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"FEAR OF THE FAMILY":

MIGRATION AND INTEGRATION IN WEST GERMANY, 1955-2000

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ABBREVIATIONS USED IN FOOTNOTES

AA	Auswärtiges Amt [Foreign Ministry]
BMA	Bundesministerium für Arbeit und Sozialordnung [Labor Ministry]
BMF	Bundesministerium der Finanzen [Ministry of Finance]
BMFJ	Bundesministerium für Familie und Jugend [Family and Youth Ministry, used name from 1963-1969]
BMI	Bundesministerium des Innern [Interior Ministry]
BMJ	Bundesministerium der Justiz [Justice Ministry]
BMJFG	Bundesministerium für Jugend, Familie, und Gesundheit [Youth, Family, and Health Ministry, used name from 1969-1986]
BMWi	Bundesministerium für Wirtschaft [Economics Ministry]
BMWo	Bundesministerium für Wohnungsbau [Housing Ministry]
BVerfG	Bundesverfassungsgericht [Federal Constitutional Court]
BVerwG	Bundesverwaltungsgericht [Federal Administrative Court]
B-W	Baden-Württemberg
DGB	Deutscher Gewerkschaftsbund [Confederation of German Trade Unions]
DST	Deutscher Städtetag [German Council of Municipalities]
IAF	Interessengemeinschaft der mit Ausländern verheirateten Frauen [Association of Women Married to Foreigners]
IM	Innenministerium [Interior Ministry, used with Länder abbreviations]
NRW	Nordrhine-Westfalen
R-P	Rheinland-Pfalz
S-H	Schleswig-Holstein

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ABSTRACT

" 'Fear of the Family': Migration and Integration in West Germany, 1955-2000" examines the division between "family" and "labor" that marked West German migration policy from the beginning of foreign labor recruitment in 1955 to the 1999 citizenship reform that introduced a form of *jus soli* citizenship for the grandchildren of the original foreign workers. As migrants insisted on claiming space in German society as both workers and family members, the state's attempts to uphold a boundary between "labor" and "family" within the migration process led to harsher restrictions on migration.

During the original period of labor recruitment, from 1955 to 1973, employers and state officials encouraged family reunification because it made it easier to access highly desirable female labor and for keeping foreign workers involved in their families and separate from German society. Officials also recognized the role of the family as a site for performing reproductive labor and understood the presence of foreign families as a way to unburden the German welfare state. Immediately after the 1973 recruitment stop, the state announced the 1974 *Kindergeld* reform whereby workers would receive less money for children who lived outside of the European Economic Community—previously, workers had received the same amount of money for children whether they lived in Augsburg or Ankara. This welfare reform created the basis for a long-lasting narrative whereby the migration of children was primarily about economic gain rather than the desire to live as a family. At the same time, the state continued to allow family migration but refused to grant

new family migrants work permits, upholding a boundary between "family" and "labor" by creating a large population of adults legally excluded from the labor market.

From the beginning of the labor recruitment, migrants had arrived through channels that explicitly promoted "traditional" family values and family roles, but during the late 1970s and accelerating over the course of the 1980s, the gendered division of labor and self-containment of the foreign family promoted by migration policy were now taken to be unchanging characteristics of those same families. New restrictions on child and spousal migration imposed during the 1980s were justified by narratives about protecting the vulnerable members of the family—children and women—from foreign patriarchs who insisted on making poor decisions for their families. When migrant families failed to live up to the responsibility of reproduction as defined by the state, their failure furthered processes of stigmatization, not just of individual families, but also of the entire "Mediterranean" or "Southern family." New restrictions rested on narratives about how the foreign family was inherently different and perhaps inherently inassimilable.

These understandings of the role of the foreign family influenced the 1999 citizenship reform, which focused on the introduction of *jus soli* for children born on German soil without significantly liberalizing access to citizenship for foreign adults. Over the course of fifty years, "family unity" has almost completely eroded as a principle for migration policy, while the "ability to integrate" has increasingly been understood as an individual project that requires a break from the family of origin.

Introduction

On March 8, 1972, Vera Rimski of Yugoslavia was welcomed as the two-millionth recruited guest worker in a ceremony at the Munich train station. Rimski had come to work in an electronics factory at Siemens, joining her husband, who had been working at Siemens since June 1970. Josef Stingl of the Federal Labor Office presented her with a portable television and told her that he hoped it would help her to learn German. Although Vera and her husband were both going to live in separate dormitories for the foreseeable future, the Siemens recruiter who took part in the ceremony promised to help the couple find an apartment "as soon as possible."[1]



Figure 1 Vera Rimski at welcoming ceremony

Vera Rimksi's arrival presents a very different image than the arrival of the one-millionth guest worker in 1964. Armando Rodrigues da Sá has gone down in history as the

[1] Information about the preparations for Vera Rimski's arrival is in Bundesarchiv Koblenz [BAK] B 119/6780.

quintessential guest worker in West Germany—his image has been reproduced in countless history books, his motorcycle is displayed at the museum of national history in Bonn, and his story has even been spoofed in films about the labor recruitment.[2] Historian Rita Chin has argued that the media event of da Sá's arrival "crystallized the initial official position on the guest worker question."[3] The image of da Sá sitting atop his motorcycle has had staying power in part because it encapsulates a certain image of the labor recruitment program: da Sá is the single, male, and highly mobile guest worker, a man who will lend his labor power to West German employers before riding away with his new wealth. Although Rimski's arrival was equally staged for public consumption, she and her husband have been largely forgotten in comparison. What would happen to the story of guest worker migration to West Germany if we assumed that Rimski's staged arrival was just as important as da Sá's, and that migration to West Germany was also a family project?

Only six years after Vera Rimski was greeted at the Munich train station, Chancellor Helmut Schmidt met the President of the European Commission in Bonn in October 1978. Schmidt seized the opportunity to express his concerns about the freedom of movement that had been promised to Greece when it joined the European Community. Negotiators had proposed a 12-year transitional period during which the barriers to freedom of

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[2] Armando Rodrigues da Sá adorns the cover of Rita Chin, *The Guest Worker Question in Postwar Germany* (Cambridge: Cambridge University Press, 2007), and is the first primary source document included in Deniz Göktürk, David Gramling, and Anton Kaes, eds., *Germany in Transit: Nation and Migration, 1955-2005* (University of California Press, 2007). The motorcycle has been on display in the permanent exhibition at the national history museum in Bonn since 2001. Finally, Yasemin Şamdereli's 2011 film *Almanya: Welcome to Germany* features the "one-million-and-first" guest worker as a protagonist, with a scene where the protagonist looks on as the man before him in line is gifted with a motorcycle.

[3] Chin, *Guest Worker Question*, 3.

movement would slowly be lowered. Schmidt warned that the 12-year period "was the kind of dodge thought up by Foreign Ministers who wanted to be nice to the Greeks, the Portuguese, the Spaniards and the European Commission." He asked the President to consider the fact that the negotiations with Greece "would set the precedent for negotiations with Portugal and Spain," so that "perhaps some arrangement could be found by which what we did for Greece would not be available to the other candidate countries." Noting that "immigrants seemed to breed more quickly than Germans" Schmidt concluded that he "did not think that there should ever be totally free access," explaining that "he was not afraid of free movement of labor but of free movement of the families of labor."[4]

Schmidt makes a distinction between "labor" and "families of labor" that should already strike us as strange: Vera Rimski and her husband were both workers and family members. But this division was in fact basic to West German thinking about migration: as just one example, the first federal-level position that focused on immigration was designated as the "Federal Commissioner for the Integration of the Foreign Workers and their Family Members." Liselotte Funcke, the second person to hold the office, petitioned to change her title to the somewhat snappier "Federal Commissioner for Questions of Foreigners" [*Beauftragter der Bundesregierung für Ausländerfragen*]. Her petition was denied: not only did officials not want her to overstep the limits of her position to weigh in

[4] Historical Archives of the European Union [HA-EU], EN-1148.003, "Call by the president of the European Commission on the Federal German Chancellor: Friday 27 October 1978." For more on Greece's accession to the European Economic Community, see Erini Karamouzi, *Greece, the EEC and the Cold War 1974-1979: The Second Enlargement* (New York: Palgrave Macmillan, 2014) and Antonio Varsori, "The EEC and Greece's Application to join the Community, 1959-1976," in *Institutions and dynamics of the European Community, 1973-1983,* ed. Johnny Laursen (Baden-Baden: Nomos, 2015).

on matters affecting asylum seekers and refugees, but also, officials explained that if she changed her title to focus on "questions of foreigners," it would no longer reflect the part of her job description that included "efforts on behalf of the family members."[5] Unmarked foreigners were not understood to include family members.

Although the division between labor and family migration was basic to state categorization, it bore little relationship to migrants' own self-understanding. Migrants did not think of themselves as "family members," but as migrants who *used* the categories of family and labor in order to migrate. "Labor" migrants also thought of themselves as parts of families, and in many cases as people who might choose to set aside paid work at some point when other family members were able to take it up. Because of the binary nature of state categorization, we will see that many of the unexpected problems that arose from migration flows into West Germany were first sparked when migrants who had officially entered under one category—as either "workers" or "family members"—tried to behave as both sides of that category. Workers might want to "breed," to echo Helmut Schmidt, but it was often just as troubling when "family members" insisted on their ability to work. The state's insistence on drawing lines between these two categories, as well as the third category of "asylum seeker," shaped the ways that West German society received migrants.

This dissertation follows the category of "family member" within West German migration policy. I begin with the official start of labor recruitment in 1955—the inauguration of a "guest worker" program that would grow to include Italian, Spanish,

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5 BAK B 149/83935, January 16, 1981, Zentralabteilung to Herrn Staatssekretär, "Betr.: Beauftragter für die Integration der ausländischen Arbeitnehmer und ihrer Familienangehörigen; hier: Änderung des Amtsbezeichnung."

Portuguese, Greek, Yugoslavian and Turkish citizens over the next fifteen years—and end with the 1999 reform of German citizenship policy, which allowed for a limited *jus soli* for children born to long-term resident foreigners on German soil.[6] Despite a labor recruitment stop in 1973 that was expected to curb the growth of the foreign population in the Federal Republic, continued family migration meant that the number of people from the six primary "guest worker" countries grew from 2.2 million in 1970 (3.6% of the population) to 3.3 million in 1980 (5.3% of the population), a growth largely fueled by an increase in the migration of Turkish citizens.

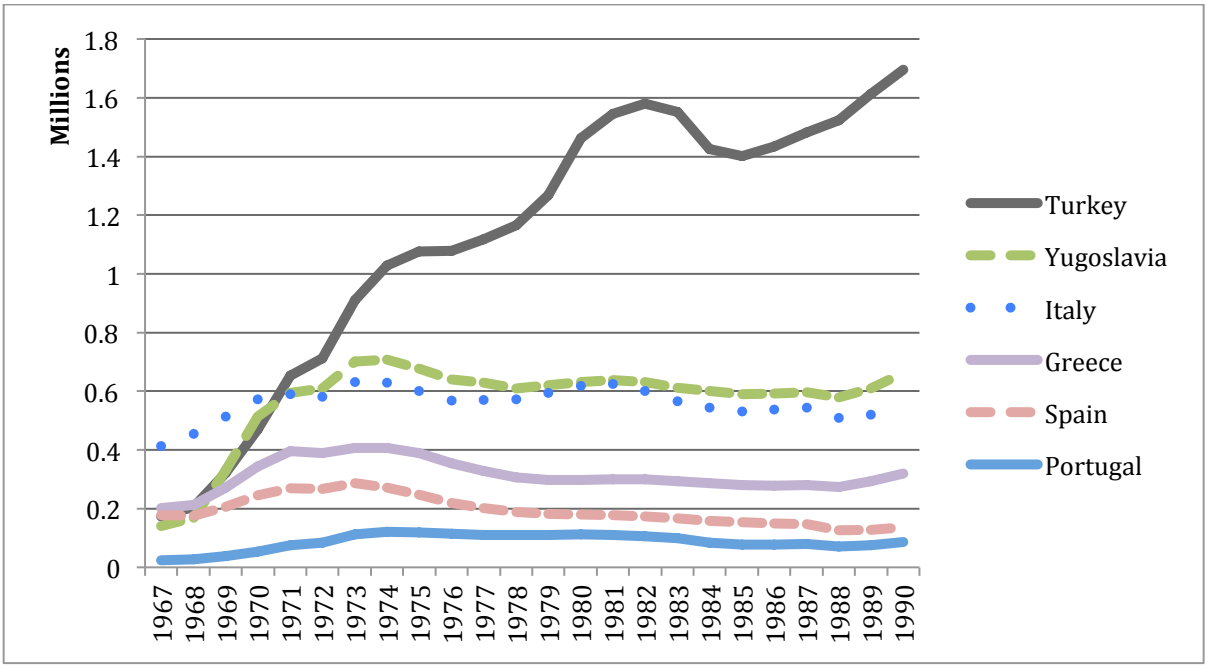


Figure 2: Foreign citizens from six primary "guest worker" countries resident in West Germany, 1967-1990
SOURCE: Statistisches Bundesamt, GENESIS-Online statistics

[6] Specifically, the 1999 citizenship reform specified that children were only eligible for German citizenship if at least one of their parents had lived there for eight years legally. This is very different from *jus soli* in the classic example of the United States, where *jus soli* applies to children who are born on American soil no matter how long their parents have resided in the country.

This population growth has often been understood as self-evident: wives following husbands and bringing children.[7] However, as I discuss further in chapter four, men in fact continued to compose the majority of "family migrants" even after the 1973 recruitment stop. Furthermore, the standard model of labor (assumed male, independent) migration followed by family (assumed female, dependent) migration fails to appreciate the ways that the definition of "the family" was contested in the process of regulating family migration.[8] In the 1960s and early 1970s, the family was understood as a necessary staging ground for integration, but during the 1970s and 1980s, "integration" was increasingly understood as an individual project that required a break from the family of origin. This shifting understanding of integration enabled the erosion of "family unity" as a guiding principle for migration policy, while migrants' continued attachments to their families were increasingly understood as proof of excessive "Mediterranean" or "Islamic" values.

When I began to present portions of this work at conferences, I often presented my research questions as if I most needed to explain restrictions on migration: why did officials try to fight family migration and why did the definition of the migrant family become more restrictive over time? Given the popular image of Germany as an unwilling migration country, however, my interlocutors pointed out that neither rhetorical exclusion

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[7] Konrad Jarausch, *After Hitler: Recivilizing Germans, 1945-1995,* trans. Brandon Hunziker (New York: Oxford University Press, 2006), 244.

[8] Writing about the relative lack of work in migration studies that uses the family as an analytic category, Eleonore Kofman notes that the assumption of male migration followed by female migration raises questions "about the reasons for and consequences of the perpetuation of traditional views based on the dichotomy of men producing and women reproducing." Eleonore Kofman, "Female 'Birds of Passage' a Decade Later: Gender and Immigration in the European Union," *International Migration Review* 33, no. 2 (1999): 272.

nor restrictive settlement policies were particularly surprising, and that I actually needed to answer questions about how family members came to be part of the "guest worker" migration in the first place.[9] Why didn't the government just ban family migration? Such a ban would have been thinkable within Western European policy: to offer two examples of classic "migration countries" that issued far more extensive restrictions, France suspended family reunification entirely from July 1974 to June 1975 and again for a period in 1977 before the introduction of new restrictions, while the United Kingdom effectively banned husbands from migrating to join their wives for most of the period between 1969 and 1982.[10] Taking such examples into account, it has been useful to reframe the question of the dissertation: I am not just interested in why West Germans restricted migration, but just as importantly, why West Germans often took a comparatively deregulated and unrestricted approach to family migration. This relative lack of regulation opened a space for the long-term settlement of family members, who in turn pushed for social rights and made claims on a state that insisted that they were going to eventually go "home." In order to explain this lack of restriction, three of the decisive factors are the West German constitution, the context of the Cold War, and the ongoing process of European integration.

First, the West German Basic Law guaranteed protection for marriage and family in the form of Article 6, which emerged from a postwar political context where "restoring

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9 I am particularly indebted to both William Glenn Gray and Quinn Slobodian for making this point at different times.

10 Catherine Puzzo, "British and French Immigration Policy in the 1970s: A Comparative Analysis," *Contemporary European History* 12, no. 1 (2003), and Helena Wray, "An Ideal Husband? Marriages of Convenience, Moral Gate-keeping and Immigration to the UK," *European Journal of Migration and Law* 8, no. 3 (2006).

women to an inviolable family, safe from state intervention, was a shared objective."[11] Historian Robert Moeller has argued that the family took on a new importance in the aftermath of Nazism: "at a moment when a political language of 'nation' and 'nationalism' was highly problematic, an idealized conception of the family took on enormous significance as a repository of quintessentially German values that had survived the Third Reich. The family became a placeholder for values that could no longer be easily located in any other *Gemeinschaft*."[12] In fact, West German social structure also reached a "climax of familization" in the postwar period, with the percentage of people who married and the percentage of married couples with children reaching new records.[13] The self-sufficient nuclear family was the bedrock of the West German social model, as represented in the subsidiarity principle, whereby "the state shall only interfere in 'private life' when the capacity of smaller social units, such as the family or the business, to guarantee their members' social security has been reached."[14] As we will see, the focus on the nuclear family within this discourse privileged the relationships of care between mothers and children rather than between members of the extended family. This role for the family as the building block of society was overdetermined not just by attempts to overcome the

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11 Robert G. Moeller, *Protecting Motherhood: Women and the Family in the Politics of Postwar West Germany* (Berkeley: University of California Press, 1993), 5.

12 Robert G. Moeller, "The Elephant in the Living Room: Or Why the History of Twentieth-Century Germany Should Be a Family Affair," in *Gendering Modern German History: Rewriting Historiography*, ed. Karen Hagemann and Jean H. Quataert (New York: Berghahn Books, 2007), 237.

13 Wiebke Kolbe, "Gender and Parenthood in West German Family Politics from the 1960s to the 1980s," in *State Policy and Gender System in the Two German States and Sweden 1945-1989*, ed. Rolf Torstendahl (Uppsala: Uppsala University Press, 1999), 133.

14 Kolbe, "Gender and Parenthood," 144.

Nazi past, but also by the Christian politics of West Germany[15] and by competition with and an attempt to distinguish itself from East Germany in a discursive Cold War battle.[16]

Allowing family reunification for foreigners was also something that distinguished West Germans from East Germans, who also recruited foreign workers as a sign of "international solidarity" from fellow socialist countries like Vietnam and Mozambique. These workers were not supposed to bring their families, and notoriously, female foreign workers who became pregnant in East Germany were forced to get abortions or return home. This aggressive attitude towards foreign families shows that the German Democratic Republic never saw its contract workers as equals, but as barely tolerated guests. Although the comparison is certainly useful to understand the difference between the states in

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15 Much work has focused on the Christian conservative values of the first family politicans in West Germany and their rhetorical function for the Adenauer government. See Maria D. Mitchell, *The Origins of Christian Democracy: Politics and Confession in Modern Germany* (Ann Arbor: University of Michigan Press, 2012). For an account that focuses on the Catholic milieu, see Lukas Rölli-Alkemper, *Familie im Wiederaufbau: Katholizismus und bürgerliches Familienideal in der Bundesrepublik Deutschland 1945-1965* (Paderborn: Schöningh, 2000). Christiane Kuller tries to explain the reasons that family politics have been so weak in West Germany in her book *Familienpolitik im föderativen Sozialstaat: Die Formierung eines Politikfeldes in der Bundesrepublik 1949-1975* (Munich: R. Oldenbourg Verlag, 2004).

16 Moeller, *Protecting Motherhood* and Elizabeth D. Heineman, *What Difference Does a Husband Make? Women and Marital Status in Nazi and Postwar Germany* (Berkeley: University of California Press, 1999). For a compelling account of how the figure of the latchkey child became infused with Cold War anxieties, see Uta C. Schmidt, "'Das Problem heisst: Schlüsselkind'. Die 'Schlüsselkinderzählung' als geschlechterpolitische Inszenierung im Kalten Krieg," in *Massenmedien im Kalten Krieg: Akteure, Bilder, Resonanzen*, ed. Thomas Lindenberger (Cologne: Böhlau Verlag, 2006).

retrospect, the East German contract worker program does not seem to have weighed heavily on the minds of the officials who made policy in West Germany.[17]

Migrant families who had constituted themselves within West Germany were increasingly able to use Article 6 as a powerful tool to protect their residence over the course of the 1970s.[18] As I describe in Chapter One, the Federal Administrative Court decided that Article 6 also applied to migrant families in 1972. This legal precedent forced those who would argue for restrictive measures to turn to other parts of the Basic Law for legitimacy—family restrictions were only possible if one could argue that family migration represented a threat to some other core value or constitutional guarantee of West German civil society. As we will see in Chapters Five and Six, politicians did argue that new

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17 For more on the history of labor recruitment to the German Democratic Republic: Eva-Maria Elsner and Lothar Elsner, *Ausländerpolitik und Ausländerfeindschaft in der DDR (1949-1990)* (Leipzig: Rosa-Luxemburg Verein, 1994), Sandra Gruner-Domic, "Beschäftigung statt Ausbilding: Ausländische Arbeiter und Arbeiterinnen in der DDR (1961-1989)," in *50 Jahre Bundesrepublik—50 Jahre Einwanderung: Nachkriegsgeschichte als Migrationsgeschichte*, ed. Jan Motte, Rainer Ohliger, Anne von Oswald (Frankfurt: Campus Verlag, 1999), Jan C. Behrends, Thomas Lindenberger, and Patrice G. Poutrus, eds., *Fremde und Fremd-Sein in der DDR: zu historischen Ursachen der Fremdenfeindlichkeit in Ostdeutschland* (Berlin: Metropol, 2003), Christian Th. Müller and Patrice G. Poutrus, eds., *Ankunft, Alltag, Ausreise: Migration und interkulturelle Begegnung in der DDR-Gesellschaft* (Cologne: Böhlau, 2003), Mike Dennis and Norman LaPorte, *State and Minorities in Communist East Germany* (New York: Berghahn, 2011), Quinn Slobodian, ed., *Comrades of Color: East Germany in the Cold War World* (New York: Berghahn, 2015), Patrice G. Poutrus, "Aufnahme in die 'geschlossene Gesellschaft.' Remigranten, Übersiedler, ausländische Studierende und Arbeitsmigranten in der DDR," in *Handbuch Staat und Migration in Deutschland seit dem 17. Jahrhundert*, ed. Jochen Oltmer (Berlin: Walter de Gruyter, 2016).

18 Here I build on Quinn Slobodian's argument that left-legalist campaigns for foreigners' rights were part of West German democratization. "The Borders of the *Rechtsstaat* in the Arab Autumn: Deportation and Law in West Germany, 1972/73," *German History* 31, no. 2 (2013).

restrictions on family migration were in fact a way to protect vulnerable members of the migrant family from the poor decisions of other members of the family.

Second, the Cold War meant that West German officials could not simply legally define "the family." "Family reunification" was also used in order to bring Germans across the Iron Curtain, and a restrictive legal definition of the family that might have limited guest worker migration more effectively would simultaneously have limited officials' ability to act across the Iron Curtain. West German officials rarely compared these two different forms of family reunion, and their paths rarely cross in the archives.

In fact, the German language developed three separate words for "family reunion" in order to keep the two phenomena apart lexically. *Familiennachzug* and *Familienzusammenführung* are both used to describe the phenomena of spouses and children migrating to be with a partner who had already settled. The third word, *Familienneugründung*, means "family formation," and refers to a foreign spouse coming to join a second or third-generation foreigner who already lives in West Germany—the child or grandchild of a guest worker marrying a foreigner who does not live in Germany. In most other European states, marriage is treated the same for a foreign national whether they are "first generation" or a subsequent generation, so that this distinction, discussed further within chapters Six and Seven, only exists within German law.[19] The distinction between the other two terms exists precisely in order to mark guest workers as a distinct

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19 Tineke Strik, Betty de Hart, and Ellen Nissen, *Family Reunification: a barrier or facilitator of Integration? A Comparative study* (HW Oisterwijk: Wolf Legal Publishers, 2013), http://research.icmpd.org/fileadmin/Research-Website/Project_material/Family_Reunification_EIF/FamilyReunification_transnational_report.pdf.

population. *Familiennachzug* as a term has only existed in the German language since the 1960s, when Swiss sociologists first used it to describe family reunion of guest workers in Switzerland. West Germans appear to have borrowed the term from the Swiss in order to distinguish this kind of family reunion from other kinds of family reunion.[20] *Familiennachzug* sounds much less intimate, more like "subsequent family migration," whereas *Familienzusammenführung* implies intimacy or the coming together of a family, emphasizing affective ties and on the overcoming of a painful and unnatural separation.

These distinctions are not merely semantic, but reflect a hierarchy of value. In their survey of twentieth century German history, Konrad Jarausch and Michael Geyer note that the "German vocabulary of mobility" reserves ideas of "immigration" for foreigners while using a "vocabulary of settlement," typified by terms such as *Umsiedler* and *Aussiedler,* for those considered to be part of the nation.[21] This fracturing of vocabulary repeats itself within the category of family migration. During the period of German division,

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20 *Familiennachzug* does not appear in *Duden*, while the *Digitale Wörterbuch der deutschen Sprache* does not find it until 1982. My analysis is based on a Google Ngram of "Familiennachzug" in a German corpus, which first finds the word in 1962/1963 in publications about guest workers in Switzerland.

21 Konrad H. Jarausch and Michael Geyer, *Shattered Past: Reconstructing German Histories* (Princeton: Princeton University Press, 2003), 198. Similar statements can be made about the vocabulary of asylum seekers. Surprisingly, asylum policy in West Germany has yet to find its historian. Patrice G. Poutrus has begun to give an overview of the topic in "Zuflucht im Nachkriegsdeutchland. Politik und Praxis der Flüchtlingsaufnahme in Bundesrepublik und DDR von den späten 1940er bis zu den 1970er Jahren," *Geschichte und Gesellschaft* 35, no. 1 (2009). For the history of terms about asylum and refugee status, see Klaus J. Bade, "Zur Karriere und Funktion abschätziger Begriffe in der deutschen Asylpolitik," *Aus Politik und Zeitgeschichte* 65, no. 25 (2015). For an early critique of the vocabulary used to describe asylum seekers, see Simone Klausmeier, *Asylbewerber zum "Scheinasylanten": Asylrecht und Asylpolitik in der Bundesrepublik Deutschland seit 1973*, (Berlin: EXpress Edition, 1984).

Zusammenführung was used for the reunion of families across the Iron Curtain, while *Nachzug* was used to mark the difference of guest worker families. This terminological distinction became more important after the 1975 Helsinki Accords included a promise to facilitate "family reunification," "*Familienzusammenführung*" in the German, across the Iron Curtain. The use of this word in an international human rights instrument made it important to maintain the distinction while drafting new statements about restriction.[22] In fact, the Foreign Office often corrected colleagues in other ministries about inappropriate usage of *Familienzusammenführung* in drafts about new restrictions on families, replacing it with *Familiennachzug* or *Familienneugründung* and citing the Helsinki Accords.[23] Although I will translate both *Zusammenführung* and *Nachzug* as "family reunification" or as "family migration," I will also frequently specify the word that is actually being used in the German original because of the political implications of the distinction.[24]

Finally, West Germany's ability to unilaterally restrict migration was increasingly limited by the ongoing process of European integration and the associated deregulation of movement. In 1960, only Italians were part of the European Economic Community, and the

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22 Activists picked up on the potential utility of the Helsinki Accords: in one notable example, the communist group Federation of the Workers Associations from Turkey [FIDEF] accused the West German state of violating its Helsinki Accord obligations to facilitate "family reunion" when it comes to Turkish workers. IG Metall-Archiv im Archiv der sozialen Demokratie [IG Metall-Archiv], ZWA013704, October 8, 1977, FIDEF letter to Konferenz über Sicherheit und Zusammenarbeit in Europa.

23 See especially Politisches Archiv des Auswärtigen Amtes [PAAA], B 85/1459, B 85/1603, and B 85/1613.

24 The other languages used in this study—Spanish [*reagrupación familiar*], Italian [*ricongiungimento familiare*], and Turkish [*aile birleşme*]—do not to my knowledge have a similar split in the terms used to describe family migration.

free movement of labor was one of their primary goals in constituting that community.[25] Over the next twenty-five years, Greek, Portuguese, and Spanish citizens would come into the same privileges. Chancellor Helmut Schmidt's 1978 conversation with the President of the European Commission reveals that the associated freedom of movement was not always a welcome development. The role of the ongoing Association between Turkey and the European Economic Community is often overlooked, but in fact, West Germany was increasingly restricted in the policy tools it could use to regulate Turkish migration because of this process of association.[26] West German officials in the 1980s genuinely did not know if the European Community courts would hold individual member states to the Association Agreement, in which the Community had promised freedom of movement for Turkish citizens by 1986. West German decisions were influenced by the fear that the European Community courts might intervene against measures deemed overly restrictive, creating precedents that would further weaken West German sovereignty over migration policy.

Comparing the West German approach with other Western European countries is useful in order to understand which aspects of German policy were markedly different, and thus to pose the question of "why restriction" and "why deregulation" when each makes the most sense. Although migratory movements to England and France were not numerically

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25 Federico Romero, "Migration as an issue in European interdependence and integration: the case of Italy," in *The Frontier of National Sovereignty: history and theory, 1945-1992*, ed. Alan S. Milward (London: Routledge, 1993).

26 One of the few works that looks at how the German-Turkish relationship influenced the growth European Economic Community prior to the 1990s is Günal Incesu, *Ankara—Bonn—Brüssel. Die deutsch-türkischen Beziehungen und die Beitrittsbemühungen der Türkei in die Europäische Gemeinschaft, 1959-1987* (Bielefeld: transcript verlag, 2013). However, Incesu is interested in how press in both countries created a "transnational public sphere" rather than in questions of how the relationships influenced each other in Brussels.

larger than the migratory movements to Germany, they have drawn more attention by scholars. Historians have conducted rich analyses of how British citizenship was gendered and raced in Britain's uniquely gendered migration regime, where foreign men had the right to sponsor wives but foreign women did not possess the same right.[27] The figure of the "family" has also been productive for Joanna Bailikin and Amelia Lyons, who use family welfare services to give more insight into British and French decolonization, respectively.[28] Legal scholars have also produced excellent work on the intersections of Dutch family and migration law.[29] Among these countries, West Germany was unique because most of its migration flows came from countries with which it had never had a formal colonial

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27 For a contemporary source on British migration law: The Women, Immigration, and Nationality Group, *Worlds Apart. Women under Immigration and Nationality Law* (London: Pluto Press, 1985). There is also extensive historical scholarship: Kathleen Paul, *Whitewashing Britain: Race and Citizenship in the Postwar Era* (Ithaca, NY: Cornell University Press, 1997), Wendy Webster, *Imagining Home: Gender, 'Race' and National Identity, 1945-64* (London: UCL Press, 1998), Dolly Smith Wilson, "Gender, race, and the ideal labour force," in *Gendering migration: masculinity, femininity and ethnicity in post-war Britain,* ed. Louise Ryan and Wendy Webster (Aldershot: Ashgate, 2008), Linda McDowell, *Working Lives: Gender, Migration and Employment in Britain, 1945-2007* (Chichester: John Wiley and Sons, 2013), and Evan Smith and Marinella Marmo, *Race, Gender and the Body in British Immigration Control. Subject to Examination* (London: Palgrave Macmillan, 2014).

28 Jordanna Bailkin, *The Afterlife of Empire* (Berkeley: University of California Press, 2012), and Amelia H. Lyons, *The Civilizing Mission in the Metropole: Algerian Families and the French Welfare State during Decolonization* (Stanford: Stanford University Press, 2013).

29 See Sarah van Walsum, *The Family and the Nation: Dutch Family Migration Policies in the context of changing Family Norms* (Newcastle: Cambridge Scholars, 2009) and "Sex and the regulation of belonging: Dutch family migration policies in the context of changing family norms," in *Gender, Generations and the Family in International Migration*, ed. Albert Kraler, Eleonore Kofman, Martin Kohli, and Camille Schmoll (Amsterdam: Amsterdam University Press, 2011), and Sarah van Walsum, Guno Jones, and Susan Legêne, "Belonging and membership. Postcolonial legacies of colonial family law in Dutch immigration policies," in *Gender, Migration and Categorisation. Making Distinctions between Migrants in Western Countries, 1945-2010*, ed. Marlou Schrover and Deirdre M. Moloney (Amsterdam: Amsterdam University Press, 2013).

relationship—countries which it in fact had to treat as equals in the process of European integration.[30] At times in the dissertation, I will compare the situation in West Germany with the situation in the United Kingdom, France, and the Netherlands in order to better highlight what was unique about the West German approach.[31]

Historians who have studied West German liberalization and "recivilization" have tended to see policy on foreigners and xenophobia as a "lingering deficit,"[32] but the comparison to policies elsewhere in Europe shows that this is in fact a misleading way to conceptualize West German migration policies, which were often far more liberal and deregulated than their equivalents elsewhere. Within the West German context, restrictive migration policy was not a consequence of the National Socialist past; restrictions were more often understood as a necessary component of overcoming that same past. Chancellor Schmidt promised to introduce new restrictions on child migration in 1975 with

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30 This is not to say that the two Germanies were not also "post-colonial" societies. See Jason Verber, "The Conundrum of Colonialism in Postwar Germany" (PhD diss., University of Iowa, 2010) and Britta Schilling, *Postcolonial Germany: Memories of Empire in a Decolonized Nation* (Oxford: Oxford University Press, 2014). Neither of these works address the overlap between postcolonial memory and the guest worker program, something that this dissertation also fails to do, although there is some significant overlap, particularly in texts of the New Left, that could be a productive direction for research.

31 Historian Jenny Pleinen has noted that historians of France, the United Kingdom, and Germany each tend to think of their country as representing an exceptional case, an assumption that has discouraged comparative work. Although this is not a comparative dissertation, the fact that West German officials often looked elsewhere for guidance should suggest the promise of a comparative approach. "Ein Europa von Sonderfällen? Überlegungen zu einer Migrationsgeschichte der Bundesrepublik in europäischer Perspektiven," in *Wo liegt die Bundesrepublik? Vergleichende Perspektiven auf die westdeutsche Geschichte*, ed. Sonja Levsen and Cornelius Torp (Göttingen: Vandenhoeck & Ruprecht, 2016).

32 Jarausch, *After Hitler,* 17.

the statement: "We do not want to burden ourselves with a new minority problem!"[33] Similarly, the Labor Minister defended new restrictions with this logic in 1980: "It ought to be easier to defend restrictions on family reunification, than to defend the circumstances that will inevitably unfold when the foreign population continues to grow. It's better to take action now with the motto 'as far as possible, no more foreigners,' than to be forced later to make policy under the slogan 'Foreigners out!' [*Ausländer raus*]"[34] In both of these moments, West German officials assumed that a new "minority problem" would inevitably lead to popular violence. New restrictions were also frequently justified with reference to the restrictive policies of other European countries, and after 1965, with reference to the highly restrictive migration regime in the United States.[35] The "Europeanization" of migration policy gradually led to the creation of a de-regulated space within Europe and harsher restrictions on the migration of non-Europeans.[36] Increasingly restrictive and highly regulated policy on foreigners was not proof of a continued *Sonderweg*, an

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33 qtd. in Barbara von Breitenbach, "Der Spanische Elternverein als Mittel zur Willensbildung und Selbstbestimmung Spanischer Arbeitsemigranten in der Bundesrepublik Deutschland" (PhD diss., Goethe-Universität Frankfurt, 1978), 27.

34 BAK B 149/59889, November 30, 1981 "Vorschlag für einen Einführungsvortrag des Ministers in die Kabinettberatungen zur sozialverantwortlichen Steuerung des Familiennachzugs von Ausländern aus Nicht-EG-Staaten am 2.12.1981."

35 The work on United States immigration policy that has been most influential for my own thinking: Eithne Luibhéid, *Entry Denied: Controlling Sexuality at the Border* (Minneapolis: University of Minnesota Press, 2002), Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton: Princeton University Press, 2004), Martha Gardner, *The Qualities of a Citizen: Women, Immigration, and Citizenship, 1870-1965* (Princeton: Princeton University Press, 2005), Margot Canaday, *The Straight State: Sexuality and Citizenship in Twentieth-Century America* (Princeton: Princeton University Press, 2009), and Nayan Shah, *Stranger Intimacy: Contesting Race, Sexuality, and the Law in the North American West* (Berkeley: University of California Press, 2011).

36 Marcel Berlinghoff makes a similar argument in *Das Ende der 'Gastarbeit.' Europäische Anwerbestopps 1970-1974* (Paderborn: Ferdinand Schöningh, 2013).

aberration, or a historical deficit: rather, this dissertation argues that restrictive migration policies were in fact an integral part of West German "recivilization" and "Westernization." After 1945, West Germans learned how to define themselves as part of the "West" not just through defining themselves against the "East," but also through defining themselves against the "South" and the "Mediterranean."

By focusing on the "family" category within the migration regime, I also focus on what was unique about West Germany within a larger Western European context of increasing restrictions on the movement of non-Europeans. West Germans were unique because of their focus on regulating the movement of children and the "second generation." Because of the strong focus on children, West Germany becomes an important case for understanding some of the ambivalent attitudes towards children's rights reviewed by Jacqueline Bhabha.[37] When Liselotte Funcke protested the proposed restrictions on children and second-generation spouses that are the subjects of chapters five and six, she would explain that as far as she knew "no country has equally family-unfriendly regulations." The Labor Ministry official who read her letter underlined this phrase and wrote in the margins "The other countries are also not as inundated." [38] Although all of the Western European countries shared perceptions of "inundation," each chose a distinctive path of restriction, with West Germans unique for their focus on child migration.

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37 Jacqueline Bhabha, *Child Migration and Human Rights in a Global Age* (Princeton: Princeton University Press, 2014).

38 BAK B 149/83806, undated report "Betr.: Erste Sitzung des Ausschusses 2 (Familienzusammenführung) im Rahmen der Kommission 'Ausländerpolitik' des Bundes, der Länder und der Gemeinden am 24. November 1982 in Bonn."

Historiography of Migration

The first wave of historical scholarship on migration to West Germany sought to overturn the national mythology that Germany was not an immigration country by showing the persistence of migration movements across German history. In so doing, these historians were attempting to intervene in political debates about migration that treated it as a new phenomenon rather than something with a history of over a century. Patrice G. Poutrus points out that the perception of novelty was aided by the fact that migrants into the German lands had generally come in an East to West direction, but the Iron Curtain meant that in the postwar period migrants started coming from the South.[39] Museum exhibitions in the 1990s and early 2000s also intervened in public debates and provided important support for the documentation of the history of guest worker migration, including the efforts in Cologne to create a museum of migration that has since become the

[39] Patrice G. Poutrus, "Migrationen: Wandel des Wanderungsgeschehens in Europa und die Illusionen staatlicher Regulierung in der Bundesrepublik," in *Das Ende der Zuversicht? Die siebziger Jahre als Geschichte*, ed. Konrad Jarausch (Göttingen: Vandenhoeck & Ruprecht, 2008). The key works in this context include Knuth Dohse, *Ausländische Arbeiter und bürgerlicher Staat: Genese und Funktion von staatlicher Ausländerpolitik und Ausländderrcht: vom Kaiserreich bis zur Bundesrepublik Deutschland* (Königstein im Taunus: Anton Hain, 1981), Klaus J. Bade, *Vom Auswanderungsland zum Einwanderungsland?: Deutchland 1880-1980* (Berlin: Colloquium, 1983), Jan Motte, Rainer Ohliger, Anne von Oswald, eds., *50 Jahre Bundesrepublik—50 Jahre Einwanderung: Nachkriegsgeschichte als Migrationsgeschichte* (Frankfurt: Campus Verlag, 1999), and Ulrich Herbert, *Geschichte der Ausländerpolitik in Deutschland, Saisonarbeiter, Zwangsarbeiter, Gastarbeiter, Flüchtlinge* (Munich: C.H. Beck, 2001). For specific treatments of the interwar period, Jochen Oltmer, *Migration und Politik in der Weimarer Republik* (Göttingen: Vandenhoeck & Ruprecht, 2005) and Annemarie H. Sammartino, *The Impossible Border: Germany and the East, 1914-1922* (Ithaca: Cornell University Press, 2010).

Documentation Center and Museum of Migration in Germany [DOMiD], an archive that proved invaluable for researching this dissertation.[40]

Scholarship on the guest worker period has conclusively showed that the popular image of the "rotating" guest worker exemplified by Armando da Sà and his motorcycle in fact vastly simplifies the period of labor recruitment from 1955-1973. In her study of migration policy in this period, Karen Schönwälder shows that conflicts between ministries about the end goal of migration prevented the state from recognizing the long-term consequences of migration and from developing effective policies.[41] In her study of migration in Hessen, Barbara Sonnenberger combines state policy with the everyday life of migrants, arguing that within the actual behavior of migrants, "the dichotomy of family and labor migration dissolves," an insight I pick up later in this introduction.[42] Monika Mattes' work on female migrants has shown the immense productivity of gender in analyses of migration: Mattes argues that West German employers' demands for female labor constituted a primary driver of continued labor recruitment during this period. For example, Mattes shows that the desire to access female laborers like Vera Rimski, the two

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40 Aytaç Eryılmaz and Mathilde Jamin, eds., *Fremde Heimat/Yaban, Sılan olur. Eine Geschichte der Einwanderung aus der Türkei* (Essen: Klartext Verlag, 1998) and Aytaç Eryılmaz and Cordula Lissner, eds., *Geteilte Heimat/Paylaşılan Yurt. 50 Jahre Migration aus der Türkei* (Essen: Klartext Verlag, 2001).

41 Karen Schönwälder, *Einwanderung und ethnische Pluralität. Politische Entscheidungen und öffentliche Debatten in Großbritannien und der Bundesrepublik von den 1950er bis zu den 1970er Jahren* (Essen: Klartext-Verlag, 2001).

42 Barbara Sonnenberger, *Nationale Migrationspolitik und regionale Erfahrung. Die Anfänge der Arbeitsmigration in Südhessen 1955-1967* (Darmstadt: Hessisches Wirtschaftsarchiv, 2003), 185.

millionth guest worker, was in fact one of the primary reasons that West Germany was willing to sign a labor recruitment treaty with communist Yugoslavia.[43]

Migration has also been studied as an area of foreign policy. Johannes-Dieter Steinert first noted in 1995 that migration was not just an economic process, but also a process of foreign policy negotiations.[44] As the archives have opened, scholars have been able to show just how integral foreign policy considerations were to shaping the migration process. Heike Knortz goes so far as to argue for a primacy of foreign policy interests over other interests in shaping the guest worker program, while other historians have explored the many ways that guest workers became useful for projects of Cold War competition and European identity formation.[45] We should not expect a coincidence of interests between the states and their citizens, but as Alexander Clarkson points out, most guest workers who came to the Federal Republic were in fact coming from countries ruled by authoritarian regimes.[46] This creates particularly acute examples of the non-coincidence of interests in

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43 Monika Mattes, *"Gastarbeiterinnen" in der Bundesrepublik: Anwerbepolitik, Migration und Geschlecht in den 50er bis 70er Jahren* (Frankfurt: Campus Verlag, 2005).

44 Johannes-Dieter Steinert, *Migration und Politik: Westdeutschland—Europa—Übersee 1945-1961* (Osnabrück: Secolo Verlag, 1995).

45 Heike Knortz, *Diplomatische Tauschgeschäfte: 'Gastarbeiter' in der westdeutschen Diplomatie und Beschäftigungspolitik 1953-1973* (Köln: Bohlau, 2008), Roberto Sala, *Fremde Worte: Medien für 'Gastarbeiter' in der Bundesrepublik im Spannungsfeld von Aussen- und Sozialpolitik* (Paderborn: Ferdinand Schöningh, 2011), Alexander Clarkson, *Fragmented Fatherland: immigration and Cold War conflict in the Federal Republic of Germany, 1945-1980* (New York: Berghahn, 2013).

46 Clarkson, *Fragmented Fatherland*, 4.

cases such as anti-Franco activism by Spanish guest workers or the revival of Kurdish culture among Turkish guest workers in the Federal Republic.[47]

Several historians have focused on specific national groups in order to better explore the everyday life of migrants in West Germany and to more effectively show the ways that interactions between migrants and their states shaped the migration process.[48] Maren Möhring's research on foreign food in West Germany creatively uses the spread of foreign gastronomic practices in order to understand "the (re-) articulations of cultural difference in the postwar society of West Germany" and to study migrant entrepreneurship

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47 In fact, the Society of Kurdish Students in Europe had been founded in Wiesbaden in 1956, before the bulk of labor migration began. Hamit Bozarslan, "Kurds and the Turkish State," in *The Cambridge History of Turkey. Volume 4. Turkey in the Modern World*, ed. Reşat Kasaba (Cambridge: Cambridge University Press, 2008), 344. For more on the way that the diaspora situation facilitated the development of identities such as "Kurd" and "Alevi" that were officially suppressed by the Turkish state, see Betigül Ercan Argun, *Turkey in Germany: The Transnational Sphere of Deutschkei* (New York: Routledge, 2003).

In Ismet Elçi's semi-autobiographical novella "Memo, mein Vater," the protagonist's father actually takes him to Germany because he is anxious about his son beginning to get involved with pro-Kurdish, pro-Communist politics in Turkey. This reverses the plot in which Turkish teenagers are sent away from Germany and back to Turkey in order not to become infected with "German values." *Sinan ohne Land* (Berlin: Clemens Zierling, 1988).

48 For Yugoslavia: Kaja Shonick, "Émigrés, Guest Workers, and Refugees: Yugoslav Migrants in the Federal Republic of Germany, 1945-1995" (PhD diss., University of Washington, 2008), and Christopher A. Molnar, "Imagining Yugoslavs: Migration and the Cold War in Postwar West Germany," *Central European History* 47, no. 1, (2014). For Italy: Yvonne Rieker, "Südländer, Ostagente oder Westeuropäer? Die Politik der Bundesregierung und das Bild der italienischen Gastarbeiter 1955-1970," *Archiv für Sozialgeschichte* 40 (2000), *"Ein Stück Heimat findet man ja immer." Die italienische Einwanderung in die Bundesrepublik* (Essen: Klartext Verlag, 2003), and Oliver Janz and Roberto Sala, eds., *Dolce Vita? Das Bild der italienischen Migranten in Deutschland* (Frankfurt: Campus Verlag, 2011). For Turkey: Jennifer Miller, "Postwar Negotiations: The First Generation of Turkish 'Guest Workers' in West Germany, 1961-1973" (PhD diss., Rutgers, 2008), Sarah Thomsen Vierra, "At Home in Almanya? Turkish-German Spaces of Belonging in the Federal Republic of Germany, 1961-1990" (PhD diss., Chapel Hill, 2011), and Karin Hunn, *'Nächstes Jahr kehren wir zurück…' Die Geschichte der türkischen 'Gastarbeiter' in der Bundesrepublik* (Göttingen: Wallstein Verlag, 2005).

historically.[49] Political activism has also been a particularly productive avenue for research—as Simon Goeke argues, a focus on activism rightly overturns images of guest workers as passive objects of state policy.[50] The first wave of research has focused on labor activism: Jennifer Miller has written about migrant women's strikes,[51] Peter Birke has written about "wild strikes" outside of the unions[52], and Oliver Trede and Hans-Christoph Seidel have both shown how unions began to incorporate foreign workers.[53]

By focusing on actions of individuals, these approaches all recognize that the interests of states do not coincide with the interests of individuals. In fact, the much-criticized term of "guest worker" developed in part from this disjuncture of interests between workers and states: the Federal Republic and the sending countries both expected most workers to return to their home countries. Turkey saw the "export of labor" as part of

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49 Maren Möhring, *Fremdes Essen. Die Geschichte der ausländischen Gastronomie in der Bundesrepublik Deutschland* (Munich: Oldenbourg Verlag, 2012), 14.

50 Simon Goeke, "The Multinational Working Class? Political Activism and Labour Migration in West Germany During the 1960s and 1970s," *Journal of Contemporary History* 49, no. 1 (2014).

51 Jennifer Miller, "Her Fight is Your Fight: 'Guest Worker' Labor Activism in the Early 1970s West Germany," *International Labor and Working-Class History* 84 (2013).

52 Peter Birke, *Wilde Streiks im Wirtschaftswunder. Arbeitskämpfe, Gewerkschaften und soziale Bewegungen in der Bundesrepublik und Dänemark* (Frankfurt: Campus Verlag, 2007).

53 Oliver Trede, "Zwischen Misstrauen, Regulation und Integration: Gewerkschaften und 'Gastarbeiter' in der Bundesrepublik in den 1950er bis 1970er Jahren," in *Das 'Gastarbeiter'-System. Arbeitsmigration und ihre Folgen in der Bundesrepublik Deutschland und Westeuropa*, ed. Jochen Oltmer, Axel Kreienbrink and Carlos Sánz Díaz (Munich: Oldenbourg Verlag, 2012), and *Zwischen Misstrauen, Regulation und Integration. Gewerkschaften und Arbeitsmigration in der Bundesrepublik und in Großbritannien in den 1960er und 70er Jahren* (Paderborn: Ferdinand Schöningh, 2015), and Hans-Christoph Seidel, "Die Bergbaugewerkschaft und die 'Gastarbeiter.' Ausländerpolitik im Ruhrbergbau vom Ende der 1950er bis in die 1980er Jahre," *Vierteljahrshefte für Zeitgeschichte* 62, no. 1 (2014).

a development policy that would enable migrants to acquire skills that they could later use to industrialize Turkey.[54] Some countries, particularly Yugoslavia, were actively hostile to any policy choice by West Germany that seemed to make it more likely that migrants would not return.[55] The classic "emigrant nation" of Italy may have been the only country that expected a large portion of the migrants to opt for long-term settlement in Germany, although it also worked hard to ensure continued loyalty among its emigrants.[56] Although many migrants actively maintained their national identities while in West Germany, states could also be frustrated by the seeming "national indifference" of their emigrants, including emigrants' refusal to return and reinvest their capital in their "home country."[57] *Der Spiegel* wrote a critical article about "economic migrants, who seek their fatherland [*Vaterland*] where it suits them," quoting Yugoslavian journalist Milan Ilinić, living in exile in Munich, upset that for many of his fellow citizens, "nation is nothing but hot air."[58]

Migrants continually frustrated the expectations of the states that sought to regulate their movement, so that histories of migration policy, like the one that follows, are

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54 Kemal Kirişci, "Migration and Turkey: the dynamics of state, society and politics," in *The Cambridge History of Turkey. Volume 4. Turkey in the Modern World*, ed. Reşat Kasaba (Cambridge: Cambridge University Press, 2008), 192 and Carter Vaughn Findley, *Turkey, Islam, Nationalism, and Modernity. A History, 1789-2007* (New Haven: Yale University Press, 2010), 332-333.

55 For an exploration of the role of emigration in Central and Eastern European history that places this attitude in context, see Tara Zahra, *The great departure: mass migration from Eastern Europe and the making of the free world* (New York: W.W. Norton, 2016).

56 Mark I. Choate, *Emigrant Nation: The Making of Italy Abroad* (Cambridge, MA: Harvard University Press, 2008), and Donna R. Gabaccia, *Italy's Many Diasporas* (Seattle: University of Washington Press, 2000).

57 Tara Zahra, "Imagined Noncommunities: National Indifference as a Category of Analysis," *Slavic Review* 69, no. 1 (2010).

58 " 'Ich hier Bruder besuchen,' " *Der Spiegel* June 2, 1975, 42.

inevitably histories of "the illusory efficiency of regulatory regimes."[59] Policy history tends to rely on state sources that assume effective control, but recent work on illegal migration makes it clear that these state archives are to some degree a product of *fantasies* of control. In his study of "illegal" migration between Spain and West Germany, Carlos Sanz Díaz argues that the initial labor contracts did not bring the migration into being, but rather attempted to control and regulate a movement of people that was already underway.[60] Sociologist Manuela Bojadzijev has used this information to argue that migratory networks have their own autonomous dynamics separate from state action, and that migrants should be understood as a kind of "anti-racist International" imbued with the "autonomy of migration."[61] Sociologist Serhat Karakayali relies on a similar understanding of autonomy in his study of the way that German migration policy creates the "illegal migrant," where he also argues that employers use the techniques of legalization and illegalization to maintain the most flexible labor market possible.[62] Finally, the idea of the "autonomy of migration" is elevated into a political program in Miltiadis Oulios' study of deportation in Germany, where he argues that the administrative measure of deportation will always remain inadequate to the pre-existing reality of migration. It would be impossible for any state to

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59 Federico Romero, "First Comment," in *Postwar Mediterranean Migration to Western Europe: Legal and Political Frameworks, Sociability and Memory Cultures*, ed. Clelia Caruso, Jenny Pleinen, and Lutz Raphael (Frankfurt: Peter Lang, 2008), 100.

60 Carlos Sanz Díaz provides compelling empirical evidence for this fact in *"Clandestinos", "Illegales", "Espontaneos"… La emigración irregular de españoles a Alemania en el contexto de las relaciones hispano-alemanas, 1960-1973* (Madrid: Comisión Española de Historia de las Relaciones Internacionales, 2004).

61 Manuela Bojadžijev, *Die windige Internationale: Rassismus und Kämpfe der Migration* (Münster: Westfälisches Dampfboot, 2008).

62 Serhat Karakayali, *Gespenster der Migration. Zur Genealogie illegaler Einwanderung in der Bundesrepublik Deutschland* (Bielefeld: transcript Verlag, 2008).

deport every "illegal migrant." Writing a forward in the 2015 edition of his book, Oulios describes Angela Merkel's summer 2015 declaration that Germany would accept refugees from Syria as proof of the impact of migrant autonomy: "the migrants created a new reality to which policy had to bend."[63]

The conceptual apparatus of the "autonomy of migration" bears a certain relationship to an idea that may be more familiar to most German historians: *Eigen-Sinn*. Historian Alf Lüdtke defined *Eigen-Sinn* as a term "denoting willfulness, spontaneous self-will, a kind of self-affirmation, an act of (re)appropriating alienated social relations on and off the shop floor by self-assertive prankishness, demarcating a space of one's own. There is a disjunction between formalized politics and the prankish, stylized, misanthropic distancing from all constraints or incentives present in the everyday politics of *Eigen-Sinn*."[64] Although historians of everyday life have made the most use of the idea of *Eigen-Sinn*, it can also be helpful for historians of migration. The state's fantasies about control and regulation compose the primary source base for this history, but those state archives take migrants to be untrustworthy precisely because their decisions are not transparent or easy to predict through models. An *eigensinnig* history of migration would accept this lack of transparency, this "misanthropic distancing from all constraints or incentives," as a

63 Miltiadis Oulios, *Blackbox Abschiebung. Geschichte, Theorie und Praxis der deutschen Migrationspolitik*, 2nd ed. (Berlin: Suhrkamp Verlag, 2015), VII.

64 Alf Lüdtke, ed., *The History of Everyday Life: Reconstructing Historical Experiences and Ways of Life*, trans. William Templer (Princeton: Princeton University Press, 1995), 313-314. Lüdtke's description of *Eigen-Sinn* also resembles the figure of the "willful subject" who does not will in the socially acceptable way who is celebrated by critical theorist Sara Ahmed, *Willful Subjects* (Durham, NC: Duke University Press, 2014).

defining feature of migration, a self-assertive "space of one's own" that is not captured in strictly economic models of migration behavior.

Eigen-Sinn, the "autonomy of migration," and even "national indifference" are helpful concepts because they remind us that decisions about migration are complex, and they help us to push against simplistic push-pull models within which migrants make decisions that are legible to state authorities. They all argue for the political agency inherent in *illegibility*, in willfulness, in a refusal to behave according to designs that come from above. The family also offers a third category between the individual and the state, and thus a third level of complexity: choices that the state would not imagine, and that the liberal individual would not make, might be completely rational within the framework of the family. From the state's perspective, the "family" also became a category that could be used to criticize the behavior of migrants: instead of moving based on an idealized economic incentive, migrants made choices to live with family members, or sometimes to live apart from family members, based on internal family logics inaccessible to state planners. Many attempts to regulate family migration were motivated by the belief that the logic of every family was identical, and ran aground on the fact that this was not true.

These categories that emphasize a lack of transparency also help us to move beyond narratives that focus exclusively on the labor power and economic utility of migrants. Defenses of migrant rights in West Germany often rested on an implicit narrative that migrants had "earned" their place in German society by coming to help when West

Germany did not have enough workers.[65] In 1978, Michel Foucault observed that "in contemporary Germany, the economy, economic development and economic growth, produces sovereignty…. it produces a permanent consensus of all those who may appear as agents within these economic processes, as investors, workers, employers, and trade unions."[66] This "permanent consensus" produced by economic growth helped employers to push to be able to recruit foreign workers without having to discuss migration policy in public or parliamentary settings.[67] During the period of full employment, officials both implicitly and explicitly tolerated irregular migration, routinely approving and regularizing the permits of migrants who had entered outside of official channels.[68] Because migration policies were always implicitly justified by an economy that needed migrants to grow, both the New Left and the radical right would later be able to argue that the labor migration had been a terrible mistake, one that had been based on a false ideology of growth at all costs.[69] But the figure of the family always exceeded the figure of the migrant worker. The "permanent consensus" that rested on growth struggled to accommodate claims on the

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65 For a powerful reading of how this narrative is used by guest workers who still live in Germany: Andrea Klimt, "Returning 'Home': Portuguese Migrant Notions of Temporariness, Permanence, and Commitment," *New German Critique* 46 (Winter 1989).

66 Michel Foucault, *The Birth of Biopolitics. Lectures at the Collège de France 1978-1979*, trans. Graham Burchell (New York: Picador, 2008), 94-95.

67 Schönwälder, *Einwanderung,* offers a good overview of the relative lack of public discussion about migration in the 1960s and early 1970s, including the ways that ministries tried to shield their decisions from public debate.

68 Karakayali, *Gespenster der Migration*.

69 Rita Chin points out that in the writings of the New Left, labor migration usually "represented the most extreme example of West Germany's indifference to the human costs of the unbridled pursuit of capitalism," in "From *Rasse* to Race: On the Problem of Difference in the Federal Republic of Germany" (Occasional Papers of the School of Social Science, Institute for Advanced Study, Princeton, NJ, paper No. 42, 2011), 8.

welfare state that reached beyond employer-backed benefits for workers, such as the claims made by children and by non-working family members. By settling in West Germany, migrant families challenged the idea that workers could fuel endless economic growth could sell their labor power to Germany while reproducing elsewhere.

Scholars of migration have struggled to escape the logic of the West German migration regime, within which "family," "labor" and "asylum" were all imagined to be mutually exclusive rather than overlapping categories. Scholars have specifically neglected family migration, perhaps because of "its association with female migration and dependency rather than work and autonomy."[70] *Eigen-Sinn* and the "autonomy of migration" both offer a conceptual apparatus for thinking outside of these categories. By showing how the category of "family" was created and maintained, I argue that the division produced between "family" and "labor," and to a lesser degree the division between "family" and "asylum," worked to justify restrictive measures and to limit migrants' ability to make more expansive claims on the state. West German policy making became harsher as it attempted to stop migrants from moving between these categories.

Historiography—Race-Talk and the Politics of Difference

Another aim of this study is to explicitly address the question of how "race-talk" and the "postwar politics of difference" shaped postwar Germany.[71] Michael Meng correctly notes

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70 Eleonore Kofman, "Family-Related Migration: A Critical Review of European Studies," *Journal of Ethnic and Migration Studies* 30, no. 2 (2004), 245.

71 Rita Chin, Heide Fehrenbach, Geoff Eley, and Atina Grossmann, *After the Nazi Racial State: Difference and Democracy in Germany and Europe*, Ann Arbor: The University of

that the history of racial thinking is a "still small area of inquiry" in a 2013 review essay.[72] In fact, the vast majority of what has been glossed as the "politics of difference" in postwar Germany still comes from the field of German studies rather than history.[73]

With the exception of a group of historians who will be discussed below, German historians have been extremely reluctant to use categories of "race" in the postwar period. One reason is the strong taboo against racial language that most scholars share with our sources in the wake of the Third Reich. To take one representative example that we will revisit in Chapter Seven, colleagues scolded Green Party representative Erika Trenz when she used the word "racist" during debates over the new *Ausländergesetz* in 1988. Richard Stücklen, Bundestag vice-president for the CSU, informed her that "comparisons with the Third Reich, with National Socialism," were not allowed in the Bundestag. When Trenz used the same word again two years later in 1990, Hildegard Hamm-Brücher, an FDP representative from Munich who had been born in 1921, said that Trenz had given her "goosebumps" when she said that the law was "institutionalized racism" because she was "using words… that evoke ghastly memories." When Trenz tried to justify her word choice by arguing that "racism does not always have to be murderous" and pointing to France as

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Michigan Press, 2009. Chin makes the same intervention in "From *Rasse* to Race: On the Problem of Difference in the Federal Republic of Germany," The Occasional Papers of the School of Social Science, Institute for Advanced Study, Paper No. 42, May 2011.

72 Michael Meng, "Democratic (In)Equalities: Immigration in Twentieth-Century Western Europe," *Contemporary European History* 22, no. 1 (2013), 144.

73 Uli Linke, *German Bodies: Race and Representation After Hitler* (New York: Routledge, 1999), Katrin Sieg, *Ethnic Drag: Performing Race, Nation, Sexuality in West Germany* (Ann Arbor: University of Michigan Press, 2002), Ruth Mandel, *Cosmopolitan Anxieties. Turkish Challenges to Citizenship and Belonging in Germany* (Durham, NC: Duke University Press, 2008), Fatima El-Tayeb, *European others: queering ethnicity in postnational Europe* (Minneapolis: University of Minnesota Press, 2011).

an example of a country that used the word racism "quite normally," Heinz Westphal, Bundestag vice-president for the SPD, informed Trenz once again that it was unacceptable: "Racism has the idea of an ideology in it, already in the word. We have experienced something that has imprinted the word and affected us. For this reason we are not people who can use this word, as for example our French neighbors can."[74]

These 1990 protests that Germans simply cannot use the word "racism" are common in the archival record—for example, Liselotte Funcke was informed that she was not even supposed to use the word "discrimination" in public statements.[75] The taboo against language that implies race has impacted the archive. In his history of anti-racist protest in the Federal Republic, Niels Seibert points out that until the late 1980s, leftist activists "located racism primarily outside of their own country."[76] Sociologist Helma Lutz interviewed Turkish social workers in the Netherlands and the Federal Republic in the 1980s. In a revealing statement, she write that every single woman in her study mentioned "xenophobia [*Ausländerfeindlichkeit*]—that is what the informants in the Federal Republic

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74 qt. in Christine Morgenstern, *Rassismus—Konturen einer Ideologie. Einwanderung im politischen Diskurs der Bundesrepublik Deutschland* (Hamburg: Argument Verlag, 2002), 227-228. My colleagues who work on France have pointed out that this itself is an idealized reading of French society, which also claims strenuously to be "colorblind." See for example Emily Marker, "Obscuring Race. Franco-African Conversations about Colonial Reform and Racism after World War II and the Making of Colorblind France, 1945-1950," *French Politics, Culture and Society* 33, no. 3 (2015).

75 Archiv des Deutschen Liberalismus [ADL], Liselotte Funcke ÜP 58/2012-101, June 23, 1987, BMA to Funcke.

76 Niels Seibert, *Vergessene Proteste. Internationalismus und Antirassismus 1964-1983* (Münster: UNRAST-Verlag, 2008), 14.

called it—and racism—according to the women in the Netherlands."[77] The tendency to describe discrimination with a vocabulary of xenophobia rather than a vocabulary of racism has impacted the way that historians have written about post-war migration.

Using "xenophobia" as an analytical category keeps the "Other Germans," to use Tina Campt's phrase, *other*, foreign, not part of the polity.[78] "Racism," on the other hand, is much more useful for understanding the experiences of people who live in Germany and who consider themselves to be Germans, but who are not granted social recognition as Germans. With the notable exceptions of Rita Chin and Julia Woesthoff, most of the historical scholarship about migration to West Germany fails to ask specific questions about the category of race.[79] "Race" poses a specific problem within the history of the "post-racial" Federal Republic[80]: in some ways, it has been an easier topic for historians of the East Germany.[81] Chin has argued that the National Socialist form of racism distorts historians' ability to see race elsewhere, writing that "in the German field there has been a conceptual inability to differentiate racism or racial subjugation from what scholars in other fields now refer to as 'racial formation' or 'racialization.'"[82]

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77 Helma Lutz, *Welten verbinden. Türkische Sozialarbeiterinnen in den Niederlanden und der Bundesrepublik Deutschland* (Frankfurt: Verlag für Interkulturelle Kommunikation, 1991), 74.

78 Tina Campt, *Other Germans: Black Germans and the Politics of Race, Gender, and Memory in the Third Reich* (Ann Arbor: University of Michigan Press, 2004).

79 Chin, *Guest Worker Question* and Julia Woesthoff, "Ambiguities of Anti-Racism: Representations of Foreign Laborers and the West German Media, 1955-1990" (PhD diss., Michigan State University, 2004).

80 For another insightful analysis of this taboo, see Michael Meng, "Silences about Sarrazin's Racism in Contemporary Germany," *Journal of Modern History* 87, no. 1 (2015).

81 See the analysis of "socialist chromatism" in Slobodian, *Comrades of Color*.

82 Rita Chin, "From *Rasse* to Race," 1.

Scholars who take up Chin's suggestion to use the paradigm of "racial formation" or "racialization," can simultaneously assert that race is not "real" in the biological sense, but that race is very much real in the sense of being a social fact that is reproduced in everyday experience.[83] Philosopher Paul Taylor explains racialization as a process of "assigning meaning" to the body—"we take the information, such as it is, provided to us by a human body and that body's ancestry as a license to draw inferences about more distant, often non-physical matters."[84] Following philosopher Linda Alcoff, I have found it useful to think about racialization as "a structure of contemporary perception… tacit, almost hidden from view, and thus almost immune from critical reflection." Practices of perception become habitual, such that even though races are not "real" in the biological sense, we cannot avoid perceiving race in our everyday interactions.[85] Because we cannot un-see race, in becomes a social fact: "real, as real as anything else in lived experience, with operative effects in the social world."[86] Cem Özdemir, Green Party representative and Turkish-German, referred to this perceptual experience of race when he spoke about the citizenship reform in May 1999 and asked his colleagues: "How will we deal with the fact, that the skin color and hair color will not change? … We will have German citizens, who have somewhat more sun than the

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83 Classic work in this context includes Michael Omi and Howard Winant, *Racial Formation in the United States. From the 1960s to the 1990s*, 2nd ed. (New York: Routledge, 1994), and for a more historical and global treatment, George M. Frederickson, *Racism: A Short History* (Princeton, NJ: Princeton University Press, 2002).

84 Paul C. Taylor, *Race: A Philosophical Introduction* (Cambridge: Polity Press, 2004), 16.

85 Linda Alcoff, *Visible Identities: race, gender, and the self* (Oxford: Oxford University Press, 2006), 188.

86 Alcoff, *Visible Identities,* 182.

average citizen of this Republic."[87] Barred from using the language of "race," Özdemir uses the language of perception to call attention to the continuing existence of racialization even after citizenship reform.

Although most of the "racialization" scholarship originally comes from an Anglo-American context, the existence of race as a social fact has been made clear by Black German scholarship.[88] African and African-American experiences in Germany have been a particularly fruitful site to examine how ideas about race were negotiated after 1945. In his dissertation, David Braden Posner examines postwar West German perceptions of American race relations, and finds that there is a "guarded knowledge of racism that lies beneath much of the wonder with which West Germans encountered and condemned American race relations." He shows that for West Germans "American race relations were a forbidding and confusing topic, because they cast a shadow over the moral authority and social stability of the nation whose stature and success in those two categories served as a touchstone of democratic identification in postwar West Germany."[89] This confusion was all the more acute when American race relations took place on German soil. In her study of children of African-American GIs in postwar Germany, Heide Fehrenbach argues that the experience of US occupation helped to transfer American ideas about race to the postwar

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87 Deutscher Bundestag, Plenarprotokoll 14/40, May 7, 1999, 3432.

88 Key works include May Opitz, Katharina Oguntoye, and Dagmar Schultz, eds., *Showing Our Colors: Afro-German Women Speak Out*, trans. Anne V. Adams (Amherst: University of Massachusetts Press, 1992), Fatima El-Tayeb, *Schwarze Deutsche: Der Diskurs um 'Rasse' und Nationale Identität 1800-1933* (Frankfurt: Campus Verlag, 2001), and Reinhild Steingröver and Patricia Mazòn, eds., *Not so Plain as Black and White: Afro-German Culture and History, 1890-2000* (Rochester, NY: University of Rochester Press, 2005).

89 David Braden Posner, "Afro-America in West German Perspective, 1945-1966" (PhD diss., Yale University, 1995), 224, 238-239.

West German context. In a society where explicitly biological language of difference was delegitimized, American ideas of social difference held an appeal, and "in rejecting biological explanations of race and shifting the focus to social environment, psychology, and family relations, liberalizing West Germans followed the trends established by postwar American social science." [90] Maria Höhn explores a similar terrain of fraternization in her work. Looking at the work of welfare associations around discouraging West German women from relationships with black GIs, she finds that those associations began to justify the continuation of their work with the presence of guest workers, suggesting that "future work may have to consider how the debates around black GIs during the 1950s functioned as a sort of bridge to the racist discourse on the guest workers who came to the Federal Republic in the 1960s."[91] This dissertation bears out Höhn's hunch: not only did debates on foreign workers replay many of the debates about the role of black GIs and their children, but the African-American experience in the United States was often used as a guiding metaphor for policy decisions in West Germany.

Afro-Germans were not the only racialized population in West Germany. Young-Sun Hong has studied East and West German development aid to the global South as a site where difference was reproduced and racialized. In her work, she proposes that "the ideas of underdevelopment and the global South together functioned as a surrogate for race in

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90 Heide Fehrenbach, *Race after Hitler: Black Occupation Children in Postwar Germany and America* (Princeton: Princeton University Press, 2005), 105. Timothy L. Schroer makes a similar argument in *Recasting Race after World War II: Germans and African Americans in American-Occupied Germany* (Boulder, CO: University Press of Colorado, 2007)

91 Maria Höhn, *GIs and Fräuleins: The German-American Encounter in 1950s West Germany* (Chapel Hill: University of North Carolina Press, 2002), 235.

the two Germanys, and in this form race continued to shape the way Germans—both East and West—looked at themselves, their nations, and the wider world in the postwar decades. This racism was not simply a vestige of earlier attitudes, but rather was continuously renewed and reproduced in the postwar years."[92]

By avoiding questions of racialization, historians of migration to Germany have tended to reproduce the same categories as our sources. However, I would argue that when our sources do not use a word, this does not mean that the concept it refers to is absent from their thinking. In fact, racial language has even been erased from what is undeniably the most-quoted statement about guest worker migration, Max Frisch's aphorism about Italian migrants to Switzerland in the 1960s: "a small master race [*Herrenvolk*] feels itself in danger: labor was called for, and people came."[93] When scholars quote the aphorism today, they usually quote only the second half of the phrase, leaving out Frisch's deliberate reference to National Socialist racism. Frisch uses the idea of race in order to understand the situation of Italians in Switzerland—another fact that is often avoided when the phrase is mis-quoted. The idea of the *Volk* and the attempts to overcome or avoid racial thinking can also help us to understand the situation of foreigners in West Germany.

In this dissertation, I center my analysis on the figure of the "family member" in order to zero in on the site of regulation where racialization is most visible: the labor of reproduction. Families are the privileged site for the reproduction of cultural difference in

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92 Young-sun Hong, *Cold War Germany, the Third World, and the Global Humanitarian Regime* (New York: Cambridge University Press, 2015), 320.

93 Max Frisch, foreword to *Siamo Italiani/Die Italiener*: *Gespräche mit italienischen Arbeitern in der Schweiz*, ed. Alexander J. Seiler (Zürich: EVZ-Verlag, 1965), 1.

the "new racism" or "cultural racism" described by Paul Gilroy and others.[94] Attempts to regulate the family are also attempts to regulate the reproduction of cultural difference. Julia Woesthoff has also used the family as a site for investigating West German approaches towards understanding difference in her work on interethnic and binational marriage in West Germany.[95] In my work, I read texts about the foreign family using Paul Ginsborg's category of "family politics," which invites "a wider consideration of the relations between individuals, families, civil society and the state."[96] In regulating the conditions for family reunification, the West German state was outlining ideal visions of the family and revealing how the family and gender relations structured West German and European identity.

Migrants' failure to live up to standards of "integration" into the West German society and state was often articulated in terms of a difference between West German family relations and migrant family relations. As West German family law became more focused on individuals, foreigners were increasingly understood as having an excessive attachment to family categories.[97] The category of the "Mediterranean family" and later the "Turkish family" or "Muslim family" was used in order to explain and stigmatize the

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94 Paul Gilroy, *"There Ain't No Black in the Union Jack": The Cultural Politics of Race And Nation* (Chicago: University of Chicago Press, 1991), 59-67.

95 Julia Woesthoff, " 'When I Marry a Mohammedan': Migration and the Challenges of Interethnic Marriages in Post-War Germany," *Contemporary European History*, 22, no. 2 (2013).

96 Paul Ginsborg, "The politics of the family in contemporary Europe," *Contemporary European History* 9, no. 3 (2000), 411. Ginsborg has also offered an interpretation of the first half of the 20th century through "family politics" in his book *Family politics: domestic life, devastation and survival, 1900-1950* (New Haven: Yale University Press, 2014).

97 On the transformation of family law, see Mary Ann Glendon, *The transformation of family law: state, law, and family in the United States and western Europe* (Chicago: University of Chicago Press, 1989).

behavior of migrant families as compared to the idealized "German family." In her book on similarly reified models of the "Balkan family," Maria Todorova criticizes historical demography on the "European family" for its "presumption of a direct correlation between the nuclear family, and democratic social structures and social values."[98] Similarly, historians David Sabean and Simon Teuscher argue that "Western self-identity has a heavy investment in understanding the long-term development of its kinship practices as successive contractions toward the modern nuclear family… kinship is the functional predecessor of almost everything, but never a constructive factor in the emergence of anything."[99] One way that this investment in the nuclear family manifests itself is a pervasive alignment of the nuclear and individual family with "modernity," while extended family forms—whether "Balkan," as in Todorova's work, or "Mediterranean" and later "Muslim," as in mine—are represented as "traditional", where "traditional" often means "backwards" and unprepared for democratic citizenship. The imperfectly liberal "traditional family" and the individual's attachment to that family is taken to present an obstacle that liberalism as an ideological project must overcome to create the conditions for proper liberal subjectivity, glossed as democratic citizenship.

By focusing on the family as a gendered institution, this dissertation also contributes to explaining the crucial role of gender in framing Muslim difference in

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98 Maria Todorova, *Balkan Family Structure and the European Pattern: Demographic Developments in Ottoman Bulgaria*, 2nd ed., (Budapest: Central European University Press, 2006), 162.

99 David Warren Sabean and Simon Teuscher, "Kinship in Europe: A New Approach to Long-Term Development," in *Kinship in Europe: Approaches to Long-Term Development (1300-1900)*, ed. David Warren Sabean, Simon Teuscher, and Jon Mathieu (New York: Berghahn Books, 2007), 1.

contemporary Europe.[100] Scholarship in the German context tends to focus on the role of women, while masculinity remains relatively understudied, with the exceptions of sociologist Margret Spohn's work on first-generation Turkish men and anthropologist Katherine Pratt Ewing's study of the stigmatization of Turkish masculinity.[101] By studying gender in a historical and a legal context, I am able to offer a new answer to the question that many of these scholars have posed: "Why did normative, German conceptions of gender roles become the primary standard for determining the capacity of migrants to integrate?"[102] I show that during the 1960s and 1970s, migrants who came to Germany often did so through migration channels that explicitly promoted "traditional" family values and family roles. From 1974 to 1979, there was even a ban on spousal work permits, forcing reunifying foreign families to live in single-breadwinner households as a matter of policy. Starting in the late 1970s and accelerating over the 1980s, these same migrants were blamed for living the roles that they had been expected to fulfill by the state. The gender roles that had been promoted by migration policy were now stigmatized and given as a reason that populations could not be integrated.

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100 For a partial list: Yasemin Yildiz, "Turkish Girls, Allah's Daughters, and the Contemporary German Subject: Itinerary of a Figure," *German Life and Letters* 62, no. 4 (2009), El-Tayeb, *European Others*, Umut Erel, *Migrant Women Transforming Citizenship. Life-stories from Britain and Germany* (Farnham: Ashgate, 2009), Damani Partridge, *Hypersexuality and Headscarves: Race, Sex, and Citizenship in the New Germany* (Bloomington: Indiana University Press 2012), and Anna Korteweg and Gökçe Yurdakul, "Gender Equality and Immigrant Integration: Honor Killing and Force Marriage in the Netherlands, Germany, and Britain," *Women's Studies International Forum* 41 (2013).

101 Margret Spohn, *Türkische Männer in Deutschland. Familie und Identität. Migranten der ersten Generation erzählen ihre Geschichte* (Bielefeld: transcript verlag, 2002) and Katherine Pratt Ewing, *Stolen Honor: Stigmatizing Muslim Men in Berlin* (Stanford: Stanford University Press, 2008).

102 Chin, *Guest Worker Question*, 13.

Dissertation Outline

This dissertation reconstructs and analyzes debates over family migration between 1955 and 2000 in order to chart the changing understanding of the "family" within migration policy. I have used a wide variety of primary sources to reconstruct these debates. My largest source base comes from state archives at both the national level—the Bundesarchiv Koblenz and the Politisches Archiv des Auswärtigen Amts in Berlin—and the level of the federal state. I began with the national archives and then chose a series of federal state archives that seemed to have been particularly influential for shaping the national conversation, specifically West Berlin and Baden-Württemberg—two states that tended towards restrictive policies that were later implemented on higher levels—and North-Rhine Westphalia—the state with the highest percentage of foreign residents. I also used the archives of the German Council of Municipalities, located in the Landesarchiv Berlin.

These bureaucratic documents can be traced to political parties, levels of government, or different ministries, but they are often difficult to trace to specific authors. Because of the limitations of the sources, my goal has not been to write an intellectual history of specific individuals. Rather, my goal has been to chart policy and discursive representations surrounding the migrant family in order to reconstruct the ways that assumptions about migration changed over time. I pay special attention to moments when historical and racialized thinking are engaged in the archives of policy-making. Migration was frequently understood with analogy to the German past, while the behavior of migrant families was understood through essentializing descriptions of migrant culture. Officials perform a kind of boundary work when they make migration policy, trying to hold on to

distinctions between German and foreign, male and female, family and labor, "immigration countries" and the Federal Republic, despite the fact that ongoing processes of migration and social change continually challenged their ability to maintain those distinctions.

In order to better reconstruct the changing role of the migrant family in West Germany, I also used the archives of welfare organizations, contemporary social scientific literature, and records of both migrant activism and German activism on behalf of migrants. I have also used press coverage and literature in German, Turkish, Spanish, and occasionally Italian. This wide variety of sources provides some sense of the ways that migrant behavior inevitably confounded state expectations. Migrants' own accounts of their lives and records of political protest can alert us to the complex calculations that were never fully captured in official models of migration. *Eigen-Sinn* could erupt in the migration of children on airplanes, in the strategic use of documents to prove identity, or in the various forms of marriage migration. This dissertation is a history of how state policies reacted to *eigensinnige* behavior, and the narrative moves between the decisions made by migrants and the state's attempts to control migration.

In the first chapter, I re-evaluate the first eighteen years of the labor migration, from 1955 to 1973, showing that family migration was always part of labor recruitment, and that a periodization of migration flows that places family migration after 1973 is misleading. Family migration was encouraged for two reasons—first, because it was a way to access both male and female labor, and second, because families were seen as a way to keep foreign workers at a safe distance from German society. Family life made workers less likely to enter either romantic or political entanglements and performed the reproductive

labor that kept workers from burdening the West German welfare state. Despite the many useful functions of families, the fear that family migration might be the first step in a permanent settlement led to ambivalent policies towards families.

From the early period of labor migration to the present, one of the limits on family migration has been the requirement that migrants prove that they have sufficient living space to bring their families. In the second chapter, I argue that this requirement placed the burden of creating living space on individuals and families. This chapter also argues that space became racialized: fear of "over-foreignization" [*Überfremdung*] and the creation of "ghettos" inspired state policies to declare certain cities and neighborhoods closed to further foreign settlement. Instead of taking active steps to build affordable housing for foreigners and end discrimination on the housing market, the state enacted policies that placed the burden of dispersal on migrant families and let the state off the hook. Despite legal restrictions on their settlement, migrants claimed space within these discriminatory structures, including as participants in rent strikes and squatting movements.

In the third chapter, I show how the 1974/1975 *Kindergeld* reform became a significant event in the history of migration. Before 1974, foreigners who worked in Germany received the same amount of child benefit whether their children lived in Berlin or Barcelona, Aachen or Ankara. As part of a broader welfare reform of the *Kindergeld* benefit in 1974, differential child benefit was subsequently paid depending on where children lived—now children living in the European Economic Community (which included children of Italian workers who lived in Italy) would receive more money than children living outside of the EEC (which included children who lived in Spain, Portugal, and

Greece). This reform was widely protested by migrants, who argued that the reform would backfire and stimulate child migration to West Germany. Although it is unclear to what degree the reform accelerated an ongoing process of child migration, the reform did create the basis for a long-lasting narrative about how family migration had been motivated by selfish parents who cared more about monetary child benefits than about children.

In the fourth chapter, I show that family migration after the recruitment stop led to a de-coupling of residence permits and work permits. The first serious attempt to curb family migration relied on denying family members work permits: attacking family migration through work permits reinforced the idea that migration was solely an economic phenomenon and that belonging to Germany was primarily an economic matter. Furthermore, the denial of work permits created a population of foreigners who could not legally work. Once this restriction was lifted, officials and experts would choose to forget the fact that it had ever been in place, most notably insisting that non-working women were a product of their culture rather than of legal restrictions. Although husbands had legally been able to forbid their wives from working in West Germany until 1976, foreign women who did not work were now understood as the products of a traditional culture that oppressed the undifferentiated "Mediterranean woman."

In the fifth and sixth chapters, I examine attempts to restrict migration in the 1980s through focusing on different members of the family: chapter five examines new restrictions on child migration, while chapter six examines new restrictions on spousal migration. Both of these attempts to reduce family migration relied on ideas about how the foreign family functioned, and in both cases, the state justified the new policies through

claims that they would "protect" the weaker members of the foreign family—children and women—from the foreign patriarchs who made poor decisions about where their families should live. The dynamic of gendered racialization reached a new intensity in the 1980s, as new restrictions on family migration rested on narratives about how the foreign family was inherently different from the German family and perhaps inherently inassimilable. The early 1980s is also when "Islam" and "Muslim" first become common categories within political discourses, and the role of the "Muslim" family began to attract criticism.

The final chapter reaches beyond the limits of the archival record—state archives are opened to researchers after thirty years, such that I have not been able to look at state files after 1985—in order to examine how migration policies towards families continued to develop in the 1990 reform of the Law on Foreigners and the 1999 citizenship reform. The popular understanding of the 1999 citizenship reform takes it to be an important break in German history, the moment when an ethnically defined nation opened itself to *jus soli.* I argue instead that the 1999 citizenship reform's prioritization of birthright citizenship over liberalized access to naturalization for adults reflects patterns of thinking about the family in terms of "generations," patterns that had been elaborated over the previous half-century. The reform reflected the idea that German identity was acquired in childhood and that after a certain point it was too late to become German.

Families were recognized as a site of reproductive labor throughout the history of migration to West Germany. Although the family as a site for performing this labor was understood as a way to unburden the welfare state during the 1960s, over the course of the 1970s and especially the 1980s the family's role in reproduction was increasingly

understood as a source of threatening foreign values. Migrants often arrived through channels that explicitly promoted "traditional" family values and family roles, but throughout the late 1970s and accelerating over the course of the 1980s, the gendered division of labor and self-containment of the foreign family promoted by migration policy were now taken to be unchanging characteristics of those same families. When migrant families failed to live up to the responsibility of reproduction as defined by the state, their failure furthered processes of stigmatization, not just of individual families, but of the entire "Mediterranean family." This process encouraged the proliferation of racializing ideas about failed families that lived in a parallel society. "Family unity" has eroded as a principle for migration policy, while the "ability to integrate" has increasingly been understood as an individual project that requires a break from the family of origin.

Chapter One—The "Southern Family" in the Period of Labor Recruitment

Introduction

In November 1972, a group of Spanish and Italian women demonstrated for a kindergarten in Frankfurt. The "multinational meeting of foreign women" brought their children to city hall, where they demanded the erection of a "multinational kindergarten" in their Westend neighborhood. Some of the women brought strollers and children along, a gesture that worked to visually reinforce their identity as mothers. A multilingual flyer announcing the action was addressed to "German women, female colleagues and neighbors," and it made an appeal from their shared position as women: "Many of us are forced to leave our children with relatives in the South of Italy, but we have to be here and work, otherwise we would starve. We are separated from our children as mothers, and we

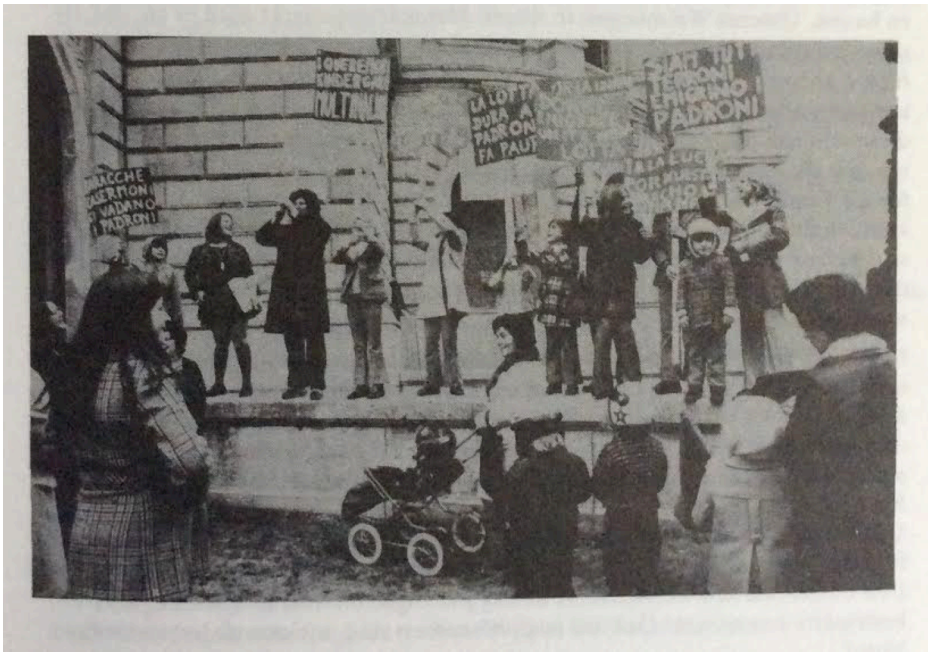


Figure 3 Mothers protesting in Frankfurt. Image from *Wohnungskampf Frankfurt,* p. 131.

suffer from this just as our children do." Two weeks later, the women wrote a letter to the Mayor's Office that went into more detail about the way that labor migration hurt the most vulnerable members of the family:

> "Our children have already paid far too much for this situation. They have become nervous and neurotic and developed every possible sickness in the rats' holes in which we must live. Children forced to play on the streets have been run over more than once. One of our daughters was struck dumb after the shock of separation from her parents who had to send her back home to her grandmother: the parents had to work and there was no kindergarten that the child could go to."[1]

These women insist that their identities as workers, mothers, and migrants are inseparable from one another. They are in West Germany to provide for their family, but West Germany does not allow them to be mothers, because they cannot raise children in a place that is not designed for them. As mother-worker-migrants, they make specifically reproductive claims on the West German state: their families deserve kindergartens, safe playgrounds, and living spaces that are clean and bright.

These women were not alone in demanding the right to a family life. When a branch of Caritas in Essen announced plans to build a new kindergarten for Spanish and German children, local parents were initially excited. But when parents discovered that the half-day kindergarten would only open two hours after most women went to work, and would send the children home without lunch, six hundred Spaniards entered the aisles of the local Catholic church during the German-language mass. 300 of them remained there for an entire day and night, refusing to leave until they secured a promise from the local bishop

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[1] Flyers reproduced in Häuserrat Frankfurt, *Wohnungskampf in Frankfurt* (Munich: Trikont-Verlag, 1974), 129-140.

that the kindergarten would look after children all day, enabling women to go to work.[2] One year earlier, a group of Greek migrants in Baden-Württemberg proposed a different solution when they submitted a petition to their Interior Ministry demanding "better conditions for family life for the Greeks who work here." Specifically, they wanted guest workers to be allowed to bring their parents to Germany in order to look after their children: "One reason for our emigration was the desire to give our children a better future. On one hand we can make it possible through our work, but on the other we lose it, when our children are not in a safe custody during our absence."[3] As in the actions in Frankfurt, the language of the petition insisted that the roles of migrant, family member, and worker could not be separated: coming to West Germany had been part of a family project, such that their work was not understandable outside of a family context.

These protests all contradict the official image of the single male worker who came to West Germany to work while unattached before returning home with the money he had saved. Although many foreigners did fit that image, many others actively insisted that their labor was part of a family project, that their children should be able to live with them in West Germany, and that they deserved better conditions for their children. But these claims on reproductive space have rarely been understood as part of migrant political action.

Family migration was a contested process from the beginning of the labor recruitment period. The initial decision to promote the single-earner family in West

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2 Javier Dominguez, *El hombre como mercancia: españoles en Alemania* (Bilbao: Desclée de Brouwer 1976), 167-169.

3 Landesarchiv Baden-Württemberg [LA B-W], EA 2/303, Bü 204, March 2, 1971, Antonios Rodopoulous to IM B-W, "Petition an das Innenministerium."

Germany as a matter of "family policy" led to the recruitment of foreign labor, and soon came to entail another kind of "family policy," as the state immediately found itself responsible for regulating the family lives of those workers. Official depictions of foreign labor in West Germany tended to imagine labor and family as separate spheres, and to imagine that workers *worked* in Germany while leaving their families in the country of origin, but in fact, a relatively unregulated migration process meant that families could constitute themselves in West Germany against the assumptions of the rotation model.[4] In this chapter, I argue that the state did not merely tolerate the migration of families, but in fact began to actively encourage that migration because it offered solutions to many of the problems that vexed the labor recruitment. Family migration made it easier to recruit the female labor that employers desired, discouraged intimate relationships between foreign men and German women, stabilized the home lives of workers, and prevented foreigners from making demands on the German welfare state, especially for childcare. For all of these reasons, foreign families were profoundly useful to the West German state even as it refused to imagine those families as long-term residents of German society.

This ambivalence about the role of the family created something of a paradox for officials, who tried to develop policies that would support families in so far as they were useful to the state without also encouraging those same families to settle permanently in the Federal Republic. This would also contribute to the racialization of family forms. Officials who argued in favor of family migration often used images of Southern European

4 Sonnenberger, *Arbeitsmigration in Südhessen*.

migrants as uniquely dependent on their families for support, while public representations of guest workers juxtaposed the German nuclear family to the "Southern" extended family. When migrants made the kind of *eigensinnig* decisions that frustrated official expectations, the idea that they were in fact excessively and irrationally family-oriented was employed in order to manage this gap between expectation and reality.

This stereotype also functioned to de-politicize inherently political actions. According to the semiofficial doctrine of the "family-minded Southerner," Greeks were not demanding visas for grandparents as a conscious political act—they were demanding visas for grandparents because Greeks were known to be dependent on their extended families. The image of the family-oriented Southern European migrant worked to promote policies favorable for family reunion, but also to depoliticize and downplay the importance of the actions of migrants in bringing their families and in demanding space for their families. Family migration was not understood as consciously chosen, but as linked to the character of Southern Europeans, who were incapable outside of the family. This image contributed to the state's inability to recognize the beginnings of a long-term settlement process.

Migration as Family Project

German expellees and refugees from the Eastern zone were able to satisfy the labor needs of the growing West German economy in the late 1940s and early 1950s, but by the end of the decade, new arrivals were slowing down and West German employers were looking for new sources of labor. Recent scholarship has challenged the idea that Germany "brought" or "invited" the guest workers. In many cases, migrants to Germany knew that

jobs were to be found there and took matters into their own hands, beginning to move to Germany before anything recognizable as an official "labor recruitment program" began. Carlos Sanz Diaz has shown that the 1961 recruitment agreement with Spain was in fact an attempt to control irregular migration flows, while the 1968 recruitment agreement with Yugoslavia worked in part to divert Yugoslavians from filing asylum applications and working while waiting for their cases to be decided upon.[5] This autonomous dimension of the migration to West Germany challenges narratives whereby the migrants were passive beneficiaries of state recruitment schemes rather than active shapers of their own fates.

However, the state was also actively thinking about how to keep employers happy, and as "full employment" was reached, officials in the Labor Ministry discussed both married German women and foreigners as possible reserves of additional labor. Historian Monika Mattes has argued that the decision to recruit foreign workers was "not just an option of labor market policy, but also of gender policy."[6] The postwar West German state was particularly wedded to an ideal of a male breadwinner and female homemaker [7] The failure to mobilize the labor of married women was one of the parameters that encouraged the recruitment of foreign labor—sometimes quite directly, as Christine von Oertzen shows

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5 Sanz Diaz, *'Espontaneos,'* and Günter Schöppe, "Die 'Wirtschaftsflüchtlinge' im deutschen Asylverfahren," in *2. Internationales Asyl-Colloquium. Garmisch-Partenkirchen 1964*, ed. Martin Kornrumpf (Cologne: Carl Heymanns Verlag, 1965).

6 Mattes, *"Gastarbeiterinnen*," 11.

7 For more on the strong pull of the male-breadwinner, female-homemaker model in the postwar Federal Republic, see Karin Hausen, "Frauenerwerbstätigkeit und erwerbstätige Frauen. Anmerkung zur historischen Forschung," in *Frauen arbeiten: weibliche Erwerbstätigkeit in Ost- und Westdeutschland nach 1945*, ed. Gunilla-Friederike Budde (Göttingen: Vandenhoeck and Ruprecht, 1997) and Sarah E. Summers, "Reconciling Family and Work: The West German Gendered Division of Labor and Women's Emancipation, 1960s to 1980s" (PhD diss., Chapel Hill, 2012).

for small factories in the canning industry.[8] Experts were aware of the trade-offs they were making: for example, the Federal Republic signed a labor recruitment agreement with Italy in 1955, the *Industriekurier* explained that Italian labor had become necessary because "from the standpoint of family policy" it was undesirable to bring West German women out of the home and into the workforce.[9] Monika Mattes also argues that the Labor Ministry was frustrated that West German women who did work were benefiting from a situation of full employment that allowed them to demand better terms for their labor, such that recruiting foreign women allowed employers to keep wages low for all women.[10] Finally, those West German women who did want to work were often unwilling to leave their families, and employers were attracted to female guest workers because of their perceived greater mobility. Officials imagined that foreign women could be assigned anywhere in West Germany without complaint.[11] As we will see below, this supposition would turn out to be wrong—when officials recruited married couples in order to access female labor, those couples wanted to be assigned to jobs in the same city.

The desire to access mobile female labor was one of the factors that drove West Germany to sign labor recruitment contracts with new countries. Italy was the first country

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8 Christine von Oertzen also makes this point in *Teilzeitarbeit und die Lust am Zuverdienen. Geschlechterpolitik und gesellschaftlicher Wandel in Westdeutschland 1948-1969* (Göttingen: Vandenhoeck & Ruprecht, 1999), 251, 274-275.

9 "Es geht nicht ohne Italiener: Im nächsten Frühjahr werden die Arbeitskräfte noch knapper sein," *Industriekurier* October 4, 1955, 4.

10 Mattes, "*Gastarbeiterinnen*," 219.

11 Wilfried A. Hollenberg, *Beschäftigung und Wohnungsbedarf ausländischer Arbeitnehmer als Problem der Landesplanung und Landesentwicklung in Nordrhein-Westfalen. Versuch einer Prognose bis 1980* (Münster: Institut für Siedlungs- und Wohnungswesen der Westfälischen Wilhelms-Universität Münster, 1967), 80.

to sign a bilateral recruitment agreement with West Germany in 1955, but recruiters in Italy had an exceptionally difficult time finding women, something that the Federal Labor Office attributed to the "strong family ties" of the Italians.[12] When the Federal Republic began to recruit in Spain and Greece five years later, the Spanish Emigration Law stipulated that married women of any age required their husbands' permission to emigrate, while single women under 25 required parental permission. Because their government did not impose the same restrictions on female emigration, Greek women were initially the easiest to recruit, and Greek women became the largest group of foreign women working in Germany by 1962, a position they held until overtaken by Turkish women in 1967.[13]

However, even the addition of Turkish and Portuguese women could not fill the demands of the West German labor market in the 1960s. In the introduction, we met Vera Rimski, a woman from Yugoslavia who was greeted as the two-millionth recruited guest worker. Although West Germany's decision to sign a labor recruitment contract with Communist Yugoslavia can be seen as an example of Ostpolitik, it was also compelled by the desire to access the labor of women like Rimski.[14] Italy initially tried to convince the West Germans to reject the agreement with Yugoslavia in order to improve their own citizens' position in the labor market, but West Germany insisted that it needed to contract with Yugoslavia in order to access female labor, informing Italy that their refusal to allow

12 Mattes, "*Gastarbeiterinnen*," 34.
13 Mattes, "*Gastarbeiterinnen*," 39-44.
14 Knortz, *Diplomatische Tauschgeschäfte*, 140-151.

the recruitment of single Italian women between the ages of eighteen and twenty-one was one of the factors that forced the Federal Republic to look to Yugoslavia for labor.[15]

Italy did not change its policy, and continued to refuse to allow West Germans to recruit single women, a position that Italy shared with Spain. Social welfare organizations used the sending countries' anxiety about the fate of single women migrants both to justify their presence in the social work field and to press for liberal family reunification policies. In April 1960, the Catholic Office in Bonn wrote to the Federal Labor Office asking for lists of Italians who were recruited to work in Germany, writing that "foreigners from Romance countries with their own strong family attachments" would not be able to function in the workforce without equally strong ecclesiastic welfare services.[16] Social workers from Catholic welfare organization Caritas also insisted that foreign women needed special oversight because otherwise their parents would no longer let them come to Germany: "In Italy, Spain, Portugal and Greece girls have a completely different familial and religious tie than they do for us."[17] Catholic services were not alone in insisting on this link. Social workers from Diakonie, the Evangelical welfare service responsible for Greek workers, would use the case of a woman who had purportedly had sex with six Greek men and three

15 Rieker, *Italienische Einwanderung*, 103.

16 Archiv des Deutschen Caritasverbands [ADCV], 380.20+172 Fasz.01—Sozialdienst des DCV fuer auslaendische Mitbuerger Vermischtes Schriftgut 1960-65, April 7, 1960 Wilhelm Wissing (Catholic Office in Bonn) to the President of the Bundesanstalt fuer Arbeitsvermittlung und Arbeitslosenversicherung.

17 ADCV, 380.20+172 Fasz.01—Sozialdienst des DCV fuer auslaendische Mitbuerger Vermischtes Schriftgut 1960-65, March 10, 1960, "Thema: Regelungen fuer auslaendische Arbeiterinnen aus fremden Laendern, insbesondere aus den romanischen kath. Laendern: Italien, Spanien, Portugal und aus Oesterreich."

German men within ten days of her arrival to argue that Greek women abroad were subject to "moral decline" and in need of strong supervision.[18]

When the West German state began to negotiate labor recruitment contracts with the sending countries, the sending countries were able to negotiate certain basic protections for officially recruited workers. The very first 1955 recruitment agreement with Italy promised that local Foreigners' Offices [*Ausländerbehörde*] would "favorably consider" applications for family reunion. The *Frankfurter Allgemeine Zeitung* praised the "model contract" for breaking with "earlier images of foreign workers [*Fremdarbeiter*]," including through the decision to allow for family reunification as well as to give Italian workers child benefit [*Kindergeld*] for the children who remained in Italy.[19]

All of the initial labor contracts with the exception of the Turkish agreement in 1961 included a similar provision that local Foreigners' Offices would "favorably consider" applications for the migration of family members who did not work. Historian Mathilde Jamin has argued that the omission of this provision reflects the suspicion that Turks would be unable to integrate, while historian Karin Hunn believes that it was simply a function of chronology because the state was more nervous about the likelihood of family migration at this later date.[20] Although both of these explanations are plausible, neither prevailed for

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18 Landesarchiv Berlin, Deutsche Städtetag [LA-B, DST], 4/44-49, 12 February 1963, Georg Albrecht "Anmerkung zu meiner Denkschrift vom 15.1.1963 über aufgetretene Fälle, welche die Organisation einer Sozialfürsorge für die in der Bundesrepublik lebenden und arbeitenden Griechen und Griechinnen nötigmachen."

19 qtd. in Knortz, *Diplomatische Tauchgeschäfte,* 87.

20 Mathilde Jamin, "Fremde Heimat: Zur Geschichte der Arbeitsmigration aus der Türkei," in *50 Jahre Bundesrepublik—50 Jahre Einwanderung: Nachkriegsgeschichte als*

long, as the contract was renegotiated two years later, in 1963, to allow for the possibility of family reunification for Turks and to grant child benefit for their children. The child benefit clause was particularly notable, as this was the first time a social welfare benefit had been offered to foreign nationals of a state without an equivalent benefit.[21]

When the Law on Foreigners [*Ausländergesetz*] was rewritten in 1965, it was described as a liberalization of the 1938 and 1951 Ausländerpolizeiverordnung, but as Karen Schönwälder has shown, the new law in fact made a foreigner's residence in West Germany dependent on a single factor: whether the foreigner's residence harmed "the interests of the Federal Republic."[22] This formulation gave local Foreigners' Offices, which were responsible for making decisions about residence permits and citizenship applications, very broad latitude for interpreting the law. Although jurists who wrote early commentary on the law noted that even a "lesbian affair" could be used as grounds for exclusion, over time, it would emerge that officials did not even have to consider the

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Migrationsgeschichte, ed. Jan Motte, Rainer Ohliger, and Anne von Oswald (Frankfurt: Campus Verlag, 1999), 148-149, and Hunn, *'Nächstes Jahr,'* 56.

21 Ulrich Herbert and Karin Hunn, "Gastarbeiter und Gastarbeiterpolitik in der Bundesrepublik. Vom Beginn der offiziellen Anwerbestopp (1955-1973)," in *Dynamische Zeiten: Die 60er Jahre in den beiden deutschen Gesellschaften*, ed. Axel Schildt, Detlef Siegfried, and Karl Christian Lammers (Hamburg: Christians, 2000), 284.

22 There is a fairly comprehensive discussion of the developments leading up to the 1965 Ausländergesetz in Karen Schönwälder, " 'Ist nur Liberalisierung Fortschritt?' Zur Entstehung des ersten Ausländergesetzes der Bundesrepublik," in *50 Jahre Bundesrepublik—50 Jahre Einwanderung: Nachkriegsgeschichte als Migrationsgeschichte*, ed. Jan Motte, Rainer Ohliger, Anne von Oswald (Frankfurt: Campus Verlag, 1999) as well as in Schönwälder, *Einwanderung und Pluralität*, 218-245.

conduct of the individual. The fact that West Germany did not understand itself as a "country of immigration" could be grounds for the denial of a residence permit.[23]

In 1965, however, the federal Interior Ministry was more concerned about local Foreigners' Offices granting too many residence permits. In the guidelines for administering the new law, the federal Interior Ministry urged the Foreigners' Offices not to give into requests from employers so easily and to strive for a more consistent practice nationally. The four basic guidelines issued and intended to create this more unified practice were as follows: not granting residence permits to citizens of the Soviet bloc, not granting residence permits to non-Europeans, not granting residence permits to foreigners who had entered the country without a visa, and raising barriers to family reunification by requiring three years of residence and employment before workers were eligible to have non-working family members join them in West Germany. All of these new guidelines were highly controversial in the other ministries, since all of them represented a change from the existing practice, which was primarily oriented to the needs of the labor market—for example, foreigners who had entered the country illegally were regularly given a residence permit after the fact if they had found a job.[24] The one that proposed new restrictions on family reunion would prove the most controversial. Reflecting a widespread attitude, the Minister of the Economy did not see why it was necessary: "It is hardly to be expected that

23 Karakayali, *Gespenster der Migration*, 126-129.
24 Schönwälder, *Einwanderung und Pluralität*, 323-329.

foreigners will bring their family members in a worrying quantity if we continue the current practice, which did not have a three year limit."[25]

Why was the Interior Ministry trying to become more restrictive in 1965? The Ministry was beginning to consider the long-term consequences of migration. The first draft of the guidelines, prepared at an April conference of the Interior Ministers of the Länder, showed that the Interior Ministers were taking both the past and the future into account in crafting a set of guidelines that represented restrictions over current practice. New restrictions on family migration were necessary because West Germany had already taken in a great number of migrants: "the Federal Republic already accepted millions of expellees and refugees after the Second World War, a development that is not yet over," while the second guideline, about restricting the residence of non-Europeans, clarified that "the growing discomfort [*Unbehagen*] of groups of people [*Bevölkerungskreise*] who feel threatened by the different mentality [*andersartige Mentalität*] of workers from outside of Europe must also be kept in mind."[26]

Both of these sentences were eliminated from the draft guidelines during another round of discussions in June 1965. Ludwig Adenauer, secretary of the Interior Ministry in North Rhine Westphalia (and nephew of Konrad), recommended the deletion of the sentence about "growing discomfort," although he was committed to maintaining the restrictions. "Other states, for example the USA, have had comparable restrictions for a long

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25 BAK B 106/69872, September 14, 1965, BMWi to BMI, "Betr.: Grundsätze der Länderinnenminsiter zur Ausländerpolitik."

26 BAK B 106/38055, "Protokoll über Sitzung des Arbeitskreises II 'Öffentliche Sicherheit und Ordnung' der Arbeitsgemeinschaft der Innenministerien der Bundesländer am 28. Und 29. April 1965 in Hamburg."

time. It is difficult to see why in the Federal Republic we should act differently and against our own interests."[27] The comparison to the United States was common. At a January 1966 meeting to discuss the guidelines, the Interior Minister of North-Rhein Westphalia defended the guideline about not giving permits to Eastern Bloc citizens through comparison: "It should be taken into consideration, that West Germany has the most liberal Law on Foreigners in the world. None of our Western neighbors would be ready to take economic refugees from the Eastern Bloc without strong screening, not to mention the stringent immigration guidelines in the United States. Only from Germany is it expected, that we open our borders to all of the migrants who want to share in the German quality of life without an eye to the economic and political consequences."[28] This minister suggests that West Germany is held to an unreasonable standard because of its past, since most liberal democracies had restrictive migration policies.

The Interior Minister also insisted that new restrictions on family members would preserve the family's ability to return home: "The migration of family members of foreign workers will as a rule lead to a settlement of unlimited, at least a considerable duration. Both the inclination to return to the home country and the actual ability to return are decisively impaired through family settlement in the Federal Republic." Because of this possibility, the Foreigners' Offices should only approve family residence permits when the primary employee—imagined as the husband—had secured a long-term job and planned

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27 BAK B 106/38055, "Niederschrift über die Sitzung der Ständigen Konferenz der Innenminister der Länder am ¾ Juni 1965 in Berlin."

28 BAK B 106/38055, December 20, 1965, Innenminister NRW, "Begründung zu Punkt 17 der Tagesordnung für die Innenministerkonferenz am 27/28.1.1966."

to integrate into West German life. Finally, the Interior Minister argued that the guidelines did not violate the clauses in the recruitment agreements that promised to "consider favorably" applications for family reunion. "They only have to *consider* favorably; they do this, when they only grant residence permits on the principle of maintaining the worker who requires a longer period of residence in the Federal Republic."[29]

The Interior Minister's reasoning did not sit well with the Labor Ministry, which believed that liberal granting of family migration was crucial in order to continue to attract workers to West Germany. When the Labor Ministry formed its own working group on foreigners in December 1965, it counted as one of its most important goals "promotion of family reunification despite the 'principles' of the Conference of Interior Ministers."[30] At the group's first meeting, they vowed to fight against the three-year requirement proposed by the Interior Ministries.[31] The Labor Ministry's opposition ultimately forced the Interior Ministry to retreat by reducing the residence requirement for family reunification from three years to one year. The Interior Ministry also promised to allow family reunion in all cases when both partners intended to work—a crucial part of the Labor Ministry's strategy for attracting female workers.[32] The Labor Ministry also proposed a long catalog of

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29 BAK B 106/69872, "Sprechzettel. Arbeitskreis für Fragen der Beschäftigung ausländischer Arbeitnehmer in der Bundesrepublik Deutschland. Sitzung am 12. Oktober 1965."

30 qt. in Schönwälder, *Einwanderung und Pluralität*, 329.

31 BAK B 149/62775, "Niederschrift über die Sitzung des Koordininierungskreises 'Ausländische Arbeitnehmer' am 6. Dezember 1965."

32 The German Embassy in Portugal in fact criticized the guidelines for this reason, explaining that "Only through family reunification has it been at all possible to place female Portuguese workers in the Federal Republic of Germany, since the Portuguese reject considerable recruitment of female workers." BAK B 106/69872, November 8, 1965,

exceptions to the "sufficient housing" requirement, all of which the Interior Ministry accepted. [33] The Economic Ministry forced additional exceptions for skilled employees.[34]

Instead of halting or slowing migration, the Interior Ministry's attempt to create a single clear set of guidelines had provoked backlash from the Labor Ministry and forced the creation of a lengthy catalog of exceptions, always justified with reference to the market.[35] During the period of active labor recruitment in the 1960s, the Labor Ministry was the greatest official proponent of family migration to West Germany, believing that the possibility to bring their family was part of the market calculation that convinced foreigners to try their luck in West Germany in the first place. The Labor Ministry believed that such migration was particularly important for the "Mediterranean" and "Southern" workers who composed their labor force.

The "Southern Family"

The idea of the "Mediterranean" or "Southern family" has a very long history. For historian Paul Ginsborg, "attachment to the family has probably been a more constant and

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Botschaft Lisbon to AA, "Betr.: Vermittlung portugiesischer Arbeitnehmer nach Deutschland; hier: Nachziehung von Familienangehörigen." Also see BAK B 106/69872, November 11, 1965, BMA to BMI, "Betr.: Grundsätze der Innenminister (Senatoren) der Länder zur Ausländerpolitik vom ¾.6.1965; hier: Nachführung der Familienangehörigen ausländischer Arbeitnehmer," and December 20, 1965, BMI to Innenminister der Länder, "Betr.: Ausländerrecht; hier: Grundsätze der Ausländerpolitik."

[33] These exceptions included such exceptions as "when there is no potential German buyer for the apartment" or "when the landlord puts special value on renting the apartment to a foreign family."

[34] BAK B 106/69872, December 28, 1965, BMWi to BMI, "Betr.: Grundsätze der Länderinnenminister zur Ausländerpolitik," 26 January 1966, BMI to other ministries, "Betr.: Ausländerrecht; hier: Grundsätze der Länderinnenminister zur Ausländerpolitik,"

[35] Karakayali, *Gespenster der Migration,* 139-143.

less evanescent element in Italian popular consciousness than any other."[36] Historian Silvana Patriarca argues that this concept of "familialism" became even more important after WWII because both fascists and anti-fascists used the idea to explain their interpretation of what had happened.[37] Fascist Leo Longanesi blamed excessive devotion to family for the failure of the fascist project, writing in 1947 that "Our national flag should bear a big inscription: *I have a family*."[38] Anti-fascists could use the idea of "attachment to the family" to blame Italians for failing to resist the regime creating a kind of consensus on the family as an institution that "actively fomented chaos… by rendering useless the development of strong political institutions."[39] Foreign experts also reproduced these ideas, such as American sociologist Edward C. Banfield who used "amoral familism" as an explanation for Southern Italy's economic woes in his 1958 book *The Moral Basis of a Backwards Society*.[40] In Banfield's work, the extended family relationships of Southern Italians prevented them from moving towards modernity.

The officials and experts who managed migration in West Germany used this dichotomy to describe contrasts between the "modern" German family and the "backwards" Mediterranean family. Giacomo Maturi is one example of a native expert who

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36 Paul Ginsborg, *A History of Contemporary Italy: Society and Politics 1943-1988* (London: Penguin, 1990), 2.

37 Silvana Patriarca, *Italian Vices: Nation and Character from the Risorgimento to the Republic* (Cambridge: Cambridge University Press, 2010).

38 qtd. in Patriarca, *Italian Vices*, 210.

39 qtd. in Patriarca, *Italian Vices*, 228-229.

40 Edward C. Banfield, *The Moral Basis of a Backwards Society* (Glencoe, IL: Free Press, 1958). J.G. Peristiany, ed., *Honour and shame: the values of Mediterranean society* (Chicago: University of Chicago Press, 1966) also played an important role in solidifying expert notions of the Mediterranean.

spent a long career working to popularize the idea of the irrationally strong Mediterranean family. Maturi had come from Northern Italy to study in Germany, where he presented himself as an in-house expert on Italian workers at Ford and later worked on Italian-language radio broadcasts at WDR. He parlayed his status as a "native expert" on the customs of "Southerners" to become the editor of the government's magazine for guest workers, *Arbeitsplatz Deutschland,* in 1972. He would continue to edit the magazine through the 1990s, writing frequent editorials on the themes of the "Southern family."[41]

Maturi was also consistent in his message that family reunion was key to the successful employment of foreign workers. In a report for the German Association for Public and Private Welfare, he wrote that all of the problems faced by the foreign workers "stem from the abnormal situation, in which these lonely men and women must live. Only the family is the location, where a person feels well and where the problems of housing, food, and leisure time can be solved."[42] At a national conference in November 1960, he specified that the family was particularly important for certain cultural groups: "The self-evident imbalances… are even greater with Southerners [*Südländern*], because they, both married and single, are more closely tied to the family… taking care of the home and preparing food is an exclusively female affair. The southern man is much more inept at

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41 Sala, *Fremde Worte,* 202-206. I want to underline the fact that "native expert" Maturi was from *Northern* Italy, and that his work reproduced stereotypes that Northern Italians held about Southern Italians and extended them over the larger cultural space of the European "South." For more on the "Southern Italian" stereotype, see Aliza S. Wong, *Race and the Nation in Liberal Italy, 1861-1911: meridionalism, empire, and diaspora* (New York: Palgrave Macmillan, 2006).

42 LA-B, DST 4/44-49, Band 1, undated report, 1961 or 1962 according to position in archival series, by Giacomo Maturi "Zur Frage der ausländischen Arbeiter."

these household tasks than the German." Maturi also saw family reunification as a way to save German girls from being harassed by foreign men, alluding in his speech to "problems" regarding "the Southerner's attitude to women and the consequences in relation to German girls and women, and in relation to the leisure time of these workers who live alone."[43]

Southern women were perhaps even more helpless than men: "In the South it is a generally recognized principle, that the woman thinks, feels, and must comport herself completely differently from the man."[44] This widely held belief had its effects on the woman's psyche: "She always feels herself in need of protection, she feels and she is looked after and controlled by her family and her environment… if she perhaps also strives for independence, she still unconsciously counts on this protection and this control from her surroundings, her siblings, her parents."[45] Consequently, social workers who believed that they were dealing with "ordinary girls" capable of making their own decisions were deceiving themselves: "These girls and women do not have the footing of the family and the environment; they find themselves in a completely new world, and without special supervision they are exposed to many dangers that can have negative effects. Successful employment of foreign women will only be possible through the reunification of families. [*die Zusammenführung der Familien*]"[46]

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43 Giacomo Maturi, "Die Eingliederung der Südländischen Arbeitskräfte und ihre besonderen Anpassungsschwierigkeiten," in *Ausländische Arbeitskräfte in Deutschland*, ed. Hessisches Institut für Betriebswirtschaft (Düsseldorf: Econ-Verlag, 1961), 129, 131.

44 Giacomo Maturi, "Weibliche Arbeitskräfte aus den Mittelmeerländern," in *Ausländische Arbeitskräfte in Deutschland*, ed. Hessisches Institut für Betriebswirtschaft (Düsseldorf: Econ-Verlag, 1961), 183.

45 Maturi, "Webliche Arbeitskräfte," 185.

46 Maturi, "Weibliche Arbeitskräfte," 186.

Additional speakers at the same conference echoed Maturi. Their arguments in favor of liberal family reunion policies did not spring from an abstract concern for the right to family life, but rested on the unique familial dependence of "Southerners," particularly of Southern women. A representative from the Italian Embassy stated that it was hard to recruit Italian women "because the Italian woman only leaves her family, when she is forced to out of urgent necessity,"[47] while the trade attaché from the Greek embassy argued that "Women from the Greek peasantry… can only with difficulty leave the family, under whose special protection they stand. The Greek woman is difficult to separate from her husband and especially from her children, so that the dispatch [*Verschickung*] of the wife necessarily also entails the relocation [*Nachreise*] of the husband and as far as possible his employment at the same location, if not in the same company."[48] Helmuth Weicken of the Federal Labor Office in Nürnberg agreed: "The primary difficulties in recruiting female workers from these countries lie in the strong tie of the woman to the family. When a girl or a woman leaves the family sphere in order to take a job abroad, serious consequences for her future path in life may result."[49] Valentin Siebrecht of the Federal Labor Office in Munich echoed these sentiments in a written report, adding that when foreign women "left

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47 Vittorio Bifulco, "Die Auswahl Italienischer Arbeitskräfte für Deutschland und ihr Einsatz in deutschen Betrieben," in *Ausländische Arbeitskräfte in Deutschland*, ed. Hessisches Institut für Betriebswirtschaft (Düsseldorf: Econ-Verlag, 1961), 66.

48 Gerassimos B. Papavassiliou, "Die Auswahl griechischer Arbeitskräfte und ihr Einsatz in deutschen Betrieben," in *Ausländische Arbeitskräfte in Deutschland*, ed. Hessisches Institut für Betriebswirtschaft (Düsseldorf: Econ-Verlag, 1961), 87.

49 Helmuth Weicken, "Anwerbung und Vermittlung Italienischer, Spanische und Griechischer Arbeitskräfte im Rahmen Bilateraler Anwerbevereinbarungen," in *Ausländische Arbeitskräfte in Deutschland*, ed. Hessisches Institut für Betriebswirtschaft (Düsseldorf: Econ-Verlag, 1961), 37.

the protection of the family for the first time, they are not always up to the challenges of the unaccustomed free life."[50]

Arguments in favor of family reunification relied on the idea that Southerners, both men and women, could not really function properly outside of the family. Employers in Baden-Württemberg promoted family reunification because of the "specific mentality and pronounced sense of family of the foreigners, especially the Italians."[51] The idea that foreigners had a more pronounced "sense of family" than Germans was also used to suggest the fundamental incompatibility of German and Mediterranean concepts of the family. Maturi was active in promoting this interpretation in texts like the 1966 booklet *Hello Günther! The Foreign Worker Speaks to his German Colleagues*, written for newly recruited foreign workers to read on their way to West Germany.[52] Maturi describes different ideas about the family as an obstacle to mutual understanding:

> We live far from our families, which is hard for us, but strengthens the bonds with our relatives even more. The German can hardly imagine, dear friend, what the family means for us… we are astonished by the freedom and independence that the individual enjoys in the family in Germany. It seems to us that the family has lost too much of its meaning for the old and the young. The family's ability to stick together [*Zusammenhalten*] seems weak to us. The German for his part would find

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50 LA-B, DST, 4/44-49, Band 1, Dr. Valentin Siebrecht report "Aufgaben der Fürsorge im Zusammenhang mit der Beschäftigung von Ausländern in Deutschland zum Bericht über die Sitzung des Ständigen Ausschusses am 19. Juni 1962 in Frankfurt am Main."

51 Landesarchiv B-W, EA 8/201 Bü 664, Memo from 23.11.1960, "Betr.: Aussprache am 23. November 1960 im Landesarbeitsamt über gesundheitliche Probleme der ausländischen Arbeitskräfte in Baden-Württemberg."

52 Giacomo Maturi, *Hallo Günther! Der Ausländische Arbeiter Spricht zu Seinem Deutschen Kollegen* (Heidelberg: Curt Haefner Verlag, 1966). This booklet was funded by the German Labor Ministry and translated into all of the national recruitment languages for guest workers. The guest worker was referred to as the "Southerner" across all of the languages I have been able to check, homogenizing Spaniards, Portuguese, Italians, Greeks, Yugoslavs and Turks into a "Southern" culture positioned against German culture.

> our family ties unbearable, even irrational. Family ties and the norms that come out of them have their roots in the blood and in the heart—for that reason they are not always as rational as they should be and as we would like them.[53]

Maturi places rational Western liberalism in opposition to excessive feeling. German families appear to be collections of independent individuals who see Southern Europeans as inexplicably devoted to their families. There is a sense that the German may have lost something in moving from a family-based society to a society based on the individual, but the implicit dichotomy of rational versus emotional, modern versus traditional, family versus individual draws sharp distinctions between the two forms of the family and describes this differing value systems as a potential source of conflict—"the German for his part would find our ties unbearable." Maturi's description also depicts these two cultures as static: discussions about gender roles within West Germany are ignored, as are ongoing discussions about family relationships within Southern Europe.[54]

Maturi was not the only expert who depicted the Southern family as an institution that impaired the individuals within it. Charles Zwingmann, a psychoanalyst who tried to bring back the "nostalgia" diagnosis in the postwar period, warned that in the Federal Republic, foreign workers were subject to mental problems, and that one of the exacerbating factors could be seen when you "compare the relative independence of adult members of a German family with the strong cohesion and sense of community

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53 Maturi, *Hallo Günther!*

54 For one discussion of this phenomenon, see Grazia Prontera, "The migration experience of Italian workers in the Federal Republic of Germany in the postwar years," in *Postwar Mediterranean Migration to Western Europe: Legal and Political Frameworks, Sociability and Memory Cultures*, ed. Clelia Caruso, Jenny Pleinen, and Lutz Raphael (Frankfurt: Peter Lang, 2008).

[*Gemeinschaftssinn*] of the southern family, where sometimes the grandmother holds the reins."[55] The suggestion of a matriarchal order also works to subtly pathologize the Southern family. In her study on Italian guest workers, psychologist Ursula Kurz interpreted writing three to five letters a week as an Italian peculiarity and as evidence of overly strong ties to the family. She concluded that the "total function" of the Italian family made it difficult for the individual to know how to relate to people outside of the family.[56]

If cultural production is any guide, many migrants also described German ideas of family life as unbearable and bordering on pathological.[57] A team of psychoanalysts who interviewed Italian, Greek, Spanish and Turkish citizens living in Cologne discovered that when asked what they found most "repulsive" [*abstossend*] about Germany, all four groups gave a similar response: " 'The poor German children, their parents do not love them, they only raise [*erziehen*] them.' And the worst of all: 'They leave them alone.' "[58]

Particularly the idea that Germans love their dogs excessively—not only more than the guest workers, but also more than their own children—became a common trope in

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55 Charles Zwingmann, "Ein Psychologisches Problem Ausländischer Arbeitskräfte: Die Heimweh-Reaktion," in *Ausländische Arbeitskräfte in Deutschland*, ed. Hessisches Institut für Betriebswirtschaft (Düsseldorf: Econ-Verlag, 1961), 189.

56 Ursula Kurz "Partielle Anpassung und Kulturkonflikt. Gruppenstruktur und Anpassungsdispositionen in einem italienischen Gastarbeiter-Lager," *Kölner Zeitschrift für Soziologie und Sozialpsychologie* 17 (1965).

57 In her reading of migrant literature about family relationships, Patricia Anne Simpson suggests that migrant writers have charged the German family with "an inability to express emotion" and hopes that "the presence of immigration cultures and transnational families opens up the possibility of a deregulation of… German family life in defiance of a stereotypical practice of repression." *Reimagining the European Family: Cultures of Immigration* (New York: Palgrave MacMillan, 2013), 160-161.

58 Karl Bingemeier, Edeltrud Meistermann-Seeger, and Edgar Neubert, *Leben als Gastarbeiter. Geglückte und mißglückte Integration* (Cologne: Westdeutscher Verlag, 1970), 150.

migrant literature, especially Turkish literature.[59] In a play about everyday life in Germany by Hüseyin Yiğit, the Turkish mother reflects: "Of course they do not like us. They only like dogs... honestly, I wonder why they like dogs so much? Yesterday I read in the newspaper, that 70% of Germans would have a dog, that means that they really like dogs... in the newspaper there was a story: In Düsseldorf there was house fire. The owner of the house rescued her dog first and then her child."[60] Mustafa Tekinez wrote of Germans that "only when they see their dogs does a slight smile come over their lips. But when human figures appear, this expression disappears."[61] Even in a 2004 interview, one Turkish man echoed this trope when he told a sociologist that he did not understand the German love of dogs: "They would rather have dogs than children… what would happen to the German state if all of the foreigners went away, would it become a state of dogs [*Hundestaat*]?"[62] In a joke told by Greeks and Turks a guest worker is asked "How do you imagine integration?" and replies "Well, I will not integrate so far, that I push my old mother into a retirement home, do without children and take the dog for a walk."[63]

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59 In Islam, dogs are considered to be ritually unclean animals, giving the figure of the German who loved dogs more than human beings an additional charge when it is encountered in Turkish literature. I did not find any texts that specifically referenced the religious interpretation of dogs, but the cultural context may give additional weight to explain why this figure is so common in Turkish literature.

60 Hüseyin Yiğit, *Was soll aus uns werden? [Sonumuz ne olacak?],* trans. Herbert Soffel and Hikmet Atilla (Frankfurt: Dağyeli Verlag, 1986), 37.

61 Mustafa Tekinez, "Are We Not All Human Beings?" in *Germany in Transit: Nation and Migration, 1955-2005*, ed. Deniz Göktürk, David Gramling, and Anton Kaes, trans. Tes Howell (Berkeley, CA: University of California Press, 2007), 344.

62 Ferdinand Sutterlüty, *In Sippenhaft. Negative Klassifikationen in ethnischen Konflikten* (Frankfurt am Main: Campus Verlag, 2010), 117.

63 Türkiye Halkıçı Devrimci Birliği Batı Berlin (HDB), *Oranienstr. 22 Wo Unser Herz Schlägt* (Berlin: self-published, 1984), 15.

Criticism of family values worked as an identity marker—many migrants valorized their own identity by describing the West German family as cold and uncaring, while West Germans criticized the "Southern family" for being irrational, overbearing, and possibly matriarchal. This description of the family as excessive became charged with extra meaning when West German bureaucrats incorporated it into their understanding of migration patterns. Official discourses relied heavily on the idea that family reunion was necessary because Mediterranean or Southern Europeans were uniquely dependent. These arguments were effective for promoting relatively de-regulated and liberal family reunion policies, but the stereotype of Mediterraneans as excessively family-oriented also functioned to depoliticize the actions that migrants took to bring their families together. Migrants who went to great lengths to keep their families together were not understood as emotionally similar to West Germans, but as acting from a Mediterranean cultural pattern that made them incapable of functioning outside of the family.

Family Reunion and Labor Recruitment

Although the guest worker was often imagined to be an unattached young man, the Labor Ministry was in fact dependent on family ties in order to meet employers' demands for a flexible yet stable workforce. The Labor Ministry objected to more stringent requirements for family reunification in part because one of the best ways to access female labor was to recruit a married couple. However, they were not always prepared for those married couples to insist on staying together once in West Germany.

The recruitment offices in Greece were particularly active in the strategy of recruiting married couples, and in July 1962 the Federal Labor Office sent out a circular asking regional labor offices about their experience with married Greek women leaving their assigned jobs because they were being sent to different parts of the country from their husbands. The circular suggested combating the problem by asking these women to sign a document stating that they understood both that they might be sent to a different city from their husbands and that they might be deported if they broke their contract.[64] Every single office replied that contract breach by married women was a problem. Baden-Württemberg reported that of 7,200 Greek women, 60 had already ended their contracts illegally and 72 had ended their contracts with the consent of their employers. Some husbands had also broken contracts in order to move with their wives. They suggested that greater efforts be made to keep couples close together. If there was no factory job available for the wife, surely it would be possible to find a position in the service sector "as housemaid in a hospitals or asylum, or working at a hotel or guesthouse near the husband."[65] Southern Bavaria suggested beginning the process of tracking families earlier by asking men who were in the recruitment process whether they planned to bring their wives. "If so, then the husband should be recruited to a place where the wife can also work

64 BAK B 119/3038, July 16, 1962, Bundesanstalt to Landesarbeitsämter, "Betr.: Anwerbung und Vermittlung griechischer Arbeitnehmer nach der Bundesrepublik Deutschland; hier: Vermittlung verheirateter weiblicher Arbeitskräfte."

65 BAK B 119/3038, August 24, 1962, Landesarbeitsamt B-W to Bundesanstalt, "Betr.: Anwerbung und Vermittlung griechischer Arbeitnehmer nach der Bundesrepublik Deutschland; hier: Vermittlung verheirateter weiblicher Arbeitskräfte."

later."[66] Most offices were skeptical that an additional signature would help, with one official in Lower Saxony writing that pre-departure statements "generally should not be given too much importance, since human ties are stronger."[67] North-Rhein Westphalia wrote that this was especially true for the population in question, "because based on my experiences the sense of togetherness [*Zusammengehörigkeitsgefühl*] is especially strong for Greeks."[68]

Correspondence about the problem of contract breach continued throughout the next year. Although Greeks were not the only couples who were regularly expressing familial *Eigen-Sinn* by breaching their contracts, but officials often chose to understand contract breach as a specific property of a national group. The Labor Office in Cologne wrote to the recruitment offices in Italy that Italian women caused these problems: "because of the close family ties that are normal for them, the demand that women fulfill a work contract that requires them to live apart from their husband seems unintelligible to

66 BAK B 119/3038, August 24, 1962, Landesarbeitsamt Nordbayern to Bundesanstalt, "Betr.: Anwerbung und Vermittlung griechischer Arbeitnehmer nach der Bundesrepublik Deutschland; hier: Vermittlung verheirateter weiblicher Arbeitskräfte" and August 23, 1962, Landesarbeitsamt Südbayern to Bundesanstalt, "Betr.: Anwerbung und Vermittlung griechischer Arbeitnehmer nach der Bundesrepublik Deutschland; hier: Vermittlung verheirateter weiblicher Arbeitskräfte."

67 BAK B 119/3038, August 20, 1962, Landesarbeitsamt Niedersachsen to Bundesanstalt, "Betr.: Anwerbung und Vermittlung griechischer Arbeitnehmer nach der Bundesrepublik Deutschland; hier: Vermittlung verheirateter weiblicher Arbeitskräfte."

68 BAK B 119/3038, August 25, 1962, Landesarbeitsamt NRW to Bundesanstalt, "Betr.: Anwerbung und Vermittlung griechischer Arbeitnehmer nach der Bundesrepublik Deutschland; hier: Vermittlung verheirateter weiblicher Arbeitskräfte."

the women."[69] For this official, the idea that wives and husbands might want to live together was not seen as self-evident: the desire to live in marital union was understood as the mark of an under-developed Southern European culture that placed family ties over contractual ties. West German women's desire to live with their husbands instead of moving to where the jobs were was part of the reason that employers in West Germany had wanted to recruit foreign women in the first place, but seen through the lens of the labor migration, valuing family above contract became a specifically *foreign* problem.

Officials also harbored deeply gendered assumptions about which members of the family ought to be placing family above contract. In the discussion about Greek couples, many offices reported with surprise that they also had men who were breaking their contracts to be close to their wives. Something even more surprising was happening in Turkey: according to the recruitment offices in Turkey, many Turkish women were using their desirable status on the labor market to skip ahead of the waiting lines and then to "bring their husbands in reverse." The official reading this report at the Federal Labor Office penciled an exclamation point in the margins.[70] Officials assumed that women were going to follow men; the idea that men might follow women was always surprising.

The practice of assigning married couples to different cities came under scrutiny in 1964, when the president of the Federal Labor Office reportedly witnessed an unhappy

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69 BAK B 119/3038, November 2, 1962 Arbeitsamt Köln to German Commission in Rome, "Betr.: Anwerbung und Vermittlung ausländischer Arbeitskräfte nach der Bundesrepublik Deutschland; hier: Vermittlung verheirateter weiblicher Arbeitskräfte."

70 BAK B 119/3038, February 26, 1963, Deutsche Kommission in Türkei to Bundesanstalt, "Betr.: Anwerbung und Vermittlung von Arbeitnehmern nach der Bundesrepublik Deutschland im Rahmen von Anwerbevereinbarungen; hier: Vermittlung verheirateter weiblicher Arbeitskräfte."

scene at the Munich train station: a Turkish man bound for Braunschweig putting his 8-year-old-daughter on a train to Darmstadt. The man had brought his daughter with him on the train because he assumed that he was being recruited to the same city as his wife, but upon arrival at the train station, the man discovered that the cities were in fact over 350 kilometers apart.[71] President Sabel was furious: "I have the impression, that some labor placements are very superficial and that the attempt to place spouses in the same district is not made often enough… under these circumstances one of the two will try to relocate to the place where the other spouse is located. That leads to failure to observe the work contracts that have been agreed upon. In recruitment the reunification of family members is an important point, that is to be valued higher than other goals."[72]

With the President's attention directed to the problem of spousal recruitment, a circular to the recruitment offices abroad was sent within the week with the instruction only to send spouses to the same place. The Turkish Commission responded by blaming the workers, explaining that problems only arose when newly recruited workers hid the fact that their spouse already worked in Germany. The Federal Labor Office sent another circular in July restating the instructions; although the first draft of the second circular explained that the labor office could not be held responsible when workers concealed their familial status, this line was crossed out of the final draft of the circular.[73]

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71 For an extended reflection on the problems of train transport, see Jennifer Miller, "On Track for West Germany: Turkish 'Guest-Worker' Rail Transportation to West Germany in the Postwar Period," *German History* 30, no. 4 (2012).

72 BAK B 119/3038, January 24, 1964, Präsident Sabel to Oberdirektor Dr. Kästner.

73 BAK B 119/3038, January 30, 1964, Bundesanstalt to Deutsche Kommissionen, "Betr.: Vermittlung von Ehepartnern in denselben Beschäftigungsort in der Bundesrepublik

One of the proposed solutions for spouses who were tempted to breach their contracts was named recruitment: workers could name somebody else to be recruited directly to the same factory. The conflicts over "named recruitment" would reveal the divergent interests of migrants, employers, and states. Migrants placed a high value on being able to use named recruitment. Not only did it offer a simple path to family reunification, it was also a way for prospective migrants to avoid screening procedures. Migrants who feared being rejected on medical grounds might prefer named recruitment. There were also unspoken rules about not recruiting workers with large numbers of children. Men with more than four children were usually rejected if they had to go through the usual process, but could use named recruitment to avoid that level of screening.[74] Widespread reports of bribery and exploitation around the procedures of named recruitment suggest that migrants placed high value on the ability to use named recruitment in order to reconstitute kinship networks and get around regulations. One man who worked as a translator for Turkish and Greek migrants remembered that other

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Deutschland," February 17, 1964, Deutsche Verbindungsstelle in der Türkei to Bundesanstalt, "Betr.: Vermittlung von Ehepartnern in denselben Beschäftigungsort in der Bundesrepublik Deutschland," and July 2, 1964, Bundesanstalt to Deutsche Kommissionen, "Betr.: Anwerbung und Vermittlung ausländischer Arbeitnehmer aus Anwerbeländern; hier: Vermittlung von Ehepartnern an denselben Beschäftigungsort in der Bundesrepublik Deutschland."

74 The fact that many Turkish men used named recruitment in order to get around informal prohibitions on recruiting men with large families is mentioned in both BAK B 119/4728, June 4, 1968, Referat Ia5 Vermerk, "Betr.: Vermittlung türkischer Arbeitnehmer mit mehr als 4 Kindern" and June 30, 1968, Abteilung Ia5 Vermerk, "Betr.: Vermittlung türkischer Arbeitnehmer nach der Bundesrepublik Deutschland; hier: Namentliche Anforderungen," as well as BAK B 119/4727, May 10, 1969, Deutsche Verbindungsstelle in der Türkei to Bundesanstalt, "Betr.: Anwerbung und Vermittlung türkischer Arbeitnehmer nach der Bundesrepublik Deutschland; hier: Namentliche Anforderungen."

translators in his factory outside of Düsseldorf required people who wanted assistance in filling out a request for named recruitment to pay 1,000 DM to "facilitate" the process before pocketing the money.[75] The Humanist Union in West Berlin documented translators asking for up to 1,050 DM in order to facilitate named recruitment.[76] Both sums suggest that the desire for named recruitment must have been high. Officials sometimes understood this desire through the prism of ethnic character: an official in Baden-Württemberg argued that Greek workers pressured their employers into using named recruitment to bring friends and employers, "a phenomenon, that must be based in the Greek mentality and that occasionally leads to the blatant form of the employee offering to pay the cost of recruitment in order to reach their goal."[77]

In fact, the interests of migrants and employers converged in named recruitment, because many employers believed that recruiting people who knew each other created a more stable workforce. Employers in Baden-Württemberg pressed for the ability to expand the use of named recruitment beyond family members to "relationships among fellow countrymen," arguing that "the reunification of friends and acquaintances contributes substantially to the stabilization of employment relations and should be cultivated in the

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75 Dokumentationszentrum über die Migration in Deutschland [DOMiD], Interview with Anestis Kellidis from June 25, 2004.

76 Ali Uçar, *Die soziale Lage der türkischen Migrantenfamilien. Mit einer empirischen Untersuchung unter besonderer Berücksichtigung der arbeits- und sozialrechtlichen Fragen*, 2nd ed., (Berlin (West): EXpress Edition, 1982), 30-31.

77 BAK B 119/4735, October 15, 1963, Landesarbeitsamt B-W to Bundesanstalt, "Betr.: Anwerbung und Vermittlung griechischer Arbeitnehmer; hier: Namentliche Anforderungen."

interest of an individual labor recruitment of foreign workers."[78] According to these employers, named recruitment offered "a certain guarantee for good morale at work" and "lesser difficulties of integration." Some employers even drew on the idea of the "Southern family" in order to make their case, arguing that the refusal to extend named recruitment "contradicts the social order [*Gesellschaftsordnung*] in Turkey, in which the togetherness of the extended family and clan has a certain meaning, so that already from this viewpoint the Turkish worker does not understand why only spouses and siblings can be recruited."[79]

This appeal to the natural "social order" in fact contradicted the desires of the sending countries, which continually tried to *limit* the number of relatives eligible for named recruitment against pressure from the Federal Labor Office to *extend* the number of relatives who were eligible for named recruitment. The sending countries wanted to spread out the perceived benefits of emigration, and worried that relying on the family networks of migrants in order to organize emigration would lead to perceptions that the state was allowing some families to become rich at the expense of others. The Greek government, for example, had to contend with rumors that the benefits of emigration were flowing unevenly to Northern Greece because of extensive use of named recruitment in

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78 BAK B 119/4728, October 27, 1962, Landesarbeitsamt B-W to Bundesanstalt, "Betr.: Vermittlung türkischer Arbeitnehmer; hier: Namentliche Anforderungen."26. September 1962, Landesarbeitsamt B-W to Bundesanstalt, "Betr.: Vermittlung türkischer Arbeitnehmer."

79 BAK B 119/4728, February 18, 1963, Landesarbeitsamt B-W to Bundesanstalt, "Betr.: Vermittlung türkischer Arbeitnehmer; hier: Namentliche Anforderungen,"

that region of the country.[80] In order to combat this perception, the Greek Labor Minister restricted named recruitment to "first and second degree family members," and felt the need to specifically ask "the German business community to appreciate this measure and to refrain from named recruitment outside of this group of people."[81]

Turkey had similar concerns about the uneven effects of named recruitment, and repeatedly asked the German recruitment offices to refrain from recruiting siblings to West Germany. The Turkish government hoped that limiting named recruitment would lead to an increase in the number of "anonymous" recruitments and thus ultimately reduce the waiting time for the many workers who were hoping to emigrate.[82] In September 1969, Turkey decided that all male relatives were no longer eligible for named recruitment.[83] By November 1969, 900,000 Turkish citizens were on the waitlist for West Germany, and the continued recruitment of siblings was leading to "growing social unrest" in many villages. The German Embassy in Ankara explained the Turkish state's position:

> "There are entire villages whose population expects to escape their current poor conditions through work in Germany. The families who have been able to send only one member to Germany can use sibling recruitment to send further family members to well-paying jobs in Germany without a waiting period. These favored families quickly reach a substantially higher standard of living than other village

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80 BAK B 119/4735, October 15, 1963, Landesarbeitsamt B-W to Bundesanstalt, "Betr.: Anwerbung und Vermittlung griechischer Arbeitnehmer; hier: Namentliche Anforderungen."

81 BAK B 119/4735, May 4, 1961, Referat Ia6 Vermerk des Sachbearbeiters.

82 BAK B 119/4727, May 10, 1969, Deutsche Verbindungsstelle in der Türkei to Bundesanstalt, "Betr.: Anwerbung und Vermittlung türkischer Arbeitnehmer nach der Bundesrepublik Deutschland; hier: Namentliche Anforderungen."

83 BAK B 119/4727, September 16, 1969, Bundesanstalt circular to Dienststellen, "Betr.: Anwerbung und Vermittlung ausländischer Arbeitnehmer nach der Bundesrepublik Deutschland; hier: Namentliche Anforderung türkischer, griechischer und jugoslawischer Arbeitnehmer."

> residents, who continue to live in unimaginable poverty and who feel themselves to be an underprivileged social class. He who knows the meaning that the family has in Turkish society—especially in rural society—knows what consequences must follow from such developments. The German government should refrain from further strengthening this social discrepancy in the rural areas of Turkey through the unabated use of brother-recruitment, which continues to reach considerable dimensions, with an average of 800 to 1000 people entering this way per month.[84]

This letter reveals the fact that family interests and state interests were not the same: family members wanted to improve the condition of their families, while the state wanted to benefit as many families as possible. After receiving this letter from Ankara, the Interior Ministry sending a circular instructing local Foreigners' Offices not to approve the residence and labor permits of siblings who had arrived on tourist visas because it was "against the declared will of the Turkish authorities."[85]

These concerns about domestic unrest due to an uneven distribution of the perceived benefits of emigration meant that Germany was continually corresponding with several of the sending countries in order to debate the extent of named recruitment. As one example, commissions in Greece and Turkey decided that siblings and their spouses could no longer proceed in a single recruitment in early 1969. Instead, the named recruitment of couples would have to proceed in stages—first, a worker who was already in West Germany could recruit their brother or sister, and only once the sibling had arrived could the sibling then recruit their spouse. For Greek citizens, these restrictions applied in both

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84 BAK B 119/4727, November 18, 1969, Botschaft Ankara to AA, "Betr.: Anwerbung und Vermittlung türkischer Arbeitnehmer nach der Bundesrepublik Deutschland; hier: Namentliche Anforderungen."

85 BAK B 119/4727, April 24, 1970, BMI to Innenminster der Länder, "Betr.: Ausländerrecht: Anwerbung türkischer Arbeitnehmer nach der Bundesrepublik Deutschland; hier: Geschwistervermittlung."

directions—however, Turkish citizens could recruit a sister and her spouse at the same time, but not a brother and his spouse at the same time, perhaps in deference to the idea that women were in special need of male protection in Germany.[86] Although this procedure had been specifically requested by the Greek and Turkish governments, employers again appealed to the timeless "Southern family" to protest the measure: "In view of the distinctive sense of family of the Southerner [*Südländer*] one cannot expect that they will understand named recruitment in stages." Of course, employers were worried less about preserving "Southern" values than about preserving their own investments, explaining that if this "staged" recruitment broke down during the second stage, so that the husband could not be recruited after all, "then we can expect that the wife will return home—in breach of contract—and the employer will lose an employee who has already been trained." Employers also complained about the deportation of spouses who had arrived on tourist visas, since this often led to the departure spouse who had already been trained.[87]

Employers were willing to appeal to "the Southern family" in order to keep their own human resources in place, often pushing for named recruitment against the requests of the sending countries. Widespread use of named recruitment meant that extended families were not merely tolerated, but actively encouraged to settle in Germany. The idea that families were stabilizing factors was a common rationale for allowing family migration

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86 BAK B 119/4727, September 16, 1969, Bundesanstalt circular to Dienststellen, "Betr.: Anwerbung und Vermittlung ausländischer Arbeitnehmer nach der Bundesrepublik Deutschland; hier: Namentliche Anforderung türkischer, griechischer und jugoslawischer Arbeitnehmer."

87 BAK B 119/4727, March 20, 1969, Landesarbeitsamt Nordbayern to Bundesanstalt, "Betrifft: Anwerbung und Vermittlung griechischer Arbeitnehmer nach der Bundesrepublik Deutschland; hier: Namentliche Anforderungen."

in other Western European states. Policy-makers in France and the United Kingdom had also assumed that family migration was positive because the presence of women worked to depoliticize foreign communities. Advocates of Algerian family migration to France in the 1950s saw women as a possible prophylactic against political agitation within Algerian communities, and "family settlement became an avenue for welfare providers to redirect Algerians' supposedly collective mentality away from nationalism and toward loyalty to France."[88] Similar ideas circulated in West Germany, with the Consulate in Naples assuring Germans that the family attachments of Southern Italians made them immune to political agitation. The consulate assured the West Germans that a family man had no time to be a Communist, drawing a deceptive line between the familial and the political that ignored the specific Communist criticism of family separation in the name of capital.[89]

But employers' support of named recruitment had its limits when migrants used named recruitment precisely to get around regulations. The demand for work in West Germany was so great in Turkey that married women often went to West Germany by themselves in order to shorten the waiting period for their husbands. In 1972 and early 1973, officials began to worry that women were coming to work and then bringing sick husbands after them. Although infectious disease was a possible reason for deportation according to the Law on Foreigners, husbands could get doctor's notes explaining that their health prevented deportation, so that "the trailing husbands often have to be committed to

88 Lyons, *Algerian Families*, 13.
89 Rieker, "Südländer, Ostagente, oder Westeuropäer?", 238.

sanatoriums," burdening the German welfare state.[90] The Labor Ministry's working group on foreigners passed guidelines in February 1973 stating that women should not be recruited if their husbands were not also capable of working.[91] This was followed by an inquiry into whether it was legal to require women to give their husband's name and birthdate when the woman applied to work in Germany.[92]

This spurt of concern about sick and elderly trailing husbands shows that the Labor Ministry's support for family reunion had always been conditional. As long as named recruitment had been the most efficient way to access labor, employers and officials were happy to appeal to the "family sense" of the Southern European—but once migrant actions on behalf of their families began to get in the way of their most efficient distribution as human resources, employers were also quick to complain about their "Southern" disposition to rate the family above the labor contract and the state. "Family ties" were only useful in so far as the family was composed of healthy working individuals.

Avoiding Entanglements: Binational Marriages in the 1960s

Employers were concerned for a stable workforce, and the welfare experts who advanced the argument that Southern men and women needed their families were not

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90 PAAA B 85/1033, July 5, 1972 letter from Innenminister NRW to BMA, "Betr: Ausländerwesen; hier: Anwerbung ausländischer Arbeitnehmer."

91 Even as the guidelines were passed, officials suspects that they would be "hardly legally possible" to enforce. PAAA B 85/1033, March 14, 1973 "Ergebnisprotokoll über die Sitzung des Arbeitskreises für Fragen der Beschäftigung ausländischer Arbeitnehmer im Bundesministerium für Arbeit und Sozialordnung am 2. February 1973."

92 PAAA B 85/1033, April 25, 1973, BMI to BMA, "Betr.: Einreise ausländischer Arbeitnehmer, deren Ehefrauen im Bundesgebiet beschäftigt sind."

subtle about the fact that family reunification stabilized the workforce by satisfying sexual needs. Press reporting frequently linked single men, frustrated sexual desire, and the potential for an outbreak of violence.[93] Valentin Siebrecht, the head of the Labor Office in Munich, stated in 1962 that recent observations of "the sexual need of both married and unmarried men living without families in Germany" had compelled him to redouble his efforts on behalf of family reunion despite the continuing housing shortage.[94]

Officials were easily able to find welfare and medical experts to stoke concern about the single foreigners who were unable to get married in Germany. Already in 1960, psychoanalyst Charles Zwingmann warned that although the male guest workers "might well find a short-term physical contact with 'certain' girls… all too often this young worker is condemned to a nomad's existence when it comes to love affairs in Germany."[95] Criminologist Hans von Hentig told *Der Tagesspiegel* in 1965 that single guest workers were responsible for "the frequent occurrence of crimes motivated by jealousy, of rough-housing and stabbings… the increase in prostitution in West German cities, as well as cases of homosexuality and sexual offenses. Between 1960 and 1963 alone the total number of obscene acts between foreigners and children has doubled."[96]

In fact, after guest workers committed 19 violent crimes in Cologne in 1966, the city funded a group of psychoanalysts to study ways to prevent the criminal behavior of guest

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93 Woesthoff, "Ambiguities of Anti-Racism," 45-55.

94 LA-B, DST 4/44-49, Band 1 Dr. Valentin Siebrecht report "Aufgaben der Fürsorge im Zusammenhang mit der Beschäftigung von Ausländern in Deutschland zum Bericht über die Sitzung des Ständigen Ausschusses am 19. Juni 1962 in Frankfurt am Main."

95 Zwingmann, "Die Heimweh-Reaktion," 195.

96 qt. in Woesthoff, "Ambiguities of Anti-Racism," 55.

workers. Karl Bingemeier and his colleagues concluded that because most German women were inaccessible, foreign men tended to find sexual relief in older women who were already on the margins of German society, creating an "unresolvable tension" that might end in murder.[97] Although the psychoanalysts were reluctant to offer policy prescriptions, they were clear about one thing: "The families should be brought together as liberally and as quickly as possible. Family migration [*Nachreisen der Familie*] saves some pain, but also costs and frustration. The family is the most integrative means of all."[98]

Municipal authorities were particularly concerned about the existence of illegitimate children. The mayor of Stuttgart wrote forcefully in favor of family reunification as a stabilizing force to the German Council of Municipalities in 1962:

> Many difficulties of the foreign workers spring from the abnormal situation of foreign men and women who must live without their families; family is for them the place where they feel secure and where many of the problems that seem difficult to us today—personal help, leisure time, but also the problem of illegitimate children—would solve themselves… because many of the fathers [of illegitimate children] are already married and have a family in their homeland, it is clear, that the endangerment of German girls through the many foreign men separated from their families is only a sub-problem, one that is closely connected to the crucial issue of family reunification.[99]

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97 Bingemeier, Meistermann-Seeger, and Neubert, *Leben als Gastarbeiter,* 175-188. Bingemeier's hypothesis about guest workers using older women to meet their sexual needs could read as a plot description of Rainer Werner Fassbinder's 1974 film *Ali: Angst Essen Seele Auf*.

98 Bingemeier, Meistermann-Seeger, and Neubert, *Leben als Gastarbeiter*, 171.

99 LA-B, DST 4/44-49, September 18, 1962 letter from Bürgermeisteramt Stuttgart to the DST, "Betr.: Ausländische Arbeitskräfte in der Bundesrepublik."

Leverkusen and Frankfurt wrote to the German Council on Municipalities about remarkably similar problems.[100] The German Council on Municipalities responded by issuing a press release stating that there was in fact no proof that foreigners were more likely to have illegitimate children than German men. However, foreigners were more likely to refuse to pay for these children: "Here the differences between our legal principles and those of the Roman lands are apparent, in which the principle still applies whereby 'proving paternity is forbidden' [*la recherche de la paternité est interdite*]," here referring to the Napoleonic Code that had structured civil codes in France and elsewhere.[101] West German cities worried that the guest workers came from countries did not allow women to ask men for child support unless the men had already recognized the child as their own, such that those men could easily flee the scene, leaving the German woman in the lurch.[102]

In a survey about experiences with foreign workers issued by the German Council on Municipalities in 1964, a wide range of authorities replied that illegitimacy was their number one problem. Bielefeld worried about "the problem that foreign workers will link with German women," while Hamburg specified that it did not want foreign workers to

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100 LA-B, DST, 4/44-49, June 20, 1962 Deutscher Städtetag Abt. 4 Vermerk "Betr.: Ständiger Ausschuß für gemeinsamen Fragen der Arbeitsverwaltung und der öffentlichen Fürsorge; hier: Sitzung am 19.6.1962 in Frankfurt a.M," and "Auszug aus der Niederschrift über die 9. Sitzung des Sozialausschusses des St NW am 21.7.61 in Leverkusen."

101 LA-B, DST, 4/44-49, Kommunale Korrespondenz Pressedienst des DST 8.10.1962, Nr. 98, title is "Ausländische Arbeitskräfte strömen in unsere Städte." Here he makes a reference to the influence of the Napoleonic Code over legal regimes in Southern Europe.

102 LA-B, DST, 4/44-49, March 4, 1964 "Kurzfassung der Ausführungen von Frau Ministerialrätin Dr. von Loeper über 'Die Betreuung der jugendlichen ausländischen Arbeiter und die Familien ausländischer Arbeiter."

have relationships with German girls whom they had no intention of marrying.[103] Reutlingen addressed a related issue when it hoped that family reunification would "transfer the foreigners' private lives from the waiting room in the train station and the street into apartments, and that they would not change their residence as often."[104] Duisburg insisted that without family migration, bringing single men to Germany could end in one of two ways, both tragic: "Either the married foreign worker who is already well trained will return home, or he will develop illegitimate relationships with German girls and women, with all of their undesirable side effects (negligence of his own family, disturbance of other marriages, alimony suits.)"[105] Bayreuth put the point quite simply: "Above all, many marriages will be preserved."[106]

Having combated fraternization between African-American GIs and West German women, welfare authorities were alert to the danger of this new group of foreign men.[107] One sociologist even wrote that the social role of black GIs had been taken over by the Italians: "the illegitimate children who were named James, William or Beth-Ann before

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103 LA-B, DST, 4/44-49, Beiheft: Rundfrage vom 13.1.64, July 16, 1964, Stadt Bielefeld to DST, "Betriff: Betreuung und Eingliederung ausländischer Arbeitskräfte," and March 13, 1964, Behörde für Inneres Hamburg to DST, "Betr.: Betreuung und Eingliederung ausländischer Arbeitskräfte."

104 LA-B, DST, 4/44-49, Beiheft: Rundfrage vom 13.1.64, May 11, 1964, Stadt Reutlingen Bürgermeisteramt to DST, "Betr.: Betreuung und Eingliederung ausländischer Arbeitskräfte."

105 LA-B, DST, 4/44-49, Beiheft: Rundfrage vom 13.1.64, March 16, 1964, Stadt Duisburg Oberstadtdirektor Einwohnermeldeamt Ausländeraufsicht to DST, "Betrifft: Betreuung und Eingliederung ausländischer Arbeitskräfte."

106 LA-B, DST, 4/44-49, Beiheft: Rundfrage vom 13.1.64, March 10, 1964, Stadt Bayreuth Oberbürgermeister to DST, "Gegenstand: Betreuung und Eingliederung ausländischer Arbeitskräfte."

107 Höhn, *GIs and Fräuleins*.

1960 are now named Massimo, Marcello or Manuela."[108] Guest workers fit easily into racialized scripts that depicted foreign workers as unacceptable partners who threatened the health of German communities, and these scripts were rehearsed by newspapers around the country, which used stories about foreign men bothering German women to recommend family reunification.[109] *BILD* entered the fray in 1966 when it published a series of sensational stories that depicted Southern European guest workers as irresistible to German women—and as unable to form long-term loving relationships with them. The authors of the series recommended that the responsible authorities adopt "social-hygenic prophylaxis in the form of increased family reunification."[110]

Effective "social-hygienic prophylaxis" also required German families to be vigilant about their daughters' social contact with foreign workers, for example by making sure that their daughters did not go to dance halls where foreign workers were known to congregate.[111] Authorities actively reproduced negative attitudes about intermarriage. In the 1960s, the Youth Office of the Rhineland busily promoted family reunification, writing:

> The reunification of families should also be seen as serving the interest of the native population… the number of foreigners who marry German girls is growing. In 1965 in North Rhine Westphalia 6,900 marriages, or 5% of all marriages, were between Germans and foreigners. In 1960 it was only 3%. The long-term survival of these

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108 Henner Hess and Achim Melcher, *Ghetto ohne Mauern. Ein Bericht aus der Unterschicht* (Frankfurt am Main: Suhrkamp Verlag, 1973), 67.

109 Woesthoff, "Ambiguities of Anti-Racism," 49-50.

110 qtd. in Schönwälder, *Einwanderung und Pluralität*, 189.

111 Comments to this effect in LA-B, DST, 4/44-49, June 25, 1962, Oberstadtdirektor Oberhausen Dr. Peterssen to DST, "Betr.: Ausländische Arbeitskräfte in der Bundesrepublik." In the Netherlands, Sarah van Walsum reports that when the dancing halls in Oldenzall decided to exclude Italian and Spanish foreign workers, riots and strikes broke out. *Dutch Family Migration Policies*, 121.

> marriages is complicated by the fact that the status of women is very different here than it is in the home countries of the guest workers.[112]

Authorities used the idea that German girls could not tolerate the gender roles in the Mediterranean to bolster their arguments against intermarriage. The head of social services for Italians in the Rhineland-Palatinate even advocated introducing information about the lower status of women in the Mediterranean countries into the school curriculum so as to warn German girls away from liaisons with guest workers.[113] In 1965, a conference of jurists discussed the legal problems produced by intermarriage. The journalist who reported on the conference warned women: "The young men often begin a very patriarchal family life, according to their native customs… the first acquaintance with the family members in Sicily, on a Greek island or in a Spanish village is often sobering. Many a once happy bride soon thinks of divorce."[114] Maria Begliatti, a social welfare expert at the Italian consulate in Munich, told *Stern* that even though only one in twelve marriages between German women and Italian men failed, "Even most of the marriages that have not failed yet are unhappy." She warned German girls: "the Italian man, especially the one from Southern Italy, enjoys the role of pasha. He is used to being the boss in the house."[115] Explicitly biological language was not absent from the intermarriage discourse—for example, a 1965

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112 LA-B, DST 4/44-49, "Bericht des Landesjugendamtes Rheinland über die Arbeitstagung 'Sozialpädagogische Fragen der beschäftigten ausländischen Arbeitnehmer in der Bundesrepublik Deutschland' vom 28-30 November 1966 im Jugendhof Rheinland bei Königswinter," and H. Meid "Bericht über die Betreuung der ausländischen Arbeitnehmer im Bereich des Landschaftsverbandes Rheinland," 55.

113 Woesthoff, "Ambiguities of Anti-Racism," 54.

114 BAK B 141/36536, July 10/11, 1965 SZ clipping by Wolfgang Kuballa titled "Senor Rodriguez heiratet Fräulein Meier… Eheschließungen zwischen Deutschen und Gastarbeitern werfen schwierige rechtliche Probleme auf."

115 qt. in Woesthoff, "Ambiguities of Anti-Racism," 103.

study speculated that German women married to foreigners were more likely to have asocial children.[116] However, the insistence that German marriages were happier than "Southern" marriages because of cultural norms was far more common, and functioned as a way to warn women against intermarriage without using the language of biological racism.

In 1966, the Aktion Jugendschutz published a pamphlet offering "tips for parents and tips for daughters who want to marry a foreigner."[117] Most of the pamphlet focused on the dangers of men from the Middle East, exchange students who women might meet at University, but it also included information about marriage law in Spain, Italy, Greece and Turkey. The author depicted the difference between German and "Southern" families in stark terms: "For us the woman is responsible for herself and has the same rights as the husband. But in many Southern countries she is a dependent creature, who must leave all decisions to the husband." The extended family of the "Southerner" was a vestigial institution that German girls would find oppressive: "For us the extended family has almost no more meaning. The nuclear family has replaced it. But in the southern countries… the near and far family members stick close together." The different meaning of the extended family was linked to the more "modern" social welfare system in West Germany: "We have public social welfare… there, the extended family has to take care of the sick grandfather or the crippled aunt because of family unity."[118] Although this pamphlet glossed all of the "Southern" countries under the same general cultural group, church authorities did have

116 W. Steuer and K. Schramm, "Ehen zwischen deutschen und ausländischen Arbeitnehmern," *Das öffentliche Gesundheitwesen* 1, no. 27 (1965).
117 Walter Becker, *Ehen mit Ausländern* (Münster: Aktion Jugendschutz, 1966).
118 Becker, *Ehen mit Ausländern,* 30.

special concerns about marriages with Muslims, who were described as embodying "Southern" values to almost unbearable degrees. For Muslims, "the relationship between man and woman is no longer a private relationship as it is for us. There is no intimate sphere, as it exists for us, rather everything is in the clan or the extended family."[119]

This crusade against intermarriage was in some sense successful: although the *absolute* numbers of intermarriage between West German women and men from the six primary guest worker countries did increase in this period, the rate of intermarriage did not increase nearly as quickly as the absolute numbers of single male guest workers. The *probability* that a single male guest worker would marry a West German woman actually decreased during the first decade of labor recruitment: each of the six primary national groups of guest workers—Spaniards, Portuguese, Greeks, Italians, Yugoslavs, and Turks—was more likely to marry a West German in 1961 than in 1970. Ten years later, in 1980, only intermarriage for Spaniards had rebounded above its 1961 levels, while having remained flat or decreased even further for the other groups.[120]

These intimate entanglements were also objects of concern in the sending countries. The first Turkish film to thematize Turkish migration to Germany was the 1966 comedy *Tourist Ömer in Germany* [*Turist Ömer Almanya'da*], which featured a blonde German woman named Helga falling in love with the protagonist. Entanglements between German

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119 LA-B, DST, 4-44/49, Nr. 7107, ""Protokoll der 19. Konferenz für Ausländerfragen am 2. Juni 1966 im Diensgebäude des Kirchlichen Außenamtes der Evangelischen Kirche in Deutschland, Frankfurt/M., Bockenheimer Landstr. 109."

120 Thomas T. Kane, *Streams of Change. Fertility, Nuptiality, and Assimilation of Guestworker Populations in the Federal Republic of Germany* (New York: Garland Publishing, 1989), 139, 154-155.

women and Turkish men would become a staple of films about Germany, sometimes played for comedic, sometimes for tragic effect.[121] Broken marriages were also a staple of Turkish-German fiction. In Gülen Dayıoğlu's short story "The Rainbow," a woman who has been abandoned by her husband is frustrated that all of the other women in her village have husbands who come back once a year, while her husband never returns. She lives with her emotionally abusive mother-in-law while becoming gradually more ill, so that everyone in the village calls her the "crazy woman." When her mother-in-law finally sends her to a doctor, the doctor tells her that she is in fact having a normal response to an abnormal situation. She thinks to herself that all of the women in her village are probably as sick as she is: "Everything is penned up inside of them, the longer they are silent. I have gritted my teeth for seven years, and this is what has come of me. But they are also sick."[122]

Back in West Germany, the youth advisors who counseled West German women against marrying foreigners were in one sense performing a real service in advising women about the possible legal dangers of binational marriages. Although West German men who married foreign women could easily bring these women into citizenship and secure residence permits, marriage to a West German woman did not convey an automatic right to remain in the country or to citizenship. Children of West German women and foreign men were also not automatically entitled to German citizenship. Some foreign men married to

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121 Ersel Kayaoğlu, "Das Deutschlandbild im türkischen Film," in *Türkisch-deutscher Kulturkontakt und Kulturtrasfer. Kontroversen und Lernprozesse*, ed. Şeyda Ozil, Michael Hofmann, Yasemin Dayıoğlu-Yücel (Göttingen: V & R Unipress, 2010).

122 Gülen Dayıoğlu, "Der Regenbogen," in *Aufbruch aus dem Schweigen. Erzählerinnen aus der Türkei*, trans. Hanne Egghardt, ed. Hanne Egghardt and Ümit Güney (Hamburg: buntbuch verlag, 1984), 138.

West German women found that marriage actually hurt their legal status: once marriage proved intent to remain in the country, the local Foreigners' Office would refuse to grant them further residence permits. Binational couples would challenge the sexism inherent in the law in the 1970s, a process that I discuss in some detail in chapter six, but during the period of peak labor recruitment in the 1960s, the sexism of both West German and foreign law intersected in order to make intermarriage a risky choice for German women.

Sometimes even concluding the marriage could be a challenge. Both Spain and Greece only recognized religious marriages as legal, and Spanish law, based on conservative Catholic principles, also did not recognize divorce.[123] A Spanish-German couple married in a Protestant church would find themselves legally married in West Germany, but not in Spain while divorced German women who married Spanish men might discover only after the fact that Spain considered the couple unmarried and her children illegitimate. Letters to the Federal Ministry of the Family testify to the stress that many women experienced upon discovering that their children were considered illegitimate and had to carry their mothers' last name, creating an unanticipated social stigma. In one case, a civil registrar did not give two children born to Spanish men and divorced German women any last name at all, causing a minor diplomatic incident.[124]

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123 For more on changing gender relations in Franco's Spain: Aurora G. Morcillo, *True Catholic Womanhood: Gender Ideology in Franco's Spain* (DeKalb, IL: Northern Illinois University Press, 2000), and Antonio Cazorla Sánchez, *Fear and Progress: Ordinary Lives in Franco's Spain, 1939-1975* (Oxford: Wiley-Blackwell, 2010), 144-171.

124 BAK B 141/36536, May 26, 1965 letter from "Frau S" to Bundesministerium für Familiefragen and clippings dated December 8, 1966 from the *Frankfurter Rundschau* and *Frankfurter Allgemeine* titled "Weder ehelich noch unehelich. Zwei Kinder von Gastarbeitern ohne Familiennamen."

Many contemporaries worried that this created an irresistible opportunity for foreign men to abuse German women. One man whose daughter was married to a Spaniard wrote to the Family Ministry on behalf of "German girls and women" who "can be seen as 'fair game' [*Freiwild*] by all Greeks and Spaniards, men who can return to their home country as 'free and single,' in order to seek another wife as soon as they have become weary of their wives or are struck by homesickness, which has already happened many times… what an unhappy situation for the woman who has been robbed of all of her rights and possibly left with a child who carries neither his father's name nor that of his mother!"[125] Some men who dealt with binational marriages in a professional context interpreted the inability to enforce West German marriage law as an example of national weakness. An Evangelical pastor from Bavaria argued that when German Protestants had to go to a Catholic church in order to marry a Spaniard, this was a violation of the German's rights to religious freedom and further proof that "Since the German collapse [*Zusammenbruch*], the Federal Republic has resigned full sovereign rights over German territory."[126] A civil registrar felt that in enforcing Spanish marriage law, he was being forced to bow to countries that were "ruled by clergy from the Middle Ages," accusing the state of "throwing its own citizens upon the laws of clerical dictatorships just as if there

125 BAK B 141/36539, December 18, 1962, letter from "Herr W" to BMFJ, "Betr.: Unhaltbare Rechtsverhältnisse bei Ehen zwischen Griechen oder Spaniern mit Deutschen."
126 BAK B 141/49469, December 12, 1966, Evangelischer Presseverband für Bayern to BMJ.

were no Basic Law!"[127] A comic in the weekly Evangelical magazine *Sonntagsblatt* depicted a Spanish inquisitor leaving a castle with a 1966 calendar on the wall: "Look here, *caballeros*, they are doing the most unbelievable things outside!"[128]

Many civil registrars responded to the Spanish marriage problem by refusing to marry Germans to Spaniards when they knew that Spain would refuse the marriage. In the summer of 1965, a lawyer from Berlin discovered that he could travel to Tondern, a small town on the other side of the German-Danish border, in order to get married to his Spanish wife. By the end of 1966, the Danish press reported that 185 such marriages had been concluded in Tondern.[129] By the end of 1968, approximately 250 German-Spanish couples had married in Tondern as civil registrars in Germany continued to waver about whether or not these marriages should be recognized.[130] The *Stuttgarter Zeitung* published an article depicting Tondern as "a last refuge for people treated badly by laws that are practically prehistoric." Although it was frustrating to have to travel to Denmark, enterprising couples could treat it as a romantic honeymoon, since they had to petition the

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127 BAK B 141/49475, December 13, 1966, Helmut Aschbacher to BMJ, "Betr.: Heiraten zwischen Deutschen und Spaniern oder Griechen—die Regelung in der Dienstanweisung für Standesbeamte (DA)."

128 BAK B 141/36539, December 18, 1966 clipping from *Sonntagsblatt Hamburg*, "Ohne Priester geht es nicht. Heirat zwischen Deutschen und Spaniern: Das spanische Eherecht gilt in Deutschland."

129 Christof Böhmer, "Die Gültigkeit der 'Tondern-Ehen' in Deutschland," *Standesamt* 22, no. 4 (1969).

130 Sozialdemokratischer Pressedienst, "Deutsch-spanische 'Tondern-Ehen,' November 15, 1968, accessed at http://library.fes.de/spdpd/1968/681115.pdf.

King of Denmark for permission to marry. While waiting for royal consent, which usually took about a week, they could stay in a hotel, eating herring and butter cookies.[131]

In 1971, the Federal Constitutional Court heard the case of a Protestant woman who had been previously divorced and consequently denied the ability to marry a Spanish man in Germany because Spain refused to recognize divorce and therefore would not recognize their marriage as legal.[132] The Federal Constitutional Court agreed with her lawyers that this infringed on the woman's right to choose her own spouse as guaranteed by Article 6 of the Basic Law. Although the Spanish groom could abandon the German woman, leaving her without recourse in Spanish courts, "the state should not force the fiancé into such protection against her will; it has to be left to the fiancé, to decide if she wants to take the risk of a marriage that is not recognized by Spain (so-called 'limping' [*hinkenden*])."[133] *Die Zeit* greeted the decision with the headline: "No longer Tondern bound."[134]

As the example of Spanish marriage law shows, binational marriages raised the issue of incompatible regimes of family law, and could turn questions about the intimate sphere into questions of national sovereignty. Many West German women had good reasons to think twice before entering a marriage with a foreigner, above all the fact that the West German state did not guarantee residence for foreign husbands of German women. But when experts and municipal authorities promoted family reunification for the

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131 BAK B 141/36536, clipping *Stuttgarter Zeitung* July 23, 1966, "Der König hilft dem Heiratsvogt" by Heinz Kohl.

132 BVerfGE 31, 58—Spanier-Beschluß, May 4, 1971.

133 BAK B 141/49478, June 25, 1971, "Verlautbarung der Pressestelle des Bundesverfassungsgerichts."

134 Richard Schmid, "Nicht mehr nach Tondern. Das 'Kanonische Hindernis' ist gefallen," *Die Zeit* July 7, 1971.

guest workers, they also drew from a reservoir of racialized anxieties about foreign men preying upon German women. Foreign families were promoted in part to keep foreign workers from intimate entanglements with German society.

Familial Needs and Grandmother Reunification

Just as they had been early to register the problems caused by the birth of illegitimate children, municipal governments were also the first level of the state to register the problem of providing childcare for the children of foreign workers. In the January 1964 survey conducted by the German Council on Municipalities, most cities wrote that they supported family reunion not just order to avoid undesirable relationships between foreign men and German women but also because foreign women would take jobs in the service sector that were difficult to fill otherwise. But when both members of a couple intended to work in West Germany, what would they do about childcare? Because children under 16 did not require residence permits, the state had no way to regulate child migration.[135]

The migration of minor children was especially challenging for municipalities because West Germany officially expected mothers to be homemakers. Indeed, the decision to draw on foreign labor in the first place had also been a decision to prioritize keeping married German women in the home. Because the labor market did not rely on the labor of married women, the state did not have to treat childcare for working women as a

135 There were also occasional debates about whether sick or criminal children could be deported in this period. Different federal states had differences of opinion in how acceptable it was to deport sick children whose mothers worked in Germany. Bavaria would defend deporting sick children in 1968, but by 1974 every state was uneasy with the idea. Correspondence in LA B-W, Ea 2/303, Bü 176.

priority.[136] During the 1960s there were only enough places in institutionalized childcare for roughly one-third of the children in West Germany.[137] With West German women already on waitlists for kindergartens, the foreign women recruited to fill gaps in the labor market found themselves at a loss for options for childcare. West German women could rely on their mothers, their neighbors, or even their extended families to take care of small children. In expert discourses, the persistence of the "extended family" in Southern Europe was a backwards phenomenon that could be explained by the weakness of the welfare state. In practice, West German women also relied heavily on their extended families: in 1962, half of working women used grandparents to look after their children, a proportion that remained unchanged through the 1980s.[138]

In the matter of childcare, expert criticism of the "Southern family" was actually also a criticism of what West Germany was unable to admit about itself: West German authorities were wedded to the idea that women should work part-time at most, but that even that vision was only possible through reliance on the labor of the extended family.

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136 Ralph Jessen argues that because it dis-incentivized making changes to accommodate mothers working full-time, migration "worked indirectly as an obstacle to equality and a support for traditional concepts of gender roles." "Bewältigte Vergangenheit—blockierte Zukunft? Ein prospektiver Blick auf die bundesrepublikanische Gesellschaft am Ende der Nachkriegszeit," in *Das Ende der Zuversicht? Die siebziger Jahre als Geschichte,* ed. Konrad Jarausch (Göttingen: Vandenhoeck & Ruprecht, 2008), 189.

137 Karen Hagemann, "A West German 'Sonderweg'? Family, Work, and the Half-Day Time Policy of Childcare and Schooling," in *Children, Families, and States. Time Policies of Childcare, Preschool, and Primary Education in Europe*, ed. Karen Hagemann, Konrad H. Jarausch, and Cristina Allemann-Ghionda (New York: Berghahn Books, 2011).

138 Hermann Schubnell, "Die Erwerbstätigkeit von Frauen und Müttern und die Betreuung ihrer Kinder," *Wirtschaft und Statistik* no. 8 (1964), and Sabine Chelmis, *Die Betreuung ausländischer Kleinkinder in Krippen, Tagespflegestellen und bei Verwandten* (Munich: DJI Verlag, 1982), 4.

German women used their extended family in order to balance domestic responsibilities with their work outside of the home, while "Southern" women had to be more intentional in their creation of extended family networks. Migrant women's networks in West Germany were composed primarily of other workers, creating a childcare problem.

City administrations wrote dozens of letters to the German Council on Municipalities about the problems that working foreign women were creating within municipal government. In Kassel, "young women with children, who make do with the most primitive housing in order to save money and avoid family separation" found that their husbands did not make enough money to support the family in Germany. "The wives are therefore forced to take a job and allow their children to be watched by relatives who they have brought in. In some cases public support has been granted for the care of foreign families."[139] Landshut noted that of 12 men who had brought their wives, 11 of those wives had gone for jobs themselves, and that "Only in one case was the wife brought in order to take care of the home."[140] Wilhelmshaven was reliant on female labor in order to support its textile industry, and it worried about the possibility that these women might bring husbands along with them: "if they were to bring their husbands, their wives' companies could not find jobs for them… with multiple small children the housing of the family would become difficult, the working mother would have to look after the children, and her labor assignment would be put into question. It is also possible that if the husband could not find

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139 LA-B, DST, 4/44-49, Beiheft: Rundfrage vom 13.1.64, March 9, 1964, Der Magistrat der Stadt Kassel to DST, "Betr.: Betreuung und Eingliederung ausländischer Arbeitskräfte."

140 LA-B, DST, 4/44-49, Beiheft: Rundfrage vom 13.1.64, February 27, 1964, Stadt Landshut Referat I to DST, "Betreff: Betreuung und Eingliederung ausländischer Arbeitskräfte."

a job that brought in enough income, the family would become needy and would revert to public welfare."[141] Ludwigshafen am Rhein complained about the foreign children who were taking up spaces in childcare facilities.[142] In Munich, the municipal Youth Office rejected all applications for childcare facilities from foreigners "because otherwise an uncontrollable flood of such applications will rush in, creating massive costs for the city."[143]

Several cities reported that although they allowed wives to follow husbands, they only gave wives work permits if they could prove that their children were being looked after.[144] Viersen worried that even these children were inadequately supervised: "For these children the changing living conditions—much more traffic, stronger laws, etcetera—are too great of a danger. In most Southern countries the children live in a so-called family collective [*sogen. Familienverband*] under supervision."[145] Another undesirable solution from the state's point of view was when foreign women turned to their older children to look after the younger children. "Unfortunately the trend, at least for Italian mothers, is that they give their children to other people during the day, especially older children. Every

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141 LA-B, DST, 4/44-49, Beiheft: Rundfrage vom 13.1.64, March 10, 1964, Stadt Wilhelmhaven to DST, "Betr.: Betreuung und Eingliederung ausländischer Arbeitskräfte."

142 LA-B, DST, 4/44-49, Beiheft: Rundfrage vom 13.1.64, March 12, 1964, Stadtverwaltung Ludwigshafen am Rhein to DST, "Betr: Betreuung und Eingliederung ausländischer Arbeitskräfte."

143 LA-B, DST, 4/44-49, Beiheft: Rundfrage vom 13.1.64, March 11, 1964, Landeshauptstadt München Schulreferat to DST, "Betreff: Betreuung und Eingliederung ausländischer Arbeitskräfte."

144 LA-B, DST, 4/44-49, Beiheft: Rundfrage vom 13.1.64, March 4, 1964, Der Magistrat der Stadt Hanau a.M. to DST, "Betr.: Betreuung und Eingliederung ausländischer Arbeitskräfte," and March 17, 1964, Stadt Heilbronn Bürgermeisteramt to DST, "Betrifft: Betreuung und Eingliederung ausländischer Arbeitskräfte."

145 LA-B, DST, 4/44-49, Beiheft: Rundfrage vom 13.1.64, March 6, 1964, Stadt Viersen Oberstadtdirektor to DST, "Betr.: Betreuung und Eingliederung ausländischer Arbeitskräfte."

now and, then the children are also left to their own devices." Some social workers even felt that in some cases, deportation would be a "more humane solution" for foreign children than continued residence in Germany.[146]

The language of bureaucrats erased what were often wrenching decisions for individual families. A Turkish woman who came to work in 1971 remembered that after her daughter was born, she stayed with a German woman, and she and her husband only saw the daughter once a week. One day they discovered multiple wounds on the daughter's body. They suspected that the German woman was not paying attention to their child, and they decided to send her back to Turkey to be supervised by an aunt of the family in Turkey. Missing the children, the woman later decided to quit her job at Siemens so that she could bring all of her children back to Germany. She did not return to work until her oldest daughter was old enough to look after the younger two children.[147] Other women preferred to work illegally, usually as cleaning women, precisely because in these kinds of industries it was easier to bring children along on the job or to send a substitute at times when children required them to stay home.[148]

By the end of the 1960s, several cities were experimenting with another solution: allowing additional non-working family members, particularly the parents of the workers,

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146 LA-B, DST, 4/44-49-7, Band 12, "Ergebnisprotokoll über die Sitzung des Arbeitskreises 'Soziale Betreuung der ausländischen Arbeitnehmer in Deutschland' vom 3. Oktober 1968 im Bundesministerium des Innern."

147 Hasan Çil, *Anfänge einer EPOCHE. Ehemalige türkische Gastarbeiter erzählen/bir DÖNEMin başlangıçları. Bir zamanların konuk işçileri anlatıyor* (Berlin: Verlag Hans Schiler, 2003), 43.

148 Charity Goodman, "The Decision Makers: Spanish Migrant Women in West Germany" (PhD diss., Rutgers, 1984).

to join the working mothers so that families would not be required to seek out public assistance. North Rhine Westphalia issued a circular allowing for the migration of grandparents in January 1970.[149] West Berlin had a particularly high proportion of female guest workers, and began to allow grandparents to visit for up to 6 or 9 months at a time instead of the standard 3 in order to look after children.[150] One working group on foreigner integration in West Berlin suggested: "we should accept the foreigners' different definition of the family [*andersartige Familienbegriff*] and, for example, allow the grandmother to stay, when she can be used to look after the unattended children."[151] The authors of this report may not have known that half of working West German women also relied on grandparents for childcare—Southerners had not exactly invented grandparents.

All three of the social work agencies were also officially in support of the "grandparent solution" by early 1970. Hans Apel, an SPD representative from Hamburg, asked the Bundestag about this recommendation in April of that year. The Interior Ministry replied that the "grandparent solution" would lead to the "resettlement of extended families and entire clans." Apel asked a follow-up question, pointing out that there were 500,000 children who needed adult supervision and that all of the welfare associations were in favor, but the Interior Ministry insisted that grandparents caused more problems

149 LA B-W, EA 2/303, Bü 276, January 22, 1970, Innenminister NRW to Regierungspräsidenten, "Betr.: Ausländerrecht; hier: Nachzug von Familienangehörigen."
150 LA B-W, EA 2/303, Bü 275, April 6, 1970 telegram from Berlin to BMI and Innenministerien, "Betr.: Ausländerangelegenheiten, hier: Nachzug von Familienangehörigen ausländischer Arbeitnehmer."
151 LA B, B Rep 002 Nr. 17348, January 15, 1973, "Niederschrift über die 7. Sitzung des Koordinierungsausschusses für Angelegenheiten der ausländischen Arbeitnehmer beim Senator für Arbeit und Soziales am 12. Januar 1973."

than they solved.[152] In August of 1970, social workers and representatives from the sending countries met with Federal President Gustav Heinemann in order to make the case for grandparents. The Turkish representative claimed that half of the approximately 100,000 Turkish children in Germany were kept at home "because the children have to look after younger siblings… it would be a great help, when the grandmothers of these children could enter the Federal Republic." President Heinemann rejected the idea, warning "that in most cases these grandmothers were themselves relatively young and would themselves want to be integrated into the labor process after a few months in order to earn additional money. After a short period of time we would have the same problem."[153] The Turkish social worker was worried that children were being asked to do reproductive labor for their families when they should be in school, but West German officials were far more concerned that grandmothers might try to move from reproductive labor into waged labor, crossing the basic division between family member and worker that they sought to maintain.

Lower courts started to hear a number of cases about the denial of residence permits to grandmothers beginning in the early 1970s. Courts in Baden-Württemberg ruled particularly restrictively, which is what led to the petition from Greek families discussed in the introduction to this chapter. In one case, a widowed Greek woman who

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152 Deutscher Bundestag, Plenarprotokoll 6/42, April 15, 1970, 2125-2126. Also see LA B-W, EA 2/303, Bü 204, April 29, 1971, BMI to Antonios Rodopoulos of Mannheim, "Betr.: Aufenthaltserlaubnis für die Eltern griechischer Arbeitnehmer in der Bundesrepublik Deutschland."

153 PAAA B 85/1272, August 14, 1970, "Protokoll über das Gespräch des Herrn Bundespräsidenten mit Vertrauensleuten ausländischer Arbeitnehmer am Dienstag, dem 21. Juli 1970, in der Villa Hammerschmidt."

had two sons living in West Germany and two daughters living in Greece wanted to stay in Sindelfingen in order to look after her grandchildren so that her daughter-in-law, who brought in 45% of the family's income, could continue to work. Both of her daughters living in Greece already had mothers-in-law who lived with them, so that she wanted to stay with her son in West Germany. Her case was rejected in December 1971.[154] The same court ruled in April 1972 that a 48-year-old grandmother from Greece could not stay with her son, his wife, and their three children. Her lawyer argued that it was in the public interest for the woman to stay and look after the children so that foreign workers would not be "fully isolated and without support, but would lead an orderly family life," but this argument did not persuade the judge. In fact, the judge used the specifically "Southern European" definition of the family in order to justify exclusion: "in light of the well-known fact that particularly for Southern and Southeastern Europeans, who compose the largest portion of guest workers in the Federal Republic, the extended family has an especially pronounced cohesion [*Zusammenhalt*], we can expect that if it were allowed, migration [*Zusammenzug*] of the further family members would also occur. It is clear that if we were to relinquish the principle of only allowing family migration for the nuclear family, this would lead to a severe additional burden on the internal order in the Federal Republic and its social and economic structure."[155] The logic that had previously been elaborated in order to justify family migration—Southerners needed a family in order to function in

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154 LA B-W, EA 2/303, Bü 276, April 26, 1972, Innenministerium B-W to BMI and Innenministerien, "Betr.: Ausländerrecht; hier: Nachzug der Eltern ausländischer Arbeitnehmer."

155 LA B-W, EA 2/303, Bü 277, Verwaltungsgerichtshof B-W decision from April 7, 1972 I 312/71.

society—could also be used to argue against family migration. The "especially pronounced cohesion" of the Southern family would inevitably lead to the "resettlement of entire clans," creating an uncontrollable flow of grandparents and distant relatives. When foreign women demanded extended families in order to meet their childcare needs, the desire for family networks was repackaged as an expression of the clannish Southern mentality. Arguing that the extended family was structurally necessary rather than culturally particular would create a scandal because it would require West Germany to admit its own deficiencies—it was also a country where the extended family continued to play an important role.

The problem of grandmother reunification finally made its way to the Federal Administrative Court in 1973. In this case, a Spanish woman had come to West Germany in 1961 and had three children with a Spanish man; she brought her mother in 1968 in order to look after those children. The local Foreigners' Office denied the grandmother's residence permit, claiming that if it gave her a permit, all grandparents would have to be given permits, leading to "an unlimited migration of family members."[156] The Chief Federal Attorney also argued that the grandmother could become sick at any time and begin to cost the state money. Using a kind of expert conditional, he warned the court: "if the plaintiff were to become sick and no longer be able to take care of the grandchildren, the daughter would have to give up her job. Then her insurance would also be cancelled." In one short step, the entire family would be sick on the West German dime.[157]

156 BVerwG I C 35.72, 2, a, 24.
157 B VerwG I C 35.72, 2, a, 28.

The Court rejected these arguments on the principle that foreigners were also protected by Article 6 of the Basic Law—"Marriage and the family shall enjoy the special protection of the state." In its decision, the court stressed the fact that Article 6 was not just about protecting the family, but also about promoting the family. The state had a "duty of care towards the family of the daughter of the plaintiff," and this meant a duty of care towards the children of the female worker. Even more than the "duty of care," the Federal Republic also had a positive interest in the grandmother's continued presence:

> Under the given conditions the presence of the grandmother offers the best possible care for the grandchildren. Sibling care is excluded by the age of the children. Comparable care from neighbors is obviously not possible. The presence of the grandmother gives the grandchildren consistent care and familial security. In case of normal illness, that does not require a hospital stay, the children are taken care of. Precisely this care regularly troubles parents who live as foreign workers in a foreign country. They can only cope through breaking off work, giving up income and endangering the mother's job…
>
> Children of such families who have a grandmother to look after them will not increase the number of so-called 'latch-key children.' [*Schlüsselkinder*] They can be crossed off the waiting list for kindergarten spots, which are already inadequate for the German population. When the children get sick they will not need to be brought to already-overcrowded hospitals for the sole reason that they do not have someone to look after them, where they would prevent the acceptance of children who truly need hospitals. Further dangers for children who are insufficiently looked after could be added.[158]

This ruling reflects the influence of the principle of subsidiarity on German social thought in this period: the state was supposed to create a structure in which small social units, such as families, could take care of themselves. The grandmother was to be granted the residence permit that she requested because her presence served other functions: because she was there, the mother of the children could continue to go to work, and her

158 B VerwG I C 35.72, 2, c, 39.

familial care also prevented the children from becoming burdens on the welfare state—they would not take up room on waiting lists for kindergartens or hospitals, and they would not be in danger of turning into "latch-key children" or youth criminals. The state had to support the foreign family, and the grandmother was the cheapest possible way to support that family. In fact, the grandmother's presence would also help the family return to Spain as quickly as possible: in its written decision, the court also mentioned that the wife of the family needed to keep working in part because "they bought their own apartment in Madrid at the beginning of 1968 and have to pay off their debts. The question of how to find proper care for their children is of evident importance for them."[159]

When the federal meeting of Foreigners' Offices discussed this case in March 1974, they sent out a circular specifying how it was to be interpreted: a residence permit should only be granted to "one grandmother who is healthy, who enhances the functioning of the family [*familienfunktionstüchtige*], and who is not a burden on the public sector of the Federal Republic." Bavaria and Hamburg both wanted to additionally specify that permits only be granted for a limited period of time, so that the grandmothers would have to go home as soon as the children were old enough to look after themselves.[160] Speakers in these debates almost always specified "grandmothers," presumably reflecting the idea that caring for children was women's work. I did not locate any discussions about what would have happened if a grandfather had tried to claim the same right at the time.

159 B VerwG I C 35.72, 2, c, 34.

160 LA B-W EA 2/303, Bü 277, "Ausländerreferentenbesprechung am 12/13 März 1974 in Mainz."

This case established a precedent whereby Article 6 of the Basic Law applied to the preservation and even the promotion of foreign families, giving further migrants an important precedent for future legal battles to keep their families together. At the same time, it was also clear that the court only supported those foreign families in so far as their family unity would help them to make *fewer* claims on the state. Grandmothers were cheaper than kindergartens. This contrasts with the situation in the United Kingdom and France, where grandparents were also subject to administrative discretion, but tended to justify their entry through dependence. Grandparents in Britain in France did not need to prove that they could care for grandchildren, but rather that they had no other relatives who could look after them.[161]

Because it was interpreted so narrowly, this case would prove difficult to use as a precedent for caretakers who were not elderly women looking after the children of dual-income couples. Seven years later, a teenage girl from Turkey used this case to argue for a right to stay in Germany based on the fact that she looked after the children of her aunt and uncle. This case was rejected by the Federal Administrative Court, which argued that because of her age, the teenage girl could be expected to try to access the labor market after caring for the children. The uncle and aunt whose children she took care of were also deemed not to be dependent on dual incomes.[162] A grandmother in Berlin brought her case in front of the same court in 1983, but it was rejected because the court deemed that the grandmother's help was not needed: the son-in-law had been unemployed since September

161 Puzzo, "British and French Immigration Policy," 79.
162 B VerwG I B 821.80.

1981 and could therefore look after the children "and furthermore it is not probable, that he will have a job again in the foreseeable future." The state had no need for the grandmother as long as the father could take care of the grandchildren.[163]

This second case may also have been impaired by the fact that the West German attitude towards grandmothers as caretakers would also change rapidly after 1972, as foreign children began to be discussed as potential long-term residents of West Germany. In 1983, the course of new discussions about restricting family reunion, the Labor Ministry justified the exclusion of foreign parents of German citizens by arguing that the presence of elderly parents of foreign workers endangered the "integration" of their grandchildren.[164] Grandmothers who did not speak German had been helpful when the primary goal was childcare for a couple with two jobs, but when officials began to worry that those children might continue on into German schools, grandmothers who would teach them how to speak Spanish or Turkish began to be seen as a threat rather than an asset.

Conclusion

In contrast to a widely held assumption that German officialdom was unaware of family settlement in the period of labor recruitment, the family was in fact a crucial resource for the West German state in recruiting and maintaining a workforce. State officials pushed to be able to use extended family relationships in named recruitment, supported the migration of grandparents in order to save spots in kindergarten for German

163 B VerwG 1 B 40.83.

164 BAK B 149/121743, BMA IicI—24 200/17, January 27, 1983, "Kommission 'Ausländerpolitik' Bericht des Ausschusses 2 'Familienzusammenführung.'"

children, and maintained relatively de-regulated family migration policies in order to preserve the stability of the workforce. At the same time, the state disavowed its own reliance on family ties in order not to create a social responsibility to those same families. Migrants who went to extraordinary lengths to keep their families together and to make claims on reproductive space in West Germany were not understood as political actors, but as acting from a "Mediterranean" mindset. Their desire for family was de-politicized when it was described as something that was different about foreign workers.

Officials interpreted family settlement as a "Southern" peculiarity and as way to keep the foreign family sealed off from the West German welfare state, while foreign governments supported family migration in order to insulate individuals from the corrupting influence of West German values. Paul Lücke, the Housing Minister we will meet in the next chapter, would promoted family settlement in order to preserve the values of the foreign families so that they would not be corrupted by their surroundings. In part because officials chose to understand family settlement in these terms, rather than as an indication of a desire for sustained interaction with West German society, it took officials a long time to understand the process of long-term settlement that had been set in motion.

The alarm bells began to sound for West German officials as it became clear that families were not as self-sufficient as they were imagined to be. In 1972, the same year that the Federal Constitutional Court supported the claim of the grandmother who "enhanced the function of the family", concern was beginning to mount about how family migration created the new problem of the "second generation." In Munich, a report on the

consequences of guest worker migration for municipal politics warned that family migration could compound the problems of single guest workers:

> "Highlighting this situation reveals the following case: a school in Schwaben needed three Turkish teachers. The Turkish consulate named three teachers, two of whom had four children apiece, one of whom had three children. That means almost an additional half classroom just for the teachers' children. This effect grows exponentially. A larger population—through the movement of foreigners [*Ausländerzuzug*]—causes further migration of foreigners in foreigner-intensive sectors (nursing, public maintenance, the service sector etc.)… Family reunification [*Familiennachzug*] fundamentally changes the problem of foreign workers."[165]

The parenthetical statement in this paragraph betrayed the fact that foreigners were largely segmented into the service sector where they did the kind of jobs that could not be further rationalized, often jobs that were associated with reproduction rather than the production of new value. But foreigners also reproduced, so that calling on foreigners to do this work of reproduction was only creating more work of reproduction. Grandparents had been an acceptable solution when it was a matter of caring for infants, but school age children posed new problems for the West German states.

How could families be made self-sufficient, able to care for themselves without making additional demands on the state? One "market-conforming solution" would be found in the housing market. The 1965 guidelines for family reunification issued by the Interior Ministry had included the stipulation that foreigners were required to show proof of sufficient housing in order to sponsor their family members for settlement. Shortages in the housing market would remain challenging throughout the history of West Germany, and officials hoped that by requiring foreigners to find "sufficient housing," they would also

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165 PAAA B 85/1033, undated, September 1972 based on order, "Kommunalpolitische Aspekte des wachsenden ausländischen Bevölkerungsanteils in München."

be able to limit the growth of the foreign population. During the 1970s, as concern about permanent settlement grew, families were also asked to promote their own integration by living apart from one another and dispersing over West German territory.

Chapter Two—Finding Space for Families: Housing and Anti-Ghettoization Policies

Introduction

In June 1971, the mayor of Munich, Hans-Jochen Vogel, asked the director of the German Council of Municipalities for feedback on an essay titled "Where is Harlem?"[1] In the essay, Vogel presented wrote that the "colored people [*Farbige*]" of New York lived in a "social ghetto. The people in such a ghetto live as if behind walls. They feel themselves shut out of the community [*Gemeinschaft*], exploited, abandoned and without rights. They pay high rents for bad apartments. In case of recession they are the first to lose their jobs. It is not just a question of their skin color but first of all a social problem." The essay went on to explain that West Germans would soon be confronting similar problems:

> Naturally the big Harlem is in the United States. But we already have our own little Harlems. I mean the Turkish blocks and the Greek quarters, the Italian streets and the mass quarters for so-called guest workers from all corners of the globe. In some large cities of the Federal Republic already almost every one in ten residents is a foreigner. And they press themselves ever more tightly into the *Altbaugebieten* on the outskirts of the inner cities. Or more honestly: they are herded there, even penned up. And much of what I say about Harlem is also true of them… As seismographs of coming social shocks, the cities already feel it. Do we want to wait, until the big Harlems are also in Germany?"[2]

I open with Hans-Jochen Vogel's essay because it reveals two important aspects of the discourse around housing for migrants: first, following on historians like Barbara

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[1] In formulating his ideas about the modern city, Hans-Jochen Vogel was "influenced by prominent critiques of postwar America" such as Jane Jacobs' *The Death and Life of Great American Cities*. Kay Schiller and Christopher Young, *The 1972 Munich Olympics and the Making of Modern Germany*, (Berkeley: University of California Press, 2010), 28.

[2] LA-B, DST, 4/44-49, Band 22, June 16, 1971, letter from Dr. Elsholz to Dr. Vogel, "Betr.: Ihre Aufzeichnung 'Wo liegt Harlem?', the undated essay is attached. I do not know if this essay was ever published, although I plan to consult Hans-Jochen Vogel's papers.

Sonnenberger and Mark Spicka[3], that municipal and local authorities were often the first to sound the alarm about the failure to integrate foreigners and their families, and second, that the problems of housing guest workers came to be understood through a strongly racialized lens. Already in 1962, the German Council of Municipalities had been warning about the ultimate social consequences of unregulated migration: "The cities see all of the economic and social costs of family migration on their shoulders. For pessimists, national and racial minority problems [*nationale und rassische Minderheitenprobleme*] are already appearing on the horizon."[4] In this context, "Harlem" was hardly a neutral metaphor: it reflected and contributed to a sense of guest worker neighborhoods as *other* spaces.

But how were "national and racial minority" problems to be combated? Unlike in Britain, West German policy makers did not confront the problem of racial discrimination on the housing market.[5] Both expert discourses and state policies were active in "encouraging the perception of the migrant workers' practices of housing as the cause for urban problems and crises."[6] Instead of pursuing recommendations to invest further in

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3 Barbara Sonnenberger, *Arbeitsmigration in Südhessen*, and Mark E. Spicka, "City Policy and Guest Workers in Stuttgart, 1955-1973," *German History* 31, no. 3 (2012).

4 LA-B, DST, 4/44-49, Unterbringung ausländischer Arbeitskräfte Band 1, Kommunale Korrespondenz Pressedienst des DST October 8, 1962, Nr. 98, title is "Ausländische Arbeitskräfte strömen in unsere Städte."

5 The 1967 study *Racial Discrimination in England* found that racial discrimination was taking place in two-thirds of units on the private housing market. A second study conducted between 1972 and 1975 confirmed that discrimination was still taking place, which led to the 1976 Race Relations Bill, which expanded the definition of "discrimination" to include indirect discrimination on the housing market and elsewhere. Zig Layton-Henry, *The Politics of Immigration. Immigration, 'Race' and 'Race' Relations in Post-War Britain* (Oxford: Blackwell, 1992), 46-61.

6 Raika Espahangizi, "Migration and Urban Transformations: Frankfurt in the 1960s and 1970s," *Journal of Contemporary History* 49, no. 1 (2014), 202.

infrastructure, housing policies repeatedly shifted responsibility onto the individual level by making foreign workers responsible for finding appropriate housing. Officials fantasized that the housing shortage could be used to discourage migrant settlement. In the first section of this chapter, I explore the consequences of the policy whereby migrants were required to prove that they had "adequate housing" in order to be able to bring their family members, a policy that remains in place to this day. In the second section, I investigate the measure whereby foreigners' internal movement within West Germany was restricted through a ban on settlement into "overburdened" areas.

Both of these forms of housing restrictions worked to push migrants into precarious living situations: many migrants who had entered the country legally and who were working legally were unable to find housing defined as "adequate" for their families or housing outside of a restricted area. The disjuncture between entry, work permits, and residence permits fostered a situation where migrants who worked legally might live illegally by falsifying a rental contract to make it look like their apartment was larger than it was or that they lived in a different location. Anthropologist Ruth Mandel describes migrants "gerrymandering their ways around the law with false residency registration,"[7] while sociologist Serhat Karakayali suggests that we see the "unregistered" migrants and the migrants with false rental contracts as a special kind of undocumented migrant, one that may be particular to the West German context.[8] Proceeding from this understanding of migrants as "residentially illegal," in the final section of the chapter, I turn to some of the

7 Mandel, *Cosmopolitan Anxieties,* 148.
8 Karakayali, *Gespenster der Migration,* 158-160.

ways that migrants participated in struggles around housing, claiming it as a social right as participants in housing squats, rent strikes, and other struggles for decent conditions.

Migrant Housing as Family Policy

Housing had been linked to family reunification from the very beginning of guest worker recruitment—the first labor recruitment agreement signed with Italy in 1955 allowed Italian workers to bring their families as long as they had enough housing. Employers were only required to provide housing for individual workers, not for workers' families, an obligation that they usually met through providing dormitory-style housing.[9]

Municipal governments worried that guest worker dormitories would create fertile ground for disease and social unrest. The Council of German Municipalities took up these concerns in a campaign against constructing "new German barracks" for foreign workers, warning that dormitories were not just unhygienic, but "would also stimulate the feelings of social superiority—people are already speaking about *Fremdarbeiter* again—and damage Germany's reputation abroad."[10] In fact, the Italian press often made direct

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[9] Dormitory housing has been discussed extensively by other scholars, including Sonnenberger, *Arbeitsmigration in Südhessen*, chapter three of Miller, "Postwar Negotiations," chapter one of Vierra, "At Home in Almanya," and Anne von Oswald and Barbara Schmidt, " 'Nach Schichtende sind sie immer in ihr Lager zurückgekehrt…' Leben in 'Gastarbeiter'-Unterkünften in den sechziger und siebziger Jahren," in *50 Jahre Bundesrepublik—50 Jahre Einwanderung: Nachkriegsgeschichte als Migrationsgeschichte*, ed. Jan Motte, Rainer Ohliger, and Anne von Oswald (Frankfurt: Campus Verlag, 1999).

[10] BAK B 134/6926, August 5, 1960 Deutscher Städtetag to BMA, "Betr.: Unterbringung ausländischer Arbeitskräfte." Also see "Deutsches Barack?" *Die Städtetag* March 1960, 11.

comparisons to Italians' previous experience as forced foreign laborers on German soil, publishing headlines such as "The Italians in Germany have returned to the *Lager*."[11]

Some of the *Länder* sought to draw on different memories when they planned to build housing modeled on refugee camps or even to repurpose spaces previously used for refugees.[12] Baden-Württemberg wanted to build dormitories modeled after the resettlement camps for refugees from East Germany, while Schleswig-Holstein drew on its experience housing refugees after WWII, arguing that those camps had only been a problem because spaces constructed for single-gender groups had had to house families. This experience should not lead to "excluding barracks as a building type forever."[13]

Paul Lücke was a CDU politician and Minister of Housing when labor recruitment began. Unsettled by the guest worker program, he was also a strong opponent of dormitory-style housing, advising in 1960 that it was better to house foreign workers in buildings that could easily be converted into family housing.[14] The Council of German Municipalities greeted his stance in an October 1960 editorial titled "No German barracks!" in which they thanked Minister Lücke for "freeing the cities from their isolation in resistance against a new 'German barrack.'"[15] Employers were strongly opposed to Lücke's anti-barracks position. The German Chamber of Commerce and Industry wrote him an

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11 Rieker, "Südländer, Ostagente oder Westeuropäer?", 245.

12 Ulrich Herbert, *A History of Foreign Labor in Germany, 1880-1980: Seasonal Workers/Forced Laborers/Guest Workers*, trans. William Templer (Ann Arbor: University of Michigan Press, 1990), 199.

13 BAK B 134/6926, December 8, 1960, Minister für Arbeit Schleswig-Holstein to BMWo, "Betr.: Unterbringung ausländischer Arbeitskräfte."

14 BAK B 134/6926, August 25, 1960 letter from Bundesminister für Wohnungsbau to the Wohnungsministerien der Länder, "Betr.: Unterbringung ausländischer Arbeitnehmer."

15 "Kein deutsches Barack!" *Die Städtetag* October 1960, 491-492.

angry letter: "this command undoes measures that industry undertook at a great deal of effort and cost. After all, the foreigners were not brought to Germany for pleasure, but exclusively and only because they were urgently needed as workers." Lücke underlined the phrase about "pleasure," writing in the margins: "We should forbid ourselves the tone taken here! Here it becomes apparent that industry takes the economic boom as Gospel, and openly does not think about doing anything to absorb it!"[16]

Lücke's marginal comments give us insight into his conservative Catholic critique of the labor recruitment as part of a political program that put economic growth above human needs. His concern about housing for guest workers stemmed from his concern about preserving the marriages of fellow Catholics.[17] He gave a speech at the 1962 German Catholics' Day where he suggested building special centers for the families of guest workers where they would live under the supervision of Catholic social workers: "It is first of all a problem of the general housing of guest workers and then a problem of the family. The months-long separation of the worker from his family requires special measures in order to limit the damaging effects of this way of life."[18] He also described housing problems as family problems to Chancellor Ludwig Erhard in a June 1964 letter: "In order to successfully counter the 'dissolution *[Demontage*] of the family by the modern economy,' the families must be brought together in order to maintain the marriages, and also in the

16 BAK B 134/6926, September 19, 1960, Deutscher Industrie- und Handelstag to BMWo, "Betrifft: Unterbringung von ausländischen Arbeitskräften."
17 Sonnenberger, *Arbeitsmigration in Südhessen*, 371.
18 BAK B 134/6927, "Eröffnungsrede des Präsidenten des 79. Deutschen Katholikentages in Hannover Paul Lücke."

interest of the children who are affected by separation."[19] Lücke even used a private audience with Pope Paul VI in October 1964 to discuss housing. He asked the Vatican to use its power "to urge all governments and peoples, to see the problem not as an economic problem, but as a problem of family policy."[20]

Lücke did not see his support for family housing as the precursor to long-term settlement. He promoted the idea of constructing closed settlements where foreigners could live and preserve their families from the damaging influence of West German culture before returning home. This model found little resonance. In late 1964, the other ministries unanimously rejected the idea, explaining that "completely shut off settlements (foreigners' neighborhoods [*Ausländerviertel*] modeled after the USA) cannot be defended because of the possibilities of discrimination (danger of creating ghettos) and for reasons of security."[21] Although Lücke had in fact imagined constructing his closed settlements in rural areas, the specter of inner-city ghettos was clearly already in the air.

Even after his plan for closed settlements was rejected, Lücke continued to press other ministries for money to construct family housing. The Finance Ministry argued that using the funds to construct housing suitable for families was unreasonable: "For foreign workers it must be assumed, that they will generally not remain in the Federal Republic. Apartments used by guest workers will change owners more often than is the case in the

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19 BAK B 234/6928, June 1964 draft letter from BMWo to Bundeskanzleramt, "Betr.: Wohnraummäßige Versorgung der ausländischen Arbeitnehmer."

20 BAK B 134/6928, September 29, 1964, Abteilung II Vermerk, "Betr.: Wohnraumversorgung von Gastarbeitern."

21 BAK B 134/6928, October 20, 1964 Vermerk IIA1, "Betr.: Wohnungsbau für ausländische Arbeitnehmer; hier: nochmalige Erörterung der Frage des Einsatzes von Bundesmitteln und der Form der Ansiedlung der Arbeitnehmer."

native population. In so far as guest workers want a family home, the desire for a non-depreciating capital investment will usually tip the scales, rather than the desire to become settled… for this reason it seems unjustifiable to support building family homes in the framework of building housing for families of guest workers."[22] The Finance Ministry preferred only making the funds available for apartment buildings intended for the use of citizens of the European Economic Community. Lücke was able to expand the funding program to all guest workers and to the construction of homes intended for single families.[23] Although he was able to make financing available starting in 1965, Lücke also moved from the Housing Ministry to the Interior Ministry in 1965. Between 1965 and 1973 only 4,600 housing units for foreign workers were built with state funds nationwide, and of the 490 million DM in total the state had made available, only 40 million DM had gone to family housing, less than 10% of the total. The rest of the funds had gone to dormitories—hardly a stunning victory for Lücke's dream of housing policy as family policy.[24]

The "Adequate Housing" Requirement in Practice

Because of the "adequate housing" requirement, the housing market and family reunion were in fact intimately linked in the migrant experience. A Turkish woman interviewed in 1978 remembered how she felt when she first found an apartment: "My

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22 BAK B 134/6929, February 19, 1965 letter from BMF to BMWo, "Betr.: Förderung des Baues von Familienwohnungen für ausländische Arbeitnehmer; hier: Gewährung von Darlehen aus Bundesmitteln."

23 BAK B 134/6929, July 6, 1965, Unterabteilung IIB Vermerk, "Betr.: Wohnungsbau für ausländische Arbeitnehmer; hier: Staatssekretärbesprechung vom 6. Juli 1965."

24 Sonnenberger, *Arbeitsmigration in Südhessen,* 373-374.

boss helped me to obtain it. He did what was possible. He always said, that I was a good worker and clean and respectable, and he talked and talked until I got the house. I thought I had been given a gift from heaven. Now I could finally bring my family!"[25]

Other employers were actively negligent about providing housing. Another woman came from Turkey to West Berlin in 1971 with a contract that guaranteed housing for the first year of employment. Her first home was an apartment in a three-story building on Südstern that she shared with five other Turkish women:

> We were young and a bit loud. We were afraid of restaurants, so we amused ourselves by playing records. A German family with a sick son lived above us. They came down constantly to complain that the son was bothered. We said 'Okay!' but one day policemen knocked on the door. We had been employed for three months and spoke only a little German. They said we had to move out. We called the firm, and they also said we had to move out because we were bothering the people above.

The women's second apartment was on Hermannplatz, but here too they had problems:

> One day the doorbell rang, and a man told us that the apartment belonged to him. 'We lived here, and while we were on vacation, they rented to you.' We were shocked, and some girls began to cry. The firm told them they would have to find their own apartments this time around. When they pointed to the housing guarantee in their contracts, the boss gathered up the Turkish families and asked: 'Which of you will take these girls?' We began to cry. What family takes in young girls? The married men want to exploit you. I have suffered a great deal from fellow countrymen in my personal life. For this reason I have cut off contact with many married couples.[26]

In this case, the firm not only failed to find appropriate housing for the Turkish women, it also asked other workers to help the company meet its own obligation, giving up their own apartments in order to keep the company from getting in trouble.

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25 Gaby Franger, *Wir haben es uns anders vorgestellt. Türkische Frauen in der Bundesrepublik* (Frankfurt: Fischer Taschenbuch Verlag, 1984), 18.

26 Gülay Töksöz, *"Ja, sie kämpfen—und sogar mehr als die Männer." Immigrantinnen—Fabrikarbeit und gewerkschaftliche Interessenvertretung* (Berlin: Nozizwe, 1991), 146.

In 1969, a series of press reports on foreign families who lived in horrible apartments in North Rhine Westphalia led to pressure for the adoption of national guidelines for the "adequate housing" requirement. At the time, Foreigners' Offices were instructed to only approve residence permits if foreigners could prove that they had apartments that met "the normal standards of comparable German workers," a guideline that officials found vague and difficult to interpret. North Rhine Westphalia suggested a minimum guideline of 5 square meters per person and a guarantee that children of different genders could sleep in different rooms after a certain age, but the Housing Ministry, now led by SPD politician Lauritz Lauritzen, thought these requirements were insufficient, but refused to propose alternative national guidelines.[27]

Of course, from the perspective of foreigners, the point of comparison was not "comparable German workers," but the dormitory housing where many of them spent their first months in Germany. One Italian man in Wolfsburg was originally happy when he found an apartment in the city, but when he applied for residence permits for his wife and child, his application was denied on the basis that he had a three-person family and had only secured a two-room apartment. He would have to continue living in the dormitory. He wrote an angry letter to his union's newspaper: "Now I ask myself, how I can believe in this joke, when here in the 'Berlin Bridge' dormitory, three people are allowed to sleep and eat

[27] BAK 106/81065, August 27, 1969, Innenminister NRW to Innenministerien, "Betr.: Ausländerrecht; hier: Nachweis ausreichenden Wohnraumes bei Familiennachzug," and October 31, 1969, BMWo to BMI, "Betr.: Nachzug von Familienangehörigen ausländischer Arbeitnehmer; hier: Nachweis ausreichenden Wohnraumes."

in 12 square meters, including cupboard, table and chairs. Perhaps the Health Office doesn't look so closely here, or perhaps we live in a different Republic."[28]

The Interior Ministries continued to clamor for national guidelines. The Saarland Minister of the Interior implied that the foreign workers themselves were at fault when he insisted that clear national guidelines were "the only way that 'Sicilian living conditions,' as they have been established on multiple occasions, can be avoided."[29] March 1970, the national conference of Foreigners' Consultants [*Ausländerreferenten*] repeated the same request, explaining that. "Foreigners are often inclined to see apartments as adequate, that do not in any way meet the minimum requirements for an apartment… the danger of the emergence of slums is not just theoretical, but is becoming increasingly real."[30]

The Interior and Housing Ministries never issued national guidelines for an "adequate apartment," believing that local authorities could do a better job of determining local conditions. This meant that each federal state was able to set its own guidelines. Were the requirements that resulted only encouraging foreigners to live at the "normal standard of comparable German workers," or did they have a disciplinary and exclusionary effect on foreign families? Rheinland-Pfalz required 12 square meters per adult and 8 square meters per child under six, but also counted children who lived abroad unless the couple signed a

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28 qtd. in Grazia Prontera, *Partire, Tornare, Restare? L'esperienza migratoria dei lavoratori italiani nella Repubblica Federale Tedesca nel secondo dopoguerra* (Milan: Guerini e Associati, 2009), 266.

29 BAK 106/81065, January 16, 1970, Saarland Minister des Innern to BMI, "Betr.: Ausländerrecht; hier: Nachweis ausreichenden Wohnraums bei Familiennachzug."

30 BAK 106/81065, "Ausländerreferentenbesprechung am 18/19 März 1970 in Bonn."

written promise never to bring the other children to West Germany.[31] Bavaria required 12 square meters per person over the age of six and 9 square meters per person under the age of six. The national Housing Supervision Law required housing to have 9 square meters for every adult and 6 square meters for every child under six, meaning that foreigners were required to have housing somewhat larger than the "minimum standard."[32] Catholic social workers were highly attuned to the exclusionary effects of using housing policy as family policy, and issued frequent press releases asking questions like: "We must wonder which we prefer: 'Green Widows' in Ankara or Madrid, with all of the family-destroying consequences, or an apartment that is allowedly too small?"[33]

Officials who enforced housing restrictions tended to assume that migrants were making housing decisions solely on the basis of their desire to save money. If foreigners were responsible for their own poor living conditions, restrictions would force them to find better apartments.[34] Social scientists consistently confirmed that these assumptions about foreigners who were unwilling to better their own situation were actually untrue. Studies consistently showed that foreigners paid more for the same housing, such as a 1978 study

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31 BAK 106/81065, FAZ clipping, August 12, 1972 "Familien dürfen nur bei Wohnungsnachweis kommen. Neue Regelung für Gastarbeiter in Bayern und Rheinland-Pfalz. Scharfe Kritik seitens katholischer Stellen."

32 LA-B, DST, 4/44-49 Ausländische Arbeitnehmer, Nr. 7118, Band 39, 7/1976, Nr. 15, Information des Deutschen Caritasverbandes, "Familienglück mit Hindernissen. Nachzug von Familienangehörigen ausländischer Arbeitnehmer."

33 "Familienglück mit Hindernissen: Nachzug von Familienangehörigen ausländischer Arbeitnehmer," *Informationen des DCV*, July 1976, 7.

34 Sonnenberger, *Arbeitsmigration in Südhessen*, 432-433.

of eight cities showing that foreigners paid 13% more per square meter on average.[35] Many families were willing to pay even more—a 1979 study showed that Turkish families were on average willing to pay twice the amount that they already paid in order to obtain a better apartment, but the problem was finding an apartment that would have them.[36] Studies also consistently confirmed that families with children had a far more difficult time finding housing than those without children.[37] This was even for families with only one child, as a Turkish woman in Rüsselsheim learned when her landlord told her that he did not rent to families with children: "So we had to hide my son. The toilet was not in the apartment, but in the staircase. When the child wanted to go to the bathroom, I had to bring it there secretly and then hide him immediately again in the room. When the doorbell rang, I had to hide him again." Although the landlord never discovered the son, her family was ultimately thrown out because one of her husband's female relatives came to live with them, and they could not turn her away: "Naturally we could not throw this relative out, she was alone, and furthermore a woman."[38]

Officials also assumed that foreigners from rural areas of Mediterranean countries had different understandings of the appropriate division of public and private life.

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35 Karl Christian Führer, *Die Stadt, das Geld und der Markt. Immobilienspekulation in der Bundesrepublik 1960-1985* (Berlin: Walter de Gruyter, 2016), 312.

36 Cihan Arın, Sigmar Gude, and Hermann Wurtinger, *Auf der Schattenseite des Wohnungsmarkts: Kinderreiche Immigrantenfamilien. Analyse mit Verbesserungsvorschlägen in Wohnungsbelegung, Erneuerung, Selbsthilfe und Eigentum. Studie im Auftrag der Internationalen Bauaustellung Berlin 1987* (Basel: Birkhäuser Verlag, 1985), 29.

37 Ursula Mehrländer, *Situation der ausländischen Arbeitnehmer und ihrer Familienangehörigen in der Bundesrepublik Deutschland. Repräsentativuntersuchung '80* (Bonn: Forschungsbericht im Auftrag des Bundesministers für Arbeit und Sozialforschung, 1981), 469-476.

38 Franger, *Türkische Frauen,* 50.

Journalist Rolf Weber wrote in the *Handelsblatt* that "For a person from the Mediterranean region, the apartment plays a totally different role than in northern Europe. 'My home is my castle' does not apply in the Mediterranean. There, life—including family life—mostly takes place in front of the door or at the piazza."[39] These different spatial practices of foreigners have certainly enriched German public life—Maren Möhring notes that Italian restaurants were some of the first to put seating outside, something that would not be picked up by other restaurants until the 1980s.[40] But they also produced problems for residential integration. In his 1967 study on housing, Wilifred Hollenberg noted that in the home countries of the guest workers, "a great deal of communal life plays out on streets and squares… for the domestic sphere this means that there are lively social goings-on in the apartment more frequently than for Germans of the same social class."[41] Hollenberg suggested that builders of new housing units should consider these "lively social goings-on" as well as the tendency of foreigners towards "production of scents" in the construction process. "Special floor plans and sound absorption measures should be planned in advance" for West Germans and foreigners to successfully share apartment buildings.[42] Anthropologist Ruth Mandel notes that Turkish families have different cultural understandings of "privacy" and do not expect each person in the family to have their own bedroom. In her fieldwork in Berlin, she found that many Turkish households lived seven people to two rooms, folding mattresses in the corner for the day and putting them back at

39 qt. in Woesthoff, "Ambiguities of Anti-Racism," 97.
40 Möhring, *Fremdes Essen*, 253-254.
41 Hollenberg, *Beschäftigung und Wohnungsbedarf*, 164.
42 Hollenberg, *Beschäftigung und Wohnungsbedarf,* 163.

night.[43] Although they did not necessarily experience this as a hardship, the context of housing restrictions and spatial requirements marked their behavior as deviant.

In a context of restriction, recognition of different housing practices could easily tip into the stigmatization of different housing practices. Ursula Mehrländer's 1974 study on housing, she reproduced the idea of "underdeveloped" housing practices when she wrote that "the need for cleanliness, order and decoration in the home… have to be interpreted in part as a direct result of industrial activity and factory discipline," something foreign workers from under-developed Mediterranean countries lacked.[44] Other researchers argued that small apartments exacerbated deviant family practices, for example by intensifying "excessive mother-child relationships (Mamma-syndrome)."[45]

Even officials who were committed to ending overcrowding in foreigners' apartments found themselves frustrated by the fact that space requirements were effectively impossible to enforce. Although many federal states did develop standardized guidelines for the number of square meters per person, officials were acutely aware that they did not have the manpower to actually check foreigners' apartments.[46] Because checks were carried out with leases rather than in the physical space of the apartment, "migrant

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43 Mandel, *Cosmopolitan Anxieties*, 148-151.

44 qt. in Miller, "Postwar Negotiations," 115.

45 Angelika Schmidt-Koddenberg, *Ausländerinnen im Gespräch: Maßnahmen zur Verbesserung der Lebenssituation ausländischer Frauen*, (Düsseldorf: Minister für Arbeit, Gesundheit und Soziales des Landes Nordrhein-Westfalen, 1984), 17.

46 BAK 106/81065, "Ausländerreferentenbesprechung am 25/26 Mai 1971 in Bonn," August 9, 1974 Vermerk "Betr.: Wohnverhältnisse ausländischer Arbeitnehmer," "Ausländerreferentenbesprechung am 25/26 September 1974 in Freiburg," and December 10, 1974, BMI to BMA, "Betr.: Überprüfung der Wohnverhältnisse von Ausländern bei der Erteilung der Aufenthaltserlaubnis."

laborers are more interested in getting a 'proper' lease than an apartment per se. Often they have to pay bribes to get the necessary apartment, or at least the lease for one."[47] The "black market" in leases meant that families often showed officials leases that did not match their living conditions in order to obtain their residence permits.[48] This placed them in a vulnerable situation: not only had they presented false documentation to the authorities, they were also often in violation of the "sufficient housing" guidelines for the residence permit. If either fact was discovered, they were at risk for deportation.

Anti-census activists took note of this possibility when they began to organize around the idea of a "right to informational self-determination" in the 1980s. For anti-census activists, "foreigners could be seen already to be living the future awaiting all Germans in the coming surveillance state… further, they had much more to lose if the barrier between 'statistical' and 'administrative' data proved too porous: deportation awaited registered foreigners who broke even minor laws."[49] In Munich, the additional value of information about foreigners was explicit in the city's promise to pay census enumerators 2.5 DM for Germans not previously registered and 5 DM for foreigners not

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47 Cihan Arın, "The Housing Market and Housing Policies for the Migrant Labor Population in West Berlin," in *Urban Housing Segregation of Minorities in Western Europe and the United States*, ed. Elizabeth D. Huttman (Durham: Duke University Press, 1991), 207.

48 BAK 106/81065, FAZ clipping August 12, 1972 "Familien dürfen nur bei Wohnungsnachweis kommen. Neue Regelung für Gastarbeiter in Bayern und Rheinland-Pfalz. Scharfe Kritik seitens katholischer Stellen."

49 Matthew G. Hannah, *Dark Territory in the Information Age. Learning from the West German Census Controversies of the 1980s* (Farnham: Ashgate, 2010), 48.

previously registered.[50] This "head bounty" was denounced in the Bundestag, where Harald B. Schäfer of the SPD accused it of fomenting xenophobia. Dirk Schneider of the Green Party also used his Bundestag platform to warn that the data might be used to deport foreigners: "The data collection of the sounding-out-of-the people [*Volksaushorchung*] will be able to give the authorities exact information, about whether foreigners have violated the different provisions, for example if they live in the areas where they are supposed to live, or whether they have reported all the children that they really have."[51]

Anti-census activists organizing the census boycott worried that both filling out the census form and boycotting the census could be dangerous for foreigners, and did not advise foreigners to take part in the boycott because the personal risks were too great.[52] However, they did distribute multilingual flyers in order to inform foreigners about the census. A representative example in Kreuzberg, also signed by the Foreigners' Committee of West Berlin, wrote: "The 'census' is not just dangerous snooping, it is also an insult for foreigners… they say that we don't belong to the people [*Volk*]. But when it is time to count and snoop, suddenly we do belong to the people!"[53] Some leftist activists first became sensitized to the problem of xenophobia in the course of the anti-census movement.

Anti-census activists also helped to mobilize around other attempts to collect information about foreigners. After a 1982 administrative measure in Munich explicitly

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50 "Heiße Ohren," *Der Spiegel* April 11, 1983, and "Volkszählung: Laßt 1000 Fragebogen glühen," *Der Spiegel* March 28, 1983.

51 Deutscher Bundestag, Plenarprotokoll 10/3, March 30, 1983, 40.

52 Archiv der Sozialen Bewegungen Freiburg [ASB Freiburg], Sigle 17-a4-264, *Dokumentation des bundesweiten Treffens der Initiativen zum Volkszählungs-Boykott 1983 in Bochum*, 1983, 13-16.

53 DOMiD, FL0255—Volkszählung in Berlin, 1987.

gave authorities the right to visit apartments and check the size when foreigners applied for further residence permits, a group of Evangelical students formed an organization that offered legal assistance to foreigners.[54] This group linked with local anti-census activists to distribute bilingual flyers assuring foreigners that "The apartment is inviolable!" and that based on Article 13 of the Basic Law, they could refuse officials entry: "In Munich officials from the housing office are going to be coming around in order to measure guest worker apartments. When an official comes to measure your apartment, tell him unambiguously: 'YOU ARE NOT MY GUEST!' 'YOU CANNOT COME IN!'" Show the official this flyer and tell him: 'I am against you entering my apartment… if you have doubts about my reported information, please send me a written statement." The flyer continued: "ADMINISTRATIVE DECREES ARE NOT LAWS. BASIC RIGHTS HAVE PRIORITY. USE YOUR RIGHTS," and presented migrants with a telephone number to contact for legal assistance.[55]

Munich was not the only place where there was an increased focus on compliance with the housing ordinances in the early 1980s. Social workers in Baden-Württemberg documented a wide range of examples of the housing ordinances being used punitively.[56] The housing requirement could also be used against European Economic Community

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54 This group, the *Rechtshilfe für Ausländerinnen und Ausländer*, would later be a founding member of the "Bavarian Initiative against Family Separation" in 1987. The Bavarian Initiative against Family Separation is dicussed further in chapter 6.

55 "Chronologie—Über die Geschichte der Rechtshilfe," accessed at http://www.rechtshilfe-muenchen.de/chronologie/.

56 Manfred Budzinski and Mechthild Schirmer, "Wirkungen der Beschränkung des Familiennachzugs für Ausländer," *Evangelischer Pressedienst Dokumentation* 5a (January 24, 1983), and Manfred Budzinski and Mechthild Schirmer, "Wie Ausländerbehörden mit Ausländerfamilien umgehen," *Evangelischer Pressedienst Dokumentation* 43a (October 17, 1983).

members, something that often happened when children turned 16 and required a residence permit for the first time. A five-person Greek family living in a 42-square meter apartment that had been provided to them by the Housing Office in Baden-Württemberg, the largest apartment the Housing Office had available, received a letter when their oldest son—who had been living in Germany since he was 6—turned 16 informing them that his residence permit would be denied unless they could prove a 60 square meter apartment within the next five months. The family proposed as a solution that the boy live with other relatives in the city so that they would not have to find a larger apartment, a solution that was rejected by the Foreigners' Office, which required the entire family to find a new apartment.[57] A Spanish couple deemed to have sufficient space with two children received a letter ten days after the birth of their third child informing them that the residence permits of the wife and children had been limited until the end of the year and would not be extended until the family found a larger apartment.[58] The Italian Ambassador was known to occasionally intervene in cases where Italian teenagers had their permit denied because their families' apartments were too small.[59]

The same sanctions were applied to migrants from outside of the European Economic Community. One Turkish teenager who lived with his father had his residence permit turned down because their apartment was 23 square meters instead of 24—the decision in that particular case was later overturned by the court.[60] A Turkish man who had

57 Budzinski and Schirmer, "Ausländerbehörden," 20-21.
58 Budzinski and Schirmer, "Ausländerbehörden," 17.
59 Budzinski and Schirmer, "Ausländerbehörden," 18-19.
60 Budzinski and Schirmer, "Beschränkung des Familiennachzugs," 22.

been living in Salzgitter since 1964 had his application for a right of unlimited residence denied in 1983 because his apartment was 2.39 square meters too small for his five-person family.[61]

The housing requirement was often used in ways that required the temporary division of families. One Turkish teenager was bitter about having to leave the country at both 13 and 16, in both cases because the residence permit of somebody in the family was denied on the basis of the apartment being too small, and he was the oldest son. He was only able to stay once the family finally secured a larger apartment when he was 17.[62] A Turkish couple with four children in Frankfurt was threatened with deportation because they had a 43.78 square meter apartment and needed a 54 square meter apartment. The second letter from the Foreigners' Office stated that the man had taken a trip to Turkey in the intervening period. During this trip he could have moved two of his children back to Turkey in order to fix his apartment situation, and his failure to do so showed that he was not taking the need for sufficient space seriously. In response to this letter, the couple sent two children back to Turkey until they could find a larger apartment—once he was able to obtain a larger apartment, the children returned, but not without disruptions in their schooling and family life that could have been easily prevented by a less punitive use of the housing requirements.[63] Countless families delayed family reunion because of the difficulty of finding an apartment. Hüseyin Yiğit expressed the absurdity of this situation in his play,

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61 Arın, Gude, and Wurtinger, *Schattenseite*, 21.

62 Franz Hamburger, Lydia Seus, and Otto Wolter, *Zur Delinquenz ausländischer Jugendlicher. Bedingungen der Entstehung und Prozesse der Verfestigung* (Wiesbaden: Bundeskriminalamt, 1981), 75.

63 Budzinski and Schirmer, "Beschränkung des Familiennachzugs," 23-24.

with one character lamenting: "Bakiye's son could not bring his wife here. They did not give her a visa, because apparently their apartment is too small. They say the bride wants to get divorced, because she thinks he must already be married in Germany."[64]

Other families had to account for an entire transnational family in their living space in Germany. A father and son in Stuttgart were told that they needed an apartment that could also fit the mother and remaining children in Turkey. Had they been counted as two individuals, they would have needed a 24 square meter apartment, but with the family members in Turkey counted, they needed to prove a 60 square meter apartment—a nearly impossible task as long they were sending most of their money home.[65]

Finally, many migrants chose to become "residentially illegal" when they decided simply not to register. One husband who had followed his wife to Germany on a tourist visa recalled that housing requirements turned him into an "illegal immigrant" because he chose not to register with the police as living in his wife's apartment: "Our apartment was just a hole, and the square meter requirement alone meant that our situation was hopeless. Besides looking for work, we looked constantly for a better apartment. But everything was interlaced: We looked for a 'normal' apartment. But we couldn't have paid for it, because I couldn't work. In order to work, I had to have a normal apartment. How does one get out of this cursed situation?"[66]

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64 Yiğit, *Was soll aus uns werden?* 21.

65 Budzinski and Schirmer, "Beschränkung des Familiennachzugs," 20, 23.

66 Feride Erdoğmuş, " 'Am Großmarkt wartet schon die Polizei.' Bericht eines 'Illegalen' aus der Türkei," in *Ausländer, die verfemten Gäste*, ed. Christian Habbe (Reinbek bei Hamburg: SPIEGEL-Verlag, 1983), 73.

The housing sanctions placed the entire burden of navigating a structural situation on the shoulders of individual foreign families, a logic laid bare in the letter sent to a teenage girl whose residence permit was rejected because her family lived in a 45 square meter apartment instead of a 75 square meter apartment: "If foreigners make use of apartments that are much too small and defective for the purpose of family reunion, this necessarily leads to the creation of slum-like foreigner ghettos and all of the known social, hygienic and criminal consequences."[67] But the market did not create adequate housing all by itself. Many foreign families spent their money to obtain a better paper contract rather than a marginally better apartment, while families living in violation of housing ordinances were made "illegal" and potentially vulnerable to police action and deportation. Another strategy for improving the housing situation of foreigners would produce the same contradiction: in order to disperse foreign communities, national authorities decided to make those communities disperse themselves.

Foreign Families Become Foreign Communities: The Racialization of Space

Concentrations of migrants in poor housing stock in the inner cities increased, in part because many landlords saw foreign workers as short-term residents who were willing to pay higher rents for worse apartments than Germans. Karl Christian Führer argues that much of the anxiety about guest worker housing reflected a larger confrontation over "the ideal image of the largely static housing market, that West German society accepted almost unquestioningly as a social norm." As foreigners entered the

67 Budzinski and Schirmer, "Beschränkung des Familiennachzugs," 22.

housing market, "the scandalization of market processes proved to be a double-edged sword."[68] The discourse of "scandalization" of the market tended to elide the fact that foreign workers were victims of racialized discrimination, while the products of market processes—foreigner-majority neighborhoods—were understood as racialized spaces.

The Federal Labor Office assembled a committee in March 1972 to discuss the question of whether foreign worker recruitment was sustainable. One member of the committee noted that there was a worrying trend for foreign workers to want to stay in Germany, a trend that took on alarming dimensions with the expansion of the European Economic Community: "given the relatively high unemployment in Great Britain, unions of colored people, of whom there are over half a million there, have already manifested interest in their members taking work in Germany… there is a similarly disconcerting development with respect to Turkey because of the expected association with the European Economic Community."[69] The committee went on to compare the German situation with that of Switzerland, where the populist right was trying to pass a constitutional amendment to limit the percentage of foreigners to 10% of the population.[70] In Switzerland, 90% of the foreigners were Italian, French, and German, while "only around 10% come from problem countries [*Problemländern*]." In contrast, the German quotient of "problem countries" was around 75%, and although this term was never specifically

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68 Führer, *Immobilienspekulation*, 314.

69 BAK B 119/4150, May 24, 1972, "Ergebnisprotokoll über die 13. Sitzung des Verwaltungsratsausschusses I am 29. März 1972 in Nürnberg."

70 For more on this amendment, two useful books are Isabel Drews, "*Schweizer erwache!" Der Rechtspopulist James Schwarzenbach (1967-1978)* (Frauenfeld: Verlag Huber, 2005), and Damir Skenderovic, *The Radical Right in Switzerland: Continuity and Change, 1945-2000* (New York: Berghahn Books, 2009).

defined, the reference to the "colored people" from Great Britain might suggest that "problem countries" were mixed with "problem populations." The committee's report continued: "creating space [*Lebensraum*] for the foreign workers who stay, would mean limiting the space [*Lebensraum*] of the other people who live in the Federal Republic."[71]

The reappearance of a National Socialist term reflected an understanding of the allocation of living space as a zero-sum game in which space for foreign workers could only come at the cost of West Germans. Another strain of this discourse was specifically worried about concentrations of foreign workers. Also in 1972, urban planners in both Berlin and Munich had published reports which used Chicago school sociologists in order to theorize the "competition for resources" occurring in their cities, using theories developed on the South Side of Chicago in order to understand the processes occurring in West German cities.[72] These reports both explicitly rejected the idea of allocating more funding for construction of family housing in favor of instituting bans on foreign settlement into

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71 BAK B 119/4150, May 24, 1972, "Ergebnisprotokoll über die 13. Sitzung des Verwaltungsratsausschusses I am 29. März 1972 in Nürnberg."

72 The entanglements of German and American social science have a longer history explored by, among others, Mary Nolan, *Visions of Modernity: American Business and the Modernization of Germany* (Oxford: Oxford University Press, 1994), and, with particular relevance for the entanglement of racial science, Fatima El-Tayeb, "Dangerous Liaisons. Race, Nation, and German Identity," in *Not so Plain as Black and White. Afro-German Culture and History, 1890-2000*, ed. Patricia Mazón and Reinhild Steingröver (Rochester: University of Rochester Press, 2005), and Andrew Zimmerman, *Alabama in Africa: Booker T. Washington, the German Empire, and the Globalization of the New South* (Princeton: Princeton University Press, 2012). The 1960s "globalization of the inner city" would be criticized by a later generation of German urbanists. See Arın, "Housing Market," 210-213.

Ursula Kurz offers a contemporary critique of uncritical usage of American models in Kurz, "Partielle Anpassung und Kulturkonflikt," where she is concerned that her fellow researchers are using models that implicitly assume the end goal of assimilation and absorption into a "melting pot" rather than preservation and return.

specific neighborhoods in order to prevent "ghettoization."[73] Berlin report even stated that improving the infrastructure could have unintended consequences: if measures were taken to improve living conditions in foreigners' neighborhoods, more foreigners might want to move in.[74] Raika Espahangizi has identified a similar dynamic at work in housing policy in Frankfurt, where "the refusal to take measures was primarily based on the view this would boost self-organized entry and create further housing grievances."[75] The Munich report made a veiled reference to race riots when it explained that a ban on foreign settlement could prevent "undesired social developments… when a certain proportion of foreign workers is reached, a complex bundle of social problems arises, the dimensions of which will first become clear in a period of crisis."[76]

Why were West Germans so concerned about the formation of ghettos? Officials in West Germany looked abroad for clues about how to deal with urban concentrations of migrants. Marcel Berlinghoff argues that the West German image of the inner city ghetto "was more related to the Dutch and British experience than its own," while Christiane Reinecke argues that West Germans were looking to French examples, especially the

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73 LA-B, B Rep 002 Nr. 10434 and 10436 and Camillo Noel, *Kommunalpolitische Aspekte des wachsenden ausländischen Bevölkerungsanteils in München. Problemstudie* (Munich: Stadtentwicklungsreferat, 1972).

74 LA-B, B Rep 002 Nr. 10436, "Abschlußbericht des Planungsteams 'Eingliederung der ausländischen Arbeitnehmer und ihrer Familien' vorgelegt vom Planungsteam und Planungsausschuß im September 1972," also singled out for analysis in Ausländerkomitee Berlin (West), *Gleiches Wohnrecht für Alle! Dokumentation zur Zuzugssperre für Ausländische Arbeiter* (Berlin: self-published, 1978), 3.

75 Espahangizi, "Urban Transformations," 192.

76 BAK B 119/5135, September 5, 1973 letter from Bay. Staatsministerium für Landesentwicklung und Umweltfragen to Bayerische Staatsministerium für Arbeit und Sozialordnung, "Betreff: Prüfung regionalisierter Bremsungsmaßnahmen."

bidonvilles in the Parisian outskirts.[77] More than other European examples, however, the idea of "ghettoization" was consistently discursively linked to "American conditions." Although this was not the first time that Berlin had been described as "Chicago on the Spree," the focus in the 1970s was not on cities as integrated wholes, but on racialized neighborhoods within those cities. When *Der Spiegel* published a 1973 cover story titled "The Turks are coming," the article explained that in Kreuzberg, "the first Harlem symptoms can already be detected."[78] Surveyed about criminality, Bremen warned that there was a "danger that developments will occur, as they have been observed in the slum-areas of large American cities in connection with the waves of migrants of the last seventy years."[79] Schönwälder's study of press reporting shows that foreigners' neighborhoods in West Germany were compared to neighborhoods of African-Americans in American inner cities, to "ghetto fires and street battles, hot summer *a la Washington* or *Chicago*."[80] For Schönwälder "The image of the ghetto did not just symbolize morally objectionable conditions, it also included—precisely conveyed with the term of 'Negro' or 'Nigger' and the parallels to the United States—a threatening dimension of social conflict up to

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77 Berlinghoff, *Das Ende der 'Gastarbeit'*, 208. Christiane Reinecke, "Wohlstand verpflichtet oder die Internationale der Moralisten. Urbane Armut und translokaler Aktivismus in den 1960er Jahren," in *Wo liegt die Bundesrepublik? Vergleichende Perspektiven auf die westdeutsche Geschichte*, ed. Sonja Levsen and Cornelius Torp (Göttingen: Vandenhoeck & Ruprecht, 2016).

78 "Die Türken kommen—rette sich wer kann," *Der Spiegel,* July 30, 1973, 26. Maria Stehle offers an excellent reading of discourse in *Der Spiegel*, including this article, in her "Narrating the Ghetto, Narrating Europe: From Berlin, Kreuzberg to the *Banlieues* of Paris," *Westminster Papers in Communication and Culture* 3, no. 3 (2006).

79 LA B-W, EA 2/303 Bü 277, August 25, 1971, Landeskriminalamt Bremen, "Betr.: Konzentration von Gastarbeitern in Altstadtteilen."

80 qt. Schönwälder, *Einwanderung und Pluralität*, 611.

conditions of civil war."[81] Even the contemporaneous discussion about whether Germany should show *Sesame Street* focused on the show as a product of the black ghetto. One press commentator wrote that "using Oscar the Grouch to symbolize the misery of the black slum… borders on pedagogical infamy," while another objected that "the strange children on our streets are not black or mixed… they are rather small Turks and small Greeks." The director of the Bavarian television station originally decided not to show the program, explaining that it had been developed "for children in American ghettos, that is to say for children of Puerto Ricans or illiterates," and that Germany had no such "underprivileged classes." He argued that children would be unable to identify with the "Negros" on the television screen.[82]

I argue that the constant reference to "little Harlems" was not just a way to evoke social conflict—it was also a way to racialize populations of guest workers without having to use the language of race. Politicians and writers who invoked "Harlem" drew on their public's familiarity with the American racial situation binary to shape their understanding of migrants in West Germany.[83] A journalist for *Die Zeit* worried that the state was "laying the ground for a future 'German Negro problem.'"[84] In 1973, the Labor Minister of North Rhine Westphalia stated that measures had to be taken in order to ensure "that the guest

81 Schönwälder, *Einwanderung und Pluralität,* 590.
82 Deutsches Rundfunkarchiv [DRFA], Bestand A 31 B 18/q5, STZ 10.1.1973 clipping "Für süddeutsche Fernsehanstalten ist 'Sesamstraße' zu amerikanisch."
83 Woesthoff, "Ambiguities of Anti-Racism," 95.
84 "Kulis der Nation," *Die Zeit*, October 20, 1972.

workers do not become the Negroes of our Nation."[85] These references to "Negroes" also evoked the ongoing experience of foreign occupation by African-American GIs, discussed briefly in the introduction. Although the word *race* was rarely used, the American situation was understood as racially marked, and the constant administrative invocation of "preventing the creation of ghettos" expressed a fear of creating foreign communities within German national space.

Anti-Ghettoization Measures in West Germany

In order to prevent the creation of foreigner ghettos understood as American inner cities, West German officials briefly considered a national limit on foreign settlement on the Swiss model. West German officials watched the Swiss debate over foreign labor closely, and populist politicians in Switzerland had first proposed the idea of a national limit on foreigners in 1967: the National Action Against Overforeignization [*Überfremdung*] of People and Homeland, led by James Schwarzenbach, proposed a constitutional amendment which would limit the number of foreigners resident in Switzerland to 10% of the population. At the time it was proposed, this would have required the deportation of one-third of the foreigners then resident in Switzerland.[86] But West Germany was not Switzerland: discussing the potential adoption of the "Swiss model" in 1973, the Labor

85 "Markt der Menschenhändler," *Der Spiegel* March 26, 1973, 61. This analogy was sometimes used to borrow solutions from the United States: at one point, FDP politicians suggested borrowing a measure from the United States and "busing" foreign children to other schools. See Kreuzberg Museum, SO 36 Archival Collection, Inv. Nr. 131, Lfd. Nr. 137, May 26, 1981 clipping from FR "FDP: 'Bussing' für Ausländer. Kinder von Gastarbeitern sollen Schulen nicht überfremden."

86 Berlinghoff, *Das Ende der 'Gastarbeit.'*

Ministry ruled against it, worrying that it would look bad internationally and would even "come close to the past use of forced foreign laborers [*Fremdarbeitereinsatz*]".[87]

Officials instead gravitated to a solution of imposing regional limits on foreign settlement in order to *disperse* foreigners across German national space. The areas to be limited were described as "dense economic agglomerations" until September 1973, when the term became "overburdened regions of settlement." This discursive shift reflected a shift in the target of the measure: instead of limiting the percentage of foreigners in the local workforce, they would limit the percentage of foreign residents, thus including non-working family members. In its new form, the measure did not penalize the employers who had become dependent on foreign labor, but the foreigners who did the work.[88]

Only one month after the measure was redesigned to limit foreign settlement rather than foreign employment, the state decided to impose a ban on new labor migration in November 1973. Although the government initially presented the recruitment stop as a sudden response to the oil crisis, historians have shown that it was actually the product of longer trends in understanding migration and the long-term social costs that it was creating, one in which the Federal Republic joined in a Europe-wide phenomenon.[89] The decision to end labor recruitment in West Germany specifically was also influenced by heightened concern over security after the terrorist attacks at the 1972 Munich Olympics

87 LA-B, DST, 4/44-49, Nr. 7115, March 19, 1973 Vermerk.
88 The subject line shifts over the course of BAK B 119/5135.
89 Herbert and Hunn, "Gastarbeiter und Gastarbeiterpolitik," and Berlinghoff, *Das Ende der 'Gastarbeit.'*

and the "wild strikes" of guest workers in the summer of 1973.[90] Although the ban on labor migration was a fairly minor event in the West German press, it was a major event in the Turkish press, where the end of labor recruitment occasioned a debate on anti-Turkish sentiment in the Federal Republic, putting into question the entire relationship of Turkey to the West.[91] Later restrictive measures were understood through a narrative that heightened the stakes of Turkish migration to West Germany.

The plan to restrict foreign settlement on "overburdened regions" was initially shelved after the halt on labor recruitment because officials assumed that workers would go home *en masse*, but in fact, the pre-existing concentrations of foreign population became more pronounced now that family migration the only realistic way to enter West Germany. The Interior Ministry refused to limit family reunification—in response to petitions from the Interior Ministries of both Baden-Wurttemberg and North Rhein Westphalia asking to require three years of residence in order to be eligible for family reunification instead of one, the federal Interior Ministry replied that families were stabilizing for the workers, and pointed to the ban on regional settlement that had just gone into place as a measure that should discourage family reunification.[92] The bans on regional settlement were thus the first measures directed at discouraging family reunification without direct restriction.

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90 Miller, "Her Fight is Your Fight."

91 Günal Incesu, "Der Anwerbestopp vom 23. November 1973 in der massenmedialen Öffentlichkeit der Bundesrepublik Deutschland und der Türkei," *Netzwerk Türkei Working Paper No. 8* (Berlin: Netzwerk Türkei, 2010).

92 LA B-W, EA 2/303 Bü 281, April 3, 1975, BMI to Innenministerien, "Betr.: Ausländerrecht; hier: Verlängerung der Wartefrist für den Familiennachzug allgemein auf drei Jahre."

In April 1975, the state introduced an administrative measure banning foreign settlement into "overburdened regions," defined as those with over 12% foreign nationals in the local population.[93] Districts that had over 12% foreign population had no choice but to implement the ban[94], while districts with between 8-12% foreigners could decide whether or not they wished to ban foreigners. Although the percentage was determined by counting all foreigners in an area, the ban only applied to a subset of those foreigners—citizens of the European Economic Community were exempted, as well as foreigners for whom "no integration problems existed," which meant the United States, Canada, Australia, the UK, Switzerland, Austria and Japan. Any other foreigner who went to apply for or renew a residence permit at the *Ausländerbehörde* received a stamp in their passport saying "Not eligible for settlement in overburdened areas." If a foreigner with this stamp subsequently tried to register in an "overburdened area," their registration would be refused, and they could not apply for a residence permit based on residence there. Although foreigners from the European Economic Community, United States and the other countries with whom "no

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93 For the future, it would be interesting to explore this idea of a "limit" or "threshold" for tolerance across multiple countries. For Switzerland, see Lauren Stokes, "Crisis in the *Herrenvolk*: The Foreign Labor Problem and Women's Suffrage, 1959-1971" (MA thesis, University of Chicago, 2012). For France, see Maxim Silverman, *Deconstructing the nation. Immigration, racism and citizenship in modern France* (London: Routledge, 1992), 95-107, and more recently, Mustafa Dikeç, *Badlands of the Republic: Space, Politics and Urban Policy* (Hoboken, NJ: Wiley-Blackwell, 2007).

94 Stuttgart is the most prominent example of a region that did not want to be forced to exclude foreigners, but that had no choice. The Schwarzwald-Baar Kreis, also in Baden-Württemberg, was also very unhappy about the measure. The mayor of Stuttgart wrote a letter to the Labor and Interior Ministries in which he argued that the measure could be "catastrophic" for Stuttgart, but to no avail. LA-B, DST, 4/44-49 Ausländische Arbeitnehmer, Nr. 7117, January 8, 1975, Bürgermeisteramt Stuttgart to BMA and BMI, "Betr.: Regulierung des Zuzugs ausländischer Arbeitskräfte in 'überlastete Siedlungsgebiete,."

integration problems existed" were counted in the statistics for deeming something "overburdened," they themselves were not excluded. The Foreigners' Committee of West Berlin pointed out the hypocrisy of this dual stance towards different kinds of foreigners in a booklet opposing housing restrictions: "nobody would seriously consider the separation of many thousands of US citizens in West Berlin as a threat. And yet they live in their own housing developments entirely for themselves—the highest form of the 'ghetto.' Behind the invocation of the ghetto lies an aggressive hostility towards foreigners."[95]

Citizens of the European Economic Community were exempt from the beginning of the policy, a choice that was validated by the European Court of Justice in October 1975, when the court ruled in *Roland Rutili v. Minister of the Interior*, a case about restricting movement of EEC citizens in France. Roland Rutili was an Italian citizen who had lived in France and had been politically active in his trade union. Hoping to prevent his political agitation, the French state issued a deportation order that was later changed to a restriction order prohibiting him from living in particular French departments. The ECJ ruled that freedom of movement could only be abrogated when the person in question posed a threat to public order, and that Rutili's trade union activities were insufficient justification for this purpose.[96] The decision made it clear that in order to restrict freedom of movement within the EEC, "public policy or security risks must be clearly linked to particular persons… rather than abstract interpretations of threats or risks flowing from

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95 Ausländerkomittee Berlin (West), *Gleiches Wohnrecht für alle!*, 16.

96 *Roland Rutili v. Minister of Interior*, EuGH 36/75, 28 October 1975, accessed at http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:61975CJ0036.

authorities' perceptions about certain (unwanted) individuals and their actions."[97] However, this ruling only applied to citizens of the European Economic Community. For citizens of other countries, the "abstract interpretation" of the threat of concentration was sufficient to justify bans on their internal movement.

Officials justified the ban on settlement with reference to "missing infrastructure," defined as adequate housing, hospitals, kindergartens and schools. This explanation was roundly criticized at the time; for example, Caritas publications spoke of "the fairytale of missing infrastructure."[98] The German Council of Municipalities also surveyed member cities several times about their experiences with the ban on settlement, and municipal governments were consistently skeptical about the utility of the measure.[99] Nürnberg noted that because workers could not move into the city, but family members could, it created a kind of double problem: "On the one hand the claims on city infrastructure (especially on the kindergartens, primary schools and secondary schools) have increased, while on the other hand the gains for city management, that ensued through the offer of mobile foreign workers, can no longer be fully realized."[100] Because it did not limit family

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97 Dora Kostakopoulou-Docery and Nuno Ferreira, "Testing Liberal Norms: The Public Policy and Public Security Derogations and the Cracks in European Union Citizenship," *Columbia Journal of European Law* 20, no. 2 (2014), 171.

98 "Die unerwarteten Zaungäste. Die dritte Generation Ausländer ist bereits geboren," *Informationen des Deutschen Caritasverbandes* 3, no. 17 (1977).

99 LA-B, DST, 4/44-49/8, "Ergebnisse einer Umfrage des Deutschen Städtetages. Betr.: Zuzugssperre für ausländische Arbeitnehmer in überlasteten Siedlungsgebieten an die Städte Augsburg, Frankfurt, Fürth, Hanau, Ingolstadt, Krefeld, Mannheim, München, Nürnberg, Offenbach, Pforzheim, Remscheid, Stuttgart, Ulm vom 29.8.1975."

100 LA-B, DST, 4/44-49/8, September 11, 1975, Stadt Nürnberg Referat für Rechts- und Ordnungsverwaltung to DST, "Betreff: Zuzugssperre für ausländische Arbeitnehmer in überlasteten Siedlungsgebieten."

reunion, and because after 1974 it was nearly impossible for people who entered as "family members" to get work permits, the infrastructural problems became worse, without creating the workforce that could begin to alleviate those problems. Stuttgart was the most vocal about this tension—47% of the municipal employees in Stuttgart were foreigners—but several cities mentioned it in a survey from the first year of the measure.[101]

A follow-up survey conducted in 1976 found that most of the cities had come around to the measure, perhaps because most cities could also report small decreases in the foreign population. For example, Frankfurt's foreign population had decreased from 120,000 to 115,000 from April 1975 to 1976. But city governments remained skeptical about whether these decreases were due to the measure, especially since cities that were not subject to the ban on settlement had experienced similar decreases. City administrators also continued to complain about the fact that the measure allowed family reunion to continue, but those family members were not allowed to work. Only Augsburg wanted to extend the ban to include family members as a result, while other cities continued to oppose a ban on family members for humanitarian or political reasons. Munich felt that banning family members would hurt "the objective of integration."[102]

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101 LA-B, DST, 4/44-49/8, September 11, 1975, Nürnberg Referat für Rechts- und Ordnungsverwaltung to DST, "Betreff: Zuzugssperre für ausländische Arbeitnehmer in überlasteten Siedlungsgebieten."

102 LA-B, DST, 4/44-49/8, "Zusammenstellung der Ergebnisse von Umfragen des Deutschen Städtetages betreffend Zuzugssperre für ausländische Arbeitnehmer in überlasteten Siedlungsgebieten unter den betroffenen Städten vom 29.8.1975 und 15.4.1976," and April 23, 1976, München Referat für Kreisverwaltung und öffentliche Ordnung to DST, "Betreff: Zuzugssperren für ausländische Arbeitnehmer." In this assessment, Munich followed the assessment of a study that Peter Rothammer conducted for Nürnberg in which he concluded that family reunification "positively influences

The exemption for family members only applied to nuclear families, such that it was still frustrating for many extended families. March 1976, the Turkish workers of Opel addressed a petition to Helmut Schmidt asking him to lift the ban on foreign settlement because it interfered with their family life. Rüsselsheim, where the Opel factory was located, had been declared "off-limits" to further foreign settlement, which had created problems for dozens of foreign men who had taken jobs at the factory since April 1975 but found that they were not allowed to live in Rüsselsheim. The adult son and father pair of Mehmet and Hasan could not live together because of the ban. Mehmet had been living in Rüsselsheim since before April 1975 and was therefore able to continue living there once he got a job at Opel in November of that year, but his father Hasan had lived outside of Rüsselsheim before he got his job at Opel, and now could not move in with his son. The father was forced to rent a second apartment in order to comply with the regulations on settlement—the father and son could work together, but the West German state's regulations meant that they could not live together. Another worker wanted to live in the Opel dormitory, but because he was not allowed to he had to rent an apartment and could send less money home to his wife and eight children in Turkey. "This extra financial strain is preventing the father from guaranteeing a better education and life for his children." It was also forcing him to stay in West Germany for longer than he had originally intended.[103]

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readiness and possibility for individual attempts at integration." *Integration ausländischer Arbeitnehmer und ihrer Familien im Städtevergleich*. *Probleme, Maßnahmen, Steuerungsinstrumente* (Berlin: Deutsches Institut für Urbanistik, 1974), 61.

[103] BAK B 149/121720, March 23, 1976, Türkischen Arbeitnehmer der Adam Opel AG to Bundeskanzler Helmut Schimdt, "Betr: Zuzugssperre."

As protests like these and the city surveys suggest, the policy created absurd situations for many individuals. Mehmet, Hasan, and Ali might have signed on to the protest letter authored by the mayor of Stuttgart, who opposed the settlement ban because it "places general structural problems on the shoulders of one population and in so doing puts all efforts for a satisfying coexistence between Germans and foreigners into question," and also because it strengthened a sense of discrimination among foreigners, who felt that they were seen "less as people with economic, social, and cultural needs than as instruments of labor market policy and now also structural policy."[104] Municipal skepticism was joined by continuous pressure from companies who wanted to employ more foreigners than were available to them in the current situation—the Opel factory in Rüsselsheim was continuing to employ workers, who then had to live at a distance of several kilometers from the factory.[105] Finally, there were also legal challenges beginning to work their way through the courts, mostly based on the idea that there was a fundamental right to choose one's own residence.

Despite all of these criticisms, the immediate cause for abandoning the administrative measure in 1977 was the fact that the measure could no longer apply to Turkish citizens. In December 1976, as part of the ongoing process of Turkish association with the European Economic Community, Turkish citizens would enjoy the right to free movement within member countries after five years of paid employment there. This meant

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104 LA-B, DST, 4/44-49/8, September 11, 1975, Stadt Stuttgart Bürgermeisteramt, Dr. Gehring, to DST, "Betr.: Zuzugssperre für ausländische Arbeitnehmer in überlasteten Siedlungsgebieten."

105 Letters from several industry pressure groups available in BAK B 149/83759.

that the regulation officially ceased to have legal standing for the overwhelming majority of Turks in Germany and would effectively only apply to workers from Yugoslavia and Portugal. The Labor Ministry worried that at this point these countries could be expected to claim discrimination against their citizens—although it is unclear why a measure that was reasonable when it applied to Turkish, Yugoslavian and Portuguese workers would suddenly become "discrimination" when it only applied to two of those groups.[106] Turkish citizens now composed the largest group of foreigners in West Germany, and in a circular that went around the Interior Ministries of the Länder in 1977, every official who was asked agreed that if the measure could not apply to Turks, it was no longer very useful.[107] The ban on settlement into overburdened areas was thus in effect for only two years—April 1975 to April 1977—before its suspension. The ongoing process of Turkish integration into the European Economic Community undercut the state's fantasies about preventing the creation of foreign spaces.

106 LA-B, DST, 4/44-49/8, February 25, 1977, BMA to Mitglieder der Bund-Länder-Kommission, "Betr.: Regulierung des Zuzugs ausländischer Arbeitnehmer in überlastete Siedlungsgebiete."

107 Responses from the Interior Ministries of the Länder collected in BAK B 149/121721.

Anti-Ghettoization Measures in West Berlin

West Berlin imposed an internal ban on foreign movement that would be in effect for much longer than the national ban—from January 1, 1975 to the fall of the Wall. Foreigners moving to West Berlin in this period had their residence permits stamped with a notice saying "Not valid for residence in Wedding, Tiergarten and Kreuzberg."[108] An image of a poster produced by the Foreigners' Committee of Berlin protesting the measure shows how the stamp looked, with the notice stamped between the two dates of the residence permit.[109] The West Berlin ban was far stricter than the national policy because it also applied to people who came under the auspices of family reunification, including wives and children. When the SPD-led Senate first introduced the measure in 1974, both the

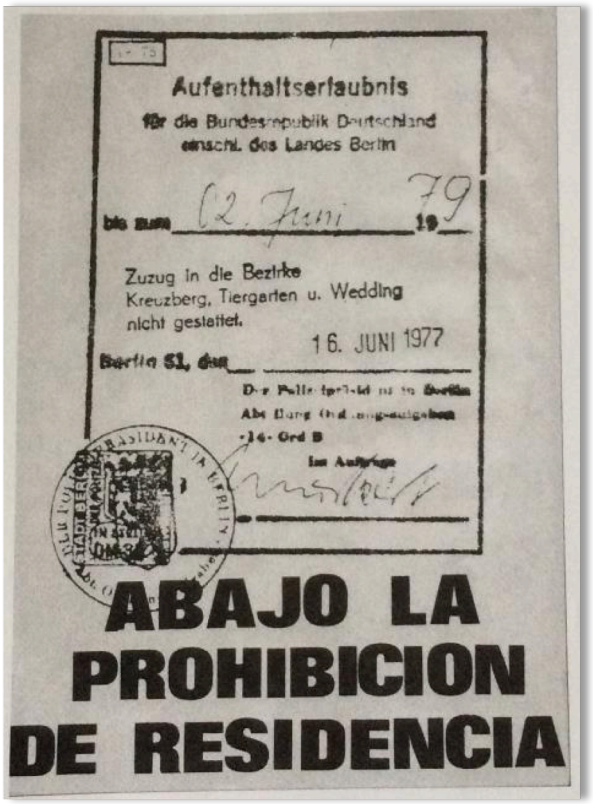


Figure 4 "Down with the prohibition on residence." DOMiD Archive, FL0042

108 BAK B 149/59841. For a longer exploration of the specific politics surrounding Kreuzberg, see Carla Elizabeth MacDougall, "Cold War Capital: Contested Urbanity in West Berlin, 1963-1989" (PhD diss., Rutgers University, 2011), 175-208. For an in-depth study of everyday life for Turks in Wedding, see Vierra, "At Home in Almanya."

109 DOMiD Archive, FL0042—Zuzugssperre Muss Verschwinden, 1978.

CDU and the FDP had protested this aspect, arguing that the ban on family members was likely in violation of the constitutional principle of protecting the family.[110] This did not deter its implementation. The measure was intended to prevent the creation of ghettos, with a local Kreuzberg newspaper explaining that without the measure, "within a few years Kreuzberg would almost certainly have conditions such as those in Harlem or other large American cities."[111]

The settlement ban created an additional layer of hurdles for West Berlin foreigners seeking housing. In one case, a Turkish family with two adults and seven children wanted to move out of their rat-infested apartment in Wedding. The local housing authority had condemned their apartment, and they possessed a certificate to the right of housing stating that the city would help them to pay their rent. It took over a year of searching for an apartment before the family was able to find a landlord who was willing to rent to them in Tiergarten. However, foreigners who lived in one banned district were not supposed to be able to move into another such district, and the family was required to specifically appeal to the Senator of the Interior for an exception to the settlement ban.[112] In other cases, couples that had already lived in Berlin for years found that husbands who went to Turkey or Greece to complete their required military service could not re-register in the same apartment as their wife when they returned.

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110 Fritz Franz, " 'Überlastetes Siedlungsgebiet' Berlin?" *Juristische Rundschau* 1976, no. 4 (1976), 148.

111 "Eine Beratungsstelle für Ausländer: Die Gruppe 'Wohnen und Leben,'" *Südost Express,* July/August 1978, 11.

112 LA-B, B Rep 001, Nr. 3135.

Despite the stress such situations must have caused, the Berlin measure was consistently described as being in the foreigners' own best interests. Many family members attempted to fight the ban through appealing to Article 6 of the Basic Law, which guaranteed state protection of marriage and the family. The standard response justified the policy by pointing further down the Basic Law to Article 20, the welfare state principle [*Sozialstaatsgebot*], according to which "the administration is obliged to hold the foreigners who live here to a humane social standard. This includes the responsibility of fostering the integration of foreigners… and discouraging an excessive concentration of foreigners in certain neighborhoods in order to prevent the creation of ghettos and sources of social tension." [113] Based on this reasoning, Turkish and Yugoslavian teenagers who applied to live with their parents in a banned district received letters informing them that "Your private interests in living with your parents in the same apartment in Tiergarten cannot prevail over the public interest in decreasing the number of foreigners in Tiergarten, Wedding, and Kreuzberg."[114] According to the administration of West Berlin, the restrictions on foreigners' ability to live with their family members—however they defined that family—were justified in the name of harmonious integration. Foreigners had to be prevented from living together in order that they might not be seen as a mass.

113 Ausländerkomittee Berlin (West), *Gleiches Wohnrecht für Alle!*, 22.
114 Ausländerkomittee Berlin (West), *Gleiches Wohnrecht für Alle!*, 26.

The architects of the policy in Berlin hoped that the extension of the ban to family members would inspire some foreigners to give up their migration plans altogether.[115] This is not what happened. The measure served to make many people "illegal" in the places they were living rather than actually changing their behavior—false rental contracts proliferated, and faced with the difficulty of finding an apartment, many foreigners decided to live where they wanted to live without bothering to register with the police.[116] At a 1983 hearing about the measure, architect Cihan Arin testified that many foreigners were paying bribes in order to get their papers in order.[117] Living illegally also required more work in order to maintain a separate address and living space—for example, a family living illegally in Kreuzberg might have to regularly send one of its members across town to Charlottenburg to the "official" address in order to check the mail.[118] Despite making life harder for foreigners, the measure was largely ineffective at meeting its own goals. The registered concentrations of foreigners did not dissolve, but shifted only slightly.[119] In 1978, the percentage of foreigners in Berlin who lived in the three barred districts had gone down from 46.3% to 38%, while the number of foreigners registered in Charlottenburg, Spandau, Schöneberg, and Neukölln went up from 33,5% to 40,3%. Much

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115 LA-B, B Rep 002 Nr. 17349, November 20, 1975, "Ergebnisprotokoll über die 13. Sitzung des "Koordinierungsausschusses für Angelegenheiten der ausländischen Arbeitnehmer."

116 Ausländerkomittee Berlin (West), *Gleiches Wohnrecht für Alle!*, 13.

117 Abgeordnetenhaus von Berlin, Ausschuß für Ausländerfragen, Wort-Protokoll, 9. Wahlperiode, 22. Sitzung, 28. Januar 1983, 61.

118 Deniz Camlikbeli, "Die bestehenden Wohnverhältnisse stabilisieren die Unterdrückung der Frau und Arbeitsemigrantin," in *Treff- und Informationsort für Frauen aus der Türkei (TIO). Lebenssituation von Frauen aus der Türkei und Möglichkeiten der Sozial- und Gemeinwesenarbeit* (Berlin: Berlin-Verlag, 1982), 82.

119 Arın, "Housing Market," 206.

of this growth had occurred directly along the borders of the restricted districts. The Neukölln mayor and the SPD in Neukölln repeatedly asked to be able to extend the restriction to their district, but without success.[120]

Migrants continually protested the ban on settlement not just through defying that ban, but also by organizing political campaigns against the ban. The Turkish Cultural Center called the measure an example of "Prussian imperatives" and demanded that 20% of the public housing units be given to foreigners, "because that is the percentage of foreigners in the population, and because when they look for apartments, they run into the prejudices and rejection of Germans."[121] Although the city of Berlin did recommend that 10% of the public housing stock should be rented to foreigners in 1978, and later raised the recommendation to 15% in 1982, these recommendations had virtually no effect because most public housing companies already did rent at least 10 to 15% of their stock to foreigners. Many also used it as a quota, using the recommendation to exclude foreigners

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120 LA-B, B Rep. 004, Nr. 1861, April 28, 1980, Bezirksbürgermeister Neukölln to Vorsitzenden des Sonderausschusses für Ausländerfragen, "Betr.: Stellungnahme zur RdB-Vorlage Nr. 149/80, Vorg.: Beratung der Vorlage 'Leitlinien und neue Maßnahmen zur Ausländerintegration in Berlin' im Sonderausschuß für Ausländerfragen," B Rep 002, Nr. 17830, April 26, 1982, Kleine Anfrage Nr. 621 des Abg. Wolfgang Maerz (SPD) vom 11.2.1982 über Zuzugssperre für Ausländer, and B Rep 002, Nr. 17351, February 3, 1983, "Ergebnisprotokoll über die 32. Sitzung des 'Koordinierungsausschusses für Angelegenheiten der ausländischen Arbeitnehmer." Also Kreuzberg Museum, SO 36 Archival Collection, Inv. Nr. 2010/12, "Wohnungspolitische Tage AG-4 Wohnmisere der Arbeitsimmigranten und ihrer Familien. Diskussionsvorlage," undated, likely December 1981. There is also an extensive discussion about the possibility of extending the ban to Neukölln in Abgeordnetenhaus von Berlin, Ausschuß für Ausländerfragen, Wort-Protokoll, 9. Wahlperiode, 22. Sitzung, 28. Januar 1983.

121 LA-B, B Rep. 004, Nr. 1147, Anträge der islamischen Föderation auf Zulassung zur Erteilung von islamischem Religionsunterricht an den Berliner Schulen, June 25, 1981 open letter from the Freundeskreis Türkisches Kulturzentrum.

from buildings where 10% or more of the units were already rented to foreigners. The recommendation also included no stipulation about which foreigners it meant, so that a housing company that rented 10% of its stock to Americans and Europeans could claim that it was fulfilling the recommendation when it was doing nothing to alleviate the situation of foreigners who lived with the ban on settlement.[122]

The Foreigners' Committee of Berlin organized an official campaign against the measure where they explicitly criticized the use of the term "ghettoization," writing that it was "another proof of how lightly emotional terms are used in order to root for a political program. Jews did not live in the ghettos of European cities of past centuries based on their own decision, but because they were not allowed to live elsewhere. They were not without rights, because they lived in the ghettos, but they lived there, because they had no rights."[123] Similarly, architect Cihan Arin argued that it made more sense to speak of a "settlement ban" enforced by landlords, because in many of the "better neighborhoods" in the city, it was virtually impossible for a foreigner to rent an apartment.[124] He also pointed to previous waves of migration to Berlin, specifically early 20th century Polish migration, to argue that residential concentrations of migrants was a normal part of the migration process that should not be hindered by restrictive administrative measures.[125] Foreigners

122 Arın, "Housing Market," 208.
123 Ausländerkomittee Berlin (West), *Gleiches Wohnrecht für alle!*, 7.
124 Abgeordnetenhaus von Berlin, Ausschuß für Ausländerfragen, Wort-Protokoll, 9. Wahlperiode, 22. Sitzung, 28. Januar 1983, 61.
125 Abgeordnetenhaus von Berlin, Ausschuß für Ausländerfragen, Wort-Protokoll, 9. Wahlperiode, 22. Sitzung, 28. Januar 1983, 84-85.

repeatedly brought attention to the way that the restrictive measure missed its mark, compounding the problems of foreigners rather than solving them.[126]

Fritz Franz, a judge at the Higher Administrative Court in Berlin, declared his opposition to the measure in a legal journal, writing that it was one of a number of administrative measures directed towards foreigners that threatened to tip the balance of power to the executive branch.[127] Franz's article preceded the court's 1979 decision that the measure was unconstitutional based on Article 6 of the Basic Law—protection for marriage and family—as well as the fact that it limited the movement of asylum seekers. The Senator of the Interior responded to this objection not by repealing the regulation entirely, but by allowing family members and asylum applicants to live in the restricted districts starting in February 1980.[128] Although this weakened the practical effects of the measure considerably, the Senator of the Interior feared the "psychological consequences" of dropping it from the books entirely. The psychological consequences for migrants who were forced into illegal situations were evidently of less concern.

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126 Arson attacks on the offices of the West Berlin Foreigners' Committee in 1978 and 1981 have impacted the archive: although the group collected information about how the ban on settlement affected individuals, only documents that made their way into other archives before the attacks remain today. Author's interview with Hans Günter Kleff, DOMiD, FL 00425—"Rassisten schlugen zu."

127 Franz, " 'Überlastetes Siedlungsgebiet' Berlin?"

128 LA-B, B Rep 002, Nr. 17180, July 13, 1979 press release "Peter Ulrich: Zuzugssperre-Urteil bedarf intensiver Prüfung," and contents of B Rep. 004, Nr. 1860.

Migrant Struggles for Reproductive Space

These two forms of using housing as a tool for regulating migration—requiring "adequate housing" in order to sponsor family members, as well as requiring that housing be in an appropriate neighborhood—both show how housing became an arena of political contestation. The state tried to use shortages in the housing market to restrict migration, but migrants continually struggled against those restrictions by living illegally, bringing cases to court, or becoming involved in larger political movements for housing as a social right. Historian Minayo Nasiali has argued that the squatters' movement in France involved foreigners who articulated a claim to housing as a universal human right.[129]

This was also true in West Germany, where Italian guest workers and avowed socialists brought the rent strike as a form of protest to Frankfurt in 1970. Frankfurt had the highest single percentage of foreign residents by early 1974, when approximately 120,000 of 670,000 residents were foreigners.[130] Between August 1971 and May 1973 the "Renters' Union" [*Unione Inquilini*] organized a rent strike with at least 30 houses inhabited primarily by foreigners, including Italians, Turks, Spaniards and Yugoslavians.[131] With slogans like "The largest apartments for the largest families," the Renters' Union was

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129 Minayo Nasiali, "Citizens, Squatters, and Asocials: The Right to Housing and the Politics of Difference in Post-Liberation France," *American Historical Review* 119, no. 2 (2014).

130 Horst Grimminger, "Hausbesetzungen in Frankfurt: Chronik eines Konflikts, seine politischen und ökonomischen Hintergründe und Konsequenzen," *Beiträge zur Konfliktforschung* 6, no. 3 (1976). The rent strikes are also briefly discussed in Espahangazi, "Urban Transformations," and Führer, *Immobilienspekulation*.

131 Rainer Molling, Dorothea Reinig, and Horst Schäfer, *Hippie Okul. Bericht über ein außerschulisches Projekt mit türkischen Kindern in Frankfurt-Bockenheim* (Frankfurt: Verlag Jugend und Politik, 1975), 24.

clearly invested in creating space for families. In a self-published pamphlet, they explained that they had wanted to fight "individualist tendencies" among foreigners by focusing a campaign on housing.[132] Photographs of protests in the pamphlet are multilingual and multigenerational. In one, a man holds a banner: "Our children went to play. We want a house" with a child holding a sign: "I am small and don't want any more loan sharks."

The prominent role of migrants in housing struggles has been largely erased in the scholarship on rent strikes, squatting, and social housing.[133] Historian Sven Reichardt's survey of left-alternative lifestyles in West Germany mentions that foreign families were involved in the earliest squats but does not further explore their involvement.[134] The memories of migrants seem to have dissipated quickly: in an interview published in *taz-Journal* in 1981, one Frankfurt squatter remembered that migrants had been involved in the first squats, but that it broke down "through experiences." Asked to elaborate, he described the difficulty living with a German man who had just left prison and who beat his children, such that the other squatters decided to call the police, but did not elaborate on any "experiences" involving foreigners. Another interviewee added: "The alibi-emigrants

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132 Unione inquilini, *Recht auf die Wohnung* (Frankfurt: self-published, 1973), 11. Fascinatingly, a children's book originally published in East Germany in 1965 in order to "raise awareness of the problems of guest worker children in the Federal Republic" had hoped that Italian Communists would bring collective action to the West. The Weismann Press published the book in all of the major languages of guest worker children and even recorded the Turkish-language version on cassette tapes in 1983. Günther Feustel, *Kinderstreik in Santa Nicole: Keine Oliven für Don Camale* (Munich: Weismann Verlag, 1970).

133 Serhat Karakayali, "Across Bockenheimer Landstrasse," *diskus* no. 2/00 (2000), accessed at http://www.copyriot.com/diskus/2_00/a.htm.

134 Sven Reichardt, *Authentizität und Gemeinschaft. Linksalternatives Leben in den siebziger und frühen achtziger Jahren* (Berlin: Suhrkamp, 2014), 509.

also moved in with us. Nobody from the homeless shelter but… three Spaniards, yes. That was in the spirit of the times. Probably I am somewhat cynical."[135] This description of the Spaniards as "*Alibi-Emigranten*" echoed the concept of the "*Alibi-Turk*" or "*Alibi-Ausländer*," a single foreigner whose presence allowed a leftist group to claim that they worked with foreigners, but who did not hold real power or influence over the organization.

Why have migrants been largely erased from the memory of squatters' movements? Espahangizi points out that migrants "way of living was perceived as not revolutionary or emancipated enough by some German squatters."[136] Part of this division stemmed from the different role that the family played for Germans and foreigners involved in the squatting movement. Foreigners like the people who organized the Renters' Union were trying to find space for unwanted families, while most of the West Germans who were involved were trying to live outside of the family or to create radically new family norms. One West German student who squatted a house in Frankfurt wrote that during parties, the Italian men tried to prevent their wives from leaving the house: "of course, their basic approach is smothered by their culture but also by all of the emigrant bullshit [*Emigrantenscheiße*]. (By that I mean all of the reactionary clerical educational ideals and the practices in the family, especially the way the family patron relates to the wife… and the repressive situation in the houses, marked by the work conditions, living conditions, the ghetto situation and racism: as a result, they oppress each other and can't fight against their real enemies!)"[137]

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135 *Sachschaden. Häuser und andere Kämpfe. Taz-Journal No. 3* (Frankfurt: Verlag 'die Tageszeitung,' 1981), 48-49.

136 Espahangizi, "Urban Transformations," 203.

137 Häuserrat Frankfurt, *Wohnungskampf in Frankfurt*, 143.

Another group of students in Frankfurt decided that they were going to teach the Turkish children who lived in their squatted house in the Gräfstraße 45, but the German university students were quite troubled by what they interpreted as the "bourgeois attitudes" of the Turkish children. One of the Turkish girls was 10 years old, spoke very good German, and sometimes used her command of German to boss the other children around—the university students wrote that "For most of the caregivers it was very difficult to form an emotional relationship to Leila, because her behavior reproduced the illusions of social success, competition and careerism that many of us fought laboriously in ourselves."[138] The West German university students also criticized the behavior of the Turkish university students who collaborated in teaching the children. Once a group of university students took the children on a walk to the wealthier part of town. Some of the children began to act out, which the German students interpreted as a natural reaction to income inequality. They wondered whether they should act in solidarity or discipline the children, but were shocked when of the Turkish university students "actually threatened to call the police when Mehlika shouted 'Asshole' in the house telephone of one of the villas. It was very difficult for him to deny his authoritarian and patriarchal upbringing (he came from a village in Eastern Turkey)."[139] The author of this immediately ascribes the Turkish student's behavior to his cultural background and dismisses it as illegitimate.

These students reproduced the larger culture's assumptions about the foreign family, for example writing that all Turkish marriages were arranged on the basis of

138 Molling, Reinig, and Schäfer, *Hippie Okul*, 79.
139 Molling, Reinig, and Schäfer, *Hippie Okul*, 64.

financial interest rather than love, and explaining that whenever extended family members came to join their Turkish relatives in West Germany, "surely this happened less for emotional than for financial reasons—the number of breadwinners increased through this policy."[140] The students were also intensely irritated when foreign families asked them about their familial arrangements or assumed that men and women who lived together were dating. The autonomous leftists were interested in guest workers when they had potential to be a revolutionary vanguard, but when those same workers acted in ways that reinforced traditional structures, disillusionment quickly set in.[141]

Traces of migrant involvement in squatting movements often explicitly connect squatting to the work of creating space for families and specifically children. I described one such protest in the introduction to the first chapter, when a group of mothers who were involved with the rent strike in Frankfurt also demanded playgrounds and kindergartens for their children. Safe spaces for children to play were intensely politicized. One flyer in Frankfurt announced: "CHILD MURDERED."

> "ON SATURDAY, MARCH 31st ONE OF OUR CHILDREN WAS RUN OVER WHILE PLAYING ON THE STREET. For all children of foreign workers, as well as for all children of 'little people,' there is insufficient space to play. For us only the traffic filled streets are left… it is not the first time that proletarian children have been killed on the middle of the street. THIS IS NOT AN ACCIDENT OR BAD LUCK BUT MURDER! The only people who are responsible are the SPECULATORS AND THE MAYOR, who force us to live under these conditions, who build us high-rise buildings and office palaces instead of decent, affordable apartments and kindergartens. YOU ARE GUILTY OF THE DEATH OF THIS TURKISH CHILD!"[142]

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140 Molling, Reinig, and Schäfer, *Hippie Okul,* 20.

141 It might not be an accident that the first explicitly anti-racist group to form in West Germany, the Association of German Women Married to Foreign Men, was a group that worked exclusively through a language of the family. I discuss this group in Chapter Six.

142 Flyer reproduced in Häuserrat Frankfurt, *Wohnungskampf in Frankfurt*, 128.



Figure 5 "finally a new PLAYGROUND is here!" *morgens deutschland, abends Türkei*, p. 257-25

This flyer linked the death of a foreign child to speculation and gentrification, spelling out the connections between humane housing policy and family politics. Many migrant and German texts picked up on the idea that foreign children were being forced to play in the streets. In West Berlin, the "playground problem" was specifically thematized during the 1979 "Year of the Child," when Kreuzberg newspaper *Südost Express* frequently published short pieces about how Kreuzberg children needed playgrounds.[143]

143 "1979: Das Jahr des Kindes," *Südost Express,* January 1979 and "Kinderspielplatz statt Schrotthändler!" *Südost Express,* April 1979 and Kreuzberg Museum, SO 36 Archival Collection, Inv. Nr. 2010/95, Lfd. Nr. 97.

In 1981, a photography exhibition in Kreuzberg featured dozens of pictures of children playing in the street. A representative two-page spread featured an image of children playing in a vacant lot next to a graffiti tag: "finally a new PLAYGROUND is here!" The catalog also printed a portion of Aras Ören's poem "The short dream from Kagithane" about Kreuzberg children: "For the children of Naunynstraße/the street is there, 914 steps long/and 23 steps wide. /They play in it, /run and jump, /they ride bikes in it/or climb around/on the roof of a wrecked car."[144] Erika Fekete, a West German woman in Cologne, wrote a book about her experiences tutoring Turkish children in which she argued for more funding of kindergarten places for foreign children. "They have to play on our streets without sufficient preparation and warning, while our children spend the morning safely in the kindergarten." She went on to pose the rhetorical question of what cost more, a kindergarten place or the cost of rehabilitating a child who had been struck by a car."[145]

Children struck by cars seemed to reflect the expendability of foreign life for West German society. In fact, one of the "jokes" that circulated in the early 1980s was "What is the difference between a white line and a Turk? One is not allowed to drive over the white line."[146] A German woman wrote to the newsletter of the Association of German Women Married to Foreign Men expressing much the same sentiment: "I wonder why more foreign

144 Excerpted in Gert von Bassewitz, *morgens Deutschland. abends Türkei* (Berlin: Verlag Frölich und Kaufmann, 1981), 259.

145 Erika Fekete, *Eine Chance für Fatma. Jeder von uns könnte mit türkischen Kindern arbeiten* (Hamburg: Rowohlt Taschenbuch, 1982), 98-102.

146 Barren Toelken, " 'Türkenrein' and 'Türken, 'Raus'—Images of Fear and Aggression in German *Gastarbeiterwitze*," in *Turkish workers in Europe: an interdisciplinary study*, ed. Ilhan Başgöz and Norman Furniss (Bloomington: Indiana University Turkish Studies, 1985).

children are not run over, a six year old bicycles through the red light and six younger siblings run screaming behind, and I see that almost every day. So one can't speak of discrimination, but stupidity and arrogance and simply not paying attention to Germans!"[147] In fact, local authorities arranged special classes about traffic safety for foreign children.[148] Another author of a short article in the Kreuzberg newspaper worried about an event she had witnessed, where a Turkish child was hit by a car, and then the father hit the mother in anger. Although from the outside this might look like another case where a Turkish man was being a violent patriarch, the author of the article believed that the man was acting out of frustration, and suggested posing another question: "who will punish those, who force the child, the wife, the husband to live under such conditions?"[149]

Perhaps the most dramatic example of action on behalf of a child killed at play occurred in West Berlin where most foreigners lived in the districts that bordered the Berlin Wall. There was one section of the Spree River in Kreuzberg also functioned as part of the inner German border. East German border guards had orders to shoot people who jumped into the Spree in an attempt to cross the border, so that when people fell in by mistake, others feared coming in to rescue them. Five children under the age of ten drowned in the Spree along the Berlin Wall, three of them were foreign children—one Italian and two Turks. A fourth child had parents who had previously fled East Germany, underlining the many forms of mobility that shaped West Germany. Çetin Mert was the fifth

147 C. Jende, "Leserbrief," *IAF-Informationen* no. 3, 1983.
148 Kreuzberg Museum, SO 36 Archival Collection, Inv. Nr 2010/13, "Ergebnisprotokoll 21. Sitzung des Immigrantenausschusses," March 1, 1988.
149 "Türkische Kinder im NKZ," *Kiezdepesche*, January 1983, 11.

child to drown in the Spree. He died on his fifth birthday, on May 11, 1975, while playing football with his friends. The Turkish community organized a protest against East Berlin after his drowning, holding signs stating "Down with the Wall of Shame—Down with Murderous Communism." Only after this protest did the city finally installed a wall at the site to prevent further drownings. East and West Berlin also came to an agreement whereby West Berliners were permitted to rescue others in case of an accident at the river border.[150]

Conclusion

This chapter has shown that despite punitive legal measures, migrants found creative ways to fight for reproductive space. Although the federal state correctly recognized serious housing shortages, "ghetto building" was understood as a racialized threat to the West German nation. The regulations surrounding housing for migrants consistently used individual solutions rather than addressing root causes. The requirement that foreigners have "adequate housing" to bring family members was used to intimidate, harass, and even deport migrants, while the restriction on settlement into "overburdened" areas was used to disperse migrant communities and keep families from living together. Both restrictions failed to ameliorate problems in the housing market, while pushing migrants into quasi-legal living situations with false rental contracts, falsified documentation, and living situations that were vulnerable to investigation.

150 Jeffrey Jurgens, "Invisible Migrants. Memory and German Nationhood in the Shadow of the Berlin Wall," in *Walls, borders, boundaries: spatial and cultural practices in Europe*, ed. Marc Silberman, Karen E. Till, and Janet Ward (New York: Berghahn, 2012).

The fear of foreign spaces and of "ghettoization" was shared broadly across Europe and the United States in this period, and these practices of restricting urban space were not necessarily exclusive to the Federal Republic. Dutch officials implemented a 5 percent quota in Rotterdam in 1972, where migrants could not get housing permits in districts with over 5% migrant population. The Dutch government suspended the regulation in 1974.[151] The Rotterdam city government implemented another dispersal policy in 1979, but this was suspended in 1983 after migrant protest.[152] Brussels also considered adopting a policy modeled on the West Berlin settlement ban in 1984, although I have been unable to determine whether the policy was, in fact, adopted in Belgium.[153]

Restrictive policies against "ghettoization" were resounding failures wherever they were implemented, working more to racialize and stigmatize migrant communities than to address real needs, even needs that seem as frivolous as safe playgrounds. Struggles over housing were struggles over the space for reproduction, protests demanding that authorities see foreigners as family members rather than as workers alone. Isolated protests about living conditions would turn into a national movement in 1974, when West Germany decreased welfare benefits for foreign children who lived abroad, while continuing to pay the same welfare benefits for foreign children who lived in West

151 Berlinghoff, *Das Ende der 'Gastarbeit'*, 46-47.

152 Ger Mik, "Housing Segregation and Policy in the Dutch Metropolitan Environment," in *Urban Housing Segregation of Minorities in Western Europe and the United States*, ed. Elizabeth D. Huttman (Durham, NC: Duke University Press, 1991), 183.

153 The claim that Brussels is the only city considering these measures is made by Annette Groth, "Ausländerforschung und Ausländerpolitik im europäischen Vergleich," in *Der gläserne Fremde. Bilanz und Kritik der Gastarbeiterforschung und der Ausländerpädagogik*, ed. Hartmut Griese (Opladen: Leske und Budrich, 1984).

Germany. Both proponents and opponents of the measure argued that this decrease in child benefit would stimulate child migration, a connection that allowed opponents of migration to build on their narrative about foreigners making decisions based on monetary gain instead of affective ties, while allowing migrants themselves to make more radical claims on space for families in West Germany.

Chapter Three—Trickles of Money and Floods of Children: The 1974 *Kindergeld* Reform

Introduction

When they were first recruited, guest workers received the same amount of child benefit [*Kindergeld*] no matter where their children lived—Stuttgart or Sicily, Munich or Madrid, Berlin or Bursa. In the summer of 1974, the West German state announced that from now on, there would be a two-tiered system of *Kindergeld*—parents would receive one amount for children who lived in the European Economic Community and a smaller amount for children who lived outside of Europe. This represented a serious cut in take-home pay for every group of foreign workers with the exception of the Italians. Coming only six months after the end of labor recruitment that had been announced in November 1973, many contemporaries understood two-tiered *Kindergeld* as the beginning of the era of family migration. In the long term, the *Kindergeld* reform contributed to a perception of family migration as primarily "economic" or even "welfare" migration.

Unlike the end of labor recruitment, the *Kindergeld* reform unleashed a wave of migrant protest. One such protest came from the Turkish Workers' Choir of West Berlin, which released the "*Kindergeld* epic" ['*Çocuk Parası*' *Destanı*] as a single. The song was recorded using the voices of a children's choir and set to the tune of a traditional German song: "Santa Claus Comes Tomorrow."[1] This year Santa came bearing children:

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[1] English speakers will recognize the tune as "Twinkle, Twinkle, Little Star." Information about the Turkish Workers' Choir comes from Edda Brandes, Dieter Hauer, and Marcella Hoffmann, "Der Türkische Arbeiterchor in West-Berlin (1979)," in *Musik der Türken in Deutschland*, ed. Max Peter Baumann (Kassel: Yvonne Landeck, 1985).

"When the children in Turkey
No longer receive child benefit
What is left for us to do,
What is left for us to do?
Don't wait, send the money,
Let us bring the children here!

Oh Kindergeld, Kindergeld!
The scandal is unbelievable

Every day the airplane flies,
Flies with many children
The children who live here,
The children who live here,
What will become of them?
What will become of them?"[2]



Figure 6 *Kindergeld* epic, record cover, 1974

Although the song linked the *Kindergeld* reform to the mass migration of children, this migration had been an unintended and unwanted side effect. Foreign children were not the focus of the broader reform, which turned *Kindergeld* from a corporatist benefit funded by employers into a benefit funded fully by the state.[3] But once *Kindergeld* was granted based on the state-citizen relationship rather than the employer-employee relationship, the rationale for giving the same amount to foreign workers was weakened. Historian Christiane Kuller argues that the reform reflected a shift from a class-internal benefit, where benefits were shared between childbearing and childless members of each social

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2 My translation of the Turkish lyrics recorded from the single. German translation of lyrics also printed in Werkstätten Braunschweig, Bremen, Hamburg, West-Berlin unter Mitarbeit des Werkkreis-Lektorats, eds., *Mein Vaterland ist international: Texte zur Solidaritaet* (Frankfurt am Main: Fischer Taschenbuch Verlag, 1976), 136-138.

3 Dagmar Hilpert, *Wohlfahrtsstaat der Mittelschichten? Sozialpolitik und gesellschaftlicher Wandel in der Bundesrpublik Deutschland (1949-1975)* (Göttingen: Vandenhoeck & Ruprecht, 2012), 244-248.

class, to the idea of a standard "family wage" that crossed classes.[4] Kuller does not consider the role of foreign families in her analysis, but this idea of a standard "family wage" also helps to explain the effects of the reform on transnational families: children who lived in places where the cost of living was presumed to be lower did not need the full "family wage." Officials had always assumed that foreign labor recruitment would allow employers to use labor without the state having to shoulder the reproductive costs of that labor.

The image of an airplane full of children worked by insinuating that the state's calculation would backfire: placing a lower value on children who lived abroad would result in a mass migration, forcing the state to pay for their reproduction after all. Both supporters and opponents of the reform linked it to an increase in the rate of child migration, with foreign children crowding into their parents' tiny apartments and overwhelming kindergartens in working class neighborhoods. Any parent who brought their child to West Germany after the *Kindergeld* reform was suspected of having a relationship to their child that was more instrumental than emotional, and tarred with the accusation of somehow trying to cheat the German welfare system.

The *Kindergeld* reform also created a new imperative to accurately track the position of foreigners' children and led to an increase in state surveillance of migrant families. The possibility of welfare fraud based on misreporting the location of children became a newly contentious issue in the relationships between West Germany and the sending countries. Because children under 16 did not require residence permits to live in Germany before 1998, there are in fact no reliable numbers about where foreign children

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[4] Kuller, *Familienpolitik,* 214-222.

lived prior to 1975. The *Kindergeld* reform created the raw statistical data about the location of children that would later be used in order to make arguments about the potential for further family migration.

Although the *Kindergeld* reform was not originally intended to have ripple effects in migration policy, it was ultimately responsible for increasing both public awareness of family migration and the state's ability to measure that migration. It was also linked to the re-evaluation of family migration as economic migration, since public opinion would come to see family reunification as intrinsically linked to the desire to benefit from *Kindergeld*. Migrants who brought their children to Germany after the *Kindergeld* reform were vulnerable to accusations that they had put their own desires for extra cash payments over their children's need for a stable environment in the home country.

Kindergeld for Foreign Workers during the 1960s

When West Germany began to draft labor recruitment agreements with other countries, the child benefit was negotiated anew in every agreement and was often a crucial component of those initial negotiations. The European Coal and Steel Community [ECSC] had in fact discussed whether child benefit should be paid based on the country where the work was being performed or where the child was being raised. Italy, Germany and the Netherlands had voted for paying child benefit based on the land of employment, a principle that was followed in the Italian-German labor recruitment agreement, while France, Belgium and Luxembourg had voted for paying child benefit based on the child's place of residence. France in particular treated the child benefit as part of its population

policy and as an explicitly pronatalist measure. French politicians did not want to pay full child benefit to Algerian men who worked in the metropole and raised their children in Algeria, creating what would prove to be a persistent controversy.[5] In 1955, however, West Germany was not yet recruiting foreign workers on a large scale, and so the West German diplomats at the ECSC meeting were more concerned about Germans who worked elsewhere than about the possibility of foreign workers claiming *Kindergeld*. West Germany had higher wages than other European countries and a lower child benefit, and officials worried that child benefit based on place of residence would work to the disadvantage of those West Germans who worked elsewhere—for instance, German citizens who worked across the border in France would receive not just the lower wages of France but also lower child benefit of Germany. The officials did note that there was an aspect of population policy that spoke against their position: German employers agreed to pay child benefit partially because it also had a stake in "maintaining the next generation," something that did not apply to the next generation of Italians. However, within a context of competition for scarce labor within the European sphere, employers worried that it would be difficult to attract workers who were getting paid less child benefit, so that the first negotiation with Italy in 1955 offered the benefit to Italian workers.[6]

As the Federal Republic drafted additional agreements in the 1960s, the child benefit would be negotiated anew in every agreement. The Spanish and Greek governments wanted to promote family stability, and began their negotiations over

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5 Lyons, *Algerian Families,* 94-98, 147-150.

6 PAAA B 85/886, December 10, 1955, BMA to Bundeskanzleramt, "Betrifft: Zahlung von Kindergeld an italienische Arbeitnehmer in der Bundesrepublik."

Kindergeld with the request that it only be paid for children living outside of Germany for two years, with the possibility of extending the *Kindergeld* payments for an additional year if family reunion proved to be impossible. These two-year limits were dropped almost as soon as they were reached. West German employers and the Labor Ministry both were indifferent to whether the Spaniards who were already in Germany continued to receive *Kindergeld* or whether new workers were recruited who also happened to have children. Officials and employers agreed that because rotation was inconvenient and housing was limited, workers should not have to justify their failure to reunite with their families in order to continue to receive child benefit.[7]

The benefit was most controversial when it was granted to Turkish workers because it was the first time that a social security benefit had been granted to a state that did not offer its own child benefit that could theoretically be offered on a reciprocal basis

[7] BAK B 149/22628, January 3, 1963, Bundesanstalt für Arbeit to BMA, "Betr.: Abkommen zwischen der Bundesrepublik Deutschland und dem spanischen Staat über Soziale Sicherheit; hier: Zweitkindergeld für spanische Arbeitnehmer," March 26, 1963, Abteilung II to Abteilung IV, "Deutsch-spanisches Abkommen über Soziale Sicherheit; hier: Aufhebung des Artikels 40 Absatz 1 Nr. 3 des Abkommens und des Artikels 45 der Zusatzvereinbarung (zeitliche Beschränkung der Gewährung von Kindergeld an spanische Arbeitnehmer, deren Kinder in Spanien wohnen)," and July 8, 1964, "Abkommen vom 15. Mai 1964 zur Änderung des Abkommens vom 29. Oktober 1959 zwischen der Bundesrepublik Deutschland und dem Spanischen Staat über Soziale Sicherheit."

The same thing had happened in France, where Italians originally only received French child benefit for two years. This was then lengthened to a six-year period because many workers could not find sufficient housing to bring their family, and because it was not desirable to rotate workers. "Reglement portant modification des dispositions des articles 20, paragraphe 2, 40, paragraphe 5, et 42, du reglement no 3 concernant la securite sociale des travailleurs migrants," *Journal Officiel Des Communautés Européennes* 4, no. 86 (December 31, 1961).

for West Germans working in Turkey.[8] However, contract negotiators were aware that Turkey would reject conditions that were not equal to those already offered to Greece and offered the benefit to Turkish workers as a pragmatic gesture.

In 1964, the West German state became partially responsible for financing the child benefit in addition to employers. With this first shift from a corporatist welfare benefit to a state-provided welfare benefit, the Labor Ministry also first began to reconsider the earlier agreements to grant equivalent child benefits to children living abroad.[9] Josef Stingl, a CDU member and Bundestag representative from West Berlin, wondered if workers with many children could be shut out of recruitment—the Labor Ministry explained that this had been tried, but hurt relations with sending countries. The Labor Ministry also assured him that no non-European state received *Kindergeld*, underlining the point that Turkey was considered a European state during the period of labor recruitment.[10]

Now that the Labor Ministry had partial responsibility for *Kindergeld* payments, it began negotiations to renew the labor recruitment treaty with Turkey in 1968 with the information that although Turkish workers only composed a seventh of the foreign workforce, they received half of the *Kindergeld* paid to foreigners. Based on these statistics,

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8 Herbert and Hunn, "Gastarbeiter und Gastarbeiterpolitik," 284.

9 BAK B 149/46772, undated "Niederschrift über die Besprechung der beteiligten Ministerien und der Bundesanstalt für Arbeitsvermittlung und Arbeitslosenversicherung über die Zahlung von Kindergeld für die im Ausland lebenden Kinder in Deutschland beschäftigter ausländischer Arbeitnehmer am 11. September 1964 im Bundesministerium für Arbeit und Sozialordnung in Bonn."

10 BAK B 149/46772, September 8, 1965, draft of letter from BMA to MdB Josef Stingl, "Betr.: Gewährung von Kindergeld an ausländische Arbeitnehmer."

the bureaucrats in the Labor Ministry had proposed limiting the number of children for whom Turkish workers could claim benefits to four. Turkey did not accept the proposal.[11]

The Labor Ministry also tried to cut its costs when it began negotiations with Yugoslavia in 1968 with a proposal not to pay any *Kindergeld* to children living in Yugoslavia.[12] The possibility of granting *Kindergeld* posed several problems in this case: not only was it an Eastern bloc state with which Germany had fraught diplomatic relations, but Yugoslavia also paid *Kindergeld* to parents based on a state-citizen relationship, so that parents received *Kindergeld* for their children no matter where they worked, which could easily create situations where Yugoslavian workers in West Germany were receiving *Kindergeld* from both states. Finally, officials were also worried that paying *Kindergeld* to Yugoslavia might also induce Morocco and Tunisia to request the benefit for their workers, which was "undesirable, because these countries have plural marriage and possibilities for monitoring are even worse than in the treaties with Turkey and Greece."[13] In fact, when the labor contract with Yugoslavia was being negotiated, the Labor Ministry asked the Federal Labor Office to calculate how much money would be saved if Kindergeld were paid based on the law of the country that the children lived in, but with at least half of the Kindergeld that would be paid if the children lived in Germany. They calculated that in two months, instead of 13,55 Mio DM to all children who lived outside of the EWG, 8,16 Mio DM would

11 BAK B 149/47271, May 10, 1968, "Protokoll über die Verhandlungen in der Sondergruppe Soziale Sicherheit."
12 Mattes, *"Gastarbeiterinnen"*, 53.
13 BAK B 149/22638, August 30, 1967, "Jugoslavien/Kindergeld."

have to be paid—clearly a substantial cost-savings.[14] Unsurprisingly, the Yugoslavian government refused the offer, and ultimately Yugoslavian workers would also receive full *Kindergeld* for children who lived outside of West Germany.

In granting *Kindergeld*, "Mediterranean" or "Southern European" family structures also had to be carefully monitored. As we saw in chapter one, failures in bureaucratic policy were often blamed on the "Mediterranean" family structure, and in the context of welfare, officials also believed that each national group had to be taught which children counted for the purpose of claiming child benefit. An internal memorandum about translating the "certificate of household membership" [*Haushaltsbescheinigung*] into Italian stated that it was especially important to make sure that the translation clarified the difference between children who belonged to the *family* and children who belonged to your *household* and for whose maintenance you were chiefly responsible, since Italians were prone to imagine the family as a larger category than the household.[15] Turkish families also posed a special problem because although bigamy was legally prohibited, many Turks from rural areas had both a civil wife and a second customary wife. The illegitimate children by this second wife were regularly legitimated after the fact.[16]

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14 BAK B 149/22628, June 27, 1968, "Betr: Deutsch-jugoslawische Verhandlungen über ein Abkommen über soziale Sicherheit; hier: Einsparungen an Mitteln bei Einführung der beschränkten Kindergeldzahlung für alle in anderen als EWG-Ländern wohnenden Kinder."

15 PAAA B 85/886, May 7, 1956, "Betr.: Übersetzung einer 'Haushaltsbescheinigung' ins Italienische."

16 BAK B 149/46775, October 29, 1971, Bundesanstalt to BMA, "Betreff: Kindergeld für ausländische Arbeitnehmer in Deutschland, deren Kinder im Ausland leben."

The money intended to create a "family wage" also did not reliably flow into the pockets of the family members who were still living at home. Several of the sending countries repeatedly asked for a way to directly remit *Kindergeld* payments to the children's guardians.[17] This request was not motivated by a disinterested concern for families, but was seen as a way to increase cash remittances back to the home country and to reduce the need for the state to draw on its coffers in order to support children whose parents had gone abroad. However, the idea of an abandoned wife and children made a compelling case for state intervention: for example, the Spanish ambassador made his case for direct remittances by writing that "the absence of the head of the family produces a situation of greater vulnerability within the family."[18] The West German state never agreed to direct remittances of *Kindergeld*, correctly seeing it as a massive bureaucratic project that would anger workers without producing benefits for West Germany.

Foreigners as a Problem for the 1974 *Kindergeld* Reform

The *Kindergeld* reform enacted in 1974 was the result of over two decades of debates within West German society over both the kinds of German families that should be supported and the question of who should assume primary responsibility for supporting that family. *Kindergeld* had first been introduced in 1954 as an employer-provided portion of the wage that began with the third child. Most guest workers would have started

17 BAK B 149/22557, February 5, 1954, "Betr.: Sicherung des Unterhalts der Familienangehörigen von Wanderarbeitnehmern innerhalb der EWG; hier: Besprechung des Herrn Ministers mit dem italienischen Arbeitsminister in Brüssel am 6/7 Februar 1964."

18 BAK B 149/22628, June 28, 1961, Verbalnote from the Spanish Embassy in Bonn.

working in West Germany after the April 1961 reform, which extended *Kindergeld* payments to the second child for the first time—25 DM per month for the second child and 40 DM per month for every subsequent child. In July 1964, as we have seen, the state began to pay for part of a benefit that had previously been entirely funded by the employer, and the benefits were raised once again—25 DM per month for the second child, 50 DM for the third, 60 DM for the fourth, and 70 for every subsequent child.[19]

In 1974 the state took on full responsibility for a dramatic increase in direct cash support to families, who now received 50 DM per month for their first child, 70 DM per month for the second child, and 120 DM per month for the third child and beyond. The reform also de-emphasized the role of tax cuts for families with children in favor of larger direct cash payments for families. For the first time, every family would receive *Kindergeld* independent of income.[20] This represented a turning point in West German family policy: rather than being based on the labor relationship and funded through employer contributions as had been characteristic of the "corporatist" welfare state on the Bismarckian model, family support was now an independent responsibility of the state.[21]

This shift in emphasis—from the employer-employee relationship to the state-citizen relationship—would turn out to be decisive for foreign workers. The *Federal Labor Gazette* explained that paying foreign workers the same amount for children who lived

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19 Ursula Münch, "Familien-, Jugend- und Altenpolitik," in *Geschichte der Sozialpolitik in Deutschland seit 1945. Band 4*, ed. Michael Ruck and Marcel Boldorf (Baden Baden: Nomos Verlag, 2007), 574.

20 Ursula Münch, "Familien-, Jugend- und Altenpolitik" in *Geschichte der Sozialpolitik in Deutschland seit 1945*, *Band 5*, ed. Hans Günter Hockerts (Baden Baden: Nomos Verlag, 2007), 666.

21 Kuller, *Familienpolitik*, 222.

abroad had been acceptable "as long as the contributions were raised from the payroll, which workers with children in Germany contribute to in the same way as workers with children abroad." However, now that *Kindergeld* was a tax-funded benefit, the calculations changed: "tax revenue must be used according to necessity… one might object that foreign workers also contribute to tax revenue. But the payment of taxes does not justify any claim to an individual service from the state in return."[22] When employers had been responsible for funding *Kindergeld*, child benefits were understood as part of the labor contract—but now those same benefits were understood as part of the social contract. Children who lived abroad were not part of this contract—the state was not interested in paying reproductive costs for children who were not expected to grow up to be West German taxpayers.

The Labor Ministry was also concerned by the sheer size of these reproductive costs. Although foreigners only comprised 11% of all workers, on average they had larger families, such that they actually received 20% of all *Kindergeld* payments.[23] As the reform began to take shape behind closed doors, officials at the Labor Ministry developed an argument that paying children who lived outside of Germany the same amount as children who lived in Germany represented an unfair privilege for foreigners. Although it was true that foreign workers did pay income tax, the *Kindergeld* payments that left West Germany and went to support children living in Spain, Turkey, or Yugoslavia would not be indirectly taxed through taxes on consumption, so that the foreigners with children abroad were

22 Hartmut Leder, "Für Ausländer weniger?," *Bundesarbeitsblatt* no. 1 (1975), 36.
23 BAK B 149/46813. October 1, 1973, Abteilung II to Parl. Staatssekretär, "Betr.: Reform des Familienlastenausgleichs; hier: Gewährung von Kinderentlastungen an ausländische Arbeitnehmer."

getting more out of their *Kindergeld* payments than West Germans with children. Furthermore, the Labor Ministry argued that according to the law on *Kindergeld*, the payments were intended to "minimize," but not to "eliminate," the extra costs that came from parenting a child. If the new larger amounts were sent to "countries with a lower standard of living," however, "the law would miss the mark because in contrast to German parents, the child-related economic burdens of foreign parents would be completely lifted from their shoulders. Such a rule would be difficult to defend. Furthermore, such a *Kindergeld* payment could come into conflict with the demographic goals of the sending countries." The Labor Ministry acknowledged that it might be difficult to persuade the foreign countries of this argument, but argued that paying foreigners equal *Kindergeld* would be impossible to defend domestically: West Germany would have to choose between the possibility of "domestic unrest" and "considerable foreign policy difficulties."[24]

The Labor Ministry was also concerned that the *Kindergeld* reform might produce undesirable effects in migrant behavior—the "conflict with the demographic goals of the sending countries" mentioned above. Sociologist Margret Kuhn wrote an article for the SPD party magazine *Social Progress* where she accused the Federal Republic of a misguided *Kindergeld* policy. According to Kuhn, *Kindergeld* payments were failing to increase the population of German children while financing Turkish overpopulation. As a result, the population of West Germany was becoming increasingly "mediterraneanized."[25] Officials

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[24] BAK B 149/46811, February 22, 1972, Abteilung VI to Abteilung II, "Betr.: Reform des Familienlastenausgleichs; Regelung von Tatbeständen mit Auslandsbeziehungen."

[25] Margret Kuhn, "Kindergeld, Entwicklungshilfe und Bevölkerungsexplosion," *Sozialer Fortschritt* 22, no. 6 (1973), 132-133.

had actively tried to avoid a language of "population policy" when first implementing *Kindergeld* so as to distance themselves from the National Socialist past[26], but the language resurfaced once that population was in danger of "mediterranization." One official at the Labor Ministry extrapolated the "overpopulation" argument into the far future when he argued that the increased *Kindergeld* "would fuel a further population explosion in Turkey, with the consequence that the pressure on the German labor market would become even greater."[27] However, when the Ministry for Finance came up with proposal to not pay foreigners any *Kindergeld* in late 1973, the Labor Ministry also rejected that idea, speculating that if they were to pay *Kindergeld* in full, "an even stronger population explosion would have to be feared, especially in Turkey," but that if they did not pay anything for children who lived abroad, "one would have to expect an unstoppable flow of particularly Turkish children into the Federal Republic."[28]

Officials imagined that by granting partial *Kindergeld* to children who lived abroad, they would also place a partial brake on child migration. Other officials suspected that even partial payments would lead to long-term problems. When the Federal Labor Office was asked for their opinion, they worried that the reform would cause foreign workers to bring their children to Germany for short periods of time in order to register their children and then to send the children back home where the cost of living was cheaper. This would

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26 Annette F. Timm, *The Politics of Fertility in Twentieth-Century Berlin* (Cambridge: Cambridge University Press, 2010), 306-308.

27 BAK B 149/46815, April 1, 1974, Abteilung II to Herr Minister, "Betr.: Reform des Familienlastenausgleichs; hier: Leistungen für Kinder im Ausland."

28 BAK B 149/46813, October 17, 1973, Abteilung I Vermerk "Betrifft: Referentenentwurf eines Dritten Steuerreformgesetzes; hier: Einzelfragen zum Einkommensteuergesetz."

create the permanent possibility of fraud and double-payments.[29] The Foreign Ministry was also worried about the consequences, asking the Labor Ministry: "whether the cost savings that you evidently expect from cutting *Kindergeld* for foreign workers will be realized, when the foreigners, in order to enjoy comparatively higher *Kindergeld* payments, allow more of their children to come, so that the result is not only no savings, but indeed additional costs and burdens on our already strained social infrastructure."[30]

The Labor Ministry believed that giving foreign workers either too much or too little *Kindergeld* would create a misplaced market incentive—in order to maintain population equilibrium, the welfare benefit had to be just right. When the Labor Ministry presented the plan to the public, the reduction of *Kindergeld* for foreign children was described as a necessary corrective to a previous error. The previous regulations had been "extremely generous."[31] Kindergeld was meant to improve "equality of opportunity for children," which should only apply to children "who live under the same social and economic conditions."[32] Werner Steinjan, a CDU politician and economist in the Ministry of Economics, wrote that the change could was not "a 'further disadvantage,' but only the partial dismantling of a privilege."[33] Margret Kuhn, the demographer who had previously argued that *Kindergeld* was financing a Turkish population explosion, wrote that paying

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29 BAK B 149/46815, February 8, 1974, Bundesanstalt to BMA, "Betreff: Reform des Kinderlastenausgleichs."

30 BAK B 149/46816, April 24, 1974, AA to BMA, untitled.

31 Leder, "Für Ausländer weniger?", 38.

32 BAK B 126/41727, December 14, 1973, "Betr.: Reform des Kinderlastenausgleichs; hier: Kinderentlastung für im Ausland lebende Kinder."

33 Archiv des Evangelisches Werkes für Diakonie [AEWD], PB 940, November 26, 1974, Werner Steinjan to Helmut Class.

German amounts of Kindergeld to foreign children was "probably unconstitutional" and that "the Germans would have every reason to protest against *Kindergeld* for foreigners."[34]

According to these experts, *Kindergeld* was meant to share the burdens of raising families across society—and if some families cost less to raise than others, those families should not have a disproportionately high amount of their costs covered. However, the precise numbers that supported this expert claim of a "lower cost of living" outside of Germany were never provided. Official communications about the reform tended to justify the claim based solely on the fact that the other countries had a lower gross domestic product per person.[35] Officials never provided more differentiated calculations of the cost of maintaining a transnational family—as migrant activists would point out, parents in many of the sending countries had to pay for education, and they also had to pay money to the people who provided for their children at home.[36]

Migrants felt that the West German state assumed that remittances to extended family members were optional rather than obligatory. Why didn't transnational families qualify for the tax breaks that West Germans received for maintaining dual households? The state seemed to assume that the "Mediterranean family" was so close that there were

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34 Margret Kuhn, "Kindergeld für Gastarbeiter—ein ernstes Problem," *Sozialer Fortschritt* 24, no. 3 (1975): 59.

35 Leder, "Für Ausländer weniger?", 37. This may have been a broader phenomenon: in 1970 France decided to peg minimum wages to GDP rather than to consumer price indexes. Dana Simmons, *Vital Minimum: Need, Science, and Politics in Modern France* (Chicago: University of Chicago Press, 2015), 160.

36 These arguments both appear in DOMiD, FL0115, "Esta Medida Del Kindergeld es un Puro Abuso y nada mas," undated 1974 flyer, and LA B-W, Bestand J 152 B III b Nr. 62: "Contra la Discriminatoria Ley del Subsidio Familiar. Igualdad de Derechos Entre Extranjeros Y Alemanes," by the "Comité PRO-KINDERGELD Stuttgart/Sindelfingen," undated 1974.

not financial tensions between the parents who worked in the Federal Republic and the relatives who cared for their children. One 1980 article lamenting a further reduction of *Kindergeld* for children who lived abroad commented rather cynically: "nobody, not even a relative, looks after the children of the 'rich ones from Germany' for free."[37] Another Turkish activist wrote an open letter where he vented his frustration about not just *Kindergeld* reductions, but also the failure to extend tax breaks for dual households to transnational families: "they don't believe us or they don't want to believe us. Instead they repeat like PARROTS, that our family relationships are so close, that for example an uncle can support his nephews without a problem."[38]

Activists also heard popular versions of the argument that foreigners simply cost less: members of the Wiesbaden *Kindergeld* committee had to rebut arguments like "Foreigners have eating habits that are cheaper than those of Germans—Italians eat spaghetti every day."[39] Foreigners worried that the same argument could be deployed in the future in order to cut all kinds of benefits. The Spanish Parents' Association orchestrated a national letter-writing campaign using this argument.[40] When the *Kindergeld* committees were revived in 1979 in response to further cuts, the editor of the newsletter of the Spanish Parents' Association explained: "We demand the same *Kindergeld*

37 "Probleme mit Kindergeld," *Südost Express*, June 1980, 5.
38 Kreuzberg Museum, SO 36 Archival Collection, Inv. Nr. 131, Lfd. Nr. 137, TISPJG letter, March 2, 1986.
39 "Wiesbadener Kindergeld-Komittees," *IAF-Informationen* 4/1980, 14.
40 "Feliz Navidad—solo con nuestros hijos?" *Carta a los Padres*, December 1974 and "Tambien a las Duras, Señor Schmidt!", *Carta a los Padres*, May 1975.

for children living at home today in order to prevent our pensions being cut once we return home tomorrow, using the argument that life is cheaper there than it would be here."[41]

Negotiations with Foreign States

In order to force through lower *Kindergeld* payments, West Germany had to renegotiate its Social Security Agreements with each of the sending countries. The agreements that regulated *Kindergeld* also regulated health insurance and a number of benefits for West German tourists and others who went to the sending countries. West Germany could not stop paying *Kindergeld* without jeopardizing other aspects of the agreements, which theoretically gave the sending countries bargaining power.

The Spanish government was the first foreign state to agree to the lower *Kindergeld* payments in negotiations at the end of June 1974. Children who lived in Germany were to be paid 50 DM for the first child, 70 DM for the second child, and 120 DM for the third child and beyond; children who lived in Spain would be paid 10 DM for the first child, 25 DM for the second, 60 for the 3rd and 4th, and 70 for the 5th and beyond. Officials settled on the cheapest possible solution for families where some children lived in each location: children in Germany were counted starting as "the first child" and the children abroad were also counted starting as "the first child"—four children, two in each place, would earn 50 and 70 DM for the two in Germany and 10 and 25 for the two at home, so that the parents would not qualify for the larger payments. Four children, one in Germany and three abroad, would

41 Manuel Rojas, "Heute das Kindergeld, morgen vielleicht die Rente," *Carta a los Padres,* February 1979.

receive 50 DM for the child in Germany and 10, 25, and 60 for the three at home.[42] Spain was at least able to exact the concession that foreigners could receive *Kindergeld* in equal amounts for children living outside of Germany if they had lived in Germany for at least 15 years—a threshold the first Spaniards were going to reach in 1976.[43] Because the Spanish agreement included a "most-favored-clause," if West German negotiators failed to conclude a single subsequent negotiation in its favor, it would allow Spain to demand the conditions offered to the state with the best conditions. This would force the cabinet to cancel all of the agreements at once if it did not want to be stuck paying the bill.[44]

In Yugoslavia, the reform was criticized from the standpoint of "population policy." The Yugoslavian Ambassador argued that the change was *intended* to provoke waves of child migration so that Yugoslavian children could be brought to Germany and Germanized, while the Yugoslavian Confederation of Trade Unions feared that the new policy was meant to promote the assimilation of Yugoslavian workers in Germany. Christopher Molnar has argued that the experience of WWII shaped the way that Yugoslavia understood West German actions.[45] In this case, memories of the campaign for the forced Germanization of Yugoslavian children meant that the argument of forced assimilation was very emotionally

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42 BAK B 149/47272, July 28, 1974 Abteilung Iic 4-24900/1 Referent MR Dr. Leder H-Ref.: RD Brüggeman to Herrn Staatssekretär, "Betr.: Deutsch-türkische Verhandlung über Kindergeld."

43 Leder, "Für Ausländer weniger?", 33.

44 PAAA B 85/1381, June 10, 1975, BMA to Bundeskanzleramt, "Betr.: Kindergeld für die in der Türkei, in Griechenland, Portugal oder Spanien lebenden Kinder von Arbeitnehmern, die in der Bundesrepublik Deutschland beschäftigt sind."

45 For an exploration of Yugoslav migration to West Germany in light of WWII memories, see Christopher A. Molnar, "Imagining Yugoslavs: Migration and the Cold War in Postwar West Germany," *Central European History* 47, no. 1 (2014).

powerful. In fact, the national press service originally claimed incorrectly that the change in *Kindergeld* only applied to Yugoslavians, not to the other seven countries—because Germans only wanted to force the assimilation of Yugoslavian children.[46]

Greece and Turkey did not interpret the *Kindergeld* reform in the same way as Yugoslavia, but both countries cancelled the original dates set for the negotiation, using the Turkish military invasion of Cyprus to justify their cancellation. Despite the Foreign Office warning that Greece and Turkey would interpret unilateral cancellation of the agreements as an act of aggression, the Helmut Schmidt cabinet voted to cancel the agreements with these two countries in order to avoid paying the higher amounts of *Kindergeld*, destroying the Greek and Turkish bargaining position.[47] Although diplomats on both sides agreed that the canceled agreements would not be announced to the press, Schmidt's action forced Greece and Turkey into the position of having to negotiate before October 31st if they did not want the agreements to go out of effect.[48] Turkey hesitated as long as possible in ratifying the agreement—although they discussed the issue on July 17th in the National

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46 PAAA B 85/1381, July 17, 1974, German Embassy in Belgrade to AA telegram "Betr.: Reform des Familienlastenausgleichs."

47 PAAA B 85/1381, July 24, 1974, "Betr.: Reform des Familienlastenausgleichs; hier: Kündigung des deutsch-türkischen und des deutsch-griechischen Sozialversicherungsabkommens" and "Sprechzettel für die Kabinettsitzung am 31. Juli 1974."

48 PAAA B 85/1381, August 1, 1974, Dg 51 to Staatssekretär, "Betr.: Reform des Familienlastenausgliechs; hier: Kündung des deutsch-türkischen und des deutsch-griechischen Abkommens über Soziale Sicherheit."

Parliament and on the 18th in the Senate, a missing quorum meant that they only formally ratified the agreement at the last possible moment, one year later, on July 31, 1975.[49]

In the long term, German officials realized that their position would be stronger if they were able to appeal to European Economic Community regulations on the child benefit. The six countries in the community—West Germany, Italy, France, The Netherlands, Belgium and Luxembourg—operated on the principle that child benefit was paid based on where the worker worked with the exception of France, which had created a colonial exception for Algerians living and working in the metropole.[50] West Germany had voted for the employment principle initially, but twenty years later, it could point to the precedent created by French colonial relationships to justify its changing opinion. West German diplomats hoped to ultimately move the entire European Economic Community to such a policy—a change that could save Germany huge amounts of money by cutting *Kindergeld* payments for Italian workers. The Labor Ministry believed that it could save 58 million DM yearly by paying Italian workers less, as shown by the following chart.

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49 PAAA B 85/1381, July 17, 1975 telegram from Ankara Embassy to AA, "Betr.: Änderungsabkommen betreffend Kindergeld vom 25.10.1974 zum Deutsch-Türkischen Sozialversicherungsabkommen," and July 23, 1975, Unterabteilung 51 to Herr Minister, "Betr.: Kündigung der Sozialversicherungsabkommen mit der Türkei, Griechenland und Portugal," and August 2, 1975, telegram from Ankara Embassy to AA, "Betr.: Deutsch-Türkisches Sozialversichrungsabkommen."

50 For more detail on the child benefit for Algerians, see Lyons, *Algerian Families,* 94-98, 147-150.

Origin country of the foreign workers	Cost in DM with the employment principle	Cost in DM with the residence principle	More (+)/Less (-) cost in DM with the residence principle
Belgium	900.000	1.400.000	+500.000
Denmark	60.000	50.000	-10.000
France	8.000.000	7.000.000	-1.000.000
Ireland	30.000	4.000	-26.000
Italy	96.000.000	38.000.000	-58.000.000
Luxembourg	40.000	50.000	+10.000
The Netherlands	18.000.000	18.000.000	+0
United Kingdom	240.000	40.000	-200.000

Table 1: Kindergeld payments in the European Community
SOURCE: BAK B 149/46776, November 13, 1975, Dr. Leder to Herrn Minister, "Betr.: Kindergeld für ausländische Arbeitnehmer; hier: Vereinheitlichung der Regelungen in der Europäischen Gemeinschaft."

The importance of establishing the "location principle" within the EEC was even more pressing when German officials considered the possibility that some of the home countries of the guest workers might join the European Economic Community in the future.[51] However, the continued opposition of Italy and the United Kingdom meant that West Germany was in fact never able to push through its proposition to cut family allowances for European Economic Community members.

Finally, Morocco and Tunisia had originally been left out of *Kindergeld* benefits before the reform in 1974. However, the Foreign Ministry believed in 1977 that granting a relatively small concession on the matter of *Kindergeld* could strengthen their bargaining position on other questions with the Maghreb states, and asked the Finance Ministry for permission to grant partial *Kindergeld* to the Moroccan and Tunisian workers. The Finance Ministry flatly refused, writing "In view of the population and social structure in the

51 BAK B 149/46776, March 3, 1976, Dr. Leder to Herr Minister, "Betr.: Kindergeld für ausländische Arbeitnehmer."

Maghreb states and given the experiences from the implementation of the German-Turkish Kindergeld regulation, we would have to expect financial burdens and administrative difficulties that could not be overlooked." The Labor Ministry proposed a compromise: limiting the amount of *Kindergeld* that could be paid to Maghreb citizens to the first four children in the "tiered principle [*Stufenprinzip*]," also known as the "Southern European solution." [*südeuropäische Lösung*].[52] The Labor Ministry hoped that implementing the "Southern European solution" for Morocco and Tunisia would create a precedent whereby they could also force the six primary countries to accept less *Kindergeld*, especially Turkey. Although the matter of *Kindergeld* for Morocco and Tunisia was eventually dropped, the "Southern European solution" reveals the continuing association of "Southern Europe" with large families and inappropriately large welfare costs.

The most consequential negotiation in 1974 was undoubtedly the tense negotiation between West Germany and Turkey. Officials from both countries used child migration as a threat in the Turkish negotiation. Unlike Yugoslavia, where diplomats had interpreted the *Kindergeld* reform as an opportunity for West Germany to enrich its own population by inspiring the emigration of Yugoslavian children, Turkey correctly assumed that West Germans were terrified of the prospect of waves of Turkish children. Turkish diplomats offered several arguments against a change in the Kindergeld rules; for instance, that Turkey was an associated member of the European Economic Community, and that most countries in the EEC operated on the employment principle, that the reform was a targeted

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[52] PAAA B 85/1269, April 5, 1977, BMA to BMF, AA, BMI, "Betr: Abschluß von Abkommen über Soziale Sicherheit mit den Maghrebstaaten; hier: Kindergeld."

discrimination against Turks because more Turkish children lived in the home country than for any other group of guest workers, and finally their trump card, paraphrased in the report as follows: "The Turkish government must give advance warning of adverse consequences for German infrastructure, since the planned reform would lead to Turks working in Germany bringing their children to the Federal Republic."[53]

West German representatives disputed the claim that the *Kindergeld* reform was intended to discriminate against Turks. They argued that German workers who had no choice but to raise their children in West Germany were actually discriminated against compared to Turkish workers, and that the present regulation actually created a new source of "discrimination" for Turkish children living in Turkey "depending on whether their father works in the Federal Republic or in the homeland [*Heimat*]." In response to the argument about child migration, they replied:

> "An imminent further strain on German infrastructure must be taken absolutely seriously. Turkey cannot be indifferent to the fate of Turkish children brought to Germany *only in the expectation of a higher net income*. The Federal Republic is not an immigration country and will therefore not raise these children to be Germans. A good portion of these children will therefore return to Turkey at some point. Furthermore, the German side must if necessary defend itself with the measures that stand at our disposal against the strain on infrastructure that is no longer sustainable."[54]

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53 PAAA B 85/1383, German Embassy in Ankara to AA on October 11, 1974, "Betr.: Reform des Familienlastenausgleichs; hier: Verhandlungen zwischen der Bundesrepublik Deutschland und der Republik Türkei über ein Abkommen zur Änderung des deutsch-türkischen Sozialversicherungsabkommens."

54 PAAA B 85/1383, German Embassy in Ankara to AA on October 11, 1974, "Betr.: Reform des Familienlastenausgleichs; hier: Verhandlungen zwischen der Bundesrepublik Deutschland und der Republik Türkei über ein Abkommen zur Änderung des deutsch-türkischen Sozialversicherungsabkommens."

In threatening a flow of children, Turkish officials provoked a revealing response from West German officials, who insist that because they are not an immigration country, they will feel no responsibility for the children, and will fail to educate the children, who will then return to Turkey as uneducated adults. In this negotiation, both sides implicitly accept the idea that West Germany is not a good place for Turkish children, and both sides are not above using the future of the children as a political football—Turkey threatens a wave of child migration, and West Germany replies that it is indifferent to the fate of those children, but that surely the Turkish state "cannot be indifferent to the fate of Turkish children brought to Germany *only in the expectation of a higher net income*." The phrase "only in expectation of a higher net income" would recur in West German descriptions of the situation, conjuring images of parents who are only interested in their children in so far as their children generate income. West Germans used the *Kindergeld* discussion in order to instrumentalize the family relationships of foreigners as purely self-interested and shortsighted, unable to think about the long-term consequences of their actions.

The Turkish press reported extensively on these negotiations. The German edition of *Tercüman*, then the highest-circulation daily for Turks in Germany, published articles about *Kindergeld* 22 of 30 days in the month of October. The negotiations were also front-page news for the Turkish edition of *Milliyet*, which published 12 articles about Kindergeld in the same period, editorial by Burhan Felek that described the act as inexplicable within the context of a long-standing German-Turkish friendship, even imploring Germans to think about how they would justify cutting *Kindergeld* to one of the Turkish soldiers who

had helped to defend the Germans from the Russians in WWI.[55] Migrants clearly followed the press coverage closely: a group of Turks brought a petition to their Embassy in Bonn on October 20th in order to encourage their government to negotiate better terms.[56] *Tercüman* was particularly active in promoting the narrative that the reform was a driver of child migration. In an article titled "The flow of children from Turkey begins!" one father of seven was quoted as saying "I am bringing my children, who I miss very much, to Germany because the German state will pay a lot of money. For this reason, it's not important if I have to pay high prices for plane tickets." Although the father's emotional attachment to his children is mentioned, his emotional attachment clearly subordinate to the large amounts of money that he expects to receive from the German state. A second *Tercüman* article titled "The flow of children from Turkey to Germany continues!" was illustrated with pictures of children at the airport, including two unaccompanied children being taken care of by a stewardess while they waited for parents to arrive.[57]

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55 Felek's editorial raises interesting questions about the politics of memory. The Turkish state had last had a close relationship with the German state in WWI, and was still officially using WWI and Atatürk as its "founding myth," while West Germany was treating 1945 as its "zero hour" and founding myth, such that Turkish invocations of a WWI-era friendship made perfect sense within the Turkish sense of history and no sense at all to West Germans reeling from memories of both WWI and WWII. Burhan Felek, "Almanya'daki işçilerın çocukları," *Milliyet,* October 12, 1974.

56 "Ringen um Kindergeld-Kompromiß," *FAZ* October 24, 1974. Portuguese workers also protested in front of their embassy. Archiv des Deutsche Gewerkschaftsbundes im Archiv der Sozialen Demokratie [DGB Archive], 5/DGAZ 81, September 26, 1974, António Elias Cláudio DGB Portugiesisches Zentralbüro to Maria Teresa Spulveda at the Caixa dos Trabalhadores Migrantes in Lisbon.

57 "Türkiye'den Çocuk Akını Başlıyor!," *Tercüman,* November 4, 1974, and "Türkiye'den Almanya'ya çocuk akını devam ediyor," *Tercüman,* November 27, 1974.

Migrant Reactions to the *Kindergeld* Reform

Foreign families disagreed that the new law "equalized burdens" between foreigners and West Germans—as a Spanish-language flyer put it, "It is shameful to pretend that having to live separately from our children is an 'advantage.'"[58] In order to protest the regulation, migrants organized themselves in dozens of multinational committees across West Germany—one article in *Lucha Obrera* began with the statement "as everyone knows, Kindergeld committees have been created all over Germany."[59] This was a genuinely multinational movement that argued on two lines. First, migrants argued that they had a right to the same benefits as Germans for the same labor performed and taxes paid—one common slogan visible on banners was "We resist because we pay the same taxes and do not get the same rights."[60] The second argument, which linked *Kindergeld* to child migration, became a critique of the state's refusal to provide for foreign children.[61] The *Kindergeld* committees turned the isolated protests about housing and childcare described in the first two chapters of this dissertation into a unified movement.

Migrants argued that the choice to leave their children at home had never been a freely made choice—rather, many migrants were unable to bring their children to West Germany because they were unable to secure adequate housing, childcare, and schooling.

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58 DOMiD, FL0115—"Esta Medida Del Kindergeld es un Puro Abuso y nada mas."

59 "Alemania. Frankfurt: Una Leccion de Provecho," *Lucha Obrera* 24 (1975), 7.

60 Banner reading *Ayni vergini veren bizlerede ayni haklarin verilmesi için direnelim* visible in an article appearing in "3 Bin yabancı işçi Çocuk Parası için Frankfurt'ta yürüyüş yaptı," *Tercüman* November 19, 1975.

61 Manuela Bojadžijev argues that these protests over the "financing of transnational household structures" represented a long-term shift in migrant politics to focus on the conditions of reproduction in *Die windige Internationale,* 219, 224-228.

In November, three thousand migrants, including Turks, Spaniards, and Yugoslavs, protested in Frankfurt, and the primary speaker stated: "We want to bring our children, but there is no housing. There is no space in the schools." [62] One verse of the protest song "*Kindergeld* epic" explained that after the children arrived, their parents were happy to see them, but "the back courtyard is dark/There are too many in one room." The cover of the record, reproduced on the second page of this chapter, showed foreign children standing outside of a workers' dormitory. The incongruity of unaccompanied children in front of a dormitory functioned as a visual critique of the state's failure to consider workers' families in its rush to recruit foreign labor.

Many migrant protests specifically used the image of child migration. The Foreigners' Council in Nürnberg began a letter-writing campaign asking: "Is the state able to guarantee, that all of the children of foreign workers who are currently living abroad can be brought through family reunification [*Familienzusammenführung*] and is it ready to prepare the additional social institutions that will be necessary?"[63] The Bonn *Ausländerkindergeld* committee used somewhat more incendiary rhetoric to make the same point: "Where are the houses, the places in kindergartens and schools? How much more will the German state have to spend on these facilities than on *Kindergeld*? What will

62 "3 Bin yabancı işçi Çocuk Parası için Frankfurt'ta yürüyüş yaptı," *Tercüman,* November 19, 1975.

63 ADL, Mischnick A38-168, July 22, 1974, Ausländerbeirat Nürnberg [Georgios Papas, Seyfettin Demirtel, Alpay Sakar] to Herr Wolfgang Mischnick, "Betreff: Neue Kindergeldregelung im Rahmen der Steuerreform."

the Germans do later with two million inadequately educated children… for the first time the lawmaker is taking back rights that already existed! But does that create schools?"[64]

Officials experienced the idea of child migration as a threat. CDU politician and Bundestag representative Gerhard Braun wrote the Labor Ministry that at a protest that he attended in Remscheid, "over 100 guest workers declared that they would bring their families from Spain to Germany. That would cause not insignificant difficulties for the municipalities, because kindergartens and schools cannot be created overnight." Braun also expressed surprise that migrants were organizing across national lines, having seen both Spaniards and Turks at the protest.[65] Multinational protests seem to have confounded officials who assumed that migrants were incapable of organizing across national lines—one Labor Ministry official even interpreted a call for "international solidarity of the working class" at a July protest as evidence that East Germany had to be the real forces behind the protest, rather than migrants defending their own interests.[66]

In fact, some migrants were involved in Communist organizations, which appear to have used pre-existing organizational structures to help organize the opposition to the reform. Italian Communists condemned the policy for "trying to divide the Germans and

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64 BAK B 149/46817, "Kurze Information" by "Organisationskomitee Ausländerkindergeld Bonn-Bad Godesberg," dated June 24, 1974.

65 BAK B 149/46819, July 24, 1974, Abg. Gerhard Braun to Par. Staatssekretär BMJFG.

66 BAK B 149/46817, July 1, 1974, Iıc Vermerk "Betr.: Kindergeld für im Ausland lebende Kinder ausländischer Arbeitnehmer; hier: Protestkundgebung am 30.6.1974 auf dem Bottlerplatz." Alexander Clarkson describes this surprise occuring in other contexts. Clarkson, *Fragmented Fatherland*, 96. A Spanish-language flyer announcing this protest does inform people that this protest "will be a peaceful demonstration in which it is not permitted to carry banners of a specific color. Signs in black and white will be provided," which does seem to be a reference to a larger political context. DOMiD, FL0082, "Comité de Organizacion del Subsidio Familiar para Extranjeros," dated June 24, 1974.

the Italians from the Turkish, Spanish, Greek and Yugoslavian emigrants" and argued that "with this attack the bosses want to let us know that we are here in Germany only as manpower… and that we have to renounce our rights to life, to residing in decent houses and not in barracks, to having schools for our children."[67] *Kindergeld* texts frequently brought together different national struggles, such as a letter from a Turkish worker to Prime Minister Bülent Ecevit that was translated into Spanish, or a German-language flyer that connected *Kindergeld* protests to anti-Franco strikes in Barcelona and Bilbao.[68] In fact the November 17th demonstration in Frankfurt was specifically staged as a demonstration of the "international working class," with flyers announcing that the date had been chosen in order to coincide with the first democratic elections in Greece since the military junta that had governed since 1967. The Spanish-language version of this flyer explained that the Greek elections were "particularly interesting for the Spaniards and for all who struggle with dictatorship" and explained that "our German comrades have told us that in Germany there is also a form of dictatorship because a political prisoner was murdered in the German prison in Wittlich"—a reference to RAF terrorist Holger Meins, who had starved to death while on hunger strike earlier that month.[69]

Many of the texts that circulated about *Kindergeld* protests specifically attacked unions. A Turkish-language flyer linked unions that did not fight for *Kindergeld* with unions failing to organize workers at Ford before the "wild strikes" in 1972, and urged Turks at

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67 DOMiD, FL0018, "Kindergeld" flyer by "Operai Emigrati."

68 DOMiD, FL0115, "Esta Medida Del Kindergeld es un Puro Abuso y nada mas" and DOMiD, FL0050, "Alle zur Nationalen Kindergelddemo!" from 1974.

69 DOMiD, FL0050, "Alle zur Nationalen Kindergelddemo!"

Ford to unite with Italians in order to achieve both of these goals.[70] The author of an article in the Spanish communist newspaper *Lucha Obrera* explained that the unions' failure to act about *Kindergeld* was "a lesson for the comrades who believe and say that we can rely on the aid of the unions… the union bigwigs have limited themselves to signing our letters of protest in order to be able to keep saying that the union supports its foreign members."[71] Over 600 workers in Hamburg signed a resolution to protest the quiescence of IG Metall and the German Confederation of Trade Unions.[72]

Union officials who came across flyers like these feared that neglecting the issue would create fertile ground for outside agitators. IG Metall had a special meeting about *Kindergeld* at which several union leaders worried that they might lose foreign workers if they did not do something to address foreign workers' anger over the reform.[73] IG Chemie warned that failure to address the migrants' demands might create long-lasting divisions between the unions and the foreign workers:

> "This is a problem that allows the emotions of our foreign workers to be easily aroused… when union representatives abstain from participating in actions which are organized in part by anonymous 'initiative committees,' they run the risk of becoming isolated from their fellow countrymen both within the union and politically. That would further limit the possibility for union influence on the political persuasion of our foreign workers and expand the sphere of action for subversive political groups. This is why the topic is of such great interest for us."[74]

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70 DOMiD, FL0094, "Patronlarin Yeni Bir Oyunu," Cologne, 1974.

71 "Alemania. Frankfurt: Una Leccion de Provecho," *Lucha Obrera* no. 24 (1975), 7.

72 DOMiD FL0115, "Esta Medida Del Kindergeld es un Puro Abuso y nada mas."

73 IG Metall-Archiv, 5/IGMA260013, November 6, 1974, "Ergebnisprotokoll über die Sitzung zum Fragenkomplex 'Kindergeld für Ausländische Arbeitnehmer' am 29.10.1974 im Büro des Kollegen F. Koob."

74 BAK B 149/46819, July 25, 1974, IG Chemie-Papier-Keramik to BMA, "Betr.: Kindergeld für ausländische Arbeitnehmer."

In response to criticisms like these, the German Confederation of Trade Unions did pass a resolution condemning the *Kindergeld* reform at its 1975 national congress. Executive Committee Member Karl Schwab used his opening speech to criticize the *Kindergeld* reform for creating two classes of workers. Efthimios Ioannidis, a Greek representative from IG Chemie, described the reform as a form of discrimination against the entire working class, stating that it "makes the labor of the foreign worker cheaper than it already is." He turned the rhetoric of "streams of foreigners" into an argument in favor of the union, warning that further depressing the cost of foreign labor would "raise the danger of a new uncontrollable stream of masses of foreigners, who will then be misused by employers in order to depress wages." Paul Plumeyer, also from IG Chemie, argued that the *Kindergeld* cuts were purely a cost-saving measure that the state was trying to veil with claims that it represented "fair treatment" for foreign workers. Plumeyer also raised the specter of increased family reunion as a result of the measure and the increased strain on the school system. Increased family reunion would in turn most hurt the working class, because working class children were in the same schools as the foreign children—and the state was unlikely to increase funding for those schools in response.[75]

By linking the *Kindergeld* reform and child migration, Paul Plumeyer was picking up on language that had been used by migrant protesters. IG Metall used similar language when it warned about the coming wave of child migration, which could have been avoided "if only the responsible parties in the government and in the employers' federations had

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75 Deutscher Gewerkschaftsbund, *Protokoll 10. Ordentlicher Bundeskongress Hamburg, 25. bis 30. Mai 1975* (Düsseldorf: Deutscher Gewerkschaftsbund, 1975), 376-378.

listened to the demands of the unions, for example if they had not introduced the difference in *Kindergeld*, or if only they had taken care of creating the necessary infrastructure—housing, schools, kindergartens, etc.—before calling foreigners to serve capitalist interests for greater profits."[76] Plumeyer and IG Metall were both clear that the state was at fault for not investing more in social infrastructure in working-class neighborhoods.

But the link between child migration and strained infrastructure could also point the blame elsewhere: not at the state for failing to create space for children, but at migrants for bringing children where they did not belong. Heinz Richter, the head of the "Foreigner Section" in the German Confederation of Unions, stated in an October 1974 interview that the causality was real: "I have seen with my own eyes, about 14 days ago in Munich at the airport, that approximately two-thirds of the family members traveling to Germany on that day were clearly in the Federal Republic for the first time. That is apparently already a consequence of these alleged *Kindergeld* disadvantages."[77] Richter speculated with no real evidence that Turkish families were organizing entire airplanes full of Turkish children, who came to their parents for 14 days or 3 weeks, registered as West German residents, and then went back home. By lying on their documents, families could receive higher *Kindergeld* without actually having to pay the costs of raising the children in West Germany. Richter argued that fathers found guilty of such trickery should be deported.[78]

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76 "Por no hacernos caso," *El Noticiero*, May 1975, 2.

77 DGB Archive, 5/DGAZ 624, "Interview im Mittagsmagazin am 19.10.1974."

78 DGB Archive, 5/DGAZ 624, December 23, 1974, Heinz Richter to Karl Schwab, "Betrifft: Kindergeld für ausländische Arbeitnehmer." As discussed in chapter two, limits on where migrants could live made false registration a widespread problem.

The same causal narrative was promoted outside of the unions. The three welfare agencies of Caritas, Diakonie and the Arbeiterwohlfahrt wrote a joint protest letter that warned of the possibility of child migration.[79] The Catholic Church was particularly incensed, calling the *Kindergeld* reform a form "national blackmail" that would lead to child migration and the consequent dissolution of the strong values that Catholic social workers had hoped to preserve by encouraging foreigners to leave their children at home.[80] The Catholic Working Group on Questions of Foreign Workers criticized the measure in similar language, also warning that the reform might be followed by a total stop on family reunion in order to control the coming flood of children.[81]

German reporters writing about *Kindergeld* also depicted the change as "an irresponsible stimulus for further family reunion."[82] Although they may have intended to criticize the state for irresponsible policy-making, journalists also depicted foreign families as irresponsible with headlines like "Are we facing an invasion of guest worker children?"[83] The *Frankfurter Allgemeine Zeitung* also described these child migrants as "invaders" in December 1974: "Nothing against the dear small Turkish children, but our representatives surely did not want an invasion of *Kindergeld*-Turks."[84] *Der Spiegel* was the most careful to

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79 BAK B 149/46817, June 28, 1974, AWO/Diakonie/Caritas to Helmut Schimdt.

80 "Billige Kinder," *Der Spiegel*, October 7, 1974.

81 BAK B 149/46818, June 20, 1974, Katholischer Arbeitskreis für Fragen Ausländischer Arbeitnehmer [H. Becher], "Betr.: Familienlastenausgleich bei ausländischen Arbeitnehmern."

82 Hunn, '*Nächstes Jahr,'* 375.

83 "Eine Einsparung, die teuer werden kann," *Süddeutsche Zeitung* November 8, 1974, 3.

84 "Der Kindergeld-Türke in der Schule," *Frankfurter Allgemeine Zeitung*, December 17, 1974.

direct its criticism towards the state, writing that Labor Ministry officials liked to point to the "fictive example of a farm hand from the Anatolian plateau, who hired himself out to Germany but left his five offspring [*Sprößlinge*] at home." In order to prevent this man getting 480 Mark per month for his children, "apparently no argument is too cheap for the men in Bonn… Arendt's guest worker negotiator Hermann Ernst even has the appalling vision, that the model Turk [*Mustertürke*] 'goes home every Christmas, in order to produce another child.'" The article continued by describing the Turkish protest: "Ankara threatens to send the children to Germany, where the men in Bonn would have to produce kindergartens, living space and schools for them."[85] Although the author may have intended to direct his criticism at the West German state, the reader still came away with the impression that Turkey was weaponizing children: "Ankara threatens" child migration.

Ever on the defensive, the Labor Ministry defended itself against public criticism that it had mis-calculated the savings to be gained from *Kindergeld* by continually insisting that foreign parents would have to be irrational to bring their children. The Labor Ministry circulated an internal memo that refuted the *Der Spiegel* article: "A possible threat 'to send the children to Germany' is of no avail. The Ministry of Finance has calculated, that bringing the family to Germany will normally not be worth it."[86] But those Ministry of Finance calculations had very little to do with the calculations made by families, because family calculations were never just financial. Helmut Schmidt had expressed concern about the

85 "Billige Kinder," *Der Spiegel*, October 7, 1974.

86 BAK B 149/46819, October 8, 1974, Abteilung II Vermerk "Betr.: Kindergeld für im Ausland lebende Kinder von Arbeitnehmern, die in der Bundesrepublik Deutschland beschäftigt sind; hier: Artikel 'Billige Kinder' in 'DER SPIEGEL' Nr. 41/1974."

possibility that workers would bring their children, and in June 1974 his cabinet had asked the different ministries to consider "the possibility of counter measures."[87] In their response, the Labor Ministry pointed to the "sufficient housing" requirement as something that would keep family migration within acceptable boundaries—but as we saw in the previous chapter, the idea that the "sufficient housing" requirement created a serious obstacle to migration was always a fantasy of state control.[88] The Labor Ministry also commissioned an opinion poll through the Wickert Institute to ask West Germans whether children living abroad and children living in West Germany should receive comparable amounts of *Kindergeld*. The slight majority of respondents—52 percent—thought that foreign children should receive less *Kindergeld*, while 40 percent thought that foreign children should receive the same amount. Despite the support for their stance, the Labor Ministry forbade the publication of these poll results because the number of Germans who disagreed with their stance was considered too high.[89]

The idea that the *Kindergeld* reform was a primary cause for family migration would in fact dog the Labor Ministry and the West German state for at least the next decade. In February 1975, Helmut Schmidt told the public that his cabinet was working to discourage *Kindergeld*-related migration because "We don't want to burden ourselves with a new nationality problem!"[90] The working group on family migration came up with "paying less

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87 BAK B 149/46817, June 26, 1974, "Vermerk für Herrn Dg 51, Betr.: Reform des Familienlastenausgleichs; hier: Kündigung von Abkommen über Soziale Sicherheit."

88 DGB Archive, 5/DGAZ 1227, July 18, 1974, BMA to Heinz Richter of the DGB, "Betr.: Kindergeld für ausländische Arbeitnehmer; hier: Überwachung des Familienzuzugs."

89 Poll and related correspondence available in BAK B 149/96248.

90 von Breitenbach, "Spanische Elternverein," 27.

Kindergeld for foreign children who live in Germany" as one of its three options for limiting family migration. As this proposal contradicted all of the treaties that had just been laboriously concluded, it does not appear to have made it very far.[91] Another Labor Ministry working group came up with the exact same idea in 1981, insisting that for foreigners, "the illusion of financial gain [*Geldillusion*] (interpreting the nominal difference between German and foreign *Kindergeld* as a real difference) can cause foreigners to bring their families."[92] Even in this internal document, there is a strong insistence that foreigners are making irrational decisions—they bring their families based on a miscalculation, not based on a complex web of financial, practical, and emotional considerations.

The Labor Ministry even made a direct appeal to the parents not to bring their children when they prepared a packet of information for the Turkish press intended to discourage family reunion.[93] I was unable to locate the press packet itself, but in a report on the effects of the press packet, the German Embassy in Ankara reported that there had been over 120 articles and commentaries about *Kindergeld* in 50 different newspapers in the month of December 1974. Of all of these articles, the report singled out a December 22nd article by Gülten Dayioğlu in *Milliyet* for praise because it represented "a more

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91 BAK B 149/46777, March 10, 1975, "Betr.: Ausländerpolitik; hier: Einsetzung einer Arbeitsgruppe durch das Kabinett am 12. Februar 1975."

92 Landesarchiv NRW [LA-NRW], NW 80, October 1981 "Möglichkeiten für eine Begrenzung des Familiennachzugs ausländischer Arbeitnehmer aus Anwerbestaaten außerhalb der EG."

93 BAK B 149/46820, December 27, 1974, Abteilung II to Herr Minister, "Betr.: Kindergeld für ausländische Arbeitnehmer."

objective discussion of the situation."[94] The Turkish edition of *Milliyet* was known to support the West German SPD—the party that controlled the Labor Ministry—and in fact had already published articles about how the tax cuts that went into effect at the same time as the *Kindergeld* reform meant that workers' wages were going up, not down.[95] Dayioğlu's "more objective" commentary went even further, explicitly warning parents against bringing children to Germany: "If children are brought to Germany because of *Kindergeld* the situation will become worse." She wrote that children "torn out of school for a few cents, shouldered like a bundle" would "fall into a pitiable situation" because they were people rather than " 'goods' to be transported haphazardly from place to place."[96]

Dayioğlu was an author of young adult fiction who continued to use *Kindergeld* as a touchstone for the tragedy of Turkish children in Germany in her later work. In one of Dayioğlu's young adult novels, a teacher in Turkey asks the protagonist why his parents are taking him to Germany. Atil replies: "I am not exactly sure, but I think it has something to do with money. When I am with them, the Germans will give my father more money."[97] Later in the novel, Atil's mother makes the same connection: "His father made the decision. First, we will profit from *Kindergeld*, and second, then we won't have to worry so much. My

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94 PAAA B 85/1383, January 15, 1975, Botschaft Ankara to AA, "Betr.: Reform des Familienlastenausgleichs, hier: Änderung des deutsch-türksichen Sozialversicherungsabkommens."

95 "İşçilerimizin geliri çocuk parası yüzünden azalmayacak, artacak," *Milliyet* November 11, 1974.

96 Gülten Dayioğlu, "Çocuk Parası için Çocuklar Almanya'ya götürülürse durum daha kötü olacak," *Milliyet* December 12, 1974.

97 Gülten Dayioğlu, *Atil hat Heimweh [Yurdumu özledim]*, trans. Feridun Altuna (Berlin: ikoo, 1985), 6.

mother in the village has gotten old, it is hard for her to raise two children."[98] His father brings up *Kindergeld* once more when lecturing Atil about how to behave: "I didn't bring you here for your own private amusement, but because of the tax rebate and *Kindergeld*!"[99] Atil's father only realizes his mistake at the end of the novel, once it becomes clear that Atil is continuing to struggle in German school and even forgetting his Turkish. Only then does the father finally apologize to his son: "It is my fault. I thought it would be advantageous to bring you with."[100] The family decides to return to Turkey. The novel's clear lesson is that it is selfish to bring children to Germany, where they lose their Turkish roots. The repetition of the *Kindergeld* as a motive serves to reinforce this idea of parental selfishness.

In 1986, Dayioğlu published a collection of interviews with Turkish migrants to Germany and lightly fictionalized stories about Turkish migrants. This collection also used the *Kindergeld* motif to reinforce the theme about parental disregard for their children. A full decade after the reform, a Turkish teacher working in Germany told the interviewer:

> "When I think about *Kindergeld*, I still feel sick. People took their children helter-skelter to Germany in order to earn Deutschmarks. They didn't think about school or think about whether they could settle in here. In this way hundreds of thousands of children were thrown to the dogs! If one thinks about it rationally, the great German state also failed! In order to cut *Kindergeld* payments, it didn't just burden itself with hundreds of thousands of children, but also with their problems…"[101]

The teacher's understanding of the *Kindergeld* migration was widely shared: the idea that *Kindergeld* had unleashed family migration would persist for decades. Although

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98 Dayioğlu, *Atil hat Heimweh,* 47.
99 Dayioğlu, *Atil hat Heimweh,* 194.
100 Dayioğlu, *Atil hat Heimweh,* 204.
101 Gülten Dayioğlu, *Rückkehr zwischen zwei Grenzen: Gespräche und Erzählungen*, trans. Feridun Altuna (Berlin: ikoo Verlag, 1986), 128.

the teacher primarily blames Turkish parents for "throwing their children to the dogs," he also blames the federal state for implementing a shortsighted policy. The teacher was not the only one to point the finger at the state: in 1981 the German Council of Municipalities argued that the *Kindergeld* reform had been a way for the central state to shift its own costs for *Kindergeld* onto the local governments that then had to shoulder the financial burden of providing additional services for the foreign families.[102] Turkish officials grasped onto the same narrative in 1982, when a *Tercüman* reporter asked Economic Minister Turgut Özal about the link between high unemployment in Turkey and Turkish communities in Germany. Özal dodged the question about his own government's inability to increase employment by insisting that it was Germany's fault: everyone knew that *Kindergeld* was the primary cause of child migration and therefore of "foreigners' problems in general."[103] The public was also happy to accept the narrative that linked of *Kindergeld* and child migration: an April 1982 public opinion survey discovered that 76 percent of West Germans "see the high German *Kindergeld* as the *primary cause* for the influx of foreign children."[104] The *Frankfurter Allgemeine Zeitung* even began a December 1982 editorial supporting new restrictions on child migration with the statement "There are always more foreigners, who only want to benefit from social welfare (starting with *Kindergeld*): this is

102 LA-B, DST, 4/44-49, Band 51, WDR 3 Mosaik September 12, 1981 manuscript "Belastung durch hohen Ausländeranteil."
103 LA-B, B Rep 002/17830, March 30, 1983 *Tercüman* clipping.
104 ADL, IF-Kommission Ausländerpolitik #4238, April 27, 1982, "Wichtigste Ergebnisse der infas-Ausländer-Studie."

indefensible."[105] Nearly ten years after the *Kindergeld* reform, the average voter and average editorial writer understood child migration as a form of welfare migration.

Analyzing the 1980s "asylum panic," anthropologist Uli Linke writes that "attempts by foreigners to partake in these privileges of a closed community were experienced as transgressive, a threat to German personhood and statehood."[106] In 1974 and 1975 there was a kind of *Kindergeld* panic, where foreign families who brought their children to Germany were also depicted as trying to usurp the "privileges of a closed community," where those privileges were intact families, where foreign parents worked in German factories while their children lived in German apartments, learned in German schools, and played on German playgrounds. This "invasion of children" or "flood of children" was depicted as an intentional threat to the working class and the social state.

The "flood of children" metaphor also played into fears of foreign fertility and German population decline, as we saw in Margret Kuhn's articles about the potential for a Turkish "population explosion."[107] West Germany had in fact founded the *Bundesinstitut für Bevölkerungsforschung* in order to research declining German birth rates and migration in 1973, so that the *Kindergeld* reform occurred at a moment when there was already a lively discussion about declining fertility rates.[108] *Der Spiegel* began a 1975 cover story about declining German fertility with the sentence: "Nowhere in the world are so few children

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105 LA-NRW, NW 583 Nr. 1753, "Bis zu Sechs Jahren," *FAZ* clipping December 14, 1982.

106 Uli Linke, "Gendered Difference, Violent Imagination: Blood, Race, Nation," *American Anthropologist* 99, no. 3 (1997), 567.

107 For press reporting on comparative fertility, and the ambivalent feelings about foreign women who had children while German women were reducing their family size, Woesthoff, "Ambiguities of Anti-Racism," 146-151.

108 For the longer history of state interest in fertility, see Timm, *Politics of Fertility.*

born as in the Federal Republic. Only guest workers are creating a surplus of babies [*Baby-Überschuß*]." The article continued that in Frankfurt "the number of guest worker children grew at nearly the rate at which the number of German children shrunk," and that there was an "invasion of guest worker children" into kindergartens in many cities.[109] *Kindergeld* was supposed to encourage *German* women to have children: the fact that this population measure seemed to backfire and encourage a flood of *foreign* children accounts for some of the persistence of the image of *Kindergeld* "floods" or "invasions."

During the *Kindergeld* reform and the associated *Kindergeld* migration panic, state officials tried to reduce family migration to a single number, to push-and-pull factors that they could easily measure, rather than asking migrants themselves what they were thinking and why they were bringing their children to West Germany. Migrant protests consistently pointed out that the decision to bring children was contingent on several factors, not just economics, but also emotional ties and the availability of housing, childcare, and education. Protests that tried to place *Kindergeld* in a larger context and to point out that it was *eigensinnig*, but officials pointed to two-tiered *Kindergeld* as a single factor that created a simple explanation for migratory decisions as motivated by economic calculation rather than parental love. As we will see in the next several chapters, the attack on foreign families that took shape beginning in the late 1970s never failed to point out when children had first arrived in West Germany after the *Kindergeld* reform.

109 "Die Kinder wollen keine Kinder mehr," *Der Spiegel*, March 24, 1975.

Kindergeld and the Counting of Children

To what extent were officials and migrant protesters correct about the wave of migration provoked by *Kindergeld*? Did the reform actually spur a wave of child migration? Because the reform was announced only shortly after the November 1973 decision to stop labor recruitment, it is hard to disentangle the two announcements from each other in decisions to bring children to West Germany. Historians Ulrich Herbert and Karin Hunn believe that most of the increase in child migration was motivated by fear that further restrictions on family reunion would follow the end of labor recruitment.[110] Demographer Amparo González-Ferrer used self-reported data about when children were brought to Germany to reach the opposite conclusion, arguing that the *Kindergeld* reform was more important than the recruitment stop for accelerating family reunion.[111]

Ultimately the question is difficult to answer because the *Kindergeld* reform created information that had not previously existed: because residence permits and visas would not be required for children under 16 before 1998, there are in fact no reliable records about where foreign children lived before 1974. After the *Kindergeld* reform, the state needed to know where children lived in order to pay the appropriate amount, and data from the *Kindergeld* payments would come to be considered the most accurate way to count foreign children and to determine their location. Before 1974, the location of the child had been a "dark space" on the state map of its population and a challenge to what

110 Ulrich Herbert and Karin Hunn, "Beschäftigung, soziale Sicherung und soziale Integration von Ausländern," in *Geschichte der Sozialpolitik in Deutschland seit 1945, Band 6,* ed. Martin Geyer (Baden-Baden: Nomos Verlag, 2008), 755.

111 Amparo González-Ferrer, "The process of family reunification among original guest-workers in Germany," *Zeitschrift für Familienforschung* 19, no. 1 (2007).

geographer Matthew G. Hannah has called the state's "epistemic sovereignty."[112] By linking welfare to location, the *Kindergeld* reform allowed the state to fill in its "dark spaces" and to accurately map children's locations for the first time. The data produced by *Kindergeld* was not only linked to "child invaders": officials also used it to calculate the "floods" yet to come.

In the first year of the reform, officials were unsure of how to interpret new data about *Kindergeld* payments. Some believed that the reform resulted in many children who had already been living in Germany informally being registered for the first time. According to this narrative, foreign parents who lived with their children had failed to register them with the police because they feared being evicted from their apartments or even having their residence permit revoked for having too many people in the apartment, but the prospect of higher *Kindergeld* payments convinced them that the risk was worth it.[113] A competing narrative argued that the problem was exactly the opposite—parents were in fact falsely registering children as resident in West Germany so that they could claim higher *Kindergeld* payments while their children actually lived abroad. The German Embassy in Ankara even worried that Turks might undergo false adoptions in order to claim more Kindergeld.[114] This second narrative ultimately took over: in March 1975 a Labor Ministry report on false *Kindergeld* claims argued that Turks were especially likely to claim *Kindergeld* for children who did not live in Germany. Although the false claims in fact

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112 Hannah, *Dark Territory*.

113 AEWD, PB 941: "Sitzung des Koordinierungskreises 'Ausländische Arbeitnehmer' beim Bundesminister für Arbeit und Sozialordnung am 23.4.1975."

114 BAK B 149/47277, March 20, 1975, Botschaft Ankara to AA, "Betr.: Verdacht von Scheinadoptionen durch türkische Arbeitnehmer in der Bundesrepublik Deutschland zur Erlangung von Kindergeldleistungen."

represented less than 1 percent of all Kindergeld paid to foreigners, the idea that Turks were particularly likely to make these false claims was persistent.[115]

There were other obstacles to mapping the new territory. In 1976 there were delays in payments to Turkish families because Turkish authorities had left the "Location" field blank in the certificate of family status [*Familienstandsbescheinigung*].[116] The Turkish Embassy first alerted Germany to the problem on July 6th, writing that:

> "It seems that this is due to the omission of the child's address of residence, which according to the Turkish Social Insurance Association, was purposely left out after having consulted with the Federal Labor Office. The reason for this application was the frequency with which the children travel between their relatives in Turkey and parents in Germany, presenting a rather big task of locating the actual address by the Turkish Social Insurance Association... in order to have a system that functions smoothly, it is suggested that the column for the child's address on the form be left unfilled, thus giving only the Turkish address of the guest worker."[117]

West German officials were panicked by the idea that the forms could not be filled out because children were moving back and forth between Turkey and West Germany in an uncontrolled fashion. Representatives from both countries met in Ankara to discuss the problem of acquiring accurate information about the location of Turkish children in December 1976. The German Embassy in Ankara reported that although "it was clear from the beginning, that a transfer of German administrative practices to Turkey could not be expected," the Germans had successfully made it clear to the Turks that their demands did not come from "mere bureaucratic perfectionism," but were intended to stop "great

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115 BAK B 149/47277, Bundesanstalt für Arbeit March 1975 "Notizen für eine Besprechung mit der für Familienbeihilfen zuständigen türkischen Behörde."

116 "Kindergeld für die in der Türkei Lebenden Kinder," *Informationen für Sozialbetreuer Ausländischer Arbeitnehmer* 7 (1977).

117 BAK B 149/47279, July 13, 1976, AA to BMA, "Betr.: Deutsch-türkisches Sozialversicherungsänderungsabkommen vom 25. Oktober 1974 (Kindergeldabkommen)."

quantities of wrongful payments."[118] Welfare reform turned accurate data about the location of families into an object of foreign relations. After this meeting, West German diplomatic communications would frequently included reminders to the Turkish side about the importance of improving and modernizing their information-gathering practices.

The West German press also stoked fears about *Kindergeld* fraud, creating additional pressure for accurate data. In October 1975, "a well-known daily paper" published an article about the "missing children" of Mönchengladbach with the title "1068 children of guest workers are missing from school—where are they?" The article claimed that in this one town alone, there were 1068 foreign children who were registered as residents but who were not actually going to school. The article conjectured that deceitful foreign parents were to blame for the discrepancy: either the parents were keeping their children at home, or parents had falsely registered their children as residents in West Germany for the purpose of claiming *Kindergeld*. Several Bundestag representatives sent this article to the Labor Ministry, which launched its own investigation. They discovered that only 78 children were actually receiving *Kindergeld* to which they were not entitled, and that most of the discrepancy was actually due to the fact that the occupying British Armed Forces were headquartered in the region—creating a large population of British

118 BAK B 149/47279, December 13, 1976, Botschaft Ankara to AA, "Betr.: Kindergeldzahlungen an türksiche Arbeitnehmer; hier: Zusammenarbeit mit der türkischen Sozialversicherungsanstalt beim Nachweise der Kinder."

soldiers who had registered their children as resident in West Germany, but who did not send their children to the local public school.[119]

Although this particular case turned out to be a false alarm, officials would continue to use concern about children attending school as a pretext to require foreigners to provide additional documentation in order to prove that their children lived in Germany. In 1977 the Federal Labor Office instructed foreign parents registering for *Kindergeld* to bring not just the proof of residence registration [*Anmeldebescheinigung*], but also proof of their child's school attendance.[120] A lawyer for the German Trade Union Confederation believed that this was an illegal measure, one that violated the principle of equal treatment by creating an additional burden of proof for foreigners. He went to court to defend a member of IG Metall who refused to bring the additional documentation and won.[121] Although measures like this one were justified by the claim that requiring additional documentation would improve school attendance among foreign children, they also rested on the idea that foreigners were more likely to lie about their children's whereabouts.

The *Kindergeld* reform also created a new data set about foreign children. Statistics about the number of children who were receiving *Kindergeld* at the lower rate became the primary tool at the disposal of officials who wanted to calculate the potential future "family migration potential" of the foreign population. When the Federal Constitutional Court

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119 BAK B 149/47278, April 7, 1976, Bundesanstalt to BMA, "Betreff: Durchführung des Bundeskindergeldgesetzes (BKGG); hier: Mißbräuchliche Inanspruchnahme von Kindergeld für Kinder von Arbeitnehmern aus den Vertragsstaaten Griechenland, Jugoslawien, Portugal, Spanien und der Türkei."

120 "Kindergeld und Schulbesuch," *Informationen für Sozialbetreuer Ausländischer Arbeitnehmer* 51 (1977).

121 Documentation about this case in DGB Archive, 5/DGAZ 625.

heard a case about restrictions on family reunification for "second generation" foreigners in 1982, the court decided that it needed to know "the migration potential of foreign children" [*Ausländerkinder-Nachzugspotential*] in order to decide whether future family migration represented a potential threat to the domestic order of the Federal Republic. The Interior Ministry informed the Court that the Central Register of Foreigners [*Ausländerzentralregister*] only recorded the foreigners "as single people" rather than tracking their family relationships.[122] The best statistics about foreign families were based on *Kindergeld* payments, and although *Kindergeld* statistics could be divided based on nationality, they could not be divided based on criteria like which "generation" the parents came from or whether both parents already lived in Germany. This made the statistics useless for calculating the numbers that the Federal Constitutional Court needed for its deliberations.[123] As we will discover in Chapter Five, after lowering the age limit for child migration, the state would also use previous data from *Kindergeld* claims in order to determine when teenagers were lying about their ages. The distinction in welfare benefits ultimately served to bring foreign children more firmly into the grip of state power by creating new data about those children, data that could be used for a variety of purposes.

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122 LA-B, B Rep. 002, Nr. 15643, May 30, 1985, BMI to Herr Bundesverfassungsrichter Prof. Dr. Steinberger als Berichterstatter des Zweiten Senats des Bundesverfassungsgerichts, "Betr.: Verfassungsbeschwerden gegen die Neuregelung des Nachzugs von Ehegatten zu ausländischen Arbeitnehmern."

123 BAK B 106/117675, December 6, 1982, "Betr.: Ausländerkindernachzug."

Conclusion

Everyone involved in the *Kindergeld* panic connected the reform to the specter of increased family reunion: the Turkish Workers' Choir singing a satire, the German Confederation of Unions representative describing child migration as a threat to working class children, the Yugoslavian ambassador who polemicized that it was population policy, and of course the Labor Ministry bureaucrats who insisted again and again that if the foreign workers were rational economic actors, they would leave their children at home.[124]

Migrants used the link between welfare reform and child migration in order to criticize the German state. Many of the different forms of protest and resistance examined in the last two chapters, such as picketing the mayor's office for kindergartens or registering at false addresses in order to obtain residence permits, found a new focal point in multinational *Kindergeld* committees that criticized the state's failure to provide for the reproductive needs of foreign workers.

At the same time, the image of airplanes full of children flooding into crowded working class neighborhoods would become a symbol of parental neglect or greed. The close coincidence of the stop on labor migration and the *Kindergeld* reform meant that all

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124 The monocausal narrative is also powerful for historians: the editors of "German History in Documents and Images" introduce a *Süddeutsche Zeitung* on "The Growing Influx of Guest-Worker Children" due to *Kindergeld* as objective truth, writing that "The attempt backfired; male workers who were already living in the Federal Republic started bringing over their wives and children in greater numbers, solely because dependents residing in Germany received higher benefit payments than those who remained back home."

As this chapter has argued, the narrative of family reunification based on *Kindergeld* had a political function for both migrant activists and West German bureaucrats and should not be taken at face value. Accessed at http://germanhistorydocs.ghi-dc.org/sub_document.cfm?document_id=849.

subsequent family migration occurred under the shadow of welfare fraud.[125]As we will see in the next chapters, when officials wanted to criticize foreign parents, they often represented those families as brought together by *Kindergeld.* The reference implied that parents had brought their children to West Germany out of short-sighted desire for financial gain rather than genuine emotional attachment: it worked to stigmatize the parenting practices of migrants and to legitimize interference into their families.

Just as some migrants had feared, the *Kindergeld* reform was not the last change that specifically hurt transnational families within the West German welfare system. In 1979, the state revoked the promise made in the negotiations with Spain to pay equivalent *Kindergeld* to foreigners who had lived in West Germany for 15 years. This unleashed a new wave of migrant protest and the revival of some of the earlier *Kindergeld* committees. The 1987 tax reform further penalized transnational families by no longer recognizing children who lived outside of the EEC—men and women whose children lived in Turkey now counted as childless within the tax code. Second-generation migrants whose spouses and children had not yet been able to join them because of tough new restrictions on marriage migration were particularly affected. A group of Turkish men in West Berlin formed "TISPJG"—an acronym of the six primary guest worker countries—to protest the

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125 The idea of *Kindergeld* and welfare fraud continues to circulate in popular cultural representations of foreign families. Turkish-German comedian Kaya Yanar sends up the idea in a *Was guckst du?* sketch from 2004, where the Turkish man receives 50 cents for "Sozialgeld" and an entire wheelbarrow full of "Kindergeld." Accessed at https://www.youtube.com/watch?v=ndllqluAoQU. German comedian Anke Engelke also revives the idea that all foreigners are draining the welfare state in her sketch "Traditionelles Thai Lied über Kindergeld." Accessed at https://www.youtube.com/watch?v=32ohZdikcUQ

changes in the tax code, publishing a pamphlet "For Tax Justice. Do workers' children who live abroad no longer exist for the federal government?"[126] A comic from the brochure shows the German state "disappearing" the foreign children.

Finally, *Kindergeld* created new data about the location of foreign children, data that would become one of the few reliable facts in the subsequent debate about how to best control family migration. The Labor Ministry and Interior Ministry disagreed about how to react to the fact that the number of "family members" living in West Germany increased in both 1974 and 1975. The Labor Ministry would accept the narrative of a *Süddeutsche Zeitung* article warning of the "final consequence of the new *Kindergeld* policy: family reunions will undermine the foreign-worker recruitment ban that has been in place for a year, because the labor market will be flooded not only by young people but also by

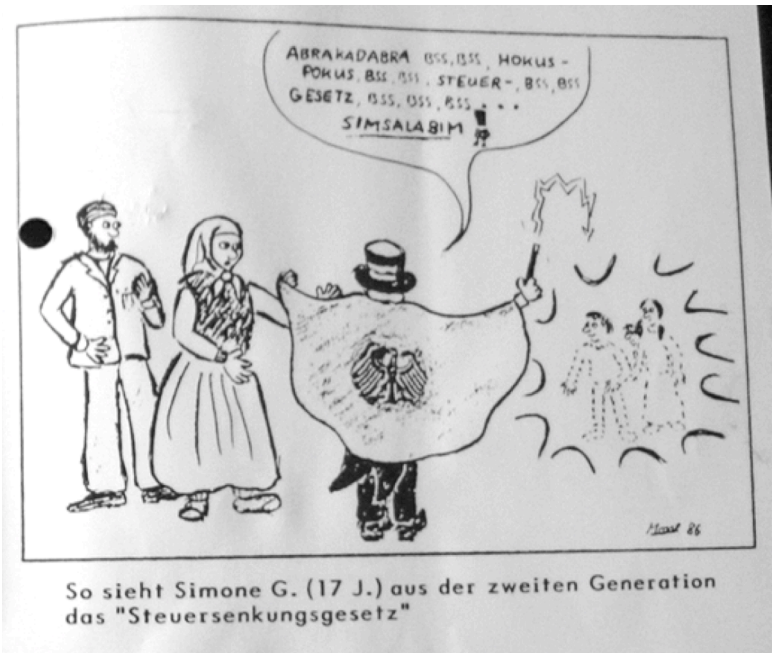


Figure 7 "Disappearing child" comic from TISPJG broschure

126 Archiv Grünes Gedächtnis [AGG], B.II.1, Die Grünen im Bundestag 1983-1990, Signatur 3481, broschure "Für Steuergerechtigkeit. Existieren Arbeiterkinder die im Ausland leben für die Bundesregierung nicht mehr?" dated February 15, 1987.

their accompanying mothers."[127] The Labor Ministry believed that new restrictions on family migration were necessary in order to stop foreigners from trying to enter the labor market. The Interior Ministry, which was responsible for granting residence permits and thus for setting guidelines about family migration, resisted this argument. According to them, imposing new restrictions would only have the effect of further stimulating family reunion by putting pressure on migrants to bring their families before the restrictions could go into effect. For the Interior Ministry, the best course of action was to do nothing.[128] As we will see in the next chapter, the Labor Ministry refused to "do nothing" about what it perceived as a crisis in migration policy—instead, it moved to permanently exclude the family members who arrived after the *Kindergeld* reform from the labor market. For the Labor Ministry, foreign parents may have been able to take advantage of the state once when they used their children to earn additional *Kindergeld*, but they were not going to use those same children to access the labor market.

127 "Eine Einsparung, die teuer werden kann," *Süddeutsche Zeitung* November 8, 1974. trans. Allison Brown, http://germanhistorydocs.ghi-dc.org/docpage.cfm?docpage_id=1517.

128 BAK B 106/81038, Band 18, November 22, 1976, Referat VII6 to Staatssekretär Dr. Fröhlich, "Betr.: Zahlenmäßige Entwicklung der ausländischen Wohnbevölkerung."

Chapter Four—Does the Family Member Work? Illegal Labor and "Integration"

Introduction

In November 1975, a new *Tatort* detective team from West Berlin entered the scene in "Death in the U-Bahn," the first episode of *Tatort* to feature migration as a theme. In the first scene, a bulldozer runs over Mehmet, a Turkish man working in the subway tunnel. As Mehmet screams, the driver cries out "I didn't see him! I didn't see him!" The construction supervisor rushes to the site and begins to curse—the dead man was working without papers. The supervisor decides not to inform the police in fear that they will discover the extent to which the construction site relies on illegal foreign labor. The only other witness to Mehmet's death is his fellow illegal worker, Arkan, who is easily persuaded to keep silent because he does not want to put his own residence in jeopardy. His sister has a legal residence permit, but she would be vulnerable if it were discovered that her brother was living with her.[1] A witness to the attempt to dispose of the corpse tips off the police, who will try and fail to get to the bottom of the criminal ring for the next ninety minutes.

Peter Stripp had worked with Aras Ören on the script for the crime procedural,[2] in which it is abundantly clear that most of the undocumented workers are actually related to legal workers. In the first outline of the episode, written in February 1975, the main character was a Turkish man whose wife was living and working in Germany legally, and "it

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1 "57. Tatort—Tod im U-Bahnschacht," YouTube video, from a program produced by Sender Freies Berlin and aired on ARD on November 9, 1975, posted on June 6, 2012, accessed at https://www.youtube.com/watch?v=OXxfoL-lKlQ.

2 For more on Aras Ören's own literary career and links to *Gastarbeiterliteratur*, see Chin, *Guest Worker Question*, 64-85.

becomes clear, that the wife received a work permit more easily than her husband, because as a female guest worker she is in a lower wage group than married guest worker men." Another character, an older man who disappeared between the original concept and the final product, "is hidden in the apartment of his daughter and his step son. He looks after his grandchildren while they work, but withdraws to his hiding place every time the doorbell rings." In the final version of the film, many of the explanatory scenes were deleted to make room for more knife fights and shoot-outs, but it is still clear that the men are illegal and the women are legal.[3]

"Death in the U-Bahn" struck a nerve: Stripp and his research assistant Ören had worked with the West Berlin police in order to lend verisimilitude to the crime procedural, a fact which made the incompetence and corruption on display all the more offensive. The West Berlin police listen to their boss inform them that "the foreigner enters Berlin from the East as if on a flying carpet." In one suggestive detail, the chief facilitator of the illegal labor ring was a German man who had made his money facilitating escapes from East Berlin before switching his business to the smuggling of foreign workers. Everyone from CSU chairman Franz-Josef Strauß to the Turkish Ambassador protested the film, which would not be shown on television again until 1992.[4] Although the film certainly relied on

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3 Sender Freies Berlin Archive [SFB Archive], Binder 6988/8, HA Fernsehspiele TOD IM U-BAHNSCHACHT von Peter Stripp.

4 Peter Knabe and Robert Atzorn, "Riesenkrach um Türken-Tatort," *Hörzu* 48, no. 75 (1975), 8. The 1976 episode "Wohnheim Westendstraße" was the second *Tatort* to thematize migration, this time in Munich, and also took place in a milieu of illegal workers. For an article exploring the role of migration in *Tatort*, see Christina Ortner, "Tatort: Migration. Das Thema Einwanderung in der Krimireihe Tatort," *Medien und Kommunikationswissenschaft* 55, no. 1 (2007).

crude stereotypes about "hot-blooded Mediterraneans" and corrupt German officials, it had gotten at least one fact right: illegal labor markets in West Germany were nourished by the continuation of family migration combined with the simultaneous freeze in granting work permits.[5]

After the 1973 labor recruitment stop, the question of whether to limit family reunion became the "key question of 'guest worker policy,'"[6] and the SPD-led Labor Ministry and the FDP-led Interior Ministry reached a stalemate. During the period of economic expansion, the Labor Ministry had typically been in favor of greater liberalization, while the Interior Ministry was in favor of greater control.[7] In a period of economic downturn the positions were reversed. The Interior Ministry had the power to grant residence permits and thus to legitimate the family migration that was already occurring, while the Labor Ministry worried that continued migration undermined its attempt to protect the German labor market.

When the Interior Ministry under Werner Maihofer of the FDP refused to further restrict family migration, believing that it would violate Article 6 of the Basic Law, the Labor Ministry decided to regulate migration in its own way: by refusing work permits to family members—both spouses and children—who entered after November 30, 1974, a

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5 Jan-Henrik Friedrichs argues that the "illegal" became an important figure in the 1970s in "Milieus of Illegality. Representations of Guest Workers, Refugees, and Spaces of Migration in *Der Spiegel*, 1973-1980," in *Images of Illegalized Immigration: Towards a Critical Iconology of Politics*, ed. Christine Bischoff, Francesca Falk, Sylvia Kafehsy (Bielefeld: transcript, 2010). This is not to deny the existence of illegal migration, which also continued and was undoubtedly fed by some of the same familial networks. Erik J. Zürcher, *Turkey: A Modern History* (London: I.B. Tauris, 2003), 271.

6 Herbert and Hunn, "Soziale Integration von Ausländern," 758.

7 Schönwälder, *Einwanderung und Pluralität.*

date that was in fact at the height of the purported *Kindergeld* migration wave. This date became known as the *Stichtag*—the German for "cut-off date"—and the people who were affected by it were sometimes described as *Stichtagskinder* ["children of the cut-off date"]. When pressed, the Labor Ministry insisted that the *Stichtag* was "the price paid for maintaining the liberal—for humanitarian reasons—regulation of family reunification [*Familiennachzug*] for spouses and single underage children of foreign workers."[8] If spouses and children were to be allowed into West Germany, they also had to stick to their assigned roles as spouses and children. Family members who wanted to perform work for wages were confusing the categories of family and labor.

The forced exclusion of migrant family members from the labor market is typically forgotten or downplayed in scholarship on this period. The idea that family reunification necessarily led to a larger population of non-working migrants has persisted because of gendered assumptions that most of the new adult migrants were wives, and indeed, historians often refer to the period after the recruitment stop as a time when the presumably male guest workers brought "wives and children." Political scientist Simon

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8 BAK B 149/121735, "Dokumentation und Resolution zum 'Stichtag' für ausländische Jugendliche," and April 7, 1978, BMA reply to Klaus Siepmann, "Betr.: Nichterteilung von erstmaligen Arbeitserlaubnissen für Ausländer, die nach dem 31. Dezember 1976 als Minderjährige in das Bundesgebiet eingereist sind."

At coalition discussions in 1976, "die Frage, ob Ehefrauen und Kinder von Ausländern, die im Rahmen des Familiennachzuges legal einreisen, eine Arbeitserlaubnis erteilt werden soll, wird unterschiedlich gesehen, ist jedenfalls aber kein Koalitionsproblem." ADL, Baum N60-631, December 1, 1976, "Betr.: Koalitionsgespräch am 1. Dezember 1976, 11.10 Uhr bis 16.30 Uhr, Bungalow."

Green writes simply that "many of these new migrants were economically inactive" without any reference to the legal context that excluded them from economic activity.[9]

In 1978, however, the Labor Ministry estimated that 340,000 spouses—190,000 men and 150,000 women—and 190,000 teenage children had used family reunion to come to Germany since 1974.[10] The proportion of women in the foreign population increased after 1973 in part because foreign men were much likelier than women to leave after 1973, while women who were already in Germany at the time of the recruitment stop were more likely to stay and perhaps even to bring their husbands.[11] The following chart shows the percentage of migrants who were men from each of the six primary sending countries between 1970 and 1980. Even after the "recruitment stop" in 1973, men continued to be the majority of arrivals in every group except the Portuguese. The spike in 1979 and 1980 is largely due to the spike in new asylum applications from Turkey during those years.

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9 Simon Green, "Immigration and Integration Policy: Between Incrementalism and Non-decisions," in *Governance in Contemporary Germany: The Semisovereign State Revisited*, ed. Simon Green and William E. Paterson (Cambridge: Cambridge University Press, 2005), 190.

10 BAK B 149/121733, February 13, 1979, "Stichtag für die Erteilung der Arbeitserlaubnis an Familienangehörige ausländischer Arbeitnehmer."

11 Heather Booth provides detailed analysis of these "dependent migration" statistics in *The Migration Process in Britain and West Germany. Two demographic studies of migrant populations* (Aldershot: Avebury, 1992), 122-136, 177-178.

	Total	Italy	Greece	Spain	Portugal	Turkey	Yugoslavia
1970	68.5	75.0	55.7	73.6	74.8	69.1	70.6
1971	66.5	74.0	54.1	68.7	65.4	66.5	66.0
1972	63.2	72.0	55.2	65.3	62.2	60.2	62.4
1973	63.8	71.2	53.7	70.4	68.9	61.8	63.1
1974	55.6	65.7	53.5	49.2	37.1	52.1	53.2
1975	53.9	62.9	53.5	50.2	42.3	51.8	50.3
1976	55.4	67.3	56.8	52.0	41.7	51.1	47.4
1977	56.3	66.8	56.5	49.4	42.2	51.7	47.5
1978	58.4	67.4	57.9	51.2	40.0	54.9	49.8
1979	61.9	67.8	57.6	50.7	47.4	61.8	53.6
1980	63.8	66.7	57.8	57.3	47.3	66.2	56.3

Table 2: Male Migrants as Percentage of Total Migrants by Sending Country, 1970-1980
SOURCE: Heather Booth, *The Migration Process*, p. 177.

The combination of family migration and the work permit ban created a large population of men, women, and teenagers excluded from the labor market. By 1980, 42% of the foreign men who were not working in the Federal Republic had in fact never worked in the Federal Republic—and many of them had never been allowed to.[12] But how long

12 Mehrländer, *Repräsentativuntersuchung '80*, 574.

would the West German state be able to tolerate the "existential no man's land" where over half a million people were authorized to reside but not to work? [13]

In the same year as "Death in the U-Bahn" *Der Spiegel* published an article about illegal work titled "I here visit brother" [*Ich hier Bruder besuchen*]. In using broken German to allude to family ties, the article promoted the idea that family connections were used as cover stories for people who intended to work illegally, but in fact, legitimate family members had no choice in the matter.[14] As Charity Goodman wrote in her 1984 study of Spanish women in West Germany, migrant family members had to ask themselves a series of difficult questions: "do I emigrate and become a housewife in West Germany? Do I emigrate and risk working illegally in West Germany? Or do I not emigrate because the new law denies me the right to work where my family lives?"[15] The men and women who did choose to migrate employed a variety of *eigensinnige* strategies for survival—illegal work, criminal activity, or forced idleness.[16] But because the *Stichtag* itself was a phenomenon constantly under erasure, these behaviors came to be understood as culturally rather than structurally determined. Youth criminality was explained as due to the inherent criminal

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13 The phrase "existential no man's land" comes from BAK B 149/121735, June 16, 1978, AWO Hessen-Süd, "Betreuung und Förderung arbeitsloser ausländischer Jugendlicher –Forderung auf Abschaffung der Stichtagsregelung durch den Einzelerlaß der Bundesanstalt für Arbeit vom 14.6.1977."

14 "Ich hier Bruder besuchen," *Der Spiegel*, June 2, 1975.

15 Goodman, "Decision Makers," 200.

16 Perhaps unsurprisingly, it has been difficult to track down data on illegal labor market activity by foreigners. Sociologist Ali Uçar offers compelling evidence that it was a widespread phenomenon in *Illegale Beschäftigung und Ausländerpolitik: die Praxis der Ausländerpolitik und die illegale Beschäftigung der ausländischen Arbeiter in der Bundesrepublik Deutschland* (Berlin (West): EXpress Edition, 1983). Sociologist Serhat Karakayali also offers preliminary thoughts about the extent of illegal labor in *Gespenster der Migration,* especially 165-168.

tendencies of foreigners rather than due to youth exclusion from the labor market, and the phenomenon of foreign housewives would be blamed on "Mediterranean patriarchs" rather than on the state's policy of protecting the labor market.

Spousal Migration and the Single Breadwinner Before 1973

In the first chapter, we saw how West German employers' desire for cheap female labor promoted family settlement. By 1971, an unskilled male laborer from Turkey would have to wait an average of six to seven years to be called up to work in West Germany.[17] Women, however, could expect to be recruited immediately, and many women began the migration process while hoping that their recruitment would enable them to bring their husbands to the top of the list. In one remarkable case, the police in Bavaria uncovered more than they had bargained for when they investigated the case of two men who were both claiming *Kindergeld* for a girl with the same birthdate and the same mother. Emine, the Turkish mother of the child, explained that she had divorced her husband Berkant, the father of her children, in order to marry her step-uncle Eyup, a widower who wanted to work in West Germany in order to be able provide for his five children. Eyup was able to use the marriage to come to West Germany in July 1973, but Emine subsequently had a daughter while still married to Eyup, who used the occasion of the birth to register the birth of a daughter from his previous marriage who had never been registered with the authorities. For her part, Emine quickly divorced Eyup so as to remarry Berkant, so that Berkant could be registered as the legal father of their daughter. The two men actually

17 Woesthoff, "Ambiguities of Anti-Racism," 115.

were claiming *Kindergeld* for two different children: their only mistake had been to fail to register Eyup's daughter when she was born. Over the course of the investigation, Eyup assured the police that he had never intended to commit welfare fraud: his only goal had been to come to West Germany as a worker.

The family could not be charged with any crimes under West German law, but the police who had uncovered the deception worried that this was "no isolated case."[18] In fact, well before this case was uncovered, the German Embassy in Ankara had already believed that Turkish women were routinely getting divorced so that they would move up the list of women waiting to be assigned a job in Germany—since single women were recruited more quickly than married women—and then re-marrying their husband after they had obtained their goal. The Embassy explained: "Using pro-forma divorce in order to get around bureaucratic requirements is not at all uncommon in Turkey: for example, returnees from abroad use it in order to bring two cars instead of one back to Turkey."[19]

Emine had gotten lucky twice in using her marriage to facilitate two different men in their goal of obtaining work in West Germany. Far more couples had the frustrating experience where the woman was recruited quickly, but then struggled to find an employer who was willing to recruit her husband in the same location. In December 1973 the Humanistische Union held a press conference to draw attention to the plight of 2,102

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18 Documentation about this case can be found in BAK B 149/47278, June 8, 1976, starting with "Direktion der Bayeriche Grenzpolizei to Bayerisches Staatsministerium des Innern, Türkische Gastarbeiter in der Bundesrepublik Deutschland; hier: Manipulationen zwecks Erlangung der Aufenthalts- und Arbeitserlaubnis." All details have been changed.

19 BAK B 149/54628, June 19, 1974, Botschaft Ankara to AA, "Betr.: Einreise ausländischer Arbeitnehmer, deren Ehefrauen im Bundesgebiet beschäftigt sind." On "bogus divorce" in the Dutch context, see van Walsum, *Dutch Family Migration Policies*, 108.

Turkish women living without their husbands in West Berlin. Many of the women had paid large sums to "translators" who had made false promises to facilitate the migration of their husbands.[20] Another man recalled that his wife had left Malatya to work in a canning factory near Hamburg because "women had better chances then. The waiting period was relatively short for her." His wife tried to facilitate a named recruitment for her husband for ten full months before he decided to come for a visit. As we will see, local authorities were often reluctant to give residence permits to husbands who had entered as tourists, but this man "was determined to keep my family together at any price. My wife was expecting our second child. We had sent the first to my in-laws in Turkey immediately after the birth." Although the Foreigners' Office denied his application for a residence permit, he decided that living and working illegally was a better choice for his growing family.[21]

Prior to the labor recruitment stop, most local Foreigners' Offices had a strongly gendered policy for granting residence permits and work permits. When women entered to join their husbands, Foreigners' Offices were likely to grant the women both residence permits and work permits, reasoning that this was a way to access cheap female labor that would otherwise be inaccessible. However, when a man came to join his wife, without going through the official labor recruitment program, Foreigners' Offices usually denied his application for a residence and work permit, arguing that the man had only ever been using the visit to his wife as a cover for his real plan to work in Germany, and had therefore

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20 Uçar, *Illegale Beschäftigung*, 34-36, "HU-Berlin erhebt schwere Vorwürfe gegen die Westberliner Ausländerbehörde," *Mitteilungen der Humanistische Union*, no. 65 (December 1973).

21 Erdoğmuş, "Bericht eines 'Illegalen,'" 70, 72.

already defrauded the West German immigration system. Some Foreigners' Offices rejected applications for 90-day tourist visas by men, while granting them to women, because they assumed that the men would work illegally while on their tourist visa.[22]

Officials were purportedly concerned that men who would never have been selected through the normal recruitment process—particularly older men or men who had tuberculosis—were using their wives in order to access the West German labor market. As we saw in the first chapter, the Labor Ministry eventually agreed in February 1973 to tell the labor recruitment offices not to accept women "whose husbands would not be considered for recruitment," although this only worked to exclude older men, since recruiters could not ask women to submit tuberculosis tests from their husbands.[23]

The Labor Ministry recruited nurses from the Philippines and South Korea and was very concerned about men from these countries trying to press onto the labor market.[24]

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22 LA-B-W, EA 2/303, Bü 150, March 29, 1973, Berlin Senator für Inneres to BMI and Innenministerien, "Betr.: Grundsatzfragen des Ausländerrechts."

23 PAAA B 85/1033, March 14, 1973 "Ergebnisprotokoll über die Sitzung des Arbeitskreises für Fragen der Beschäftigung ausländischer Arbeitnehmer im Bundesministerium für Arbeit und Sozialordnung am 2. February 1973."

24 For more on the recruitment of foreign nurses, see, *Global Humanitarian Regime*, 259-286, and Young-Sun Hong, "Entwicklungsutopien und globale Identitäten: Südkoreanische Krankenschwestern in der Bundesrepublik Deutschland der 1960er und 1970er Jahre," in *Entwicklungswelten: Globalgeschichte der Entwicklungszusammenarbeit*, ed. Hubertus Büschel and Daniel Speich (Frankfurt: Campus Verlag, 2009). Although the foreign nurses should have had the right to remain after five years of work in West Germany, local officials were often reluctant to issue residence permits. Korean nurses took collective action in 1977 and 1978 in order to protect their residence.

Many of the nurses who were recruited were overqualified for the menial labor of cleaning and food preparation that they were assigned in West Germany, where they were segmented into the lowest status tasks. Profitable comparison could be made with the United States context. Evelyn Nakano Glenn, "From Servitude to Service Work: Historical Continuities in the Racial Division of Paid Reporductive Labor," *Signs* 18, no. 1 (1992).

When the Ministry asked the German Hospital Society for its opinion, the Society noted that although restricting nurse candidates to single women would shrink the pool significantly, they also found "that the performance of single nurses is often much better than married nurses, whose connections to their family make integration in the staff team and therefore at work much more difficult."[25] This observation is strongly gendered—as we saw in chapter one, employers continually stated a preference for married men to single men. Only women were considered better workers when single than married. Ultimately, the Labor Ministry required many of the women recruited as nurses to sign a statement acknowledging that their husbands would not be able to join them.[26] Foreign nurses represented an extreme case of gender discrimination within recruitment.

The Interior Minister of Schleswig-Holstein sparked a discussion about the practice of not granting work permits to husbands in 1971. He wrote that although he understood that family reunion should not be "mis-used" in order to access the labor market, he worried that existing practice was vulnerable to court challenges because it violated principles of gender equality. He suggested that instead of gender, Foreigners' Offices could grant work permits based on whether or not the applicant for the work permit had worked for wages in the home country before coming to West Germany: he believed that this would

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25 PAAA B 85/1972, September 28, 1972 letter from Deutsche Krankenhausgesellschaft to BMA; "Betreff: Arbeitskreis für Fragen der Beschäftigung ausländischer Arbeitnehmer, hier: Anwerbung und Vermittlung ausländischer Arbeitnehmer, deren Ehefrauen im Bundesgebiet beschäftigt sind."

26 PAAA B 85/1033, March 14, 1973 "Ergebnisprotokoll über die Sitzung des Arbeitskreises für Fragen der Beschäftigung ausländischer Arbeitnehmer im Bundesministerium für Arbeit und Sozialordnung am 2. February 1973."

in practice allow most women to work in Germany while excluding virtually all men, while being formally gender-neutral, and thus able to stand up to challenges in court.[27]

The Berlin and Bavarian Interior Ministries both wrote extensive responses rejecting the suggestion from Schleswig-Holstein. As a center of female employment in the microelectronics and textile industries, West Berlin frequently had men trying to follow women, but felt that denying work permits based on the gender of the applicant was simply common sense. According to West Berlin, when a woman who had followed her husband applied for a work permit, one could "assume" that the wife had intended only to "run the household for her family," but had discovered after arrival that her husband's earnings were not enough for her to run a household. When a wife was in the home country, she might believe that her husband was making a lot of money, but when she came to West Germany, she would be confronted with higher prices, and would decide that she also needed to work.[28] Foreign women were assumed to be consumers above all, such that when a foreign woman applied for a work permit, "as a rule it can be assumed that she only decided to find work after arrival." When a husband who had followed his wife applied for a work permit, however, it could be assumed "that he intended to work from the beginning.

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27 LA-B-W, EA 2/303, Bü 276, August 18, 1971, Innenminister S-H to BMI and Innenministerien, "Betr.: Ausländerrecht: Nachzug von Familienangehörigen; hier: Nachzug des Ehemannes, Aufnahme einer Erwerbstätigkeit, Neunmonatsfrist."

28 The implicit assumption that all women expect to be housewives and consumers, and are only driven into waged labor by their experience as a consuming housewife, shows how the figure of the "consuming housewife" was used as a model for understanding female behavior. Erica Carter, *How German Is She? Postwar West German Reconstruction and the Consuming Woman* (Ann Arbor: University of Michigan Press, 1997).

Assertions to the contrary are usually unreliable."[29] Berlin did note that it was useful when one apartment could fill two jobs, but not useful enough to change the policy of denying men residence permits. Berlin's practice effectively punished women who had acted independently—when a man sent for his wife, that was normal, but when a woman sent for her husband, the gender order had evidently been upset enough to necessitate a reaction.[30]

The Bavarian Interior Ministry was even harsher than Berlin, writing that family reunion was fundamentally intended for wives and children and not for husbands. While Berlin had justified its practice with a complicated story about trailing wives as disappointed consumers, Bavaria insisted that the claim that men were joining their wives for any reason *but* labor was "not compatible with Oriental [*abendländischen*] beliefs about the man's duty to the family, and is also highly problematic from a sociopolitical standpoint." The Foreigners' Offices had the right of administrative discretion, and the abstract principle of gender equality could not be used to deny the fundamentally different position of men within the family. When a man came as a "family member," Bavaria could only assume that he had decided to use family reunion instead of labor recruitment in order to get around the requirements of labor recruitment. A man who came as a family member was almost certainly hiding illness, probably tuberculosis, and Schleswig-

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29 Landesarchiv B-W, EA 2/303, Bü 276, August 26, 1971, Berlin Senator für Inneres to BMI and Innenministerien, "Betr.: Ausländerangelegenheiten; hier: Nachzug von Familienangehörigen."

30 In the Netherlands, this policy was explicitly gendered: male workers could bring over family members starting in 1963, while women could not do the same until 1974. van Walsum, *Dutch Family Migration Policies,* 124, 149-150.

Holstein's suggestion would only inspire husbands to further "misuse" the migration system by sending their wives ahead as a kind of "billeting officer" [*Quartiermacher*].[31]

The federal Interior Ministry supported the position of Berlin and Bavaria in December 1971, writing that in the future, trailing husbands should categorically not be granted work permits. Although the Baden-Württemberg Interior Ministry had not weighed in on the initial debate, when its officials sent a circular to local Foreigners' Offices informing them of the new policy of not granting work permits to male family members, they picked up on the language used in that debate. The first draft of the Baden-Württemberg circular explained that foreign men were not to be trusted when they claimed that they had not intended to work. Such a claim "runs contrary to Oriental [*abendländischen*] beliefs about the husband's position and duties, and also does not accord with general life experience." Over the course of the drafting process, officials deleted the reference to "Oriental beliefs" to justify the policy by appealing to a putatively shared common sense about family values: "it is also uncommon in the native countries of the people in question for the wife to be the sole breadwinner and to support the family while the husband does nothing—except help out around the house [*Mithilfe im Haushalt*]."[32] The term "*Mithilfe*" suggested that husbands could not run households, but only provide assistance. Crucially, this appeal to shared values was never used to prevent West German

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31 LA-B-W, EA 2/303, Bü 276, September 3, 1971, Bayer. Staatsministerium des Innern to Innenminister S-H and Innenministerien, BMI, "Betreff: Ausländerrecht; Nachzug nichterwerbstätiger ausländischer Ehemänner zu den in der BRD beschäftigten Frauen."

32 LA-B-W, EA 2/303, Bü 276, January 18, 1972, Innenministerium B-W to Regierungspräsidien, "Betr.: Grundsätze der Ausländerpolitik; hier: Nachzug von Ehegatten."

employers from recruiting foreign women in the first place—the "common sense" of gender only came into play in order to keep foreign men from taking up work once their wives had already begun to work in West Germany. These foreign families were penalized for violating the gender order of waged labor.

Just as Schleswig-Holstein had predicted, the policy of not granting husbands work permits was challenged by a court case in West Berlin. In this case, a Turkish woman had begun working in September 1969. Her husband followed with their three children in January of 1970. When he applied for a work permit at the Foreigners' Office in July of that year, he was denied both a work and residence permit. He then applied for a residence permit alone, withdrawing his application for a work permit, but was denied the residence permit with the justification that his previous application meant that it could be assumed that he intended to work illegally. When he went to court to argue for his right to a residence permit based on his interest in living with his family, pointing out that he could provide childcare while his wife worked, the state argued that their marriage was violating the natural gender order: "It is unnatural that, as in the case before us, the plaintiff, that is the husband, takes care of the household and the child. When the wife takes care of the household and the husband earns a livelihood, this corresponds better to the societal conception of a sensible division of labor within marriage [*der ehelichen Gemeinschaft*]."

The judge ruled against the state, arguing that the state did not have the right to decide how a marriage should run—that was a decision to be made within the marriage.[33]

Because the court's decision threatened the status quo of excluding husbands, it forced a discussion at the national meeting of Experts on Foreigners [*Ausländerreferenten*] in May 1973. Based on the West Berlin case, the Interior Ministry was concerned that the practice of giving residence permits to trailing wives while denying them to husbands could not be kept up for much longer—if such a case reached the Federal Constitutional Court, that court could be expected to rule that the practice of denying residence permits to husbands constituted a form of gender discrimination. Although the representatives in attendance at the meeting disagreed about whether it would be better to stop giving residence permits to trailing wives or start giving them to trailing husbands, eventually the idea of extending the privilege to husbands after nine months of residence won out.[34]

Despite the formal recommendation to grant residence permits to both trailing wives and trailing husbands, practice continued to be biased in favor of migrants who seemed to conform to the supposedly "traditional" family model. A 1976 circular on family reunion issued in Bavaria expressed a common sentiment when it specified: "the reunifying spouse, *especially in the case of a trailing husband,* must provide proof that the partner who is working in Germany can support the family. If proof is not provided, the residence

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33 LA-BW, EA 2/303, Bü 276, April 18, 1972, Regierungspräsidium Sudwürttemberg-Hohenzollern, "Betr.: Familienzusammenführung nach Abschn. IV des Erlasses des IM vom 25.7.1966 Nr. III 685/303," attached November 25, 1971 decision VG XI A 200.70.

34 BAK B 119/4728, "Niederschrift zu Tagesordnungspunkt 6 der Besprechung der Ausländerreferenten am 23/24 Mai 1973 in Hamburg."

permit is to be denied."[35] Officials in the Foreigners' Offices instinctively accepted trailing wives, but did not trust trailing husbands to remain "family members."

West German bureaucrats were hardly alone in holding the assumptions about gender and labor revealed in these exchanges. Without a constitutional provision about gender equality, the United Kingdom had built an explicitly gendered migration system. After ending primary labor migration in 1962, the United Kingdom stopped admitting husbands entirely in 1969, while it continued admitting wives, a policy that was shaped by the same fear of family migrants becoming labor migrants. Although the ban on husbands was lifted in 1974, the Conservatives made banning husbands one of their campaign promises, which they put into effect upon their return to power 1979. The policy was challenged at the European Court of Human Rights in 1985, where the state's lawyers argued that the policy was not about gender, but about excluding unwanted labor, telling the court "that the UK did not automatically grant entry of husbands of British citizens because they would be economically active, but they could admit wives because they would not be working."[36] The court ruled against Britain, arguing that whatever the intent, the migration policy clearly did discriminate on the grounds of sex. The Conservative government responded by allowing both men and women to sponsor family reunion applications, but imposing new requirements, including the "primary purpose" rule, which required applicants "to establish that a reason other than immigration was the dominant

35 LA-B-W, EA 2/303, Bü 284, January 12, 1976, Bayerisches Staatsministerium des Innern circular, "Betr.: Vollzug des Ausländergesetzes, Nachzug von Familienangehörigen ausländischer Arbeitnehmer."

36 Wilson, "Gender, race and the ideal labour force," 100.

motive for the marriage." This rule has continued to be applied in a strongly gendered fashion; in 1995, 28% of wives and 59% of husbands from the Indian subcontinent were denied entry to the United Kingdom based on this "primary purpose" rule.[37]

Unlike in the highly elaborated immigration control system of the United Kingdom, West Germany did not require family members to formally apply before entering the country. West Germany began to regulate migration after entry had already occurred by granting residence and work permits. The Interior Ministry directed Foreigners' Offices to act in a gender-neutral fashion when granting residence permits to foreign family members in May 1973, although the assumption that "trailing wives" were natural, while "trailing husbands" were necessarily trying to gain illegitimate access to the labor market, did continue to shape practice on the ground. The Interior Ministry did not control work permits, and only two years after the directive to impose formal gender equality when granting residence permits, the Labor Ministry would also create formal gender equality when it decided to stop giving work permits to all family members regardless of gender.

The Contested Link Between Family Reunion and Labor Market Exclusion

After the November 1973 recruitment stop, the SPD-controlled Labor Ministry and the FDP-controlled Ministry of the Interior reached a stalemate over how to proceed in regulating entry. The Labor Ministry wanted to impose new restrictions on family reunification, but the Interior Ministry, responsible for granting residence permits, refused to consider further restrictions on family members. The Labor Ministry responded by

37 Wray, "An Ideal Husband?", 307.

reaching for the measure that it could control, work permits, and issued a circular that would prevent family members from receiving work permits if they had entered Germany after November 30, 1974. The ban on work permits also applied to family members who had previously lived in Germany but who had left for a period of more than three months and only returned after November 30, 1974. The Labor Ministry hoped that this measure would discourage family migrants who intended to work. They imagined that family members who only planned on entering Germany to perform reproductive labor for the person who was already working—especially wives assumed to be non-working—would continue to enter, while family members who were hoping to work—those frustrating husbands and teenagers—would be discouraged by the ban on work permits and would abandon their migration plans as a result. However, because the Interior Ministry continued to grant residence permits to family members, hundreds of thousands of family members who had been granted residence permits but denied work permits found themselves confused by a situation where they could live but not work in West Germany.

Because the Labor Ministry insisted that it would only consider granting work permits if the Interior Ministry would further restrict family reunion, policy on migration now became defined by the link between labor market participation and restriction on family migration. As the state began to grapple with the implications of the long-term settlement of foreigners, policy makers would increasingly define "integration" as the narrow goal of bringing individuals into the legal labor market—but because the possibility of opening the legal labor market was made conditional on restricting family reunion, family migration would become understood as a barrier to "integration."

The Labor Ministry's uncompromising position first became visible to the public in November 1975, one year after the imposition of the work permit ban (and the same month as *Tatort* first tackled migration) when the *Frankfurter Rundschau* published excerpts from the seventeen "theses on foreigner policy" that had been discussed by the Schmidt cabinet earlier that year. The publication of the confidential draft exposed the existing disagreement between the ministries to public scrutiny and revealed the hardline positions of the SPD-controlled Labor Ministry, which was the only ministry to support restrictions on unemployment benefits for foreigners and to categorically oppose any changes that would make it easier for foreigners to receive permanent residency. The Labor Ministry was also isolated in its position on family reunion, having proposed both a ban on family reunion into "overburdened areas" and an extension of the official waiting period for family reunion from one year to three.[38]

The *Frankfurter Rundschau* article was an embarrassment the Labor Ministry, one that "burst as an—obviously targeted—bomb at the meeting of the Coordination Committee at the Labor Ministry in Bonn," reported a social worker in attendance at the meeting, adding: "Dr. Ernst [of the Labor Ministry] was pale and speechless (and that's saying something!)." The social workers responsible for foreigners had never been consulted about the theses, and they were furious that they had not even been informed: "We were duped! Now we look like idiots in front of the foreigners and especially in front of

38 "Entwurf von Thesen zur Ausländerpolitik," October 23, 1975, reprinted in *epd Dokumentation* 5/76, 4-10.

our own counselors!"[39] Social workers criticized the theses for "increasing the insecurity of the foreigners and strengthening their suspicion of German offices, authorities, and institutions."[40] *Der Spiegel* reported of Labor Minister Walter Arendt that "even [his] coworkers confess that the send-them-packing-policy [*Rausschmiß-Politik*] of their boss incompatible with long-standing promises about integration [*Eingliederung*]."[41]

Faced with strong public opposition, the seventeen theses were quickly buried, and in the summer of 1976 the state created a Federal Government-Federal States [*Bund-Länder*] Commission for the Further Development of a Comprehensive Foreigner Policy. Reacting to the existing anger over the confidential theses, the *Bund-Länder* Commission was the first decision-making body on foreigner policy to include not just representatives from the federal states, but also partners from the social work agencies.[42] During the commission's deliberations, the Labor Ministry continued to advocate for the "most extensive restriction possible." In their eyes, foreigners were misusing family reunion in order to circumvent labor market restrictions, and the Labor Ministry could only consider work permits for family members if the Interior Ministry would agree to "a satisfactory restriction" of those same family members. The Labor Ministry also insisted that new restrictions on family members were necessary in order to protect family members already

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39 AEWD, PB 941, November 28, 1975, Lohmeyer Vermerk für Dr. Schober "Referat für soziale Fragen der Ausländerbeschäftigung."

40 AEWD, PB 941, December 10, 1975, Diakonische Werk Innere Mission und Hilfswerk, "Betr.: Rundschreiben Nr. 22/Dezember 1975," and AEWD, PB 942, December 3, 1975, Diakonie and Caritas open letter to Helmut Schmidt.

41 "Je weniger, desto besser," *Der Spiegel,* December 8, 1975.

42 Jan Schneider, *Modernes Regieren und Konsens: Kommissionen und Beratungsregime in der deutschen Migrationspolitik* (Wiesbaden: VS Verlag für Sozialwissenschaften, 2010), 125-126.

living in West Germany. Limiting the number of foreigners was the only way "that the vocational integration [*berufliche Eingliderung*] of the foreign youth living in the Federal Republic can be secured over the long term."[43]

Against the Labor Ministry's position, the Interior Ministry continued to defend a liberal practice on family reunion, pointing to Article 6 of the Basic Law as a guarantee that also protected foreign marriage and foreign families. The Foreign Ministry was allied with the Interior Ministry because it feared that a more restrictive definition of "family reunion" would jeopardize family reunion across the Iron Curtain.[44] The Foreign Ministry also pointed out that the reduction in the age limit proposed by Baden-Württemberg would place West Germany behind the international standard, which allowed children to migrate to their parents until the age of 18 or even 21. This would embarrass West Germany with reference to both the Helsinki Accords and to current discussions within the European Economic Community. The Foreign Ministry also believed that West Germany could not afford to have more restrictive policies than Switzerland, echoing concerns we saw in chapter two. By 1976, Switzerland had begun moving in the direction of liberalizing family reunion by dropping the required waiting period from three years to one year.[45]

The Labor Ministry countered the Interior Ministry's claim that restriction was unconstitutional by insisting that the foreign worker's right to family life was sufficiently

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43 PAAA B 85/1283, December 17, 1976, "Bericht über die Beratungen der Bund-Länder-Arbeitsgruppe zur Fortentwicklung einer umfassenden Konzeption der Ausländerbeschäftigungspolitik."

44 PAAA B 85/1282, April 26, 1977, Vermerk Referat 513.

45 BAK B 106/81038, January 18, 1977, BMI VII6 to Herrn Parl. Staatssekretär Baum, "Betr.: Meinungsverschiedenheiten zwischen BMI und BMA in der Frage des Familiennachzugs, hier: Pressekampagne des BMA."

secured as long as they could return to their family in their home country. It also made an appeal on behalf of vulnerable foreign children when it argued that foreigners who brought their families to Germany might be abusing the rights of the individuals within that family: "There is often an abuse of the parental right, when the foreign worker tears his children from their native environment and transplants them into a foreign society."[46] Finally, Labor Ministry officials used the commission's deliberations to introduce the concepts of "secondary family reunion" and "tertiary family formation"—the possibility that the 807,000 single foreigners between the age of 18 and 45 would marry yet more foreigners who would then proceed to have another generation of foreign children.[47] Although "abuse of parental rights" and "tertiary family formation" would come to be associated with the CDU/CSU's attempts to restrict family migration in the 1980s, as we will see in chapters five and six, both arguments were first developed by the SPD under Helmut Schmidt in its drive to protect the labor market from family members. The two largest parties in the West German political system both showed significant similarities in their attitudes towards the migration of foreign families, while the FDP would come to be the party that sought to protect the constitutional rights of foreign families.

As the discussions continued, the FDP-controlled Interior Ministry worried that the Labor Ministry was using the deliberations in the *Bund-Länder* Commission primarily in

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46 PAAA B 85/1283, December 17, 1976, "Bericht über die Beratungen der Bund-Länder-Arbeitsgruppe zur Fortentwicklung einer umfassenden Konzeption der Ausländerbeschäftigungspolitik," p. 52.

47 PAAA B 85/1283, December 17, 1976, "Bericht über die Beratungen der Bund-Länder-Arbeitsgruppe zur Fortentwicklung einer umfassenden Konzeption der Ausländerbeschäftigungspolitik," p. 51.

order to "legitimate the package deal [*Junktim*] between lifting the work permit ban for foreign youth and the restriction on family reunion for this group." By linking these issues so tightly, and getting the commission to agree that the two issues were necessarily connected, the Labor Ministry would then be able to make the case that the Interior Ministry was actually responsible for the unpopular work permit ban.[48]

The Interior Ministry also speculated that the Labor Ministry was directing a covert press campaign in order to turn public opinion against family reunion. Interior Ministry officials wrote: "The Labor Ministry constantly stresses the negative side of family reunion [*Familiennachzug*] (the future 'subproletariat,' 'American conditions') and uses misleading figures in order to exaggerate the magnitude of family reunion." For example, the Labor Ministry insisted that 550,000 family members had entered West Germany in 1974 and 1975 without mentioning that 500,000 family members had also left during the same period. The Interior Ministry also believed that the Labor Ministry was misusing *Kindergeld* statistics in order to devise unrealistically high numbers of children who could still enter the Federal Republic. [49]

The most controversial issue for the *Bund-Länder* Commission was the question of restricting the migration of "young foreigners of working age." The status quo was to allow teenagers to enter but then to deny them work permits. Other proposed solutions included

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48 BAK B 106/81038, December 2, 1976, Referat VII6 to Herr Minister, "Betr.: Fortentwicklung der Ausländerbeschäftigungspolitik, hier: Abstimmung des Entwurfs des BMA über das Ergebnis der Bund-Länder-Arbeitsgruppe."

49 BAK B 106/81038, January 18, 1977, BMI VII6 to Herrn Parl. Staatssekretär Baum, "Betr.: Meinungsverschiedenheiten zwischen BMI und BMA in der Frage des Familiennachzugs, hier: Pressekampagne des BMA." Note here the use of "American conditions" as a pejorative for a condition created by family reunification.

denying entry to 16 and 17 year olds or allowing this age group to enter only if they had already secured jobs. The Interior Minister of Baden-Württemberg suggested that perhaps children who entered between the age of 16 and 18 could be given a residence permit exclusively for the purpose of family reunification, which would specify that they would never be eligible for a work permit and that they would have to leave when they turned 18. This might reduce the number of teenage migrants for whom "the intention of employment… is in the foreground." The Labor Ministry acknowledged that this suggestion was "not unproblematic from a humanitarian standpoint," but thought that it ought to be "defensible as the only measure for containing the feared circumvention of family reunion [*Umgehung des Familiennachzugs*]."[50] Ultimately the commission refused this idea in favor of a strict age limit at 16. The majority of the members in the commission—not including the Interior Ministry—agreed that such an age limit conformed to constitutional guarantees "because the dominant motive for entry is the desired employment and not family reunion."[51]

The commission would finally vote to either keep the status quo or to impose a new age limit of 16 for child migration and thus to deny entry to 16 and 17 year olds. The vote was close: 17 members were in favor of the Labor Ministry's preferred solution: denying entry to 16 and 17 year olds, while 14 members were in favor of the Interior Ministry's

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50 BAK B 106/69850, October 8, 1976, Referat VII6 to Herrn Minister, "Betr.: Sitzung der Bund-Länder-Arbeitsgruppe 'Fortentwicklung einer umfassenden Konzeption der Ausländerpolitik' am 5/6 Oktober 1976."

51 PAAA B 85/1283, December 17, 1976, "Bericht über die Beratungen der Bund-Länder-Arbeitsgruppe zur Fortentwicklung einer umfassenden Konzeption der Ausländerbeschäftigungspolitik," p. 56-57.

preferred solution: keeping the status quo.[52] With the commission nearly split down the middle, it was impossible to reach a consensus on how to proceed with regulating family reunification, and the final report notably failed to make any recommendations on this point.[53] Frustrated in its plan to pass new restrictions, the Labor Ministry did respond to pressure to move the *Stichtag* three years ahead, so that beginning in April 1977, youth who had entered between November 30, 1974 and December 31, 1976 could receive work permits. Spouses received no such concession.

As it continued to justify the existence of the *Stichtag* to its critics, the Labor Ministry consistently shifted the responsibility, just as the Interior Ministry had feared, telling the public that "the *Stichtag* was implemented because the Interior Ministry was not ready to restrict family reunion for foreign workers."[54] For its part, the Interior Ministry continued to catalog examples of what they believed to be an organized press campaign against their position. When the *Frankfurter Allgemeine Zeitung* published an article titled

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52 The Interior Ministry's position against restriction was supported by the BMI, BMJFG, BMBW, IM Berlin, Bremen, Hamburg, Hessen, NRW, AM Berlin, Bremen, Hamburg, Hessen, DST, Deutscher Städte und Gemeindebund, while restriction for teenagers was supported by BMWi, IM B-W Bayern, Niedersachsen, R-P Saarland, S-H, AM B-W, Bayern, Niedersachsen, NRW, R-P, Saarland, S-H, Deutscher Landkreistag, and Sozialpartner. The Labor Ministry abstained. BAK B 106/81038, February 17, 1977, Referat VII6 to Herr Minister, "Betr.: Bund-Länder-Kommission zur Fortentwicklung der Ausländerbeschäftigungspolitik. Sitzung am 15/16 Februar 1977."

53 PAAA B 85/1459, February 28, 1977, "Vorschläge der Bund-Länder-Kommission zur Fortentwicklung einer umfassenden Konzeption der Ausländerbeschäftigungspolitik."

54 BAK B 149/54467, June 19, 1978 memo.

"A new sub-proletariat is forming," an Interior Ministry official filed the clipping with the handwritten note "Labor Ministry. Here they go again! Against family reunion?"[55]

By acting unilaterally to deny work permits to family migrants, the Labor Ministry continued to take the dominant position in crafting policy on foreigners. Although the Labor Ministry believed that the policy of denying work permits was reducing family reunion and that changing it would lead to increased immigration, they did not know how much longer they would be able to "withstand the constantly increasing demands" to allow family members to enter the labor market.[56] These demands were particularly insistent from the social work sector, which had seen in its work that the *Stichtag* was creating new social problems. As one letter explained, "some of these youth work illegally under poor work conditions and as underpaid labor, others sell themselves in the form of prostitution or make income illegally through criminal activity."[57] Diakonie funded lawyers to bring cases against the *Stichtag* and encouraged social workers to read their local press for stories about criminal foreign youth so that they could write letters to the editor that would clarify the real reasons for the rise in criminal activity among foreign youth.[58] AWO, Caritas, and Diakonie also collaborated to gather signatures for a petition against the *Stichtag* that

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55 BAK B 106/81039, "Ein neues Subproletariat entsteht," FAZ clipping with notes from February 8, 1978.

56 BAK B 149/59884, July 13, 1978, Abteilung Iia 8—24200/13 Referent RD Dr. Fendrich to the minister, "Betr.: Arbeitsmarktzugangsbeschränkungen für Familienangehörige ausländischer Arbeitnehmer und Einschränkung des Familiennachzugs."

57 AEWD, PB 943, November 3, 1978, Diakonie to Herbert Ehrenberg at the BMA.

58 AEWD, PB 943, "Ergebnisniederschrift über die Sitzung des Beirats 'Soziale Hilfe für ausländische Arbeitnehmer' am 25. Oktober 1978 von 9-15.45 Uhr im Dominikanerkloster in Frankfurt/Main" and 29.11.1978, "Vermerk für Präsident Dr. Schober"

they sent to the Labor Ministry.[59] In the follow-up correspondence to the petition, the Arbeiterwohlfahrt warned that in its experience, the *Stichtag* was leading to isolation among teenage girls and aggression among foreign boys. As social workers, they knew that "preventative measures are always cheaper than financing the subsequent damages."[60]

The late 1970s also saw the initiation of several studies into the criminal behavior of foreign youth. The criminologists were well aware of the *Stichtag*'s effect on the foreign youth they studied. Two expert criminologists began their 1979 study about criminal foreign youth with the sentence "If a social problem was ever foreseeable, then it is the one in this study."[61] Peter-Alexis Albrecht and Christian Pfeiffer had based their study on conversations with social workers, and their prescriptions were a mix of culture and law: all of the social workers they spoke to complained about the "authoritarian educational style" of the foreign families, often mentioning their "highly patriarchal structure."[62] However, their most important recommendation was a re-thinking of labor market policy.[63] Two years later, another study, this one based on interviews with young foreign men, made an even stronger recommendation for changing labor market policy. Having spoken to one hundred foreign teenage boys, the authors were shocked by the difficulties

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59 BAK B 149/121735, Initiativkreis zur Abschaffung des Stichtages, "Dokumentation und Resolution zum 'Stichtag' für ausländische Jugendliche," dated April 1, 1978, and following correspondence.

60 BAK B 149/121735, Arbeiterwohlfahrt Hessen-Süd to Bundesanstalt on June 16, 1978, "Betreuung und Förderung arbeitsloser ausländischer Jugendlicher –Forderung auf Abschaffung der Stichtagsregelung durch den Einzelerlaß der Bundesanstalt für Arbeit vom 14.6.1977."

61 Peter-Alexis Albrecht and Christian Pfeiffer, *Die Kriminalisierung junger Ausländer. Befunde und Reaktionen sozialer Kontrollinstanzen* (Munich: Juventa Verlag, 1979), 7.

62 Albrecht and Pfeiffer, *Kriminalisierung junger Ausländer*, 42, 50.

63 Albrecht and Pfeiffer, *Kriminalisierung junger Ausländer*, 119.

that they had finding jobs and social acceptance in West Germany, and suggested that in the future it might make more sense for researchers to pose the question: "Why are *so few* foreign youth criminals?"[64] The researchers were impressed by foreign teenagers who had made the best out of a bad situation, such as the boys in Munich who organized a petition campaign arguing that the restrictions on work permits were against German law.[65] They concluded that "opening the skilled labor market for foreign youth" was one of the very few measures that could be expected to improve the situation.[66]

In July 1978, an official at the Labor Ministry wrote a gloomy report about their ability to hold on to the *Stichtag* in the future. The author lamented the fact that the Interior Ministry was able to retain the upper hand in the court of public opinion using "the argument that a measure that is questionable from a humanitarian and constitutional standpoint cannot be justified by 'mere' labor market policy." The author suggests writing to Helmut Schmidt to demand new regulations on family reunion, making it clear "that it is not labor market policy and the responsible Labor Ministry, but residence policy and the responsible Interior Ministry who would have to defend the negative effects on employment policy that would result from lifting the Stichtag." But would this even help? Because the Ausländergesetz only required residence permits for over-16-year-olds, it was not possible to ban migration for younger children, and the author worried that even if they were able to ban the migration of children over 16, "for whom the motivation to earn, not the desire to live with the family, is as a rule the decisive motive for their relocation,"

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64 Hamburger, Seus, and Wolter, *Zur Delinquenz ausländischer Jugendlicher,* 18.
65 "Gençler 'Sınırsız' çalışma izni istiyor," *Hürriyet*, March 12, 1979.
66 Hamburger, Seus, and Wolter, *Zur Delinquenz ausländischer Jugendlicher, 177.*

this would hardly be of use. Parents would react by bringing their children to West Germany when they were 15, which was still late enough "that the preconditions for successful integration would no longer exist."[67]

These words were written in the same year as Michel Foucault was giving his lectures in Paris about German neo-liberalism. Foucault believed that West German sovereignty was founded on the concept of economic growth, but officials in the Labor Ministry imagined themselves to be in a battle with the social workers and Interior Ministry officials who underestimated the importance of labor market policy. An October 1978 Labor Ministry report expressed a similar fatalism about the prospects for a happy solution. Responding to pressure to move the *Stichtag* a second time would destroy the "deterrent effect" for family migrants, while lifting it for specific jobs or industries might "sink the psychological threshold for family reunion."[68] In the mental world of the Labor Ministry, any new opening onto the labor market would create a rush of eager and delusional migrants. *Kindergeld* had come to be understood as the sole cause for a mass wave of child migration, and now the labor market was understood as the sole cause for an ongoing wave of the even more distressing teenage and spousal migration. The Labor Ministry and the SPD were gripped by monocausal explanations for migration. Their unshakeable conviction that migrants were solely motivated by economic models, helped them cling to the idea that everyone was eventually going to give up and go home while

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67 BAK B 149/59884, July 13, 1978, Abteilung Iia 8—24200/13 Referent RD Dr. Fendrich to the minister, "Betr.: Arbeitsmarktzugangsbeschränkungen für Familienangehörige ausländischer Arbeitnehmer und Einschränkung des Familiennachzugs."

68 BAK B 149/54468, October 6, 1978, "Betr.: Stichtagsregelung."

delaying their acceptance of the real situation: no matter what the labor market said, West Germany had become a country of immigration.

The "Dynamized" Stichtag: Introducing the Waiting Period

The courts would ultimately break the stalemate between the ministries as they began to rule on the multiple suits filed against the *Stichtag*. In one case, a Turkish man in Hamburg filed suit based on a claim of personal hardship. He had found a job as a dishwasher at a local restaurant, but the local labor office refused to give him a work permit. His lawyer argued that the failure to give him a work permit could be seen as a violation of Article 6 because the wages of his wife, 1000 DM per month, did not suffice for the couple to live in Germany and also support their two children in Turkey. Every month the couple sent 300 DM to the grandparents in Turkey, who raised both of the children, leaving them with 700 DM per month. At the time, a West German family qualified for social assistance when they made no more than 806 DM per month for a two-person family or 1251 per month for a four-person family, so that the wife's wages alone placed this four-person family below the poverty line.[69] However, the court decided that their family only counted as a two-person family for the purposes of West German law, and the wife's salary was far more than a couple needed. In the judgment of the court, the couple was not experiencing hardship because they "can even divert [*abzweigen*] 300 DM to the grandparents in Turkey, who raise both of the children." For the court, the couple's

69 Ulrich Geißler, "Armut in Deutschland—eine Neue Soziale Frage? Ist die Sozialpolitik falschprogrammiert? Zu der Dokumentation von Minister Dr. H. Geißler," *Sozialer Fortschritt* 25, no. 3 (1976).

transnational family structure was not part of the equation: the money they were sending to support their children in Turkey was in no way a necessary part of the household budget, but "diverted" money, a freely made choice.[70]

A Greek man who had come to live with his wife in 1975 had more success with his suit in the Social Court in North Rhine Westphalia. Significantly, the husband's lawyer hinged the argument not on the circumstances of the family, but on the circumstances of the employer. The court ruled that the *Stichtag* itself was illegal because it was inconsistent with the Employment Promotion Law [*Arbeitsförderunggesetz],* according to which work permits had to be granted based on a consideration of the circumstances of the individual case. The employer's interest in filling a particular job could be compelling enough to justify giving a foreigner a permit—in this case, a position preparing and packaging fish for sale that the firm had been trying to fill without success for two years.[71]

The federal state expected the Constitutional Court to rule against the *Stichtag* on similar grounds if one of the multiple cases reached the court, and so the Labor Ministry began to move towards a plan for what it described as a "dynamized *Stichtag*," a waiting period to qualify for a work permit that would begin when the individual migrant entered West Germany.[72] The Labor Ministry worried that the waiting period would negatively

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70 Bertold Huber, "Rechtmäßigkeit der Stichtagsregelung im Arbeitserlaubnisverfahren?" *Neue Juristische Wochenschrift* 32, no. 10 (1979), 465.

71 Huber, "Rechtmäßigkeit der Stichtagsregelung im Arbeitserlaubnisverfahren?" 465. This particular case offers strong support for Serhat Karakayali's argument in *Gespenster der Migration* that "rule by exception" preserves the most flexible possible labor market for German employers.

72 The solution is first described as a kind of "dynamisierter Stichtag" in BAK B 149/54468, October 6, 1978, "Betr.: Stichtagsregelung."

impact unemployment statistics, and tried to model the possible impact. They began with the number of 340,000 spouses (190,000 men and 150,000 women) and 190,000 teenage children who had used family reunion to come to Germany since 1974 and assumed that the rate of entry had been constant over the past four years. In a series of revealing assumptions, they assumed that more men had left than women because of required military service and "resignation because of the *Stichtag*," such that 30% of men, 20% of women and 10% of children had left, and then that 85% of the remaining men, 50% of the remaining women, and 70% of the remaining children were interested in a job. These calculations left 28,300 men, 15,000 women and 13,000 children potentially entering the labor market for each of the next four years—a daunting but manageable number.[73]

The Labor Ministry hoped that instituting a waiting period would ameliorate the social problems that the ban on employment created without also creating an additional incentive to immigration. The waiting period also allowed the Labor Ministry to counter the FDP's demands to allow employers in branches that were having difficulty finding labor to recruit abroad once again—the Labor Ministry proposed that it would shorten the four-year waiting period for spouses when these spouses were willing to take jobs in certain branches or locations. Bureaucratic correspondence registers some concern that only shortening the waiting period for undesirable jobs "could lead to the reproach of 'our Negroes,'" but this was not enough to dissuade the Labor Ministry from implementing the

[73] BAK B 149/121733, February 13, 1979, "Stichtag für die Erteilung der Arbeitserlaubnis an Familienangehörige ausländischer Arbeitnehmer."

plan.[74] By creating exceptions for certain industries, the waiting period would allow the labor market to incorporate spouses in a way that was flexibly attuned to its needs.

The Labor Ministry also aligned the waiting period with an emerging discourse on "integration" for foreign youth. For foreign youth, the initial waiting period would be two years, but youth who were willing to "integrate" themselves by participating in special courses meant to prepare them for the labor market could receive a work permit after only one year. This waiting period would be one of the first state measures to give positive content to the growing discourse on "integration."

The CDU/CSU submitted a Bundestag petition to eliminate the *Stichtag* for foreign youth in December 1978.[75] The SPD and FDP responded in February 1979 when they presented a proposal for the waiting period for both youth and spouses.[76] During the ensuing debate in the Bundestag, CDU/CSU representatives like Gerhard Braun of Remscheid criticized the waiting period as a "half-hearted" and "completely arbitrary" measure. Braun argued that the new policy would continue the status quo whereby "the youth who are capable of work and willing to be educated, but condemned to idleness, burden their own families."[77] In a second discussion about the *Stichtag* in June, Albrecht Hasinger, a CDU representative from Leverkusen, also framed the problem as a family issue, explaining that "Foreigner policy should not just be labor market policy, but is also

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74 BAK B 149/54468, October 6, 1978, " "Betr.: Stichtagsregelung für Ehegatten ausländischer Arbeitnehmer."

75 Deutscher Bundestag, Drucksache 8/2369, December 8, 1978, "Antrag: Arbeitserlaubnis für die Kinder ausländischer Arbeitnehmer."

76 Deutscher Bundestag, Drucksache 8/2538, February 7, 1979, "Antrag: Arbeitserlaubnis für Ehegatten und Kinder ausländischer Arbeitnehmer."

77 Deutscher Bundestag, Plenarprotokoll 8/139, February 16, 1979, 11040.

essentially family and youth policy." Hasinger expected that a waiting period implemented by administrative decree would also be challenged in court based on the objection that it did not sufficiently take individual circumstances into account.[78] None of the CDU/CSU representatives were concerned about the *Stichtag* for adult spouses.

SPD and FDP representatives in the Bundestag defended the waiting period as "a piece of integration that we regard as necessary," to quote Hans Urbaniak, SPD representative from Dortmund.[79] Hermann Buschfort, Secretary of the Labor Ministry, insisted that the waiting period would motivate youth to educate themselves and learn German "through their own integration efforts [*Intergrationsbemühungen*]."[80] Friedrich Hölscher, an FDP representative from Stuttgart, also focused on how the training courses would promote individual efforts to integrate: "he who *himself* makes efforts for a faster integration, will also obtain an apprenticeship training position earlier, and will also be able to be incorporated into occupational life earlier."[81]

The Labor Ministry implemented the waiting period via administrative circular in March 1979. In the justification for the waiting period, it would be presented as a measure that was designed to help foreign youth by giving them incentives to integrate themselves. The discussions around the waiting period reflect a significant shift in the imagined target of integration. In chapter two, neighborhoods and populations were the targets of integration measures designed to make them more or less able to absorb foreign

78 Deutscher Bundestag, Plenarprotokoll 8/161, June 21, 1979, 12884.
79 Deutscher Bundestag, Plenarprotokoll 8/139, February 16, 1979, 11042.
80 Deutscher Bundestag, Plenarprotokoll 8/139, February 16, 1979, 11045.
81 Deutscher Bundestag, Plenarprotokoll 8/139, February 16, 1979, 11043.

individuals. In the waiting period for work permits, individuals were tasked with the goal of proving their readiness or willingness for integration before they could receive a work permit. "Integration" was defined as able to flexibly adapt to the needs of the West German economy, either by participating in special training programs or by agreeing to accept a job in an undesirable industry or location. This moment reflects a shift from the neighborhood or state being "integrationsfähig"—able to absorb foreign individuals—to the individual being "integrationsfähig"—able to flexibly adapt to the needs of the West German economy.

Although sociologists have argued that the continued existence of corporatist structures and cooperative decision-making in West Germany limited the state's ability to implement neoliberal reforms in the 1980s,[82] the idea of "integration" that was emerging around foreigners could in part be read as reflecting the influence of neoliberal ideas. Specifically, political scientists Peo Hansen and Sandy Brian Hager have argued that part of the "neoliberal relaunch of European integration" in the mid-1980s meant that European elites "would come to perceive of social exclusion as something that primarily resulted from a lack of 'paid work.'"[83] This limited perception of social exclusion is a key element of what Hansen and Hager call the European Union's "neoliberal communitarian citizenship model that focuses almost solely on *citizens' responsibilities or duties to make themselves*

82 Monica Prasad, *The politics of free markets: the rise of neoliberal economic policies in Britain, France, Germany and the United States* (Chicago: University of Chicago Press, 2006).
83 Peo Hansen and Sandy Brian Hager, *The Politics of European Citizenship. Deepening Contradictions in Social Rights and Migration Policy* (New York: Berghahn Books, 2010), 69.

employable."[84] For non-EEC citizens, this "duty to make oneself employable" was becoming a key element of the definition of "integration" already by the late 1970s.

Competing Definitions of Integration: Heinz Kühn and the Road not Taken

While the discussion was occurring, Chancellor Helmut Schmidt appointed fellow SPD politician and former president of North Rhein Westphalia Heinz Kühn to be the first "Federal Commissioner for the Promotion of Integration among Foreign Workers and Their Family Members."[85] The Commissioner was originally envisioned as a short-term position: Heinz Kühn would prepare a report about how to best promote integration and then leave in order to serve in the European Parliament.[86] Kühn's report, completed in September 1979 after nine months of work, was highly critical of what had been done so far. He wrote that the recommendations of the *Bund-Länder* Commission were useless because "they are geared to a 'temporary' integration, influenced by a basic philosophy oriented to the labor market," when the situation demanded solutions oriented towards the long-term integration of the foreign population, including communal voting rights and liberalized

84 Hansen and Hager, *Politics of European Citizenship*, 96-97.

85 As I pointed out in the introduction, the specification of "foreign workers" and "their family members" as two different groups is itself symptomatic of the attempts to keep "labor" and "family" separate within migration policy.

86 His biographer points out that this was the "epilogue of his life." Dieter Düdung, *Heinz Kühn 1912-1992. Eine politische Biographie* (Essen: Klartext-Verlag, 2002), 312.

citizenship access for the second and third generations of foreigners.[87] West Germany had become an immigration country, and it needed to start acting like one.

Kühn's memorandum received a lukewarm reception, one that scholars have largely attributed to Kühn's ambitious proposal for "citizenship by post," to the report's poor timing with regards to an emerging asylum crisis, or to Kühn's controversial statement that West Germany had become an immigration country. Much of the blame has been laid at the feet of the CDU/CSU because representatives from these parties declared their opposition to the memorandum in public.[88] The memorandum also violated the consensus within the SPD that integration was fundamentally linked to the labor market and that the labor market should be the primary determinant of policy on foreigners. The Labor Ministry had tried to influence Kühn's conclusions while he was still writing the report by asking him to focus on removing barriers to labor market participation among youth in order to avoid a political discussion about labor market participation for adults.[89] Although Kühn largely followed the recommendation to focus on youth rather than adults, the Labor Ministry strongly objected to his final proposals, and criticized him for proposing utopian projects

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87 Heinz Kühn, *Stand und Weiterentwicklung der Integration der ausländischen Arbeitnehmer und ihrer Familien in der Bundesrepublik Deutschland: Memorandum der Beauftragten der Bundesregierung*, (Bonn: Bundesminister für Arbeit, 1979), 12.

88 Some examples: Bernd Geiß, "Die Ausländerbeauftragten der Bundesregierung in der ausländerpolitischen Diskussion," in *Deutschland—ein Einwanderungsland? Rückblick, Bilanz und neue Fragen,* ed. Edda Currle and Tanja Wunderlich (Stuttgart: Lucius and Lucius, 2001); Simon Green, *The politics of exclusion: institutions and immigration policy in contemporary Germany* (Manchester: Manchester University Press, 2004), 96-97; Chin, *The guest worker question,* 104-105, and Herbert and Hunn, "Soziale Integration von Ausländern," 776.

89 BAK B 119/6685, September 13, 1979, "Betreff: Gesprächskreis: 'Ausländische Arbeitnehmer' DGB/BDA, hier: Sitzung am 6. September 1979 im Hause der BDA in Köln."

like communal voting rights.[90] They particularly objected Kühn's proposal for giving work permits to foreign youth without first requiring them to "give proof of their capacity for integration [*Integrationsvermögen*]" in order to receive a work permit.[91]

Chancellor Helmut Schmidt tried to keep the discussion of the memorandum to a minimum. After it was released, the Chancellor canceled the plan to discuss the memorandum at a cabinet meeting.[92] The Labor Ministry's Coordinating Committee on Foreign Workers, still the primary discussion group for foreigner policy, also failed to put the Kühn memorandum on the agenda for five full months. When the memorandum finally made it to the agenda in February 1980, the committee ran out of time to discuss it, prompting representatives from Caritas and Diakonie to walk out of the meeting in protest. The welfare agencies even took the highly unusual step of issuing a press release criticizing the Labor Ministry for its failure to discuss the memorandum.[93] Caritas and Diakonie had decided to take their protest public because both groups believed that they were being

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90 BAK B 119/6685, November 19, 1979, "Betr.: Gesprächskreis: 'Ausländische Arbeitnehmer' DGB/BDA, hier: Sitzung des Gesprächskreises am 14.11.1979 bei der BDA in Köln,"

91 BAK B 149/83929, November 7, 1979, "Bericht zum Memorandum des Beauftragten der Bundesregierung für die Integration der ausländischen Arbeitnehmer und ihrer Familienangehörigen."

92 BAK B 149/83928, May 10, 1979, Referent 43 Ergebnisvermerk, "Betr.: Gespräch des Bundeskanzlers mit Herrn Ministerpräsidenten a.D. Heinz Kühn, Beauftragter der Bundesregierung für die Probleme ausländischer Arbeitnehmer, am 9. Mai 1979," and BAK B 149/83931, November 19, 1979, untitled memorandum from Abteilung IIa5 to the Labor Minister.

93 AEWD, PB 945, "Protokollnotiz. Betr.: Koordinierungskreis 'Ausländische Arbeitnehmer' beim BMA, hier: Sitzung am 29.2.1980."

used to "rubber stamp" policies created by the Labor Ministry and German Trade Union Confederation without any input from the social partners.[94]

Kühn's successor, Liselotte Funcke of the FDP, was also forced to work within this limited definition of "integration." Funcke actually petitioned Chancellor Schmidt to change her title to remove the word "integration," writing that it "sounds bad to both German and foreign ears. Nobody can define it clearly, but many Germans understand it as an attempt at over-foreignization, while foreigners understand it as an assault on their national and cultural identity." She proposed "Commissioner for Foreigner Issues [*Ausländerfragen*]" as an alternative, but was rejected because the phrase "foreigner issues" was far too broad, and would conceivably allow her to get involved in areas like policy on asylum seekers and the laws about residence and work permits.[95]

The Labor Ministry continually criticized Funcke for overstepping what they understood to be her boundaries. In 1983 she would be criticized for having expressed opinions about family reunion and residence permits while "neglecting the areas of integration and promotion of return payments for which she is responsible."[96] The

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94 AEWD, PB 945, March 5, 1980, Kirchliches Ausssenamt to Vorsitzenden des Rates der EKD, "Betr.: Koordinierungskreis 'Ausländische Arbeitnehmer' beim Bundesminister für Arbeit und Sozialordnung."

95 BAK B 149/83935, January 5, 1981, Liselotte Funcke to Helmut Schmidt, January 16, 1981, Zentralabteilung to Herrn Staatssekretär, "Betr.: Beauftragter für die Integration der ausländischen Arbeitnehmer und ihrer Familienangehörigen; hier: Änderung des Amtsbezeichnung" and January 26, 1981, Referat 43 über Herrn Abteilungsleiter 4 Herrn Chef des Bundeskanzleramtes, "Betr.: Beauftragter der Bundesregierung für die Integration der ausländischen Arbeitnehmer und ihrer Familienangehörigen."

96 BAK B 149/83936, August 22, 1983, Abteilung Iic1 to Herrn Minister, "Betr.: Kabinettsitzung am 24. August 1983; hier: Beauftragte der Bundesregierung für die Integration der ausländischen Arbeitnehmer und ihrer Familienangehörigen."

statement that family reunion and residence permits had nothing to do with "integration" betrays a very narrow conception of the term. Even when Funcke did try to work with the Labor Ministry's definition of integration, she could find herself criticized for trying to incorporate adults. For example, the Turkish government specifically asked for a similar "integration-promoting" program for wives to that which existed for youth—courses that would teach adult women German and prepare them to enter the labor market. Funcke relayed this suggestion to the Labor Ministry, which rejected it.[97] By the time Funcke resigned her position via letter in July 1991, she had not been invited to a cabinet meeting since 1984, she had only been invited to speak to the CDU's party meeting twice, and she had written dozen of unanswered letters to Helmut Kohl and his office.[98] Although Funcke made frequent press appearances and was a prominent figure for shaping public discussion in the 1980s, she knew privately that her position filled an "alibi function" for the state.[99] The only person in the federal government who regularly spoke to the foreigners who lived in the Federal Republic was also completely shut out of the corridors of power.

The Waiting Period Law, Bringing Asylum Seekers into the Conversation

In March 1980, one year after the Labor Ministry had issued the administrative circular that directed Foreigners' Offices to issue work permits after a waiting period, only

97 BAK B 149/83935, September 15, 1981, Botschaft Ankara to AA, "Betr.: Besuch von Frau Minister a.D. Funcke, Beauftragte der Bundesregierung für die Integration der ausländischen Arbeitnehmer und ihrer Familienangehörigen, vom 6-10 September 1981 in der Türkei."

98 ADL, Liselotte Funcke ÜP 58/2012-100.

99 Funcke describes herself as playing an "alibi-function" in ADL, Liselotte Funcke ÜP 58/2012-100, December 13, 1983, Funcke to Genscher.

8,500 spouses—a number that was not further broken down by gender—and 7,900 children had received additional work permits. Although this number was in fact significantly under their projections, the Labor Ministry worried that this had already been too many. In a rehearsal of the monocausal narrative, the Labor Ministry insisted that any further liberalization of work permits "would have negative consequences for the integration of foreigners, because it would presumably stimulate family migration [*Familiennachzug]* so that the magnitude of integration problems would quantitatively increase."[100] Reading Labor Ministry correspondence, one might conclude that the family was primarily a device for launching foreigners onto the labor market. The Labor Ministry struggled not just to imagine other possible reasons for family migration, but also to link the related issues of work permit denial and the growth of the illegal labor market.

Furthermore, just as the CDU representatives in the Bundestag had previously predicted, the courts did object to the waiting period circular. By July 1980, 686 cases on the legality of the waiting period had been initiated in courts across West Germany. 190 of those cases had already been concluded, and only 44 had ruled in favor of the waiting period, while 146 had ruled against the waiting period.[101] The rulings continued to follow the same logic as the rulings against the original *Stichtag*: a standardized waiting period

100 BAK B 149/121734, undated memo "Wartezeit vor Erteilung der Arbeitserlaubnis an Familienangehörige türkischer Arbeitnehmer."

101 BAK B 149/121734, July 14, 1980, "Betr.: Arbeitserlaubnis; hier: Wartezeit für Familienangehörige ausländischer Arbeitnehmer."

failed to consider the individual circumstances of both the employer and the prospective foreign employee, with different courts emphasizing different parts of that equation.[102]

Worried that the court cases would make the "waiting period" untenable, the Labor Ministry moved towards the passage of a "Waiting Period Law." The discussion around this law is significant because it was the first sustained discussion of migration policy that brought asylum seekers and family members of foreign workers into the same sphere of interest. This reflected an increasing concern about false asylum seekers, but the fact that the two groups were brought together under the umbrella of the "Waiting Period Law" also reflected a belief that family members and asylum seekers were structurally similar.[103] Both groups were assumed to be entering West Germany in order to access the labor market, and both could be reduced if that labor market were made more difficult to access.

During the May 1981 Bundestag debate on the law, Secretary of Labor Hermann Buschfort introduced the new law as necessary not just because it would protect the labor market, but also because it had "a special meaning for integration policy" for foreign youth. "Without the waiting period these youth would overwhelmingly immediately rush into unskilled jobs. That cannot and will not be the goal of integration policies focused on the young generation of foreigners."[104] Friederich Hölscher of the FDP sounded a slightly different note when he argued for dropping the waiting period altogether. In his statement,

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102 BAK B 149/121734, December 3, 1979, Ref. MR Weidenbörner, Vermerk "Betr.: Arbeitserlaubnis; Wartezeitregelung für Familienangehörige ausländischer Arbeitnehmer."

103 When the law was discussed in the Bundesrat, Bremen objected to it for precisely this reason, arguing that spouses and underage children should not be seen in the same light as asylum seekers. BAK B 149/67170, Bundesrat Plenarprotokoll 499, May 8, 1981, 121-122.

104 Deutscher Bundestag, Plenarprotokoll 9/37, May 14, 1981, 1949.

he argued that any time excluded from the labor market was also "lost time" for integration. Although he understood the desire not to provoke further family reunion, he cautioned that "one has to realize, that through these time limits time for integration also goes missing. After all, part of integration is also employment, contact with Germans at the workplace."[105] The CDU/CSU representatives who spoke during the debate did not use the language of integration to the same extent as the SPD and FDP representatives, but they had shifted their position from 1979: they now agreed that a waiting period was necessary, although they were primarily focused on the law's potential utility for discouraging asylum seekers. The "Waiting Period Law" passed with very little public debate.

This 1981 discussion appears to have been the first piece of legislation where family migrants and asylum seekers were brought together into one category, but officials did recognize that they had a different affective pull on public sympathies. Liselotte Funcke, who by this point had succeeded Heinz Kühn, wrote a memorandum encouraging that when the law was presented to the public, it should be described primarily in terms of its consequences for asylum seekers rather than for family members.[106] The speech went through several drafts, and each successive draft further emphasized the law's role in curbing asylum seekers and de-emphasized its role for family members.[107]

In order to support the claim that the "Waiting Period Law" would discourage asylum seekers from traveling to West Germany, several of the speech drafts included the

105 Deutscher Bundestag, Plenarprotokoll 9/37, May 14, 1981, 1953.
106 BAK B 149/54404, March 23, 1981, Liselotte Funcke to BMA, "Betr.: Entwurf eines Sechsten Gesetzes zur Änderung des Arbeitsförderungsgesetzes (Wartezeitgesetz)."
107 Multiple drafts consulted in BAK B 149/54404 and 67170.

fact that the percentage of Turkish asylum seekers had decreased since the policy of not allowing asylum seekers to work had gone into effect in June 1980. The Labor Ministry was very concerned about the percentage of Turkish asylum seekers, creating the following chart to support the idea that the "Waiting Period Law" would deter asylum seekers.

	Newly entered asylum applicants	Percentage of Turks
February 1980 (High point)	13.363	62,5
June 1980 (Denial of work permit)	10.449	54,7
September 1980	7.737	33,1
December 1980	3.645	34,5
January 1981	3.155	29,9
February 1981	3.161	27,5
March 1981	2.856	20,7
April 1981	2.338	17,2

Table 3: The impact of the Waiting Period Law on asylum applications, 1980-1981

SOURCE: BAK B 149/67170, May 4, 1981 Abteilung II a 7 MinR Weidenbörner to Herrn Minister, "Betr.: 499. Sitzung des Bundesrates (Plenum) am 8.5.1981; hier: Entwurf eines Sechsten Gesetzes zur Änderung des Arbeitsförderungsgesetzes (Wartezeitgesetz)."

However, the chart conveniently erased the other likely explanation for the decrease in the number of Turkish asylum seekers: since July 1980, all Turks traveling to West Germany were required to already have a travel visa.[108] The chart, like the official imagination, was monocausal: officials who read this chart would not necessarily have realized that Turks were also required to have visas after July. By leaving that key piece of

[108] FDP representative Friedrich Hölscher brings up the alternative explanation, that new visa requirements for Turks are the primary cause for the drop in Turkish asylum seekers, in BAK B 149/67170 "Kurzprotokoll 16. Sitzung des Ausschusses für Arbeit und Sozialordnung am Mittwoch, dem 22. Mai 1981."

information out, the chart served to confirm the pre-existing theory that all Turks were in fact economic migrants rather than genuine asylum seekers.

The chart also points us to one of the reasons that public discourse would increasingly move from discussing the "*Ausländerfrage*" to the "*Türkenproblem*" over the course of the 1980s—the two largest groups of migrants, asylum seekers and family migrants, were both primarily Turkish. The September 1980 coup d'état in Turkey and associated political violence were both unspeakable within German officialdom. Most asylum seekers from Turkey were slotted into the "economic migrant" category without much reflection on whether the category was appropriate.[109] Before Turkish citizens began to apply for asylum in large numbers, the Labor Ministry's policies on the spouses and children of foreign workers had also turned family members into "economic migrants" who needed to be excluded. Both groups were suspected to be lying about their motives—asylum seekers were falsely claiming political persecution, while family members, especially teenagers and trailing husbands, were falsely claiming that their affective ties were more important to them than access to the labor market. As we will see in the next chapter, many bureaucrats also believed that Turks were particularly prone to make false claims of family relationships, for instance through false adoptions or false marriages. Although asylum seekers and the family members of foreign workers had a very different legal status within West Germany, many aspects of the discourse around them were similar, especially the idea that they were dissimulating in order to obtain paid work.

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109 For some background on the coup, see Zürcher, *Turkey*, 278-291, and Kerem Öktem, *Angry Nation: Turkey since 1989* (London: Zed Books, 2011), 56-83.

Criminal Foreigners and Illegal Work

By the very nature of illegal work, it is difficult to know how many foreigners participated in illegal labor markets. In the early 1980s, some experts believed that there might be as many as foreigners who worked illegally for every 100 foreign workers who worked legally.[110] The movement to a waiting period for family members was accompanied with new laws tightening penalties for those found to be working illegally. In December 1981 the Bundestag passed a law that created the category of "illegal employment [*illegale Beschäftigung*]" within West German law.[111] The law was not discussed in the Bundestag outside of a few references to its effects on asylum seekers.

A working group for exchanging information about implementing the new law met from October 1982 to February 1984, but primarily focused on other forms of illegal labor, especially moonlighting by West Germans. When the group discussed combating illegal employment of foreigners, representatives always expressed their frustration with how difficult it was to implement the law. The working group suggested that police and foreigners' offices needed to work together better by exchanging more information, and suggested new measures including requiring foreigners to carry their identification with them at all times and allowing police to interrogate foreigners who were scheduled to be deported in order to obtain evidence from those foreigners.[112] In reading the reports of the

110 Uçar, *Illegale Beschäftigung*, 5.

111 Trede, *Gewerkschaften und Arbeitsmigration*, 289-290.

112 BAK B 149/76995, December 16, 1982, Unterabteilung Iia to Abteilungsleiter II, "Betr.: Länderübergreifende Arbeitsgruppe zur Bekämpfung illegaler Beschäftigung; hier: 2. Sitzung am 17. Dezember 1982, 10.00 Uhr im BMA." The minutes of the group's meetings are in BAK 149/76994, 76995, 105525, 105526 and 105527.

working group, it also becomes clear that many of the illegal workers were other Europeans, with British and Dutch workers mentioned as two of the frequent offenders. The border police reported that "colored foreigners from the French-speaking states" frequently falsified French ID cards in order to work in Germany.[113]

Günter Wallraff's 1985 book *Ganz Unten*, the most prominent account of the situation of foreigners in West Germany during the 1980s, was in fact primarily an expose of the illegal labor market. Three years after its initial publication, the book had sold almost three million copies in German and had been translated into eighteen languages.[114] Wallraff had dressed up as a Turk not in order to discover what it was like to be foreign in the Federal Republic, but in order to discover the dark side of West German capitalism, promising that as a Turk he would expose for his readers "conditions which are usually only described in history books about the nineteenth century."[115] The public responded: as scholars have noted, the original critical reception focused almost exclusively on the injustice of capitalism.[116] Ambalavaner Sivanadan, then director of the Institute of Race Relations in

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113 BAK B 149/105525, December 1, 1982, "Zentralstelle zur Bekämpfung der unerlaubten Einreise von Ausländern—ZSt bei der Grenzschutzdirektion," Informationsblatt Nr. 2/82.

114 Anna K. Kuhn, "Bourgeois Ideology and the (Mis) Reading of Günter Wallraff's Ganz Unten," *New German Critique* 46 (Winter 1989), 191.

115 Günter Wallraff, *Lowest of the Low*, trans. Martin Chalmers (London: Methuen, 1988), 2. Arlene Akiko Teraoka has an insightful reading of the work in "Talking 'Turk': On Narrative Strategies and Cultural Stereotypes," *New German Critique* 46 (Winter 1989), 113-119.

116 Kuhn, "(Mis) Reading Günter Wallraff." Kuhn argues that the failure to engage with the racist jokes and racist graffiti that Wallraff reproduces in his text is part of a long history of the New Left tending to understand Nazism as capitalist first and racist/anti-Semitic only incidentally. I do want to point out that reproduction of racist graffiti was

London and editor of the journal *Race and Class*, wrote the introduction to the English translation, where he clarified that "the unacceptable face of the Turk hides also the unacceptable face of capitalism."[117] Gail Wise links the book's popularity to its discussion of environmental catastrophe. Wallraff repeatedly focuses the narrative on the way that illegal labor affects his body. He even stages the final scene at a nuclear reactor, manipulating a contractor into agreeing to provide Turkish workers to conduct repair work at the reactor without appropriate safety equipment.[118]

We could also read Wallraff as part of a genealogy of texts that goes back to "Death in the U-Bahn": the stereotypical "Turk" in the illegal labor market becomes the symbol of West German capitalism run amok. The idea of foreign labor as capitalism's dark side has a genealogy in the New Left, but also appears in texts from the radical right. The professors who signed the notorious 1982 Heidelberg Manifesto called for the foreigners to return home because "the federal government promoted the influx of foreigners on the basis of [a policy of] unbridled economic growth that is now recognized as questionable."[119] Both progressive New Left authors and radical xenophobes criticized the presence of foreigners as evidence of a misguided economic policy, but in doing so, they gestured towards a social problem that official sources refused to admit: the creation of a group of people who were

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essentially a trope in publications about foreigners in the 1980s: for anyone who had read a book about foreigners before Wallraff's, none of this would have been shocking.

117 A. Sivanandan, introduction to *Lowest of the Low*, by Günter Wallraff (London: Methuen, 1988), xiii.

118 Gail Wise, "Ali in Wunderland: German Representations of Foreign Workers" (PhD diss., University of California at Berkeley, 1995), 166-173.

119 "The Heidelberg Manifesto of Xenophobic Professors (March 4, 1982)," trans. Allison Brown, accessed at http://germanhistorydocs.ghi-dc.org/sub_document.cfm?document_id=857.

excluded from legal employability. Officials were particularly reluctant to consider the *Stichtag*'s effects on men who appear as props within Wallraff's text.

In official discourses, it was children who emerged as the primary victims. Social workers' efforts on behalf of people affected by the *Stichtag* focused on *Stichtagskinder* rather than *Stichtagserwachsene*. This affected the way that the government ultimately moved to resolve the problem: first, the Labor Ministry moved the *Stichtag* for children, but not for spouses, and second, the "Waiting Period Law" set a period of four years for adults and two years for youth. The acceptance of the *Stichtagserwachsense* was likely also influenced by the perception that most of them were wives rather than husbands. Within the bureaucratic and popular imagination, women's inability to work legally did not present a pressing social problem, but represented the common sense about how nuclear families should work. This belief did not reflect the reality. As we have seen, the Labor Ministry believed that more husbands than wives had come to West Germany between 1975 and 1978. The "integration measures" for helping foreigners enter the labor market that developed during the 1980s almost never focused on supporting non-working men for language classes or vocational training—instead, women and especially youth were singled out as the members of the family that needed special support. Projects of state intervention consistently supported children and wives against fathers, who were depicted as holding the rest of their families back with their purported "refusal to integrate."[120] In a context where foreign men were stigmatized for their inability to fit into a West German labor market, even non-working women could become the symbol of perverse foreign values.

120 Ewing, *Stolen Honor*, 52-93.

How Mediterranean Patriarchs were Blamed for their Wives' Failure to Work

In the previous sections of this chapter, I argued that state understandings of "integration" became focused on a narrow definition of individual integration into the labor market in the course of discussions about granting work permits to individuals. The "individualization" of the integration project was accompanied by a "culturalization" of migrant problems, as the effects of state policy were erased from explanations of migrant behavior. This shift from structural to cultural explanations was particularly sudden and pronounced in the area of gender roles. Migrant women's exclusion from the labor market would be understood not as the result of an official policy excluding them from the labor market, but as the result of the foreigners' patriarchal family values.

West German society was in fact deeply attached to the ideal of the stay-at-home mother, clinging to a model of a male breadwinner and a female housewife for much longer than other Western European countries. There had been campaigns throughout the 1960s and 1970s for social benefits that would allow mothers to stay at home with their children, and the consequent reluctance to invest in public childcare facilities and persistence of the half-day school also created a context where it was hard for women to go to work.[121] Before 1976, the West German Civil Code stated that a wife "had the right to be employed outside the household only insofar as this was consistent with her duties in the marriage and the family." The 1976 marriage law reform made marriages explicitly responsible for defining

121 Kolbe, "Gender and Parenthood," and Summers, "Reconciling Family and Work."

their own division of labor within the marriage, and it also gave women the right to work without their husbands' consent for the first time.[122]

The federal Ministry for Youth, the Family and Health commissioned a study on non-working wives of foreign workers in 1977, only one year after the marriage law reform.[123] The housewife had a long history as a bearer of German national identity, with domesticity as something that German women supposedly performed better than foreign women.[124] Within this context, the 1977 study might be seen as a new phenomenon: a study that castigates foreign women for their performance of domesticity. Franz Brandt, a sociologist and author of the study, used the "Mediterranean culture" of the foreigners in order to explain the "non-working wife," a role that was arguably still the expected standard for West German women. Brandt began the study with the statement that previous studies on the topic had "neglected" the idea that the situation of foreign women in the Federal Republic "is only partially determined by the living conditions found here" and that especially for women—who were more rooted in their cultures of origin than men—"the general perception of the role of the sexes in the Mediterranean countries of origin has

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122 Max Rheinstein and Mary Ann Glendon, "West German Marriage and Family Law Reform," *The University of Chicago Law Review* 45, no. 3 (Spring 1978), 524.

123 Franz Brandt, *Situationsanalyse Nichterwerbstätiger Ehefrauen Ausländischer Arbeitnehmer in der Bundesrepublik Deutschland* (Bonn: BMJFG, 1977).

124 For an excellent work on the history of the German housewife, see Nancy Reagin, *Sweeping the German Nation: Domesticity and National Identity in Germany, 1870-1945* (New York: Cambridge University Press, 2007). The 1970s and 1980s discussions of guest worker housewives are another chapter in this history, one where "German domesticity" is marked by rational management of the household, while foreign wives are castigated for being subordinate to their husbands and overly attached to their children. If Slavic women were once castigated for being messy, Mediterranean women might be emotionally messy.

negative consequences." He hoped to expose the role of foreign culture in keeping women in the home.[125]

Brandt interviewed 100 women, 25 each from Italy, Greece, Yugoslavia, and Turkey, for the study. He found that over half of the women he interviewed "have to limit themselves to the role of the housewife against their will, either because they cannot find a job and/or cannot obtain a work permit, or—and this is mentioned relatively infrequently—because they cannot find childcare."[126] In the quotes from interviews that Brandt chose to cite, many women stated that they could not obtain a work permit, and a chart also showed that many of these women had entered after the *Stichtag*.[127] However, the specific policy of work permit denial that created so many of these "non working women" was not mentioned until page 29.[128] Later in the study, when trying to explain the difference in rates of Italian and Turkish women working, Brandt wrote that although their different legal status might play a role, this effect was exacerbated "by the fact, that the Turkish women have on average been in the Federal Republic for a shorter period of time and therefore are particularly effected by the difficulties of the labor market."[129] The *Stichtag* was reduced to "difficulties" rather than the specific legal exclusion of these women. He continued that because many women did not seem to know how tight the labor

125 Brandt, *Nichterwerbstätiger Ehefrauen,* i.
126 Brandt, *Nichterwerbstätiger Ehefrauen*, 46.
127 Brandt, *Nichterwerbstätiger Ehefrauen,* 46-47.
128 Brandt, *Nichterwerbstätiger Ehefrauen*, 29.
129 Brandt, *Nichterwerbstätiger Ehefrauen*, 43.

market was, it would be good if women were better advised of this before entry, although again, the labor market was described as "tight" rather than "legally inaccessible."[130]

Brandt repeatedly insisted that husbands did not want their wives to work. However, only one of the women he quoted said anything about her *husband* not allowing her to work, and she actually stated that her husband did not allow her to work because somebody needed to look after the young children.[131] One imagines that many West German women could have made the exact same statement. Most of the women Brandt quoted stated that their husbands wanted them to work, and even that their husbands were upset that the wives could not work because it meant that they were delaying the return to the home country because they could not save as much money. Clearly the husbands were not the ones preventing their partners from working.[132] Brandt drew very similar conclusions about women's attendance at language courses. He concludes that husbands refused to let wives go to language courses based on a statement made by a social worker. Brandt cites no interview data with the women themselves to support this conclusion—in fact, in all of the interviews cited, women actually describe the difficulty of finding childcare as the largest barrier to attending language courses.[133] Again, one imagines that many West German women felt the same way about pursuing education and personal opportunities—frustrated by the lack of accessible options for childcare. In fact, had Brandt asked about illegal work, he might have found that some women were in fact

130 Brandt, *Nichterwerbstätiger Ehefrauen*, 51.
131 Brandt, *Nichterwerbstätiger Ehefrauen,* 46.
132 Brandt, *Nichterwerbstätiger Ehefrauen*, 53-59.
133 Brandt, *Nichterwerbstätiger Ehefrauen*, 111.

opting for illegal work because they were able to more easily combine under-the-table and illegal work and domestic responsibilities, for example by bringing children to their jobs as cleaners or by sending someone in their place if a child was sick—both things that were not possible at the vast majority of legal workplaces.[134]

Brandt also offered no data in support of his claim that "especially in view of the understanding of the role of men from Mediterranean countries, it is to be expected that contacts can often only be made or maintained through the husband."[135] He acknowledges that isolation is also a problem for German housewives, and that their reduction to the nuclear family is one reason for the greater isolation of foreign women[136] but ultimately insists that the foreign women are more dependent on their husbands than German women and that this creates problems for their children as well: isolation leads them to become dangerously over attached to their children.[137]

Brandt repeatedly tried to reveal the "real" reasons behind the women's statements. For example, one Turkish woman said that she did not visit West German advice centers because "the advice that is given there cannot be practiced in everyday life in this society." She explained that she had once visited a child welfare center, where a social worker told her to get her children vaccinated and schedule them regularly for checkups, but "what comes after putting this into practice? The working mother is let go because of frequent unexcused absences." It is unclear from the text whether the woman was in fact a formerly

134 Goodman, "The Decision Makers."
135 Brandt, *Nichterwerbstätiger Ehefrauen*, 148.
136 Brandt, *Nichterwerbstätiger Ehefrauen*, 152.
137 Brandt, *Nichterwerbstätiger Ehefrauen*, 157.

working mother, but Brandt described her answer as "a typical rationalization… that is to say, an attempt to give a rational reason for behavior whose cause is actually to be found in a psychological disposition perhaps unknown to the women."[138] The woman explained her behavior through reference to structural and material conditions—the knowledge that fulfilling the duties of a "good mother" might cause her to lose her job—and Brandt immediately explained this away with reference to the cultural and psychological. It is difficult not to notice how often Brandt ignores or explains away the women's statements about childcare. West German women had similar complaints about a model of society that relied on half-day schools and underfunded kindergartens, but in the study, Brandt consistently refuses to take the women's statements about childcare seriously. He interprets their experiences as working mothers as cultural particularities.

In his conclusion, Brandt wrote that "the non-working wife of the foreign worker can only, as paradoxical as it may sound, emancipate herself with the permission of the husband."[139] Despite the multiple interviews where women had talked about migrating to West Germany before their husbands, making exceptional efforts to obtain work permits, attending or wanting to attend language courses, and supporting the education of their children, Brandt concluded that "individual efforts at emancipation are hardly visible"[140] and that "these women see the different position of the sexes and recognize its effects, but they do not rebel against it."[141] Although Brandt had in fact presented a great deal of

138 Brandt, *Nichterwerbstätiger Ehefrauen*, 118.
139 Brandt, *Nichterwerbstätiger Ehefrauen,* 198.
140 Brandt, *Nichterwerbstätiger Ehefrauen*, 201
141 Brandt, *Nichterwerbstätiger Ehefrauen*, 209.

qualitative evidence that access to paid work and childcare could improve the lives of foreign women, opening the labor market to these women or increasing funding for childcare were not mentioned as possible measures to redress the situation. Instead, Brandt concluded that "the impression that suggests itself from the results, sociopolitical initiatives in the Federal Republic can only have a small chance of success in addressing the specific problems of these women."[142] Because "the foreign woman" could purportedly only emancipate herself with her husband's permission, her problems could not be addressed by state policy. The policies that had forced foreign families to become single-breadwinner families were erased in favor of a cultural and therefore inalterable explanation.

As one of the first social scientific studies to focus on migrant women, "Analysis of the Situation of Non-Working Wives of Foreign Workers in the FRG" would influence years of subsequent policy on foreign women. The report forced officials to consider the problems that were specific to women, but did so by asking officials to look harder at culture while looking past childcare and sexism in the labor market. The Ministry for Youth, Women and the Family cited the Brandt study in order to push for language about how women were particularly "stuck" in their "Mediterranean values" in future statements about foreigner policy.[143] As another example, North Rhein Westphalia's 1980 report on integration was hailed as progressive because it explicitly acknowledged women's different needs. However, it did so almost entirely in terms of integration into the labor market, writing that for foreign women, "adherence to traditional social roles detracts from the

142 Brandt, *Nichterwerbstätiger Ehefrauen*, 199.

143 BAK B 106/81041, February 11, 1980, BMJFG to BMA and BMBildung, "Betr.: Umsetzung des Kabinettbeschlusses für Ausländerpolitik vom 20. November 1979."

success of integration efforts." For these women, especially Muslim women—one of the first examples of "Muslim" being used as a category in a policy statement—"true vocational integration [*berufliche Eingliederung*] will only be possible for them, when the social environment, *primarily the family*, allows a change in the model of the woman's role."[144]

A follow-up study commissioned by the Ministry for Labor and carried out by sociologist Ursula Mehrländer in 1980 was if anything more dismissive of the women's stated desire to work. Franz Brandt had found that over half of the women he spoke to wanted to have a job, but in the 1980 study, that number had risen to two-thirds.[145] Fewer than one in ten women said that their husband or parents did not want them to work, a statement that women seem to have usually made in addition to a statement about the necessity of childcare, raising the question of whether "my husband does not want me to work" was largely "my husband wants me to look after the children."[146] Even when women had three or four children, over half of these women indicated that they wanted to work. Despite clear evidence that women with children were interested in working outside of the home, the report asked "to what degree women with children… are at all in a condition to accept the model of working despite having children and being trapped in their families [*Verhaftetsein im Familienverbund*]."[147]

These studies about "non-working foreign women" are particularly curious when you consider that in fact, over two-thirds of foreign mothers worked legally, while only

144 Emphasis mine. qtd. in Schmidt-Koddenberg, *Ausländerinnen im Gespräch,* 22.
145 Mehrländer, *Repräsentativuntersuchung '80*, 598.
146 Mehrländer, *Repräsentativuntersuchung '80*, 604-606.
147 Mehrländer, *Repräsentativuntersuchung '80*, 602.

one-third of German mothers worked.[148] Despite the additional challenges of obtaining a work permit, finding a job, and finding childcare without the resources of the extended family, married foreign mothers worked far more often than married German mothers. One Turkish woman interviewed in the 1980s remembered lying about her marital status in order to secure a spot in a kindergarten for her son: although her husband also worked in Germany, she had represented herself as single so as to be able to secure childcare and be able to work.[149] Another Turkish woman, a union representative at her factory, told the interviewer that she was always defending working mothers to the West German employers: "sometimes when I have to support a foreign woman in a meeting because of her 'frequent absences,' I can't explain her situation correctly. Well, I can explain it, but a German colleague can't understand it… the employer says 'you have three children. Why don't you stay home and take care of your children?' But that is a personal matter for the woman."[150] West German cultural expectations about motherhood, not Turkish or "Mediterranean" values, restricted these women's access to waged labor.

Many foreign women were clearly already far along the process of "emancipating themselves" from the passive role they were prescribed by West German bureaucratic logic. Why did studies about their families start from the premise that foreign housewives represented a unique problem? Gender roles were one place where supposedly deviant migrant behavior was used to support narratives of West German liberalization. Recall that

148 Brandt, *Nichterwerbstätiger Ehefrauen,* 141-142; Summers, "Reconciling Family and Work," 32-33.
149 Töksöz, *Immigrantinnen,* 82.
150 Töksöz, *Immigrantinnen*, 194.

in 1971, the West German state had actually penalized families where women traveled to West Germany before men did, arguing that the very idea of a female breadwinner violated common sense. Similarly, husbands had in fact legally been able to forbid their wives from working in West Germany until the reform of marriage law until 1976. The idea that women belonged in the home was a West German idea just as much as it was an "Oriental," "Mediterranean," or "foreign" idea. But already by 1977, foreign women who did not work were officially the mark of a traditional culture that oppressed the undifferentiated "Mediterranean woman."[151] In the process, the fact that most of these women could not in fact legally work was overlooked. For social scientists and policy makers, the women's husbands could be blamed for their "idleness," and the West German state was off the hook.

Conclusion

Even before the 1973 recruitment stop, conservative ideas about the proper division of labor within the nuclear family had shaped policies on work permits for migrants and thus migrant strategies for survival. After 1973, with the advent of mass unemployment as a structural factor in West Germany, all additional labor became a destabilizing factor, and the Labor Ministry moved to deny work permits to family members in order to keep control of the situation. This unilateral action allowed the Labor Ministry to continue to hold the reins of migration policy and thus to define the agenda on issues of migration.

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151 The "Mediterranean woman" in these texts might be productively compared to the "Third World Woman" as monolithic subject criticized by Chandra Talpade Mohanty, "Under Western Eyes: Feminist Scholarship and Colonial Discourses," in *Feminism Without Borders: Decolonizing Theory, Practicing Solidarity* (Durham, NC: Duke University Press, 2003), 17-42.

As unemployment statistics grew in the 1970s and 1980s, the right to legally enter the economy became harder to obtain than the right to legally enter national territory.[152] West German social theorist Ulrich Beck approached some of the contradictions created by the end of the boom period in his 1986 book *Risk Society: Towards a New Modernity*, writing that in a period of economic slowdown, "all labor policy… has been subject since at least the eighties to the law of redistributing the systematically produced lack of work."[153] One way to redistribute this systematic unemployment was to place foreigners outside of the sphere of employability. The *Stichtagskinder* and excluded spouses lived in a double bind: if they expressed a desire to work, they were in Germany for the wrong reason, but if they did not work, they did not belong in Germany at all. In a world where they were not supposed to exist, "integrated" foreigners would train themselves for a job all the while acting as if the job was not their reason for coming to Germany. Asylum seekers lived with the same problem and found themselves living out the same contradictions: they were not supposed to come to Germany for "economic motives," and so they also could not express a desire to work, but they also could not refuse to work or live off of state money. Family members and asylum seekers were both required to "integrate" seamlessly into the labor market without ever declaring that this was their goal. The right to work became redefined

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152 For more on the problem of unemployment in the West German context, see Thomas Raithel and Thomas Schlemmer, eds., *Die Rückkehr der Arbeitslosigkeit. Die Bundesrepublik Deutschland im europäischen Kontext 1973 bis 1989* (Munich: Oldenbourg Verlag, 2009). The book does not include any mention of foreigner unemployment. Raithel discusses the unemployment of foreign youth briefly, but without mentioning the *Stichtag*, in *Jugendarbeitslosigkeit in der Bundesrepublik. Entwicklung und Auseinandersetzung während der 1970er und 1980er Jahre* (Munich: Oldenbourg Verlag, 2012), 35-39.

153 Ulrich Beck, *Risk Society: Towards a New Modernity*, trans. Mark Ritter (London: Sage Publications, 1992), 145.

as a reward for individuals who were successfully able to integrate, while individual integration became tied up with the willingness to work. "Integration" became what Ulrich Beck might call the "biographical solution of systemic contradictions" as the emphasis for the project of integration fell on the individual rather than on society or the state.[154]

The new emphasis on integration as an individual project was supported by a growing emphasis on the problems of foreigners as cultural rather than social or structural. While teenagers and wives became defined as objects of concern, the group that was actually most affected by the denial of work permits—adult men—were passed over in silence. Concerns about "passive wives" and "youth criminals" mounted in the late 1970s and early 1980s, but it was rarely acknowledged that forced exclusion from the labor market and irregular employment histories might go a long way to explaining these phenomena. Situations directly attributable to state policy were waved away as products of a purportedly backwards, potentially unalterable foreign culture. The state would continue to use this cultural and individual-psychological language for explaining the behavior of foreign families as it moved to restrict family reunion more directly in the early 1980s.

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154 Beck, *Risk Society*, 137. This also confirms Anselm Doering-Manteuffel and Lutz Raphael's hunch that foreigners "experienced the upheavals associated with the dissolution of the postwar order very early and in an extreme fashion." *Nach dem Boom : Perspektiven auf die Zeitgeschichte seit 1970* (Göttingen: Vandenhoeck & Ruprecht, 2008), 100.

Chapter Five—"Illiterate in Two Languages": Restricting Child Migration

Introduction

On November 28, 1981, over ten thousand people marched from Neukölln to Wilmersdorf in West Berlin. These were the largest demonstrations that had ever been organized to criticize policy towards foreigners in West Germany.[1] Articles about the protest marches highlighted the diversity of groups that took part, including Turkish, Greek, and Spanish groups that were usually more oriented towards homeland politics.[2] One group carried a banner with the slogan "We do not want to be the Jews of tomorrow."



Figure 8 "We don't want to be the Jews of tomorrow." November 28, 1981 protest. Photograph taken from http://www.paul-glaser.de/

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1 Hunn, '*Nächstes Jahr*,' 517, Ali Gitmez and Czarina Wilpert, "A Micro-Society or an Ethnic Community? Social Organization and Ethnicity amongst Turkish Migrants in Berlin," in *Immigrant Associations in Europe*, ed. John Rex, Daniele Joly, and Czarina Wilpert (Aldershot: Gower, 1987) and "20,000 gegen Berliner Ausländererlaß, 'Ohne uns kein Kebab," *Tageszeitung* November 11, 1981.

2 Otto Jörg Weis, "Der 'Lummer-Blitz' hat die Ausländer voll getroffen," *Frankfurter Rundschau*, December 4, 1981, 3.



Figure 9 Members of the *Alternative Liste* wearing Stars of David at November 1981 press conference. Image taken from http://paul-glaser.de/

The West Berlin-based political party of the *Alternative Liste* had co-sponsored the demonstration[3], and had actively encouraged the historical analogy in a press release titled "Are the Turks the 'Jews' of tomorrow?" which explained that "In Germany it is not a new phenomenon, that in times of economic crisis, the lower classes are diverted from the real causes through the creation of a pseudo-enemy—first the foreigners are made into a scapegoat. In this context it seems necessary to remember the 1920s, when fascism found fertile ground in the hardship of the masses." To underscore the analogy visually, members of the *Alternative Liste* wore Star of David badges with the words "Turk" and "Foreigner" on them at the associated press conference.[4]

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[3] Rita Kantemir of the *Alternative Liste* was responsible for the handbills advertising the demonstration, one of which is available at http://www.dhm.de/datenbank/img.php?img=d2z34093&format=1. Keith Duane Alexander, "From Red to Green in the Island City: The *Alternative Liste West Berlin* and the Evolution of the West German Left, 1945-1990" (PhD diss. University of Maryland, 2003), is the definitive history, although he does not examine their policies on foreigners.

[4] AGG C Berlin I.1, Alternative Liste 1978-1992, Signatur 14 (1/2), Delegiertenrat-Infos 1981, "Presseerklärung vom 24.11.1981. Sind die Türken die 'Juden' von Morgen?" The archival folder contains some documentation of an internal debate about whether the

The *Stuttgarter Zeitung* was one newspaper that criticized this rhetorical move, writing "What is happening in Berlin now is more than just tastelessness: the victims of a totalitarian system are being misused for political purposes and defiled once more."[5] Questions of anti-Semitism did not make it into the mainstream media, but the Turkish-Jewish analogy was hardly an invention of the political left.[6] "Turkish Holocaust" jokes circulated widely in the 1980s, with *Der Spiegel* describing them as tasteless as it reprinted them: "What is the difference between Turks and Jews? The Jews have it behind them."[7]

What had inspired the *Alternative Liste* to reach for this particular analogy in November 1981? Only one week earlier, the West Berlin Senator of the Interior had announced new limits on the migration of dependent children, most notably an age limit of 16. Two weeks after this protest, West Germany followed West Berlin and became the first European state to move the age limit for the migration of dependent children to below the

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yellow stars were appropriate symbols for protest purposes or whether the comparison was inherently anti-Semitic. Klaus Staeck's 1974 "Fremdarbeiter" poster shows a man emptying the garbage wears a Star of David striped in the colors of the Italian flag and was likely known to the *Alternative Liste* members. See Leslie Adelson, "Touching Tales of Turks, Germans, and Jews: Cultural Alterity, Historical Narrative, and Literary Riddles for the 1990s," *New German Critique* 80 (Spring/Summer 2000), 109-110.

5 qt. in Hunn, '*Nächstes Jahr*,' 511.

6 The Turkish press was also busy making the analogy, especially in reviews of the *Holocaust* miniseries. See " 'Holocaust' dizisi Almanya'sa tepkiyle izleniyor," *Milliyet* January 25, 1979, and "Juden raus'tan Türken raus'a!" *Hürriyet* November 16, 1982.

7 This particular joke is reprinted in "Ausländer: 'Schmerzhafte Grenze gezogen,'" *Der Spiegel*, December 7, 1981, 27. It is only the most explicit example of an analogy that was circulating widely. The racist "jokes" themselves seem to have tracked the "memory boom" after the *Holocaust* miniseries aired in West Germany in 1979. I write at somewhat greater length about this form of "joke" in the beginning of Chapter 7.

age of majority.[8] The state also announced that it was considering moving that age limit even further, potentially to the age of 6. No other state in Western Europe limited the migration of dependent minors until Denmark in 2005.[9] How had this unprecedented measure become thinkable? How had the Interior Ministry and the FDP come to abandon their previous position that restrictions on child migration were unconstitutional?

In the context of increased concern about long-term settlement, foreign children emerged as threats to the West German state. Officials who had linked *Kindergeld* to child migration also linked access to the labor market with teenage migration, and depicted teenagers as a particular class of dishonest economic migrants.[10] At the same time, a rapidly growing body of social scientific literature described the second generation of foreigners as predestined for failure in the Federal Republic. Social scientists described the foreign family as a dangerous place, "often more of an obstacle than a support" for foreign

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8 The age limit of migration for children had been set at 21 in 1965, when the age of majority in the Federal Republic was also 21. The age of majority in the Federal Republic was changed to 18 in 1975, which also lowered the upper age limit of migration for foreign children. I did not locate any significant discussions about the movement from 21 to 18. Klaus-G. Meyer Teschendorf, "Herbasetzung des Altershöchstgrenze für den Kindernachzug auf 6 Jahre—Verstoß gegen Grundrechte?" *Zeitschrift für Rechtspolitik* 20, no. 5 (1987).

9 Britain did experiment with age-based restrictions on children migrating to *single* parents through the "sole responsibility" rules, but the extraordinarily tough spousal reunification policies in Britain were the primary factor keeping families apart and children out of Britain. Britain never lowered the age limit for children coming to stay with *both* of their parents—West Germany is unique among European countries in having taken this step. My information on comparative European policies tis aken from Wolf-Dieter Just and Annette Groth, *Wanderarbeiter in der EG. Ein Vergleich ihrer rechtlichen und sozialen Situation in den wichtigsten Aufnahmeländern* (Mainz: Matthias-Grünewald-Verlag, 1985), and The Women, Immigration, and Nationality Group, *Worlds Apart.*

10 There were similar anxieties about teenage migration in the Netherlands. The Dutch labor party raised the possibility of restricting migration to under-16 year olds in 1982, although the Dutch state did not ultimately choose to restrict teenage migrants until 2005. van Walsum, *Dutch Family Migration Policies*, 153-157.

children.[11] Public images of the foreign child were focused on the two archetypes of the "criminal teenager" and the "vulnerable victim."[12] Both of these images worked to justify new restrictions on child migration.

At the same time, the larger context of European integration meant that new age limits were applicable to fewer and fewer children. By 1981, Italians and Greeks were both able to move in and out of West Germany freely[13], while Spain and Portugal were actively being considered for further membership in the European Economic Community. Although Yugoslavia remained definitively outside of Europe, the Turkish position vis-à-vis European integration was being actively debated. In 1963, Turkey and the European Economic Community had signed an agreement of association promising that the signatories would "be guided by Articles 48, 49 and 50 of the Treaty establishing the Community for the purpose of progressively securing freedom of movement for workers between them." In 1970, an additional protocol further specified this promise: "Freedom of

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11 Achim Schrader, Bruno W. Nikles, and Hartmut M. Griese, *Die Zweite Generation. Sozialisation und Akkulturation ausländischer Kinder in der Bundesrepublik* (Kronberg: Athenäum Verlag, 1976), 110.

12 Jacqueline Bhabha notes very similar tensions in contemporary policies towards child migration. For example, she writes of asylum law regarding children that there exists a "tension between a view of children as vulnerable victims deserving of protection because of their minority, a view of children as treacherous juveniles, intent on border crossing by nefarious means, and a view of children as passive entities, incapable of posing political threats." Within this context, "our neglect of child migrants' rights is… a strategic compromise that represents our unresolved ambivalence." *Child Migration*, 230, 11.

13 It is worthwhile noting that West Germans were not necessarily happy about this. When Greek accession was being debated, Helmut Schmidt called the President of the European Community to ask if it would be possible to create a transition period where Greek family mobility was limited, stating that "immigrants seemed to breed more quickly than Germans" and that he was "not afraid of free movement of labor but of free movement of the families of labor." HA-EU, EN-1148.003, "Call by the president of the European Commission on the Federal German Chancellor: Friday 27 October 1978."

movement for workers between Member States of the Community and Turkey shall be secured by progressive stages… between the end of the twelfth and the twenty-second year after the entry into force of that Agreement." Spelled out, this meant that the European Economic Community had promised to grant Turkish citizens freedom of movement between 1976 and December 1, 1986.[14] This deadline loomed large in the minds of West German officials, who were hoping to be able to negotiate with Turkey in order to reverse the previously made promise. The age limit for foreign children would become tied up with these considerations of foreign policy, which would ultimately block its implementation.

The age limit debates reveal how the lines of difference were hardening between Turks and other guest workers in this period. Politicians frequently argued that age limits were necessary to exclude the Turkish children who could not become productive members of West German society. Why did Turkish, and to a lesser extent Yugoslavian, children represent a threat in relation to the Italian and Greek children who could not be excluded by age limits? Spanish and Portuguese children were also well on their way to being able to exercise the same rights to move freely around the EEC, but there was much less public concern about these groups of children. Anthropologist Ruth Mandel argues that Germany embraces a kind of "selective cosmopolitanism" around Turkish migrants,[15] and the debates about limiting child migration clearly marked that cosmopolitan, border-crossing futures were only available for some children.

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14 Both agreements published in *Official Journal of the European Communities* 16, No C 113 (24 December 1973).

15 Mandel, *Cosmopolitan Anxieties.*

Blurring the Lines Between Family and Work

As we saw in chapter three, parents who brought their children to Germany after the 1974 change in *Kindergeld* for children living outside of the Federal Republic were under suspicion of having brought their child in order to make more money rather than out of a genuine desire to establish family life. Similarly, parents were also suspected of bringing teenage children to West Germany in order to take advantage of the labor market. Discussions about child migration often reinforced a false binary between a family as an economic unit and a family as an affective unit: parents were bringing children either out of love or for economic motives. The state's job was to distinguish between the two motives and protect genuine "family migrants" while excluding illegitimate "economic migrants."

Prospective teenage migrants were easy to categorize as illegitimate "economic migrants." West German officials often assumed that Turkish teenage migrants were actually lying about their age and changing their birthdates in Turkey in order to illegitimately enter the Federal Republic.[16] In 1981, the Labor Ministry proposed comparing the birth dates of newly entering Turkish migrants to the birth dates on the application forms that their parents had formerly made for *Kindergeld*. By the end of the year, this was a fully normalized method of checking birthdates of "suspiciously young Turks." The Interior Ministry instructed Foreigners' Offices that when they had reason to believe that the birthdate change had been made in order to get around the upper age limit

16 BAK B 149/67473, February 19, 1981, BMI to BMJ, AA, BMA, "Betr.: Ausländerrecht; hier: Änderung von Geburtsdaten türkischer Kinder und Jugendlicher."

on migration, they had the right to review and reject the documentation.[17] In a typical example of how the *Kindergeld* data could be used, a teenage boy who entered in 1980 had a passport stating that he had been born in May of 1963, but he was denied a residence permit because his parents had repeatedly given his birthdate in February 1960 in *Kindergeld* applications, which made him 20 and therefore too old to enter Germany.[18]

Foreign families and their relationships posed a challenge to what Matthew G. Hannah calls the state's "epistemic sovereignty," its ability to know facts about its own population.[19] When the Interior Ministry decided that individual German officials had the right to override documents issued by Turkish authorities, they were attacking Turkish epistemic sovereignty, asserting that Turkish informational practices were untrustworthy. West German officials began to lament their own informational practices, for example the fact that the Central Register of Foreign Nationals [*Ausländerzentralregister*] did not include sufficient information about family relationships. Because the Register only recorded family relationships of individual foreigners when the family members also lived in West Germany, it was hard to know many future claims on family migration each individual foreigner might be able to make.[20]

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17 BAK B 149/67474, May 12, 1981, BMI to BMA and BMJ, "Betr.: Änderung von Geburtsdaten bei türkischen Jugendlichen; hier: Ergebnisprotokoll der Ressortbesprechung vom 30.4.1981."

18 LA-B-W, EA 2/303 Bü 209, January 20, 1980, Stadt Pforzheim "Betreff: Antrag auf Erteilung einer Aufenthaltserlaubnis vom 5.9.1980."

19 Hannah, *Dark Territory*.

20 BAK B 106/117675, December 6, 1982 Abteilungsleiter V to Herrn LMB, "Betr.: Ausländerkindernachzug." The concern about potential hidden families bears a certain similarity to a panic about Chinese migrants in the United States and "paper citizens" in the 1950s. Ngai, *Impossible Subjects*, 202-224.

Officials also increasingly brought asylum seekers and family members into the same discourse by alleging that both groups were dishonest about their reasons for migrating to West Germany. Officials in Baden-Württemberg believed that family migrants and asylum seekers were all dishonest economic migrants, picking the route they believed would make it easiest for them to enter Germany. As evidence, the Interior Minister of Baden-Württemberg cited the fact that his officials had seen a surge in "false family reunion" after they began housing asylum seekers in camps in 1980. "Ever since family reunion [*Familiennachzug*] through asylum has become unappealing—since the asylum applicants can no longer work or live with their families, but are housed in detention camps—there has been an increase in dramatic changes of birthdates."[21] In response, he created a commission on ways to fight false family reunification. The commission recommended that authorities should be authorized to check on family relationships and that Foreigners' Offices should be authorized to compare birth dates with other data sources, including with schools. The commission also recommended that police who investigated foreigners should have to share any facts gained about "the family environment or living space of foreigners" with the local Foreigners' Office. A police officer who visited a foreigner's apartment would have to write a report about whether the apartment was "appropriately sized," whether the family seemed to be financially secure, who seemed to look after the children, and his best guess at how old the children were.[22]

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21 LA-B-W, EA 2/303 Bü 209, February 6, 1981, IM B-W to BMI and Innenministerien, "Betr.: Familiennachzug; hier: Änderung der Geburtsdaten volljähriger Kinder."

22 Landtag von Baden-Württemberg, Drucksache 8/3206, November 2, 1982, 10.

The commission on false family reunion also suggested x-raying the wrists of foreign teenagers in order to determine their real age.[23] West Berlin briefly did x-ray the wrists of teenage migrants, but the Interior Ministry forced West Berlin to abandon the practice, arguing that a forced X-ray was too intrusive and potentially unconstitutional.[24] In a *Der Spiegel* article about the practice of using X-rays to determine ages, the author noted that there had been no public protest against the measure when it was used on the children of guest workers, but that public protest had flared up when the same practice was used to decide whether or not Roma and Sinti should be tried as adults or children, a practice which the author described as echoing "the spirit of National Socialist medicine."[25] The United Kingdom had also used X-rays for age verification for child migrants from the Indian subcontinent. However, in the UK the discussions about the practice seem to have centered less on whether it was a violation of human rights and more on whether it was effective.[26]

Baden-Württemberg's suspicion that migrants were switching from asylum seeking to family reunion to labor migration depending on what they thought would work was often justified. Sometimes a foreign worker who had been issued a deportation order might file an asylum claim in order to be able to stay, as in the case of a Turkish man who was deported for drunk driving after nine years of residence in the Federal Republic.[27] Migrants *were* applying for various statuses and changing birthdates in order to survive in Germany.

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23 Landtag von Baden-Württemberg, Drucksache 8/3206, November 2, 1982, 9.

24 LA-B-W EA 2/303 Bü 209, June 7, 1983, BMI to Innenministerien, "Betr.: Ausländerrecht; hier: Mißbräuchliche Personenstandsangaben durch Ausländer im Zusammenhang mit dem Familiennachzug (Verjüngung von Türken)."

25 "Plus/minus," *Der Spiegel* July 4, 1983.

26 Smith and Marmo, *Subject to Examination*, 117-127.

27 Uçar, *Illegale Beschäftigung*, 56.

Sometimes they admitted as much—one German woman wrote on behalf of her Turkish husband's citizenship application that his asylum application had already been rejected, which was why they were trying for citizenship now.[28] Policy became harsher as it tried to catch up to the *eigensinnige* behavior of migrants, with new documentary requirements and state attempts to distinguish "legitimate" from "illegitimate" reasons for migration. Within this trend, the systematic suspicion of teenagers also represented a way to attack a population that is often understood as innocent, as worthy of protection. As bureaucratic practice moved to place all teenage migrants under suspicion of in fact being adults, foreign youth were stigmatized as an inherently criminal population.

"Second Generation" Research and the Doomed Foreign Child

Foreign youth were also a subject of great social scientific interest. If the increasing suspicion of migrant documentation reflected the assumption that family migration was in fact economic migration, the field of "second generation" research was directly linked to imperatives to ensure that the children who were already in Germany would be employable. Research questions about the integration and employment prospects of the children and grandchildren of guest workers quickly outpaced all other kinds of research on foreigners—a survey on state funded research projects from 1982-1984 found that the

[28] BAK B 106/36022, Band 2, K.K. to BMI, January 28, 1975, and BMI to K.K., February 19, 1975.

state was funding three times as many projects on the "second generation" as on either xenophobia or the category of policy on foreigners [*Ausländerpolitik*].[29]

One of the most influential texts in this research field was based on a project funded by North Rhein Westphalia from 1971 to 1976. Sociologists Achim Schrader, Bruno W. Nikles, and Hartmut M. Griese authored *The Second Generation. Socialization and Acculturation of Foreign Children in the Federal Republic*, a book that used the idea of "stigma management" developed by American sociologist Erving Goffman to theorize that successful adaptation would depend on foreign children's ability successfully manage their stigma within German society. The child's prospects for success in this project could be determined chiefly on the basis of their age of arrival in West Germany.

Defining "stigma" as "biological and cultural inheritance [*Erbe*]," the authors wrote that for children who came after the age six, their "stigma is manifest," and so their attempts to manage it were destined to fail, forcing them to adopt a social identity as outsider.[30] For children who came between one and five, their ability to become German would depend on how well they could manage their own stigma. Their "adaption and deception can go so far, that inherited biological characteristics like hair and skin color are retouched (as we know from many Negroes in the United States) and the previously acquired ethnic characteristics (language, attitudes, values etc.) are denied or kept

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29 Peter O'Brien, "The Paradoxical Paradigm: Turkish Migrants and German Policies" (PhD diss., University of Wisconsin-Madison, 1988), 132-133. Hartmut Griese is quite scathing in his critique of "second generation" research as shaped by economic imperatives in *Der gläserne Fremde. Bilanz und Kritik der Gastarbeiterforschung und der Ausländerpädagogik* (Opladen: Leske und Budrich, 1984).

30 Schrader, Nikles, Griese, *Zweite Generation*, 187.

latent."[31] Foreign children born in Germany might "adapt so far in language and in appearance… that their stigma will hardly be recognized… That means however, that situations in which one can still recognize their otherness (i.e. through their name, contact with their family, etc.) will be avoided."[32]

The authors of this study implicitly recognized how racialization works. They knew that in order to integrate into German society, foreign children would have to "pass" by changing their names, lightening their skin, hiding their families, and changing the way they were perceived in the world.[33] Children who came before six or who were born in West Germany could become German if they were able to manage their life such that people did not know their names, did not see their foreign family, and thought they were tanned, not dark—perhaps by using skin lightening creams like "many Negroes in the United States." Becoming German would require making their origins invisible. Later in the study, the authors acknowledged that this would be difficult, and warned that many children would struggle to manage their stigma, creating "children who *feel themselves to be German* but *who are not perceived as German*." These children might go on to react in ways "that are not dissimilar to those of the Puerto Ricans and Negroes in Manhattan," a clear reference to race rioting.[34] The authors never use the word race, but they let the

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31 Schrader, Nikles, Griese, *Zweite Generation*, 192.

32 Schrader, Nikles, Griese, *Zweite Generation*, 194.

33 Philosopher Linda Alcoff writes that when racialized subjects find themselves judged by their "visual identity," it is "as if one finds oneself in the world ahead of oneself, the space one occupies as already occupied. One's lived self is effectively dislodged when an already outlined but very different self appears to be operating in the same exact location." Alcoff, *Visible Identities*, 193.

34 Schrader, Nikles, Griese, *Zweite Generation*, 206.

concept of racialization into their analysis through analogy. Both Puerto Ricans and African-Americans find themselves marked in America by the categories imposed by the social process of race.

Although the *Second Generation* authors wanted to show that migrants' problems were situational rather than grounded in any inherent qualities, their theory of stigma management worked as an individualist solution to the social problem of race. The success of integration was made to depend entirely on the foreign child's ability to "pass" as German.[35] The schema offered by the study located the root of the "problem" in children who came to Germany "too late," and the book's theory that children who came after six would be doomed to life as social outsiders would become the social scientific justification behind new restrictions on child migration.[36] One of the authors of the original study,

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35 In an expanded version of this point, the *Zweite Generation* study and concern for guest worker children might be profitably compared to the earlier concern over Afro-German children. Heide Fehrenbach's article about the *Toxi* films about an Afro-German child shows that the films' ending "seems to suggest that racial integration would have destructive social and psychological consequences for (white) family and (black) child alike." The scheme in *The Second Generation* is somewhat more hopeful about integration, but stresses that it is a very fraught process that requires very young children in order to work. "Narrating 'Race' in 1950s' West Germany: The Phenomenon of the *Toxi* Films," in *Not so Plain as Black and White. Afro-German Culture and History, 1890-2000*, ed. Patricia Mazón and Reinhild Steingröver (Rochester: University of Rochester Press, 2005), 147.

36 Sociologist Bernhard Nauck makes this point, writing that "Altersgrenzen für den spätestmöglichen Termin des Nachholens von in Herkunftsgesellschaften verbliebenen Kindern werden beinahe ausschließlich mit sozialisationstheoretischen Grundannahmen über derartige irreversible Stufenabfolgen legitimiert" in *Arbeitsmigration und Familienstruktur. Eine Analyse der mikrosozialen Folgen von Migrationsprozessen* (Frankfurt: Campus Verlag, 1985), 181.

Pedagogue Georg Auernheimer was also sharply critical of the theory. He has theoretical grounds for rejecting the "second generation" theory, but is also appalled by the way the theory was used in public debate: "so wurde es im Verlauf seiner Rezeption, vor allem in der quasi populärwissenschaftlichen Rezeption durch Pädagogen und Politiker,

Hartmut Griese, would later apologize for his role in the study, explaining that he had come to believe that the more social scientists did research, "the more people come to believe that foreigners are the source of their own problems."[37]

The schema offered by *The Second Generation* was meant to focus attention on the way that the process of migration affected children, but there was also a great deal of "second generation" research that pointed fingers at the structure of the foreign family. Pedagogues were especially concerned about what they took to be the deficient parenting practices of foreign parents. As one study funded by the German Youth Institute explained, foreign parents thought that "good parenting" consisted of "good nourishment and physical care. They do not think about personality development."[38] Foreign parents failed to understand the importance of playing with their children.[39] In another study funded by the German Youth Institute, pedagogue Petra Zemlin worried that Turkish children did not have enough toys, describing the Federal Republic as a place "where a toy industry does not only flourish, but children's play is recognized as promoting children's creativity."[40]

Child psychologist Anneliese Ude-Pestel wrote an entire book describing how she had helped a Turkish child overcome his challenges through play therapy. Ude-Pestel had previously written a classic case study of play therapy about "Betty," and her book about

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vollends zu einem Schematismus verzerrt… Schließlich hat diese 'Theorie' im politischen Streit um das Nachzugsalter ausländischer Kinder denen die wissenschaftliche Legitimation geliefert, die für eine Beschränkung des Familiennachzugs eintraten." *Der sogenannte Kulturkonflikt. Orientierungsprobleme ausländischer Jugendlicher* (Frankfurt: Campus Verlag, 1988), 40.

37 Griese, *Der gläserne Fremde*, 212.

38 Chelmis, *Betreuung ausländischer Kleinkinder,* 12.

39 Chelmis, *Betreuung ausländischer Kleinkinder,* 14, 37.

40 Petra Zemlin, *Erziehung in türkischen Familien* (Munich: DJI Verlag, 1981), 60

"Ahmet" described similar techniques. Ahmet's parents brought him to West Germany at the age of seven, and his parents initially sought help because their twelve-year-old son was still wetting the bed. Usually Ude-Pestel preferred to work with the entire family, but in this case, the language barrier made that impossible. In the book, Ahmet's mother emerges as a depressed woman whose selfish decision to leave for West Germany alone and only bring her children later has hurt the entire family. The West German psychotherapist again has to explain the importance of play for child development and to buy Ahmet the first toy he has ever owned.[41]

The parents described by West German "foreigner pedagogy" are usually recognizable as busy, stressed working-class parents. West German working parents probably also struggled to find the time and emotional resources to engage in imaginative play with their children. By insisting that "play" is a particular German quality, the pedagogical manuals are as much about creating an image of the ideal middle-class German family as they are about criticizing foreign parents. Recall that in chapters one and two, foreign families had in fact made *playgrounds* for their children into a political demand and criticized the state for failing to create safe spaces for their children to play. Seen in this light, the numerous pedagogical texts that criticized foreign parents often appear to be criticisms of their class background rather than their culture.

Islam begins to emerge as a specific problem around 1980, and pedagogical manuals could invoke Islam to make it clear that they were criticizing foreign parenting rather than

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41 Anneliese Ude-Pestel, *Ahmet. Geschichte einer Kindertherapie*, (Munich: Deutscher Taschenbuch Verlag, 1983).

just under-resourced working class parenting. West Berlin commissioned Christoph Elsas to write the first report on the influence of Islam on the ability of foreign workers to integrate in November 1979. In his report, the first state-funded report about the role of Islam in the migration process, Elsas singled gender roles out as a particular difference: "it is precisely the expectations of marriage and attitudes about the role of women that are particularly attached to religious traditions and felt traditions. Adaptation to these norms must be understood as the highest level of assimilation [*Assimilation*] to German culture."[42] Elsas was particularly sensitive to the role of the family in reproducing these norms, and he worried about Turkish girls, who he believed adopted the values of their parents without criticism. In his report, he advised officials: "it is necessary for the German side to watch the parental household more closely than has previously been anticipated."[43]

One year later, pedagogue Petra Zemlin's German Youth Institute study on *Upbringing in Turkish Families* would underline Elsas' concern about the "parental household," arguing that Islam was characterized by "subordination, obedience, acceptance of authority and the blind devotion, the desire to integrate into existing structures."[44] Although Zemlin was clear that she was speaking about working-class and middle-class Turkish families rather than elite Turkish families, she did not make a distinction between

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42 Christoph Elsas, *Einflüsse der islamischen Religion auf die Integrationsfähigkeit der Ausländischen Arbeitnehmer und ihrer Familienangehörigen*, (Berlin: Senatskanzlei Planungsleitstelle, 1980), 85.

43 Elsas, *Einflüsse der islamischen Religion*, 87. More recent ethnographic research has suggested that by the 2000s, Turkish women seemed to be responsible for the transmission of gender roles, and Turkish men more responsible for the transmission of national identity. Esin Bozkurt, *Conceptualising "Home": The Question of Belonging Among Turkish Families in Germany* (Frankfurt: Campus Verlag, 2009).

44 Zemlin, *Erziehung in türkischen Familien*, 9.

secular and religious families when she explained that for Turkish parents, their goals for their children "are oriented closely to the behavior norms prescribed in the Koran," with the primary goal of "educating the children to obey authority."[45] She concluded that Turkish parents did not try to "change children's behavior through cognitive processes of understanding… which could be regarded as the basis for the children's ability to control their behavior internally."[46] The Turkish children are ruled only by their desire to escape external punishment: "In this way the children are deprived of possibilities to develop independence, that are not oriented to the norms of their parents: the possibility of criticizing parental ways of thinking and behaving is shut out from the beginning."[47] Zemlin was not alone in these views: sociologist Hanns Thomä-Venske's 1981 book about Islam and integration had warned that behavioral expectations like keeping Friday as a holy day, praying five times a day, and fasting for Ramadan were not compatible with industrial society.[48] Thomä-Venske quoted one unnamed expert as saying that "These parents want their children to be like sheep, without resistance. They also use Islam to apply pressure, as a regulative factor [*Ordnungsfaktor*]."[49] Zemlin and Thomä-Venske's vision of Islamic education creating children ruled by bodily discipline rather than internal motivation,

45 Zemlin, *Erziehung in türkischen Familien*, 34.
46 Zemlin, *Erziehung in türkischen Familien*, 34-35.
47 Zemlin, *Erziehung in türkischen Familien*, 35.
48 Hanns Thomä-Venske, *Islam und Integration. Zur Bedeutung des Islam im Prozeß der Integration türkischer Arbeiterfamilien in die Gesellschaft der Bundesrepublik* (Hamburg: E.B. Verlag Rissen, 1981), 133.
49 Thomä-Venske, *Islam und Integration,* 138.

automatons who could not function in industrial society, draws on a longer European discourse of stigmatizing Islamic religious practices as particularly rooted in the body.[50]

Turkish parenting did not just create unhappy children, but also inadequate citizens. West German parents prepared their children to be self-governing democratic subjects, while foreign parents put obstacles in the way of their children becoming independent thinkers and democratic citizens.[51] As another 1980 report explained, "The hierarchical and patriarchal structure of authority in many guest worker families makes it difficult for the youth—especially the girls, who are more strongly tied to the family—to develop fundamental *political* skills of critical and rational self determination."[52] In pedagogical texts, the foreign family is depicted as an authoritarian institution that oppresses and confines the individuals within it. If *The Second Generation* worried about children who came to Germany after the age of six, the pedagogical manuals painted a similarly dismal picture for any foreign children who lived with their families.

Psychologist Gündüz Vassaf was the first Turkish researcher to write a book-length study on the "second generation." Although Vassaf's book was primarily based on a year of work in Amsterdam, he had also traveled to the Federal Republic to research his book and wrote that his conclusions applied generally to Europe. Vassaf was deeply concerned by

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50 For more on this dynamic in French history, see Naomi Davidson, *Only Muslim: Embodying Islam in Twentieth-Century France* (Ithaca, NY: Cornell University Press, 2012).

51 As in chapter two, this echoes older views of mothers as obstacles to assimilation developed in North American social science, now re-articulated in the context of West German liberalization.

52 Hans D. Walz and Arbeitsgruppe Modellprogram für ausländische Kinder und Jugendliche, *Zur Situation von jugendlichen Gastarbeitern in Familie, Freizeit, Schule und Beruf* (Munich: Deutsches Jugendinstitut, 1980), 16.

what he had seen in Europe, writing that families where children were hardly allowed to leave the house produced "psychologically speaking the healthiest Turks in Europe" because their children were not burdened with the desire to live like Europeans. [53] He was also concerned that social workers were too fast to remove foreign children from their parents, writing: "Perhaps a slap or a spontaneously made threat, together with the eagerness of the Dutch experts to protect Turkish children from their parents, can be enough to separate a child from his family."[54] At the same time, Vassaf was also unique in naming the problem of racism in Europe and describing the way that racism might strain relationships within the family: "Racism and exploitation hinder the identification of the child with his father. The father is no longer a hero, in the child's eyes he becomes a pitiful, ridiculous, anachronistic figure… these children are deprived of the identification with the father that is necessary for their healthy psychological development."[55] Despite his pessimism, Vassaf did place his trust in the children's ability to bring about a new synthesis of Eastern and Western values. The final words of the book read as a call to action: "These children have an active role to play in the realization of the world that we long for. They are not mere objects of state policy. They are the pathfinders into the future."[56]

Vassaf's faith that the children will ultimately bring about a synthesis of cultures is sharply distinct from the West German pedagogues' anxiety that foreign children were in

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53 Gündüz Vassaf, *Wir haben unsere Stimme noch nicht laut gemacht: Türkische Arbeiterkinder in Europa*, trans. Dilek Zaptçioğlu (Felsberg: Res Publicae, 1985 [originally published 1983]), 6.

54 Vassaf, *Türkische Arbeiterkinder*, 41.

55 Vassaf, *Türkische Arbeiterkinder*, 122.

56 Vassaf, *Türkische Arbeiterkinder*, 247.

danger of failing to develop a national identity and becoming "artists of adaptation, who feel at home neither in the culture of the homeland [*Heimat*] nor of the foreign culture."[57]. The pedagogues who complain about "artists of adaptation" sound like the Czech and German nationalists of the late 19th and early 20th century who complain about the bilingual "national hermaphrodites" who treated their national identity as a resource rather than an ascribed fact.[58] Tara Zahra has shown that one of the nationalist responses was to work to define "national identity" as fixed. The humanitarian activists who worked with displaced children after World War Two came to believe that "children needed a stable national identity as well as a stable family to develop as healthy individuals."[59]

Progressive West German pedagogues had been educated in this belief about the necessity of national identities, but their particular relationship to the past also gave them a nearly allergic reaction to anything that could be painted as "Germanization." The Third Reich had interfered with families when it searched for children and populations that could be "made German" during its occupation of Eastern European territory, a policy "widely remembered as one of the Nazi regime's greatest offenses against humanity."[60] This legacy

57 Walz and Arbeitsgruppe, *Zur Situation von jugendlichen Gastarbeitern*, 121-122.
58 Zahra, "National Indifference." On the "recent history" of monolingualism, Yasemin Yildiz, *Beyond the Mother Tongue. The Postmonolingual Condition* (New York: Fordham University Press, 2012).
59 Tara Zahra, *The Lost Children: Reconstructing Europe's Families after World War II* (Cambridge: Harvard University Press, 2011), 240.
60 Zahra, *The Lost Children*, 126.

made it difficult for West Germans to embrace liberalized citizenship for children; the sending countries responded to such policies with the accusation of "Germanization."[61]

Scholars have argued that there was a certain "normalization" of German national identity in the 1980s.[62] The figure of the uprooted six-year-old child may have contributed to this sense of normalization. Although progressive pedagogues rarely admitted that a *German* identity might be positive, the debate about the "second generation" did get people from across the political spectrum asserting the importance of *national identity.* The right wing was happy to use the language of "Germanization" to argue for its stances—the 1982 "Heidelberg Manifesto," which proposed sending most of the foreigners home, explained that "Respect for other peoples demands their preservation, not their assimilation. ('Germanization')."[63] While the right wing was protecting German national identity, self-

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61 Schönwälder, *Einwanderung und Pluralität*, 563-564. The fear of the "Germanization" accusation was one of the factors influencing the rejection of Heinz Kühn's 1979 proposal for liberalized citizenship access for the second generation. The reform would wait another twenty years. BAK B 149/83928, May 10, 1979, Referent 43 Ergebnisvermerk, "Betr.: Gespräch des Bundeskanzlers mit Herrn Ministerpräsidenten a.D. Heinz Kühn, Beauftragter der Bundesregierung für die Probleme ausländischer Arbeitnehmer, am 9. Mai 1979." Also LA-B, DST, 4/44-49, Nr. 7121, November 27, 1979, DST [signed Gröttup] Vermerk "Betr.: Ausländische Arbeitnehmer; hier: Memorandum des Beauftragten der Bundesregierung Ministerpräsident a.D. Heinz Kühn vom September 1979 'Stand und Weiterentwicklung der Integration der ausländischen Arbeitnehmer und ihrer Familien in der Bundesrepublik Deutschland' (Kühn-Memorandum)."

62 Historian A. Dirk Moses has argued that this period was one of "theological culture wars" between what he calls "Non-German Germans" and "German Germans." The debate he follows about whether the weight of German stigma could be cast off was taking place at the same time as the debates on foreign children I trace in this chapter were coming to a consensus about the importance of a national identity for personality development. *German Intellectuals and the Nazi Past* (Cambridge: Cambridge University Press, 2007).

63 "The Heidelberg Manifesto of Xenophobic Professors (March 4, 1982)," trans. Allison Brown, accessed at http://germanhistorydocs.ghi-dc.org/sub_document.cfm?document_id=857.

avowed anti-racist pedagogues were overjoyed when children had positive feelings about being Turkish. Ude-Pestel, the play therapist, tells Ahmet that he will only solve his problems "as a Turk" early in the treatment.[64] Close to the end of the book, she feels that her project has succeeded when Ahmet draws a Turkish flag and a Turkish man wearing a fez, writing in her book "This picture made me happy. Now Ahmet could recognize his Turkishness with pride. Did he know now where he belonged?"[65]

Of course, this progressive concern about where a child "belonged" was increasingly focused entirely on Turkish and to a lesser extent Yugoslavian children. Italians and other "European" foreigners could choose to send their children back and forth as it suited them, and many of them did. Sociologist Barbara von Breitenbach found that Italians were more able to leave bad work situations because they did not fear losing their work permits if they became unemployed. Italians exhibited a high rate of return migration, knowing that they could return to relatives in the Federal Republic if opportunities opened up.[66] When Breitenbach spoke to Italian parents about what they wanted for their children, they said that the most important thing was identification with the family, because whether they chose to make their lives in Italy, Germany, or both, they would still be able to fall back on the family. Italian parents also put a high value on bilingual education, seeing their children

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64 Ude-Pestel, *Ahmet,* 98.

65 Ude-Pestel, *Ahmet*, 212.

66 Barbara von Breitenbach, *Italiener und Spanier als Arbeitnehmer in der Bundesrepublik Deutschland. Eine vergleichende Untersuchung zur europäischen Arbeitsmigration* (Munich: Kaiser, 1982), 28-29. Later in the book, von Breitenbach also notes that this is due to their legal situation more than their Italian culture: Italian migrants in Switzerland did not enjoy the same legal privileges as Italian migrants in West Germany, and correspondingly, their behavior was much different in Switzerland, and much more comparable to non-European behavior in the Federal Republic.

as the "generation of the first Europeans," and often sent their children between Germany and Italy repeatedly in order to help them to acquire both languages.[67] These Italian parents exhibit an attitude that Tara Zahra has noted in the context of nationalization in the 19th century: "the more states and nationalist movements obsessed over fixing and ranking national communities, making such affiliation the basis for citizenship and social rights, the more individuals stood to gain by being able to move easily between those communities."[68] Italian parents wanted to raise children who could move easily between communities, and we will see later in the chapter that Spanish parents displayed remarkably similar attitudes.

Politicians could not stop Italian and other European parents from shuttling their children between states. However, when parents from outside of Europe articulated a similar interest in their children moving back and forth between the countries, their dream of cosmopolitanism was not a resource but a problem to be resolved. For the West German pedagogues, Turkish children could only be productive members of society if they were secure in a single identity—German *or* Turkish—and West German politicians would come to understand the age limit as a helpful tool for forcing non-European parents to make irreversible decisions about their children's future earlier rather than later.

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67 von Breitenbach, *Italianer und Spanier*, 87.

68 Zahra, "National Indifference," 114.

Do Parents Have a Role to Play?

Whether the *Second Generation* or the critical texts of "foreigner pedagogy," the paradigms of West German social scientists are remarkably consistent in the way that they "effectively write off the first generation as unsalvageable."[69] Social scientists sometimes recognized that their research neglected the parents' generation entirely,[70] but this focus on children as objects of interest to the exclusion of their parents was a pattern that repeated itself even in liberal campaigns for toleration. *Aktion Gemeinsinn*'s 1978 "Foreign Children" campaign offers a dramatic example of this focus on children as objects of sympathy and protection. *Aktion Gemeinsinn* develops socially conscious advertising campaigns and then arranges for media outlets to donate ad space to these campaigns, much like the Advertising Council in the United States.[71] When the group first decided to create an advertising campaign about xenophobia, the members immediately resolved that the campaign should not be too optimistic: "It should not seem as if a complete solution for the problems can be found… education in two cultures and languages can never succeed completely satisfactorily." Their campaign could offer the children friendship, but not a reevaluation of bilingualism.[72] In the cover of the booklet, reproduced below, a dark-eyed

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69 O'Brien, "Paradoxical Paradigm," 169-170.

70 Andrés López-Blasco, "Tendenzen der Integrationspolitik in der Bundesrepublik Deutschland," in *Ausländerpolitik und Integrationsforschung in der Bundesrepublik Deutschland: eine Darstellung wichtigster Ergebnisse mit Auswahlbiographie* (Munich: DJI Verlag, 1982).

71 S. Jonathan Weisen, "Miracles for Sale," in *Consuming Germany in the Cold War*, ed. David F. Crew (Oxford: Berg, 2003), 164.

72 LA-B, DST, 4/44-49/7, Nr. 7127, "Protokoll der Sitzung des Research-Ausschusses der AKTION GEMEINSINN zur Kampagne 'Ausländische Kinder unsere Freunde' am 3. Mai 1977, Hotel Bristol in Bonn."

child stares out at the viewer. The title of the campaign, "Foreign Children. Strangers or Friends? It depends on us. Let us approach them," already excludes the parents.

The booklet explained that although the parents of the foreign children may have come to West Germany seeking a better future for their children, they had inevitably made a great mistake: "ripped from their home soil, not rooted here, their children waste away on the social margins, strangers in the home of their families, strangers here."[73] This point was underscored by short narratives about children who had been brought to Germany solely because of *Kindergeld*—in the story of a young girl from Sicily, "the father, who speaks quite intelligible German, tells us at length, that other reasons also made it necessary to bring his offspring [*Nachwuchs*] here—'she was a great burden to my parents'—'there is little opportunity to learn in the village.' It is possible, that he still believed in learning in German schools then. The primary reason was definitely the



Figure 10 *Aktion Gemeinsinn*'s campaign pamphlet, 1978

[73] Aktion Gemeinsinn, *Ausländische Kinder: Fremde oder Freunde? Es liegt an uns: gehen wir auf sie zu* (Bonn: Aktion Gemeinsinn), 5.

money—and that is quite understandable."[74] The father's own narration of his reasons was disregarded in order to portray him as having made a selfish monetary decision.

According to another narrative, Nilgün, a teenage girl from Turkey, wanted to be a hairdresser—"a career aspiration, that her father especially approved of, because in it the daughter would have hardly anything to do with men"—but although she was able to pass her practical exam as a hairdresser, she failed her oral exam because of her difficulty with the German language. Now she wanted to return home to Istanbul to apprentice with a hairdresser, but her father would not allow her to. Stuck in Germany until 18, Nilgün would be at a disadvantage on the labor market. The text explained that she would also have her hopes dashed on the marriage market: "Compared with most of the 350,000 Turkish children who live here, Nilgün's fate is certainly not catastrophic. But the happy girl no longer exists. Her hopes were too great and the disappointment has destroyed her self-esteem. Nilgün would like to get married one day. In Turkey women are a year younger when they get married than she will be when she returns there. Her parents work, like almost all parents in Germany, for a better future. But for their children's future?"[75]

Aktion Gemeinsinn commissioned a poll from the Allensbach Institute for Public Opinion Polling in order to measure the impact of its campaign. Among other results, the poll showed that between 1978 and 1980, there had been an increase in the number of West German adults who believed that foreign children had serious problems in German

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74 The editorializing about the father's reasons is also demonstrably wrong because Italians did not have their *Kindergeld* cut in the 1974 reform. Aktion Gemeinsinn, *Ausländische Kinder*, 12.

75 Aktion Gemeinsinn, *Ausländische Kinder*, 8-9.

schools—but when these same adults were asked if they were willing to help foreign children with their homework for a few hours a week, there had been no change.[76] In light of this result, the visual iconography of the "Foreign Children—Friends or Strangers?" campaign is particularly striking: in a 39-page booklet, there are no photographs of mothers and children, fathers and children, adults and children in any configuration. There are only foreign children, standing alone in the world.

When well-meaning West German chose photographs of sympathetic foreigners, they tended to choose photographs of children alone. Even *Arbeitsplatz Deutschland*, the state's official publication for guest workers and their families, got into the act of castigating parents using pictures of sad children. A 1986 cover of *Arbeitsplatz Deutschland* opened with an angelic-faced child and the caption: "The eyes of our children ask us many questions. Where is our home [*Heimat*]? Are we strangers in this country… or are we estranged from our home country? What is our mother tongue? Who decides our future? Do we understand them? What do we answer to them?"[77] The two-page spread inside of the magazine reproduced the visual iconography of children without parents.[78]

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76 Institut für Demoskopie Allensbach, "Ausländische Kinder—Unsere Freunde. Eine Kampagne der Aktion Gemeinsinn," May 1980. Author's correspondence with Aktion Gemeinsinn.

77 "Die Augen unserer Kinder stellen uns viele Fragen," *Arbeitsplatz Deutschland* 2/1986 (June 1986), 4-5.

78 My anecdotal impression is that visual communication about foreign families in German media veered between sad-eyed, lonely children and over-crowded families of six or seven children with one mother. Turkish, Italian, and Spanish media were more likely to publish photos of parents who were actively engaged with one or two children. Within this context of popular visual iconography, the family photographs collected at archives like DOMiD, the Documentation Center and Museum of Migration in Germany, provide an important visual counterpoint to dominant media representations of the foreign family.

This consistent choice to portray children alone is distinct from texts produced by foreigners, which tended to also stoke concern about a lost generation of children, but to use alarmist rhetoric in order to spur parents into political action. The Turkish newspaper *Hürriyet* often published articles about the "lost" children in Germany. One representative article titled "Who is responsible for this crime?" is illustrated with a photograph of a child answering the questions of an adult: Yaşar has heard Atatürk's name, but he does not know even the most basic facts about what Atatürk did. Although the headline is meant to shame parents, it's striking that this single article already features more images of adults than the entire *Aktion Gemeinsinn* campaign, in which children are alone with their problems.[79]



Figure 11 "10-year-old Yaşar is more German than Turkish", *Milliyet*, October 28, 1977

[79] "At ten years old, Yaşar is more German than Turkish. Who is responsible for this crime?" *Milliyet,* October 28, 1977.

Despite the alarmist headlines, articles often use upsetting stories in order to introduce the idea of political action—as was revealed in the body of the article, when children did not know who Atatürk was, their parents needed to fight for better schools in Germany, offering parents an active role to play in improving the lot of their children. *Hürriyet* in particular often sponsored petition drives and encouraged parents to bring family reunion cases to court.[80] Turkish authors who wrote children's books also made a point out of depicting multi-generational relationships in their stories, such as the bilingual children's books produced by an initiative for Turkish children in Duisburg.[81]

The Spanish migrants would be the most active in creating a new vision of bilingual children through the Spanish Parents' Association. The Spanish group was founded in November 1973, after the reform of the Spanish Law on Education allowed the creation of parental associations for the first time. Luis Zabalegui, a priest who led the association and edited its newsletter, was influenced by the liberatory pedagogy of Paolo Freire and explicitly understood the association as a place where parents could educate themselves about their children's situation. By 1977, 29.3% of Spanish migrants were already in a parents' association.[82] The Spanish Parents' Association would provide a model for others to follow, including the Turkish Parents' Association, founded in 1985.

The Spanish Parents' Association newsletter, *Letter to the Parents*, reproduced the same narrative about the danger of children without futures, but Zabalegui used the

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80 Incesu, *Ankara—Bonn—Brüssel*, 223-225.

81 Fakir Baykurt, *Jahre mit meiner Mutter/Anamla Yilllar*, trans. Wolfgang Riemann (Duisburg: Regionale Arbeitsstelle zur Förderung ausländischer Kinder und Jugendlicher, 1984).

82 von Breitenbach, "Spanische Elternverein," 105.

newsletter as a platform to encourage parents to get more involved in their children's education and to use a less authoritarian parenting style. In March 1973, the newsletter tackled the problem head-on with a story "Will Your Children Be German?" that urged parents to accept the fact that their children would have a choice to make about where they wanted to live.[83] Other articles in the newsletter explained the basic concept of Freirian pedagogy, encouraged parents to have their children watch *Sesamstraße,* and explained some of the benefits of sending children to kindergarten.[84] Progressive West German pedagogues would have approved of much of the content in the newsletter, but the distinction was that the newsletter took foreign parents seriously and tried to meet them where they were. At meetings of the organization, parents who could not read would make collages out of magazines about their feelings about their situation.[85]

The newsletter also empowered parents to fight for themselves, not just by organizing *Kindergeld* activism but also informing parents about how they could vote by mail and informing them about their rights as laborers.[86] In one article, Luis Zabalegui told parents that if they cared about their children, they could not neglect their own rights "Return is an illusion… while parents are dancing on the slack rope of the insecure future, the children are condemned to continue being slaves. As long as the parents do not have

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83 "Serán Alemanes vuestros hijos?", *Carta a los Padres* (March 1973), 2.

84 "Quien es Paulo Freire?" *Carta a los Padres* (March 1973) "Padres Y Maestros: Un Mismo Esfuerzo," *Carta a los Padres* (October 1973) and "La Entrada en la vida," *Carta a los Padres* (February 1973).

85 von Breitenbach, "Spanische Elternverein," 176. Even in 1970, up to one-third of adults in the South of Spain were functionally illiterate. Cazorla Sánchez, *Franco's Spain*, 88-94.

86 "Educacion Politica… desde la Infancia," *Carta a los Padres* (July 1976) and "Haz Lo Que Dices. El Ejemplo como Metodo de Educacion," *Carta a los Padres* (May 1977).

equal social rights, we can neither vote nor demand, not even know the school that would be best for our children."[87] In December 1974, in the midst of the Kindergeld protests, Zabalegui's letter from the editor explained that many parents told him "We don't want politics, but to be left in peace. We only want what is good for our children." He replied that fighting for your children was a political action.[88] The potential tragedy of an uprooted childhood was also part of migrant narratives, but publications written by migrants tended to use this as an opportunity to politicize parents rather than to punish them.

Restricting Teenage Migration

While social scientists, pedagogues, and citizens' initiatives were worrying about the second generation, the state was considering how best to minimize the size of the second generation. In the previous chapter, we saw how in 1977, the *Bund-Länder* Commission had been unable to reach a consensus about what to do with 16 and 17-year-old migrants. The Labor Ministry's desire to restrict their entry had been blocked by the Interior Ministry's stance that such a restriction would be unconstitutional. By early 1981, things had changed. Interior Minister Gerhart Baum of the FDP signaled his willingness to relax that stance by writing an article explaining that the possibility of further restriction was "not a taboo."[89]

Baum's primary argument was that by allowing 16 and 17 year olds to come to Germany, the state was "supporting not family reunification [*Familienzusammenführung*],

87 "¿Cuando nos volvemos a España? La Igualdad de oportunidades de los niños exige una igualdad social de los padres," *Carta a los Padres* (March 1974).
88 "No Tenia Fusil, Tenia Solo Su Guitarra," *Carta a los Padres* (December 1974).
89 Gerhart Rudolf Baum, "Aktuelle Probleme der Ausländerpolitik," *Zeitschrift für Ausländerrecht und Ausländerpolitik* 1, no. 1 (1981), 8.

but the establishment of a new generation of foreign workers under false colors." Because the chances for integration of this group were so dismal, allowing their entry was not just a bad idea for West Germany. It also "stands in contradiction to the interests of the affected themselves."[90] Baum's diagnosis of the situation borrowed from contemporary social science, with special concern for nationally indecisive foreigners who clung to a dream of cosmopolitanism:

> The core of the problem seems to me however to lie in the fact, that the foreign workers largely live in an undecided conflict of goals: On the one hand they are not ready to renounce the advantages of a working life in the Federal Republic of Germany… on the other hand they are not ready to give up their inner ties to the home country [*Heimat*], and they hope to return in an undefined future, although some will guess that this is a form of self-deception.
>
> The consequence of holding two options open is that the foreign workers are prevented from making rational life plans. The further consequence is that the children who are first brought along at the age when they can work are pre-programmed for the same fate under less advantageous circumstances… one will however have to weigh very carefully, whether and to what extent it is possible within the limits of our liberal order to persuade the parents to make a decision about staying or returning in a timely manner."[91]

In Baum's description of the problem, migrants who try to "hold open two options" like the Italian parents who want bilingual children are actually ruining their own lives and the lives of their children. Migrants need to make choices, and the state needs to persuade them to make those choices. Baum further explained that foreign parents' indecision damaged "the children and teenagers, who are overstrained from growing up in two languages and two cultures. The danger exists, that an entire generation will become

90 Baum, "Aktuelle Probleme," 8.
91 Baum, "Aktuelle Probleme," 8.

illiterate in two languages and no longer be able to get along in either culture."[92] Baum rejected the idea of migrant cosmopolitanism, but his techniques of persuasion could only apply to some migrants: it was impossible to direct the behavior of European migrants.

Baum's article signaled the beginning of another attempt by the Labor Ministry and Interior Ministry to find a compromise. Both ministries now agreed that something had to be done to restrict further migration, but the primary stumbling block was now the pre-existing agreement to grant freedom of movement to Turkish workers in 1986. As the Interior Ministry explained, "until now it was planned to offer Turkey as compensation for the refusal of freedom of movement a guarantee that the Turks who live here would retain their current rights to family reunification [*Familiennachzug*]."[93] If they restricted family reunion, what could they offer as compensation for the plan to refuse to honor the promise about freedom of movement? The Interior Ministry suggested moving to describe family reunion as a privilege linked more tightly to the individual family's "capacity and willingness to integrate" [*Integrationsfähigkeit und Integrationsbereitschaft*].[94] By November 1981 the Interior Ministry was open to moving the age limit to 6, but because this would require a reform of the Law on Foreigners so that children under the age of 16

92 Baum, "Aktuelle Probleme," 9.

93 BAK B 106/117674, November 3, 1981, Referat VII2 to Herrn Minister, "Betr.: Ausländerpolitik (Kabinettsitzung am 11.11.1981); hier: Familiennachzug."

94 BAK B 106/117674, November 19, 1981, Referat VII2 to Herrn Minister, "Betr.: Begrenzung des Familiennachzuges bei Ausländern."

were required to have residence permits, they envisioned it as something that would happen as part of the planned revision of the Law on Foreigners.[95]

Reflecting *Kindergeld*'s continued hold on the bureaucratic imagination, the Interior Ministry suggested that one way to accomplish its goal in the short-term, before the revision of the Law on Foreigners, might be refusing to give *Kindergeld* to children who came to West Germany after reaching the age of six. This would link *Kindergeld* to the "goal of timely relocation for integration… the denial of *Kindergeld* would be a balance for the higher expenditures in the areas of school, education, and vocational training that would have to be made on children and teenagers who relocated later."[96] Of course, if market incentives worked as well as officialdom continued to imagine, they would not have been discussing measures to restrict migration nearly a decade after the recruitment stop: the foreigners would have gone home. Migrants continued to understand their opportunities and their children's opportunities differently from officials. For the state, the desire to limit child migration was an attempt to create predictable migration patterns within the welfare state.[97] Flexible movement of labor had been necessary for economic growth, but the

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95 BAK B 106/117679, November 26, 1981, Referat VII2 "Betr.: Kabinettsitzung über Ausländerrecht (Steuerung des Familiennachzugs) am 2. Dezember 1981; hier: Vorbereitendes Gespräch mit BM Ehrenberg; Besprechung der Staatssekretäre am 27. November 1981, Bezug: Heutiges Gespräch bei Herrn Minister."

96 BAK B 106/117679, November 30, 1981, Referat VII1, "Betr.: Ausländerpolitik (Kabinettsitzung am 2. Dezember 1981) hier: Gewährung von Kindergeld für Kinder ausländischer Arbeitnehmer."

97 Social welfare researchers have argued that the welfare state has struggled to keep up with increasingly "unsteady biographies" since the 1970s. Heidi Rosenbaum and Elisabeth Timm, "The relationship between family, kin, and social security in twentieth-century Germany," in *Family, kinship, and state in contemporary Europe*, ed. Hannes Grandits (Frankfurt: Campus Verlag, 2010), 146.

equally flexible movement of *reproductive* labor in the form of family migration represented a threat to the social welfare state. The Federal Republic needed to make distinctions between "family members" and "labor" so as to ensure highly flexible labor markets and highly predictable, stationary reproductive labor.

Restricting Child Migration to Protect Children from Parents

The ongoing deliberations between the Labor Ministry and the Interior Ministry were cut short by decisive action by West Berlin on November 12, 1981. Heinrich Lummer, then the West Berlin Senator of the Interior, issued an administrative decree that limited family reunion to children under 16. The decree also banned child migration to a single parent, so that children could only enter if *both* of their parents already lived in Germany.[98] This measure was aimed at teenage boys who migrated to their single fathers for the purpose of accessing the labor market. The press release announcing the new restrictions insisted that the Basic Law was not being violated because the situations ruled out by the new regulations were "not a family reunion [*Familienzusammenführung*]," which meant the entire family without exceptions. In this matter, West Berlin was actually following French practice—since 1976, France had banned "partial regrouping," the practice whereby some family members resettled in France while other members stayed in the country of origin.[99] Dirk Oncken, Ambassador to Turkey from 1979-1984, would express a similar reasoning when he argued that the existence of the extended family meant that children were not

98 LA-B, B Rep 002, Nr. 41201, ""Erlaß zur Änderung des Ausländererlasses vom 12. November 1981."

99 Puzzo, "British and French Immigration Policy," 82.

fixated exclusively on their parents, but already lived in functional families in Turkey. "A potential decrease in the age limit for the migration of children would not mean that children remaining in Turkey had to live alone or in defective family relationships. For older children, migrating means that they are giving up a functional family structure for an uncertain future."[100] In Oncken's explanation, the existence of an extended family became part of a reason to limit individual choices. For officials in France, and also West Berlin, forcing families to travel as a contained unit and banning transnational families was imagined to reduce social problems and to create more predictable migration flows.

Finally, the West Berlin press release also proposed that the Law on Foreigners should be revised in order to specify that foreigners who were not threats when considered as individuals could be considered threats as part of a larger group. Currently, residence permits were supposed to be granted based on the merits of the "individual foreigner," but the Law on Foreigners should be rewritten to make it clear that "the interests of the Federal Republic of Germany are also compromised, when the total number of foreigners or the number of foreigners of a specific nationality or a specific social group grows greater than the integrative capacity of the Federal Republic."[101] Here, West Berlin was proposing that the logic inherent in the ban on settlement into "overburdened areas," the idea that groups of foreigners were inherently a threat to social cohesion, be written into the law.

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100 PAAA B 85/1612, August 19, 1982, "Betr.: Familienzusammenführung; hier: Herabsetzung der Altersgrenze für den Nachzug von Kindern."

101 LA-B, B Rep 002, Nr. 17825, November 20, 1981, "Familiennachzug und Zuheirat werden eingeschränkt."

All of these proposals went largely ignored because what was by far the most controversial part of the decree: in the future, foreign children who turned 18 would have to meet three conditions in order to have their residence permits renewed: having lived in Germany since they were thirteen, being able to prove that they could speak German, and having either a job or being in an educational program. It would have been impossible for West Berlin to deny entry to 13-16 year olds because they did not require residence permits under federal law, but in this way, the decree back-handedly introduced a new "age limit"—although teenagers could *enter* after 13, they would not be able to stay for more than five years—and devised a kind of "integration test" for 18 year olds.

West Berlin may have heard about the practice in Gelsenkirchen, where the Foreigners' Office had started in the late 1970s to require migrant teenagers to sign promises that they would leave when they turned 18. A Turkish teenager in Gelsenkirchen who fought his deportation order in court in the summer of 1980 lost his case. The court recommended that the deportation be carried out because "experts argue that an integration of foreigners of Turkish origin can first be hoped for in the third generation." Unfortunately for the applicant, he was a "second generation" foreigner, and "the willingness to integrate especially for foreigners of Turkish origin is low, because their large number allows them to live in an environment which allows them to maintain Turkish morals and customs. For this reason it must also be feared that the applicant's willingness to integrate is endangered."[102] Although local courts all upheld the idea that it was legal to enforce the promises to leave that the teenagers had signed, the Interior

102 BAK B 149/59886, September 17, 1980 "In dem Verwaltungsstreitverfahren T."

Minister of North Rhine Westphalia had prevailed upon the mayor of Gelsenkirchen to drop the practice and grant the teenagers residence permits in order not to create bad press.[103]

In West Berlin, the new decree reflected an intensification of previous bureaucratic practice: already in 1979, 150 foreign youth in West Berlin had signed a letter protesting the fact that once they reached the age of 16, the Foreigners' Offices often refused to issue them long-term residence permits. One Turkish teenager who had lived in Germany since he was three had received a six-month permit, while a Greek teenager had received a permit for only one month. By only issuing short-term residence permits, Foreigners' Offices was already making it difficult for the youth to find secure employment.[104]

In the first month following the November 1981 decree in West Berlin, officials interpreted the new integration rules quite strictly: for example, teenagers who were still in school when they turned 18 would only have their permit extended to the end of the term. A group of teenagers who were taking a German language course that ended in January 1982 had only been given extensions ranging from 1-3 months when they applied in December—likely not long enough to find a job that would secure further residence.[105] The new ideal of "family unity" reflected in the new ban on migration to a single parent was

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103 Institut für Stadtgeschichte Gelsenkirchen [ISG Gelsenkirchen], 1343, "Niederschrift über die 6. Öffentliche Sitzung des Ausländerbeirates in der Wahlperiode 1979/84 vom 19.03.1981" and "Niederschrift über die 7. Öffentliche Sitzung des Ausländerbeirates in der Wahlperiode 1979/84 vom 16.07.1981." Also see "Gelsenkirchen: 80 Türken mit 18 zurück nach hause. Ausländeramt beruft sich auf schriftliche 'Erklärungen.'" *Westdeutsche Allgemeine Zeitung* July 9, 1981 and "80 Türk gencini Alman vali kurtardi," *Hürriyet* August 3, 1981.

104 Uçar, *Illegale Beschäftigung*, 50.

105 Ausländerkomitee Berlin (West), *"Wir sind keine befristeten Menschen" Der Berliner Ausländererlaß von 1981-1982 und seine Auswirkungen* (Berlin (West): self-published, 1983), 24.

also applied towards teenagers who were married. Many Turkish teenage women who fulfilled all of the preconditions for integration were denied permits because their Turkish teenage husbands did *not* fulfill all of the preconditions—for example, when the woman had lived in Germany for eight years, but the husband had only lived in Germany for three years. In these cases, women who were purportedly highly "integrated" were denied the ability to help "integrate" their new husbands.[106]

The Foreigners' Committee of West Berlin staffed an office for documenting and advising youth about the new decree[107] where they encouraged the teenagers who visited them to apply for unrestricted residence permits before turning 18. The office found that perhaps a third of the teenagers who applied for unrestricted residence permits were being turned down for reasons that did not exist in the law on unrestricted residence permits. Language tests were a particular obstacle: although the Foreigners' Office was supposed to accept a certificate from an adult education center [*Volkshochschule*] or from one of the certified "German for foreign workers" classes, many individual officers refused to accept these certificates and imposed their own tests.[108]

The decree inspired shock, disbelief, and ultimately a new level of politicization among the foreign population in Berlin. One teacher in Schöneberg reported that when she explained the decree on the Monday after it was issued, "a paralyzing atmosphere

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106 Ausländerkomitee Berlin (West), *"keine befristeten Menschen*," 32.

107 Ausländerkomitee Berlin (West), *"keine befristeten Menschen*," 18-19. Also see DOMiD FL 0166, FL0332 and FL0465**.** There were multiple arson attacks on the Foreigners' Committee offices, destroying an archive that might have been of great use in documenting this history. See DOMiD FL0425.

108 Ausländerkomitee Berlin (West), *"keine befristeten Menschen*," 22-23.

prevailed, that resembled that of a boring lesson. The youth were like stones, they sealed themselves off. Finally, after 45 minutes, tough declarations: DEFIANCE, isolated 'well, then I'll just go back to Turkey,' 'it's better in Turkey anyway,' '…and in Turkey I'll hang my diploma on the wall.' Then disbelief: 'they can't do that.' 'they will take that back.' 'that is illegal.'"[109] Another teacher reported that the youth in her classroom had an attitude of mute acceptance: when there was a rumor that two German youth had lynched two Turkish youth, "the reaction of the Turkish students was not disbelieving horror (as it was for the teacher), but shoulder-shrugging acknowledgment."[110]

But the attitude of resignation present in these anecdotes was not the dominant one. Already on November 22, 1981, *Milliyet* published an article encouraging Turks to take the new decree to court in Germany as a violation of Article 6 of the West German Basic Law.[111] Over five hundred teenagers in Schöneberg organized a three-day school boycott, while in Kreuzberg an entire secondary school [*Hauptschule*], including the German students, went on strike. The protest opening this chapter was the largest action protesting the decree, and all of this evidence of protest alarmed the state. One month after the first decree, the Senator of the Interior issued a second decree on December 12, 1981. This second decree clarified that youth who had come to Germany before November 20, 1981 would not be subject to the new requirement of five years of residence to receive a residence permit upon turning 18. That particular part of the decree was only intended to change behavior in

109 Ausländerkomitee Berlin (West), *"keine befristeten Menschen*," 11.
110 Ausländerkomitee Berlin (West), *"keine befristeten Menschen,"* 12.
111 LA-B, B Rep 002, Nr. 17825, "Türkischer Medienspiegel" November 24, 1981.

the future, and would not apply to teenagers who were already in West Berlin. The "five year" requirement would be weakened yet again in July 1982.

As we saw in the last section of this chapter, officials at the national level had already been discussing different options for restriction for almost a year by the time West Berlin issued its decree in November. Despite the fact that the federal state had already been discussing similar measures, when the national Interior Ministry introduced a package of administrative "emergency measures" on December 2, 1981, it argued that the administrative decree in West Berlin and a similar proposal on the table in Baden-Württemberg[112] had forced its hand. The December 1981 "emergency measures" included two of the measures in the West Berlin decree: the restriction on migration to single parents and the age limit of 16. These national "emergency measures" were also roundly criticized. At the Foreigners' Council in Gelsenkirchen, every single national representative was appalled by the new restrictions.[113] Official representatives of their governments would repeat the same criticism. At a meeting with the Turkish press, Turkish journalists informed the embassy that the single parent restriction would likely just bring children and

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112 BAK B 149/59886, October 2, 1981 Erlaß from the Landespolizeipräsidium to the Regierungspräsidien in B-W, "Betr.: Ausländerrecht; hier: Familiennachzug, Encl: Familiennachzugsrichtlinien."

113 ISG Gelsenkirchen 1314 Ausländerbeirat, "Niederschrift über die 11. Öffentliche Sitzung des Ausländerbeirates in der Wahlperiode 1979/84 vom 21.01.1982." The Turkish representative and Italian representative both worry that this will prevent children from finishing their schooling in their home country, and the Italian representiative worries that children who have been apart from their families while finishing their schooling may have "psychic disturbances" as a result. In further evidence of the long shadow cast by the *Kindergeld* reform, the Yugoslavian representative states: "Foreign children, who should have stayed in the home country, were brought in because of the higher Kindergeld payments. The new decree will lead to the same thing."

their parents with them.[114] Just as with Kindergeld, Yugoslavia argued that it was another kind of "Germanization" policy aimed at taking children away.[115] Herbert Leuninger, a pastor and leader of the Initiative of Foreign Co-Citizens in Hessen, would later describe the "emergency measures" as "the end of policy… that was directed towards integration."[116]

In response to criticism of the "emergency measures," the federal government claimed that its own population was forcing its hand. The speech prepared for the Labor Minister originally included the statement that "our history means that we cannot afford a domestic political situation that is marked by open xenophobia and related unrest."[117] The specific reference to "our history," with the implicit reference to memories of National Socialism, was omitted from the final draft, but the final draft retained a very similar logic: "it will be easier to defend restrictions on family reunion [*Familiennachzug*], than to defend the conditions that would inevitably arise when the foreign population grows further. Our country cannot defend internationally a domestic situation that is defined by open

114 BAK B 106/117674, December 2, 1981, telegram from Botschaft Ankara to AA, "Betr.: Sozialverantwortliche Begrenzung des Familiennachzugs von Ausländern aus Nicht-EG-Staaten, hier: Hintergrundgespräch mit Türkischer Presse."

115 BAK B 106/117679, January 13, 1982, Botschaft Belgrad to AA, "Betr.: Pressereaktion auf Massnahmen betreffend Ausländerpolitik."

116 Herbert Leuninger, "Ausländerfeindlichkeit—Die Krise einer Interventionsstrategie im Kontext der Ausländerpolitik," in *Der gläserne Fremde. Bilanz und Kritik der Gastarbeiterforschung und der Ausländerpädagogik*, ed. Hartmut Griese (Opladen: Leske und Budrich, 1984), 153.

117 BAK B 149/59888, November 26, 1981, Abteilung Iia6 RD Dr. Fendrich to the Herrn Staatssekretär, "Betr.: Staatssekretär-Gespräch am 27.11.1981 zur Vorbereitung der Kabinettberatungen zum Familiennachzug am 2.12.1981."

xenophobia and the associated disorder. It is better to act on the motto 'as far as possible, no more foreigners' than to be forced to act later on to motto 'foreigners out.'"[118]

This statement gives insight into how officials thought about migration policy as an aspect of the "normalization" of West Germany. The state was more frightened of evoking xenophobic and potentially violent reactions among the population than itself being accused of xenophobic migration policies, and imagined that it would be easier to defend harsh state restrictions than popular violence. In the light of the migration restrictions in force in the rest of Western Europe—where Britain had redesigned its citizenship law in order to exclude non-white families and France had briefly excluded *all* family migration—this was likely an accurate assessment of the situation. The German past worked as a reason to *restrict* migration so as not to provoke nationalist violence and to *limit* access to citizenship so as not be accused of Germanization. Popular violence in Germany would always be associated with the National Socialist past, while the imposition of tough migration policies for non-Europeans were becoming an accepted part of liberal statecraft.

Although parts of the West Berlin administrative decree was softened in response to mass protest, the "integration" aspect of the measure, whereby children turning 18 had to be in school or have a job as well as be able to speak German, was arguably only the first example of a trend yet to come. After 2000, several European Union states would begin to impose "integration tests" for permanent residency. Political scientists have dated the first

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118 BAK B 149/59889, November 30, 1981 "Vorschlag für einen Einführungsvortrag des Ministers in die Kabinettberatungen zur sozialverantwortlichen Steuerung des Familiennachzugs von Ausländern aus Nicht-EG-Staaten am 2.12.1981."

such "integration test" to one introduced in the Netherlands in 2003[119], but the 1981 West Berlin decree features many of the same provisions directed at teenagers upon reaching the age of majority—and not for permanent residency, as in the later Dutch test, but simply for a five-year residence permit. Migrants who had been protected from state power as children were subject to scrutiny immediately upon reaching the age of majority—even if they no longer had any family members outside of the Federal Republic, they would have to prove their "integration" through finding a job and proving their basic language skills.

Restricting Child Migration as Child Protection

After the federal "emergency measures" were issued in December 1981, the Interior and Labor Ministries continued their discussions about the appropriate next step. The reduction of the age limit to 16, the exclusion on migration to single parents, and even the new "integration test" in West Berlin were all justified with reference to the presumably "economic" motives of teenage migrants, and they were all intensifications of previous policies that had turned labor market access into a reward for good behavior. At the same time, the "emergency measures" were only administrative decrees, not laws that had been passed, which meant that they were potentially vulnerable to the court. The Interior Ministry pointed out that "in the past the courts have more often used Article 6 in a

119 Elspeth Guild, Kees Groenendijk and Sergio Carrera, "Understanding the Contest of Community: Illiberal Practices in the EU?" in *Illiberal Liberal States. Immigration, Citizenship and Integration in the EU* (Farnham: Ashgate, 2009).

'foreigner-friendly' manner. A continuation of this practice cannot be reliably shut out, as long as family reunification is only restricted through administrative measures."[120]

With the potential for court challenges in mind, the Interior Ministry prepared a report on how Article 6 could be used to justify restriction. In order to justify further restrictions on family reunion, the Interior Ministry needed to argue against the position that it had held in the 1970s, when it had cited the first paragraph of Article 6 of the Basic Law—"Marriage and the family shall enjoy the special protection of the state"—to defend liberal family reunion policies. Now the Interior Ministry began to pay more attention to the second paragraph and third paragraphs of Article 6, which focused on the rights of individuals within the family unit.

> (2) The care and upbringing of children is the natural right of parents and a duty primarily incumbent upon them. The state shall watch over them in the performance of this duty.
>
> (3) Children may be separated from their families against the will of their parents or guardians only pursuant to a law, and only if the parents or guardians fail in their duties or the children are otherwise in danger of serious neglect.[121]

Already in 1979, professor of law Helmut Rittstieg had speculated that it would be possible to use these paragraphs of Article 6 to limit child migration. Rittsteig explained that "it would be possible to consider child welfare more strongly in family reunification in

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120 BAK B 106/117675, November 20, 1981, Referat VI2 "Zur Vereinbarkeit von Beschränkungen des Ausländerfamiliennachzugs mit Art. 6 GG."

121 "Basic Law for the Federal Republic of Germany," trans. Christian Tomuschat, David P. Currie and Donald P. Kommers, accessed at https://www.bundestag.de/blob/284870/ce0d03414872b427e57fccb703634dcd/basic_law-data.pdf.

the future, and to link the migration of children at school age with the duty for the children to learn German and go through school with their age cohort," although he had been skeptical that such a measure would be sufficient to "steer the migration of children in reasonable channels." [122] The third paragraph of Article 6 might seem to protect parents from state intervention, but previous court cases had specified that this paragraph had in fact been intended to protect parents from the intervention of a totalitarian state.[123]

In the Interior Ministry, jurists cited the welfare state imperative [*Sozialstaatsgebot*] (Article 28, Paragraph 1) and the Obligation of the State to Respect and Preserve Child Welfare (Article 6, Paragraph 2) in order to argue that limiting the migration of 16 to 18 year olds was in fact a constitutional imperative. "Because the regulation does not just obligate the state to protect marriage and family, but also explicitly child welfare, the state is not barred from taking into account the different developmental and educational levels of foreign children from the perspective of larger or smaller chances for integration when it defines family reunion." Teenagers who came after the age of 16 had poor chances of integration and serious consequences for failure. "They choose to move to their parents overwhelmingly not for familial, but for economic reasons. The expectations they hold in this respect cannot be fulfilled or can only be fulfilled inadequately… the family reunion restriction in question works against that. It is not just oriented to community interests and

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122 Helmut Rittstieg, "Zur Rechtslage junger Ausländer," *Zeitschrift für Rechtspolitik* 12, no. 1 (January 1979), 17. Strikingly, Rittstieg ends this essay by stating that the analogy with the "race problem" [*Rassenproblem*] in the United States shouldn't be overstated, but also urging his readers to consider that the race problem tells us "daß manches im politichen Bereich recht schnell gehen kann, wenn es erst brennt."

123 BVerfGE 24, 119—Adoption I. Teschendorf further makes this point in "Verstoß gegen Grundrechte?"

to the interests of the foreigners who already live here, but also to the interests of the affected group of people themselves."[124] The state's responsibility to guarantee child welfare could take precedence over the state's responsibility to protect marriage and family from state incursion—or put differently, teenagers could be prevented from migrating to their parents when it was for their own good.

Moving the age limit below 16 would require a revision of the Ausländergesetz that required children under-16 to have residence permits in the first place, and so it required a broader consensus to move forward than the original restriction, which took place through administrative decree. "Presumably economic motives" were not quite as plausible for seven and eight year olds, but social scientific research was increasingly coming to a consensus that children were only "capable of integration" if they were young enough when they came to West Germany. Politicians and officials who wanted to restrict migration could use the models of assimilation offered by *The Second Generation* to justify their skepticism about migration: at seven it was simply *too late* to become German, and children forced to live in the Federal Republic despite their status as outsiders would never find a place in society. Foreign parents who brought their older children to West Germany despite these dismal prospects skirted dangerously close to child abuse.

During a debate on the age limit in August 1982, Chancellor Helmut Schmidt wondered whether family reunion could simply be shut down entirely, including for wives. Revealing the extent to which the binary between family and labor structured his thinking,

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124 PAAA B 85/1603, undated report, "Zur Vereinbarkeit der Beschränkung des Familiennachzugs für 16- und 17-jährige jugendliche Ausländer mit Art. 6 GG," no later than February 1982 according to order in file.

he argued that such a policy "would make it clear, that this is not a question about the family, but about the question of whether a man wants to stay with his family or live and work in the Federal Republic of Germany without them." When his advisors pointed out the constitutional problems with an absolute restriction on family reunion, Schmidt wondered why Turks did not simply apply for asylum in Denmark, where the standard of living was higher anyway, and finally wondered if foreigners who wanted to stay in Germany could be forced into civil service.[125] Although this conversation only occurred between Helmut Schmidt and his advisors, it shows that Schmidt was beginning to feel desperate about the "Turkish problem." One week later, his advisors informed Schmidt that his proposal was unfortunately not only unconstitutional, but also potentially dangerous for Turkish relations with the European Union; the Foreign Ministry believed that the more family reunion were restricted, the greater the danger was that Turkey would somehow force the European Economic Community to make good on its previous promise of free movement.

Schmidt would not have much longer to ponder what his government would do, because in October 1982, he was ousted after a constructive vote of no confidence and Helmut Kohl of the CDU came to power as the head of a new CDU/CSU-FDP coalition cabinet, with Friedrich Zimmermann of the CSU as the new Interior Minister. The FDP had been in charge of the Interior Ministry since 1969, and the return of the Interior Ministry to the CSU/CDU would not be favorable for the rights of foreigners. In Kohl's first speech about the goals of his new government, he stated that foreigner policy was the third

125 BAK B 149/83847, August 14, 1982 Horst Ehmke "Aufzeichnung über ein Gespräch des Bundeskanzlers mit Horst Ehmke und Klaus von Dohnanyi am 11. August am Brahmsee über Ausländerprobleme."

element of his "emergency program [*Dringlichkeitprogramm*]." He intended to maintain a focus on integration, but explained that for his administration, "integration does not mean loss of identity, but a coexistence of foreigners and Germans that is as tension-free as possible. Integration is only possible, when the number of foreigners living with us does not increase." One way to do this was to "restrict family reunion [*Familiennachzug*], especially also in the interest of children, who have a right to their own family."[126]

One of Kohl's first actions was to create a new Federal-State-Municipality [*Bund-Länder-Gemeinden*] commission on foreigner policy that began to meet in November 1982. One subcommission within the larger commission was specifically tasked with devising the best way to restrict family reunion, but over three months of meetings, this sub-commission was unable to come to a consensus about how to best restrict child migration.[127] The final report revealed a staggering lack of consensus: the Interior Ministry, the Finance Ministry, Baden-Württemberg, Berlin, and the Deutsche Städtetag all voted to move the age limit to 6 years. The Family and Youth Ministry voted to move it to eight years. The Foreign Ministry, Hessen, and Liselotte Funcke—the Federal Commissioner for the Promotion of Integration among Foreign Workers and their Family Members—wanted to keep it at 16 years. Bremen wanted to raise it back to 18 years. The Labor Ministry had voted for lowering it to six years unless the child could prove that it knew German. Bavaria

126 "Regierungserklärung des Bundeskanzlers vor dem Deutschen Bundestag, 14. Oktober 1982" accessed at http://www.1000dokumente.de/index.html?c=dokument_de&dokument=0144_koh&object=facsimile&l=de.

127 Proceedings of this commission are in BAK B 149/83806, 83807, 83808, 83809, 83810, 83811, 121742, 121743.

and Lower Saxony both abstained, with Bavaria insisting that it needed more data to make up its mind.[128]

Because the commission had failed to reach a consensus, the CDU/CSU supporters of the age limit would take their case in favor of the age limit to the public by arguing that their plan more closely mapped to an understanding of the proper protection of child welfare. Liberal jurists such as Bertold Huber and Fritz Franz tended to see the proposal to create a new age limit for children as a form of separation that violated the guarantee in Article 6, Paragraph 3, with Franz even describing the proposal as "grotesque."[129] The argument was also particularly offensive to the churches, both of which strongly criticized the new measure. The Council of German Bishops saw the proposed age limit as an unacceptable incursion into familial autonomy,[130] and Friedrich Zimmermann once joked with the Bishop of Cologne about whether he could still receive communion being against family reunion—something which did not amuse the Bishop.[131] In 1984 the press even dubbed a controversy between the German Bishops' Conference and the Central Committee of German Catholics over the age limit the *Katholiken-Streit*.[132]

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128 BAK B 149/121743, January 31, 1983 Vermerk BMA Iic1 24 200/17 Referatsleiter RD Dr. Fendrich und Referent RD B. Schmidt, "Betr.: Kommission Ausländerpolitik des Bundes, der Länder und der Gemeinden; hier: Bericht des Ausschusses 2 'Familienzusammenführung.'"

129 Fritz Franz, "Der Nachzug ausländischer Familienangehöriger im Lichte der Verfassung," *Neue Juritische Wochenschrift* 37, no. 10 (1984), 531.

130 BAK B 149/83848, Kommissariat der Deutschen Bischöfe "Stellungnahme für die Anhörung der Kommission 'Ausländerpolitik' am 30. November 1982 in Bonn."

131 DOMiD, Interview with Herbert Leuninger on April 29, 2004.

132 Woesthoff, "Ambiguities of Anti-Racism," 174-175. I have only been able to gesture towards the larger history of Catholic and Evangelical engagement with the question of foreigners in the Federal Republic; churches were some of the most vocal critics of the

The CDU/CSU was unphased by church opposition as it moved to insist on a new definition of family protection: they were not protecting the rights of the irresponsible parents, but the rights of the vulnerable children. As Zimmermann wrote to Liselotte Funcke in March 1983, "The opponents of the reduction in the age limit… limit themselves to general remarks about the protection of the family and parental rights without seriously engaging with the counterarguments that must be advanced in the interest of child welfare."[133] A critical comic published in *Der Spiegel* showed Zimmermann pulling a



Figure 12 "Zimmermann's chalk circle" *Der Spiegel* October 8, 1984

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state's migration policy, such that it would be an excellent topic for further research. Ecumenical groups of Christian activists were also at the center of the movement on behalf of asylum seekers in the 1980s, housing families of asylum seekers who were due to be deported in order to bring attention to the inadequacies in asylum policies.

133 BAK B 106/117675, March 18, 1983, BMI to Liselotte Funcke.

child from a woman's arms. The woman, who is wearing a headscarf, holds up Article 6, Paragraph 1, asserting her constitutional rights.[134]

But Zimmerman understood "protection of the family" differently, stating in a 1983 radio interview: "protection of the family only means that the children should come to their parents at the right age, not for the first time when the parents think that they can earn money with their children, which is not even the case. The falsely understood and here falsely applied Basic Law and parental rights lead to criminality and to the opposite of what is humane, and I can absolutely prove that with police and foreigner statistics."[135]

Carl-Dieter Spranger, the Secretary at the Interior Ministry, employed similar rhetoric about parental responsibility, insisting that "A very fundamental contribution to integration is that foreign parents should not first bring their children here, when the children are standing at the entrance to their work life and might be founding their own family within a few years… when parents do not live up to their responsibility for their children, the state must resort to the necessary measures."[136] Dr. Heiner Geißler, another CDU politician and the Minister for Youth, Family and Health, also brilliantly turned the

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134 Comic taken from "Aus der Asche," *Der Spiegel*, October 8, 1984, 49. The comic's caption, "Zimmermann's chalk circle," refers to the Berthold Brecht play *The Caucasian Chalk Circle*. In a pivotal scene, two women are fighting over which of them is the mother of a child, and a judge declares that he will place the child in the center of a chalk circle. The true mother will be able to pull the child from the circle, but if they both pull, they will tear the child in half and each get half. One of the women refuses to pull because she cannot bear to hurt the child, and the judge declares that she must be the true mother, as she loves the child too much to hurt him.

135 BAK B 106/93422, July 5, 1983 "Interview: Dieter Jepsen-Föge mit Bundesinnenminister Dr. Friedrich Zimmermann/CSU. Thema: 'Ausländerpolitik.'"

136 AEWD, PB 948: June 30, 1983, speech by BMI Parlamentarischen Staatssekretärs Carl-Dieter Spranger, "Die Ausländerpolitik der Bundesrepublik Deutschland" im Rahmen der 2. Internationalen Fachtagung zum Asylrecht und zur Ausländerproblematik."

"family-friendly" language of his opponents on its head in a January 1983 interview, stating that "The CDU, and that also means me, do not proceed from an authoritarian patriarchal or matriarchal concept of the family, but from one based on partnership. And for us, it is not just husband and wife, that is the parents, who belong to the partnership, but also the children… the current family practices of many foreign parents undoubtedly violate the rights of the children. Of course parents have the right to determine the child's best interests. But we also have certain ideas about what opportunities a child should have and must have… they should not misuse their parental right, by destroying important opportunities for the child and in so doing destroying the child's life."[137]

Conservative jurists such as Helmut Quaritsch would also support the argument in favor of the age limit. Quaritsch insisted that it was wrong to blame the West German state for separating the family. It was the parents who were responsible for separating their family when they chose to live in West Germany. Quaritsch argued that when parents lived separately from their children "it is clear, that this unusual lifestyle is due to the free choice of the parents themselves: normally parents live with their children." He compared the foreign workers to West Germans who chose to make their living as sailors, who accepted long periods of absence from their families as part of the lifestyle required by the job. Why should a foreign worker be treated better than a sailor?[138]

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137 BAK B 149/84848, January 7, 1983, press release from BMJFG about interview with Dr. Heiner Geißler "Alternativradikalismus der 'Grünen' schafft weder mehr Arbeitsplätze noch eine saubere Umwelt.'"

138 Helmut Quaritsch, "Kindernachzug und Art. 6 GG," *Neue Juristische Wochenschrift* 37, no. 48 (1984), 2733.

Quartisch wrote that the last decade of family migration had taken place under false pretenses: "This 'family reunification' [*Familienzusammenführung*] is motivated not by the pain of separation, but by economics, and it has undermined the 1973 recruitment stop on a grand scale. At the same time, it is a consciously chosen strategy to prevent 'integration' into the Federal Republic, which the parents fear will lead to 'alienation' of the children."[139] He could virtually promise that the foreign children who continued to enter West Germany would "as a general rule become an unemployed subproletariat, susceptible to criminality and revolution. That is not a moral judgment, but an international and empirically proven experience." In fact, each additional foreign child did not just hurt the integration prospects of other foreign children, but of the German working class: "If the potential for achievement [*Leistungsfähigkeit*] of part of the population sinks, the potential for achievement of the entire commonwealth is affected… late migration [*Nachzug*] pre-programs the foreign child for a tragic life and burdens the social net of benefits in a fashion that is unacceptable."[140]

Echoing earlier images of children as *Kindergeld*-producing machines, Quaritsch posited that the Turkish government opposed the age limit policy for its own selfish reasons: children who went to school in Turkey before coming to Germany at the age of 10 or 15 would grow up to be "potential importers of foreign currency [*Devisenbringer*]" while children who left Turkey before the age of six were less likely to remain emotionally committed to Turkey and therefore less likely to send remittances home.[141] Quaritsch

139 Quaritsch, "Kindernachzug," 2733-2734.
140 Quaritsch, "Kindernachzug," 2734.
141 Quaritsch, "Kindernachzug," 2736.

defended the age limit as not just constitutional, but as humane: the state needed to keep foreigners from hurting the community and themselves.

These arguments about parental responsibility seem to have been persuasive for individual voters. In June 1983, a public opinion survey about age limits found that 78% of respondents were familiar with the debate. Respondents were subsequently given a sheet with a dialogue about the problem and asked which of the positions they identified with. 44% indicated that they agreed with the age limit because "Parents who really want to care for their children should bring them as soon as possible. When the children are over six, they often cannot follow along in school and later they will not find work." Only 35% stated that they opposed an age limit, agreeing with the statement that "Older children also need their parents, and so the family should be able to reunite. When children grow up without parents, big problems will develop." Voters from all political parties except the Greens were slightly in favor of the age limit, with CDU/CSU and FDP voters most in favor. The author of the public opinion report on this poll wrote that while "the position of rejection has always tried to present itself in the previous debate as the more liberal, progressive, and above all child-friendly position," the results of this opinion poll suggested that the age limit was in fact more child-friendly and that the FDP was in danger of alienating its voters by continuing to oppose the age limit.[142]

Reflecting the pedagogical function of opinion polling in Germany, a survey of Turkish men conducted by EMNID in the same year tried to get the men to agree with the

142 DGB Archive, 5/DGAZ 444, Allensbacher Berichte 1983 Nr. 16 "Nachzugsalter von Ausländerkindern auf 6 Jahre beschränken?" dated Augut 12, 1983.

age limit by asking them: "Do you agree with the statement that a child who is brought to Germany after the age of ten will have worse opportunities on the labor market later?" 38% of the men agreed with the statement and 56% disagreed with the statement. [143]

Opponents of the age limit usually undermined their own argument when they accepted the shared premise that moving to Germany too late was dangerous for the children in question. These opponents argued that Article 6 still obliged the state to protect families from state incursion. Although he opposed the proposal to move the age limit all the way to six, former Interior Minister Gerhart Baum of the FDP reprised rhetoric about doomed foreign children in March 1983 when he told conservative Turkish newspaper *Tercüman* that although he opposed restriction, he still wanted children to be "brought as soon as possible… otherwise the children have no or diminished opportunities."[144]

Another group of age limit critics argued that even arrival before the age of six seemed to pose little guarantee of integration. A group of social pedagogues based in Neuss and Essen argued that the age limit was an unnecessary measure because even the age limit did not offer a "guarantee of integration," citing statistics that showed that even children who had arrived before the age of six were not always employed.[145] Similarly, the German Trade Union Confederation opposed the age limit because "the claim that the

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143 The same survey asked the question: "Imagine that two million Germans lived in Turkey as guest workers. Considering its own high unemployment figures, how should the Turkish state react to the situation?" A full 22% of the men refused to answer the manipulative question. LA-B, B Rep 002 Nr. 17351, "Türken in Berlin. Lebensbedingungen, Kommunikationsverhalten und Integrationstendenzen. Ergebnisse aus der im Januar/Februar 1983 durchgeführten Pilot-Studie" by EMNID.

144 ADL Baum N60-522, clipping from *Tercüman,* March 28, 1983.

145 BAK B 149/83848, Forschungsgruppe ALFA "Einreise vor Beginn der Pflichtschulzeit—Eine Integrationsgarantie für Ausländische Kinder?"

children will only have a chance if they are integrated into the educational system here from the beginning is already built on sand, because many children of foreign workers currently have no apprenticeship and no job despite having a German diploma."[146]

A group of pedagogues from Münster reflected the consensus of their field that national identities were necessary for child development when they wrote to Chancellor Kohl offering yet another argument against the age limit. These pedagogues believed that coming before the age of six might be good for German skills, but it was bad for the personality—children who came to West Germany shortly before turning six would have their socialization process interrupted and be incapable of developing a single, stable, national or cultural identity. Children who came much later, perhaps after the age of 12, might have more problems picking up German, "but their personality is more developed and they feel that they belong to a culture. They will live for some time as foreigners in the Federal Republic and consciously define their role in our society; they will not allow themselves to be Germanized. The entire argument for a reduction in the age limit proceeds from a concept of integration that can only be translated with 'Germanization.'"[147]

With such a broad consensus about the gloomy fate of foreign children, how did West Germany avoid the age limit? The ultimate decision not to reduce the age limit—much like the rapid demise of anti-ghettoization policies in 1977—would be forced by

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146 DGB Archive, 5/DGAZ 1009, March 21, 1983, Abt. AA Aktennotz für den Kollegen Siegfried Bleicher, "Betrifft: Familiennachzug ausländischer Arbeitnehmer."

147 BAK B 149/83809, December 14, 1982, "Betr.: Schreiben der Teilnehmer des Projektes 'Außerschulische Arbeit mit ausländischen Kindern und Jugendlichen' an der Fachhochschule Münster, Fachbereich Sozialwesen," includes this letter from the Projekt to Bundeskanzler Helmut Kohl," dated December 14, 1982.

considerations of foreign policy. The West German state was concerned that on December 1, 1986, Turkish citizens might come to West Germany, be denied entry, and then take their case to the European Court of Justice. Because the European Economic Community was still in the process of being defined in this period, it was unclear whether or not European courts would uphold the Association Agreement that had been made with Turkey, but it was clear that if the court upheld the Association Agreement, West Germany would lose any possibility of effective control over the migration of Turkish citizens.

The Foreign Ministry hoped that Turkey could be negotiated out of freedom of movement, but found that all of their attempts to negotiate ran up against steep demands from the Turkish side. Friedrich Zimmermann of the Interior Ministry pushed his plans for restriction in a diplomatic visit to Turkey in July 1983 and was gently rebuffed by President Kenan Evren, who agreed that early reunion was better than late reunion, but who believed limits on child migration would violate human rights. President Evren also expressed during the meeting that the Germans would make the final decision and that he could not do very much to stop them, an attitude that Zimmermann must have found encouraging. The reports on the meeting written by Foreign Ministry officials actually seem confused about how to interpret Evren's comments, although they conclude that he is probably just trying to improve his bargaining position.[148]

148 PAAA B201/131105, July 21, 1983 telegram "Betr.: Besuch BM Dr. Zimmermann in Ankara 18-20.07.83, hier: Gespräch mit Präsident Evren 20.07" and "Betr.: Deutsch-türkisches Verhältnis nach Türkeibesuchen von BM Blüm (3/5.7) und BM Zimmermann (18/20.7.1983)"

During a subsequent diplomatic negotiation in May 1984, the Turkish side was far less conciliatory. When the German side asked what it would take for them to give up on full freedom of movement in 1986, they proposed compensatory measures that included sinking the retirement age for Turkish citizens who worked in Europe to 55 to match the retirement age in Turkey, getting rid of the visa requirements that had been introduced in June 1980, paying equal *Kindergeld* for children who lived in Turkey, granting access to the labor market for family members, and even expanding the group of people who were eligible for family reunification to include children up to the age of 21 and dependent parents of foreign workers.[149] Based on their extensive experience in diplomatic negotiations, the Foreign Ministry would use cabinet meetings with Helmut Kohl to argue that the state should move towards restricting marriage migration while leaving child migration alone. The Interior Ministry used those same meetings to continue to defend its position in favor of the age limit.[150]

The continuing disagreement was exposed by two events in late 1984: first, when a new coalition government in Hesse between the SPD and the Green Party issued a circular raising the age limit for family reunion in Hesse to 18, the federal Interior Ministry sent a harsh letter asking them to withdraw the circular the change was unacceptable because "it could lead to migration into other federal states, which have already shut it out for good reasons… your circular has struck a path that cannot be reconciled with the interests of the

149 PAAA BRU-EEU/15020, May 4, 1980, "Betr.: Freizügigkeit EG-Türkei."

150 PAAA B 201/131106, June 18, 1984, "Betr.: Assoziierung EG-Türkei," PAAA B 201/131107, August 27, 1984, "Betr.: Assoziierung EG-Türkei," and PAAA B 201/131105, "Betr.: Deutsch-türkisches Verhältnis nach Türkeibesuchen von BM Blüm (3/5.7) und BM Zimmermann (18/20.7.1983)."

Federal Republic of Germany."[151] Hesse did not reverse the higher age limit until 1987, when the CDU won the state elections and the Greens were ousted from power.[152] After the publicity around the circular in Hesse, in October 1984, the Interior Ministry answered a Parliamentary Question from the SPD about policy on foreigners, including questions about the age limit, leading to a rare Bundestag debate on this topic.[153] At a cabinet meeting before the debate, Hans-Dietrich Genscher of the FDP actually threatened to resign his post as Foreign Minister if the age limit was implemented.[154] Genscher insisted, following a long-held position in the FDP and the Foreign Ministry, that "Foreign policy considerations force us to keep the migration regulations for Turks as liberal as it can justified domestically. We should especially refrain from single measures which have limited efficacy and which could be seen by the Turks as a policy of pin-pricks, and we should only give into domestic pressure when the foreign policy risk of worsening our relationship with Turkey is really worth it."[155] He subsequently defended this position in the Bundestag.

Although Helmut Kohl supported his party's drive to restrict child migration, he was also well aware of the threat that "1986" represented, having informed his party in 1983 that "if we have the gate open on the date that was just mentioned, you can forget

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151 DGB Archive, 5/DGAZ 1033, July 13, 1984, Hessische Minister des Innern to Regierungspräsidenten, "Betr.: Ausländerrecht; hier: Aufenthaltserlaubnis bei Familiennachzug," and August 9, 1984, BMI to Hessisches Minister des Innern and other Länderinnenministerien, "Betr.: Ausführung des Ausländergesetzes in Hessen."

152 DGB Archive, 5/DGAZ 1033, September 4, 1987, Hessische Minister des Innern Kabinettvorlage, "Betr.: Angleichung ausländerrechtlicher Regelungen in Hessen an bundeseinheitliche Maßstäbe bzw. an die Verfahrensweise der Mehrheit der Bundesländer."

153 Deutscher Bundestag, Plenarprotokoll 10/89, October 5, 1984, 6574-6595.

154 "Aus der Asche," *Der Spiegel*, October 8, 1984.

155 PAAA B 85/1610, December 22, 1981 untitled memo.

everything that we have advocated about foreigner policy… but there will be great conflicts, because there are two things you will not manage with Turkey: the form we have discussed for family reunification [*Familienzuzug*[156]] including its subtopics.[157] We will have to develop priorities. So that there is no doubt, the priority for me is the Association Agreement. Because everything that we are doing now will be very marginal, when the great floodgate [*Schleuse*] opens in the end. We will not be able to free ourselves."[158]

The argument of the "great floodgate" seems to have been decisive. After Genscher's threat to resign in September 1984, the possibility of reducing the age limit would not be discussed again until plans to revise the *Ausländergesetz* in 1988—after the "1986" threat had come and gone. However, the dramatic confrontation over the age limit damaged the ability of the FDP-CDU/CSU coalition not only to compromise, but even to discuss policies relating to migration and integration. After 1984, Liselotte Funcke continued her position as the Federal Commissioner for the Promotion of Integration of Foreign Workers and their Family Members for another seven years, but was never invited to another cabinet meeting

156 This is a *highly* unorthodox construction, which implies "immigration" without even the connotation "reunion." The word is entirely absent from Duden and Google Ngrams, and only shows up in DWDS four times.

157 I assume this means the "subtopics" of restricting children and marriage restriction.

158 Günter Buchstab and Hans-Otto Kleinmann, eds., *Helmut Kohl: Berichte zur Lage 1982-1989. Der Kanzler und Parteivorsitzende im Bundesvorstand der CDU Deutschlands* (Düsseldorf: Droste, 2014), 162. I would also suggest that Kohl's use of a *water* metaphor—he moves from speaking about a "gate" to a "floodgate" in the course of this speech—is not accidental; the metaphors of influx are more threatening when it's water. Linke, "Blood, Race, Nation," and Klaus Theweleit, *Male Fantasies*, trans. Stephen Conway (Minneapolis: University of Minnesota Press, 1987 [original 1977]).

or policy commission.[159] The media often described Funcke as the "angel of the Turks" for her opposition to reducing the age limit, but she also squandered all of her political capital with the Kohl cabinet on the issue of the age limit. As we will see in Chapter Seven, the next significant measure on foreigners that was proposed by the Kohl government—the long-awaited revision of the Law on Foreigners—would be devised entirely within the CDU/CSU, and would only bring the FDP in at a very late stage.

Conclusion

Given the fact that foreign policy considerations ultimately forced the Kohl government to back down from its plan for imposing new age limits, what can the age limit debate tell us about West German political culture? Rita Chin sees the fact that the age limit was ultimately never implemented as evidence that more Germans were beginning to think of themselves as potentially a multicultural nation.[160] However, age limit reduction cannot be read as an extreme position held by Helmut Kohl, Friedrich Zimmermann, and other CDU/CSU politicians. The Interior Ministry had already signaled its willingness to consider reducing the age limit over a year before Helmut Kohl came to power. Turkish author Hüseyin Yiğit wrote a 1982 play in which the characters were nonplussed by the change in political leadership. Asked about his opinion of Kohl, one character admits that he doesn't

159 Her increasingly despeate pleas to be informed about the policies she was supposed to defend are available in the ADL, Liselotte Funcke ÜP 58/2012-100 and Liselotte Funcke ÜP 58/2012-101.

160 Chin, *Guest Worker Question,* 196-202.

like what he's seen of Kohl, "but we've already seen and tested Schmidt… he invented the six year age limit. He didn't want newly married Turks to bring their wives here."[161]

Because the age limit was dropped for tactical reasons rather than as a matter of principle, the idea would not even go away after its initial rejection in 1984. The first draft of the 1990 Law on Foreigners proposed an age limit of six, and even in 2002, the CDU would state its preference for an age limit of six during debates on the new migration law. Underlining my argument that "cosmopolitanism" is accessible to some populations and not others, the first draft of the 2002 migration law initially proposed an age limit of twelve for low-skilled migrants and eighteen for children of high-skilled labor migrants.[162] The German debate over age limits would finally also imported into EU policy in 2003, when the EU Directive on Family Reunification responded to the Interior Ministry's draft proposal by deciding to set a maximum age limit of 12 in order to prevent the attempt to revive the age limit of 6.[163] Denmark's response to the EU Directive was lowering the age limit from 18 to 15 in 2004, arguing that it would support integration.[164]

The most restrictive measure implemented in this chapter, the "integration test" for residence for 18 year olds created in West Berlin in 1981, has also seen a revival, with multiple European Union states adding "integration tests" for permanent residence.

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161 Yiğit, *Was soll aus uns werden?*, 20.

162 Green, *The politics of exclusion,* 120-125.

163 Simon Green, "Divergent Traditions, Converging Responses: Immigration and Integration Policy in the UK and Germany," *German Politics* 16, no. 1 (2007): 106.

164 "Denmark's response to the Commission Green Paper on the right to Family Reunification of third-country nationals living in the European Union," March 14, 2012, accessed at http://ec.europa.eu/dgs/home-affairs/what-is-new/public-consultation/2012/pdf/0023/famreun/memberstatesnationalgovernments/denmark_en.pdf.

Political scientist Ines Michalowski argues that Germany "has been the European precursor in establishing a nexus between immigration and integration" because it was the only European state to require proof of language skills for permanent residence before 2000.[165] However, political scientists have not noticed the fact that West Berlin was already in 1981 linking continued residence not just to language skills, but also to proof of *employment* for children reaching the age of majority.

The child migration debate also shifted the discourse on the family by normalizing the idea of state intervention into foreign parenting. When they talked about child development and criticized traditional foreign parents, self-consciously progressive West Germans were able to feel attached to a positive national identity. These particular features of the debates over child migration were also part of the simultaneous debate over spousal migration. Politicians who advocated for restrictive policies on child migration understood themselves as saving foreign children from foreign parents; politicians who advocated for restrictive policies of marriage migration understood themselves as saving foreign women from foreign men, while claiming gender equality as a timeless German value.

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165 Ines Michalowski, "Liberal States—Privatised Integration Policies?" in *Illiberal Liberal States. Immigration, Citizenship and Integration in the EU* (Farnham: Ashgate, 2009), 269.

Chapter Six—"Pregnancies as Blackmail": Marriage and the Politics of Vulnerability

Introduction

In January 1982, an official at the Foreign Ministry inspected a draft memorandum stating that the increasing population of foreigners "needed to be brought to a stand still." He responded with a suggested revision: write instead that the number of foreigners "needed to be limited," because the current wording "could raise the question of not just birth control, but in the extreme case also the question of forced abortion and even the murder of newborns (Herod!)."[1] In the same week of January 1982, a group of social workers in North Rhine Westphalia met to discuss an alarming new trend: Turkish women in their region were getting more abortions. Although the record of the discussion does not establish a baseline, social workers reported that every fourth woman seeking an abortion in Düsseldorf and every sixth woman in Gelsenkirchen was a Turkish citizen. The social workers considered and rejected the idea that women were getting abortions in order to avoid losing their homes. Although this might be the case in isolated instances, they had no reason to believe that landlords were systematically kicking large families out of their homes.[2] Instead, the social workers hypothesized that Turkish women might be seeking

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1 PAAA B 85/1602, January 28, 1982, "Betr.: Ausländerpolitik; hier: 'Die ausländerpolitischen Grundpositionen der Bundesregierung," Bezug: 'Rohentwurf einer Tischvorlage des BMA vom 27.1.1982, Fernschreiben Nr. 137 des BMA vom 27.1.1982.' The reference is to the biblical account of Herod the Great having ordered a slaughter of children. Herod heard from the Magi that there was a newborn King of the Jews and ordered that all young boys near Bethlehem be killed. This "Massacre of the Innocents" continues to be an important story within Christian traditions.

2 In fact, as we saw in chapter two, there had in fact been isolated cases of families finding their residence permits shortened by the state after the birth of a child. A Spanish

abortions because they were beginning to adopt West German values, and wanted to limit their family size as a result: "Turkish families as a rule have more children than German families, but they are starting to realize that progress is not represented by *Kindergeld*, but by lowering the number of children." Neatly reproducing the idea that Turks were irrationally motivated by *Kindergeld* payments, as well as the idea that small families were necessarily better, the social workers concluded that the rising number of abortions was probably good news for integration: it was evidence of "adjustment [*Anpassung*] to the different sociocultural conditions of the Federal Republic."[3] Of course, this adjustment only went so far: the social workers also assumed that Turkish men did not allow their wives to use contraception, forcing pregnant women to take matters into their own hands by seeking abortions.

Both of these documents represent archival asides: I have no way of knowing how the reference to "Herod!" was read by its recipients, and it is unclear whether the social workers in North Rhein Westphalia ever met to discuss abortion again. I found the report of the meeting in a box of documents marked "Women's Questions" that primarily included material about high rates of unemployment among both foreign and West German women. The nameless official in the Foreign Ministry warns that inflammatory language has

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couple in North Rhine Westphalia who had "sufficient space" with two children received a letter ten days after the birth of their third child informing them that the residence permits of the wife and children had been shortened until the end of the year. They would not be lengthened unless the family found a larger apartment. Although I found no evidence that this was a consistent practice, only a handful of examples would likely suffice to create fear in the larger community. Budzinski and Schirmer, "Ausländerbehörden," 17.

[3] LA-NRW, NW 670, Nr. 95, January 27, 1982, "Betr.: Schwangerschaftsabbrüche bei Türkinnen."

consequences, while the social workers interpret an increase in abortion as a positive sign of "progress" without reflecting on their narrow definition of progress. I cannot know, from this discussion, whether there really was an increase in abortions, and I certainly cannot know why any such increase may have occurred: what I do take from both of these documents is a sense that foreign reproduction was a source of anxiety. Less than two months later, in March 1982, the *Frankfurter Rundschau* would publish the "Heidelberg Manifesto," in which a group of university professors called for "a renewal of the procreative function of the German family" and posed the question: "What hope for the future do the hundreds of thousands of guest worker children have if they are illiterate in both their native language and German?" Because "our own children alone are the sole basis for the German and European future," the authors of the "Manifesto" suggested "reuniting guest workers with their families in the ancestral homeland."[4] The "Manifesto" drew on anxiety about relative fertility rates in order to make arguments about the need to protect Germany from the threat represented by foreign fertility.

The role of foreign reproduction in West Germany was also being discussed at the highest levels of the government. In this chapter, I will argue that the state's expressed desire to restrict migration and reduce the number of foreigners resident in West Germany was part of the reason for the 1980s "turn to gender" as a marker of irreconcilable cultural difference. With the category of "family member" the primary legal way for migrants to enter Europe, the meaning of gender roles within that family became hotly politicized.

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4 "The Heidelberg Manifesto of Xenophobic Professors (March 4, 1982)," trans. Allison Brown, accessed at http://germanhistorydocs.ghi-dc.org/sub_document.cfm?document_id=857.

Why am I adding to a voluminous literature on gender in the migration process? Already in 1998, sociologists Helma Lutz and Christine Huth-Hildebrandt could write that migration research seemed to be obsessed with gender. They wrote that in the vast majority of social science fields, gender was neglected, but "on the contrary… migration research uses gender relations *incessantly*." Why was gender so compelling for migration researchers? Lutz and Huth-Hildebrandt argued that gender was a central part of strategies of ethnicization, and despite changes in the way that gender was described over time, "an imaginary female migrant serves as a foil" for understanding larger gender relations. [5] If anything, references to gender and gender relations within migration research have only increased since Lutz and Huth-Hildebrandt wrote their article in 1998. Political scientists such as Petra Rostock and Sabine Berghahn argue that gender plays a key role in defining a German identity against a Muslim other, while historians including Rita Chin have shown that there was in fact a sharp turn to describing the difference of Turkish families in terms of their supposedly "deviant" gender relations in the 1980s.[6]

The fact that conflicts about migration in Europe have focused intently on the issue of gender is neither a recent phenomenon nor a West German peculiarity. Orientalist discourses have long relied on the position of women in Middle Eastern societies to justify

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5 Helma Lutz and Christine Huth-Hildebrandt, "Geschlecht im Migrationsdiskurs. Neue Gedanken über ein altes Thema," *Das Argument* 224 (1998): 159, 170.

6 Petra Rostock and Sabine Berghahn, "The ambivalent role of gender in redefining the German nation," *Ethnicities* 8, no. 3 (2008), Susan B. Rottmann and Myra Marx Ferree, "Citizenship and Intersectionality: German Feminist Debates about Headscarf and Antidiscrimination Laws," *Social Politics* 15, no. 4 (2008), and Rita Chin, "Turkish Women, West German Feminists, and the Gendered Discourse on Muslim Cultural Difference," *Public Culture* 22, no. 3 (2010).

civilizational superiority,[7] and gender relations were central to establishing the legitimacy of colonial systems in Britain, France, and Germany.[8] Moving closer to the present, post-colonial societies also use gender as a key axis of difference. Joan Scott and Jamie Wadowiec both show how Algerian women in post-colonial France were expected to "emancipate" themselves by fulfilling a model of French womanhood that was already being criticized by white French women.[9] Numerous scholars have made similar critiques of the way that gender worked to legitimize post-colonial hierarchies in Britain, where the migration regime was far more explicitly gendered than in West Germany.[10] Since the 1980s, the question of whether Muslim women should be able to wear headscarves in public spaces has created an especially lively debate across Europe.[11] Scholars like Fatima El-Tayeb, Jin Haritaworn, and Damani Partridge have analyzed the ways in which tolerant attitudes towards homosexuality and sexual relationships outside of marriage have become a litmus test for integration in the Netherlands, Germany, and elsewhere in Europe.[12]

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7 Leila Ahmed, *Women and Gender in Islam: Historical Roots of a Modern Debate* (New Haven: Yale University Press, 1992), and Meyda Yeğenoğlu, *Colonial Fantasies: Towards a Feminist Reading of Orientalism* (Cambridge: Cambridge University Press, 1998).

8 Antoinette Burton, *Burdens of History: British Feminists, Indian Women, and Imperial Culture, 1865 – 1915* (Chapel Hill: University of North Carolina Press, 1994) and Lora Wildenthal, *German women for empire: 1884-1945* (Durham, NC: Duke University Press, 2001).

9 Joan Wallach Scott, *The Politics of the Veil* (Princeton: Princeton University Press, 2009), and Jamie Wadowiec, "The Afterlives of Empire: Gender, Race, and Citizenship in Decolonized France" (PhD diss., SUNY Binghamton 2014).

10 A partial list: Paul, *Whitewashing Britain*, Webster, *Imagining Home*, Bailkin, *The Afterlife of Empire*, McDowell, *Working Lives*, Smith and Marmo, *Subject to Examination*.

11 Anna C. Korteweg and Gökçe Yurdakul, *The Headscarf Debates. Conflicts of National Belonging* (Stanford: Stanford University Press, 2014).

12 El-Tayeb, *European others* and " 'Gays who cannot properly be gay': Queer Muslims in the neoliberal European city," *European Journal of Women's Studies* 19, no. 1 (2012), Jin

In this chapter, I will argue that the legal and policy context of family reunion also shaped the 1980s "turn to gender." Much of the scholarship mentioned in the previous paragraph focuses on how Islam has become identified as a site of deviant gender relations in order to mobilize support for political intervention. In West Germany, however, officials were looking for ways to justify new restrictions on marriage migration well before Islam was commonly understood as a marker of irreconcilable difference. The "turn to gender" cannot be understood outside of the "turn to restriction."

During the period of active labor recruitment in the 1960s and early 1970s, actions to keep families together had been de-politicized and described as an attribute of the "Mediterranean family." A decade later, that same "Mediterranean family" was increasingly described as an obstacle to the proper social integration of its members, and it was also starting to be seen as the "Muslim family." In the eyes of state officials, "traditional" parents blocked the future of their children, while every marriage that enabled the migration of another foreign citizen represented a threat to social cohesion in the Federal Republic. Who would the second generation of foreigners on West German soil marry? The intense state interest in this question turned the marriages of the "second generation" into a hotly contested object of state regulation.[13] Within the context of this drive towards restriction, criticism of gender relations became a potential weapon against migrant communities. If the foreign family *necessarily* oppresses women, why should migration policy strive to

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Haritaworn, "Queer Injuries: The Racial Politics of 'Homophobic Hate Crime' in Germany," *Social Justice* 37, no. 1 (2010), and Partridge, *Hypersexuality and Headscarves.*

[13] For debates over "second generation" marriage migration in the Netherlands, van Walsum, *Dutch Family Migration Policies*, 173-176.

promote the unity of that family? Discussion about gendered oppression also worked to cast doubt on the primary legal path for migration.[14]

During the 1980s, social workers, activists, journalists, social scientists, and politicians produced a voluminous literature about gender roles within the foreign family, and this literature created double-edged swords: politicians were happy to point to backward gender relations in order to justify new restrictions on marriage, but feminist activists used abused foreign women to argue for additional funding for women's shelters and social workers used "backwards" gender relations to secure special funding for programs targeting foreign women and girls. Activists from the women's movement and sympathetic state officials could also point to the interests of an imagined "foreign woman" and to the benefits of a purportedly more enlightened West German gender order in order to argue for broader residency rights for dependent family members.

The examples I have offered so far suggest, correctly, that this "turn to gender" has in fact usually been a "turn to women." In her work on the stigmatization of Muslim men in contemporary Germany, anthropologist Katherine Pratt Ewing seeks to fill this gap, writing that "the stigmatization of the masculinity of a minority such as Muslim men often goes unnoticed because of the blind spots and silences that surround [it]."[15] The way that the

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14 In the Dutch context, Sarah van Walsum writes that similar discourses in the Netherlands worked to demonize foreign men: "policies that prevented immigrant men from bringing over their spouses and vice versa could be presented as serving both the national interest and that of the individual women and children involved. If men originating from these countries were so abusive, their wives and children were better off staying separated from them." *Dutch Family Migration Policies*, 187.

15 Ewing, *Stolen Honor*, 2.

family reunification laws affected foreign men has been one of these blind spots. As we will see, the archives used in this project were shaped by the erroneous assumption that women are dependent family members while men are independent laborers.

This chapter begins by describing the new restrictions on marriage migration that were enacted in the early 1980s, and then shows how migrants and West German activists resisted these restrictions using a language of vulnerability. Second, I examine discussions about what happens when foreign marriages break down. As attention turned to women who had been abused by their husbands, discussions about reforming marriage migration tended to describe women as twice victimized: not only by migration law, but also by their husbands. The trope of female victimhood obscured the way that migration law affected *both* men and women, so that legal reform became described as a way of saving women from their dual oppression rather than improving the lives of all members of migrant families. Finally, I will place the 1980s discussion about foreign marriages in the context of the changing state treatment of binational marriages between West German women and foreign men from the 1960s into the 1990s. The Association of Women Married to Foreigners [*Interessengemeinschaft der mit Ausländern verheirateten Frauen,* IAF] was founded in 1972 to fight for better treatment for these marriages. Although the IAF sought to develop a language of rights, they found themselves ensnared in a politics of vulnerability that turned West German women into subjects in need of protection by the state, so that many of the IAF's ultimate gains were achieved in the area of gender equality rather than in the area of rights for foreigners. As the state sought to devise restrictions on marriage migration, these restrictions brought forth a politics of vulnerability: because

activism on behalf of foreign families found the figure of the victimized woman the most useful for making claims upon the state, gender became the privileged ground of difference, muting the possibility for an effective anti-racist politics.[16]

"For Once and All": Marriage Migration and "Continual Renewal"

The continual entry of new family migrants contradicted both the expectations and the desires of the state administration. Restrictions on child migration were always limited by the difficulty of implementing harsh measures to end the residence of children, but tough restrictions on spousal migration were at least theoretically easier to carry out. As we saw in the last chapter, Hans-Dietrich Genscher and the Foreign Ministry believed that restrictions on marriage migration would damage the German-Turkish relationship less than restrictions on child migration. Supporters of restrictions on marriage migration could also argue that it was an even more pressing problem than child migration: "The solution of the marriage problem [*Zuheiratsproblem*] is even more important for the future than child

16 After writing this chapter, I was made aware of Miriam Ticktin's work on the "medical exception" for asylum seekers in France. Ticktin observed undocumented migrants in France in the 1990s and early 2000s, when a humanitarian clause gave sick or disabled people the right to remain in France. She argues that the practice of making exceptions for suffering bodies creates a "regime of care" that "ultimately works to displace possibilities for larger forms of collective change." My argument about the pregnant body in 1980s West Germany is similar, and suggests that what I call the "politics of vulnerability," and Ticktin calls the "antipolitics of care," may have longer genealogies in forms of managing family migration. As I mentioned briefly in chapter one, France and Britain both allowed family reunification for elderly parents of migrants if the parents could prove that they needed the care of their children. West Germany, in contrast, made parental migration dependent on their ability to "enhance the functioning of the family." Miriam Ticktin, *Casualties of Care: Immigration and the Politics of Humanitarianism in France*, Berkeley, CA: University of California Press, 2011.

migration, because through marriage the family reunification problem [*Familiennachzugsproblem*] continually renews itself."[17] In the first chapter, family reunion had been a way to limit intermarriage: now intermarriage was redefined as a measure of "integration" as officials sought to limit the further migration of new foreigners as spouses.

In late 1981, the SPD-controlled Labor Ministry under Herbert Ehrenberg had advocated that the children of the initial generation of foreign migrants, the "second generation," should not be able to bring foreign spouses into the Federal Republic. This "would limit family reunion [*Familiennachzug*] for once and all, and put the end of the integration problems resulting from migration in sight. Obligations that the Federal Republic assumed in the course of the recruitment of foreign workers cannot apply to children and grandchildren [*Kindeskinder*]. Inheritance of claims is ruled out."[18] For the Labor Ministry, the ability to bring family members had been part of a contract made with a worker: the children of those workers had no such contract with the state, and therefore no independent claims on being able to take up reproductive space in West Germany.

The Foreign Ministry, headed by Hans-Dietrich Genscher of the FDP, and the Justice Ministry, headed by Jürgen Schmude of the SPD, both objected to the Labor Ministry's proposal for a complete ban on spousal migration for the second generation. The Foreign Ministry warned that it was almost certain to violate the Helsinki Accords, while the Justice

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17 BAK B 106/117681, July 8, 1983, Abteilungsleiter V to Herrn Minister, "Betr.: Besprechung mit CDU-Fraktionsvorsitzenden über Ausländerpolitik am 12. Juli 1983,"

18 BAK B 149/59887, November 13, 1981, BMA Iia6, "Betr.: Vorbereitung der Kabinettberatungen zum Familiennachzug am 2.12.1981—Abteilungsleitergespräch am 17.11.1981," attached is a proposal for "Sozialverantwortliche Begrenzung des Familiennachzugs von Ausländern aus Nicht-EG-Staaten."

Ministry expected the ban to be struck down in the Federal Constitutional Court. The Interior Ministry under Gerhart Baum of the FDP suggested a compromise: "second generation" foreigners from outside of Europe would have to have lived in Germany for eight years and been married for a full three years in order to sponsor spouses. The Labor Ministry assented to the proposal, reasoning that foreigners who had already lived in West Germany for eight years ought to be far less likely to marry people from the home country. The requirement of three years of marriage combined with the continued waiting period for spousal migrants, still at four years, created a seven-year period between marriage and possible employment in West Germany, a sufficient deterrent that "marriage for the purpose of spousal employment will no longer be worthwhile."[19]

Just as with child migration, Heinrich Lummer, Senator of the Interior in West Berlin, would force the federal government to make a decision when he issued his "emergency measures" in November 1981. Unlike child migration, however, in the matter of spousal migration, the restrictions issued in West Berlin were actually less restrictive than the state's previous plan. The Interior Ministry had proposed that "second generation" migrants who wanted to sponsor a foreign spouse for migration had to have lived in Germany for eight years and been married for a full *three* years. The "emergency measures" passed in West Berlin required eight years of residence in Germany but only *one* year of marriage, and thus represented a relaxation of the regulation that had been proposed on the federal level. The federal government followed West Berlin's lead, issuing identical

19 BAK B 149/59887, November 19, 1981, Abteilung Iia6, RD Dr. Fendrich, to the Minister, "Betr.: Vorbereitung der Kabinettberatungen zur Begrenzung des Familiennachzugs am 2.12.1981."

restrictions on spousal migration only a few weeks later. Bavaria and Baden-Württemberg were both displeased by the federal government's decision to follow West Berlin's lead, and both issued additional circulars that required *three* years of marriage.[20]

As we saw in the last chapter, in November 1982 Helmut Kohl created a Federal-State-Municipality [*Bund-Länder-Gemeinden*] commission on foreigner policy. The commission failed to make a decisive recommendation about restricting child migration, but it was also charged with creating a plan to restrict marriage migration.[21] In order to offer context for these decisions, the Foreign Ministry had researched the "experiences of 'classic' migration countries" and the "experiences of other European democracies" in attempting to control family migration.[22] The report from the United States was intensively discussed because of the quota system, which was praised for ensuring "that the ethnic composition of the entire population does not change too much through disproportionately large migration of specific ethnic groups."[23] This is the solution that the Interior Ministry would ultimately vote for, although it seems to have made other officials uneasy.

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20 Bayerischer Arbeitskreis gegen Familientrennung, ed., *Dokumentation zur Familientrennung* (Nürnberg: self-published, 1986).

21 Preparation of the document "Kommission 'Ausländerpolitik' Bericht des Ausschusses 2 'Familienzusammenführung,'" January 27, 1983, is in BAK 149/83806, 83807, 83808, 83809, 83810, 83811, 121742, 121743.

22 FDP Archive, Baum N60-895, October 8, 1982, FDP-Fraktion im Deutschen Bundestag Arbeitskreis IV, "Betr.: Sitzung des AK IV am 12.10.1982, hier: TOP 1 (Vorbereitung der Debatte zur Regierungserklärung)."

23 The Foreign Ministry requested reports from every European embassy and the Embassy in Washington, DC about how the other states controlled family migration in late December 1982. The author of the report about the United States also warned that the United States continued to have a problem with ethnically undesirable illegal immigration, and was "constantly looking for and trying new regulations, in order to control and limit the migration of foreigners and maintain the free order." BAK B 149/83808, December 6,

Throughout the commission's deliberations, the Labor Ministry continued to push for the maximum restrictions allowable by law, insisting that unlimited marriage migration threatened the prospects for integration for the foreigners who were already in Germany, so that restrictions "are no longer justified by policies of restriction, but policies of integration."[24] The Interior Ministry of Baden-Württemberg joined the Labor Ministry in favoring highly restrictive solutions, and it had calculated that if only one-third of the foreign children who would reach a marriageable age over the next sixteen years chose foreign spouses, 300,000 new foreign spouses could come to Germany. Although this would represented fewer than 20,000 spouses per year over the next sixteen years, restriction-minded officials argued this continuing influx of foreign spouses would create "a problem of integration that would hardly be solvable, because the spouses would usually come to the Federal Republic at an age in which they could hardly still be integrated here."[25] The Labor Ministry also pointed out that 300,000 was just the number of potential new *spouses*—these new couples could also be expected to have their own foreign children. "The German population's consent to the integration of the foreigners would be completely

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1982, Botschaft Washington to AA, "Betr.: Komission Ausländerpolitik; hier: Fragen zum Ausländerrecht und zur Ausländerpolitik anderer Staaten."

[24] BAK B 149/83845, July 5, 1982, Abteilung Iia7 to Staatssekretär Dreßler, "Betr.: Vorbereitung der Kabinettberatungen über die Forderung der Rückkehr und die Regelung des Familiennachzugs ausländischer Arbeitnehmer."

[25] BAK B 149/83807, December 6, 1982, IM B-W draft "2.3 Familienzusammenführung zu Ausländern der zweiten und folgenden Generation(en), die als Kind eines Ausländers eingereist oder hier geboren sind."

lost under these conditions. The social peace in the Federal Republic of Germany would no longer be sustainable."[26]

The Interior Ministry of Baden-Württemberg also raised the concern that any proposal whereby marriage migration was allowed after a certain period of time would encourage "the marriage of very young Turkish girls." For example, if marriage migration was allowed after three years of marriage, as was currently the case in Baden-Württemberg, girls might be married off at 14 so that they could join their husbands when they were 17. If marriage migration were impossible except for second-generation foreigners who had become German citizens, young girls would not be married off.[27] The federal Interior Ministry also worried that any restrictive measure would require a grace period. Because there were currently more Turkish men than women living in West Germany, it seemed possible that the Turkish community would take advantage of the transitional period before the restriction went into effect by "bringing in underage women in view of their demographic constraints on marriage possibilities."[28] The suggestion that the Turkish community would facilitate a mass migration of underage women for the purpose of marriage came close to a vision of human trafficking.

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26 BAK B 149/83806, July 14, 1982 "Schätzungen zum Familiennachzug."

27 BAK B 149/83807, December 6, 1982, IM B-W draft "2.3 Familienzusammenführung zu Ausländern der zweiten und folgenden Generation(en), die als Kind eines Ausländers eingereist oder hier geboren sind."

28 BAK B 149/83809, December 20, 1982 BMI to other ministries, "Betr.: Kommission 'Ausländerpolitik' hier: Ausschuß 2," attached is December, 12 1982 report 0 II 4 – 143 201 – 2/1 "Abschätzung der demographisch induzierten Auswirkungen eines Verbotes des Nachzuges von künftigen Ehegatten von Nicht-EG-Ausländern der 2. Generation auch in Verbindung mit einer möglichen Senkung des Nachzugshöchstalters für Kinder auf das 6. Lebensjahr."

Vulnerable women were useful rhetorical figures for justifying the drift towards restrictive measures. In a 1984 speech, Interior Ministry secretary Carl-Dieter Spranger of the Christian Democratic Union explained that a complete ban on marriage migration would stop "Turkish girls who have grown up in Germany being married against their will to partners who grew up in Turkey, who they know hardly or not at all. It is inhumane to transfer a Turkish citizen, who has never left Turkey, into a society whose expectations and standards he will take a long time to adjust to—perhaps never—for the purpose of marriage."[29] In this speech, anxieties about children who would never integrate were doubled by anxieties about husbands who would never integrate. Officials like Spranger often made their arguments in favor of restriction by arguing that restriction would protect young Turkish women from being forced into marriages against their consent.

Strikingly, the 1982 Federal-State-Municipality commission never discussed the possibility of setting different legal standards for second-generation men and second-generation women. This stands in stark distinction to the United Kingdom, where new restrictions on the ability to sponsor family members applied only to women who were trying to sponsor their husbands. Three women who had been prevented from bringing their husbands to the UK won a case on grounds of gender inequality at the European Court of Human Rights in May 1985. The government's response was not to liberalize practice for

[29] BAK B 106/117683, "Deutsche Ausländerpolitik im internationalen Vergleich," Referat des Parlamentarischen Staatssekretärs beim Bundesminister des Innern, Carl-Dieter Spranger, im Rahmen der Tagung 'Ausländer in der Bundesrepublik Deutschland' der Hanns-Seidel-Stiftung am 13. Juli 1984 in Wildbad Kreuth, and similar argumentation in BAK B 106/117684, April 19, 1984, BMI to AA, "Betr.: Freizügigkeit EG-Türkei; hier: Gespräche St S Dr. Lautenschlager am 2/3 Mai 1984 in Ankara."

foreign husbands, but to extend the existing restrictions on husbands to foreign wives, such that "by the end of the 1980s, Britain had probably the most restrictive immigration control system in Western Europe."[30] In this light, it seems that the court system in West Germany had worked to liberalize practice—by striking down the possibility for explicit gender discrimination in the granting of work permits, as we saw in Chapter Four, they had also eliminated the possibility of explicit gender discrimination in marriage migration.

During the commission's deliberations, one proposed solution to the integration problem was to first liberalize access to German citizenship for foreigners and then to allow only German citizens to bring in spouses.[31] The Interior Ministry, now controlled by Friedrich Zimmermann of the CSU, first proposed this solution, again with reference to the vulnerable women it would protect, explaining that "Such a rule cannot be understood as a 'marriage ban,' since the affected group of people is free to take advantage of the offer of easy access to citizenship… the proposed alternatives would also limit or exclude the possibility of misuse of marriage migration, where girls who grew up in Germany are 'sold' by their parents to a young foreigner, who will access the German labor market through marriage."[32] There was some concern that such a restriction would engender a flood of citizenship applications "less out of conviction than from under pressure," and the Foreign Ministry stated that the Federal Republic should "avoid 'citizenship policy' for reasons of

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30 Smith and Marmo, *Subject to Examination*, 170. For a contemporaneous discussion: The Women, Immigration, and Nationality Group, *Worlds Apart*.

31 In fact, as we will see in the next chapter, when major citizenship reform was finally passed in 1999, it was shortly followed by tightened requirements for spousal migration.

32 BAK B 106/117678, November 20, 1981, Referat VII1 to Abteilungsleiter V, "Betr.: Ausländerpolitik, hier: Vorbereitung der Beratungen des Kabinetts am 2. Dezember 1981 zum Punkt Einbürgerung/Verfestigung des Aufenthaltsstatus."

foreign policy," so as not to be accused of "Germanization" by the sending countries.[33] The proposal was ultimately not accepted, but it is striking that much as with work permit reform, citizenship reform was necessarily yoked to migration restriction.

The final report of the commission was presented in February 1983. After months of deliberation, the commission failed to reach consensus about both child migration and marriage migration. The votes on marriage migration were similar to those on child migration: on the more liberal end, the Foreign Ministry, Bremen and Hesse voted to keep the status quo, Liselotte Funcke voted to require 19 years of age and proven skills in the German language, Bavaria voted to require three years of marriage and proven skills in the German language, and the Interior Ministry and the Associations of Local Authorities [*Kommunale Spitzenverbände*] voted to impose a yearly quota on an American model. Baden-Württemberg, the Family Ministry, and the Finance Ministry joined the Labor Ministry in voting to exclude spousal reunion completely. Berlin favored a solution where citizenship law would be liberalized and foreigners could only sponsor spouses for migration if they had become citizens first. [34] The commission reached even less consensus on spousal migration than on child migration. As a result, the "emergency measures" first decreed in December 1981 remained in force: "second generation" migrants who wanted to sponsor a foreign spouse for migration were required to have lived in Germany for eight years and to be at least eighteen before being able to sponsor a spouse for migration. The

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33 BAK 149/83806, "Betr.: Erste Sitzung des Ausschusses 2 (Familienzusammenführung im Rahmen der Kommission 'Ausländerpolitik' des Bundes, der Länder und der Gemeinden am 24. November 1982 in Bonn."

34 LA-B, B Rep 002, Nr. 17356, February 24, 1983 "Kommission 'Ausländerpolitik' aus Vertretern von Bund, Ländern und Gemeinden Bericht."

marriage also had to have existed for a full year, except for in Bavaria and Baden-Württemberg, both of which had already issued additional circulars specifying three years of marriage, circulars that would remain in force after the commission's report.

Familial *Eigensinn*

West German law stated that a marriage was broken after three years of living separately, but for foreigners, three years of enforced separation were in fact the prerequisite for being able to conduct a marriage in the southern German states.[35] Many spouses took matters into their own hands by coming to visit on tourist visas and then simply refusing to leave. This was hardly a foolproof strategy. In one case in Baden-Württemberg, a man who had already lived in Germany for ten years and who owned his own guesthouse got married to a Turkish woman in October 1981. She could only get a visa to stay for three days, but when she arrived in Germany, she announced her intention not to leave, calling on Article 6 of the Basic Law. But having stated the intent not to leave after three days, the Foreigners' Office informed her that she had fraudulent intent and attempted to deport her. Courts upheld the original decision to deport.[36] In another case,

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35 This observation is made, among other places, in AGG B.II.1, Die Grünen im Bundestag 1983-1990, Signatur 4276, Ausländerinnen in der BRD, 1984-1989, September 24, 1984 press release Nr. 489/84, "Ein fragwürdiges politisches Urteil zum Ehegattennachzug bei Ausländern," in ADL Baum N60-45, November 22, 1983, Ausländerbeirat Nürnberg [signed by Ljubomir Dabovic] to Gerhart Baum, "Familiennachzugsbeschränkung für ausländische Arbeitnehmer. Maßnahmen vom Dezember 1981," and in Bayerischer Arbeitskreis gegen Familientrennung, *Dokumentation zur Familientrennung*.

36 IG Metall-Archiv, ZWA00971 April 7, 1983 *Frankfurter Rundschau* clipping, "Schutz der Ehe hat Grenzen. Gerichtshof bestätigt Abschiebung einer türkischen Frau."

local authorities tolerated a pregnant woman in North Rhine Westphalia who came to visit her husband before they had been married for a full year. However, the couple's child died one day after being born. Even though at this point the marriage had existed for a full year, and the husband had already lived in Germany for fifteen years, the Foreigners' Office resumed deportation proceedings, arguing that the woman had overstayed her original visa and that now that she was no longer pregnant and no longer had a child to care for, health considerations did not stand in the way of her deportation.[37]

The woman in North-Rhine Westphalia had the right idea. The best way to be able to remain in West Germany was to thematize the vulnerability of the marriage, and most of the mediatized cases of spousal deportation involved pregnant women. The "Bavarian Working Group Against Family Separation," a group based in Nürnberg, repeatedly thematized the vulnerability of pregnant women in public protests and court cases. The group began when the local Evangelical church and Ausländerbeirat worked together to organize a three-day protest in September 1985 and a hunger strike in December 1985.[38] In another case, the group was able to prevent the deportation of a pregnant Turkish woman by protesting at the Nürnberg airport.[39] The organization *Terre des Femmes,* founded in 1981, also got involved in cases surrounding pregnant women and young

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37 I do not know the final outcome of this case. AGG, C NRW I—LaVo/LGSt Signatur 417 Landesarbeitsgemeinschaft Ausländer Bd. 2, 1983-1985, 25.10.1984 letter from Landesarbeitsgemeinschaft Immigranten und Asyl Die Grünen NRW to IM NRW.

38 Bayerischer Arbeitskreis gegen Familientrennung, *Dokumentation zur Familientrennung*.

39 Bayerischer Arbeitskreis gegen Familientrennung, *Dokumentation zur Familientrennung*, 45-51.

mothers, for example when it paid the legal costs of a 21-year-old woman scheduled to be deported only two weeks after giving birth to her daughter.[40]

There were also cases where the husband was the one coming to West Germany and was consequently the one with the insecure residency status. In these cases, the pregnant woman with the secure residency status could sometimes get a doctor to swear that she was in danger of losing her child if her husband had to leave her while she was expecting. This strategy was often successful for a brief period, so that the Foreigners' Office would allow the husband to stay at least through the birth of the child, but the husband often would be forced to leave slightly afterwards.[41] In other cases, women argued from their roles as caretakers. In another highly mediatized case, the Turkish wife of a double amputee was threatened with deportation because she had come to West Germany before the couple had been married for a year. Some of the stories about the case printed a full-body photograph of the disabled husband, further underlining the degree to which activists felt that they had to make their arguments from vulnerability.[42]

The opposition could be cynical about these arguments from vulnerability. In one case in Hannover in Lower Saxony, a Turkish man who had only lived in Germany since

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40 Reports on this particular case in Terre des Femmes Archive, *Rundbrief* September 1983 and *Rundbrief* January 1984; for similar cases, see *Rundbrief* May 1983, September 1983, and December 1984. For more on *Terre des Femmes*, see Lora Wildenthal, *The Language of Human Rights in West Germany*, (Philadelphia: University of Pennsylvania Press, 2013).

41 Bayerischer Arbeitskreis gegen Familientrennung, *Dokumentation zur Familientrennung*, 13, 19.

42 LA-NRW, NW 583, Nr. 1753, August 24, 1982, *Westfalenpost* clipping "Der Ehefrau eines amputierten Türken droht die Ausweisung. Verwaltungsgericht Arnsberg vor einer schwierigen Entscheidung."

1980 married a woman from Turkey in 1983. Because the man had only lived in Germany for three years instead of the required eight, his wife's application for a residence permit was rejected. Her deportation was initially put off because she was pregnant, but two weeks after the child's birth, the Foreigners' Office resumed deportation proceedings. The churches, the women's organization of the SPD, and the Green Party all registered their concern about the case. A spokesman from the Interior Ministry of Lower Saxony rebuffed their arguments, explaining that if the Interior Ministry allowed any exceptions to the policy, they could expect a flood of Turkish women becoming pregnant in order to stay in the country. He reprimanded the opposition for trying to politicize the case, claiming that it was inappropriate "to criticize foreigner policy by pressing on the tear ducts."[43]

This tough-minded attitude was shared at the highest levels of government. After a string of high-profile deportations of pregnant women from West Berlin, the Berlin Commissioner for Foreigners worried that "in the public discussion, Berlin's policy on foreigners is increasingly seen as a policy of deportation of pregnant women and young mothers," and urged the creation of a general exception for pregnant women.[44] The German Consulate in Istanbul objected to the idea of such an exception, complaining "The Berlin hardship regulation proceeds from the false assumption that every Turk of the 'second generation' will stay in Germany… and sooner or later bring his spouse into the

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43 LA-NRW, NW 583, Nr. 1752, September 14, 1983, DPA clipping, Jutta Hartlieb, "Schicksal einer jungen Türkin und ihres Babies erregt Gemüter."

44 LA-B, B Rep 002, Nr. 15643, July 5, 1985, Ausländerbeauftragte "Zur 1. Sitzung des Senatsausschusses für Ausländerfragen am 9. Juli 1985. Zum TOP 3: Empfehlungen in Härtefällen."

Federal Republic."[45] The federal Interior Ministry agreed that the very idea of a pregnancy exception undermined the possibility state control. Creating an exception for pregnant women "would in fact mean giving up the regulations on marriage migration upon which the Federal Government and the Länder agreed in 1981 and 1982."[46]

The creation of exceptions could also make the state more determined to keep young couples apart. After the Berlin Commissioner for Foreigners advocated for the creation of a hardship exception, the Berlin Senator of the Interior suggested that young foreign couples not be given any visas in the first year after marriage, because "the foreign wife almost always becomes pregnant during the visit, and she bases her demand for a lasting stay only on an indication of the pregnancy and the imminent or in some cases already occurred birth of her child."[47] Some wives were asked to pay 2,000 to 5,000 DM as a "guarantee" for their return to the home country, or asked to produce a doctor's note stating that they were not pregnant or could not become pregnant in order to obtain their visa.[48] In the eyes of these officials, hardship regulations meant that any woman who wanted to could just get herself pregnant in order to avoid having to leave Germany.

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45 LA-B, B Rep 002, Nr. 15643, May 22, 1985 Consulate Istanbul to AA "Betr.: Familiennachzug von Ausländern aus Nicht-EG-Staaten; hier: neue Härtefallregelung des Landes Berlin."

46 LA-B, B Rep 002, Nr. 15643, June 12, 1985, BMI to Senator für Inneres Berlin, "Betr.: Ausländerrecht; hier: Ehegattennachzug zu Ausländern der 2. Und 3. Generation."

47 LA-B, B Rep 002, Nr. 15643, August 1985 SenInn to BMI, "Betr.: Ausländerrecht; hier: Ehegattennachzug zu Ausländern der 2. Und 3. Generation."

48 Barbara John, "Zur rechtlichen Situation ausländischer Frauen und Mädchen," in *Hearing zur Situation ausländischer Frauen und Mädchen aus den Anwerbestaaten. Kurzfassung der Dokumentation* (Bonn: Der Bundesminister für Jugend, Familie, Frauen und Gesundheit: 1988), 23. Feminist groups on the left embraced this material. Papiertiger

In 1987, the Federal Constitutional Court heard a group of three cases that challenged the eight-year residence requirements for marriage for the second generation, two from Baden-Württemberg and one from Schleswig-Holstein. The two cases from Baden-Württemberg also challenged the additional three-year marriage requirement imposed in Baden-Württemberg and Bavaria. During its deliberation period, the court had written to the federal Interior Ministry to ask for the reasoning that stood behind the marriage restrictions. The Interior Ministry replied that the restrictions were intended to "win back some influence on the development of family migration, in order not to be relegated to leaving it up to the individual life decisions of the foreigners."[49] In their reply, the Interior Ministry revealed the disciplinary function of restrictions on marriage migration: they did not trust foreigners to make the correct "individual life decisions." In the eyes of the Interior Ministry, foreign marriage and especially foreign pregnancy were not decisions to be left up to the individual, but ways to frustrate state control.

The Federal Constitutional Court ultimately ruled that Article 6 did not establish "a fundamental right" for spousal migration, but that it did require officials to "pay regard to the existing marital and familial ties… in a manner corresponding to the great weight that the Basic Law unequivocally assigns to the protection of marriage and the family." The court went on to explain that in its judgment, the eight-year residence period was

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Archiv, Binder MigrantInnen/Flüchtlinge Kämpfe, Soliaktionen Inis… ab Mai 90-Nov 90 IV, undated flyer "Gegen Nationalismus und Frauenfeindlichkeit Vorsicht Katholikentag!"

[49] LA-B, B Rep 002, Nr. 15643, May 30, 1985, BMI to Herr Bundesverfassungsrichter Prof. Dr. Steinberger als Berichterstatter des Zweiten Senats des Bundesverfassungsgerichts, "Betr.: Verfassungsbeschwerden gegen die Neuregelung des Nachzugs von Ehegatten zu ausländischen Arbeitnehmern."

reasonable but that the three-year marriage period was not.[50] According to the court, the eight-year period of residence worked to ensure that the person who was bringing a spouse had a minimum level of integration into German society and thus was beneficial for everyone involved, including any children within the marriage. However, the three-year period of marriage was primarily intended to work against "visa marriages" and was excessive for this purpose. The ban on work for spouses was sufficient for preventing "visa marriages," so that the three-year requirement prevented genuine couples from living together. The court made an argument from vulnerability when it explained that the three-year requirement was especially troubling because it posed "a threat to a young marriage in that young married couples are often not in a position to assess the consequences of a lengthy separation" and because "it can occasion young couples to marry too early in order to avoid a separation of more than three years."[51] Although the court's decision was not as expansive as some activists had hoped for, it suggests that the language of family protection was somewhat effective in front of the Federal Constitutional Court. As Christian Joppke explains, while the Court "stopped short of recognizing a constitutional right of family reunification… according to the principle of proportionality, nonresident family members still possessed family rights under Article 6 that foreigner law and policy had to respect."[52]

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50 BVerfGE 76, 1, in *Decisions of the Bundesverfassungsgericht, Volume 5*, trans. Federal Constitutional Court (Baden-Baden: Nomos Verlagsgesellschaft, 2013), 245.

51 BVerfGE 76, 1, in *Decisions of the Bundesverfassungsgericht*, trans. Federal Constitutional Court (Baden-Baden: Nomos Verlagsgesellschaft, 2013), 277.

52 Christian Joppke, "Why Liberal States Accept Unwanted Immigration," *World Politics* 50, no. 2 (1998): 285.

Three months after this ruling on the national level, the marriage regulations were also challenged at an international level. The European Court of Justice ruled on the case of *Demirel vs. Schwabisch Gmünd* in September 1987. Meryem Demirel had entered West Germany on a tourist visa to visit her husband in March 1983 but failed to leave after her visa expired in June 1984, in part because she was pregnant. Her husband had only lived in the country since 1979, making him ineligible to sponsor a spouse for migration. The local authority in Schwäbisch Gmünd, a medium-sized town in Baden-Württemberg, issued an expulsion order one year later, which she again defied, on the grounds that she was once again pregnant. Crucially, by the time her case was heard, it was nearly one year after the putative deadline for freedom of movement with Turkey, and the European Court of Justice had to rule on whether the Association Agreement between Turkey and the European Economic Community was legally binding on member states. The court concluded that the Association Agreement and related Protocol "essentially serve to set out a program and are not sufficiently precise and unconditional to be capable of governing directly the movement of workers," such that the clauses which had seemed to promised freedom of movement in fact "do not constitute rules of Community law which are directly applicable in the internal legal order of the Member States."[53] This ruling meant that Germany's treatment of Turkish migrants was, at least for the time being, entirely up to Germany.

The European Court of Justice's ruling placed the ball back in German courts, where the Federal Constitutional Court was not the only institution within the West German state

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53 European Court of Justice, *Demirel v. Stadt Schwäbisch Gmünd*, September 30, 1987, accessed at http://curia.europa.eu/juris/liste.jsf?language=en&num=C-12/86.

that pushed back against harsh policies on marriage migration. Barbara John, the Foreigner Commissioner of Berlin, was disgusted by the idea of granting hardship exceptions only for pregnant women and young mothers, describing such a policy as an "form of accidental population policy" that "functions according to the motto: residence permit for birth certificate."[54] She and Liselotte Funcke, the Commissioner for the Integration of the Foreigners and their Family Members, were perhaps the two most prominent voices pushing for a reform of the marriage migration laws from within the state.

Funcke organized a "Hearing on the Situation of Foreign Women and Girls from the Recruitment Countries" in October 1987 where representatives from social work agencies and even foreigners themselves spoke about the particular challenges faced by foreign women. Funcke and her allies, including Family Minister Rita Süßmuth of the CDU, hoped to use the hearing in order to influence the upcoming revision of the Law on Foreigners so as to guarantee more legal security for dependent family members.[55] Accordingly, the papers given at the conference recognized multiple causes for the specific problems of foreign women and girls, but focused particularly on the legal challenges, with Funcke

54 John, "Zur rechtlichen Situation," 22.

55 Rita Süßmuth repeatedly states the intention to influence the Interior Ministry in her contribution to the conference. "Zur Situation ausländischer Frauen und Mädchen," in *Hearing zur Situation ausländischer Frauen und Mädchen aus den Anwerbestaaten. Kurzfassung der Dokumentation* (Bonn: Der Bundesminister für Jugend, Familie, Frauen und Gesundheit: 1988), 5-10. Barbara John, the Foreign Commissioner from Berlin, also focused on legal remedies in her contribution to the conference, "Zur rechtlichen Situation."

claiming that a recent survey of foreign women had shown "that the problem that weighs on them the most heavily is the insecurity about their residence permit."[56]

Although the hearing focused primarily on the legal challenges faced by foreign women, there was also a good deal of discussion about the challenges posed by their cultural backgrounds. Reflecting pedagogical knowledge, girls were described as "sometimes hemmed in by the parents who still think very traditionally."[57] Speakers at the Hearing also used the figure of the vulnerable woman to criticize marriage regulation. Barbara John explained that under the current regime, women getting married to men in West Germany had to stay with their new in-laws in the home country while waiting for the waiting period to elapse, creating a period when the newly married wives were "under particularly strong control of their families." [58] However, the speakers at the "Hearing" were most concerned about the fate of abused wives in the Federal Republic.

Defending Women When Marriage Breaks Down

During this period, family members who came to West Germany as spouses were not eligible for an independent residence permit until they had been in West Germany for five years, and of course, they were also unable to work legally for the first four years of that period, creating both legal and financial dependency on the primary spouse. Although

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56 Liselotte Funcke, "Situation ausländischer Frauen und Mädchen aus den Anwerbestaaten," in *Hearing zur Situation ausländischer Frauen und Mädchen aus den Anwerbestaaten. Kurzfassung der Dokumentation* (Bonn: Der Bundesminister für Jugend, Familie, Frauen und Gesundheit, 1988), 11.

57 John, "Zur rechtlichen Situation," 25.

58 John, "Zur rechtlichen Situation," 22.

these forms of dependent status affected both women and men, the unequal power relationships between women and men meant that this was a particularly challenging status for foreign women who were living with an abusive husband.

The women's movement became aware of the problem through their activism on behalf of victims of domestic violence. The first autonomous women's shelter in West Germany was founded in West Berlin in November 1976. Five years later, in 1981, the workers at the shelter would report that roughly 18% of the women living at the shelter were foreign, although notably, West German men had abused nearly 30% of those foreign women.[59] In some of those cases, the abused women actually held independent residence permits and were sponsoring their husband's residence. "Fatima" had been the first member of her family in West Germany, and had sponsored the migration of her husband, whose abuse had continued while he was fully dependent on her and without a work permit or residence permit of his own. Once he found work, his abuse increased.[60] For "Fatima," as well as for other women, their husbands manipulated them into tolerating their abuse in part through making the women feel that they would be at fault if they left

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59 Carol Hagemann-White, *Hilfen für mißhandelte Frauen. Abschlußbericht der wissenschaftlichen Begleitung des Modellprojekts Frauenhaus Berlin* (Stuttgart: Verlag W. Kohlhammer, 1981), 36-37. This citation, and this section of the dissertation, owe special thanks to my conversations with Jane Freeland, who has shared her work on domestic violence in divided Berlin with me. Women's shelters and activism surrounding violence against women are of course one of the classic sites for theorizing "intersectionality," since Kimberle Crenshaw's classic article "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color," *Stanford Law Review* 43, no. 6 (1991).

60 Hagemann-White, *Frauenhaus Berlin,* 170-174.

the family and jeopardized the residency status of their husbands.[61] These cases show that abusive behavior did not depend on a particular residence status.

However, women who were dependents faced an additional obstacle upon leaving an abusive spouse: leaving their husband could place their own residence and that of their children in jeopardy. The second women's shelter in West Berlin opened in 1979, and in 1984 workers at that shelter reported that roughly one third of the women in the shelter were from Turkey. In the last year alone, they had had six cases of women whose residence was in jeopardy because they had left their husbands.[62] Activists in West Berlin took up their causes in a language that described Turkey as a dangerous place for single women.

One woman, "Yaprak," had worked at Siemens in West Berlin from 1971 to 1974 before deciding to leave work upon the birth of her fourth child.[63] When the family returned to Turkey in 1977 on vacation, Yaprak's husband took her passport and the children's passports so that they could not travel and he returned to Germany alone. The husband brought his family back to Germany in 1981, and at this time he also began to beat their daughters. One of the daughters was beaten so badly that she was unable to go to school, and the two younger daughters began to wet the bed. In the meantime, Yaprak's husband had returned to Turkey in order to secretly file for divorce. Although divorce

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61 Another example: "Frau A." in *Frauen aus der Türkei kommen in die Bundesrepublik. Zum Problem der Hausfrauisierung*, ed. Veronika Bennholdt-Thomsen et. al., (Bremen: Ed. Con, 1987): 165-179.

62 Traude Ratsch, "Interview mit Ulrike Palmert und Sadiye Kaygun-Dohmeyer, Mitarbeiterinnen des 2. Berliner Frauenhauses," in *Sind wir uns denn so fremd? Ausländische und deutsche Frauen im Gespräch*, ed. Arbeitsgruppe Frauenkongress (Berlin: sub rosa Frauenverlag, 1985).

63 Case in LA-B, B Rep 002, Nr. 14982. All identifying details have been changed.

required the consent of the wife under Turkish law, Yaprak's husband had paid a woman in Turkey to pretend to be his wife so as to obtain the divorce. Divorced against her consent, the Foreigners' Office was now telling Yaprak that she had to leave Germany because her residence and that of her children had been based on the marriage. Although Yaprak and the children had previously lived in Germany from 1971 to 1977, their four-year period of absence meant that they had no legal claim to independent residence right.

In the first letter in which she described her situation to the authorities, Yaprak used a number of arguments in order to make her case. She stressed her initial period of work at Siemens and her children's previous period of residence and education in Germany in her petition, explaining that her children had begun school in Berlin and that "it was hard for them to adapt to Turkey. They had hardly adapted when they were brought back to Berlin… who has the right to destroy the small world of these small children? Why do the German officials help an irresponsible father, because not he, but we must be deported?" She also emphasized that she could not go back, "because in Turkey a divorced woman is seen as an easy woman [*leichtfertige Frau*]. In many places attempts are made to exploit the woman [*die Weiblichkeit der Frau auszunutzen*]." She pleaded with the authorities: "It would be irresponsible of me, to bring my children to Turkey, where they would be branded as children of a divorced mother. But without my children I cannot and I do not want to keep living. Please help me!"[64]

64 LA-B, B Rep 002, Nr. 14982, "Yaprak" on December 20, 1982, "Betr.: Unsere Aufenthaltserlaubnis und unser Recht auf Leben."

Although Yaprak pointed to her previous work and residence in West Germany and her children's preference for the West German school system in her first petition, both of these arguments would gradually disappear from later correspondence about her case, which came to focus almost exclusively on the grim future that awaited her if she was forced to return to Turkey. According to Rita Kantemir of the *Alternative Liste*, which took up the case, Yaprak "will certainly have to live on the edge of society there, because when wives do not take care of their husbands in the traditional way, but enter a women's shelter, Turkish husbands claim that they have entered a brothel."[65] The same petition described two other women's cases and insisted that for all three of these Turkish women, "return to the home country would lead to ostracism. They have convincingly assured me, that because of the difficulties that they have caused their husbands and the 'shame' that they have inflicted by not following their husband's orders to return, they now find themselves in a life-threatening situation, because the male relatives of their husbands have the duty to restore the man's 'honor.'"

The West Berlin Senator of the Interior was not compelled by this argument. He insisted that the social status of a divorced woman in Turkey was irrelevant for West German officials. "In principle it seems problematic to make the return of foreigners to their home countries dependent on the evaluation of the cultural and social conditions of their home country in comparison to German standards. In the interest of restricting the

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65 LA-B, B Rep 002, Nr. 14982, May 11, 1983, Alternative Liste Rita Kantemir to Weizsäcker. In fact, West German men also frequently depicted women's shelters as "brothels" in this period.

migration of foreigners, foreigners without a secure residence status can and must be expected to continue living according to the living conditions of their home country."[66]

When the Greens and SPD sponsored a resolution that would allow women resident in women's shelters to stay in West Germany, the Interior Minister of Lower Saxony made an even more extreme version of the same argument: "It would also for example be thinkable, that precisely the foreign woman's residence in a shelter shows that she has largely emancipated herself from religious ties, perhaps because she grew up in a similarly emancipated family and environment. Then her situation after return to the home country would presumably be very different from what is generally depicted in the petition."[67] Möcklinghoff's statement is undoubtedly cynical in its intent, but it also shows the inherent weakness of a politics that depicted women almost exclusively as victims. If foreign women were actually as doomed as activists depicted them to be, then any act of agency at all by the foreign woman was to be interpreted as a sign of exceptional empowerment. According to this vision of Turkish womanhood as inherently oppressed, a woman who can find the courage to go to a women's shelter must already be free.

Yaprak's case shows that the language of vulnerability was in fact strikingly ineffective in the face of the drive towards migration restriction, but the language did work to reinforce stereotypes whereby Turkish culture was backwards and inherently

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66 LA-B, B Rep 002, Nr. 1498, June 8, 1983, Senator für Inneres to Vorsitzender des Petitionausschusses des Abgeordnetenhauses von Berlin, "Betr.: Aufenthalt nachgezogener Ehefrauen im Fall der Scheidung oder des Getrenntlebens; hier: Petitionen 4127/9, 4345/9 and 4505/9."

67 LA-B, B Rep 002, Nr. 14982, January 19, 1984 press release from Niedersächsische Minister des Innern, "Aufenthaltsberechtigung für ausländische Frauen: Innenminister Dr. Egbert Möcklinghoff zu den Entschliessungsanträgen der Grünen und der SPD."

oppressive. Yaprak had originally drawn on a broader concept of social citizenship when she tried argue that her previous period of work and residence in West Germany, and her children's desire to continue their education in West Germany, should entitle her to continued residence. However, her leftist and feminist allies came to focus exclusively on her potential victimization as they tried to make the case for her to remain, depicting Turkish culture as something that ought to be excluded from West Germany.

Multiple ways of interpreting Turkish male violence against Turkish women came to the forefront in the public reaction to an attack on a women's center in 1984. The Meeting and Information Center for Women from Turkey [*Treff- und Informationsort für Frauen aus der Türkei*, TIO], founded in West Berlin in 1978, was the first autonomous women's project focused exclusively on the needs of foreign women. The center provided services for Turkish women including legal assistance, courses not just in the German language, but also on topics ranging from photography to women's health, and simply a place to socialize.[68] The German and Turkish women who worked at TIO found themselves assisting many abused women, including helping a group of foreign women who were fleeing their husbands to squat a house on Kottbusser Street in February 1981.[69]

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68 Elisabeth Bagana, Deniz Camlikbeli, Marlis Dürkop, Jutta Limbach, and Cornelia Mansfeld, *Treff- und Informationsort für Frauen aus der Türkei (TIO). Lebenssituation von Frauen aus der Türkei und Möglichkeiten der Sozial- und Gemeinwesenarbeit* (Berlin: Berlin Verlag, 1982).

69 DOMiD, FL 0226, "Spendenaufruf. Wohnungen für türkische Frauen und ihre Familien," 1981. The same flyer was printed in *Informationsdienst zur Ausländerarbeit*, 1/1981, 122. Also see Deniz Çamlikbeli, "Der Treff- und Informationsort für Frauen aus der Türkei in Berlin-Kreuzberg," *EPD-Dokumentation* 7/1982, 21-24 and "Wohnen" in *Informationsdienst zur Ausländerarbeit*, 2/1981, 59-61.

In September 1984, a Turkish man entered the center with a gun and shot the women working there, killing one and injuring two. Seyran Ateş, then a law student, suffered life-threatening complications from the attack and would later describe the incident in her 2003 memoir.[70] As the chief witness, Ateş was frustrated with the police investigation. The police repeatedly wanted to know whether her father had shot her, and when she insisted that she had never seen the attacker before, they pressed her further, assuring her that it was fine for her to tell the truth about her family. She continually tried to point to the attack as a political one but found it reduced to a family matter.[71] Ateş was deeply disappointed by her family's reactions, since her family members believed that she had provoked the attack by failing to hold to cultural norms, but she never believed that they were behind the attack.[72] Although they eventually found the perpetrator, the police made enough errors in the investigation such that it was impossible to secure a conviction. One of the most serious problems in her estimation and in that of the women's group of the *Alternative Liste* was the fact that the perpetrator was a member of the "Grey Wolves," a

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70 Seyran Ateş, *Große Reise ins Feuer. Die Geschichte einer deutschen Türkin* (Berlin: Rowohlt, 2003). Ateş, along with Necla Kelek, has become a significant "native expert" for the German and international press on the experiences of Turkish women in Germany. Ateş and Kelek both reject Islam decisiely and are understoof as having "cast off the naiveté of liberal multicultralists in order to effectively face the problem of violence against immigrant women." Beverly M. Weber, "Freedom from Violence, Freedom to Make the World: Muslim Women's Memoirs, Gendered Violence, and Voices for Change in Germany," *Women in German Yearbook* 25 (2009): 200.

A fuller exploration of the TIO shooting and the response to it at the time, including a full reconstruction of the press response, might shed more light on this incident, which seems to have been a decisive factor for Ateş in moving away from a feminism that might include Islam and towards a highly anti-Islamic, anti-Turkish feminism.

71 Ateş, *Große Reise ins Feuer*, 158-172.

72 Ateş, *Große Reise ins Feuer*, 163.

fascist organization in Turkey, but all evidence about the "Grey Wolves" was excluded from trial.[73] The police and the prosecutors insisted that the attack had to be an incident of domestic violence, and it was often narrated in the public sphere as such.[74]

Although it is difficult to reconstruct the reactions of the local community, most of which must have occurred in conversations rather than in written documents, at the time, the Foreigners' Group of the *Alternative Liste* noted that leftist men from both German and Turkish scenes tended to react with the attitude that the women should have known that something like this could happen. One woman reporting that some Turkish men had even implying that TIO was responsible for turning women into lesbians and convincing them to leave their husbands.[75] Women's groups were far more alarmed, seeing the attack as an attack on women's autonomous spaces, but Ateş was also frustrated by the feminist response, writing in her memoir that women failed to address the attack as a specific problem of Turkish and Kurdish groups because they were afraid of being accused of racism: "Violence was depicted as a male problem [*Männerproblem*], which is true, but should not hide the fact of how far the individual groups of men will go, when they see their patriarchal position threatened."[76] For Ateş writing in 2003, German feminists had fallen

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73 DOMiD FL0253, "Graue Wölfe organisierten Ausschlag auf den TIO?!" by the Frauengruppe der Alternativen Liste and Ateş, *Große Reise ins Feuer*, 184-185.

74 Reflections along this line in Karin Marciniak, "Warum aus dem politischen Mord an Fatma E. und dem Anschlag auf den TIO im Herbst 1984 in Berlin eine Privatsache wurde," in *Frauen aus der Türkei kommen in die Bundesrepublik. Zum Problem der Hausfrauisierung*, ed. Veronika Bennholdt-Thomsen et. al. (Bremen: Ed. Con, 1987), 180-184.

75 Marciniak, "Anschlag auf den TIO," 181, and SO 36 Archival Collection, Inv. Nr. 2010/11, Deutscher Paritätischer Wohlfahrtsverband, "Brief an Alle Ausländerprojekte," February 1985, and "Protokoll der AG-Ausländer vom 21.2.1985."

76 Ateş, *Große Reise ins Feuer*, 174.

into the trap of explaining attacks like the one that almost killed her as pure expressions of patriarchal violence while failing to take into account Turkish culture.

A volume of proceedings from the March 1984 Conference of Foreign and German Women in Frankfurt was issued in a second edition in 1985 with an additional section including four essays specifically about the attack on TIO.[77] Each essay stressed a slightly different component of male violence. One focused on the "Grey Wolves" and the fact that they had been excluded from the process. Two focused particularly on how the experience of migration made men more insecure and perhaps more likely to lash out, stressing that men were more rigid about upholding the gender order than women were. One did focus primarily on the fact that the attacker was a man who was attacking women, explaining that "many men can be friendly to foreigners [*ausländerfreundlich*] or friendly to Germans, which does not mean, that they are also friendly towards women!"[78] None of them focused on the man's culture or religion as the source of his violent behavior, and they did as a rule tend to describe the attack more as an attack of men against women more than focusing on the specific context of a Turkish man attacking a place that served Turkish women.

These essays cannot be described as typical of the "mainstream" of West German feminism because they were being published in the context of the 1984 Conference. This was a key event in the history of West German feminism, with over one thousand women attending some part of the three-day conference in Frankfurt. By bringing together foreign and German women for political discussion, the conference forced a feminist movement

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77 Arbeitsgruppe Frauenkongreß, ed., *Sind wir uns denn so fremd? Ausländische und deutsche Frauen im Gespräch* (Berlin: sub rosa Frauenverlag, 1985).

78 "Wir klagen an!," *Sind wir uns denn so fremd?,* 249.

focused on the shared identity of women to confront differences within that category and specifically to consider the relationship of sexism and xenophobia.[79] According to accounts of the conference, this was not an easy confrontation. One German participant, a social worker, remembered that there were "massive tensions between foreign and German women. The foreign women used the opportunity for confrontation, while many German women were speechless when confronted by these attacks, disappointed and felt unfairly treated."[80] One Turkish participant remembered that the West German women experienced the conference as a "shock," while an Iranian woman was shocked that many of the German women seemed to be there for purely academic purposes rather than because of a personal connection to the issues.[81]

Feminist discomfort with the language of racism was reflected in the publication of the conference proceedings—as sociologist Myra Marx Ferree shows, "seeing a parallel

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79 I use "xenophobia" purposefully, as it is by far the most common word used to describe discrimination against foreign women within the book. Black German women also participated in the conference and used the word "racism" to understand their experiences. The conference was one of the events that would lay the groundwork for an Afro-German movement, with May Opitz (later Ayim) as one of the Afro-German women who participated in the conference. She would later publish *Farbe Bekennen* and co-found the *Initiative of Black People in Germany*. May Opitz, "Brief aus Münster," in *Sind wir uns denn so fremd? Ausländische und deutsche Frauen im Gespräch*, ed. Arbeitsgruppe Frauenkongress (Berlin: sub rosa Frauenverlag, 1985), 211-213. Also see Katharina Gerund, *Transatlantic Cultural Exchange: African American Women's Art and Activism in West Germany,* Bielefeld: transcript Verlag, 2013.

80 Renate Engler, "Feministische Mädchenarbeit—interkulturelle Mädchenarbeit?" *Informationsdienst zur Ausländerarbeit* 2 (1986): 64.

81 Ayse Tekin, "Unterschiede wahren, Zusammenarbeit möglich machen," *Beiträge zur feministischen Theorie und Praxis* 17, no. 36 (1994), 104 and *Sind wir uns denn so fremd?*, 71. These women's anger about the motivations of the other women at the conference echoes Neval Gültekin's critique of how West German feminists often used the oppressed foreign woman to further their own goals, see Chin, "Gendered Discourse," 568-570.

between sexism and racism… was not a resonant idea for most West German feminist activists."[82] A German translation of Audre Lorde's essay "The Uses of Anger" was reprinted in the proceedings, but the second part of the essay's title: "Women Responding to Racism," was not translated into German, reflecting a typical shift away from racism.[83] In another example, when women in the working group on religion wanted to discuss whether blanket statements criticizing the way that "Islamic culture" treated women could be understood as "a hidden form of racism," it emerged that many of the West Germans wanted to discuss religion as a problem, "a divisive moment, one that made communication more difficult."[84]

This specific tension over religion reflects an increased concern about the role of Islam that was beginning to become a topic of public discussion during the 1980s. In 1981, sociologist Hanns Thomä-Venske decided to investigate the specific role of Islam within integration. In his book, he recognized correctly that different Turkish migrants practiced

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82 Myra Marx Ferree, *Varieties of Feminism: German Gender Politics in Global Perspective*, Stanford: Stanford University Press, 2012, 100. Ferree's explanation of how feminists in the United States tend to see gender as "like race," while feminists in Germany have tended to see gender as "like class," is very useful for understanding differences in feminist politics between the cultural contexts. *Varieties of Feminism*, 26-33.

83 Audre Lorde, "Vom Nutzen unseres Ärgers," in *Sind wir uns denn so fremd? Ausländische und deutsche Frauen im Gespräch*, ed. Arbeitsgruppe Frauenkongress (Berlin: sub rosa Frauenverlag, 1985), 173-184. Rita Chin has made the same point about the elision of the term "race" with "Rock Against Racism" and "Rock Against the Right" in "From *Rasse* to Race," 9.

In another piece, Audre Lorde wrote that she met white women in Berlin who were "interested in dealing with racism in America, and in England, but are much less prepared to deal with racism in terms of their Turkish and Middle Eastern workers who are the 'Black people' of Germany. That would bring racism too close to home." qt. in Gerund, *African American Women in West Germany*, 173.

84 Nausi Schirilla, "Diskussion in der Arbeitsgruppe," *Sind wir uns denn so fremd? Ausländische und deutsche Frauen im Gespräch*, ed. Arbeitsgruppe Frauenkongress (Berlin: sub rosa Frauenverlag, 1985), 111, 114.

different forms of the religion and to different extents, but was not at all afraid to make sweeping conclusions about what the practice of Islam meant for gender roles. Although the experts he spoke to did not in fact agree about what the Koran said about gender roles within the family, Thomä-Venske was quite certain that "currently an emancipation of Turkish women cannot be carried out with the sanction or support of Islam."[85] Pedagogue Peter Schmuck wrote a book on *Islam and its Meaning for Turkish Families in the Federal Republic* for the German Youth Institute in which he agreed that Islam "robbed women of fundamental human rights." [86] Schmuck believed that foreign youth who rebelled against their parents in other ways still held to conservative ideas about the role of women. He understood these attitudes as backwards and perhaps even as a developmental stage for Turkish culture—in an aside, he suggested that similar attitudes "also dominated in Germany until recently," pointing to Heinrich Mann's 1914 novel *Der Untertan* as proof.[87]

As Schmuck's understanding of German history suggests, the image of Islam as a monolithic source of oppression for women continued to exist alongside and draw from ideas about a generalized "Mediterranean" culture as a source of oppression. In 1980, Swiss director Gertrud Pinkus released the film *The Highest Value of a Woman is her Silence*, a documentary about the Italian wife of a guest worker who narrated her life in Frankfurt. Social work and pedagogical literature frequently recommended it as an excellent film for understanding the problems of foreigners, and it was one of only two feature films shown

85 Thomä-Venske, *Islam und Integration*, 138.
86 Peter Schmuck, *Der Islam und seine Bedeutung für Türkische Familien in der Bundesrepublik Deutschland* (Munich: German Youth Institute, 1982), 52.
87 Schmuck, *Islam und seine Bedeutung*, 51.

during the "Frankfurt Appeal" congress against xenophobia in March 1984.[88] *Arbeitsplatz Deutschland,* the state's magazine for foreign workers, also featured the film when it first began to run a "Women's Page" in the spring of 1983. A short article on the film shared the page with a fictionalized interview with a woman who felt isolated: "For us Southerners—and perhaps especially for us women—conversation is so important… for me life is something more than emancipation. But a wall rises around me, that I have not been able to overcome."[89] In a similar fashion, a 1989 editorial in *Arbeitsplatz Deutschland* instructed readers about the positive and negative sides of "honor" without referring to Islam.[90] Despite an increasing focus on Turkish communities during the 1980s, Turkish behavior was not necessarily understood through the category of "Islam."[91] When the concept of Islam did appear, it sounded much like a heightened form of the "Mediterranean" or "Southern" values that had been ascribed to migrant populations for the past twenty years.[92] The 1987 "Hearing on the Situation of Foreign Women and Girls" described earlier

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88 Rita Rosen, "Filmbesprechung: Das höchste Gut einer Frau ist ihr Schweigen," *Informationsdienst zur Ausländerarbeit*, 4/1980, 127-128, and AGG, C Berlin I.1, Alternative Liste 1978-1992, Signatur 19 (1/2), Delegiertenrat-Infos 1984, DR-Info March 7, 1984.

89 "Seite der Frau. Frauen in der Fremde*," Arbeitsplatz Deutschland*, 2/1983, 13-14.

90 "Der Begriff der 'Ehre' im Leben der Mittelmeervölker," *Arbeitsplatz Deutschland* 1/1989, 2-3.

91 The increasing number of examples taken from Turkish communities in this dissertation has not escaped my attention. It is important to note that Turkish citizens were primarily responsible for the ten-fold increase in asylum applications between 1974 and 1980. Part of the reason for the increasing salience of "Turkish" as a category had to do with the fact that Turks were suddenly the most numerically important group in multiple categories of migration, inspiring accusations that Turkish citizens were *all* just trying to enter the German labor market.

92 Underlining my larger point about the dominance of the category of "Southerner" in this period, a Foreign Ministry memorandum from 1983 warned that Turkish accession to the European Economic Community would be undesirable because "The Southerners of the

in this chapter also preferred the categories of "Southern" and "Mediterranean" to describe the culture that was understood to oppress foreign women in the Federal Republic.[93]

West German feminists frequently described Mediterranean culture as oppressive in part because of its family ties, blinding them to the fact that many foreign women valued their families and wanted to improve their lives without leaving their families. There was a lively debate about the role of the family within Turkish communities. Gündüz Vassaf, a Turkish psychologist who wrote the first Turkish-language study about the "second generation," represented a conservative position when he wrote that feminist groups "may fill an organic function in their own individualistic cultures, but they are an extremely negative influence on Turkish families. This is especially true of the western feminists, who want to protect Turkish women… their efforts lead to the disintegration and decay of many Turkish families."[94] Turkish researchers who identified as feminists could offer similar critiques. As Turkish social worker and researcher Neval Gültekin wrote in a social work periodical, "if a foreign woman complains about certain troubles or even repression in the family, the European woman in most cases wish that she would make herself independent.

Community and therefore the 'North-South Problem' would become dominant, without the European Community having found an adequate political instrument for overcoming the 'North-South Problem,' as seen in the accession negotiations with Spain and Portugal." Turkey would "decisively strengthen the bloc of Southerners, who tend to interventionist economic policies." PAAA BRU-EEU/15020, September 29, 1983, "Betr.: Fortentwicklung der Beziehungen EG-Türkei—möglicher türkischer Antrag auf Beitritt zur Gemeinschaft."

93 Beauftragte der Bundesregierung für die Integration der Ausländischen Arbeitnehmer und Ihrer Familienangehörigen. *Hearing zur Situation ausländischer Frauen und Mädchen aus den Anwerbestaaten. Kurzfassung der Dokumentation* (Bonn: Der Bundesminister für Jugend, Familie, Frauen und Gesundheit: 1988).

94 Vassaf, *Türkische Arbeiterkinder*, 88.

This kind of self-sufficiency, however, often means flight from the family… for the majority of women emigrants, the family plays the biggest role in the foreign community."[95]

The assumption that the family was not worth saving shaped the way that some West German feminists understood the issue of residence rights for dependent family members.[96] In one case in Duisburg, the "Initiative for Justice for Foreign Women" intervened on behalf of a 23-year-old woman who had lived in Germany since she was 12 and who had applied for her secure residency status in July 1983, but who had been denied because for three months in 1981 she had not had a residence permit. The residence of her husband, a Turkish asylum seeker whose application for asylum had been denied, was also in jeopardy as a result. Her lawyers seemed to think that the best argument was to blame her father for the lapse, explaining that "In Turkish families there is a much tighter family connection than for example in German families—as should be known to the court. The father has a dominant role and manages the affairs of the family members who are dependent on him—especially his wife and his children… it is also common in Turkish families, that the individual family members rely on him."[97] I do not know if this argument was ultimately effective, but in echoing ideas about the suffocating foreign family that did

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95 qt. in Chin, *Guest Worker Question*, 167.

96 For a discussion about how dependent residency rights were framed in the Netherlands, see Marlou Schrover, "Multicultualism, dependent residence status and honour killings. Explaining current Dutch intolerance towards ethnic minorities from a gender perspective (1960-2000)," in *Gender, Migration and Categorisation. Making Distinctions between Migrants in Western Countries, 1945-2010*, ed. Marlou Schrover and Deirdre M. Moloney (Amsterdam: Amsterdam University Press, 2013).

97 AGG B.II.1, Die Grünen im Bundestag 1983-1990, Signatur 4276, Ausländerinnen in der BRD, 1984-1989, July 31, 1984, Initiative Recht für ausländische Frauen [signed Sevim Türkoğlu Duisburg] to Ministerpräsidenten des NRW.

not raise children into independent citizens, it hardly made a strong argument for the woman in question to be considered as a worthy part of the Federal Republic.

At the 1984 Conference of Foreign and German Women, the author of the report on residence rights begins by placing foreign and German women on a single continuum of oppression, explaining attacks on marriage migration as part of a conservative turn in German family policy: "While the German women are forced out of the production process and back to the stove through motherhood and the shifting of reproductive labor into the family, the foreign women are used as a lever for the expulsion [*Vertreibung*] of foreigners from the Federal Republic." The report went on to explain that even if independent residence permits were to be granted to dependents earlier, for example after one year instead of five, foreign men would continue to exploit the situation by sending their wives home immediately before the new deadline. For the author, migration law "is the perfect example of the misogyny of the German (male) legislators, who refuse women the right to self-determination. Only the patriarchal consciousness of men, German and foreign men, is buoyed."[98] The logic of the report bears a certain resemblance to the way that officials in the Federal-State-Municipality commission had talked about restrictions on marriage migration: no matter what the law is, foreign men will find a way to use it to oppress foreign women. For the officials on the commission, the ingenuity of male migrants in exploiting the law means that the law must be as restrictive as possible. For the author of this report, the same ingenuity means that the law should be liberalized.

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98 Traude Ratsch, "Wir fordern ein eigenständiges Aufenthaltsrecht für ausländische Frauen," in *Sind wir uns denn so fremd? Ausländische und deutsche Frauen im Gespräch*, ed. Arbeitsgruppe Frauenkongress (Berlin: sub rosa Frauenverlag, 1985), 46.

The report ultimately depicts *men* as the shared enemy of both German and foreign women rather than acknowledging that foreigner law could also be understood as a way in which Germans of all genders oppressed foreigners of all genders. This framing of the problem reflected the importance of women's collectivity within West German feminism: as Myra Marx Ferree has noted, "West German feminists found it harder to think of women as part of the state, exercising power over others, than either East German or American women did."[99] But by depicting *men* rather than *migration law* as the enemy, these feminists often spoke past the concerns of foreign women and alienated foreign activists working on the problem of independent residency rights.[100]

Feminists tend to briefly acknowledge the fact the residence permits were formally neutral, but then to ignore the implications of that fact, which is that some *men* were the dependents of the female family members. But feminist archives are not the only kind of archives shaped by the assumption that "family member" means "dependent woman."[101] When I told archivists that I was interested in the history of foreign families, they invariably pointed me to files with titles like "Foreign Women," and I set to reading these files without stopping to question the way that my research was reproducing the binary between male workers and female family members. Nobody keeps dossiers with titles like "Foreign Husbands." But many men were classified primarily as "husbands" within the

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99 Ferree, *Varieties of Feminism,* 101.

100 The debates in the Netherlands also focused exclusively on the impact of dependency for women and children while ignoring the consequences for men. van Walsum, *Dutch Family Migration Policies*, 184.

101 There are very brief comments on this point in Elisabeth Strasser, Albert Kraler, Saskia Bonjour, and Veronika Bilger, "Doing family. Responses to the constructions of 'the migrant family' across Europe," *History of the Family* 14 (2009): 174.

process of migration, and that classification shaped their opportunities. Because creators of both state and non-state archives have assumed that men are workers and women are family members, the ways that the category of "family member" worked to restrict the possibilities of men has often gone unremarked.

Even as a scholar carefully attuned to the fact that gender is a relational category, something "problematic rather than known," it took me several months of work on the dissertation to begin to wonder where all of the "foreign husbands" were hiding.[102] I am not the first researcher to have my assumptions upset by reality. When she was working on Turkish masculinity in the 1990s, sociologist Margret Spohn was surprised by the fact that five of her twenty interviewees also wanted to involve their wives in the interview. Three of the five were "husbands" who had followed their wives to West Germany. Spohn is clearly surprised by this fact but does not further explore its implications.[103] There have been very few qualitative studies of foreign men in Germany, and those that exist tend not to include questions about their family relationships, but numerous studies of women show that when men were "family members," the entire family was more vulnerable as a result.

Neval was twenty-one years old and a second-generation migrant when she was interviewed by a West German social worker in 1983. In Neval's interview, she explained

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102 Joan Scott, "Gender: A Useful Category of Historical Analysis," in *Gender and the Politics of History* (New York: Columbia University Press, 1988): 49. Because I came to understand the importance of the category "husband" very late in the research for this dissertation, primary material discussed in this chapter currently reinforces the focus on women, an absence that will require me to read against the archival grain in order to further explore its implications the next iteration of this project. I think there is a great deal of potential in an approach that deliberately refuses the male-labor female-family binary.

103 Spohn, *Türkische Männer*, 166-169.

that she wanted her Turkish husband to come join her in Germany, but that this was impossible: "We would have to be married for three years, and then he couldn't work for four years. He wouldn't be able to stand it. He's not a man who stays at home and lets me work and lets me give him the money." Because her husband did not want to migrate only to do nothing, she was planning to return to Turkey, which she was not excited about: "I will miss Germany. In Turkey everything will be different. Here I can go into the city alone, there I can't go out alone. Here I can buy a lot of things, because I work and make good money. In Turkey everything is different."[104] Neval was a model of the "emancipated foreign woman," but because she wanted to marry a Turkish man, she was going to have to leave the country where she had grown up and come to feel at home. In another series of interviews conducted with Turkish women working in factories in West Berlin in 1983 and 1984, one woman tells the interviewer: "I think it is terrible, that the spouse has to wait five years in order to receive a work permit. I want to marry somebody from Turkey, but I can't for that reason. "At the time of the interview, she planned to work for three additional years so that she could qualify for a pension when she returned to Turkey to finally marry her fiancé. Because she did not want to get married before she could live with her husband, migration law was forcing her to delay her marriage.[105] Many other women reported that they felt pressure to marry foreign husbands earlier than they would have wanted to so

104 Franger, *Türkische Frauen,* 42.
105 Töksöz, *Immigrantinnen*, 238.

that their foreign husbands could start the lengthy waiting period.[106]These women experienced West German policy, not Turkish culture, as restricting their options.

Sociologist Ayse Tekin has argued that the waiting period was responsible for many foreign women returning to the home in the 1980s. Because a couple could only have one legal work permit, many foreign women attempted to transfer their legal work permits to their husbands because their husbands could make more money with a legal work permit than the wives could. The kinds of jobs available to men in the illegal job market, for example at construction sites, may also have seemed more exposed to the danger of police raids than the kinds of jobs available to women in that economy, for example as cleaning women. Tekin's conclusion is blunt: "The women returned to their traditional roles. This was an effect of German law."[107] Women who retained the legal work permit could be stressed by the burden of having to provide for a family on a single female wage. In the factory interviews in 1983 and 1984, several women remembered a former colleague who used to come in an hour early every day in order to make her piecework quota. One of the interviewees recalled: "Her husband was here as a family member. When I told her 'You shouldn't do that!' she said 'Your husband works… I have no security, I have to work.'"[108]

Considered out of context, the statement "her husband was here as a family member" appears tautological: husbands, much like wives and children, are necessarily always also family members. But within the context of migration law, "her husband was

106 Atilla Yakut, *Zwischen Elternhaus und Arbeitsamt: türkische Jugendliche suchen einen Beruf* (Berlin: EXpress Verlag, 1986), 448-449.
107 Tekin, "Unterschiede wahren," 103.
108 Töksöz, *Immigrantinnen*, 161.

here as a family member" is used to explain an exceptional situation: her husband was here as a dependent. Her husband was vulnerable. To describe a husband as a family member, as this interviewee does, is to mark an unnatural state. Because "family member" was so often taken to be equivalent with "dependent woman," the male family member plays a key role in revealing the assumptions that structured migration law. In future research into the gendered dynamics of migration, scholars should pay close attention to precisely these male family members, these men who were treated *as if* they were women. Because scholarship on the "family" focuses nearly exclusively on women—even the examples quoted above come from studies that centered women's experiences—the real dynamics of the situation have remained difficult to grasp.

The Changing Status of Binational Marriage

There is one group of "foreign husbands" that is amply documented in the archive: the foreign husbands of German women. To give one example, the North-Rhine Westphalia Interior Ministry produced five archival boxes worth of information on binational marriages between 1955 and 1985. The first document in the series is a 1957 letter from the federal Interior Ministry informing local officials that if foreign women married to German men apply for German citizenship, they should receive it immediately. If they choose not to apply for citizenship, they should still receive special treatment: local officials should reduce or even waive the fees associated with applying for a residence permit, and

should immediately grant an unlimited residence permit.[109] Every subsequent document in the five boxes devoted to this topic deals with what would prove to be a far more difficult question: should West German women have the same ability to bring people into the community? The idea that German men should be able to turn foreign women into Germans was practically self-evident, but the question of whether women could exercise the same privilege would be much more contested.[110] The history of binational marriages offers an example of where centering male experience can be useful for revealing the entire system, and it also illuminates my argument about how the language of gender worked to obscure racism and xenophobia. The decades-long campaign to improve the situation for binational couples has been successful when it seems to protect women from victimization at the hands of foreign men, but has struggled to create new rights for those foreign men.

In the first chapter, I wrote about the 1960s campaign against binational marriages and the fear that unscrupulous foreign men would take advantage of German women. During the 1950s and 1960s, women who married foreign men were generally expected to leave the country to follow their husband abroad.[111] Challenges to this assumption tended to work through a language of female vulnerability. In 1965, the Interior Minister of

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109 LA-NRW, NW 760, Nr. 171, November 28, 1957, BMI to Innenminister der Länder, "Betr.: Aufenthaltserlaubnis für die ausländische Ehefrau eines deutschen Staatsangehörigen."

110 This is also not a German peculiarity. West Germany was in fact faster than the Netherlands to rectify formal gender inequality within the law. In the Netherlands, Dutch women who married foreign men automatically lost their nationality until 1965, and could not pass their nationality to their children until 1985. See van Walsum, *Dutch Family Migration Policies*, 124-130 and 175-180, and Betty de Hart, "The Morality of Maria Toet: Gender, Citizenship and the Construction of the Nation-State," *Journal of Ethnic and Migration Studies* 32, no. 1 (2006).

111 Woesthoff, " 'When I Marry a Mohammedan,'" 206.

Schleswig-Holstein sparked a discussion when he wrote to the other interior ministers to ask what he should do when women tried to secure residence permits for their foreign husbands. He explained that he generally expected German women to follow foreign men abroad, but might be willing to make exceptions "when the living conditions that the wife would discover in the foreign state according to general experience are glaringly different from those here." However, in reflecting on Article 6 of the Basic Law and its guarantee of protection for marriage and family, as well as Article 16 of the UN Convention on Human Rights, he was beginning to consider a more liberal application of this principle. [112]

The Bavarian Interior Minister rebuked Schleswig-Holstein's proposal, explaining that in his estimation, "It must be expected of an adult woman that she will inform herself about the living conditions in the home country of her future husband when she enters into a marriage with a foreigner." He opposed any relaxation of this principle, writing that if women were not expected to leave, "the number of these marriages would increase, since the woman could count on her husband no longer being deported."[113] In Bavaria, the ultimate goal was preventing any increase in binational marriages to foreign men.

The question returned to the national agenda in 1970 when an Iraqi man and an Iranian man married to West German women in Bavaria and Schleswig-Holstein brought their cases to court. In Bavaria, the court decided that because citizens of the European

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112 LA-NRW, NW 760, Nr. 171, September 6, 1965, IM S-H to BMI and Innenminister der Länder, "Betr.: Aufenthaltserlaubnis für ausländische Ehegatten deutscher Staatsangehöriger."

113 LA-NRW, NW 760, Nr. 171, September 23, 1965, IM Bayern to BMI and Innenminister der Länder, "Betr.: Aufenthaltserlaubnis für ausländische Ehegatten deutscher Staatsangehöriger."

Economic Community had the right to have their spouses live with them no matter what the nationality of the spouse might be, it did not seem logical that West German women had fewer rights than other Europeans. Predictably, the Bavarian Interior Minister continued to disagree, arguing that it was a matter of maintaining a rational gender order. Members of the European Economic Community were able to sponsor "family members, who are supported by the working breadwinner of the family… in appraising whether the denial of a residence permit should be seen as a hardship or injustice, it must be assumed that the male patriarch [*Familienoberhaupt*] is the breadwinner for the family."[114]

In the same year, the courts in Schleswig-Holstein heard a case from Kiel, where the Foreigners' Office had refused to renew the residence permit of an Iranian man married to a West German woman. The authorities in Kiel had cited "development policy" for their refusal, arguing that giving residence permits to men from developing countries would create a "brain drain" from the Third World. Countries like Iran and Afghanistan would stop sending men to study in West Germany if those men were just going to be stolen by West German women. This argument was invoked even when the men in question were not actually scholarship students.[115] The lawyer of the Iranian-German couple used a touch of

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114 LA-NRW, NW 760, Nr. 171, October 7, 1970, Bayer. Staatsministerium des Innern to Regierung von Oberbayern, "Betreff: Ausländerrecht; Versagung der Aufenthaltserlaubnis für den irakischen Staatsangehörigen M.K."

115 Bavaria also leaned heavily on this argument in its appeal of the case with the Iraqi husband, explaining that allowing men to obtain residency through marriage to West German women would lead to "the complete bankruptcy of German development aid in the matter of human resources, and would heavily strain the friendly relationships of the Federal Republic to countless states." LA-NRW, NW 760, Nr. 171, April 25, 1971, Bayer. Staatsministerium des Innern to Staatsanwaltschaft beim Verwaltungsgericht Münschen,

strategic self-ethnicization when he insisted that Iran would not be hurt if his client stayed, because his client was a "rug dealer, and it is certain that Persia is not lacking for these." More importantly, the lawyer also argued that the refusal to renew the man's residence permit was a violation of Article 6 of the Basic Law, which guaranteed that the state would protect marriage and the family.[116] This case ultimately reached the petition section of the Bundestag and became the subject of an extended debate between the Interior Ministries.

The debate over what to do with foreign husbands was in fact a series of smaller debates about the degree to which West German women could be understood as vulnerable and in need of state protection abroad. Interior Ministers who were in favor of granting residence permits tended to invoke cases of West German women who were pregnant, who had to take care of small children or elderly relatives, or who were suffering from long-term health problems and therefore could not be expected to live abroad. In an early contribution to the debate, the Interior Ministry in Hesse argued that women could be expected to follow foreign husbands if their objection to leaving West Germany came from "economic reasons," since they could have educated themselves about the economic conditions of their husband's home country before entering into marriage, but that health problems that emerged after the marriage might justify state protection.[117] In an exemplary case in Lower Saxony, an Egyptian man had tried to move to Egypt with his West German

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"Betreff: Verwaltungsstreitsache M.K. gegen die Landeshauptstadt München wegen Aufenthaltserlaubnis."

116 BAK B 106/69852, Band 1, Januar 7, 1970, "Frau J." to Petitionsausschuß des Landestages Schleswig-Holstein.

117 BAK B 106/69852, Band 2, April 2, 1970, Hessische Minister des Innern, "Betr.: Ausländerrechtliche Behandlung von ausländischen Ehegatten deutscher Staatsangehöriger."

wife, but she had developed a skin disease "because his wife and his daughter were not up to the climactic conditions in Egypt." The man had also dropped out of his medical studies to become a photographer, so that Lower Saxony had decided to give the man a residence permit.[118] When the Foreign Ministry requested reports from foreign embassies about whether West German women could live in their country, some of the embassies pointed to clashing legal and cultural norms that might turn even healthy women into victims: the Embassy in Syria noted that women married to Syrian men had to ask their husbands' permission to leave the country, while the Embassy in Jordan worried that the local culture was intolerable for West German women.[119]

Petitions show that many women were well aware of the utility of the language of vulnerability for contesting a negative residency decision. One woman married to a man from Egypt wrote to Chancellor Willy Brandt in the voice of her child, attaching a snapshot of her two-year-old son and beginning the letter as follows: "Why am I writing to you? – Well, although I am so young, I already have great worries… my entire baby existence no longer pleases me, when I wake up in the morning and already have to think about how my father and perhaps the entire family will have to leave the country in which I would so like to grow up."[120] The "baby" also explained that his mother cared for his sick grandfather, who would likely die if his granddaughter were to leave the Federal Republic for Egypt.

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118 BAK B 106/69852, Band 2, February 25, 1971, Niedersächsische Minister des Innern to BMI, "Betr.: Austausch von Entscheidungen in Ausländersachen."

119 BAK B 106/69852, Band 2, March 9, 1971, AA to BMI, "Betr.: Ausbildung von jordanischen, irakischen und syrischen Staatsangehörigen, die mit einer deutschen Staatsangehörigen verheiratet sind; hier: Lebensverhältnisse im Gastland."

120 BAK B 106/36021, March 1, 1972, "Frau G" to Bundeskanzleramt.

Another woman explicitly used her pregnancy in a petition to the Interior Ministry on behalf of her Syrian husband. This pregnancy was particularly vulnerable, she wrote, because she had already suffered two miscarriages. The first had occurred because she heard so many cruel comments about her foreign husband, and "it hurt me so much, that I had a miscarriage." A stressful fight to renew her husband's work permit had caused a second miscarriage. Pregnant a third time, she hoped to carry the child to term, which she feared was unlikely if she had to move to Syria. She concluded the letter: "Minister Genscher you are my last hope. Please do not think that I am using the pregnancies as small extortion, oh no. It is the wish of every young couple to have children."[121]

This woman's case was particularly difficult because her Syrian husband was trained as a medical doctor, creating an argument from development policy that was very compelling to local authorities: her husband and his medical knowledge belonged in Syria, not in the Federal Republic. In the ongoing debate over binational marriages, the Interior Minister of Schleswig-Holstein would accuse those in favor of granting residence permits in cases like these of being excessively nationalistic, since "the suffering of the German wife is usually a consequence of the great differences that exist… between the civilizational conditions in Central Europe [*Mitteleuropa*] and in the underdeveloped parts of the world." Although "it seems inhumane to the superficial observer," women needed to leave with their husbands because "the existing need of the people in developing countries is in most

121 BAK B 106/36021, Band 1, March 12, 1972, "Frau K" to BMI.

cases greater than the prospective suffering of the German wives."[122] The federal Interior Minister suggested that the solution to the development problem was that scholarships for study in West Germany should be given to men who were already married, so as to make it less likely that they would marry German women.[123] In at least one case, the officials got their wish in a purely formal sense: a woman who had been living with the Afghan father of her child for six years wrote a petition on behalf of her husband explaining that she had not married him because she did not think it was right "to enter a marriage, that would be overshadowed from the beginning by the fear that the decision of a bureaucracy might mean that the husband and father would have to leave the family." She had also wanted her child to retain West German citizenship, something that was only possible in the 1960s if the child was born out of wedlock.[124]

In reaction to these debates, the federal Interior Ministry issued a decree in May 1972 ordering that "protection of the family" should be given *more* consideration, if not sole consideration, in decisions on residence permits. The same decree extended limited protection from deportation to men who were married to German women.[125] This change in practice was justified in a language of paternalism: men married to West German women

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122 BAK B 106/81050, Band 5, December 30, 1971, Innenminister Schleswig-Holstein to BMI, "Betr.: Ausländerrecht: Ausländerrechtliche Behandlung der mit Deutschen verheirateten Ausländer."

123 LA-NRW, NW 760, Nr. 171, April 28, 1971, BMI "Ausländerrechtliche Behandlung der mit Deutschen verheirateten Ausländer."

124 BAK B 106/36022, August 29, 1972, "Frau W" to BMI, "Betr.: Ausländergesetz."

125 BAK B 106/90136, Allgemeine Verwaltungsvorschrift zur Änderung der allgemeinen Verwaltungsvorschrift zur Durchführung des Ausländergesetzes, Drucksache 210/72, May 10, 1972, and BAK B 106/69852, Band 2, December 15, 1970, BMI to Innenminister der Länder, "Betr.: Ausländerrechtliche Behandlung von ausländischen Ehegatten deutscher Staatsangehöriger."

saw their rights expanded not because their wives were figured as equal citizens who should be able to choose where to conduct their marital life, but because the state had a duty to protect vulnerable women from having to go abroad to "intolerable" conditions.

The limited nature of this new protection from deportation would be thrown into stark relief after the terrorist attacks at the 1972 Munich Olympics later that year, when the police moved to deport nearly 200 men who were members of the General Union of Palestinian Students. Many of these men were married to West German women, including Rosi Wolf-Almanasreh's husband, who was only spared from deportation because he had been tipped off by a friend and had gone into hiding before the police could arrive. Shaken by the experience, Wolf-Almanasreh connected with other women affected by the mass deportations in order to found the Association of Women Married to Foreigners [*Interessengemeinschaft der mit Ausländern verheirateten Frauen*, IAF]. Founded in a moment of crisis, the IAF would attempt to replace the language of protection described in the previous paragraphs with a rights-based language, a language that they hoped would do a better job of protecting binational families without limitation.[126]

The IAF was arguably the first West German organization that took anti-racism within the Federal Republic as a central goal of its organizing efforts, and their activism developed from the perspective of white German women who saw their privileges as Germans eroded by their choice to marry foreign men. The 1965 Law on Foreigners

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126 Julia Woesthoff provides an excellent account of some of the internal conflicts within the IAF in her article " 'Foreigners and Women Have the Same Problems': Binational Marriages, Grassroots Organizing, and the Quest for Legal Equality in Post-1968 Germany," *Journal of Family History,* Vol. 38, No 4 (2013), pp. 422-442. This article includes an account of how the IAF came to include foreign men as well as foreign women.

prohibited political activity by foreigners that "hurt the interests of the Federal Republic," which meant that in this context, white women were the best political advocates for foreign men. In the 1960s and early 1970s, the ban on political activity was primarily used against foreign groups who were protesting their home regimes and hurting German interests abroad—groups like the General Union of Palestinian Students.[127] However, because "the interests of the Federal Republic" were also understood as "not being an immigration country," foreigners were also essentially banned from speaking on their own behalf. For this reason, other organizations focused on foreigners' rights in the Federal Republic were few and far between when the group was founded, while explicitly feminist organizations were uneasy about partnering with an organization that enshrined marriage and the nuclear family as positive ideals. The IAF attacked the status quo not just on grounds of gender equality—when West German men married foreign women, there was no question that the foreign woman's residence permit would be renewed for as long as the marriage continued—but also by depicting current practice as part of a racist migration policy. Because the group's catalyzing event was the deportation of Palestinian activists, a demand that foreigners be able to organize politically in the Federal Republic was in fact part of the IAF's founding document.[128]

One of the group's first actions was a letter-writing campaign where they made a series of demands to the Interior Ministries of the federal states. The Interior Ministry produced an internal report about the IAF in September 1973 stating that many of these

127 Clarkson, *Fragmented Fatherland*.
128 BAK B 106/36022, IAF September 27, 1972, "Grundsatzerklärung."

demands were not only "unworthy of discussion," but also that they were "outside of the group's sphere of interest." These purportedly irrelevant demands were as follows: first, the idea that Germany was an immigration country [*Einwanderungsland*], second, the demand that the protection for foreign families should be written into the Law on Foreigners rather than grounded in administrative decrees, third, that foreigners married to Germans should receive long-term residence permits, and finally, that requirements for German citizenship should be relaxed for the husbands of German women.[129] All of these demands that the Interior Ministry deemed "irrelevant" and "unworthy" were primarily about the treatment of foreigners and about migration policy.

One of the IAF's demands was that foreign men married to German women should receive permanent residence permits that would allow them to remain in Germany even if the marriage dissolved, a privilege that had been granted to foreign women married to German men since 1957. This demand was not shared by all of the women who chose to marry foreign men. Some felt very strongly that if they divorced their husband, they would no longer want him in Germany.[130] On the other hand, some women worried that if they had a child with their husband before the end of the marriage, the man's subsequent removal from Germany would make it not only impossible for him to continue a relationship with the child, but also almost impossible for him to pay child support—as one

129 BAK B 106/81051, Band 7, September 2, 1973, BMI Vermerk "Betr.: Bundestreffen der IAF."

130 BAK B 106/36022, January 14, 1976, "Frau K." to Bundestages Petitionsausschuß, and the case in LA-NRW, NW 538, Nr. 12.

woman pointed out, a man earning a salary in Afghanistan would never be able to earn enough to pay child support for a woman still living in Munich.[131]

Another IAF demand was that the requirements for German citizenship be relaxed for their husbands. Rosi Wolf-Almanasreh's husband, in Germany since 1962 and married since 1968, had put in his application in 1971 and was still waiting for an answer three years later. Turkish men who applied for citizenship were often suspected of wanting to become German citizens only in order to shirk military duty in Turkey. One woman who wrote to the Interior Ministry pleading for citizenship for her Turkish husband introduced herself as a member of the IAF and explained that her husband "has no relationship to Turkey… and can hardly speak Turkish anymore!" He also feared being called up for military service, such that they had already applied for asylum, which had been rejected, and that they were now hoping for German citizenship. The Interior Ministry replied that since Turkey was a NATO member, her husband's service should be seen as in the German interest (and thus presumably her own).[132] Both of these demands were made on the grounds of gender equality, but also based on the idea that foreign men had the right to stay connected to West Germany even if they were outside of the family.

The IAF achieved its first concrete success in December 1974, when a citizenship law reform allowed children of German mothers and foreign fathers to become German citizens, the direct result of a Constitutional Court decision that exclusively patrilineal citizenship was against the Basic Law's guarantee of gender equality. German citizenship

131 BAK B 106/36022, August 29, 1972, "Frau W." to BMI, "Betr.: Ausländergesetz."
132 BAK B 106/36022, Band 2, "Frau K." to BMI, January 28, 1975, and BMI to "Frau K." February 19, 1975.

for children of German mothers was also frequently justified through the figure of German women who needed protection. For example, one argument for German citizenship came from the possibility of a situation where a father would take a child abroad with him, and the mother would have no recourse, because the child was after all a foreign citizen.[133]

At the second national meeting of the IAF in 1976, the group staged a "Tribunal of German International Family Law" which argued that by interfering in their marriages, the state was interfering with the right to freely choose their spouse as guaranteed by the European Convention on Human Rights. The Tribunal made a special point of criticizing what IAF members saw as a paternalistic discourse of protection. In a typical exchange, a character representing the state says: "This law is only to protect the woman," to which the IAF character replies: "Cut it out with the incapacitation of women. Stop the discrimination against our group."[134] This critique crystallized in a section of the Tribunal that examined

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133 Although this problem received special attention when men from Islamic countries abducted their children, this was not a problem that was limited to a single ethnic group. In a February 1982 survey of Interior Ministries, several officials reported that they knew of cases where children had been abducted to Turkey, Morocco and Syria, but also to France, Canada, and the United States, with one American soldier even abducting his child while the mother was at a doctor's appointment. The survey is in LA B-W, EA 2/303, Bü 159.

The IAF published two pamphlets about this problem. The first offered practical advice for families in this situation: Rosi Wolf-Almanasreh, *Kindesmitnahme durch ein Elternteil—Ursachen, Lösungsmöglichkeiten und Prävention. Bestandsaufnahme nach fünfzehnjähriger Beratungsarbeit mit bi-nationalen Familien* (Frankfurt: self-published, 1988). The second was published after the success of Betty Mahmoody's memoir *Not Without My Daughter*, which had sold over 3 million copies in Germany by 1991. The IAF's book attempted to give a more objective and less sensationalistic account of the phenomenon. Interessengemeinschaft der mit Ausländern verheirateten Frauen, *Hätte Betty uns gefragt…* (Frankfurt: self-published, 1991).

134 Interessengemeinschaft der mit Ausländern verheirateten Frauen [IAF], *Über die Lage der Ausländerfrauen. "Tribunal" zum deutchen Internationalen Privatrecht* (Frankfurt: self-published, 1977): 32-34.

the common practice of requiring foreign men who wanted to marry German women to produce a doctor's report that they were free of diseases. For men from countries with Islamic legal codes, this included "proof of potency" so that the marriage would be valid in their home country. At this juncture in the script, the character representing the "state" explains that the examination is necessary because "A state must protect itself from diseases which do not exist among us… this is only in service of protection of the woman—and protecting society from foreign influences." The IAF character then reads part of the 1935 Law on the Protection of the Hereditary Health of the German People, which prohibited marriages between people with certain hereditary diseases, and states that "in its treatment of foreigners and women, the Federal Republic falls behind the Nazi standard."[135] By invoking human rights against a language of paternalism, the IAF placed their group on the "right side" of history. [136]

The IAF's suspicion of paternalist rhetoric would turn out to be grounded in reality as state officials began mobilize the language of "protection from foreigners" against the IAF's demands for more rights for their husbands. The West Berlin Senate issued a press release about the "visa marriage" [*Scheinehe*] in September 1977 that would lead to a decade-long panic about binational marriages. The press release was titled "What does a German woman cost? Or, how a foreigner can use a visa marriage to live and work in

135 IAF, *Über die Lage der Ausländerfrauen*, 39.

136 Historian Lora Wildenthal has argued that West Germans found the "ahistorical language of human rights norms" attractive because it allowed them "to move beyond certain histories." By consistently juxtaposing human rights language against National Socialist law, the IAF dramatizes itself moving beyond the National Socialist past and into a cosmopolitan future. *Human Rights in West Germany*, 3.

Germany in perpetuity," and it recounted the story of a woman "with a low IQ" who agreed to marry a brother of her Yugoslavian co-worker for 2,000 DM. In fact, she only received 300 DM, and the man actually moved in with his ex-wife, who already lived in Berlin. Having left her job at a cleaning firm in anticipation of the marriage, she was now threatened by imminent homelessness. The authors claimed that such tragic stories were on the increase, and that Article 6 of the Basic Law obliged the state to do something, explaining: "If protection of marriage is to have positive content, the state must protect marriage from those who would abuse it."[137] This initial story inspired several articles in the national press and even a television special.[138] Although the original press release featured a Yugoslavian guest worker as the villain, in subsequent permutations the villain was increasingly a false asylum seeker from a "Third World" country—one who was not lying only about political persecution, but also about his affective relationships.[139]

This new specter of the "visa marriage" was tightly linked to the asylum panic of the late 1970s and early 1980s. The 1984 young adult novel *The Deportation, or who killed Mahmut Perver?* used the idea of a "visa marriage" in order to explore the Federal Republic's treatment of asylum seekers. Klaus-Peter Wolf won the Anne Frank Prize for this

137 LA-B, B Rep 002/17179, September 7, 1977, "Was Kostet eine Deutsche Frau oder Wie Man als Ausländer durch eine Scheinehe auf Dauer in Deutschland leben und arbeiten kann" by Margita Hoffman, Manfred Mallé, and Adolf Straub.

138 BAK B 106/81051, Band 8., November 22, 1977, IAF to BMI.

139 Simone Klausmeier argues that the revival of the "Scheinasylant" term was linked to the rise in asylum seekers from the "Third World" during the 1970s. During this period, over 90% of "Third World" applicants were turned away, while over 90% of Eastern bloc applicants were accepted. *Asylbewerber zum "Scheinasylanten."*

novel, which was also turned into a television film by ZDF.[140] The book is best described as the thesis of the "apolitical German" turned into a young adult novel. Elke is an eighteen-year old girl who marries Mahmut, a Kurdish asylum seeker she meets on the street, in order to save him from deportation. Although her heart is in the right place, the couple has given virtually no thought to their scheme: Elke is surprised by the idea that she and Mahmut might have to live together in order to make his claim to marriage plausible, and has not considered the fact that as a married woman she will not qualify for scholarship assistance from the university. Her father is upset that he will lose *Kindergeld*. When the German boy she is interested in finds out about her marriage, she divorces Mahmut in exchange for a promise that Mahmut will be given a residence permit, but the Foreigners' Office has tricked her: Mahmut is only given a residence permit for fourteen days, and he is deported and murdered shortly after his arrival in Turkey. Elke's parents become politicized through their daughter's marriage, and are continually shocked whenever they come into contact with the Foreigners' Office. The groom is ultimately deported because the family trusts the assurance of an official that he will take care of the asylum seeker: the lesson of the novel is that the blind faith of West Germans in bureaucracy has enabled them to ignore injustice.

Outside of the novel, the "visa marriage" panic had in fact substantially increased both the obstacles to entering binational marriages and the number of hurdles to be cleared during the marriage. In the first chapter of this dissertation, some civil registrars

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140 Klaus-Peter Wolf, *Die Abschiebung oder Wer tötete Mahmut Perver?* (Munich: Die Schatzkiste, 2002 [original 1984]).

refused to marry women to Spanish men in order to protect the women from Spanish law, but the Federal Constitutional Court declared this practice unconstitutional in 1971 when it ruled that the state could not protect Germans from "foreign ideas of marriage." One decade after this ruling, the registry office would become a battleground yet again. This time, the threat was not Spaniards who might take advantage of the law to skip town on divorced West Germans, but purported criminal gangs forcing women into marriages against their consent. An August 1981 police report from Cologne explained that foreign men might drug women before bringing them to the registrar.

> "In neighborhoods where Germans and Turks live next door to each other and drink beers together at the pub, chummy relationships develop. One German woman explained that the bartender asked her if she wanted to earn some money on the side through a formal marriage with a Turk… when the German woman did not want to keep her promise to enter into a false marriage, the Turk tried to reach his goal with all of his resources, if necessary with the threat of violence and as described at the beginning with the use of drugs. In this situation the German bride is afraid of withdrawing her marriage promise…
>
> So far the civil registrars have refused about 20 marriages or public notices of marriage. In almost all cases this occurred based on the stated wish of the German wife, who disclosed the truth in front of the civil registrar. In order to protect the German woman from violence from the Turkish groom the civil registrar explained his rejection of the marriage by saying that he had received information about the true purpose of the intended marriage of convenience."[141]

Civil registrars were understandably horrified at the idea of facilitating a marriage between non-consenting spouses. Stories like this one justified the creation of catalogs of "grounds for suspicion" that the marriage was a visa marriage that a registrar could use to

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141 LA-NRW, NW 760, Nr. 173, August 4, 1981 Standesbeamte in Köln to Staatliche Aufsichtsbehörde für Personenstandsangelegenheiten, "Betr.: Bericht zur Eheschließung ausländischer Staatsangehöriger mit deutschen Frauen. Bezug: Besprechung mit dem Landesinnenministerium am 25.5.1981 und dem Regierungspräsidenten in Köln am 4.6.1981."

refuse to marry a couple. Officials understood themselves to be protecting the institution of marriage by monitoring the couples who tried to enter the institution. As the Bavarian Interior Minister wrote, "when marriage to a German partner can be achieved without great effort, when the German partner from this marriage can also get out of it without great difficulty, and when residency rights follow automatically from every marriage to a German, the legal institution of marriage will be misused even more than it is right now."[142] But "grounds for suspicion" ranged from the "questionable mental state of the German fiancée," including evidence of recent self-harm or drug use described in the Cologne police blotter, to frequent changes of address, "multiple divorces of the German fiancée," or a registration address on a street in prostitutes were known to live. These "grounds for suspicion" could also start at the passport: cities, if the prospective groom were from Turkey, Pakistan, India, or Afghanistan—all countries from which asylum claims were regularly denied—this could constitute sufficient reason to refuse to marry the couple.[143]

Once they had successfully cleared the hurdle of the civil registrar, couples from these countries continued to have to prove that their marriage was real. Foreigners Offices' were told that if they suspected a visa marriage, they should initially only grant the residence permit for one year instead of the usual three in order to be able to test if the marriage still existed in one year. In practice, IAF members found that their husbands were

142 BAK B 149/83807, December 2, 1982, Bayerische Staatsministerium des Innern, "Vorkehrungen zur Verhinderung von Schienehen,"

143 BAK B 149/83807, December 2, 1982, Bayerische Staatsministerium des Innern, "Vorkehrungen zur Verhinderung von Schienehen," and Interessengemeinschaft der mit Ausländern verheirateten Frauen [IAF], *Scheinehen in der Bundesrepublik?* (Berlin: self-published, 1985), 21.

sometimes given permits for as little as three months at a time. The short-term residence permits made it difficult for the men in question to find jobs.[144]

Beyond just ensuring that the spouses continued to be registered at the same address, Foreigners' Offices could also test to see if the foreign spouse would pick up mail sent to the registered location and insist that both partners had to show up at every appointment with the Foreigners' Office.[145] In West Berlin in March 1981, the police began to investigate every single binational marriage in which either the foreign man would not qualify for a residence permit without marriage, or in which the marriage had already been concluded, but "grounds for suspicion" arose after the fact. In one case, when the husband in an extant marriage lost his job, the couple could no longer afford their shared apartment. Each moved in with friends while they tried to look for new jobs, but their different addresses triggered an investigation and the curtailing of the man's residence permit.[146] According to experiences collected by women in the IAF, it seems that in practice "grounds for suspicion" also frequently included tips from neighbors.[147]

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144 See the remarks of Frau Baran in LA-B, B Rep 002, Nr. 17828, "Inhalts-Protokoll. Ausschuß für Ausländerfragen. 7. Sitzung 5. Februar 1982."

145 BAK B 149/83807, December 2, 1982, Bayerische Staatsministerium des Innern, "Vorkehrungen zur Verhinderung von Schienehen."

146 "Eine Ehe 'aus Berechnung' zahlt sich nicht aus…" *IAF-Informationen* 1/81.

147 LA-B, B Rep 002/17829, March 5, 1982, SenInn, "Ermittlung wegen des Verdachts von Zweckehen zwischen Ausländern und deutschen Staatsangehörigen (Berichtsersuchen des Ausschusses für Ausländerfragen vom 5. Februar 1982)."

It would be interesting to connect "fake marriage" tips to larger themes of "denunciation" across German history. To what extent may tips to the local police about suspected violations of the *Ausländergesetz* have been motivated by the desire not to have foreign neighbors? Historians such as Robert Gellatelly have shown that neighbors who tipped off the Gestapo or the Stasi were often acting from self-interested motives. See

In early 1982, the West Berlin IAF was invited to speak to the Senate about their experiences with having their marriages investigated. The women began their testimony by stating that the climate had worsened since the new restrictions—the age limit of 16, the integration test, and the new requirements for marriage migration—had been announced in December 1981. Racist comments on the street and hate mail had increased.[148] Two Berlin IAF members had even had their cars destroyed. In response to this statement, a senator from the FDP told the women to stick to the topic at hand, and a CDU senator followed up by informing the women that migration policy was "not covered by their sphere of interest." After the hearing, the Berlin Senate asked the police to estimate the true size of the "visa marriage" threat.[149] The two-page report presented by the police offered virtually no detail about how marriages were ultimately judged to be false, but did present a series of shocking figures to substantiate the claim of an epidemic of "visa marriages." The figures were announced in a press release titled "90% only marry for appearances."[150]

"Denunciations in Twentieth-Century Germany: Aspects of Self-Policing in the Third Reich and the German Democratic Republic," *The Journal of Modern History* 68, no. 4 (1996).

148 The IAF newsletter often published hate mail and graffiti in the form of ordinary "reader letters." For one example, see *IAF-Informationen* 4/78-1/79, where four very positive letters sit next to an anonymous letter consisting only of "Schweinerei mit den Rassenmischungen, die Ihr treibt!"

149 LA-B, B Rep 002, Nr. 17828, "Inhalts-Protokoll. Ausschuß für Ausländerfragen. 7. Sitzung 5. Februar 1982."

150 IAF, *Scheinehen in der Bundesrepublik?* 6.

Foreign partner	Investigative requests	Completed investigations	Confirmed marriages of convenience [*Zweckehe*]
Turks	1.097	564	385 (68,3%)
Yugoslavians	249	129	94 (72,9%)
Arabs	125	61	40 (65,6%)
Africans	80	44	42 (95,4%)
Others	349	192	180 (93,8%)
	1.900	991	741 (74,8%)

Table 4: West Berlin police survey of "marriages of convenience," 1982

SOURCE: LA-B, B Rep 002, Nr. 17829, March 5, 1982, "Ermittlung wegen des Verdachts von Zweckehen zwischen Ausländern und deutschen Staatsangehörigen."

Other cities copied West Berlin's policing of binational marriages. Mannheim came up with very similar numbers in their 1985 investigation, claiming that 90% of marriages conducted between German women and foreign men were false.[151] In one survey of civil registrars conducted in 1983, most of the registrars believed that roughly 1% of all marriages conducted in Germany—this was including marriages between two Germans—were false. Two of the registrars who answered the survey asserted that "well over 1%" of marriages had been false at the height of the asylum crisis between 1979 and 1983.[152]

In an open letter from November 1977, the IAF argued that the "primary cause of the 'visa marriage' problem is the employment policies for foreigners of the Berlin Senate

151 When the local chapter of the FDP filed a request for information, the Mannheim police clarified that they investigated 30-40 cases a year, 90% of which turned out to be genuine cases of false marriages. ADL, Baum N60-167, July 1, 1985, Mannheim Oberbürgermeister to members of the Gemeinderat, "Betreff: Antrag Nr. 462/85 'Schnüffeln' Kripo-Beamt im Eheleben."

152 Peter Finger, "Scheinehen und Praxis der Standesbeamten," *Das Standesamt* 37, no. 4 (1984), 91.

and of the German state."[153] In their own publications, the women of the IAF had developed an argument that redirected attention to West German migration policies. Because it was so difficult for foreign men to obtain a residence permit outside of marriage, binational couples were in fact pressured to rush into marriage in order to maintain the foreigner's ability to reside in Germany. For the IAF, the marriages forced on foreigners for whom marriage was their only way to stay in Germany were the real "forced marriages." The pressure did not end when the marriage was concluded: because their husbands had to continually prove their marital bonafides in order to renew their residence permits, binational couples felt pressure to live in the same residence at all times and in some cases even to have children earlier than they wanted to, since children could be taken as evidence of a committed marriage. They worried about what might happen if they chose to live apart because of temporary marital difficulties or for career or education-related reasons.

The IAF also argued that the "visa marriage" discussion relied on a false distinction between "romantic marriage" and "economic marriage." When authorities argued that non-Europeans entered into relationships for economic gain, they implicitly suggested that all European relationships were entered purely for idealistic and romantic purposes. Drawing on the feminist discourse whereby marriage was an economic necessity for women, the IAF argued that this distinction was significantly overdrawn. But whenever the women tried to use explicitly feminist and anti-racist arguments, for example at the hearing in the Berlin Senate in 1982, it seemed that the state only wanted to discuss the German women's rights

153 BAK B 106/81051, November 11, 1977, IAF "Stellungnahme zur Report-Sendung des Bayrischen Fernsehens am Montag, den 7. November 1977." More such material is collected in IAF, *Scheinehen in der Bundesrepublik?*

to privacy. The authorities agree repeatedly that it must be embarrassing for the women to have to answer questions about their sleeping arrangements, but refuse to engage when the women talk about how officials treat their husbands.

The women of the IAF also knew that the obstacles erected to their relationships reflected a serious resistance to intermarriage not among foreign populations, but within West German society. Historians and other scholars who write about migration often assume that intermarriage as an uncomplicated indicator of a given ethnic group's "level of integration" into their host society.[154] By the early 2000s, migrants to Germany who attended integration classes were told as much in their courses, and acceptance of intermarriage was seen as a positive indicator of willingness to integrate.[155] Taking a longer historical view shows that this is in fact a very recent re-valuation of intermarriage. In the 1960s, press reports tended to describe marriages between German women and foreign men as doomed, while greeting marriages between foreign women and German men.[156] The IAF kept a collection of press clippings reflecting the fact that women married to foreign men had to contend with significant social disapproval. Even in 1980, a young woman dating a Sudanese man might write in to an advice column wondering what she should do about the fact that her parents disapproved of their relationship, only to have the advice columnist and psychologist reply: "Your mother is in fact bound to inform you about

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154 This equivalence is made frequently in Klaus J. Bade, Pieter C. Emmer, Leo Lucassen, Jochen Oltmer, eds., *The Encyclopedia of Migration and Minorities in Europe: From the 17th Century to the Present* (Cambridge: Cambridge University Press, 2011).

155 Jessica Autumn Brown, "Citizenship of the Heart and Mind: Educating Germany's Immigrants in the Ideological, Emotional, and Practical Components of Belongingness" (PhD diss., University of Wisconsin—Madison, 2010), 112-134.

156 Woesthoff, "Ambiguities of Anti-Racism," 77-81.

the fate of children from a marriage with a colored person. Mixed-race children always have the largest problems. They are not fully accepted by either race, for which they later blame their parents."[157] The "visa marriage" discussion took place against this backdrop of societal disapproval for even genuine biracial relationships.

In 1979, Inge El-Himoud drew a comic titled "marriage counseling" that encapsulated this argument with scenes from her own life. El-Himoud was a founding member of the IAF, married to Ismail El-Himoud, a medical student from Jordan who had fought deportation in 1972 and ultimately appealed his case all the way to the Federal Constitutional Court, where he won.[158] In the comic, her therapist tells her that the problems in her marriage have "nothing to do with the fact, that your husband is a foreigner" and that he thinks she has reservations about her husband. But when she considers, she knows that they cannot rent a larger apartment because landlords will not rent to foreigners. When she looks for a job, the man at the employment agency notes that her husband is a foreigner. "What does my job search have to do with the fact that my husband is a foreigner?" she asks. "When your husband leaves the Federal Republic, then you want to go with him, don't you?" The comic subverts an expectation that cultural difference is the cause of the problems and shows that instead it is the surrounding social context that devalues her relationship.

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157 Press clipping in Institut für Stadtgeschichte Frankfurt [ISG Frankfurt], Sammlung iaf, V 86/13, September 11, 1980, "Wir und Ihr" advice column, clipping from *Wochenend*.

158 This case is discussed in more detail in Slobodian, "The Borders of the *Rechtsstaat*."



Figure 13 Inge El-Himoud, "Eheberatung," *IAF-Informationen* 3/1979, p. 36

Although the IAF had an impressive ability to reach both the state and the national press, their listeners often denied the connections that they tried to draw. The state was occasionally compelled to engage with the criticism about gender equality but was

unreceptive and even actively hostile to their arguments about racism. "Visa marriage" panics create discourses about how the state needs to protect women from those who would misuse the institution of marriage, and these panics continue to track asylum panics fairly closely, with one serious revival in the early 1990s. Since 2001, same-sex partnerships have also been able to sponsor a foreign partner for residence, stoking its own set of scandals around "false partnerships."[159] The IAF continues to exist, and the women of the IAF have achieved their goals in the limited sense that their rights in binational relationships have been made equal to those of German men—now German women can also, to quote anthropologist Damani Partridge, "exercise state power through their intimate engagements." At the same time, there has been no significant movement towards independent residency rights for foreign spouses, and the rights of foreign spouses have remained conditional on the continuation of a "normal" marriage.[160] The state deflected the full implications of the group's critique, and the one-sided reception has ultimately reinforced the equality of German men and women *against* the foreigners they marry.[161]

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159 Ralph Göbel-Zimmermann, " 'Scheinehen,' 'Scheinlebenspartnerschaften' und 'Scheinväter' im Spannungsfeld von Verfassungs-, Zivil- und Migrationsrecht," *Zeitschrift für Ausländerrecht und Ausländerpolitik* 26, no. 3 (2006).

160 Damani Partidge has done anthropological fieldwork with black men in Germany, many of whom are asylum seekers, spanning the 1990s and 2000s. Many of his informants state that the German wife's power to grant and revoke residency creates an uneven power dynamic that can quickly turn abusive. " 'We Were Dancing in the Club, Not on the Berlin Wall: Black Bodies, Street Bureaucrats, and Exclusionary Incorporation into the New Europe," *Cultural Anthropology* 23, no. 4 (2008): 668.

161 Sarah van Walsum makes a similar observation in the Dutch case, where many reforms to migration law did not produce new rights, but stripped rights from other categories, producing a "levelling down." *Dutch Family Migration Policies*, 271-272.

Conclusion

Figures of vulnerable women were central to the contention over state regulation of foreign and binational marriages, and in these debates, pregnancy was a state of exceptional vulnerability. Pregnant women had claims to stay in West Germany, and those claims could sometimes even extend to the men who had made them pregnant—think of the woman who threatened to miscarry if her husband did not receive a residence permit. But the contested fate of an individual pregnant woman represented the collapse of a larger debate about marriage migration, a collapse that is symptomatic of the way that the language of gender has often worked within migration policy. The pregnant women are the spectacular victims of the family migration regime, while the ways that the same migration regime made men and extended families vulnerable are obscured and difficult to discern.

The language of gender worked as a language of vulnerability, one within which activists made their claims through a language of protection—protecting women, protecting marriage—rather than a language of rights—rights to social citizenship, rights to remain. Political theorist Wendy Brown has written about some of the difficulties of developing a feminist or anti-racist politics "from the perspective of the injured," explaining that this form of politics "delimits a specific site of blame for suffering by constituting sovereign subjects and events as responsible for the 'injury' of social subordination… the effort to 'outlaw' social injury powerfully legitimizes law and the state as appropriate protectors against injury and casts injured individuals as needing such protection by such

protectors."[162] The "perspective of the injured" was dominant in critiques of the migration regime in the 1980s Federal Republic. As they struggled for better conditions for men and women in binational marriages, the IAF discovered that the state was more likely to respond to a vulnerable pregnant woman than to her asylum-seeker-turned-husband. When feminist activists tried to help women in abusive marriages, Yaprak's initial attempt to make a residence claim based on her work at Siemens was subsumed by the claim that the state was the only entity that could protect her from being murdered by Turkish men. When the state tried to impose restrictions on marriage migration, the existence of foreign pregnant women became so frustrating that officials began to ask for deposit money for women to promise *not* to get pregnant. The strategy of making a public appeal grounded in vulnerability could save individual pregnant women from being deported and families from being separated, but the same strategy was unlikely to protect members of the family who were not classically understood as vulnerable, especially foreign men.

The politics of vulnerability may have been the only politics possible within a legal framework within which foreigners' presence in West Germany was dependent on state mercy, but it was also not a politics that could change this framework. This failure to change the migration regime would be reflected in the 1990 reform of the Law on Foreigners and the simultaneous refusal of communal voting rights for foreigners.

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162 Wendy Brown, *States of Injury: Power and Freedom in Late Modernity* (Princeton, NJ: Princeton University Press, 1995), 27.

Chapter Seven—The End of Migration? Reunification and the 1999 Citizenship Reform

Introduction

In Sinan Çetin's 1993 film *Berlin in Berlin*, the German engineer Thomas develops an obsession with taking photographs of a Turkish woman, Dilber, who visits her husband at the construction site where both men work. When her husband Mehmet discovers the photographs, he confronts his wife about their existence, assuming that they may be tokens of infidelity. Thomas sees the confrontation and attempts to intervene, but ends up killing Mehmet by accident during the fight. Already at the beginning of the film, familiar German stereotypes are being inverted: it is the German man, not the Turkish man, who obsessively follows women on the street and gets into deadly fights with their husbands.[1]

Thomas later tries to approach Dilber to apologize, but Mehmet's brothers see the murderer approaching their sister-in-law and begin to chase him. Running for his life, Thomas finds himself accidentally hiding in the family's apartment, specifically in Dilber's closet. The grandmother declares that Islamic rules of hospitality mean that they cannot take revenge on their unwanted guest so long as he is in their home. The brothers continue to threaten that they will kill Thomas as soon as he leaves the apartment, and so he stays with the family and begins to learn Turkish. The family is both keeping him captive and offering him a kind of "asylum" in the middle of Kreuzberg. Thomas and Dilber develop an

[1] Angelica Fenner offers a fascinating reading of the film in relation to ideas of the "gaze" in "Turkish Cinema in the New Europe: Visualizing Ethnic Conflict in Sinan Çetin's *Berlin in Berlin*," *Camera Obscura* 15, no. 2 (2000).

attraction over the course of the film, and Dilber ultimately decides to leave her in-laws to explore a possible future with Thomas.

In the final climactic sequence, one of the brothers, Mürtüz, discovers that Dilber is planning on leaving with Thomas, and he smashes the family's aquarium. The camera zooms in on the fish out of water, slowly writhing themselves to death, as Mürtüz runs outside to get his gun and lay in wait for the couple when they leave the apartment. As Mürtüz approaches the couple, Dilber tells her brother-in-law that she is making her own choice to leave: "You don't have the right to kill me. I don't even know him. Let me go. I'm leaving for myself." The future of the couple is thus uncertain, and the camera zooms out to take in all of Berlin as Mürtüz falls to his knees and lets out an anguished scream.

Marketed as a parody of "problem films" like Tevik Başer's *40 qm Deutschland*, *Berlin in Berlin* was a great commercial success.[2] The film offered an ironic reading of the last thirty years of German-Turkish coexistence. In the film, only a German kills someone and escapes legal consequence—although the dead man's brothers want to seek revenge, they are prevented from doing so by the hospitality norms of their culture, here enforced by the grandmother. In the wake of the 1993 asylum compromise, the Turkish "guest workers" prove to be better hosts than the Germans twice over. The film also comments on mobility: the German protagonist imprisoned in a Kreuzberg apartment for most of the film, but he also facilitates the ultimate escape of the Turkish woman from her family. The

[2] In director Tevfik Başer's 1986 film *40 qm Deutschland,* a Turkish man imprisons his wife in their apartment in Hamburg. The film has often been read as an unbiased reflection of reality for Turkish women in Germany. Rita Chin offers a more nuanced reading of *40 qm Deutschland* in *Guest Worker Question*, 182-190.

final shot, a dizzying panorama of reunifying Berlin, reminds the viewer that this drama has played out in a city where everything is changing at once.

Many of the images that we associate with German reunification are in fact images of rapturous mobility: Trabants driving through the Hungary-Austria border, people beating down the Berlin Wall, and the surge of asylum seekers and *Aussiedler* who came to Germany in the months after reunification. At the same time, 1990 has popularly been understood as both bringing East Germans who had little experience with foreigners into the new German state, and as completing the divided German national state and therefore unleashing that state's xenophobic potential. Rita Chin has argued "that the oft-cited danger of renewed nationalist fervor was far less of a problem than the various ways in which the reunification project obscured the broad efforts of the late 1980s to engage seriously with the problem of constructing and legislating a self-consciously 'multicultural' Germany."[3] I build on this argument to stress that German reunification also worked to legitimize the Federal Republic and many of the structures and attitudes that foreigners had already been protesting within that state. Many of the problems that German reunification seemed to create for foreigners had as much to do with the Federal Republic's successful "Europeanization" as with the sudden resurgence of national identity.[4]

Before Hoyerswerda in 1991, Rostock in 1992, and Solingen in 1993, there was the 1990 reform of the Law on Foreigners and the defeat of communal voting rights for foreigners, both events that failed to recognize the ongoing reality of migration and need to

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3 Chin, *Guest Worker Question*, 252.

4 Peter O'Brien makes a similar argument in *Beyond the Swastika* (London: Routledge, 1996).

grapple with it seriously. In this chapter, I argue that the discussion over the reform of the Law on Foreigners was essentially a discussion about the place of migration within German history and German identity, but one played out within the language of the law: had the migration of the "guest workers" been a one-time event, or did it reflect the way things were now? During the 1990s, new arrivals—ranging from asylum seekers from the wars in Yugoslavia to ethnic Germans from the former Soviet Union—would repeatedly undermine the attempt to define migration as an event that had concluded, but legal structures continued to be gripped by the idea of the "guest worker" migration as a singular event that would not be repeated, one that would disappear when the generations disappeared.

The legacy of this "generational thinking" illuminates the compromise position ultimately reached during the 1999 citizenship reform, which introduced the idea of *jus soli* within German citizenship but failed to significantly open access to naturalization for those who had not been born in Germany, or who had been born in Germany before 1990.[5] Scholars have debated the extent to which 1999 represented a major shift in German citizenship policy. Historian Andreas Fahrmeir is skeptical of claims that it represented an epochal break in German history, arguing that in fact "the supposed long-term German tradition of combining a law of descent with ethnic closure emerged in the twentieth

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[5] Scholars have debated whether this reform represented a "paradigm shift" in citizenship policy and understandings of the German nation. See Triadafilos Triadafilopoulos, "Introduction. Assessing the Consequences of the 1999 German Citizenship Act," *German Politics and Society* 30, no. 1 (2012) and the rest of the special issue on the citizenship reform, especially the article by Andreas Fahrmeir, "Coming to Terms with a Misinterpreted Past? Rethinking the Historical Antecedents of Germany's 1999 Citizenship Reform," *German Politics and Society* 30, no. 1 (2012). I am inclined to agree with Fahrmeir's argument that the post-1945 citizenship regime is in fact unique within German history.

century." [6] Fahrmeir points out that it was not until 1945 that citizenship was extended to ethnic Germans abroad, and that during the 1999 reform, "the focus on the automatic attribution of citizenship came at the price of a relative neglect of naturalization, which would have been a much more significant reform."[7] The compromise that was ultimately reached means that the conditions under which Germans can be born have been redefined, but that one is still largely *born* into German identity rather than *choosing* German identity. Politicians agreed to put migration in the past by eliminating the problem of non-German children for the future rather than rethinking the German relationship to foreigners and to ongoing migratory movements. In order to choose German citizenship, children would have to choose the state over the family, as their parents became a denied link to a distant homeland.

Understanding Xenophobia in Reunifying Germany

In September 1990, an anonymous caller to the East Berlin Commissioner for Foreigners called in an anonymous threat in a language of expulsion and extermination: "I have a large house for you and the foreigners. You all have to move in. You all belong in the gas chamber… they have to go. They must all be sent across the border… and so long as I don't yet have this house, they must be beaten to death. I will beat them to death."[8]

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6 Fahrmeir, "Historical Antecedents of Citizenship Reform," 32.

7 Fahrmeir, "Historical Antecedents of Citizenship Reform," 34.

8 Robert Havemann Gesellschaft, Archiv der DDR-Opposition [Archiv der DDR-Opposition], MaB 72, 5. September 1990 Büro der Ausländerbeauftragten signed by Nguyen van Huong "Vermerk über einen anonymen Anruf am 4.9.1990, 9.00 Uhr, im Büro der Ausländerbeauftragten (Rotes Rathaus, App. 3455)."

Speaking in a language that echoed National Socialist atrocities, this threat points us to one of the narratives most frequently associated with German reunification: foreign and domestic observers both worried that the re-creation of the German nation state might lead to the re-assertion of an exclusive ethnic German identity and to xenophobic violence. Rita Chin notes that for migrants, the "patriotic shift threatened to naturalize immigrants' status as interlopers at a private family reunion."[9] Some Turks in Berlin used the expression "the wall fell on our heads" to express their feelings about the new situation.[10]

Sociologist Nevim Çil conducted a series of interviews with Turks between 2000 and 2002. For the "first generation," the xenophobic riots in Hoyerswerda in 1991 and the arson attacks in Mölln in 1992 and Solingen in 1993 played a minor role in their narratives, and were seen as exceptional rather than typical events. For the "first generation," the fall of the Wall and German reunification were decisive events that impacted them negatively, while the "second generation" did not have strong feelings about reunification, but was strongly impacted by the attacks in Hoyerswerda, Mölln and Solingen, which had caused them to rethink their social position in Germany and cemented an identity as outsiders.[11]

How might we understand these different reactions to the events surrounding German reunification? The "first generation" had experienced what appears to have been a previous wave of intensified xenophobic and racist sentiment in the early 1980s. In one particularly dramatic incident, Semra Ertan, a translator and poet who lived in Hamburg,

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9 Chin, *Guest Worker Question*, 253.

10 Mandel, *Cosmopolitan Anxieties*, 31. Also see the 2000 Can Candan documentary film *Duvarlar—Mauern—Walls*, available at http://www.onlinefilm.org/en_EN/film/55435.

11 Nevim Çil, *Topographie des Aussenseiters: türkische Generationen und der deutsch-deutsche Wiedervereinigungsprozess* (Berlin: Hans Schiller, 2007).

sought to draw attention to xenophobia through self-immolation. Her suicide inspired weeks of articles in Turkish-language media, where it seemed to crystallize a mood that had taken hold since the beginning of the decade.[12] In July of 1983, *Die Zeit* would even point to the "apparent parallels between 1933 and 1983" and ask "How long will it be until Turks have to wear the crescent on their lapel?"[13]

The *Zeit* editorial picked up on the language of "Turkish Holocaust" jokes, which seem to have been a central part of West German memory culture in the early 1980s. Günther Wallraff overheard "How many Turks can you fit into a VW? Twenty thousand… two in front, two in the back, the rest in the ashtray" while "undercover" as a Turk at the Thyssen factory.[14] Migrant engagements with such "jokes" in the early 1980s were frequent, and seem to represent a crucial chapter in the "migrant archives of Holocaust

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12 "Intihari gördüm," *Hürriyet*, June 1, 1982 and "Semra'nin intihari bir 'dostluk cagrisi," *Hürriyet,* June 2, 1982 are the first two articles in this series. *Hürriyet*, which is the only Turkish newspaper I have been able to consult from 1982, published articles about Semra and xenophobia nearly every day for two months after her suicide. It would be productive to compare the Turkish and German press reporting on this incident.

13 qt. in Woesthoff, "Ambiguities of Anti-Racism," 170.

14 Wallraff, *Lowest of the Low*, 87. Two more examples should drive home the point: "A train leaves Istanbul full of Turks and arrives in Munich empty. Why? It went through Auschwitz." "Have you seen the newest German microwave-oven? There's room for an entire Turkish family." Extensive lists of such jokes are available in contemporary studies by folklorists: Alan Dundes and Thomas Hauschild, "Auschwitz Jokes," *Western Folklore* 42, no. 4 (1983), Toelken, "German *Gastarbeiterwitze*," and Hans-Jochen Gamm, "Gestern Jüden, heute Türken? Die Stigmatisierung von Menschen im Witz," in *Türken raus? Oder Verteidigt den sozialen Frieden. Beitrage gegen die Ausländerfeindlichkeit*, ed. Rolf Meinhardt (Reinbek bei Hamburg: Rowohlt Taschenbuch Verlag, 1984), Richard Albrecht, "Was ist der Unterschied zwischen Türken und Juden?" *Zeitschrift für Volkskunde* 78 (1982), and Mehmet Metin, *Rassismus in der Sprache*, 2nd ed. (Frankfurt: R.G. Fischer Verlag, 1992), 45-62.

memory."[15] For example, Turkish psychologist Gündüz Vassaf recorded a somewhat novel twist on the Turkish-Jewish-German nexus that also seems to play on fears of German fertility. In the "joke," three fathers are waiting for their babies in the hospital, but the nurse comes out to inform them that their babies have been mixed up. The German father promises to solve the problem: "When the children were there, the German stood up and called 'Heil Hitler!' One baby lifted its arm and replied 'Heil Hitler!' The German took this baby and showed the Jew the baby pissing on the floor out of fear. The third baby, who was trying to clean up the urine, belonged to the Turkish father."[16] In his work, Vassaf illustrated his argument about the continuity of racism with an anecdote about visiting the Anne Frank house with a Turkish child: "On the walls there were panels that showed the Holocaust that the German fascists perpetrated on the Jews. After Saliha stared at the panels in silence for a long time, she finally said: 'Will they do the same to us one day?'"[17]

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15 Michael Rothberg and Yasemin Yildiz. "Memory Citizenship: Migrant Archives of Holocaust Remembrance in Contemporary Germany." *Parallax* 17, no. 4 (2011). Leslie Adelson was one of the first Germanist scholars to pick up on the potential significance of these "touching tales" in her 2000 article, although she argues that the 1990s are the place where this comparison is made: focusing on "vernacular" texts, rather than high culture, suggests that the comparison is in fact a 1980s phenomenon. "Touching Tales."

16 Vassaf, *Türkische Arbeiterkinder*, 144.

17 Vassaf, *Türkische Arbeiterkinder*, 122.

The Turkish-Jewish-German nexus creates a kind of triangulated relationship. Authors who draw on one form of racism to criticize another form racism may find themselves easily slipping into reproducing racist attitudes, as Vassaf ocasionally expresses anti-Semitic attitudes: only a few pages later, he explains that some of the second generation are becoming policemen and border guards, which he sees as an example of the "colonial strategy" at work, where colonized peoples are taught to want to be European so that they are easier to exploit. He argues that the "best example" of people who sell out their own kind under oppression are the "Jews who helped the SS officers sometimes for a few pieces of soap." *Türkische Arbeiterkinder*, 152.

This particular analogy becomes suddenly and immensely prevalent in the early 1980s. Should we understand it as one form of vernacular response to the airing of the *Holocaust* miniseries on West German television in 1979? What functions did it serve for the people who told the jokes, for the press outlets that reported the jokes, for the leftists who recorded the jokes and published endless photographs of racist graffiti in their newsletters and books about the "foreigner problem"? These are questions I hope to devote more attention to with a close reading of this discursive explosion. The analogy became part of the legal record in 1984, when the Federal Court of Justice had to rule on whether "Turks Out" counted as an illegal criminal incitement to racial violence [*Volksverhetzung*]. The court argued that writing "Jews Out" on a wall did count as incitement to racial violence, but that "Turks" or "Foreigners Out" did not carry the same weight, because "With the Turks there are not well-known historical experiences… that allow the statement to appear as an incitement to violence." A magazine published in Hamburg commented cynically that "the words 'Yanks out!' lead in Berlin to prosecution… not on account of racial provocation but on account of 'disgusting comments against an occupation force.'"[18] Green Party member Ingrid Haller wrote a letter to Helmut Kohl where she criticized the decision, writing that "The court's reasoning reflects the cynicism of the old joke: what is

[18] Papiertiger Archive Binder MigrantInnen/Flüchtlinge Kämpfe, Soliaktionen Inis… 1974-87, Vol. I, "Keine Volksverhetzung?/No Racial provocation?", *PASSPORT Magazin für Ausländer und Deutsche*, September/October 1984, 5.

the difference between Jews and Turks? According to the federal court, completion of a genocide is the prerequisite for punishing public incitement to genocide."[19]

Individual incidents that testify to the persistence of this analogy and to anxieties about neo-Nazi violence appear in the archives all the way up to the *Wende*: for example, in April 1989, six months before the fall of the wall, schools with a high percentage of foreign children had to consider how to respond to bomb threats, while a rumor that right-wing extremists were planning to kill foreign children to "celebrate" Hitler's birthday created fear in the Turkish community in West Berlin.[20]

One of the reasons that the analogy between the Holocaust and the everyday xenophobia of the 1980s is both historically inaccurate and intensely emotionally upsetting is that the analogy reminds us that violence does not just issue from individuals, but that it can be tolerated and even carried out by the state. This history also echoed during the *Wende*. In a report about attacks on Vietnamese citizens living in East Berlin in 1990, the author wrote that the Vietnamese workers "can even understand a certain aggressive attitude from unemployed German youth, but they do not understand, why the police so seldom intervene and why the public is not able to help them."[21]

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19 AGG, B.II.1, Die Grünen im Bundestag 1983-1990, Signatur 3143, Rassismus im Alltag, 1984-1986, May 5, 1984, Prof. Dr. Ingrid Haller to Helmut Kohl and Vorsitzenden des Bundestagsfraktionen, "Betr.: Urteil des BGH Az: 3 Str 36/84."

20 Kreuzberg Museum, SO 36 Archival Collection, Inv. Nr. 2010/11, 20.4.1989 AG-Ausländer Protokoll.

21 This comes from the archive of the East German opposition, which holds several reports about individual incidents of xenophobic violence. See Archiv der DDR-Opposition, ZRT 2, January 1990 letter from AG 'Ausländer' to the Zentralen Runden Tisch, Bü 064, September 11, 1990, Magistratsverwaltung für Gleichstellung Ausländerbeauftragte, "Bericht über die Sicheheit für das Leben ausländischer BürgerInnen in Berlin (Ost) in den

Although the state was not carrying out violence, many of the foreigners living in Germany during reunification felt that the state was passively condoning violence.[22] This points us back to the Federal Republic. During 1990 and 1991, the state continually responded to the violence by reassuring foreigners that this was a temporary aberration due to economic difficulty rather than the latest chapter in an ongoing history of everyday xenophobia and racism, a situation that foreigners had been living with for at least a decade. After the Hoyerswerda riots in September 1991, the editors of *Arbeitsplatz Deutschland,* the state's magazine for foreign workers and their families, tried to calm its readers with a particularly tone-deaf editorial:

> "The foreign workers are not a burden, but a valuable support for the German economy… it may happen, that foreign workers are also victims of violent acts. Even so, one can say: the current wave of xenophobia [*Fremdenfeindlichkeit*] is not about them, because they are a permanent part of the German economy. Germans who are against foreign workers, act against their own interests, because every reasonable German can easily imagine the severe shortages that would emerge in some economic sections, when suddenly the 'foreigners' left. Luckily these fanatics and chauvinists—who exist in every country on earth—are not politically decisive. They are a disappearing minority and no representative average of the German population. That is why our readers do not need to worry about their future."[23]

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letzten Monaten," Bü 121, November 30, 1989 AUFRUF Für das NEUE FORUM/Berlin, MaB 66, August 1, 1990, BA Neukölln Jug VI B 5 Vermerk, "Betr.: Abbruch des Seminars der politischen Bildung vom 6-8.7.90 in Grünau bei Berlin/Ost; hier: 2. Bericht (Kenntnisstand des. U. vom 30.7.90)," MaB 67, September 10, 1990, Präsidium der Volkspolizei Berlin Stellv. Des Präsidenten Operativ Führungsgruppe, "Aktenvermerk," MaB 68, October 16, 1990 report "Zusammenstellung von Fällen, in denen vietnamesischen Bürgern von deutschen Bürgern Unrecht geschah" by Gertrud Wagemann, and RTa 17, "Präsidium der Volkspolizei Berlin. Information vom 08.05.1990. Betreff: Lage auf dem Gebiet der öffentlichen Ordnung und Sicherheit in der Hauptstadt der DDR, Berlin (Zeitraum: 02.05-07.05.1990). Probleme auf dem Gebiet von Ausländerangelegenheiten in Berlin."

[22] This opinion is expressed by several of the interview subjects in Can Candan, *Duvarlar—Mauern—Walls*.

[23] "Wie steht es mit der 'Fremdenfeindlichkeit'?" *Arbeitsplatz Deutschland* 4/1991, 2-3.

This text must have seemed delusional to much of its intended audience. It offered scant comfort to victims of xenophobic attacks and no understanding to foreign workers and their families who continued to experience everyday racism. The text insists that "reasonable Germans" understand their community as an economic community, and that only "unreasonable Germans" understand their community as an ethnic community.

Many foreigners would have had experiences that contradicted that assertion. In fact, many "second generation" foreigners could have told stories about feeling themselves to be Germans without being socially recognized as Germans. Called on to issue a comforting statement in the wake of riots, the editors of the magazine reached for the idea that the German nation was the German economy. This definition of German belonging perpetuated a migration policy that had always struggled to speak in other than economic terms, leaving no space for family members, for disability, for anybody who was not allowed within the sphere of economic productivity. It reflected the fact that the German state's reaction to racist and xenophobic attacks had as much to do with legacies inherited from the Federal Republic as with the exceptional situation created by reunification.

Migration in the 1990 Reform of the Ausländergesetz

Historian Quinn Slobodian argues that by prohibiting foreigners from engaging in political activity that "hurt the interests of the Federal Republic," the 1965 law should be seen as "an attempt by the federal government to designate non-Germans in the Federal

Republic as economic actors… and disenfranchise them as political actors."[24] In a framework where foreigners' rights were based on the interests of the state, begging for mercy was often a better strategy than explicitly claiming rights, a fact reflected in the politics of vulnerability that characterized struggles for marriage migration in the 1980s.

When the Law on Foreigners was first authored in 1965, two of the first prominent public critics were Hans Heinz Heldmann of the Humanist Union and jurist Fritz Franz, then a judge at the Oberverwaltungsgericht in Lower Saxony. Franz described the law as "one of the most backwards laws of the postwar period" when he authored a reform proposal along with Heldmann and the Humanist Union in 1970. Reflecting a relative lack of debate about family migration, this first major reform proposal said nothing about family migration outside of a single stipulation that foreign spouses of German citizens could not be deported.[25] Calls for reform continued over the course of the 1970s, with the 1972 deportations of Palestinians in the wake of the terrorist attacks in Munich giving impulse to new coalitions to defend foreigners' rights by using the law.[26] Georg Albrecht, a social worker and lawyer with Diakonie, published a second major reform proposal in 1976, this one focused on the specific challenges for the second and third generation.[27] By 1980, the Law on Foreigners was being challenged by both liberals and conservatives, with both

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24 Quinn Slobodian, *Foreign front: Third World politics in sixties West Germany* (Durham, NC: Duke University Press, 2012), 50.

25 Fritz Franz, "Alternativentwurf '70 zum Ausländergesetz '65," *Zeitschrift für Rechtspolitik* 3, no. 10 (1970): 229.

26 Quinn Slobodian describes these coalitions briefly in "The Borders of the *Rechtsstaat*," although I can second his note that defense of foreigners' rights is "a chapter of 1970s social movements that is all but absent in the existing historiography" (224).

27 Georg Albrecht, *Das Düsseldorfer Reformprogramm zum Ausländerrecht* (Bonn: Europa Union Verlag, 1976).

sides agreeing that the current law left major questions like family reunification policy to be regulated only through administrative circulars, which offered local authorities great discretionary power and created the constant threat of court intervention. As law professor Kay Hailbronner explained, and as we have seen in the previous three chapters, the 1965 Law on Foreigners had created a situation in which the administration was often reacting to facts on the ground rather than shaping those facts in advance.[28]

Responding to this growing chorus of critics, and to his own cabinet's desire to solve the foreigner problem, Helmut Kohl had promised a reform of the Law on Foreigners in his 1983 policy statement. Although no law was actually proposed in Kohl's first term, the Interior Ministry under Friedrich Zimmermann did author a draft memorandum about the proposal in September of 1983. Beginning from the premise "the basic principle remains: restriction of immigration," the memorandum suggested giving the state extensive additional powers, including the ability to issue statutory ordinances without consulting the legislature to ban the granting of residence permits either in general or for specific groups of foreigners. This would give the federal government the ability to act more quickly in order to "combat potential undesirable developments [*Fehlentwicklungen*]."

Reflecting the ongoing debate about child migration, the memorandum warned: "Children of foreigners have been entering uncontrolled over the border. We cannot even make sure that they are the children of their accompanying adults and whether they are

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28 Kay Hailbronner, "Zur Reform des Ausländerrechts," *Zeitschrift für Rechtspolitik* 13, no. 9 (1980). Hailbronner points to the impending freedom of movement for Turkish workers promised by 1986 as one of the reasons that the Ausländergesetz needs to be reformed sooner rather than later.

being brought into the Federal Republic with the consent of their parents." The new Law on Foreigners would require both residence permits and visas for minors, which would enable both tighter border control and the legal imposition of a new age limit on child migration.

Finally, the 1983 proposal argued that any new Law on Foreigners would have to make "a legally and socially important distinction" between the "first generation" and the "second generation" on the "basis of the contract" [*Geschäftsgrundlage*]. This distinction would be preserved in both the ability to bring family members and in access to citizenship. The "first generation" should have more ability to bring family members, but no increased access to naturalization because the " 'basis of contract' of recruitment offers no such expectation or reason." The second generation should have increased access to naturalization because of the "public interest," but far less ability to sponsor family members for migration. Specifically, "second generation" foreigners would only be able to marry a foreigner and bring that foreigner to the Federal Republic if they had previously tried to naturalize as a German and failed through no fault of their own—typically, if the other state had refused to cancel their previous citizenship status.[29] This legal distinction between the generations reflects a view of the foreigners as passive objects of state policy, but it also reveals the continuing importance of generational thinking within migration policy. Parents have claims based on their labor contract, while children are victims of their parents, with no further claim on German society unless they choose to naturalize fully. The

[29] IG Metall-Archiv, ZWA004246, Bundesministerium des Innern, September 16, 1983, "Konzeption des BMI für das neue Ausländergesetz."

creation of further transnational families is not to be tolerated. This generational thinking, here in draft form, will in fact persist into the 1999 citizenship reform.

The 1983 draft paper did not go anywhere, perhaps because the topic became so charged over the course of the debates on the age limit and the impending threat of the Association Agreement with Turkey, but Kohl announced his intention to reform the Law on Foreigners once again in his 1987 chancellor's policy statement. This announcement set off a new flurry of discussion among critics of the Law on Foreigners. In the last chapter, we saw how Liselotte Funcke tried to influence the debate by holding the "Hearing on the Situation of Foreign Women and Girls from the Recruitment Countries," which made the case that the Law on Foreigners needed to enable an independent residence status for family members. The Interior Ministry's second proposal for a Law on Foreigners, completed in February 1988 and leaked to the public in April, ignored all of this discussion.

This 1988 proposal had clearly developed out of the first 1983 memorandum, particularly by following to its logical conclusion the "generational thinking" whereby the "first generation" had a "basis of contract" in which the second generation did not share. Friedrich Zimmermann's 1988 proposal split the *Ausländergesetz* in two separate laws in order to serve the "preservation of the our own national character" and the "unsolved national question of the Germans." The "first generation" and their immediate family members who were already resident in the Federal Republic would be regulated by the Law on the Integration of Foreigners [*Ausländerintegrationsgesetz,* AIG], while anybody outside of this circle, including students, asylum seekers, and any foreigners who came to Germany in the future, would be regulated by the Law on the Residence of Foreigners

[*Ausländeraufenthaltsgesetz,* AAG]. For Zimmermann, "integration" was only available to those who had initially been recruited, while any future foreigners were excluded from the fantasy of "integration" and only to be granted residence. The draft proposal made it abundantly clear that the guest worker program had been a mistake, marking it off as "a historical episode that was not to be repeated."[30]

The AIG applied only to a small group: the foreigners who had come to West Germany as workers. This select group of foreigners was given access to secure residency status after five years and was entitled to sponsor spouses and children under 16 to migrate to West Germany as long as both parents lived there. Their immediate family members received a newly created status, the "Family Residence Permit" [*Familienaufenthaltsgenehmigung*]. The "Family Residence Permit" was a new residence category, one that did not entitle the holder to sponsor further family members and that could only be converted into an independent residence right after five years. This meant that the "second generation" would only be eligible to sponsor spouses for migration if they had been unable to become citizens through a problem not of their own making.

The AAG, which would be the law that applied to any future migrants, made secure residence status the exception rather than the rule. It proceeded from the assumption that there was a "primacy of public interest before the interest of the foreigner" because "every state has the right and the duty, first to care for the welfare of its own people." This meant that "foreigner law is not immigration law. Foreigners should from not on only be granted

30 Christian Joppke, *Immigration and the nation-state: The United States, Germany, and Britain* (Oxford: Oxford University Press, 1999), 63.

limited residence. Granting of the right to residence will be limited to single cases and to cases in which ending residence is not possible for legal, humanitarian, or political reasons." In the future, no residence permits would be given that were not linked to a specific purpose and no residence permits would last longer than eight years.

In the matter of family reunification, future workers would be able to bring spouses, but students would only be allowed to bring family members on a case-by-case basis, and asylum seekers would only be able to bring family members if they were already married when they entered West Germany and could not leave the country for any reason. Children would only have the right to move with their parents when they were under six, with children between 6-15 only able to come on a case-by-case basis and only if both parents lived in Germany. Children would not be allowed to join their parents once one parent had been in possession of an unlimited residence permit for over a year, and these children could only achieve secure residency status if they were 18, had lived in Germany for at least 8 years, had a parent with a secure residency status, and were economically self-supporting. Every new provision made it clear that the goal of the "Law on the Residence of Foreigners" was to make that residence the exception and not the rule.[31]

What would navigating this law have looked like for an individual trying to achieve a secure residence status in the Federal Republic? A foreigner who had been recruited to work could first apply for an "unlimited residence permit" after five years of residence, at which point officials would be able to decide if there was public interest in her continued

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31 DGB Archive, 5/DGAZ000611, BMI January 8, 1988 "Betr.: Entwurf für ein Gesetz zur Neuregelung des Ausländerrechts."

residence. If this was granted, she could continue to live in the Federal Republic, and could apply for a long-term residence authorization [*Aufenthaltsberechtigung*] providing enhanced protection from deportation after ten years of residence. If she had worked for the entire decade, she would have a right to such a document, but if she had been unemployed for some part of that period, officials would again have full discretion over whether to grant the more secure residence status. Although her spouse would be allowed to join her, he would receive a Family Residence Permit, a status that gave him no right to an independent residence status in the case of divorce or death in the first five years. The couple's children could come once both parents lived in Germany, but if they were over six, officials would once again have discretion over whether or not to allow the children to live with their parents. The children would again be subject to administrative discretion about their future status upon turning 18, and would only be able to achieve a secure residence status if they could prove that they could support themselves financially. The children would never be able to marry spouses from abroad unless they became German citizens.

The AIG/AAG draft was leaked to the social work associations and then the press, with *Der Spiegel* reporting on the draft on April 4 and April 18, 1988. This series of events echoed the 1977 leak of the Schmidt cabinet's "17 theses," which had revealed the divergence between the restrictive Labor Ministry and the other ministries and ultimately buried the theses. In this case, The AIG/AAG draft "proved to be political dynamite," with the hardline stance of the Interior Ministry meeting with nearly universal disapproval.[32] Wolfgang Pahle of the German Confederation of Unions criticized the separation of the law

[32] Green, *The politics of exclusion,* 61.

into two, writing that the first law "gives the term 'integration' a political cast and seems to respond to previous criticism of the law, so that the positive discussion will protect the AAG, which only treats foreigners as burdensome objects and is shaped by the spirit of nationalist ideas."[33] Bundestag hearings on the draft law also became heated. At the first hearing in June 1988, Erika Trenz of the Green Party described the proposal as "racist," upon which Bundestag vice-president Richard Stücklen informed her that "comparisons with the Third Reich, with National Socialism," were not allowed in the Bundestag.[34]

During a second hearing about the AIG/AAG in December 1988, Schröer of the SPD insisted that Germany was a country of immigration and that they wanted a multicultural society, demanding residence rights for foreigners who had lived in Germany for more than eight years, independent residency rights for spouses, and no waiting period for spousal reunification.[35] Zimmermann responded aggressively, quoting language written by SPD Chancellor Helmut Schmidt rejecting the notion of Germany as an immigration country and insisting that restriction was necessary for integration.[36]

The AIG/AAG proposal also specifically attacked the role of Liselotte Funcke, Commissioner for the Promotion of Integration of Foreign Workers and their Family Members. The draft proposal specified that the person holding this title would have no jurisdiction over the implementation of the AIG/AAG and also that the title only concerned

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33 DGB Archive, 5/DGAZ 605, September 23, 1988, Wolfgang Pahle of DGB Landesbezirk R-P to Leo Monz, Abt. AA, "Betrifft: Argumentationshilfe zur Novellierung des Ausländergesetzes."

34 qt. in Morgenstern, *Rassismus,* 227-228.

35 Deutscher Bundestag, Plenarprotokoll 11/113, December 1, 1988, 8197-8198.

36 Deutscher Bundestag, Plenarprotokoll 11/113, December 1, 1988, 8199.

the first generation of guest workers and their immediate family members, and did not apply to any other foreigners. This latter stipulation may have been a direct attack on Funcke's attempts to intervene in several high-profile asylum cases, but it also reflected the narrowly generational thinking behind the proposal. As Funcke told *Der Spiegel*: "Then we have a crack straight through the families—I am allowed to care about some of them and not about others."[37] She also criticized the law on other grounds, writing a letter to Helmut Kohl explaining that it was "incomprehensible and unjustifiable from a standpoint of family policy," in part because it would "unleash a hurried practice of marriage and family migration." In particular, she did not understand why the proposed law had done nothing to improve the status of dependent family members: "women will be prevented from finding shelter from abuse in women's shelters, and men will be able to rid themselves of their families more easily, by no longer paying support."[38]

Zimmermann and the Interior Ministry did not shrink from the public criticism of their proposal. When the FDP suggested an amendment that would allow the parents of children who lived in the Federal Republic to obtain a secure residency status, the Interior Ministry explained that if it bent the restrictions, "the advance troops of minors would increase." Children as advance shock troops could have been an image ripped straight from the *Kindergeld* panic of 1974 and 1975. Criticized for a law that seemed to make it

37 "Recht absonderlich," *Der Spiegel* May 2, 1988, 52.

38 ADL, Liselotte Funcke ÜP 58/2012-101, Funcke to Kohl on both April 12, 1988 and April 2, 1988, "Stellungnahme zu der Zusammenfassung der Referentenentwürfe zum Ausländerrecht."

impossible for foreigners to plan their lives, the Interior Ministry was brutally honest: "The personal plan, that is demanded from these foreigners, is their return."[39]

Rita Chin writes that the widespread public criticism of the proposal shows that Friedrich Zimmermann had failed to grasp the extent to which the discourse had shifted since he took office. Zimmermann was still fighting the debate of whether or not Germany was a country of immigration, but in fact the public debate had moved past this question and was reflecting a "growing willingness to debate the terms and meanings of a specifically *German* multiculturalism."[40] The public discussion had also shifted around the understanding of what was to be regulated: Zimmermann's proposal was so singularly fixated on the "mistake" of guest worker migration that it did not acknowledge the fact that there were in fact multiple ongoing migration streams into the Federal Republic. In part because of his tone-deaf proposal, Zimmermann was demoted to transport minister in April 1989 and replaced with Wolfgang Schäuble as Interior Minister.[41]

By this time, the CDU/CSU had lost its majority in the Bundesrat, such that passing a law would require significantly more compromise. Wolfgang Schäuble's proposal was first presented in October 1989, only two weeks before the fall of the Wall, to a series of social groups—churches, unions, and social work agencies, with no foreigners' groups represented. The law was subsequently rushed through the legislative process in early

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39 "Bis an die Grenzen," *Der Spiegel* November 28, 1988, 38.

40 Chin, *Guest Worker Question*, 202.

41 Klaus J. Bade, "Ausländer- und Asylpolitik in der Bundesrepublik Deutschland: Grundprobleme und Entwicklungslinien," in *Einwanderungsland Deutschland: bisherige Ausländer- und Asylpolitik; Vergleich mit anderen europäischen Ländern* (Bonn: Friedrich-Ebert Stiftung, 1992), 58.

1990. At a February 14th public hearing, there were over twenty public comments, but only one from a foreigner, Hamburg-based professor of political science and SPD member Hakkı Keskin.[42] Although this second proposal for a Law on Foreigners was undoubtedly more liberal than Zimmermann AIG/AAG proposal, it was haunted by the same idea that mass migration of non-Germans was not an event that was going to be repeated. The text introducing the law explained:

> "The extensive liberalization of border crossing and residence for foreigners is only possible, when not every short-term residence can legally or actually lead to the attainment of a permanent residency. In the same way, the integration of the recruited foreign workers and their family members living in the Federal Republic can only succeed, when the problem of integration does not perpetuate itself through an unforeseeable period of new migrations. With the promise of integration for the recruited foreign workers, the Federal Republic has taken on a serious obligation. This promise can only be justified and redeemed, when and because this will only occur to this degree once, that means it is a finite process."[43]

When he introduced the law to the Bundesrat in February, Schäuble explained further that "integration on the one side and restriction [*Zuzugsbegrenzung*] on the other side stand in conflict when it comes to family reunification [*Familiennachzug*]," but promised that the new law had found a solution to that conflict.[44] The new law was the first legal instrument to regulate family reunion on a unified national basis. It codified the practice of spousal reunion for foreigners who had lived in the country for eight years and the age limit of 16. It responded to demands for independent residency rights for spouses

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42 Green, *Politics of Exclusion,* 64-71.

43 Deutscher Bundestag, Drucksache 11/90, January 5, 1990, "Entwurf für ein Gesetz zur Neuregelung des Ausländerrechts," 42.

44 Bundesrat Plenarprotokoll 609, February 16, 1990, 27.

by reducing the period of forced dependent residency from five years to four years, or three years in "hardship cases," including the death of the sponsoring spouse.

The Bundestag hearings on the law were just as heated as the previous hearings on the AIG/AAG had been. One of the ongoing debates was about whether migration was truly "over" and how to interpret the increased mobility of 1990. As the justification quoted above suggests, Schäuble and the other authors of the law continued to cling to the idea that the Law on Foreigners applied to a single, easily demarcated group of people and that migration and integration would eventually stop being a topic of discussion. Schäuble also introduced the law by explaining that German reunification had only been possible because the Federal Republic had never changed its citizenship laws, explaining: "precisely the most recent developments in Europe and in Germany show that national identity is a necessary element that stabilizes and secures freedom. The developments in the DDR would not have been possible if we had not retained a single German citizenship."[45] For Schäuble and other CDU/CSU members, German reunification legitimized their previous policies on foreigners.

Another group of SPD and Green Party politicians looked at the movement of East Germans, *Aussiedler*, and asylum seekers and felt that the most recent developments signaled that migration was an ongoing problem, one with larger dimensions than anybody in the German state was willing to recognize. Cornelie Sonntag-Wolgast of the SPD explained: "that's exactly where the error lies. Migration cannot be shut off with the press of a button. As long as there is still unfreedom and economic need, it is certainly not a process with a foreseeable end. In this area—and this is my last sentence—we still have

45 Deutscher Bundestag, Plenarprotokoll 11/195, February 9, 1990, 15024.

infinitely more to experience."[46] German Meneses Vogl of the Green Party, a German sociologist who had been born in Peru, continued this theme when he stated that "in a few years—you will see—laws will no longer suffice. We will have to put up walls and borders with barbed wire, because the poverty and the misery in the world grow, and people will continue to flee. Then as democrats we will probably have to become murderers."[47] Both of these politicians seem to have recognized a phenomenon that Manuela Bojadžijev and other critical social scientists have described the "autonomy of migration." 1990 was in fact a year of immense mobility, and they did not interpret this as a temporary aberration but as a sign of the world they lived in now. This basic question of whether migration and integration were singular events coming to a close, or increasingly constitutive parts of the social world, would continue to shape the battle lines that were drawn in the 1990s.

Some of the jurists and legal scholars who had been criticizing the Law on Foreigners since 1965 were also dissatisfied with the revised Law on Foreigners. Fritz Franz argued that the proposal contradicted the Basic Law.[48] Helmut Rittsteig, a specialist in international law who had first elaborated the legal justification for an age limit of six, thought that the 1990 proposal "carries on and intensifies the policy of discrimination and exclusion of foreigners." He was particularly critical of the new law's effects on young families, including the new visa requirement for children and the fact that children born in the Federal Republic would require a residence permit within six months of birth,

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46 Deutscher Bundestag, Plenarprotokoll 11/195, February 9, 1990, 15046.
47 Deutscher Bundestag, Plenarprotokoll 11/195, February 9, 1990, 15048.
48 Stefan Senders, "Laws of belonging: Legal dimensions of national inclusion in Germany," *New German Critique* 67 (Winter 1996): 154.

especially because this baby's residence permit would require "sufficient housing." He warned that this turned "the housing shortage into an instrument of the exclusion of people who are born here without German citizenship… it can make abortion into an unavoidable necessity."[49] He also criticized the fact that the proposal clung to the idea of separate regulation of residence and legal work, creating populations of legal residents who could not work legally and thus forcing people onto the illegal labor market. For Rittsteig and others who had pushed for reform, the 1990 Law on Foreigners only formalized what they understood as twenty-five years of failed policy on foreigners.

A second hearing in April 1990 was "ill-tempered" and "marred by personal insults."[50] Despite extensive criticism from the opposition, the February hearing had only led to a few minor changes to the law. To offer one example, children would only have to have "sufficient housing" in order to receive a residence permit once they turned two years old. The provision requiring residence permits for newborns had drawn criticism from

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49 Helmut Rittstieg, "Einwanderung von Aus- und Übersiedlern—Verdrängung von Inländern fremder Staatsangehörigkeit: Stellungnahme zum Regierungsentwurf für ein neues Ausländergesetz," *Zeitschrift für Rechtspolitik* 23, no. 4 (1990): 131.

Some feminist activitsts also connected this aspect of the new law to abortion. One anonymous flyer took the new law as symbolic of a racist population policy: "Die konservative Familienpolitik will uns mit Erziehungsgeldern oder Almosen der 'Mutter und Kind'-Stiftung ködern, Kinder zu kriegen—wenn wir nicht anbeißen, zwingen sie uns dazu mit Abtreibungsverboten. Doch nicht jeder Kindersegen wird freudig begrüßt… Nach dem neuen AusländerInnengesetz braucht jedes Kind ab sechs Monaten eine eigene Aufenthaltserlaubnis. Auch muß für jedes Kind genügend Wohnraum nachgewiesen werden, was angesichts der Wohnungsnot, dem Zwang zur Abtreibung gleichkommt: weil es leichter ist, eine Abtreibung als Ausländerin zu bekommen als eine größere Wohnung. Ausländerinnen sollen also keine Kinder bekommen. *Es lebe die deutsche Familie—und die taucht gleich überall auf.*" Papiertiger Archive, Binder MigrantInnen/Flüchtlinge Kämpfe, Soliaktionen Inis… ab Mai 90-Nov 90 IV, undated flyer "Gegen Nationalismus und Frauenfeindlichkeit Vorsicht Katholikentag!"

50 Green, *Politics of Exclusion*, 72.

both radical feminists and conservative Catholics, and critics from both constituencies saw this move to two years as merely cosmetic.[51] The opposition was also furious about the extent to which the CDU/CSU had rushed the bill through the legislative process. As Simon Green writes, the bill was pushed through "at breakneck speed, with scant regard for the conventions of consensus between government and opposition… an unashamedly majoritarian approach had been taken." The bill would in fact be passed on May 11, 1990, only two days before the CDU/CSU lost its majority in the Bundesrat.[52]

Even Liselotte Funcke had not been consulted on her opinions about the new Law on Foreigners, one of the events that would lead to her resignation in July 1991. In her final letter to Kohl, she explained that she had been unable to have an appointment with Kohl despite asking for months, and that she had been left with no option but resigning through the mail.[53] Her resignation had been a long time in the making, but the Law on Foreigners and the government's reaction to xenophobic incidents in late 1990 and early 1991 had been the final straw: "As far as I can see, there has been hardly an official statement made by the government, that the foreign population could have understood as recognition and encouragement… they are spoken about and not with. And during your chancellorship my position has not just been shut out of the cabinet, but increasingly out of interministerial discussions that are relevant to foreigners."[54]

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51 See the exchange on Deutscher Bundestag, Plenarprotokoll 11/207, April 26, 1990, 16286.

52 Green, *The politics of exclusion*, 71-72.

53 ADL, Liselotte Funcke ÜP 58/2012-101, June 17, 1991, Funcke to Kohl.

54 ADL, Liselotte Funcke ÜP 58/2012-101, March 22, 1991, Funcke to Kohl.

The Green Party was particularly vociferous in their opposition to the new law. During the April hearings, Meneses Vogl repeated his prediction that closed borders would lead to dead bodies and called for a minute of silence for "the future victims of this law," warning that: "The new Law on Foreigners remains a wall."[55] Erika Trenz repeated her charge that it was "institutionalized racism." Hildegard Hamm-Brücher of the FDP refused this categorization. Hamm-Brücher had been born in 1921, and forced to leave her school during the Nazi period because her grandmother was Jewish, and she told Trenz that "Since the older members of this body had to live twelve years under institutionalized racism, ladies and gentlemen, I ask you, especially the younger colleagues, to have respect for these horrible experiences and not to introduce such terms into everyday political business."[56]

These Green representatives found themselves buoyed by newly assertive leftist activism on behalf of foreigners. Many activists had first taken a serious interest in foreigners' rights during the asylum debates of the 1980s, with Cemal Altun's suicide in August 1984 retrospectively recognized as a turning point.[57] One group in Bavaria played with a common slogan from the reunification when they sent out protest flyers declaring "We are also the people! [*Auch wir sind das Volk!*]" to advertise a March 1990 demonstration in Munich.[58] Feminist groups also criticized the law's failure to create independent residence permits for spouses. The "Feminist Action Group against Racism

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55 Deutscher Bundestag, Plenarprotokoll 11/207, April 26, 1990, 16277.

56 Deutscher Bundestag, Plenarprotokoll 11/207, April 26, 1990, 16289, 16295.

57 Niels Seibert argues that Cemal Altun's death was the turning point for the West German left's interest in asylum policy, which eventually became anti-racist activism in the second half of the 1980s. *Vergessene Proteste*, 187-188.

58 DOMiD, FL0413 and FL0414, two versions of "Auch Wir Sind Das Volk," March 1990.

and Nationalism" wrote that in the new law: "Non-working, single migrant women with or without children have no right to live [*Daseinsberechtigung*] in the Federal Republic. Even more than for German women [*bundesdeutsche Frauen*], this means for them forced marriage, forced heterosexuality."[59]

Both circumspect liberals such as Funcke and radical feminists lamented the new law's failure to significantly improve the situation for dependent spouses. Perhaps the most significant reform that the new Law on Foreigners offered dependent family members was the codification of the "return option" on the national level. The "return option" gave foreign children whose parents had brought or sent them back to the foreign country the possibility of returning to Germany within five years as long as they were still between the ages of 15 and 21. The figure of the victimized child toted from Turkey to Germany and then back to Turkey played a key role in justifying the idea of a "return option."

Starting in 1985, federal states, including North-Rhine Westphalia, Lower Saxony, Berlin, Bremen, and Saarland had begun to issue administrative circulars allowing children to return on a case-by-case basis if they were "largely integrated," their living expenses were taken care of, and they had a good reason to be in Germany, often an educational program.[60] Berlin issued a circular further specifying the criteria for return in April 1988.[61]

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59 Papiertiger Archive, Binder MigrantInnen/Flüchtlinge Kämpfe, Soliaktionen Inis… ab Mai 90-Nov 90 IV, April 1990 "Gegen Rassismus und Nationalismus. Gegen das Neue Ausländergesetz."

60 *Mitteilungen der Beauftragten der Bundesregierung für Ausländerfragen. Ausländerrecht der Bundesländer. Aufenthaltsrecht von Kindern bei Rückkehr der Eltern in das Heimatland. Aufenthaltsrecht von Ehegatten bei Beendigung der Ehe. Übersicht* (March 1986).

The SPD authored a draft law to introduce the "return option" on the national level in March of 1988 which offered foreign youth who had been taken back home by their parents the ability to choose to return to the Federal Republic between the ages of 18 and 21. This would be open to youth who had either finished school in West Germany or lived there for most of the period between the ages of 10 and 18.[62] Some segments of the CDU also came to support a modified version of the proposal over the course of the next year.[63]

At a hearing on the draft law in December of 1988, Gerd Wartenberg of the SPD made the case for the return option by reading from a letter by a Turkish teenager who had been born in Germany before returning to Turkey with his parents in 1983. He could not speak Turkish well and was deeply uncomfortable living in Turkey: "When I speak, everyone laughs. All of my friends, who I love, are in Germany. Everything happened because of my parents. If they had not returned, none of this would have happened! Is that my fault? If I were an adult, I would have stayed in Germany, and would have applied for German citizenship… I am in my fatherland [*Vaterland*], but where is my homeland [*Heimatland*]? For me it is Germany!"[64] Many politicians came to support the "return option" based on a narrative about the innocent child torn from Germany by their parents.

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61 *Mitteilungen der Beauftragten der Bundesregierung für die Integration der ausländischen Arbeitnehmer und ihrer Familienangehörigen. Wiederkehroption für ausländische Jugendliche* (October 1988), 12.

62 Deutscher Bundestag, Drucksache 11/1931, March 3, 1988, "Entwurf eines Gesetzes über die Wiederkehrerlaubnis für in der Bundesrepublik Deutschland aufgewachsense Ausluander."

63 *Mitteilungen der Beauftragten der Bundesregierung für die Integration der ausländischen Arbeitnehmer und ihrer Familienangehörigen. Wiederkehroption für ausländische Jugendliche* (October 1988), 16-17.

64 Deutscher Bundestag, Plenarprotokoll 11/113, December 1, 1988, 8203.

A male Turkish teenager who had been born in Germany before returning to North Rhine Westphalia in order to become a zookeeper became one of the "poster children" for the reform, with his "Ruhrpott" dialect proving that he belonged in Germany.[65]

The "return option" was ultimately written into the 1990 reform of the Law on Foreigners, allowing youth to return between the ages of 15 and 21 if they had lived in Germany for at least eight years, gone to school for six years, and could provide for themselves financially.[66] Experts believed that roughly 4,000 Turkish youth might be able to use the option per year.[67] Although these experts anticipated that more men than women would choose to return within the three-year window, the politics of vulnerability around teenage women also worked to justify the implementation of the "return option." Even CDU/CSU representatives could agree that it was "barbaric" to send an "enlightened Turkish girl, who earned an Abitur here, back to an Anatolian village."[68] Some of the criticism of the "return option" used this same language: Green Party officials worried that the policy would mostly benefit young men who wanted to access the labor market, and argued that women, who were "particularly influenced by family authorities," should be

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65 *Mitteilungen der Beauftragten der Bundesregierung für die Integration der ausländischen Arbeitnehmer und ihrer Familienangehörigen. Wiederkehroption für ausländische Jugendliche* (October 1988), 33-36.

66 Deutscher Bundestag, Drucksache 11/6955, April 24, 1990, "Beschlußempfehlung des Innenausschusses (4. Ausschuß)."

67 *Mitteilungen der Beauftragten der Bundesregierung für die Integration der ausländischen Arbeitnehmer und ihrer Familienangehörigen. Wiederkehroption für ausländische Jugendliche* (October 1988), 7.

68 Kreuzberg Museum, SO 36 Archival Material, Inv. Nr. 2013/117, Lfd. Nr. 149, May 2, 1988 "Gewalt in Kreuzberg" letter from AG Kreuzberg Dr. Uwe Lehmann-Brauns.

allowed to return even after the age of 21, for example if they could prove that they had left Germany without their consent in order to "avoid a break with the family."[69]

The fact that the "return option" for youth was written into the 1990 Law on Foreigners, while the situation for dependent spouses was not significantly improved at the same time, is consistent with the longer history of "family politics" traced in this dissertation. There was an inherent plausibility to the narrative whereby children were innocent victims of their parents. Just as youth condemned to unemployment had once attracted more public concern than spouses barred from the labor market, youth forced to leave Germany against their will attracted more concern than spousal dependents.

Communal Voting Rights

The new Law on Foreigners was not the last defeat of 1990. There had been a lengthy campaign in favor of communal voting rights for resident foreigners, with the Foreigners' Committee of West Berlin issuing a pamphlet in favor of communal voting rights in 1979.[70] These efforts first met success in 1989, when Hamburg had approved communal voting rights for all eight-year residents while Schleswig-Holstein approved communal voting rights for citizens of states that reciprocally recognized communal voting

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69 AGG, B.II.2, Bundestagsgruppe Bündnis 90/Die Grünen 1990-1994, Signatur 814 (2), April 16, 1991, Niedersächsisches Ministerium für Bundes- und Europaangelegenheiten Ausländerbeauftragte to Niedersächsisches Innenministerium, "Betr.: Erlaß der Allgemeinen Verwaltungsvorschriften zum Ausländergesetz."

70 Ausländerkomitee Berlin (West), *Wir arbeiten hier und leben hier!: warum kein kommunales Wahlrecht für ausländische Mitbürger* (Berlin: EXpress, 1979). The debate over communal voting rights for foreigners awaits its historian.

rights—namely Denmark, Ireland, the Netherlands, Norway, Sweden and Switzerland. The Federal Constitutional Court deliberated on these measures throughout 1989 and 1990.[71]

Changes to the status of foreigners were also afoot in the German Democratic Republic, where the SED decided in March 1989 to allow foreigners to vote in communal elections in an effort to boost their state's international standing. Foreigners living in East Germany were first able to vote in the May 1989 elections. These elections were of course hardly democratic, since 98.85% of votes supported the SED, but the fact of the foreign vote kept the idea of suffrage for foreigners on the table. The Central Round Table included communal voting rights for foreigners as one of their ten demands in February 1990, and during the genuinely democratic May 1990 elections, foreigners who had lived in East Germany for more than two years were once again able to vote.[72] Migrant activists in the West took notice, and would write to the East German opposition asking for their support as the fight for communal voting rights for foreigners in the Federal Republic entered its second decade, so that this question of communal voting was responsible for some of the first links between politically active foreigners in the East and the West.[73] Strikingly, when EMNID polled the electorate about communal suffrage for foreigners in the fall of 1990,

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71 Josef Isensee and Edzard Schmidt-Jortzig, eds., *Das Ausländerwahlrecht vor dem Bundesverfassungsgericht. Dokumentation der Verfahren* (Heidelberg: C.F. Müller Juristischer Verlag, 1993).

72 Archiv der DDR-Opposition, ZRT 3 "Anlage zu den Positionen des Runden Tisches für die Verhandlungen zwischen Ministerpräsident Modrow und Bundeskanzler Kohl am 13/14 Februar 1990." For more on the decision to let foreigners vote: Hans Michael Kloth, *Vom 'Zettelfalten' zum freien Wählen: die Demokratisierung der DDR 1989/90 und die 'Wahlfrage,'* (Berlin: Ch. Links, 2000), 151-160.

73 Archiv der DDR-Opposition, GP 128 PA, August 20, 1990, Initiativkreis Wahlrecht für Ausländer Bielefeld to Fraktionen der Volkskammer DDR and NFo 348 AG, untitled December 12, 1990 report by Saleh Hussain.

before the Federal Constitutional Court had made its decision, only 21% of West Germans were in favor of municipal voting rights for foreigners, while 37% of East Germans were in favor. Neither group was exactly enthusiastic about the prospect, but Easterners were more willing to extend the franchise to their foreign neighbors than Westerners.[74]

The Federal Constitutional Court officially rejected voting rights for foreigners on October 31, 1990, ruling that granting communal voting rights to resident foreigners violated the constitutional principle in which "all state authority emanates from the people." When the Bundesrat revisited the possibility during the drafting of the new constitution in October 1991, East German representatives from Brandenburg continued to argue in favor of communal voting rights for foreigners, pointing out that for them, it was not a question of introducing a new right, but of destroying an already existing right.[75] This view did not win out. Communal voting rights were narrowly rejected in the Bundesrat, which explained the decision as follows: "Particularly in the new Bundesländer, in which for a start the Germans must be integrated, it would lead to an intensification of xenophobia."[76] The Bundesrat did not strip foreigners of their communal voting rights because it feared the foreigners—at only 1% of the population in 1991, it certainly would have been difficult for foreigners in the former East to take control—but rather because it feared its own population.

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74 Duncan Cooper, *Immigration and German Identity in the Federal Republic of Germany from 1945 to 2006* (Berlin: LIT Verlag, 2012), 211.

75 Archiv der DDR-Opposition, WU 387, "Stenographisches Protokoll über die 2. Sitzung der Kommission Verfassungsreform des Bundesrates am 17. Oktober 1991," 42-64.

76 Archiv der DDR-Opposition, WU 387, March 18, 1992, Bundesrat Kommisssions-Drucksache, "Bericht und Beschlußempfehlung des Arbeitsausschusses 2 zum Ausländerwahlrecht."

The Status of Childhood in the 1999 Citizenship Reform

The discussion about the reform of the Law on Foreigners in 1990 would soon be dwarfed by public discussion around asylum seekers, with over 400,000 asylum seekers arriving in 1992 and another 300,000 in 1993. Most of these new arrivals came from Yugoslavia, Romania, Bulgaria, and the former Soviet Union. By 1993, there were 6.5 million foreigners in the reunified Germany, or 8% of the total population—5 million "guest workers" and their families, and 1.5 million refugees, asylum seekers, and "tolerated" asylum seekers.[77] The desire to control the ongoing "foreigner problem" led to the May 1993 asylum compromise, whereby the right to asylum written into Article 16 of the Basic Law was amended. The Social Democrats promised to support the change to Article 16 in return for citizenship reform from the ruling CDU/CSU-FDP coalition.[78] At this point in time, most proposals for citizenship reform had always focused on children as their primary beneficiaries, with the SPD having brought forward proposals for limited birthright citizenship beginning in 1985. Only the Green Party had made proposals to significantly open citizenship access for adults.

The CDU/CSU first approached the problem of citizenship reform by proposing a new category of child citizenship known as *Kinderstaatszugehörigkeit*, described by

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77 Niklaus Steiner, *Arguing about Asylum: The Complexity of Refugee Debates in Europe* (New York: St. Martin's Press, 2000), 63-64.

78 Patrice Poutrus offers a first stab at a history of the practice of granting asylum in postwar Germany in "Asylum in Postwar Germany: Refugee Admission Policies and Their Practical Implementation in the Federal Republic and the GDR Between the Late 1940s and the Mid-1970s," *Journal of Contemporary History* 49, no. 1 (2014).

political scientist Christian Joppke as "an untranslatable thing, a provisional quasi-nationality not known in international law."[79] The CDU/CSU felt very strongly about avoiding dual citizenship by all means possible. *Kinderstaatszugehörigkeit* would have allowed children under 12 with two parents who had been resident in Germany for ten years to apply for a legal status equal to German children but short of full citizenship. The status was temporary because it would be revoked again at the age of 19 if the child did not obtain release from their previous citizenship. If the child did obtain release from their previous citizenship, they could become full German citizens. The reason for the new word was because Article 16 of the Basic Law declared that German citizenship could not be stripped of someone without his or her consent—*Kinderstaatszugehörigkeit* was not quite citizenship, so that this would not be a consideration. The desire to avoid dual citizenship also meant that the CDU/CSU preferred a solution of dual citizenship and quasi-citizenship.[80] The convoluted proposal came under heavy criticism by the opposition and by parts of the CDU, with a group of CDU politicians countering in October 1995 with their proposal for a slightly more traditional *Kinderstaatsangehörigkeit*. This second proposal would have given full German citizenship to all children born in Germany as long as at least one parent was resident in Germany, but would have required these children to choose a single citizenship by the age of 21. The Interior Minister and the entire CSU opposed this second proposal and favored *Kinderstaatszugehörigkeit*.

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79 Joppke, *Immigration and the nation-state*, 207.

80 For more on this debate, see Ingo von Münch, *Die deutsche Staatsangehörigkeit. Vergangenheit—Gegenwart—Zukunft* (Berlin: De Gruyter, 2007), 132-135.

What was the imagined purpose of this quasi-citizenship status for young children? Political rights do not mean much for children between the ages of 12 and 19, who cannot vote and do not yet need privileged access to the labor market. The idea makes more sense when put into the longer context of debates about the national identity of children. As we saw in Chapter Five, childhood was understood as a dangerous time in which children might become German or fail to become German. Following on that discussion, this invention of a new legal category for teenagers suggests that the CDU/CSU understood German citizenship to be a psychological state as much as a legal state. The provisional citizenship could get children more used to thinking of themselves as "German" before turning 18, and potentially more likely to opt for German citizenship than children who had not thought of itself as German before the age of majority. At the same time, the child would know that in order to "graduate" to full German citizenship, they would have to actively opt for German citizenship and actively reject their foreign citizenship, affirming the principle of a single notion of belonging in the course of choosing German identity. The "training period" to try out German citizenship arguably also gave children a kind of autonomy in making decisions about citizenship that might avoid accusations of "Germanization."

In the midst of the wrangling over child access to citizenship, Interior Minister Manfred Kanther also moved to register children more thoroughly in January 1997, when he announced a new requirement for children under 16 to have both residence permits and entry visas to enter the Federal Republic. He pointed to a dramatic increase in unaccompanied minors to justify his decision. In 1994 only 198 minors had entered the Federal Republic alone, but in 1996, there had been a total of 2068 unaccompanied minors

from Turkey, Yugoslavia, Morocco and Tunisia. Parents or relatives collected 1300 of the children at the airport, while 352 of these children applied for asylum. Kanther described this as a situation requiring immediate action. In *Der Spiegel*, he claimed that Kurdish children were being exploited by the adults in their lives and sent to Germany as drug couriers: "The mini dealers are especially useful for the scene, because children cannot be charged as criminals." Barbara John, the Commissioner for Foreigners in Berlin, also used the discourse of protection, explaining that the measure would protect children from being "carried here and there and being misused for purposes that are more than suspicious." Repeating the drama of the *Kindergeld* reform, media outlets described Kanther's decree creating a wave of anxiety among Turkish parents. *Der Spiegel* claimed that in Berlin alone, 500 Turkish minors had entered in the past week.[81]

At a January 1997 Bundestag hearing on the measure, the CDU/CSU described it as an anti-smuggling measure, with Interior Minister Manfred Kanther arguing that unaccompanied children were being smuggled into Germany in hopes of later sponsoring their family for entry. The FDP, in contrast, presented the measure as a form of harmonization within German practice and with European practice. Children from countries like India and Romania already required visas to enter Germany, and children of guest workers from Turkey and Yugoslavia should not be treated differently. The FDP representatives also pointed to harmonization within the Schengen area as a reason for imposing the new requirement. Germany was in fact the only EU country that did not

81 "Reine Luftnummer," *Der Spiegel*, January 20, 1997, 76-77.

already require children to have visas.[82] The Greens launched a national protest criticizing the measure for making it harder for unaccompanied minors to apply for asylum in Germany and for creating problems for the foreign children who already lived in Germany.[83] They also used the protest in order to raise the issue of citizenship: for example, Green representative Cem Özdemir told *Der Spiegel* in March that "The paper that would be appropriate for children from the former recruitment countries, is not a residence permit, but a German passport."[84] Their protest failed to sink the proposal, which was passed by the Bundesrat in March 1997.

The new requirement for residence permits for children under 16 in fact represented a significant change to German migration policy because of the way it enhanced the state's ability to regulate family migration. Requiring children to have visas and residence permits raised the possibility of denying entry to children and also created a newly comprehensive set of data about children's location and movements. Recall that the *Kindergeld* reform of 1974 created the first set of data about where foreign children lived. Frustrated by their inability to track children, officials had been thinking about the possibility of residence permits for children under 16 since at least 1981, and if residence permits had been in place in the 1980s, Friedrich Zimmermann may well have succeeded in his goal to drop the age limit to 6. In 1997, Kanther explicitly defended his measure as a

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82 Deutscher Bundestag, Plenarprotokoll 13/152, January 17, 1997, 13745-13755. For more on the history of Schengen, see Ruben Zaiotti, *Cultures of Border Control. Schengen and the Evolution of European Frontiers* (Chicago: University of Chicago Press, 2011).

83 AGG, C NRW III—KV Köln Signatur 5, "4.3.97: Bundesweiter Aktionstag gegen die Visumspflicht für Kinder. Hand in Hand für unsere Kinder—Kanther, jetzt reicht's!"

84 " 'Mehr Druck aus der Gesellschaft nötig,' " *Der Spiegel* March 17, 1997, 17.

way to protect children from adults, arguing that visa requirements could prevent children from being exploited as sex workers and drug couriers. In his narrative, requiring children to have papers was a form of protecting children from threatening outsiders.

At the same time, the ongoing debate about imposing age limits meant that the same requirements for documentation could be put to use in order to protect children from their own family and from life in Germany. The Green response to the Kanther decree reflected this longer history: although residence permits for children might seem innocuous enough, these permits also removed a previous obstacle to imposing restrictions on child migration and enveloped children in state governmentality in a new way. Kanther insisted that he wanted to protect foreign children from drug dealers, but the Greens worried that he might also want to protect Germany from foreign children.

Dual Citizenship in the 1999 Citizenship Reform

Dual citizenship was perhaps the primary obstacle to compromise during the process of citizenship reform. Historian Andreas Fahrmeir also shows that the way that "dual citizenship" emerged as a threat in the 1990s does not have obvious historical antecedents. In the light of the medium-term debates about the place of the second and third generations of migrants, I see the threat of "dual citizenship" as related to anxieties over family politics: "dual citizenship" came to mean mixed loyalties to cultures that were understood as inherently incompatible. Anxiety about "dual citizenship" reflects the way that culturalist racism functions to deny the possibility of hybridity and to deny the possibility of multiple places of identification. When the CDU/CSU worried about dual

citizenship sowing the seeds for conflict in a family, they worried that identification with a family might block identification with a state.

At a June 1997 discussion in the Bundestag, Erwin Marschewski of the CDU explained that his party refused dual citizenship because "German citizenship means belonging to a community [*Gemeinschaft*]. I add to that: community of fate [*Schicksalsgemeinschaft*]. One should not be able to enter and exist according to one's whims."[85] Cem Özdemir countered that there were already two million people with dual citizenship in Germany, primarily from binational marriages, and that "I haven't heard that these 2 million people with dual citizenship are constantly running to therapists and sitting on the couch, because they have loyalty conflicts and don't know what people they belong to, as Mr. Marschewski's model might suggest."[86] Wolfgang Zeitlmann of the CSU responded that he did not see the logic, referring to the figure of the family: "This logic escapes me, because you cannot deny, that there will be tensions if you allow entire Turkish families to be dual citizens. These tensions are not logically always there when there is one dual citizen in a half German family. One has to choose."[87] In Zeitlmann's understanding, a single dual citizen can be tolerated because he or she does not represent a threat, but an entire family of dual citizens is unpredictable in its mobility and dangerous to the state.

When the SPD won the election and the chancellorship in 1998, their victory seemed to open the possibility for a citizenship reform that would include dual citizenship, but the CDU mounted a massive petition campaign against dual citizenship in 1999. During the

85 Deutscher Bundestag, Plenarprotokoll 13/178, June 5, 1997, 16047.
86 Deutscher Bundestag, Plenarprotokoll 13/178, June 5, 1997, 16050.
87 Deutscher Bundestag, Plenarprotokoll 13/178, June 5, 1997, 16055.

campaign Edmund Stoiber, the President of Bavaria and chairman of the Christian Social Union, would argue "that multiple citizenships threatened the existence of the German state in the same way that the left-wing RAF terrorists had done in the 1970s and 1980s."[88] This petition campaign was hugely successful and even helped the Christian Democrats to win the state election in Hesse. With Christian Democrats instead of Social Democrats in charge in Hesse, the governing SPD-Green coalition lost their majority in the Bundesrat. In order to win support for reform, the SPD/Green coalition now needed the support of the FDP in order to win a majority, forcing them to compromise on their initial plan to grant extensive dual citizenship. The citizenship reform that finally passed in 1999 rested on the principles of birthright citizenship and the rejection of dual citizenship: a child born in Germany to foreign parents, at least one of whom had lived in Germany for eight years, would be granted German citizenship at birth but then forced to give up one of their citizenships between the ages of 18 and 23. The "option model," as it was known, was the result of a series of pragmatic compromises that only the FDP was truly happy with, while the CDU/CSU saw the compromise as going too far towards dual citizenship and the SPD and Green Party were both disappointed that it had not gone far enough.

Both Green Party members and CDU/CSU representatives were upset that the new model created division within families. For the Green Party, the "option model" forced a choice that was destined to create familial conflict. Kerstin Müller explained that "Many children will understand their children's choice in favor of German citizenship as a renunciation of their own connections to their home country, that means as a choice

88 Green, *The politics of exclusion*, 98.

against their parents. I ask you: do you really want that?“ She proposed solving this problem through significantly opening the access to citizenship for adults, including offering the possibility of dual citizenship for adults.[89]

The CDU/CSU also described the “option model” as a “time bomb” for foreign families. Representative Wolfgang Bosbach exactly echoed the rhetoric of the Green Party when he explained: “The option model is bad, because it will create conflict inside foreign families at the moment when the young adults must choose between two citizenships and the parents insist that they hold on to the ancestral citizenship.”[90] However, the CDU/CSU used that same expectation of family conflict to argue for their preferred model, which was be not to extend birthright citizenship, but to promise foreign children born in Germany that they could receive German citizenship in 18 years if they fulfilled all of the requirements upon turning 18—an “assurance of citizenship” [*Einbürgerungszusicherung*] model which also avoided granting anyone dual citizenship.

CDU/CSU politicians added to the understanding of family conflict over citizenship a claim that birthright citizenship for foreign children was a violation of parental rights. CSU chairman Edmund Stoiber—who had previously compared dual citizenship to domestic terrorism—told the Bundesrat that he was concerned that children would “automatically receive German citizenship, without their foreign parents having the right to reject German citizenship.”[91] In the Bundestag, Meinrad Belle of the CDU explained: “Because the parents do not have a right of refusal, German citizenship will be forced on foreign children and will

89 Deutscher Bundestag, Plenarprotokoll 14/28, March 19, 1999, 2288.
90 Deutscher Bundestag, Plenarprotokoll 14/28, March 19, 1999, 2291.
91 Bundesrat, Plenarprotokoll 738, May 21, 1999, 182.

perhaps plant the seed of conflict in these families."[92] Erwin Marschewski of the CDU rejected the proposal "because it is wrong to give children dual citizenship at birth—and against the will of their parents."[93] Günther Beckstein of the CSU claimed that "Many Turkish families have told us: dual citizenship sows discord in families."[94]

Beckstein added that birth in Germany was no guarantee of integration: foreign parents might take these new German citizens and send them back to Turkey for their education, using their German passports to return to Germany only when they were 18 or 19.[95] This figure of the teenager who only cares about access to the German labor market should be familiar from earlier debates over *Kindergeld,* work permits for family members, and age limits for family migration. Children with German citizenship represented a new threat in this genealogy, the same teenager without hope of integration, but now with a passport that enabled him to escape state control. Another particularly threatening figure within this debate was the foreign teenage mother: multiple CDU/CSU politicians worried about the possibility that young foreign mothers might have children between the ages of 18-23 while they were still German citizens and then the relinquish that citizenship while their child retained German citizenship based on the principle of descent. The "option model" allowed for the possibility that German children could be born in Turkey.[96]

Despite the fact that at least one parent had to have lived in Germany for at least eight years and already possess a permanent residence permit, suggesting at least some

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92 Deutscher Bundestag, Plenarprotokoll 14/40, May 7, 1999, 3447.
93 Deutscher Bundestag, Plenarprotokoll 14/40, May 7, 1999, 3459.
94 Deutscher Bundestag, Plenarprotokoll 14/40, May 7, 1999, 3455.
95 Deutscher Bundestag, Plenarprotokoll 14/40, May 7, 1999, 3455.
96 Deutscher Bundestag, Plenarprotokoll 14/40, May 7, 1999, 3457.

degree of desire to have a long-term relationship with Germany, CDU/CSU politicians insisted that birthright citizenship was an unacceptable incursion into the autonomy of the family: foreign parents would be unwilling to imagine their children as German citizens, while those new citizens would misuse their dual citizenship by refusing to go to school in Germany, learn German, or perhaps do anything but create new German citizens before exiting the "community of fate." The aforementioned requirement that one parent have a permanent residence status in fact works to restrict citizenship access: around 2012, roughly half of the children born to foreign parents in Germany every year were not eligible for citizenship because neither of their parents possessed a permanent residence status.[97]

The FDP rejected dual citizenship as the CDU/CSU did, but supported birthright citizenship and was responsible for extending the offer of birthright citizenship back to children who had been born beginning in 1990.[98] Guido Westerwelle of the FDP pointed out that the CDU/CSU proposal to give children "citizenship assurance" if they opted for German citizenship at the age of 18 did not exactly remove the necessity of making a choice and the subsequent possibility for creating family discord. Westerwelle supported the "option model" because it would enable children to feel themselves to be German from an earlier age: "If you allow the children to grow up with a foreign consciousness, in order to have to integrate them later, I have to tell you, that your draft law does not solve the

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97 Simon Green, "Much ado about not-very-much? Assessing ten years of German citizenship reform," *Citizenship Studies* 16, no. 2 (2012), 175-176.

98 Children born after January 1, 1990 could apply for citizenship: children born before that date could not. I did not locate any discussion of why January 1, 1990 became the cut-off date. There is a certain appeal in the fact that there had been a new German state starting in 1990, but I do not know if there was a deeper rationale, possibly involving the age of 10. It is certainly possible to imagine the cut-off date splitting a family.

problem. It would be better to first integrate the children and give them the feeling that they belong to us."[99] Westerwelle's reasoning echoes the formula for integration from *The Second Generation* study, which I examined in Chapter Five: it is vitally important that children feel themselves to be German.

The Green Party representatives were responsible for raising the second part of the formula for integration: social recognition as German. Cem Özdemir asked his fellow Bundestag members: "How do we deal with the fact, that the hair color and the skin color will not change? We will have German citizens with darker skin colors. We will have German citizens, who have taken somewhat more sun than the average in this republic." He argued that they would need to pass anti-discrimination laws for these citizens.[100] Marieluise Beck raised the same question, explaining that integration was about "our everyday life. It is about the question of whether this society [*Gesellschaft*] can recognize as normal, that black people with a German passport also belong to us… as a majority society [*Mehrheitgesellschaft*] we have not learned, that people who look different, people who are different have also become an integral part of our society."[101] The Green Party representatives were unhappy also that the compromise did less for adults and in particular that it did not allow dual citizenship for adults.[102]

But the neglect of naturalization in favor of birthright citizenship was in fact the logical outcome of several decades of policies that had painted *children* as ticking time

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99 Deutscher Bundestag, Plenarprotokoll 14/28, March 19, 1999, 2294.
100 Deutscher Bundestag, Plenarprotokoll 14/40, May 7, 1999, 3432.
101 Deutscher Bundestag, Plenarprotokoll 14/40, May 7, 1999, 3449.
102 See for example Cem Özdemir's speeches: Deutscher Bundestag, Plenarprotokoll 14/40, May 7, 1999, 3426, 3430.

bombs for parents who were always already lost to state projects for "integration." In the last chapter, politicians argued that the solution of the marriage problem was even more important than the solution to the child migration problem, because limiting marriage migration might bring the creation of new foreigners to an end. The same logic applies to the focus on birthright citizenship: the goal was to stop the creation of new foreigners, not to fundamentally rethink the way that foreigners can interact with the German state by choosing to become Germans as adults. Furthermore, the reform reflected a longer trend whereby restrictions on entry and measures of citizenship liberalization were always yoked together in public discussion. The restrictive Schengen entry regime, whereby border control was increasingly pushed to the outside of Europe, helped to make 1999 possible, and 1999 in turn made new restrictions in the 2002 immigration law possible.

The offer for German citizenship from birth was extended to children who had been born in Germany to at least one parent with a permanent residence status since January 1, 1990, as long as their parents applied for this status before December 31, 2000 and paid 500 DM for the privilege. By the end of the open period, citizenship applications had been filed for 10% of the eligible children.[103] Turkish citizens' applications for naturalization as German citizens actually peaked in 1999 and declined for the next seven years.[104] Sociologists and anthropologists have found that many of the youth were not particularly

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103 Deutscher Bundestag, Drucksache 14/3913, July 21, 2000, "Antwort der Bundesregierung: Allgemeine Verwaltungsvorschrift zum Staatsangehörigkeitsrecht und erleichterte Einbürgerung von Kindern," and Deutscher Bundestag, Plenarprotokoll 14/157, March 14, 2001, 15357-15358.

104 Merih Anil, "Explaining the Naturalization Practices of Turks in Germany in the Wake of the Citizenship Reform of 1999," *Journal of Ethnic and Migration Studies* 33, no. 8 (2007).

excited about the German passport, since they did not see what it would do for them. In her ethnography of men in the second generation of immigrants who worked as drug dealers in Frankfurt am Main between 2001 and 2006, Sandra Bucerius found that they "had experienced the exclusionary German rhetoric for so long that they simply did not know what to make of the change."[105] Five years later, in 2011, sociologist Çetin Çelik studied Turkish male teenagers who were coming to the point in their lives where they needed to choose between their Turkish and German passports. However, their experience of discrimination in daily life meant that they had come to believe that "the German passport will not protect them from being discriminated against… from their perspective, if they decide to carry a German passport, they will sacrifice their identity for nothing."[106] By 2012, it even seemed that "long-term resident non-nationals are increasingly *choosing* not to naturalize."[107] Ethnographic explorations of racialized communities in Germany since the citizenship reform have in many ways reiterated a message that was already put into song in 1992, when the group Advanced Chemistry rapped about being a "Foreigner in My Own Country." In the first stanza, Afro-German rapper Linguist holds his German passport up and asks why he's the one who always has to show it when he crosses the border: "Is it so strange/when an Afro-German speaks his language/without having a pale face? /The problem is the ideas in the system/A proper German must also look properly German."

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105 Sandra Bucerius, " 'What Do You Expect? That We All Dance and Be Happy?' Second-Generation Immigrants and Germany's 1999 Citizenship Reform," *German Politics and Society* 30, no. 1 (2012), 77.

106 Çetin Çelik, " 'Having a German passport will not make me German': reactive ethnicity and oppositional identity among disadvantaged male Turkish second-generation youth in Germany," *Ethnic and Racial Studies* 38, no. 9 (2015), 1653-1654.

107 Green, *The politics of exclusion,* 180.

Although citizenship reform undeniably changed the options available for many of the children born to foreign parents in Germany, the challenges of social recognition for Germans "who have more sun than other Germans," to use Cem Özdemir's tongue-in-cheek phrase for referring to Germans who are racialized, are not as simple to solve through legislation. Just as *The Second Generation* authors had predicted in 1977, German society continues to produce children who feel themselves to be German but who are not *socially recognized* as Germans: Bucerius' and Çelik's skeptical subjects recognized that social recognition might elude them even if they held a German passport.

Conclusion

The figure of the threatening foreign child has cropped up in various ways throughout this dissertation: the foreign child as weapon during the *Kindergeld* reform, the 17-year-old as economic migrant in the 1970s, and the 7-year-old as the "ticking time bomb" incapable of integration in the 1980s. The foreign child was also always a particularly threatening figure because it seemed to escape state control: children under 16 were not required to have residence permits or visas, such that their migration seemed uncountable and also uncontrollable. Foreign children's status was improved when they were given a "return option" in the 1990 reform of the Law on Foreigners. That "return option" recognized youth as able to make autonomous decisions outside of their parents, but also split the family within migration policy. Children who made use of the "return option" were not subsequently able to sponsor their parents or siblings for family migration: they had chosen the Federal Republic over the family. In the wake of German

reunification in 1990, the foreign child was increasingly state control through new requirements to register the birth of German children, new visa requirements, and finally new requirements for residence permits. These forms of documentation finally brought the foreign child under control, which was a prerequisite for the citizenship reform in 1999.

Migration Without End, or a Provisional Conclusion

After the 1999 citizenship reform, the SPD-Green coalition also attempted to pass comprehensive migration reform, beginning with an Independent Commission on Immigration chaired by CDU politician Rita Süssmuth, who had previously served as both President of the Bundestag and as the Minister of Youth, Family, and Women. The Commission on Immigration continued to debate the precise content of "family," as the Green Party pushed for a broader concept of "family" that included same-sex partners.[1] The Commission also raised the question over age limits for the migration of foreign children yet again, with CDU politicians pushing for an age limit of 6. The governing SPD-Green coalition did not agree that the age limit should be lowered, and the first draft of the immigration reform bill proposed an age limit of 12 as a compromise.[2]

In 2003 the European Union passed a Family Reunification Directive that created minimum standards for family reunification for third-country nationals in the European Union, including a minimum age limit of 15—countries cannot have lower age limits. In the process of drafting the directive, "the German delegation put forward the largest number of restrictive proposals and fought hardest to retain maximum policy freedom for national

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1 This issue had previously been raised by the IAF, which formed "Leschiak," a group for same-sex binational couples, in 1996, and released a pamphlet explicitly challenging the heterosexual definition of the family in migration law in the same year. This was part of a broader re-orientation of the group away from the specific problems of German women married to foreign men: in the same year, the group voted to change its official name to the "Organization of Binational Families and Partnerships." Verband binationale Familien und Partnerschaften, iaf e.V., *Homo migrans. Liebe ohne Grenzen. Zur Situation binationaler lesbischer und schwuler Partnerschaften* (Bremen: self-published, 1996).

2 Imke Kruse, Henry Edward Orren and Steffen Angenendt, "The Failure of Immigration Reform in Germany," *German Politics* 12, no. 3 (2003).

governments," and were largely successful in their goal, prevailing over a French delegation that wanted to strengthen the family reunification rights of migrants.[3] States may require up to two years of legal residence for somebody to be able to sponsor family migration, but family migrants must have the ability to acquire an independent resident status, one not yoked to the status of their sponsor, after no more than five years. The European Union Family Reunification Directive also allows states to raise the age limits for spousal migration in order to "ensure better integration and to prevent forced marriages" and gives states the right to require sponsors to provide evidence of income sufficient to support the family and to require sponsors to provide housing. Finally, it allows the use of pre-entry "integration measures."[4]

The directive meant to create minimum norms for third country nationals within the European Union, and indeed, it excluded some of the most restrictive ideas that had previously been floated in Germany—most notably, the age limit of 6 and the compromise age limit of 12 are both now definitively off of the table. However, officials in several European states "presented convergence towards these minimum norms as a desirable form of European harmonization," enabling politicians to justify new restrictive measures in states where a trend towards restriction had not previously been evident.[5] Denmark followed Germany to become the second country in Europe to implement an age limit for child migration shortly after the directive, while countries including Norway and the UK

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3 Laura Block and Saskia Bonjour, "Fortress Europe or Europe of Rights? The Europeanisation of Family Migration Policies in France, Germany and the Netherlands," *European Journal of Migration and Law* Vol. 15 (2013), 212.

4 Block and Bonjour, "The Europeanisation of Family Migration Policies."

5 Block and Bonjour, "The Europeanisation of Family Migration Policies," 223.

considered age limits but ultimately turned higher income requirements into the centerpiece of their new restrictions on family migration.[6] Denmark also created an age limit for spouses and an "attachment requirement" whereby a couple has to prove that they have a stronger "subjective attachment" to Denmark than to any other country in order for a Danish resident to be able to sponsor a dependent spouse for migration.[7]

Back in Germany, citizenship law continued to be an object of discussion. Repeating a pattern we have seen before, where West Berlin forced age limits onto the national agenda by issuing a circular, several of the federal states forced "integration" onto the national agenda by introducing supplementary tests for candidates for citizenship via administrative circulars. Most controversially, Baden-Württemberg introduced a test in 2006 in which citizenship applicants from majority-Muslim countries were asked highly leading questions about their attitudes towards gender relations and terrorism. The national government was forced to respond to the ensuing controversy, and the 2007 law on German citizenship created a single national standard for citizenship: a spoken declaration of loyalty to the Federal Republic and its laws, German language skills at level B1, and a standardized naturalization test of questions about German history, culture, and politics. The 2007 reform also created new barriers to family reunification, most notably language tests that dependent spouses had to pass before being cleared to come to Germany. This measure penalizes low-income and rural migrants as well as refugees, who

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6 Anne Staver, "From right to earned privilege? The development of stricter family immigration rules in Denmark, Norway and the United Kingdom" (PhD diss., University of Toronto, 2014).

7 Staver, "From right to earned privilege?," 92-98.

may have a difficult time attending German language classes in their home country. However, officials described these tests as an excellent way of protecting foreign women from forced marriage.[8] The public discourse around the utility of the measure echoes the discourse of the 1980s, when a complete ban on marriage migration was described as a way to protect women from forced marriage.

Once in Germany, migrants take "integration courses" to prepare for their standardized citizenship tests. In her ethnographic exploration of these courses, Jessica Autumn Brown argues that within the classroom, "rather than approaching migrants as potential *targets* of intolerance and discrimination, they were often treated as a probable *source* of them."[9] In the "integration courses" that she attended, instructors lecture students about the deviant gender relationships within Islam and inform migrants that willingness to consider intermarriage is a German value and a positive indicator of willingness to integrate.[10] In the light of the history explored in this dissertation, the

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8 For more on the argument that these restrictions would protect women from forced marriage: Doris Urbanek, "Forced Marriage vs. Family Reunification: Nationality, Gender and Ethnicity in German Migration Policy," *Journal of Intercultural Studies* 33, no. 3 (2012).

Sociologist Can Aybek has found that these new requirements for spousal migration are having gendered effects: he found that women migrating to Germany as spouses tended to already be married before taking the language course, while men migrating to Germany as spouses often put the wedding off until they had passed the language course and exam, something that was done by the women already living in Germany. He also found that the language exam created stress and delay and threatened the stability of the relationship for many couples. Can M. Aybek, "Time Matters: Temporal Aspects of Transnational Intimate Relationships and Marriage Migration Processes From Turkey to Germany," *Journal of Family Issues* 36, no. 11 (2015).

9 Jessica Autumn Brown, " 'We Must Demonstrate Intolerance toward the Intolerant': Boundary Liberalism in Citizenship Education for Immigrants in Germany," *Critical Sociology* 42, no. 3 (2016), 461.

10 Brown, "Citizenship of the Heart and Mind," 112-134.

function of these courses is to present German values as timeless and unchanging, overlooking not only the fact that many Germans would still be queasy about allowing their daughters to date foreign men, but that the German state itself has been actively placing obstacles in the paths of binational couples for a long time.[11]

The 2007 citizenship law also created new obstacles for prospective citizens: before 2007, it was possible to become a citizen between the ages 18 and 23 even if you used social welfare, but after 2007, young applicants for citizenship also had to be able to provide for themselves and their dependents financially. The new law also changed the stipulations about being free of criminal convictions. From 1990 to 2007, applicants for naturalization could be disqualified if they had ever been sentenced to over six months of prison. Starting in 2007, three months of prison could disqualify a citizenship application, and those offenses were counted cumulatively rather than individually. Criminologist Sandra Bucerius has shown that this is an insurmountable obstacle for many of the young men from racialized communities who might otherwise apply for German citizenship.[12]

However, for many the primary obstacle to acquiring German citizenship continued to be the state's reluctance to accept dual citizenship. This changed in January 2013, the first group of children who had acquired German citizenship based on birth on German soil in 1990 began to turn 23 and to have to choose between their German and foreign

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11 Brown shows that the standardized citizenship test obfuscates the multiplicity of German identity and history in other ways. For example, one question on the test is "Which religion has influenced European and German culture? A) Hinduism b) Christianity, c) Buddhism or d) Islam." The "correct answer" for the test is "Christianity," an answer that erases many faiths within Europe, not least Judaism. "Boundary Liberalism," 467.

12 Green, *The politics of exclusion,* 178, and Sandra Bucerius, *Unwanted—Muslim immigrants, dignity, and drug dealing* (New York: Oxford University Press, 2014).

citizenships. Groups like *DeuKische Generation* organized in favor of allowing these citizens to retain their dual citizenship, while all of the opposition parties in the Bundestag—the Green Party, Die Linke, and the SPD—introduced a measure to change the law. They argued that dual citizenship had become more common since 2007, when the state decided that dual citizenship between Germany and another country in the European Union was generally acceptable, and that the continued insistence on refusing dual citizenship to people who held non-EU citizenship was primarily an anti-Turkish act.[13]

CDU/CSU politicians responded by arguing that the European Union was based on a shared community of values, so that dual citizenship with another European state did not create the same conflicts in values and loyalty as for potential Turkish-German citizens. Reinhard Grindel of the CDU was one of the few politicians to speak specifically about these conflicts when he argued that Turkish families continued to present an obstacle to integration. Children from Turkish families might have German passports so that they could go on class trips, "But the problem is… that today they can all go along, yes, but many—precisely Turkish girls—may not go along, because their parents forbid them. As long as we have these parallel structures, that mean that children cannot play sports together… we will be cementing parallel societies."[14] Grindel was shouted down by Green Party and SPD representatives for using stereotypes to make his argument, but he also hit on what had become a common formula for the CDU/CSU: implying that Turkish families refused to integrate because they refused to accept German gender roles. He returned to

13 Deutscher Bundestag, Plenarprotokoll 17/242, June 5, 2013, 30597-30598.
14 Deutscher Bundestag, Plenarprotokoll 17/242, June 5, 2013, 30599.

the theme later in the debate when he defended the new requirements for marriage migration by explaining that requiring spouses to take language courses before entering Germany was good for women: "Without exception they have all said, that was a good decision, because the courses did not just teach language skills, but also because they informed them about life in Germany, about our laws, about our values, because they equip especially women with self-confidence and strength, so that they come to Germany better prepared than was previously the case. For this reason I say to you: whoever wants to do away with this instrument, is anti-women and anti-integration."[15] Ingo Wellenreuther, also of the CDU, argued that toleration of dual citizenship was unnecessary because most dual citizens were already opting for German citizenship, noting "it is specifically young women who have said that they choose German citizenship, because they find the image of women in their home country problematic."[16] With their allusions to Turkish gender roles, Grindel and Wellenreuther subtly supported their party's claim that Turkish-German dual citizenship was fundamentally different than European-German dual citizenship because Turkish values were incompatible with German values, and the measure failed in the June 2013 Bundestag vote due to the unanimous opposition of the governing CDU/CSU.

The CDU/CSU and SPD both gained seats in the 2013 federal elections, while support for the FDP collapsed, with the party failing to meet the 5% threshold to qualify for seats in the Bundestag. Because the CDU/CSU could no longer form a governing coalition with the FDP, they were forced to make a coalition deal with the Social Democrats, who

15 Deutscher Bundestag, Plenarprotokoll 17/242, June 5, 2013, 30602.
16 Deutscher Bundestag, Plenarprotokoll 17/242, June 5, 2013, 30610.

were able to insist on passing the law tolerating dual citizenship as part of the deal. Although restrictions on dual citizenship for adults remain in force, the new law, which went into effect on November 23, 2014, allows children born in Germany to hold dual citizenship indefinitely as long as they have lived in Germany for eight years, attended a German school for six years, or completed vocational training.[17] These latter requirements are meant to serve as a guarantee of sufficient "integration." In light of the history of "integration" requirements described in this dissertation, the ongoing reality of migration has in fact forced a significant change in policy towards foreign youth. As I showed in Chapter Five, in 1981, eighteen-year olds in West Berlin needed to be able to prove eight years of residence in order to keep living in Germany, but by 2014, those same eight years of residence allow those same eighteen-year olds to maintain dual citizenship.

At the same time, this brief discussion of recent developments also shows that the foreign family continues to be a figure that enables discourses of "failed integration" and "parallel societies." Talk of the family naturalizes difference: rather than asking difficult questions about how the larger society will extend social recognition to young Turkish-Germans, public discussion tends to circle back to the "problem" of foreign families that create non-German children who may go on to marry further non-Germans. The discourse of "integration" has targeted specific members within the family, especially women and children, for protection from other family members, especially adult men. Restrictive measures such as the language requirement continue to be justified with reference to

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17 Elke Winter, Annkathrin Diehl, and Anke Patzelt, "Ethnic Nation no More? Making Sense of Germany's New Stance on Dual Citizenship by Birth," *Review of European and Russian Affairs* 9, no. 1 (2015), 8.

"forced marriages" and to parents who do not allow their daughters to go to swimming lessons. Despite the persistence of these stigmatizing discourses, the autonomous and unpredictable behavior of migrants continues to lead to incredible changes in the German landscape, with the gradual acceptance of dual citizenship as just one example.

In the debates over the 1990 revision to the Law on Foreigners, some politicians recognized this "autonomy of migration" and argued that when it came to migration, to quote Cornelie Sonntag-Wolgast, "we still have infinitely more to experience." This statement has proven to be true, including during the summer of 2015, when an ongoing global refugee crisis created panic in Europe. As refugees fleeing ongoing war in Syria, Afghanistan, and Iraq traveled over sea and over land to enter Europe, many states reacted by shutting their borders and refusing to accept any more refugees. Germany reacted differently when Chancellor Angela Merkel announced that Germany would accept every asylum seeker who arrived, a policy that would enable over one million asylum seekers to register in Germany in 2015. State institutions struggled to process the number of asylum seekers, while a grassroots "Welcome Refugees" movement stepped in, providing warm clothing, offering language courses, and placing asylum seekers with German families.

There was also backlash to the welcome, and over the next year, a cycle of reactions to the asylum seekers seemed to play itself out with remarkable speed. In November 2015, Interior Minister Thomas de Mazière publicly opposed Chancellor Merkel's policy of welcome, and proposed creating a new asylum status whereby asylum seekers would not be eligible to bring their families with them. On New Years' Eve, foreign men in Cologne and other German cities sexually harassed and assaulted German women, sparking national and

international outcry. The purported attitudes of "Muslim men" towards women dampened enthusiasm for Mazière's proposal to ban family reunion for asylum seekers, but the same attitudes also became the flashpoint for a debate about whether the policy of welcoming asylum seekers was sustainable or even desirable. This desire to curb the number of asylum seekers in Europe led to a dubious deal with Turkey in March 2016, when the European Union struck a deal to trade asylum seekers in Europe for recognized refugees in Turkey. The first recognized refugees from Turkey arrived in Germany and Finland shortly after the agreement was passed. Press coverage and photographic records of the transfer reiterated a consistent visual message: young men were being sent back to camps in Turkey, and families with young children were being allowed to settle in Europe. In this moment, the practice of trading young men for young families traded unpredictable men for complete family units, vulnerable families who could be trusted to be grateful for asylum, eager to settle into a new community, and unlikely to be tempted into assaulting German women, committing crimes, or engaging in acts of terrorism.

The deal itself can only be understood within a longer history. Turkey insisted on visa-free travel to the European Union as a condition of the 2016 deal, but as we saw in this dissertation, Turkish citizens first lost the ability to travel to individual states within Europe without visas because of a panic about Turkish asylum seekers in the late 1970s and early 1980s. Turkish citizens lost a certain freedom of movement because West Germany was panicked about Turkish migration: can they get it back because Europe is panicked about Syrian migration? In July 2016 as I concluded this dissertation, a failed attempt at a military coup of the Turkish government and President Recep Tayyip

Erdoğan's subsequent crackdown on opposition forces within Turkey not only placed the success of the EU-Turkey deal into question, but also seemed to gamble with the fate of the nearly 3 million refugees from Syria currently living in Turkey. Although the situation is in flux as I write these pages, the potential deal makes a fitting conclusion precisely because the history charted in these pages has so often been one of unintended consequences. The assumed "guest worker" migration led to long-term family settlement, a welfare reform imagined to cut costs led to the politicization of child migration, the state's decision to deny work permits to family members led to illegal market behavior, and restrictions on child and marriage migration led to adaptive behaviors ranging all the way from political protest to women choosing to get pregnant in order to secure their residence in Germany. As individuals and as family members, migrants have a way of changing their behavior in ways that the state consistently fails to anticipate. The "autonomy of migration" inevitably exceeds state policy, creating a new society to which the state must adapt.

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