homeland.[90] *Aussiedler* policy had less to do with citizenship than national identity; its creators were not so much concerned with granting rights to *Aussiedler* as Germans as providing them with protection caused by Nazi policies, establishing West Germany as a country aware of its past human rights transgressions and established in contrast to them.

Implications of the Initial Period of *Aussiedler* Policy

As Germany was occupied and struggled not only to rebuild, but also to move forward in circumstances dramatically different from those prior to the war, the new constitution was drafted. In the historical context as a whole, *Aussiedler* policy and German citizenship more broadly can be seen a national tool of inclusion. By reaching back to the 1913 Nationality Law, West Germany attempted to both assert itself as the rightful heir of the German Empire over East Germany as well as create legitimacy for those who identified as German and were discriminated against because of it to access membership. As has been discussed previously, the Nazi citizenship policy was exclusively based on exclusionary criteria to develop an elite concept of those who belonged to the German nation while, in contrast, the Basic Law opened up the definition

[89] Groendijk, "Regulating Ethnic Immigration," 463.

[90] Dietz, "Ethnic German Immigration From Eastern Europe," 8.

of those who belonged to the German nation to grant protection to those who faced persecution as a result of Nazi policies. This is not to say that discrimination on ethnic grounds did not exist within Germany, and citizenship policies still by and large excluded non-ethnic Germans, but the Basic Law represented a break from explicitly racist Nazi laws. It was not yet conceivable that there would be an influx of foreigners who intended to stay on in Germany indefinitely, as will be discussed in the following chapter. As this thesis establishes, the Basic Law wasn't necessarily a redefinition of German ethnicity, but more an establishment of West Germany as a democratic society opposed to ethnic persecution.

Thus, based on the hope for German unification during the period of division, as well as the territory lost to both, the principle of *jus soli* would be difficult to define as West Germany saw itself as the continuation of the German Empire, but still had to account for an eventual reunion with East Germany. Further, at the time the Basic Law was drafted it was conceivable that it could have faced revision shortly thereafter as the division was viewed as temporary with reunification taking place in the near future. Another factor that should be considered is the support for population transfers at the end of the war. If the Allies had supported this principle as a means of avoiding nationalistic or ethnic conflict in the future, then why wouldn't Germany base citizenship on the principle of descent? This was in line with the redrawing of borders and restructuring of nations during that period. The ethnic cleansing of Germans from Eastern Europe had a direct impact on national identity in Germany through the concepts of Germanness present among the non-German populations of those countries. Those ethnic Germans who were persecuted still required integration assistance upon arrival, which indicates

that various concepts of Germanness existed and were now included in an overall German identity. As new citizenship criteria helped to define German national identity beyond ethnicity, it now had to factor in components of Germanness that were not considered as such by the native population, but that had been determined by outsiders as grounds for discrimination for ethnic German minorities.

In consideration of the historical context of its creation, the BVFG and rights granted to *Aussiedler* demonstrate a desire for regeneration of German identity in a positive light following the Nazi catastrophe and the consequent way Germans were viewed in the international community. This view also influenced the lack of consideration for granting similar rights to other foreigners, not because the drafters of such legislation viewed membership in the German nation through a lens of race, but because of the general feeling of victimization at the end of the war and the suspicion with which the international community treated Germans. Discrimination on the basis of German ethnicity had promoted solidarity with the native population of Germany, which was reinforced in the years following Germany's surrender by a collective feeling of victimhood based on being German. The safety and inclusion of those Germans who remained in the East were of concern in how Germany was to reconstruct itself following the period of Nazi rule.

During the period examined in this chapter, the creation of a special category of citizenship for ethnic Germans was influenced by very specific circumstances. While scholars such as Nora Räthzel have argued that this policy, and German citizenship in general, was motivated by a racist understanding of German nationhood, it is clear that it

was actually motivated by the geopolitical changes taking place between the end of the war and the 1950s.

Beyond 1955

Following the establishment of *Aussiedler* policy, West Germany received an estimated yearly average of 37 000 applicants.[91] The relatively low number of applicants who arrived in West Germany in the first decade after the establishment of the policy can be attributed to the restrictive emigration policies of sending countries. However, over time sending countries were given financial incentives for granting emigration to ethnic Germans. Poland received loans in exchange, while Romania received a fixed amount per each person it permitted to leave.[92]

While integration policies assisted with the success of *Aussiedler* as a migrant group within West Germany, they were further assisted by the previous arrival of expellees and their establishment of migrant networks. That *Aussiedler* were successfully integrated is demonstrated through the arrangements provided by law that would assist them in adapting to their new homes through language training, degree recognition, housing assistance and financial aid in contrast to the relative lack of provisions granted to other groups of foreigners, such as temporary foreign workers.[93] As well, by the time that noticeable progress was made in relieving shortages in food and shelter in 1955, many of those ethnic Germans who had arrived in West Germany and continued to feel as though they were not able to successfully integrate as Germans had emigrated to other

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[91] Munz, "Ethos or Demos?" in *Challenging Ethnic Citizenship*, 29.

[92] Groendijk, "Regulating Ethnic Immigration," 465.

[93] Dietz, "*Aussiedler* in Germany," 121.

countries such as Canada and the United States.[94] The stipulation by sending countries that emigration be based upon family reunification bolstered migrant networks for *Aussiedler*, influencing settlement patterns more than government policies, an important consideration in the later context of increased *Aussiedler* arrival. Despite the presumption of Germanness of each *Aussiedler,* many relied upon such networks to make a home for themselves within a community made up of those from the same region from which they left, adhering to the particular culture that had developed there over time. Homeland Associations (*Landsmannschaften*) were created in association to particular regions from which ethnic Germans came to lobby politically, but also to maintain cultural traditions.[95] These distinct cultural traditions relating to the specific regions that expellees, refugees and *Aussiedler* had come to West Germany from were celebrated annually with public displays of music, costume and cuisine and were frequently visited by politicians seeking to gain votes from these groups by taking into account their specific concerns.[96]

That family and friends functioned as a community also provided a form of integration beyond the provisions granted by the government in the legislation. The arrival of the expellees and refugees at the end of the war prior to the BVFG created a network that gave arriving *Aussiedler* the ability to adapt to their new country while maintaining ties to their place of origin. Although *Aussiedler* appear to have achieved success within Germany as an immigrant group by standard measures, some frictions

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[94] Lieb, *Moving West*, 109.

[95] Wolff, "Politics of Homeland," 108.

[96] Moeller, *War Stories*, 36-37.

remained with the native population and many carried on to traditional countries of immigration, such as Canada and the United States.

During this period, West Germany defined itself as a functioning democracy, determined to overcome the difficult Nazi period and take part in the international community. This desire largely shaped German identity during this period and continued to do so alongside the growing economic boom. The alignment with the anti-Communist West and the establishment of a constitutional democracy were paramount to creating the future of German identity throughout this period.[97] The ideological benefits behind West Germany's *Aussiedler* policy are evident through the asylum policy of West Germany, which granted such status to those fleeing Communist countries.[98] This unique niche of citizenship was not created with the intention of promoting an ethnically homogenous nation, but out of a sense of responsibility for the mistreatment ethnic Germans faced following the inhumane occupation of the Nazi regime, as has been demonstrated here. Excluding other groups of migrants from citizenship was never the intention of this category; instead it was a tool that created the legal basis for the acceptance of those who were treated unjustly owing to perceptions of their Germanness. The loss of territory, both to Poland in post-war settlements and the physical division of Germany, contributed to feelings of victimhood, which created a solidarity through suffering and assisted in acceptance of *Aussiedler* arriving as fellow Germans.

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[97] Hogwood, "Citizenship Controversies in Germany," 128.

[98] Klewkowski von Koppenfels, *Politically Minded*, 17.

Chapter 3: Continuation and Change: *Aussiedler* Policy, 1989 – 2000

Introduction

Though there were changes to *Aussiedler* policy between the initial period of its creation and the end of the Cold War, they were quite minor in regards to political and practical impact. By the late 1980s, however, the loosening of power within the Communist Bloc created a situation of increased *Aussiedler* migration that required a more dramatic response from German authorities. The new ability to leave Eastern countries was met enthusiastically by ethnic Germans who had previously only been permitted to leave for purposes of family reunification. In 1988 the average annual number of *Aussiedler* leapt from 78 523 in 1987 to 202 673.[99] Throughout the period between the 1950s and the late 1980s, West Germany had maintained control over the inward flow of *Aussiedler* through the assurance that sending countries were not willing to allow would-be *Aussiedler* to leave of their own free will. Offering financial assistance to these countries in order to permit *Aussiedler* to leave was done at West Germany's discretion as well, dictating the timing and terms at which an increase of applicants would occur. However, the political transformations in Eastern and Central Europe in the late 1980s were beyond the control of West Germany. The movement of people into West Germany as a result prompted a response and with such a sudden strain on resources, the continuation of *Aussiedler* policy was questioned.

Between the fall of the Iron Curtain in 1989 and the significant reforms to the Nationality Law in 2000, Germany was faced with both internal and external factors that

[99] Amanda Klekowski von Koppenfels, "The Decline of Privilege: The Legal Background to the Migration of Ethnic Germans" in *Coming Home to Germany?: the Integration of Ethnic Germans From Central and Eastern Europe in the Federal Republic*, ed. David Rock and Stefan Wolff (New York: Berghahn Books, 2002), 107.

caused a rethinking of citizenship practices. The continued presence of foreigners presented a problem in terms of both their challenges in obtaining German citizenship in contrast to the privileged process in granting it to *Aussiedler*. As well, through the continued integration of the European Union, the return to a unified, democratic country drew comparisons to other Western democratic countries and it became obvious that neither West nor East Germany had modified citizenship legislation at the same pace as those other countries. Decreased German language skills and a general lack in cultural understanding of German society were further factors of change, as sending countries eased restrictions on emigration creating a rush of applicants who were not screened thoroughly for the criteria establishing them as "German." The influence of expellee organizations had largely dissipated, making their calls for continued assistance for ethnic Germans in the East less effective, particularly as the position of ethnic Germans was no longer considered to be threatened by persecution.

The factors evaluated in this thesis in the previous time frame of 1945-1955 determined the causes for the creation of *Aussiedler* policy in the BVFG, which had changed drastically. By 1989 the people who had advocated for this policy, such as expellees, had largely had their needs met while the political circumstances that made this policy necessary, namely the ethnic discrimination of Germans as a minority, had for the most part been reversed. Instead, during this period of upheaval a new political reality for Germany forced another evaluation of national identity and what it meant to be "German" towards the end of the twentieth century.

Changing Politics, Changing Attitudes

There were several factors that contributed to the increased influx of ethnic Germans in the late 1980s. While the desire to relocate to West Germany and receive the benefits provided by the *Aussiedler* policy had been present previously, sending countries had maintained control over the conditions for granting emigration. As discussed in the previous chapter, this was often restricted to family reunification, but pressure from successive West German governments had eased this policy in several sending countries. However, in 1986 Soviet Russia relaxed its emigration legislation, which allowed greater numbers of *Aussiedler* than ever before to enter West Germany.[100] The democratization of former Soviet Bloc countries from 1989 created a better living situation within those countries for ethnic Germans, but this still did not impede their desire to immigrate to Germany as the country promised more economic opportunities alongside a predetermined mode of inclusion.[101]

With such changes causing the opening of former Communist countries, the necessity of the provisions granted in *Aussiedler* policy were called into question in Germany. The German population no longer appeared to give much concern for the plight of ethnic Germans as they no longer arrived in the country in the same visibly persecuted and destitute state that expellees had in the initial period. As well, the fall of Communism created new opportunities for those who had once been so strictly confined in Eastern Europe and the Soviet Union.[102] And, as the fall of Communism removed the ideological binary that saw the use of *Aussiedler* policy as a tool to demonstrate the superiority of the capitalist system, its use as a political mechanism was also called into

[100] Groendijk, "Regulating Ethnic Immigration," 465.

[101] Wolff, "Politics of Homeland," 112.

[102] Dietz, "*Aussiedler* in Germany," 119.

question.[103] Yet, there were conservative elements within the federal government that were adamant that ethnic Germans still be given the opportunity to obtain citizenship, particularly as the easing of restrictions in sending countries had only recently granted them the possibility.[104]

The use of public funds to build subsidized housing for the increasing number of *Aussiedler* sparked a debate between the opposition Social Democratic Party (SPD) and governing Christian Democratic Union (CDU)/Free Democratic Party (FDP) coalition concerning the continuation of such measures supporting incoming ethnic Germans.[105] With the continued flow of *Aussiedler* in addition to other economic migrants and asylum seekers entering West Germany, Chancellor Helmut Kohl introduced a measure to relieve pressure on various *Länder* in which *Aussiedler* were required to reside in a prescribed location with public services available to them for the first two years of their residence. This particular measure also prevented those arriving in Germany from remaining economically isolated by only associating with other *Aussiedler* and not integrating into the wider German society. By 1989, with numbers still rising, financial incentives were reduced but this did not diminish the increasing numbers.[106] With the fall of the Berlin Wall in 1989 and German reunification in 1990, East Germany was politically absorbed into West and the extraordinary process of decommunization of the former East and management of economic, migratory and cultural challenges associated with it began. It was at this point, in 1990, that the comparison of special privileges granted to *Aussiedler* were compared with the disadvantageous situation facing other migrant groups, including

[103] Hogwood, "Citizenship Controversies in Germany," 133.

[104] Klewkowski von Koppenfels, *Politically Minded*, 19.

[105] Groendijk, "Regulating Ethnic Immigration," 465.

[106] Groendijk, "Regulating Ethnic Immigration," 465.

the spouses and families of migrant workers, was made at the political level by SPD opposition leader Oskar Lafontaine.[107] This comparison has remained at the centre of criticism towards *Aussiedler* policy in general and has contributed to the argument that German citizenship is granted upon specific ethnic qualifications intended to maintain the ethnic character of Germany and a national identity based upon the idea of a community of descent.

Adding to the debate over the necessity of maintaining these policies at such a high cost to the German public was how adaptable many of those large numbers entering Germany were, as many lacked a working knowledge of the language and had only a faint concept of German culture. As previously discussed, ethnic Germans do not make up a homogenous group. Their identification with their German background varies, having an effect on their integration once in Germany. For example, *Aussiedler* from Poland and Romania, from where they arrived in the greatest numbers before 1989, often maintained their use of the German language, making their ability to function in Germany easier. *Aussiedler* from the former Soviet Union, by contrast, were forbidden from speaking German in public and were discriminated against based upon their heritage, so their ties to German heritage were more closely associated with lineage. Moreover, communities of ethnic Germans in the Soviet Union had been spread out quite broadly as well, while those in Poland and Romania were closer together.[108] These factors impacted the adaptability of *Aussiedler* from the former Soviet Union because they had fewer family connections to already established *Aussiedler* communities in Germany and were disconnected from the resources provided by such networks and their lack of language

[107] Groendijk, "Regulating Ethnic Immigration," 465.

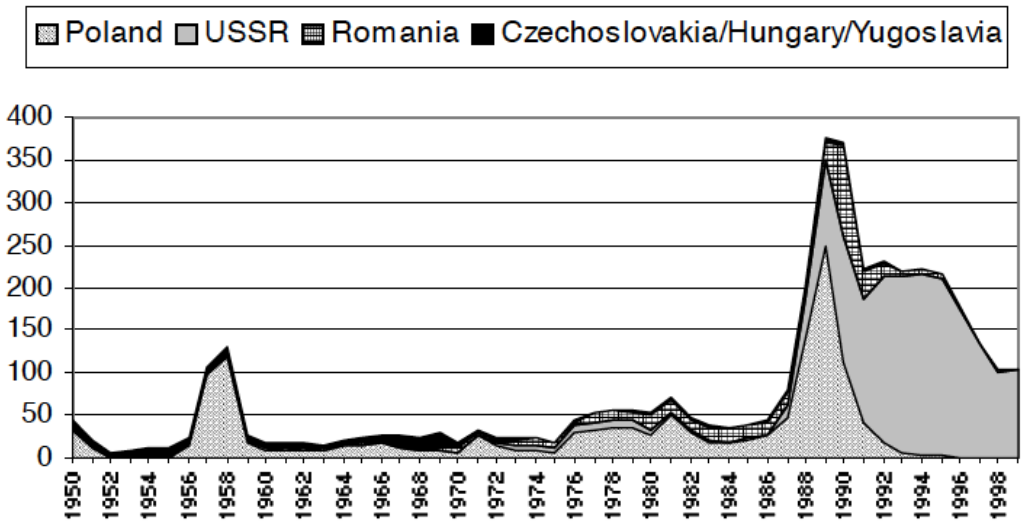
[108] Dietz, "*Aussiedler* in Germany," 123.

skills had an impact on the function of daily lives. With the easing of the requirement of family reunification from sending countries, it was possible that applicants arrived in Germany without any personal ties to the country beyond descent and lacked the buffer of an established network to assist with integration. In addition to the weak language skills of *Aussiedler* themselves, the increase in mixed marriages, particularly from the Soviet Union, meant an increase in spouses and children also lacking language and cultural ties.[109] Public perception in Germany also viewed the post-Cold War *Aussiedler* as Russians, and they were often excluded from German society as 'Russian.' By 1990, the focus had shifted to reunification which entailed, although not officially, the assimilation of former East Germans into the newly reunited Federal Republic of Germany. Such difficulty in integration at a time when concern for the safety of ethnic Germans in the East was receding placed the necessity of *Aussiedler* policy in direct contrast to the rights granted to foreigners in the country, which were not nearly as generous as those granted to *Aussiedler* at a tumultuous time when there already concerns about immigration issues.

Perhaps the most important factor in the changing character of arriving *Aussiedler* in the public's acceptance of the continuation of their privileged status has been their integration into the economy, specifically the labour market. As established above, the decreasing quality of language skills among newly arriving *Aussiedler* contributed to lower rates of employment as they were less able to function in the labour force. The situation was also exacerbated by the decrease in funding associated with *Aussiedler* from

[109] Dietz, "Ethnic German Immigration," 8-9.

the government for language training and marketable skills retraining.[110] As a result of the combination of declining German language ability and separate cultural markers and the impact this has had upon their absorption into the labour market have caused suspicion among the native population. The press has often portrayed them as a burden on state resources and a security threat, which has had an impact on public perception of the usefulness of such a policy, whereas in the earlier period, it was part of reestablishing German identity.[111]



Source: Info-Dienst Deutsche Aussiedler.

Figure 1 – Immigration of Ethnic Germans to Germany by Country of Origin, 1950-99 [112]

From the 1950s until the early 1970s, West Germany had brought a number of foreigners into the country, at first from Southern European countries and then predominantly from Turkey, under the 'guest worker' program to alleviate the labour shortage as the economy picked up. As the name suggests, these workers were not meant

[110] Dietz, "*Aussiedler* in Germany," 128.

[111] Senders, "Aussiedler Patriation," 74.

[112] Rainier Ohlinger and Rainier Munz, "Minorities into Migrants: Making and Un-Making Central and Eastern Europe's Ethnic German Diasporas," *Diaspora: A Journal of Transnational Studies* 11, 1 (2002), 51, accessed November 26, 2014. http://muse.jhu.edu.ezproxy.library.uvic.ca/article/388977

to remain in West Germany on a permanent basis, yet three million remained at the end of the program and were granted the right to bring their families to reside with them as well. During their initial stay, they were often housed away from the German population, a trend that continued following the end of the program and contributed to their continued status as foreigners, despite the next generation being born and raised in Germany.[113] This exclusion contributed to an understanding of German citizenship as maintaining the ethnic character of Germany based upon race. A further contributing factor to the reconsideration of *Aussiedler* policy was the number of foreigners that had entered the country under Germany's generous asylum provisions until the end of the Cold War. The asylum provisions were another contributing factor to West Germany's alignment against Communism and maintained that no one should be persecuted for their political beliefs, allowing a steady stream of people to enter Germany from Communist countries as asylum seekers.[114] The number of foreigners already in Germany and the challenge of integrating East and West Germany had a direct affect on *Aussiedler* policy in that both groups added to the challenge of dealing with increasing numbers of foreigners during a period of political transition in Germany. The role of ethnic Germans already settled in Germany had lost its importance in advocating for the continued acceptance of *Aussiedler* as Germans perceived other challenges facing the country as more important.

Expellee Organizations and Their Role During This Period

Due to the impact that expellees originally had on the creation of *Aussiedler* policy, their role in its continuation deserves some explanation even as late as the period

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[113] Howard, "Causes and Consequences," 44.

[114] Heinz Fassman and Rainer Munz, "European East-West Migration, 1945-1992," *International Migration Review* 28, 3 (Autumn, 1994): 527.

between 1989-2000. After the initial creation of *Aussiedler* policy, expellee organizations remained active in asserting their rights within West Germany, but also advocating for those ethnic Germans who remained beyond the Eastern borders. Continuing this advocacy, by 1957 they had formed one group, the Union of Expellees, and also lobbied politically on behalf of settled expellees and their interests. Their approval of the West German government establishing diplomatic ties with the governments of these countries was a matter of assuring the protection of ethnic Germans and was humanitarian in nature, rather than political as many settled expellees and *Aussiedler* still contested the loss of homeland as a result of redrawn borders.[115] Their earlier concern with returning to post-war German borders and therefore returning to their homeland, particularly Silesia in Poland and the Sudetenland in Czechoslovakia, appeared to be less and less of a possibility as time went on. However, through Chancellor Kohl's public acknowledgement that the recognition of the Oder-Neisse line as the Eastern border of Germany was necessary for the reunification of West and East Germany it became clear that the return to these homelands was no longer a possibility.[116] Although they had received assistance in integration through the Ministry of Expellees, Refugees and the War-Damaged, they were also permitted to maintain their own specific cultural traditions, even holding public national days with demonstrations of song and costume, supported by the government.[117] The abolishment of the Ministry of Expellees, Refugees and the War-Damaged at the end of the 1960s signalled a shift in the

[115] Wolff, "Politics of Homeland," 110.

[116] Wolff, "Politics of Homeland," 118.

[117] Moeller, *War Stories*, 35.

decreasing political importance of expellees and refugees.[118] By the late 1980s, the organization was devoted to cultural initiatives, as their political power as pressure groups decreased, largely because the issues that the early expellee organizations lobbied for had been addressed. Homeland Associations were successful in the 1980s in securing government funds to assist with their cultural preservation and many still maintain contact with the particular region that they represent. Thus, the Union of Expellees turned its attention to assuring the rights of ethnic Germans who remained in the East through network initiatives that assisted with integration upon their arrival in Germany, as well as establishing contacts with those who remained in the East. This was also in line with new restrictions that the government put forward regarding *Aussiedler* at that time as outlined in the following section.[119] However, the push to compensate expellees for lost property at the expense of the Czech and Polish governments in the 1990s somewhat alienated the expellee organizations politically as well as with German minorities in both countries.[120] While many expellees saw *Aussiedler* as a continuation of their own expulsion, that perspective had faded from the political agenda.

German Citizenship in Transition

To better understand the changes that were made during this period to *Aussiedler* policy, German citizenship in a broader sense must also be considered in order to examine how both shaped understanding of national identity. During the 1990s, conversations regarding the liberalization of citizenship in Germany heightened as the number of foreigners in the country increased. Guest workers who had come to West

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[118] Wittlinger, "Taboo or Tradition?" 71.

[119] Wolff, "Politics of Homeland," 111.

[120] Wolff, "Politics of Homeland," 120.

Germany during the economic miracle had remained there, often joined by family members. East Germany had a similar guest worker program, recruiting from Communist countries, such as Vietnam which further contributed the foreign population in the reunified Germany.[121] War and genocide in the Balkans caused large numbers of asylum seekers to enter Germany, who were protected by the provisions laid out in the Basic Law, where they remained.[122] These groups of people who, particularly in the case of guest workers, considered Germany to be their permanent home were still considered foreigners by the state and a majority of the native population. Although naturalization was possible, the process was considered to be an assimilation, not only into German society but into German culture, a process that was also lengthy and expensive. Naturalization was also governed by *Länder*, and thus outside of the framework of citizenship established in the Basic Law.[123] The usefulness of the applicant to Germany was also considered in this process. It was expected that the applicants would give up the cultural ties they maintained with their homeland, a direct contrast to expectations of *Aussiedler* for whom the government had made a distinct effort to allow public displays celebrating their distinct traditions.[124]

Despite the repeated statement that Germany was not a country of immigration through 2000, it had accumulated a large population of foreigners between 1955 and 1989. The challenge to continuity of German identity represented within the argument

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[121] Howard, "Causes and Consequences," 44.

[122] Howard, "Causes and Consequences," 45.

[123] Hansen and Koehler, "Issue Definition, Political Discourse and the Politics of Nationality Reform," 635.

[124] Holgar Hoffmann, "The Reform of the Law on Citizenship in Germany: Political Aims, Legal Concepts and Provisional Results," *European Journal of Migration and Law* 6, (2004), 196, accessed May 25, 2015. http://ezproxy.library.uvic.ca/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=a9h&AN=15969835&site=ehost-live&scope=site

that Germany was not a country of immigration despite the increase in number of foreigners with that intention, demonstrate the process of adapting to a changed reality. The uncertainty of the Cold War had reduced the need to define German identity to what had existed before the Nazi period. Voices from the now established Turkish community within Germany challenged this idea and elevated the conversation to a national level, allowing a re-evaluation of the role of immigration and citizenship within German national identity. *Aussiedler*, in the late 1980s, were caught in an anti-foreigner rhetoric that increased as the number of foreigners swelled. The discretionary measures by authorities granting naturalization not only monitored the applicants' background, but also their desirability as a member of German society based upon their economic, cultural and political compatibility with Germany. This included giving up any other citizenship.[125] A Federal Constitutional Court ruling in 1989 illustrates the complicated situation of permanent residents of Germany at this time. While it declared that voting by foreigners in local elections would be unconstitutional, it also advised that the Nationality Law governing citizenship should be changed to ease the process of obtaining citizenship for long term residents.[126]

By 1990 changes were made to the *Aliens Act* for those considered 'migrant workers' in order to make it easier to obtain German citizenship, such as an easing of demands for language proficiency. The children and grandchildren of this particular group who had been born in Germany but still did not possess citizenship now faced a less challenging process for naturalization, provided that the terms were met between the

[125] Hoffmann, "The Reform of the Law on Citizenship," 196.

[126] Howard, "Causes and Consequences," 45-46.

sixteenth and twenty-third birthdays.[127] However, by 1999 the debate for citizenship reform had made headway. The 1913 legislation was amended in the Law Reforming the Right of Citizenship, which granted citizenship in specific cases to those born in Germany to foreign parents. As Patricia Hogwood points out, this amendment came later than and does not go as far as similar citizenship reforms in other European countries.[128] But the challenges of a country divided and the delicate political situation in Europe had put West Germany in the position of choosing the areas of law and policy to devote attention to for several decades as it experienced the unique circumstance of a divided country at the centre of a global ideological divide and Cold War. Citizenship and immigration had taken a back seat to more pressing issues. Upon reunification there was not an instantaneous moment in which all of Germany suddenly met the same level of policy change as other European countries. In addition to figuring out the economic and legal factors of reunification, Germany had faced external pressures, such as the European Union, as to how to configure itself in that relationship given these new challenges and population. Reunification, a large population of foreigners without citizenship and the pressure of comparisons with groups of foreigners obtaining citizenship in other European countries was another point of reconsideration for German national identity.

The evolution of the European Economic Community into the European Union had an effect on how Germany dealt with citizenship and foreigners during this period. Although the EU does not legislate in domestic policy areas of member states and functions based on very specific, agreed upon areas of pooled sovereignty, it does exert

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[127] Hoffmann, "The Reform of the Law on Citizenship," 197.

[128] Hogwood, "Citizenship Controversies in Germany," 127.

influence as a liberal body of institutions. Under such influence, other member states such as Belgium and Portugal began to liberalize their citizenship to make it easier to obtain. And in 1992 with the Maastricht Treaty the EU established its own citizenship, granted to all citizens of member states, and also recognized refugees. Further rights through this citizenship were introduced in 1997 and included the right to free movement within the EU, to receive diplomatic and consular service in their own language and non-discrimination based on nationality. So, while member states still decided the criteria for domestic citizenship, the EU introduced another, liberal, layer of citizenship. This is an important point in its relationship to citizenship policy in Germany, for it grants certain rights to EU citizens who may once have been foreigners themselves in the EU country from which they originate, to access these rights in Germany. In contrast, the German population of foreigners was unable to access rights because they were restricted from accessing this layer of citizenship based upon their lack of German citizenship. The principles contained within the rights of this EU citizenship and the impact on member states are indicative of the social direction of the EU, although it could not legislate such changes in member states. This external factor created another pressure upon the regulations of German citizenship, and challenged national identity from the perspective of European Union membership.

The next phase of citizenship transition occurred when the new coalition government in 1998 of the Social Democratic Party (SPD) and the Greens not only brought about citizenship reform, but also brought the debate surrounding it from the elite political level to the public discourse of the broader population. The proposed changes included *jus soli* citizenship to children born in Germany to foreign parents, reforms to

the naturalization process to make citizenship easier to obtain by long-term foreigners and allowing dual citizenship to foreigners. Upon this announcement, the opposition Christian Democratic Union (CDU) and Christian Social Union (CSU) decried the easing of citizenship, stoking anti-immigration fears amongst the general populace, which had remained conveniently quiet while citizenship debates festered at the political level, by claiming that allowing foreigners to have dual citizenship would mean that their loyalties would be divided and might not necessarily remain with Germany.[129] These fears were made very public when the CDU proposed a petition campaign against dual citizenship during regional elections in Hessen. To curb the threat of obvious xenophobia, the CDU/CSU adopted the position of favouring integration of foreigners wholly into German society.[130] This position was in line with the general idea of naturalization that had always existed in Germany, indicating a desire to maintain the status quo in terms of who could choose to be and was accepted as German. The petition went on to gain five million signatures and the issue contributed to the success of the CDU in the election and the loss of the SPD majority, eliminating its ability to pass this legislation.[131] The originally proposed reforms were thus dashed and a compromise was reached in 2000.

The Nationality Act, which came into force in 2000, provided German citizenship provisions to those born in Germany to foreign parents in addition to the citizenship of their parents, provided that one had resided within Germany for more than 8 years and with the assumption that between the ages of 18 and 23 they would decide between the two citizenships. Naturalization was also revised in that legal residence within Germany

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[129] Howard, "Causes and Consequences," 46.

[130] Hansen and Koehler, "Issue Definition," 639.

[131] Howard, "Causes and Consequences," 51-52.

must be at least eight years and meet qualifications of both the Aliens Act as well as the Nationality Act, such as gainful employment, a working knowledge of the German language and a clear criminal record. In some cases concerning asylum the residence requirement was shortened to six years.[132] The rejection of the previously proposed, more far-reaching reforms through the civic demonstration of petition signatures demonstrates the widely held national identity of the German population that Germany was a 'community of descent' and not open to all who wished to gain membership. While the Nationality Act was reformed, barriers still remained to long term residents, in particular those who for various reasons including familial and economic obligations did not wish to relinquish citizenship of the other country and those who faced the bureaucratic struggle to be released from the citizenship of their country of origin that was not always successful.

Changes in *Aussiedler* Policy After 1990

The rapid increase in arrivals in Germany due to the changing political situation in Eastern and Central Europe after 1990 forced a response from the German government to varying degrees. In an effort to dissuade applications, Germany advocated for the minority rights of ethnic Germans in their country of residence, including providing funding for housing projects and cultural maintenance, yet numbers continued to increase.[133] In 1990, in response to the increasing number of *Aussiedler* in conjunction with the end of Communism in Eastern and Central Europe, formal changes were made to the BVFG. That year the *Aussiedleraufnahmegesetz* (*Aussiedler* Acceptance Act, or AAG) brought substantial adjustments to the process of obtaining *Aussiedler* status as

[132] Hoffmann, "Reform of the Law of Citizenship," 199-201.

[133] Wolff, "Politics of Homeland," 113-4.

well as a reduction in the controversial pension benefits. Also included was a 50 page questionnaire regarding the applicant's heritage in German, which served the dual purpose of establishing language skills and a preliminary check on the applicant's ethnic German qualities. Additionally, it meant less work for German authorities because now those applicants who were turned away would not remain in Germany as foreigners with questionable status. Decisions for granting *Aussiedler* status were made in Germany and applicants were required to remain in their country of origin while they awaited the outcome, as it was no longer assumed that all ethnic Germans faced persecution.[134] At the same time, Germans who came to Germany under tourist visas were no longer permitted to apply for *Aussiedler* status there.[135] Upon arrival in Germany, applicants were then tested verbally on their language abilities, and if it appeared that they had not been entirely forthright on the questionnaire regarding their level of comprehension they could be returned to their country of origin. Following the introduction of the AAG, the number of applicants dropped from almost 400 000 in 1990 to 222 000 in 1991.[136] Such new procedures reduced the number of applicants as well as the rapid influx of people applying for *Aussiedler* status and remaining within Germany when they did receive this designation. The changes permitted Germany to retain the policy for the purpose of its original humanitarian intent while refusing those applicants who truly did not meet the criteria, thus causing a financial strain on the state.

In 1992 an agreement between all of the major political parties known as the Asylum Compromise was reached regarding immigration in Germany, which contained a

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[134] Groendijk, "Regulating Ethnic Immigration," 466.

[135] Klekowski von Koppenfels, *Politically Minded*, 22.

[136] Klekowski von Koppenfels, *Politically Minded*, 21.

specific section dealing with *Aussiedler*. This agreement was negotiated by the SPD and CDU/CSU out of the public eye, demonstrating that the decision-making process surrounding citizenship legislation was decided by political elites before the signature campaign of 1998.[137] The changes introduced a quota system, limiting the number of *Aussiedler* per year to the average of the two years following the new application procedures.[138]

In 1993 further restrictions were placed on how many and who could claim *Aussiedler* status. The introduction of the *Kriegsfolgenbereinigungsgesetz* (Act Dealing with the Consequences of the War, or KfbG) of 1993 ushered in sweeping changes and revised the BVFG.[139] This also marked the changing designation from *Aussiedler* to *Spätaussiedler* or "late resettler." From this point on, only those ethnic Germans from the Soviet Union could apply, while those applying from other countries carried the burden of proving that they were discriminated against as a result of their German ethnicity. Language tests with higher thresholds for passing were introduced in 1996 in an effort to assure integration was achieved with minimal difficulty and less cost to the system. But this measure also had the effect of reducing entrants, as many had lost their fluency in the language due to Soviet laws regarding the use of minority languages in public. By 2000, ethnic German immigration to the Federal Republic of Germany had dropped below 100 000.[140]

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[137] Hansen and Koehler, "Issue Definition," 637.

[138] Groendijk, "Regulating Ethnic Immigration," 467.

[139] Klekowski von Koppenfels, *Politically Minded*, 22.

[140] Wolff, "Politics of Homeland," 113.

Assessing Changes

In the initial post-war period, until approximately 1955, the ethnically-based *Aussiedler* policy served as a humanitarian tool, in line with the underlying approach that the Basic Law took. *Aussiedler* policy was created in an atmosphere of humanitarian solidarity for the hardships the previous Nazi regime had caused to ethnic Germans in areas where Nazi racial policies had resulted in vengeful attitudes towards them. Over time, it took on an ideological element between the capitalist and Communist systems during the Cold War, while still extending provisions as a method of humanitarian aid, now highlighting the superiority of the Western system over Communism. By the end of the Cold War humanitarian concerns for ethnic Germans in Eastern and Central Europe diminished along with the changing political situation in these regions. This was particularly true when the lack of German language skills and cultural observance of the newest *Aussiedler* entered Germany were viewed in contrast to the second and third generation of foreign workers, most prominently from Turkey, who had lived their whole lives in Germany, spoke the language and adhered to the customs but were denied citizenship on ethnic grounds.

Until the end of the Cold War, German national identity was framed in a Europe divided by two systems. In the early years after the war, West Germany was concerned with establishing itself as a functioning democracy in line with the West while at the same time asserting itself as the "true" Germany, continuing on from the democratic Weimar Republic, as opposed to East Germany which had established a Communist dictatorship. This focus was evident in the humanitarian aims of *Aussiedler* policy. The aspects of this policy that drew criticism for racial undertones in the period of 1989-2000 were not as present during 1945-1955 for this reason, but also as a result of the

transitional nature of the West German system and the assumption of reunification with East Germany. This is demonstrated through the temporary nature of both the Basic Law and the foreign workers program. However, at the end of the Cold War and upon reunification, the ideological divide disappeared along with the division between East and West. Because Germany had been in this holding pattern of division, the integration and acknowledgement of foreigners had not been a priority, with either the German public or government, a position that was also accepted by the international community. The changes made during the latter period are indicative of another period of challenges to German national identity due to changing geopolitical circumstances. The conditions in which *Aussiedler* policy had been created no longer existed, yet it still represented a particular view of who belonged in the German nation. Criticism of this policy as it related to the citizenship prospects of the foreign population within Germany and in comparison to citizenship in other Western European countries forced a confrontation with a changed reality in Germany. By reassessing the basis of ethnicity to define who belonged in Germany, citizenship could be used to expand national identity to include foreigners as members.

Conclusion

The two periods in consideration in this thesis reflect two points of upheaval and transition in German history. By examining *Aussiedler* policy in these periods in the context of framing national identity, it becomes clear that using this particular classification of citizen as a mode for inclusion has helped shape German national identity in response to change. During the earlier period of 1945-1955 the creation of the category of *Aussiedler* came out of recognition of the terrible treatment of ethnic Germans as a result of the racist and brutal occupation policies of Nazi Germany and the resulting mistreatment by native population of ethnic Germans who remained in Eastern European countries. Such treatment forced Germans to accept how they were viewed internationally after the Second World War. The perception of Germanness by the non-German populations of former countries of Nazi occupation also contributed to the framing of the inclusive measures that were established beginning in 1949. These measures actively called on the native German population to accept newcomers as fellow Germans and offered support through financial assistance, language classes and acknowledgement of other cultural traditions. The characteristics that were grounds for discrimination in the East were responded to with this policy. Similar external factors influenced the changes made to the BVFG in the later period, as Communist dictatorships fell and discrimination against ethnic Germans eased, the disparity between rights and benefits granted to *Aussiedler* as a privileged migrant group versus other, non-ethnic German groups caused another reassessment of national identity through citizenship. These factors included the changes that had been made to citizenship in other European countries as well as EU citizenship itself. The accusation was that *Aussiedler* now

represented German citizenship as favouring exclusive membership based upon German ethnicity as evidenced through the challenging procedure for all others to obtain it. The shift in this view was largely due to the original criteria in the BVFG, as many ethnic Germans from the East no longer held such characteristics, while second and third generation foreigners fit the description, having learned the language, culture and obtained education through the German school system. Crucially, however, they lacked the one measure they could not control: descent. This led to a precarious position for German national identity, as it appeared that in order to be considered part of the German nation one had to have a particular ethnic background, which harkened back to the 1935 Nazi Nuremberg Laws, creating reasonable grounds to consider its revision in order to assert Germany as a progressive country through a renewal of national identity.

The difference in extent of political debate regarding *Aussiedler* in each period is also telling in the shaping and understanding of national identity. Little political debate existed in regards to the establishment of the BVFG, as the inclusion of ethnic Germans facing discrimination based on their perceived ethnicity was seen as a humanitarian response. The BVFG was also seen as sharing the burden for Nazi aggression and solidarity in the perception of a victimhood, personified through the expellees and refugees who advocated for extending such rights to *Aussiedler*. In the early years of the division of Germany, the future of the country seemed uncertain and a considerable influx of migrants was not foreseeable, particularly prior to the economic boom. By contrast, debate in the later period drew *Aussiedler* into the broader context of controversy surrounding German citizenship provisions, a debate that reflected changing geopolitical realities and a divided national identity. After the end of the Cold War and

reunification, Germany was no longer in a special position as a country physically divided by ideology. The economic pressures and challenge of integration of the excessive number of *Aussiedler* now free to leave their country of origin were exacerbated by their obvious cultural differences. That they were still granted privileged citizenship seemed out of step with other European countries, which was a complication in Germany's efforts to normalize itself as a united, modern European country. The push to change the BVFG and integration measures was closely associated with the easing of restrictions on non-ethnic German migrants in obtaining citizenship. Such changes reflect a recognition of the foreign population by German citizens and the unfavourable light the exclusion of certain foreigners from citizenship placed German national identity in, as a method of maintaining an ethnically homogenous population that verged on racist.

Scholars such as Rogers Brubaker have argued that German national identity revolves around a community of descent and always has. However, this argument neglects the consideration that there are other factors at play in determining how citizenship reflects this national identity. Although the citizenship reforms proposed in 1998 may not have resulted in the broad changes that were originally suggested, reforms were made to allow a broader portion of the foreign population to achieve it. It is difficult to say whether the general public would have protested so openly against the original proposed changes in the debate of 1998 had they not been actively engaged by opposition parties at a point in time where the balance of political power was in jeopardy. However, it can be speculated that the late start to citizenship reform compared to other Western European countries resulted in this opposition as a form of growing pains, as the

first opportunity Germans had had to come to terms with the idea as a reality. Equally, the external pressure for liberal citizenship reform and the increasing social integration of the European Union very likely had an impact on bringing such changes to the political agenda of the CDU and SPD, which ultimately did result in some changes occurring, despite the continued criticism of ongoing restrictive citizenship policy based on descent. It must also be pointed out that during this period of reunification reintegration of former East Germans into the social and economic norms of the reunited Germany under the former West German system was also taking place but without an official policy in place like that of *Aussiedler*. That the foreign population has always had access to the welfare system is a sign that they are not necessarily discriminated against in terms of inclusion in society, but that West Germany was not yet prepared to engage in a discussion of who belonged to the German nation while those in East Germany were, from the perspective of the West, involuntarily excluded from membership. Upon reunification the permanence of the foreign population was one of many issues that Germany had to acknowledge.

Looking Forward

Germany's difficulty in balancing the traditional national identity of a *Kulturnation* with changing geopolitical circumstances is once again in question. As an unprecedented number of refugees have entered the country over the last few years beginning in 2011 with unrest in the Middle East and North Africa, the flow of migrants reaching record numbers in 2015, the perception of strains on resources and security have challenged Germany's post-war stance on refugee acceptance. The ongoing violence in the Middle East does not have a resolvable end in sight, raising the question of how

Germany will attend to the refugees who may never have a home to return to and how this permanent group of foreigners will once again initiate discussion of national identity in another period of major change. How these refugees are included in German society over the long term will force another examination of German national identity. It may be time for a serious evaluation of the success of integration of *Aussiedler* and how the principles of that policy may assist in a smoother absorption of newcomers.

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