

German Immigration Policy as Political Communication

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Abstract

By comparing Habermasian and Foucaultian discourse studies, the thesis proposes a framework for studying policy-making with an emphasis on the communicative process. The framework composes two parts. First, it displays the derivation of policy proposals. The policy proposals reflect social needs, which derive from existential threats to different social identities, and these identities stem from the complex of social discursive formations. Secondly, two modes of political communicative interaction are introduced, including “reason-oriented arguing” and “power-oriented bargaining.” Researchers distinguish between reason-giving and power-manipulating manoeuvres by recognising whether the proposals share the same discursive formation as the reference pool. With a framework as such, German immigration policy is comprehensively studied both in terms of the origins of the policy proposals and of the actual communicative interaction.

Keywords: communication, arguing, bargaining, discursive formations

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German Immigration Policy as Points of Scholarly Interests

Foreign citizens with permanent residency in Germany compose 8.1% of the total German population. By the end of year 2006, 6.71 million residents with foreign citizenships inhabit in the country of 82.5 million. Among them, three-fifth of the foreign residents has been settled in Germany for more than a decade, while 1.35 million people stayed in Germany for over three decades. These demographical figures, compared with those in major counterparts in the Continent, distinguish Federal Republic of Germany as one with the largest proportion of population as foreign residents² (Geddes, 2003: 12-13).

It is worth noting that, although the demographical figures suggest that Germany is a country with a large foreign population, the doctrine German politicians hold in regard of immigration policies/politics³ remained unaltered till the 1990's: *Deutschland ist (Wir sind) kein Einwanderungsland*.⁴ The policy guideline of such has dominated, or even further hindered, the political discussion on immigration policy. It was cautiously articulated that foreign citizens (most coming to Germany as foreign labours) are *Gastarbeiter* and guests stay guests. As the number of "residing guests" increased since 1973, the contrast has aroused many scholarly interests in various academic fields: Are our guests staying permanently? Is Germany becoming a country of

² Foreign citizens compose 3.8% of the British, 5.6% of French, and 2.2% of Italian population.

³ While it is clearly understood the difference between "policy" and "politics" in the English language, there is only one German word for them: "*Politik*," which can be referred as the policy *per se*, or the politics involved.

⁴ Germany is (We are) not a country of immigrants.

immigrants?

The boom in the number of foreign residents after West-East German reunification in 1991 must have awakened the politicians. That we are not a country of immigrants was much debated in the mid-90's, and even became one of the hot topics in campaigns of 1998 parliamentary election. Whether it was termed as *Zuwanderungspolitik* or *Ausländerpolitik*,⁵ all major political parties issued policy papers in the policy area. Yet, notable differences still existed among candidates and political parties (Klopp, 2002: 48-49).

Social democrats and the Green formed the “Red-Green Coalition” after winning the 1998 national election. One of the prioritised policy proposals on the agenda was the reform of Citizenship Law, which would allow automatic citizenship for German-born children to foreign nationals, providing the parents have legally resided in Germany for eight years. The opposition CDU and CSU initiated a petition against such a proposal, and further won the regional election in Hessen in 1999 by a campaign linking dual-citizenship with dual-loyalty. Such a development hesitated Schröder administration's agenda of putting the radical version of reform proposal through *Bundestag*.

The less controversial reform became effective in 2000, allowing a conditional dual-citizenship. The Coalition further established a commission (*Süßmuth-Kommission*) to “modernise the regulation regarding immigration and integration in Germany” (Zuwanderungskommission, 2001: 12-13). The policy proposal it presented to Inner Ministry clearly stated a few mechanisms to meet the goals of “*Zuwanderung Gestalten, Integration Fördern*.”⁶ Ever since the Inner Minister Schily submitted *Zuwanderungsgesetz* draft to *Bundestag*, it

⁵ *Zuwanderungspolitik* can be literally translated as immigration policy, and *Ausländerpolitik* as policy on foreigners. While *Ausländerpolitik* is a preferred term for centre-right conservatives, centre-left parties favour the terminology of *Zuwanderungspolitik*.

⁶ It can be literally translated into “Support Immigration, Pursue Integration.”

evoked disputes and debates between the ruling Coalition and the oppositions. The contention since 2001 accompanied scholarly attention. Research papers and academic works on German immigration policy reforms flourished in academic journals as well as publications of think-tanks.

By reviewing up to date studies on the topic, two *problématiques*, or questions, are the concerns of researchers: The question “whether Germany is a country of immigrants?” and the question “how Germany accommodates issues of the growing population of immigrants?” To discuss whether Germany is a country of immigrants, Riva Kastoryano (2002) compared immigrants’ communities in Germany with those in France and in the USA, and their strategies toward self-positing in Germany, where the notion of “non-immigrants” dominates. Rogers Brubaker (1990, 1992) also studied France and Germany, yet from the political elites’ viewpoints, and argued that the assimilative understanding of nationhood capacitates second generation of immigrants to become French citizens, while German understanding of nationhood was rooted in ethno-cultural homogeneity, leaving there little room for foreigners to be included. These findings were further adopted as legitimate basis for politicians of all interests to develop a more liberal or stricter regulation on foreigners acquiring citizenship/nationality.⁷ These studies serve for politicians’ benefits.

The second flock of students, mainly of public policy schools, produced numerous contributions in plumbing how Germany accommodates the issues of immigration. Geddes (2003) and Park (2003), among many others, ploughed through the reform drafts to learn how the draft proposals vary from the present

⁷ Along with Brubaker and Kastoryano, many other researchers also share their interests to enquire whether Germany is a country of immigrants. See also Bade (1992), Bade & Weiner (1997), Lummer (1999), Motte, *et al.* (1999), Meier-Braun (2002) and Hell (2005).

regulations. They investigated details of each specific regulation and calculated how these alternations will serve Germany's interests. Some researchers included other major European states in their comparative studies "to look into the predicaments each government is facing and to plot the tendency of future development" (Lee, 2004). In so doing, the attempt to unravel what and how Germany can tackle issues of immigration is conducted both intra-nationally and internationally.

Nevertheless, I believe that these two concerns reveal two critical restrictions on the depths and the scopes of the researches. First, to answer whether Germany is a country of immigrants does not promise an explanation to why the amendments to the Citizenship Law and the proposal of *Zuwanderungsgesetz* provoked much discussion and even quarrels among political elites. Normative deliberation is very often not accountable for what is happening underway. For example, Brubaker's contribution in 1992 cultivated the origins of the notion "non-immigrants" and provided a very insightful articulation of why the notion is legitimate. Yet what he missed from foreseeing is the more liberal attitude that emerged in mid 1990's.

The restriction of false presumptions is the second yet the most severe one that most literatures by and large bear. Most literatures involving policy comparisons and studying how these changes impact the issues of immigration in Germany share one false presumption: They hold "Germany" as a single, fixed, and *a priori* concept. Deduced from such a presumption is an unconscious premise that immigrants and problems immigration has caused are the only dependent variables in the function, whereas German community, German government, Germany and *Deutschtum*⁸ are the independent variables.

⁸ *Deutschtum* is a word for the common character of Germans, and hence literally translated as "Germaness" or a "collective German awareness."

Therefore, the amendments and draft *Zuwanderungsgesetz* are perceived as the adequate solution to current problems, because these changes are required to meet the challenges in Germany, caused by the fact that immigrants are not members of *Deutschtum*. Researchers believe that what will be influenced by the alternations is the Other, while the Self is regarded as an *a priori* and fixed end of the journey from the Other to the Self, if possible at all. Simply put, any change of policy must correlate with the core of *Deutschtum* so that the challenges can be solved. Whether their outputs are either in favour of a liberal or a conservative regulation, one presumption is shared: It is what these regulations' impacts on immigrants and problems therewith that is worth studying. With presumptions as such, researchers also tend to explain policy changes with politicians' own words; hence circular arguments are to be observed.

Policy-Making as a Phased Communicative Process

To avoid the two blaring flaws, the paper proposes a new framework for studying German *Zuwanderungs-* or *Ausländerpolitik*. While German immigration issues are the main concern of this study, it is anticipated that this new framework can also be applied generally in other issue areas. An initial emancipation from being shackled by the ravel of normative arguments is to focus on the process *per se*; that is, how the policy is made. To disentangle the policy-making process is to investigate how it actually is rather than how it ought to be. It is the dynamic process that should gain academic attentions. Focusing on the dynamic aspect of the policy-making also precludes researchers from merely introducing new policies or producing circular arguments.

I will firstly introduce the framework developed for policy-making studies, and elaborate each part separately in the following paragraphs. The new framework proposed for policy-making process advisedly incorporates the following aspects:

- a1.* Policy proposals reflect certain needs in the community. To meet the needs in the community, policy proposals are articulated and presented to the political agenda for further actions.
- a2.* These needs in the community stem from the threats to certain aspects of social identities. The more urgent the threats are, the stronger the needs are.
- a3.* Social identities are multiple and can be derived from social discursive formations. Since social discursive formation composes layered and multiple variations, social identities derived are various.
- b1.* Advocates of different proposals interact with each other communicatively. This is to say that all interactions between actual actors are conducted with language use. Members of Parliament “talk” with each other, rather than assuming to physical forces.
- b2.* Communicative interactions include two modes: reason-giving arguing or power-manipulating bargaining. Although they fall into two ends of a spectrum, cross-adoption is often to be observed. By distinguishing the reference of articulations, researchers can recognise which mode of communication is adopted.

These aspects are categorised into *A* and *B*, for *A* (*a1*, *a2*, *a3*) refers to social discourses that actors, capable of speech, carry in their minds, and *B* (*b1*, *b2*) refers to what actors actually conduct interactively. In part *A*, for each policy proposal there is a discourse such that the policy proposal belongs to the set where threat occurs to the discourse. In part *B*, actors capable of speech

speak out their policy proposals and interact communicatively with advocates of other proposals in ways of arguing and bargaining, which can be studied by researchers in seeing if the proposals and the respective discourses share, wholly or partially, one discursive formation.

It is very important to keep in mind that the complexness of a society is taken into account in the framework. Since previous literatures regard *the* policy as *the* reflection of *the* social need, researchers tend to simplify the argument by ignoring the proposals that do not emerge as policy outputs, hence a huge piece of puzzle missing. The part A (*a1*, *a2* and *a3*) is to break the single unit into various sub-units. Foucaultian discourse analysis is therefore applied to serve as the ontological basis for the part A of the framework.

Part A: What Is Proposed? How and Why?

Michel Foucault elaborated his thesis on discourse studies in *Archaeology of Knowledge* (1993) and developed the concept of discursive formations of certain social issues, such as gender or madness. His work was much inspired by the previous philosophical turn of Wittgenstein's "language game" in the early 20th Century, and adopted the belief that language use is the key for studying social phenomenon, for "language use is the way for men to construct the real world" (Foucault, 1993: 231). It is the meaning of the words that matters. Yet what Wittgenstein and Foucault referred of "meaning" deviates from the understanding, in which a word directly represents an essence of a pre-given meaning out there. Foucault believed that meanings of words are acquired when men interact with words in actual social settings. He further claimed that

there exists no meaning in a pristine language. When we enter the essence of language, we will not discover a common set of systems for

meaning, but multiple and differentiated systems of meanings. Different meanings of words are hence acquired from system to system, and from discourse to discourse (quoted in Larsen, 1997: 14).

The system named here refers to a discursive formation, sets of rules that govern the meanings of words publicly. Foucaultian discourse theory focuses on how statements are presented, and what impacts these statements have. Torfing (2005: 7) further argued that the core concern for discourse studies is to observe the rules of discursive formation, to investigate how the rules regulate what can be said, how, and by whom (or in whose name), as well as to review which strategies are applied. Foucault (1984) gave a definition for a discursive formation as:

a system of dispersion [whenever] between objects, types of statement, concepts, or thematic choices, which form a regularity (an order, correlations, positions and functioning, transformations). (p. 138)

The dynamic and complex set of discursive formation, from which words derive their meanings, was labelled “a tree of enunciative derivation” according to Foucault (1993: 271-76), and later inspired Larsen’s contribution of “discursive tree” in his book *Foreign Policy and Discourse Analysis* (Larsen, 1997: 17). Of this “tree,” the root is a governing statement. This governing statement capacitates other statements of the next level, which further capacitate other statements in yet another level, and so on so forth, hence branches and even leaves of the tree.

A discursive tree can therefore be drawn with a pivotal and governing statement with various derived statements in different levels. This concept not only reflects a multifaceted society, forfeiting marginalisation of the less-represented, but also allows possible better explanations for emerging changes in a society. The changes concerned include both changes *of* discourses

and changes *in* discourses. An overwhelming revolution of discourses is rare in human history, while most changes observed occur with the governing statement unchallenged; hence change *in* discourses, resulting in altered sub-statements and/or sub-discourses. Only when a replacement of governing statements takes place, will a set of discursive formation dissolve. While most mainstream literatures hold an “ideology” and a “belief” as a fixed value, discursive formations are flexible and dynamic.

Foucaultian discourse studies highlighted the role of discursive power. Laclau and Mouffe (1985) elaborated this highlight by arguing that no single discursive formation can dominate the discursive field, where multiple sets of discursive formations compete with each other for more discursive power. The discursive antagonism projects the modernity of society, as struggles between discourses merge in various issue areas. Struggles and competitions lead to gains and loss of power for different discursive formations as well as for discourses within one discursive formation. The discursive antagonism hence stays in the spotlight of part *B* of the framework, which will be investigated in the coming paragraphs.

Vegetation of a social discursive field with discursive trees can be correlated to the part *A*, especially the part *a3*, of the framework. Social discursive field is composed of layered and multiple discursive formations, within which sets and sets of statements as well as of discourses interact with each other. Social identities are regarded as derivation of social discursive formations.⁹ Hence, social identities are layered and multiple in accordance with social discursive trees.¹⁰ Identities, as concluded by Brubaker and Cooper

⁹ For example: Hall (1996a, 1996b) and Werbner (1996).

¹⁰ Vamik Volkan (1999) articulated the concept of “identity (sub-)tents” to better explain the post unification German identity. He argued that within a larger tent, there may be smaller sub-tents, and tents of lower levels. This concept, shared with Annette Simon (2002), is

(2000: 6-8), can either be primordial, principal and perennial selfhood, or refer to socially constructed, multifaceted, and dynamic outputs of social or political actions. Although this contrast provokes their sceptical attitudes towards seeing identity as a valid and credible variable, yet whether it is termed as identity or not, the social constructivist understanding of identity offers us a link to bridge the gap between *a2* and *a3*.

The part *a2* is deliberated on the inspiration of Copenhagen school of security studies. Barry Buzan, Ole Wæver and Jaap de Wilde (2003) proposed in co-authored *Security: a New Framework for Analysis* the concept of (de-)securitisation. Their premise for the new framework is to see contemporary security issues as dynamic phenomena, which requires researches be conducted with focuses on the practices and processes. In their finding, the concept of security is always affiliated to “threats” or even “existential threats,” which will accelerate securitisation. Security issues are constructed upon a focal point: threats. To meet the threats, action must be taken, policy be drawn, and threats be eliminated. Threats generate the needs for action.

Defined as such, Copenhagen school includes unconventional and long neglected topics into the realm of security studies. For example, environmental and ecological security studies deal with threats to sustainable development or climate changes (e.g. Akaha, 2002), whereas threats to development stimulates studies on human and development security (e.g. Goh, 2004).¹¹ It is also argued that

“social security” refers to the collective security of the huge and

layered and complex, which can be correlated with the concept of discursive trees.

¹¹ Worth noting is, the shift of focus from previously narrowly defined security agenda to a broader complex of security studies demonstrates changes of meanings of words. Equipped with this understanding, researchers can adopt the concept of Wittgensteinian language games to study how the words attain new meanings in practice.

self-sustained “identity.” The collectiveness is in a changing condition both spatially and temporally ... therefore, the concept can also be understood as “identity security” (Buzan, *et al.*, 2003: 160).

This notion is very important because it capacitates *a2* the linking character in *A*. Not only are identities, as reflected in social discursive formations, multiple and layered, but the identities also serve as objects of security initiatives. This is to say, needs for action to meet the threats do not necessarily correspond to actual threats. More radically argued, calls for action to be taken at one point generate initiatives to meet the threats, and at the other point construct the idea of threats themselves. These public issues enter in the political agenda in forms of threats. Migration issues are at the outset perceived as threats to identities to enter the political agenda (see also Wæver, *et al.*, 1993). Threats are not substantial. They are articulated (counter-)statements or (counter-)discourses in discursive formations.

This understanding combined with previously introduced Foucaultian discursive formations grants us a clearer view of the genesis of policy proposals. In a schematised perspective, policy proposals are drafted to reflect the social needs; the needs are results of social identities being threatened; the identities correlate with Larsen’s discursive trees. Yet we cannot shun the possibility of direction backwards, as enlightened by language games, for all actions concerned in the framework are discursively constructive. This understanding also yields more academic attentions to various proposals corresponding to embranchments of social identities, evading the epistemological flaw of not seeing the wood for the trees.

Part B: How the Proposals Communicatively Interact?

Policy proposals have been drawn to meet the needs. Now what? As

articulated in the previous passages, discursive antagonism is adopted to describe the struggles between different discourses for discursive power, governing the said and unsaid. It is also mentioned that political actions are conducted in a discursive way. Politicians talk to, rather than physically coerce others for their supports. Politics are conducted with language use. As a matter of fact, we can come to a preliminary conclusion that all political actions involve people discursively persuading others in favour of certain opinions. The more discursively powerful a discourse is, the more likely the counterpart is persuaded. Part *B* of the framework for policy-making studies focuses on the persuasion process, or communicative interaction.

In part *b1*, supporters of certain policy proposals, representing certain needs, must provide rationale for their proposals. They articulate discursively by elaborating arguments with elements, such as statements or discourses of different levels, derived from the discursive formation they represent. If the arguments can be verified as self-sustained, the proposals are justified for further discussion. If a proposal does not bear self-sustained rationale, which means the proposal can not be rationalised for lacking valid and credible arguments within any set of discursive formations, the proposal is a pseudo proposal. Simply put, only the proposals that can be sustained by arguments derived rationally and logically from a discursive formation will be presented as contestants for discursive antagonism, or units of communicative interactions.

Whereas Foucaultian studies highlight the role of discursive power and discursive antagonism, Jürgen Habermas' various works concern moral and ethic aspects of discourse studies (Habermas, 1995, 1997a). This concern is further developed in his "communicative action theory" which encompasses the pursuit for rationality. Noteworthy, the term "rationality" is not so much about

self interestedness but Kantian *Vernunft*. He argued that

rationality is a communicative logic formed in an action context where language is inter-subjective. Besides, to engage a dialogue and to communicatively act denotes the rationality of openness and supra-subjectivity. “Rationality” means being able to be debated (quoted in Zeng, 1998: 157; quotation mark is his).

In order to achieve an ideal community of communication, where *Vernunft* is the ultimate guideline for actions, one important precondition for Habermasian argumentative rationality must be satisfied: a *gemeinsame Lebenswelt*.¹² A common lifeworld

consists of a shared culture, a common system of norms and rules perceived as legitimate, and the social identity of actors being capable of communicating and acting (Habermas, 1981, vol. 2: 209).

With other preconditions¹³ fulfilled, argumentative rationality capacitates actors to convince each other to reach a reasoned consensus. They stay open for better arguments from others as well. It is better arguments that matter in an ideal speech situation. A convincing argument in the Habermasian sense is based on validity claims: causality, morality and credibility (Habermas, 1981, vol. 1: 397-452). The three types of validity claims must be challenged in an argument. The concept of self-sustained proposals in *bl* reflects the process of validity claims.¹⁴

Habermas’ thesis presupposes that there is only one common lifeworld

¹² It can be literally translated as a “common lifeworld.”

¹³ Other preconditions include empathy and recognition of equal access. Thomas Risse examined these preconditions thoroughly in “*Let’s Argue!*”: *Communicative Action in World Politics* (2000: 10-11).

¹⁴ For more detailed discussion on validity claims, please see also Saretzki (1996), Lose (1998) and Risse (2000, 2003).

providing “arguing actors with a repertoire of collective understandings to which they can refer when making truth claims” (Risse, 2000: 10-11). The premise fundamentally deviates from that of Foucaultian discourse studies. Yet in practice, very often persuasion is conducted through modes other than a reason-giving argumentation. One possible cause is that actors do not share the same common lifeworld, nevertheless live in the same common life world. To skirt this causal flaw, it is therefore suggested to rephrase *a common lifeworld* into *common lifeworlds*, for each Habermasian common lifeworld corresponds to a set of Foucaultian discursive formation. In so doing, we accommodate Habermas’ argumentative rationality in discursive/identity trees of part A.

Reason-giving arguing is one mode of communicative interaction political elites and supporters of certain proposals take in a persuasive process. In order to convince others that one argument is better than the other, people draw validity claims from the discursive formations from which the proposals are rooted. People also impeach other arguments of validity flaws to claim that these arguments are not valid causally, morally or credibly. A better proposal can replace ill-reasoned ones, but it can also be adjusted and amended if a better argument is articulated. In this sense, all rationally valid proposals in *bl* engage in such action by strengthening and challenging validity claims of each proposal to replace others and to reshape themselves. A scenario is hence expected: There are only the finest articulated proposals of discursive formations represented in the political agenda. They are all well self-sustained and there is little room left to rationally argue that one is better than another. Argumentative rationality of each discursive formation clashed.

To bridge the gap, Saretzki (1996), among others, proposed a counterpart of reasoning-oriented mode of communication: power/interests-oriented

bargaining.¹⁵ Bargaining is a term for the communication mode involving material power- or interest-manipulation. This completes the framework for policy-making communicative process, because it covers the rhetoric strategies adopted when proposals are of different discursive formations, yielding no room for reaching a consensus through argumentative rationality. What distinguishes the two modes is whether the definition of values and interests are altered: Arguing rationality enables value change if there is a better argument, whereas material bargaining does not involve any change in preference and interest (Risse, 2003: 7).

Hence, part *b2* consists of two modes of communication: reason-giving arguing and power-manipulating bargaining. In order to reach a policy output, different proposals communicatively interact with each other in these modes. They persuade their counterparts that one proposal is better than another because the arguments that support the proposal are causally, morally, and credibly surpass the other. Within the same discursive formation, usually one proposal with the finest articulated arguments represent the “consensus” of all other sub-proposals. When all proposals bear no flaws in causality, morality and credibility, and when actors do not share a common understanding, it becomes difficult for one to be convinced through reason-giving arguing why one should give up his proposal. If a consensus is not possible, coercive manoeuvres are considered as justified. These coercive manoeuvres can be done discursively or materially. Foucaultian discursive antagonism suggests if a discursive formation vanishes, the meaning system vanishes. Words attaching to a dead governing statement are meaningless. The notion of “political correctness” can serve as a good example on this point.

On the other hand, material coercive manoeuvres are very often observed

¹⁵ For example: Elster (2000), Risse (2000), Payne (2001), Müller (2004) and Kotzian (2007).

in political practice. Politicians bargain with other politicians by exchanging interests. The more resourceful and more credible an actor is, the more bargaining power he has. Hence, a political party may exchange its position on a proposal for what it holds more beneficial for itself. Rather than consensus, which involves change of belief systems, the outputs of power-manipulated bargaining are often compromised decisions. It is worth noting that although bargaining and arguing are of two ends in a spectrum of communicative interaction, very often politicians adopt both arguing and bargaining at the same time to defend their stands and to challenge others. Regardless of reaching a consensus or a compromise, what matters is to have the proposal put through. Researchers can recognise how the proposals interact by studying their origins in discursive formations and the discursive strategies.

German Immigration Policy-Making Process

Part A: Discursive trees of German immigration policy proposals

I adopt the *AB* framework to investigate discursively what is said on the point of German immigration issues, how and why, as well as to explain how and why German immigration policy evolves into what it is today. To study the genesis of proposals, we need to vegetate the discursive field of German immigration issues. For that purpose, two governing statements are inspired by Giesen's works on German nationalism (1993, 1999): Nation is culture and state is power.¹⁶ These two governing statements become pivotal points when I

¹⁶ Larsen (1997) also elaborated his studies on foreign policies of Germany on the two governing statements. However, the discursive trees he drew were derived from foreign

plough through various literatures in fields of political science, social studies, history, linguistics, literature studies, and German studies¹⁷ in search for articulations of two discursive formations.

The search is fruitful and the attempts to draw two discursive trees of both state/power and nation/culture yield comprehensive discussions. The notion of “nation/culture” is understood as a legacy of Romanticism since the *Sturm und Drang* movement.¹⁸ Supporting the notion, the ideal *Deutschtum* exists in the collective memory and the shared culture, which are inherited through the closest blood ties. Because the ideal is carried in blood of the people, or the sanguinity, the ideal *Deutschtum* is not constrained temporally or spatially. This ideal does not correlate with any present situation, which is contingent and ephemeral. *Deutschtum* exists in every one bearing German ancestry. It exists in the people with the same blood, same collective memory and culture. It exists in the German nation. This discursive governing statement remains after two world wars and the Cold War, providing references for other enunciative embranchments. These include: *Deutschtum* by sanguinity and collective history.

Based upon the discourse “*Deutschtum* by sanguinity” is a sub-discourse for “Germany is not a country of immigrants” and a sub-discourse for “‘the German nation’ is beyond temporal and spatial limitation.” Brubaker (1992)

policies in German history, providing him better arguments for his topic. The discursive trees articulated here are mine, and for immigration policy discussion.

¹⁷ For example: Treitschke (1918), Meinecke (1962), Herder (1964), Maier (1988), Habermas (1991, 1997a, 1997b), Giesen (1993), Adelson (1997), Katzenstein (1997), Larsen (1997), Nipperdey (1998), Salmi (1999) and Ette (2003).

¹⁸ *Sturm und Drang* movement (although it is literally translated as “Storm and Stress,” yet “passion and energy” is believed to be more felicitous) refers to the epoch of German literature between 1767 and 1785. This period is also labeled as *Geniezeit* or *zeitgenössische Genieperiode* (the era of “universal,” “original” or “powerful” genius). On this point, see Watanabe-O’Kelly (1997).

adopted this set of discourses to explain the reform of citizenship in Wilhelmine Germany and argued that the reform was an attempt to nationalise the citizenship by binding concepts of *Volksgenossen* and *Staatsbürger* together.¹⁹ This idea was also reflected in post-War West German *Grundgesetz*, which automatically granted citizenships to persons with German ancestry.²⁰ In unified Germany, *Deutschtum* by sanguinity is evidenced by one simple comparison: people of German ancestry living in Russia for five generations can be granted German citizenships by application, whereas people of the third generation of Turkish *Gastarbeiter* living permanently in Germany remain foreigners. While accepting German descendents, or *Aussiedler*, as full citizens, Germany has been reluctant to enfranchise population of non-German ethnicity. The statistical data revealed a huge amount of German descendents migrating to Germany since the 1950's. Hence, to put it more precisely, the notion should be rephrased as "Germany is not a country of *non-German* immigrants."²¹

The second discourse concerns the collective memory, an important component of German national awareness. As argued previously, *Deutschtum* exists in people's minds. They share the same history, which makes them different from others. Based upon this argument, Giesen (1993) proposed a concept of "the Holocaust nation" to describe the post-Nazi German national

¹⁹ *Volksgenossen* and *Staatsbürger* are respectively translated as national comrades and state citizens. This linkage was further strengthened and exaggerated in Hitler's Nuremberg Law 1935, which notoriously disfranchised Jews, racially as well as culturally (religiously) defined. This was believed by historians the first step of Hitler's final solution.

²⁰ 13 millions of people moved to Germany under this clause initially after the WWII. The boom also appeared after the unification with German descendents coming from former Soviet countries.

²¹ The rigid attitude of German political elites towards "nation" can also be understood as a strategic principle in an era of West-East split. Arguing Germans are beyond temporal and spatial limitations implies that the German nation, in spite of having two states, still consisted of all German people. I believe that this point is worth further academic attention.

consciousness. The Holocaust and the Nazi legacy became the nodal point for self-identification. Through mass media, public education and ceremonial speeches dedicated to victims of Nazi Germany, new generations of Germans have been receiving the messages that “what *WE* did was sinful and inhumane” and that “Nazi Germany was a breach in *OUR* civilisation.” This introspection is an attribute of “we-ness” that connects contemporary Germans and their forefathers in Nazi Germany. Guilt and very often shame become the stigma of German history. Those who share this stigma are real Germans. Non-German immigrants are not Germans.²²

Apart from “nation/culture,” the set of discursive formation based on the governing statement of “state concerns power” also provides reference of meanings for actors to articulate the discourses. “State/power” can be concluded after reviewing the genesis of German ideas of *Staat*. Historian Treitschke (1918) argued that “power must be projected through states” in his studies on *großdeutsche Lösung* and *kleindeutsche Lösung*.²³ Some scholars see German unification in 1871 as a symbol of nationalisation of a state, yet I hold a different perspective. Bismarck’s calculation of power prevailed in his plan for the German Empire. Nation, in his understanding, is not motives of pre-political movements of history, but an instrument for sovereigns to pursue power. A German national movement served nothing but interests of the Prussian Crown. Bismarck believed that to attain the most power, the German

²² It can also be argued that people of immigrant backgrounds do not identify with the shame as the ethnic Germans do. Providing *Deutschtum* consists of this stigma, people that bear no mental burden from German history are not members of *Deutschtum*.

²³ Respectively translated as “greater-German solution” and “lesser-German solution,” they were two ideas in the 19th Century concerning the German State. The lesser-German solution postulated the idea of a unified Germany led by Prussia, excluding Austro-Hungarian Empire, because it would hinder the concentration of power to a homogeneous ethno-nation. On this point, see Nipperdey (1998).

Empire must mobilise its people in a top-down approach.²⁴

State as power projection is not only foreign policy oriented. State, as the authority of power distribution, is also regarded as *Schutzverband*, an association of protection, which offers and protects the rights of individuals. Hence, the Article 1 of *Grundgesetz* stated that human dignity is inviolable and that to respect and protect it shall be the duty of all state authority.²⁵ The discourse of human dignity also capacitated Federal Constitutional Court ruling that *Gastarbeiter* are entitled to the rights of family reunion (Guiraudon, 1998: 280). Some politicians also felt the moral obligation for protection of foreigners' rights in Germany (Joppke, 1999: 64).

Another important discourse derived from "state/power" is economic development. The devastating outcomes of pursuing military power in German history resulted in idea changing. Power is projected through states, yet it is economic power that the states project.²⁶ German economic "miracle" in post-war era fulfilled Germans' needs for the positive sides of *Deutschtum*. Not only did *Wirtschaftswunder* become the pivotal point for German identity building, but political elites also attached a lot importance to economic developments. Economic policies were often highly prioritised over other issue areas. This explains the policy of importing foreign labour forces into Germany

²⁴ Bismarck was never alone at this point. Wilhelm II and Hitler both adopted this approach in order to pursue more power, which led the German state and the German nation into two world wars.

²⁵ It further stated that the German people therefore acknowledge inviolable and inalienable human rights as the basis of every community, of peace and of justice in the world. Richard von Weizsäcker, then president of the Federal Republic, made clear in one speech in 1993, that to respect and protect human dignity of not just Germans but *all* men is the duty of all state authority. See also Soysal (1998).

²⁶ It is worth noting that the idea of economic power was not new. From the 12th Century's *Hanseverbund* to *Deutscher Zollverein* in 1834, economic/commercial power had long been considered as important.

to fill the gap of labour-shortage.

Two further discourses can be deduced from the governing statement. These are Habermasian constitutional patriotism and European citizenship. In *Verfassungspatriotismus*, Habermas articulated an ideology of state membership. He believes that the membership to a state should not be defined on the basis of ethno-cultural nation. It breaks the link between nation and state. While nations and memberships to nations can be understood in the sense of culture, states and memberships to the states are produced simultaneously. Citizens and states are two sides of the same coin. A state is established through the constitution; loyalty to the constitution capacitates a civil community that highlights democracy and rule of law. Simply put, citizenships rely on a shared sense of values of the constitution, rather than ethno-cultural consciousness. The civil definition of membership to a state disregards the divergences of cultures, bloods, ethnic backgrounds, religions. In a public sphere constructed upon a democratic liberal constitution, the commitment to the constitution is the only criterion for the membership to the political community. Federal Republic, argued Habermas (2002: 85), is shifting to a multi-cultural community since immigrants with different cultures and religions came to Germany. A *Verfassungspatriotismus*-based democratic political community can accommodate multi-cultural Germany.

Equally important is the German political elites' full support for European integration in the last decades (Schild, 2003: 34-35). This tendency, I argue, also derives its meanings from the governing statement of state/power. The transition of power from sovereign Germany to supranational European Union does not contradict the German idea of state, for state authority is never considered as solely *Deutsche*. The underlying logic of *Schultzverband* provides room for political likelihood of a superior association of protection replacing a

lower one to provide protection of rights of the membership. This understanding is evident when Germany decided to join the monetary union of Euro even in spite of much Euro-scepticism and strong identification with Deutschmark among the German public.²⁷ The ruling of Federal Constitutional Court also affirmed that the transition of sovereign power to a supranational institution does not contradict the principles of *Grundgesetz*. This, in turn, allows further discourses on European citizenship and rights of free movement.

On the whole, the discursive field for German immigration issues consists of two governing statements, which then generate various discussions surrounding the core ideas. Within a discursive formation (of the same governing statement), discourses can be slightly different, but by and large all derived from the same basis.

In part *a2*, I examine the origins of the needs. Threats are perceived as justification of social needs. However, it is worth noting that not only “accepting immigrants” can pose threats, but “not accepting immigrants” is also seen as critical threats to the German self-awareness. Immigration as threat is easy to understand, as public discourse can cheaply manipulate the cultural and ethnic difference to form the Self/Other antagonism.²⁸ Yet, as deliberated above, German identities are multifaceted, and not accepting immigrants does too pose threats to some of the discourses in discursive formations of both state and

²⁷ As stated in *Wirtschaftswunder*, Deutschmark, introduced in 1948, became affiliated to German economic miracle and were seen as the symbol of German economic stability and prosperity. Meimeth and Schild (2002) accounted for the results of public polls revealing the German public’s reluctant attitude to the Euro-introduction.

²⁸ In March 2006, one school in Neukölln, Berlin was forced to shut down because the violence in the school had concerned security of teaching faculty. The headlines of newspapers the next day contributed to the discourse of “clash of civilisations.” See Randow (2006) and *Der Tagesspiegel* as well as *Berliner Morgenpost* (both on 30 March, 2006).

nation. For example, rejecting immigrants' rights of family reunion contradicts fundamentally *Grundgesetz*'s human dignity principle. Labour-force shortage is seen as a threat to economic development, hence leaving room for recruiting highly qualified professionals from abroad. Noteworthy is that foreign labours are also considered as threats to employment of local labours. These threats generate needs for policies.

The framework *A* concerns the genesis of policy proposals. From the discursive formations of nation/culture and state/power, policy proposals, reflecting attempts to meet the social needs, are derived. The first criterion is the self-evaluation for consistency, which sifts pseudo proposals from the real ones. It is then that the proposals are ready for discursive antagonism, as featured in part *B* of the framework.

Part *B*: *Zuwanderungsgesetz*-debates as Discursive Antagonism

The paper examines empirically the evolution of German immigration policy debates since Inner Minister Schily submitted the draft *Zuwanderungsgesetz*, based on recommendation of the *Süßmuth* Commission in July 2001. The passage of the law, and the debates thereof, can be divided into two stages: The first stage began with the submission of the draft in August 2001 and ended with *Bundesrat* rejecting the bill in July 2003. The second stage began initially after the rejection of the bill in 2003 and ended when both *Bundestag* and *Bundesrat* ratified the *Zuwanderungsgesetz* in July 2004, which then came into effect on January 1, 2005.

The discursive interactions in the first stage were driven by antagonistic definition of "Germany" from the ruling Coalition and the oppositions. The *Süßmuth* Commission's final report took a position in favour of a modernised

system of recruiting qualified immigrants, such as point-systems as seen in Canadian and Australian models. This position, as explained and articulated in the report, is based on concerns of “labour shortage,” “demographical trends of decreasing birth-rate,” “ageing population,” as well as “loss of economic competitiveness” (c.f. Zuwanderungskommission, 2001: 12-13). In short, there would be threats to Germany’s economic development if these challenges were not met properly. It was also an attempt to respond the oppositions’ *Leitkultur* debates on “what is German community” and “is Germany a country of immigrants” by stressing that it is economic development that Germany’s value is built upon.²⁹

The oppositions, on the other hand, were not convinced to change the *Leitkultur* belief. As it was revealed that Muslim student in Hamburg, Mohammed Atta, was involved in the planning and operation of the 911 terrorist attacks, not only did CDU and CSU politicians praised the importance of *Leitkultur*, but they also articulated with “clash of civilisations” (Huntington 1993), as the pivotal point and criticised that the draft put the security of the German civilisation at stake. This argument, linking culture and security of the state together, was not neglected in Schily’s second draft in February 2002, with *Sicherheitspakt I* and *II* to include counter terrorism mechanism.

Through this move, the persuasion took place. The notion of “clash of civilisations” bridged the two camps on different levels. Schily, among others, draw reference from the discursive formation of state/power to argue that the economic development requires Germany to open its labour market to foreign

²⁹ On *Leitkultur* debates, Pautz (2005) schematised the evolution of the meanings of the term *Leitkultur* (guiding culture) from 1998 to 2000. He differentiated three different meanings in the usage of the CDU and CSU politicians as “German guiding culture,” “guiding culture in Germany,” and “Europeanised guiding culture.” For more discussions on the topic, see Assmann (1993), Tibi (1998), Joffe (2000) and Leicht (2000).

qualified immigrants. The *Leitkultur*-oriented critics did not seem convincing to him, because how he understood Germany was not related to culture. However, as the Atta-case was revealed, to understand the notion of clash of civilisation, and its possible consequences on security of state, Schily can also draw reference from the state/power discursive formation. Clash of civilisation derived meanings in both sets of discursive formations of nation/culture and state/power, and became a consensus among two camps.³⁰

However, the consensus did not last long. The oppositions boycotted the whole draft by arguing that instead of restricting and managing immigration in Germany, the draft opened up its community to more immigrants. The Coalition nevertheless forced to pass the bill with majority in *Bundestag* on March 1, and controversially past the bill in *Bundesrat* on March 22, 2002.³¹ It was a game of power. On July 16, the oppositions filed constitutional dispute to Federal Constitutional Court in Karlsruhe, which then on December 18, 2002 declared that the procedure in *Bundesrat* unconstitutional. Schily submitted the draft without any change to *Bundestag* in 2003, since the passage was unconstitutional procedurally, rather than substantially.

Again, the draft provoked debates among political rivals. Sollors (2005) gave an account of discussions in one parliamentary session in March 2003. Although the arguments included “unemployment,” “demographical prediction,” “integration” and “international marriages,” the point of conflicts still lay in the core questions “does Germany need immigrants?” “can Germany

³⁰ It is worth noting that although the clash of civilisations was considered a consensus among two camps, the different terms they adopted still signified the divergence. The Coalition was in favour of the term “anti-terrorism,” rather than the oppositions’ “clash of civilisations.”

³¹ The resolution in *Bundesrat* is controversial because the chair Klaus Wowereit (SPD) ruled that the Brandenburg’s four votes as a whole for the bill, even though Manfred Stöple (Governor of State Brandenburg, SPD) and Jörg Schönbohm (Inner-secretary of Brandenburg, CDU) answered differently in the voice vote.

accept immigrants?” and “is Germany after all a country of immigrants?” The Coalition articulated the nation/culture discourses to convince the oppositions by setting a clear cut between nation and state: Even if German nation is not multi-cultural, Federal Republic of Germany, as a state, can be, and has long been, a country of immigrants. The oppositions, however, were not quite convinced by this argument. They articulated further on the core of nation/culture that compared to traditional models of immigrants-countries, such as the USA, Canada and Australia, the proportion of foreign population in Germany had reached a limit. Foreigners posed threats to demographical and even democratic stability. This argument irritated some MPs with immigrant backgrounds. Winkler (Green, with Indian background) and Akgün (SPD, with Turkish background) accused the oppositions of xenophobia and said that “the argument of excessive immigrants was exactly the product of their (the oppositions) not seeing immigrants as part of them” (Sollors, 2005: 3).

The dead-lock looked even graver as we can observe that two camps did not exchange arguments on the same discursive bases. The Coalition articulated its position in the discursive formation of state/power, whereas the opposition in nation/culture. Although Winkler and Akgün challenged the opposition’s core, the arguments were dismissed by the strong believers of *Leitkultur*. The opposition, this time, with clear majority ruled out the bill in *Bundesrat* on July 20, 2003. It was yet again a game of power with switched winners and losers. It is worth noting that not only did reason-giving arguing failed to produce consensuses, but also the power-manipulating bargaining played no significant role in this stage. Except the accusations on the governing statement of nation/culture that can be seen as Foucaultian discursive power struggles, the interests-exchanging bargaining did not promote any compromise between two camps. Hence, lacking the slightest consensuses can hinder any further

constructive discussion, and power assumes its role.

The second stage of *Zuwanderungsgesetz* debates began with the *Vermittlungsausschuss* being formed.³² Representatives from the government and the ruling Coalition as well as those from the opposition parties CDU and CSU joined the commission to find a solution to the deadlock. One important phenomenon distinguished the second stage from the previous political debates. The opposition representatives articulated more upon the discursive formation of state/power than they previously did on nation/culture. One possible explanation was that the discourse of nation/culture was at the time very often linked to right extremist ideology. Although the link might be unclear, the Green party leader Bütikofer exaggerated discursively that *Leitkultur* adherents will jeopardise the Germany's positive Self.³³ The set of discourses based on nation/culture gradually lost its discursive power of interpretation, which forced the oppositions to switch their strategies in the discursive antagonism of policy-proposals.

Representatives of the oppositions adopt the reference pool of discourses with the pivotal governing statement of state/power. Deriving from the discursive formation, the oppositions argued that national (in the sense of state) and societal security should be two most important concerns when *Zuwanderungsgesetz* was drafted. Their proposals included items such as

³² Intermediation Committee is a committee automatically formed according to the Basic Law (§77-2) after *Bundesrat* rejected the bill previously passed by *Bundestag*, in order to solve the conflicts of interests of *Bund* (the federal) and of *Länder* (the federal states).

³³ The media coverage on some incidents involving racism, racial discrimination and xenophobia also promoted the image of "the return of Nazi." For example, the murder of the German citizen Alberto Adriano, of Mozambique origin, by three neo-Nazi gangs in Dessau gained public attention. Various demonstrations against *Fremdhass* took place all over the country, while Schröder, then Chancellor, made a speech on Adriano's funeral, clearly seeing neo-Nazi as a threat to German society. On this point, see *BBC News* (2000).

pre-screening, integration requirements, deposition and detention of terrorist suspects, and database establishment. In the name of security, the oppositions introduced a proposal with stricter regulations on entry and settlement of foreigners. For example, the pre-screening could prevent foreigners with criminal background from entering Germany, and the collection of the applications for visas could serve as a database for further control of the foreigners in the country. Further more, German state authority should also enforce detention and deposition of people involved in human smuggling or “Islam fundamentalism.” Applications for permanent residence or naturalisation must be reviewed by *Bundesamt für Verfassungsschutz* (the German counterpart of American FBI). Applicants are required to participate in courses of integration, covering German history, language, culture and legal system.

The Coalition kept its discursive sources unchanged. The economic development served for SPD’s arguments, while the human dignity (human rights) for those of the Green. Hence, backed by supports from industry sectors and other researches, SPD argued that the human resources in Germany and Europe could not satiate the demands of German industry of high technology³⁴ (Hofmann, 2006). Germany should welcome and invite those highly qualified professionals from abroad to boost German economic. The Green had a strong commitment to human right issues and demanded that the asylum rights should be granted to people suffering from persecution of all kinds, including, to name a few, political persecution and gender discrimination. The Green, along with SPD, also opted for less complicated regulations regarding foreign residents’

³⁴ The industry sectors especially welcomed Schröder’s policy of Green Card Programme in 2000, which allowed employers to hire the highly qualified from countries like India, China or Easter European states (which at the time were not EU members). This policy was regarded as a paradigm shift, for it “invited” foreign professionals to come to Germany without requirement of being offered jobs before entering Germany.

applications to naturalisation.

While SPD kept a softer position to the oppositions' demands of anti-terrorists clauses, the Green criticised that some of these measures fundamentally violated the principles of human dignity. Examples included the handling of applicants' data for police use, and detention of foreign nationals and disfranchising naturalised citizens suspected of connection with criminal activities. This has become the point of conflicts in the mediation process and the Green politicians even demanded that the anti-terrorism clause to be withdrawn from the draft because it violated human rights of privacy and freedom (*Deutsche Welle World*, 2004).

An unexpected event, however, accelerated the process to reaching agreements. The terrorist bombing attack in Madrid on March 11, 2004 might not have persuaded the Green to accept all of the oppositions' arguments of national security and anti-terrorism measures, but it did force the Green to accept the discourses of "national security" as legitimate ones. This was possible because the Green's position on human rights was rooted in "state/power," and the notion of national security also derived its meaning from the discursive formation of "state/power." This consensus was built upon "state/power." Yet the consensus that national security must be considered did not lead directly to agreements among all actors. *Figure 1* gives a short summary of how CDU/CSU and the Green interact to reach an agreement.

The diagram revealed that an agreement can be reached only when a consensus is serving as the basis for different actors. In this case, both the Green and the oppositions believed that security was a main concern. Yet the consensus did not come from nothing. The shared discursive formation of state/power provided both sides sources to understand the counterparts, as well as to be understood by the counterparts. This is therefore possible for them to

articulate their positions in an understandable way to each other. In this case, the Green demanded the proposals not to threat individual human rights, while the oppositions argued that national security for all human beings in Germany could not be jeopardised by terrorists.

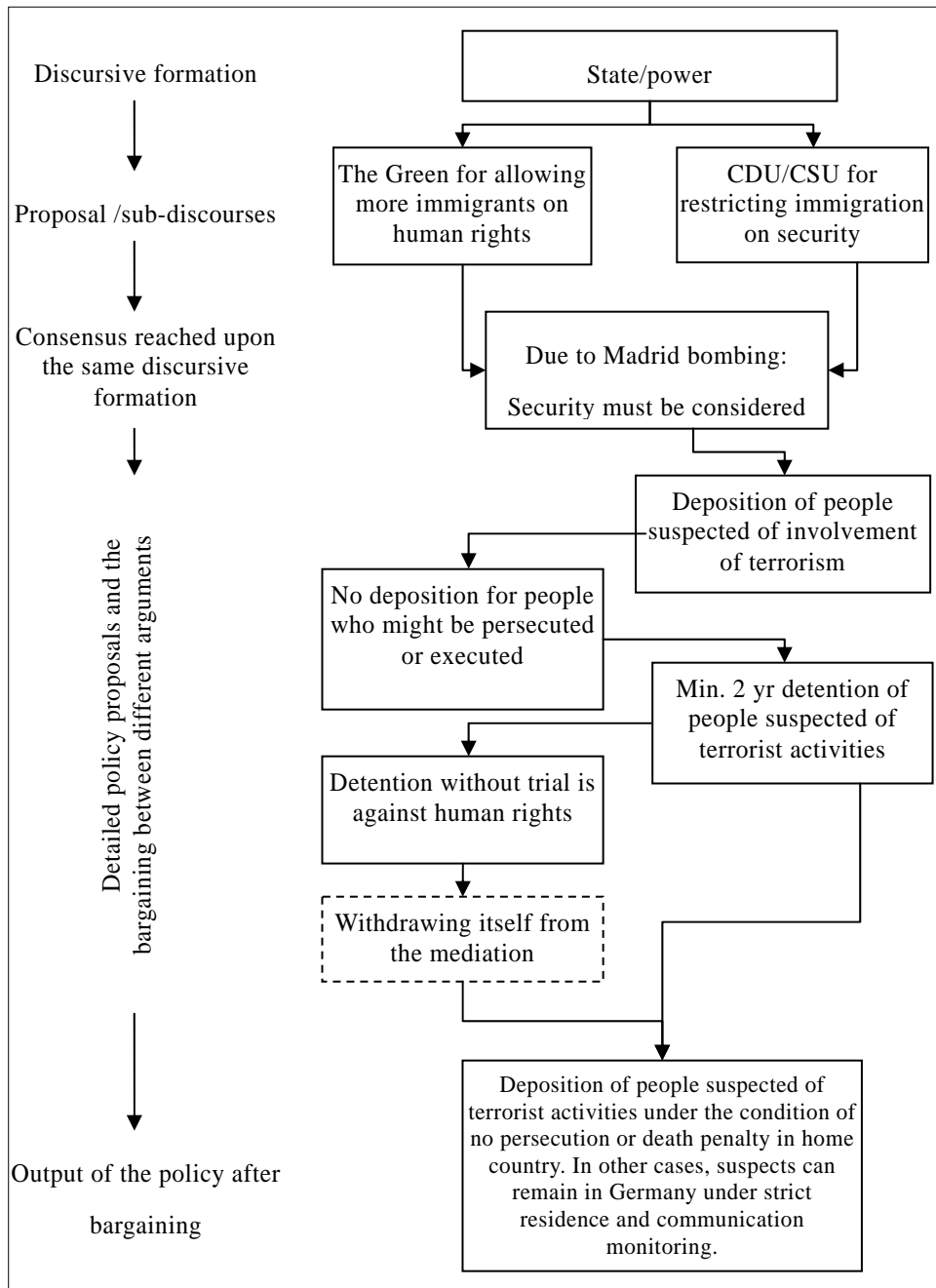


Figure 1 The communication on security clauses between the Green and CDU/CSU

This process exemplified the part *B* of the policy-making process introduced in the paper. The both parties bargained with each other on the clauses of detention and deposition of people suspected of involving terrorist activities. CDU/CSU proposed a very strict regulation, and the Green was against it. CDU/CSU then adjusted their proposals to meet the demands of the Green. The Green again opposed it. CDU/CSU further softened the proposal. This time, the Green not only demanded further compromise from CDU/CSU, but also threatened that it would withdraw from the mediation process, and made appeal to the public that it was CDU/CSU that boycotted the process because “CDU/CSU did not want immigrants; they did not want compromises” (Tagesschau, 2004).

In the Green’s public argument, CDU/CSU, bearing the name of Christian, were xenophobic selfish nationalists, and represented the backward *Deutschtum*. Although in practice, the arguments of CDU/CSU were derived from the discursive formation of state/power, yet the images of CDU/CSU were still much linked to *Leitkultur*. As argued previously, the discursive power of terms such as *Leitkultur* and ethno-cultural nation were descending, CDU/CSU could easily become the scapegoat if the public was to blame the failed mediation process. Hence, the Green’s withdrawal from the process forced CDU/CSU to accept further compromises. This exemplifies how actors assume discursive power to force a compromise to be made.³⁵

In roughly two weeks since when the Green announced to withdraw from the mediation on May 4, Schröder and Angela Merkel, then CDU chairperson, hold a press conference on May 25 to announce that consensuses were reached.

³⁵ Another example is how SPD accepted demands of CDU/CSU of not having a point-system for people interested in immigrating to Germany. CDU/CSU argued that Germany was not ready for a point-system, which was adopted from classical immigration countries such as Canada and Australia.

Based on the agreements, new *Zuwanderungsgesetz* was drafted by representatives from the Coalition and from CDU as well as CSU.³⁶ The bill was past by *Bundestag* on July 1, and by *Bundesrat* on July 30. Federal President signed the *Zuwanderungsgesetz* on August 8, ending the long debated process of policy-making. This, different from the first passage of *Zuwanderungsgesetz* in 2002, came into effect, and set a new standard for political discussion regarding citizenship, nation, state, culture, and immigration, which I shall elaborate in the conclusion.

Conclusion

The paper proposes a framework for policy-making analysis from a perspective of discourse studies. It encompasses two parts, one inspired by Foucault's studies on discursive formation, the other by Habermas and other scholars on persuasion. I believe that this framework provides researchers a different angle to study policies, and the politics that policies involve. The framework also avoids neglecting the policy proposals that failed to become outputs of policy-making and avoids the misassumption that *Deutschtum* was fixed and *a priori*.

In the first part of the framework, discourse trees in a discursive field of the topic in question are drawn. This requires close studying on various literatures, especially history and culture, because to draw a discourse tree, one needs to look into the evolution of meanings of words and to group the discourses of the same origin. The discursive tree is seen as sources for words to acquire meanings, and for speech acts to be understood. It is then that

³⁶ Inner Minister Otto Schily represented the Coalition, Peter Müller, Governor of Saarland, represented CDU, and Günter Beckstein, Inner Secretary of Bavaria, represented CSU.

communicative interactions become possible. Policy proposals are drawn to meet needs and threats, discursively articulated within discourse trees.

In the second part, these policy proposals, if self-sustained, then interact with other proposals, discursively self-sustained as well, to compete for final outcomes. The discursive antagonism can involve two different modes of communication: reason-giving arguing and power-manipulating bargaining. As reason-giving arguing emphasises on producing a better argument, this mode of communication should be based on sets of shared understanding of reason. Discursive formations hence replace Habermasian *Lebenswelt* because I believe there are more than just one *Lebenswelt* providing actors to draw references. Supporters of proposals derived from the same discursive formation, as Habermas argued, go through the validity claims to prove that they have better arguments while others do not. However, supporters of proposals of different discursive formation as sources of reference interact in a different way. They bargain with others and assume power to force others to make compromises. A policy output is therefore a combination of two kinds of communication, a compromised consensus or a consensual compromise.

Adopting this framework, I reviewed literatures of various fields to draw two discourse trees based on governing statements of “nation/culture” and “state/power.” These discursive formations support by and large the political communication on the issue of immigration and *Zuwanderungsgesetz*. Based on this understanding, I plough through the political debates between the Coalition and the oppositions to posit different policy proposals on accurate positions, to study how these proposals were articulated, and to examine the validity of the framework proposed. The mode of communicative interaction is determined by whether the policy proposals, as well as the advocates thereto, share the same discursive formation. This was evident when the oppositions proposed the idea

of *Leitkultur*. The three different definitions evolved as the supporters searched for a better argument in the discursive formation of “nation/culture”: from “the German guiding culture” to “the guiding culture in Germany” and finally to “the Europeanised guiding culture.”

On the other hand, actors in favour of different policy proposals based on different discursive formations failed to reach a better argument of consensus. Power was therefore involved when the Coalition forced the bill through *Bundestag* and *Bundesrat* without the oppositions’ reconciliation. The passage of the bill as an output of pure *Realpolitik* did not promise a perpetual situation. When there is a change in the power relationship, the decisions formerly made are at stake, as evidenced by CDU/CSU’s *Bundesrat* counterattack.

One finding needs noting. The compromise and exchange of interests must take place with a consensus shared as a precondition. The first stage of political communication did not involve compromises or exchanging interests between actors of different discursive formations. Yet, when the oppositions proposed and articulated the arguments with references from discursive formation state/power, it was more likely to reach a consensus. The Madrid bombing also boosted the consensus of “national security.” Once a consensus is reached, the game of bargaining begins. The example of bargaining process between the Green and the oppositions revealed that a compromise is involved not only bargaining power, but also the willingness to reach a compromise. Consensus enacts the game of bargaining, and makes the final policy-making outcome possible.

A final remark to add is the tendency that German political elites and the public draw references when they make statements on the issue of immigration, nation and state. *Beauftragte der Bundesregierung für Migration, Flüchtlinge und Integration* produced a poster to promote the Internet gateway in 2005. The

poster featured two children, one of Asian origin, the other of Arabian origin. The poster read “*Typisch Deutsch—Kinder ausländischer Eltern.*”³⁷ Another indicator was the Citizenship Exam for foreign residents to apply for German citizenship, which was for the first time introduced at a *Land* level in Baden-Württemberg and Hessen in 2006. In March 14, 2006, Hessen government listed 100 questions in various fields.³⁸ That *Deutschtum* can be evaluated by standardised tests implies that the test makers have a “standard” *Deutschtum* in their minds. Both indicators reveal that the ideal *Deutschtum* underwent a shift of discursive reference from nation/culture to state/power.

The two children on the poster convey a clear message that “typical Germans” are no longer defined in an ethnic sense. There are qualifications beyond parenthood for being Germans. Similarly, the fields named in the citizenship test reveal that the ideal *Deutschtum* no longer exists in blood-borne heritage, but on German state and the constitutional values. These demonstrate the tendency that German discourses on nation and state gradually acquire references from civil understanding of nation. A change of discourse is hence to be observed.

³⁷ “Typical German: Children of foreign parents” is the theme of the poster. The poster was downloadable at the time of writing at: http://www.einbuengerung.de/plakat_typisch_deutsch.pdf (2007/5/19).

³⁸ This includes “Germany and Germans,” “basic German history,” “Basic Law and basic rights,” “elections, parties and interest groups,” “parliament, government and army,” “federalism, rule of law and social-state,” “Germany in Europe,” “culture and science” as well as “state symbols of Germany.” The website of *Süddeutsche Zeitung* published a test with 20 questions drawn from the Hessen list named “*Sind Sie Deutschland*” at <http://www.sueddeutsche.de/panorama/spiele/perstest/74/72002> on March 15, 2006. 2% of the test takers answered 0 to 6 questions correctly; 26% answered 7 to 12 questions correctly; 65% answered 13 to 19 questions correctly while only 7% of test takers answered all questions correctly (<http://www.sueddeutsche.de/panorama/spiele/perstest/74/72002/2>)(20 07/12/13).

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Zuwanderungskommission. 2001. *Zuwanderung Gestalten, Integration Fördern*.
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政治溝通的德國移民政策

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摘 要

本文比較哈伯馬斯式及傅柯式的論述研究後，試圖提出一個以溝通過程為焦點的政策制定研究框架。本框架由兩部分組成。首先，框架的第一部分探究了政策提議的緣由。政策提議反映了社會需求，而社會需求是應受威脅的社會認同而生，這些社會認同則是來自社會論述形構的複合體。再者，框架介紹兩種政治溝通的模式，包含「基理為辯論」及「依權而談判」。研究者透過觀察這些政策提議是否參考相同的論述形構，而判斷政策間的互動究竟為說之以理或威之以勢的溝通模式。藉此框架討論政策提議的起源及真切的溝通互動，可更得理解德國移民政策的成形。

關鍵字：溝通、辯論、談判、論述形構