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"The political participation of Berlin's Turkish migrants in the dual citizenship and headscarf debates: A multi-level comparison"

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1. Introduction

When Turkish migrants came to Germany in the early 1960s as guest workers, it was not expected that they would stay. The notion of "return" was intrinsic to the guest worker system, premised as it was on the importation of cheap labour without social or political costs.[1] Workers would assist in the rebuilding of post-war Germany and then return to Turkey when the job was done. Yet even after the first oil crisis, a rise in unemployment and the official end to the guest worker program in 1973, most Turkish guest workers did not leave but rather made Germany their home. They became permanent residents. Five decades on, there are almost *two million* Turkish migrants without German citizenship in Germany.[2] They comprise Germany's biggest migrant group and a significant proportion of Germany's three million Muslims.[3] Further, unlike many other migrants in Germany, Turkish migrants do not hold European Union citizenship and therefore cannot benefit from the advantages this brings. The original Turkish guest workers, their children and their children's children have largely remained foreigners. They are denied formal political rights such as the right to vote,[4] the right to stand for office[5] and the constitutionally protected rights to assemble and associate, although the latter are provided through statute.[6]

2. Chapter outline

Given that the bulk of Turkish migrants in Germany remain non-citizens, the focus in this Chapter is upon Turkish migrants without German citizenship status. This chapter investigates the political participation of Berlin's Turkish migrants given their absence of the formal political rights. In particular, the chapter focuses on how the opportunities for political participation differ at the federal, compared with the state or *Land*-level of German politics. This research question is investigated through the lens of Political Opportunity Structure (POS) theory – a theoretical tool that assists in analysing the institutional, cultural and historical factors that influence the political participation of social actors, including that of migrants. In particular, this chapter draws upon the work of European POS scholars who have argued that political participation is shaped by three 'dimensions of opportunity' – formal political institutions, informal procedures and prevailing state strategies and actor alliances and configurations.[7] This theory and its application to the study of migrant activism is considered in Part 4 below, while Part 5 briefly canvasses methodological aspects of the POS approach.

Parts 6 and 7 explore the POS facing Berlin's Turkish migrants, at both the federal and state (*Land*) level of German politics, through an analysis of the political participation of Turkish migrants in Berlin in two contemporary political events. The federal case-study concerns participation of Berlin's Turkish migrants in debates over the *Staatsangehörigkeitsgesetz* (*Nationality Act*) (2000). This Act sought but largely failed to introduce dual citizenship in Germany. The political participation of Berlin's Turkish migrants at the *Land* or "City-State" level is explored through the case-study of a ban on religious symbols in public positions by the City-State of Berlin in late 2004. These case-studies were chosen both for their political relevance but also for their wider application to contestations over the social and legal inclusion of migrant groups in Germany. The

analysis focussed on Berlin due to the city's position both as Germany's capital and a City-State of Germany in its own right. In applying POS to these two Berlin case-studies, this Chapter considers how different opportunities structures shape the possibility for political action in differentiated ways at the different levels of government. These issues are explored below. First, however, it is necessary to consider the historical context of Turkish migrant activism in Germany and POS theory, as well as the relevance of this theoretical approach to the study of Turkish migrants in Berlin.

3. The historical context of Turkish political activism in Germany

There is a dynamic historical relationship between the German state's policies towards migrants (*Ausländerpolitik*) and Turkish political activism; each historical period of migration policy within Germany corresponds with changes in the nature of political activism among Turkish groups. The initial immigration of Turkish guestworkers to Germany must be viewed within the post-war economic growth enjoyed by Western European nations. This economic boom led to growing demand for labour, unmet by the domestic workforce.[8] The first labour agreement was signed between Turkey and the Federal Republic of Germany in 1961, and from this point onwards, the migration of Turks to Germany rose rapidly.[9] During this period, Meier-Braun notes, Turkish migrants were viewed largely as a commodity, rather than as political agents in their own right.[10] This perception reflected the prevailing position within the *Ausländerpolitik* that migrants would provide Germany with necessary manpower, and then repatriate. Following this general assumption, Turkish activism over this time, centred on labour and cultural, rather than distinctly political issues.[11] As is discussed further in this Chapter, there was also a clientalistic aspect to Turkish engagement over this period. German organisations, such as

trade unions and Church groups, frequently represented Turks, rather than facilitating autonomous representation by Turkish migrants themselves.[12]

Following rising domestic unemployment in the early 1970s, Germany introduced a general stop on labour migration in 1973. Known as the *Anwerbestopp*, the policy was intended to stem the continued immigration of guestworkers. It can thereby be seen as an exclusionary state policy. However, as several commentators have noted, subsequent federal government policy was often contradictory. While discouraging further immigration and actively encouraging repatriation to source countries, policies also focussed on the integration of existing migrants into German society.[13] Largely as a result of an ongoing right to family reunification immigration, the Turkish population in Germany increased following the *Anwerbestopp*.[14] From the early 1970s onwards, as the long-term settlement of Turkish migrants in Germany became an accepted reality, that political Turkish organisations also emerged. These organisations crossed the political spectrum and often reflected domestic Turkish political parties.[15] By the 1980s, it was clear to policymakers that Turkish migrants had become a permanent feature of Germany. Turkish organisations responded through the consolidation of their autonomous political groups. Umbrella organisations were created for the various political associations established in the 1970s and there was also a proliferation into a wider range of issues, such as women's concerns, integration and anti-discrimination.[16]

The existing scholarship on the political activism of Turkish migrants in Germany is largely descriptive. Despite its acknowledgment of the relationship between *Ausländerpolitik* and Turkish migrant political activism, the literature lacks detailed analysis of the particular ways in which the German state shaped the activism that did emerge and how these historical trajectories inform current political engagement of Turkish migrants. Finally, the

historical literature often fails to differentiate between the national and state levels of German politics,[17] despite the important differences between two levels for issues of migrant policy and integration, a point explored further in this Chapter. These shortcomings invite consideration of the theoretical contribution of Political Opportunity Structure theory to a study of Turkish activism in Berlin.

4. Political opportunity structure theory and migrant activism

Political Opportunity Structure theory provides a powerful tool to study the political participation and activism of migrant groups, including those without citizenship. In contrast to traditional political participation theory, POS is neither implicitly nor explicitly premised upon a link between political participation and citizenship status. The focus within traditional mainstream political participation theory on electoral politics meant that the political activities of disenfranchised migrants were implicitly ignored.[18] Despite the emergence of the new social movements and the more recent expansion of the concept of political participation beyond elections, permanent migrants without citizenship continued to remain largely overlooked in the mainstream scholarship.[19] In contrast, Political Opportunity Structure theory has emerged as a theoretical approach to study the position of activists who stand "outside of the polity", or at least on its edges.[20] POS theory draws upon neo-institutionalism, which advocates a shift away from behavioural explanations of political events, and raises a renewed interest in the role of institutions in shaping political outcomes.[21] However, unlike most variants of neo-institutionalism,[22] POS theory acknowledges the importance of political cultures and societal discourses in shaping political opportunities.[23] The term "political opportunity structure" was first coined by Eisinger[24] and was further developed by European scholars. Tarrow describes political opportunity structures as "consistent – but not necessarily formal or permanent –

dimensions of the political environment that provide incentives for people to undertake collective action by affecting their expectations for success or failure."[25]According to Tarrow these "dimensions" include the institutional strength of states, government structures, the state's relation to new actors, and the existence of influential allies.[26] Kriesi and his collaborators have developed this list into the following three dimensions of opportunity that shape political participation: i) formal institutions; ii) informal procedures and prevailing state strategies; and iii) actor alliances and configurations.[27]

In this Chapter, these three categories are adopted as the starting point for an analysis of political opportunities for Turkish migrants at the national and City-State levels of Berlin politics. The existing literature on the three dimensions of political opportunity focuses on cross-national rather than multi-level comparison within the one nation. Nonetheless, this literature provides interesting insights into an analysis of differing political opportunity structures *within* Germany; a point that is explored in further detail in Parts 6 and 7 below. Looking first at the issue of formal political institutions, Germany's cooperative federalist structure with strong state governments (*Länder*) set against a relatively weak federal government (*Bund*), could be characterised as a "weak" state that provides many access points for new actors.[28] POS scholars also consider how informal procedures, including historical legacies can shape opportunities for participation by determining which cultural views are accepted and which are not.[29]   Prevailing state strategies, a second aspect of this dimension, refers to how the facilitative or repressive nature of the state encourages or discourages political action.[30] Particular aspects of state action, including a clientalistic "divide and rule" policy towards migrant groups, have been identified as weakening the participatory potential of migrants in Germany. Under this policy, non-state actors such as church groups and trade unions were funded to "supervise" migrants, leaving little room for autonomous action on the part of migrants themselves.[31]

Finally, the configuration of actors or "the specific balance of power relationships between actors at a given time and place" is also relevant.[32] Such alliances include the relationships between state and non-state actors, as well as interactions among various non-state actors. Kriesi and his collaborators argue that in "high profile" policy domains where significant resources and political gains are at stake, corporatist policy monopolies dominated by several actors, can emerge.[33] Immigration is seen as a "high profile" policy domain.[34] Consistent with this argument, several German scholars have suggested that non-state, non-migrant organizations such as church groups and trade unions have created a "policy monopoly" in German immigration affairs which blocks the potential for autonomous participation by migrants themselves.[35]

5: Methodological approach

The POS literature provides fruitful beginnings for an analysis of the conditions for the political participation of Berlin's Turkish migrants. In a comprehensive cross-national study, Koopmans and his collaborators point to the importance of national configurations of citizenship in shaping POSs differently for migrants in different national contexts.[36] However, this present study differs from previous works in this area in that it considers how possibilities for migrant activism are shaped by opportunities *within* countries at the different levels of government, as well as *across* countries. The issue of multi-level intra-national variance in POSs has not been considered extensively within the migrant specific POS literature. A number of scholars compare local POSs within one country or across several countries.[37] In a more recent article, Koopmans compares the claim-making of migrants in various German states with claim-making in British and Dutch cities. Interestingly for the purposes of this study, he identifies low levels of participation in the then capital of Germany, Bonn, as well as in the Hague. This leads him to conclude that

"the national level is much less accessible to migrants than the local level."[38] Several scholars have also considered the interactions between different levels of government, across nations, and the impact which this has on political claim-making.[39]

These existing studies point to a perception in the POS literature that the local level is more open to migrant activism than the federal level of politics. A key rationale of the present research was to test this suggestion empirically. In order to do so, the research applied POS theory to analyse and characterize the political opportunity structure frameworks at the different levels of German politics. It also analysed the potential impact of these frameworks upon levels of migrant activism. The key research hypothesis that different political opportunity structures at the different levels of government within Germany shape the levels of political engagement of Berlin's Turkish migrants, was tested through ten lengthy interviews with eight Turkish organisations in Berlin in December 2002 to February 2003. The interviewees came from a range of left and religious organisations. Press statements and publications of the organisations were also analysed. This qualitative analysis was complemented by a quantitative media analysis of coverage of the two case-studies in two major Berlin dailies; the leftist *Berliner Zeitung* and the more centrist *Tagesspiegel*. Over 180 articles were examined.

As political participation covers an enormous variety of activities, the focus of the media analysis was on claim-making. Koopmans defines claim-making as "the expression of a political opinion by some form of physical or verbal action, regardless of the form this expression takes (statement, violence, repression, decision, demonstration, court ruling, etc…)."[40] The research design for the media analysis was modelled on previous studies on the political participation of social actors by the Social Science Research Centre Berlin (*WZB*).[41] The codebook for the media analysis was a simplified and adapted version of a codebook developed by Koopmans for a project on political mobilisation in the European

public sphere.[42] A semantic approach to the construction of a claim was taken. By answering the "where" "who," "how," "whom" and "what" questions of each act, the location of the claim, the actors involved, the mode of claim-making (i.e. protest, speech), the addressee of the claim, the substantive issue of the claim and the symbolism of the claim, were recorded.[43] All claims were recorded whether they were made by state actors (governments, the opposition or members of the administration or judiciary), citizen non-state actors (i.e. non-state actors with German citizenship) or migrants (without German citizenship) at any level of politics.[44] In order to capture the media's role as claim-makers in its own right, opinion pieces and editorials were also recorded and included under the sub-division of "citizen non-state actors." In the following section, the empirical findings are presented and discussed in light of POS theory.

6: Dual citizenship and the *Nationality* Act (2000) debate

The first case-study concerns the participation of Berlin's Turkish migrants in the debates over the *Nationality Act* (2000). This debate extended from October 1998 when the Act was first discussed in the *Bundestag* (the lower chamber of the national German parliament) to late May 1999, when the legislation was passed. The claim-making of Berlin's Turkish migrants claim-making is considered within the context of the three dimensions of the political opportunity structure. Prior to this theoretical analysis, it is necessary to consider the events that led to the new *Nationality Act*.

a) Germany's new *Nationality Act*

In 1998, after fifteen years of conservative Christian Democratic Union (CDU) rule, a new Social Democratic (SPD) and Green coalition government was elected at the national level. The appointment of this government, dubbed the "Red-Green coalition" due to the political

affiliations of its two parties, represented a major juncture in German politics. One of the first plans for the new Coalition was to update Germany's citizenship law.[45] The *Empire and Nationality Act* (1913) adopted the citizenship principle of *jus sanguinis* or nationality by German descent. It contained nationalist overtones. During the historical debates over the *Empire and Nationality Act*, the legislation had been justified on the grounds that it prevented "non-German blood from being assimilated into the German fatherland."[46] Despite this racialist pedigree, the 1913 Act remained in place until 1998. By this point, the naturalization of migrants was possible but a lengthy and expensive process. Further, dual citizenship was denied except in certain limited scenarios. As a result, Germany had a 1.6 per cent naturalization rate, which was one of the lowest rates in Western Europe.[47]

In light of this demographic reality, the Red-Green coalition proposed a new *Nationality Act* that made citizenship a birth right (*jus soli)* rather than a blood right. The introduction of dual citizenship was also proposed. This provision was warmly received by Turkish migrants, who had indicated that they would naturalize at much higher rates were they able to retain their Turkish passports.[48] At the same time the CDU and their partners, the Christian Socialist Union (CSU) mobilized against the proposed reforms. The CDU/CSU ostensibly opposed dual citizenship on constitutional and international legal grounds as well as the perceived anti-integrationist potential of dual citizenship.[49] As Hagedorn notes however, underlying most of these objections was a belief that dual nationality would ultimately change the demographic face of Germany.[50] By allowing more Turks to migrate to Germany through family reunification programs, the dual nationality laws, it was believed, would make Germany more Turkish.

Rallying support for their cause, the CDU-CSU coalition launched a signature campaign against the proposed *Nationality Act* in the lead up to an election in the State of

Hesse. Across Germany, five million signatures were collected.[51] The election results marked a devastating defeat for the SPD and the Greens in a former Left stronghold. Many analysts argued that the swing to the conservatives was a negative response to the proposed *Nationality Act*.[52] The most important effect of the Hesse state election was that the Red-Green coalition lost the balance of power in the *Bundesrat*, the second chamber of the national German parliament. In order to pass the *Nationality Act* through the *Bundesrat*, the SPD quickly reached a compromise with the centrist Free Democratic Party (FDP). The Act that emerged was a heavily watered-down version of the initial Red-Green plan. A birth right for all children born in Germany to non-German migrant parents was secured; provided the parents had been residing in Germany for eight years prior to the birth of their child.[53] Dual citizenship was allowed until children reached 23 at which point they would have to decide between their foreign or German citizenship.[54] The requirements of naturalization for those over 23 were tightened. While the final legislation did do away with blood citizenship, Turkish migrants in Berlin criticized the changes as insufficient. As Kenan Kolat, President of the Turkish Union of Berlin (TBB) stated: "Our final position was - better no law that this so-called 'improvement' of the national government."[55]

b) The political participation of Berlin's Turkish migrants in the *Nationality Act* debate

Given the importance of German citizenship as an issue for Berlin's Turkish migrants, it is relevant to consider the degree of political participation of this group in the debate over the *Nationality Act*. The media analysis, the qualitative analysis of interviews with Turkish leaders in Berlin and the study of these organizations' press statements, establish that Berlin's Turkish migrants were only marginally involved in the debate. The media analysis recorded the claim-making of all actors in the *Nationality Act* debate. As Table 1 below

indicates, of the 183 claims recorded, 8.2 per cent were made by migrants in total and 3.8 per cent by Turkish migrants in particular.

Table 1: Percentage of claim-making by migrants in the *Nationality Act* debate

Actor category	*No. of claims*	*Claim-making as percentage of all claims*
Turkish migrants	7	3.8
Other migrants	8	4.4
Total: Migrants	15	8.2
Total: Other actors*	168	91.8
Total: All actors	**183**	**100.0**

* Claims of all actors who are not migrants
  Source: Own calculations, media analysis.

The qualitative analysis of the interviews with ten Turkish leaders from eight organizations in Berlin supports the finding of the media analysis. Of the eight organizations interviewed, only two – the TBB and "Immigrün" – were actively involved in this debate. The other organizations, while being interested in the proposed reforms, either organized events such as information sessions and public forums after the Act was passed or were not involved at all. Of the two groups actively involved, the TBB was the only organization to issue numerous press statements on the issue and to lobby political elites. The political claim-making of Immigrün, whose members are largely Turkish members of the Greens Party, focused on intra-party lobbying.

c) Political participation and the national political opportunity structure

The three dimensions of political opportunity provide a useful explanation for the low levels of participation by Turkish migrants in Berlin in the debates over the *Nationality Act*.

i) The first opportunity structure: Formal institutions

Formal institutions, the first dimension of the POS, can affect the "openness of *access* to

the state, as well as [the state's] *capacity* to act" [my emphasis].[56] Here the focus is on how

the institutions of parliamentary committees and cooperative federalism impact upon both

the *access* of Turkish migrants to formal political channels and the national government's

capacity to act in its role as an ally to Turkish migrants. Institutional structures at the

national level of the German political system can block access for new actors. Of particular

importance are the parliamentary committees (*Ausschüsse*) that are comprised of members

of the *Bundestag*. These committees are considered the major arena for law-making and

lobbying in Germany's national political system.[57] While committee meetings are not

completely closed to interest groups, the involvement of such groups is entirely at each

committee's discretion.[58] The Committee on Domestic Affairs, responsible for the

Nationality Act, held a Hearing of Experts on April 13, 1999. This Hearing took place after

the SPD and FDP had negotiated the compromise model. Of the fourteen experts invited to

the hearing, only one expert represented migrants. Further, Turkish migrants had no

independent representation at the hearing.[59]

Germany's cooperative federalist composition, while opening up opportunities for

activists, can also inhibit the state's *ability* to act in support of such actors. The potentially

stultifying effects of the cooperative federalist structure on the national government are

most evident in the powers and makeup of the German *Bundesrat*. This second

parliamentary chamber comprises a proportionate number of executive representatives from

the different states or *Länder* of Germany.[60] The *Bundesrat* has the power to veto all laws

that pertain to *Land*-level financial or administrative concerns (consent laws), which

encompass about 60 per cent of all laws.[61] In times when the opposition in the *Bundestag*

holds the balance in the *Bundesrat*, blockages will emerge; unless a compromise can be

reached in the Mediation Committee between members of the *Bundestag* and the

Bundesrat.[62] A compromise is accordingly informed by the political composition of state

governments as represented in the *Bundesrat*.   In the present case-study, state actors were

very important. State actors made 16.9 per cent of all claims and the Hesse state election

was the third most important issue in the media analysis.

ii) The second opportunity structure: Informal procedures and prevailing state strategies

The structural significance of the Hesse election and the signature campaign was

compounded by the symbolic or cultural significance of these events. Kriesi argues that

procedures and strategies over time determine "what kind of ideas become visible for the

public, resonate with the public opinion and are held to be 'legitimate' by the audience."[63]

Germany's traditionally ethnocultural understanding of nationality may have informed

which voices in the debate were considered legitimately German, and which were not. As

Brubaker suggests, historically to be German has been to be of German descent.[64] The

symbolic significance of the *jus sanguinis* laws was reinforced by political rhetoric that cast

guest-workers as a temporary feature of the German landscape. The phrase "Germany is not

a country of immigration" became almost an official refrain of the Kohl administration.[65]

Through a denial of their very presence, the statement located Turkish migrants outside of

the ambit of German identity. It thereby arguably undermined the political clout of claims

made by this group.[66]

        The new Red–Green government's platform was to challenge this ethnocentric

understanding of German identity. However, the media analysis of the debates over the

Nationality Act suggests that at the early stage of the Coalition's leadership, the ethnocentric definition of German identity which had been cemented under previous administrations, still had an enduring hold on the German polity. In the media analysis, the various issues raised in the newspaper articles were divided into those that supported the inclusion of migrants in German society and those that excluded them. Those issues pertaining to the exclusion of migrants were far more prominent in the debates over the Nationality Act than those which supported their inclusion.'

The signature campaign was the second most discussed issue. As a political claim, the signature campaign appealed to an ethnocultural notion of German citizenship and became a symbol of *the* German identity that needed to be protected against "new sources", meaning "foreign", Turkish sources.

iii) The third opportunity structure: actor alliances and configurations:

Discourses can change over time. Proposing that political elites can play a central role in transforming national identity, Hagedorn points to the importance of the SPD-Green government in bringing citizenship onto the national agenda and calling for a *jus soli* model.[67] Further, Left wing parties represent a major ally for Turkish migrants in Germany. An overwhelming 87.6 per cent identify with the Left.[68] Given Turkish migrants' weak electoral leverage, however, the *strength* of this alliance from the perspective of the political parties must also be investigated. Kriesi argues that when leftist parties are in opposition, they stand as powerful allies for new social movements. Leftist opposition parties can draw upon the claims of social movements to critique conservative parties in power. Once in power themselves however, leftist parties and especially the Social Democrats, will have to "place a heavy emphasis on the economic concerns of their core

electorate – that is, the working class."[69] This analysis has relevance to the case-study. The SPD and the Greens had been lobbying for dual citizenship for decades.[70] After the electoral defeat in Hesse, the Red-Green Coalition realized that the political stakes of supporting dual citizenship could be too great. Renate Künast spoke for the Coalition in the aftermath of Hesse when she said that: "We have to be more concerned with everyday issues such as those involving youth unemployment."[71] By implication, dual citizenship was dispensable in a way that working class, economic issues, such as youth unemployment, were not.

There were also difficulties in the *Nationality Act* debate in the actor alliance between Turkish migrants and the Federal Commissioner for Foreigners.[72] The Commissioner is the most senior public servant responsible for migrant issues in Germany. She is also considered an important advocate of resident alien rights.[73] The Commissioner at the time of the passage of the *Nationality Act*, Marieluise Beck, was initially supportive of the dual citizenship bill and critical of the compromise reached with the FDP.[74] However, as a Greens representative, she was compelled by party discipline to vote in favor of the Act and eventually backed the reforms.[75] This move deeply disappointed the Turkish migrant community in Berlin and led to a souring of relations. As put by Kenan Kolat from the TBB: "[The Government] is now saying: 'It is a good law, we shouldn't criticise it.' … That is why we have had really big disagreements with Beck for instance."[76]

Relations between migrants and citizen non-state actors form the third area of focus of actor alliances and configurations. In contrast to corporatist theories of migrant participation, discussed in Part 3 above, the quantitative analysis of the current case-study provides little support for the argument that citizen non-state actors, such as church groups and unions, monopolize the political debate on migrant issues. As Table 2 below indicates,

when the media are excluded as an actor, there is only a 1.6 percentage point difference between the claims of those actors with citizenship and those without. This difference in percentage points is too small to offer quantitative support for the corporatist argument.

Table 2: Claim-making of migrants compared with citizen non-state actors in the *Nationality Act* **debate**

Category of actor	*Number of claims*	*Percentage of claim-making of all actors*
Turkish migrants	7	3.8
Other migrants	8	4.4
Total: Migrant actors	15	8.2
Media	10	5.5
Other	18	9.8
Total: Citizen non-state actors	28	15.3
Total: Non-state actors	43	23.5
Total: State actors*	140	76.5
Total of all actors	**183**	**100**

* Claims of all state actors..

 Source: Media analysis, own calculations.

Qualitative analysis does suggest however, that some citizen non-state actors may have been consulted more than migrants. Yet, the "policy monopoly" was held not by churches or trade unions but rather, by legal experts. Hirner's study of the committee system finds that experts often feature in parliamentary hearings.[77] According to Katzenstein, the "high degree of professional expertise [in the committees] enjoins against partisan politicization of issues." [78] The high presence of experts in the committees can therefore have the effect of encouraging middle-ground compromise. With regard to debates over the *Nationality Act*, half of the experts invited to the hearing on the *Nationality Act* were constitutional law professors.[79] As Green argues, the composition of the hearing "sp[eakes] volumes about the level at which the discourse … was located."[80]

7: The Berlin headscarf debate

The political participation of Berlin's Turkish migrants in the *Nationality Act* debate can be compared with the participation of this group in the debate over the introduction of a ban on headscarves for teachers in public schools as well as in other areas of the public service in the City-State of Berlin. The period studied is from late September 2003 when the headscarf debate became a state issue to July 2004 when a bill was presented to the State House of Representatives. The purpose of this second case-study was to consider how the POS differed at the state, compared with national level of German politics.

a) The headscarf ban in the public service

The headscarf became a major issue in Germany in 2002 when Fereshta Ludin, a Muslim German of Afghani background, brought an action before the Constitutional Court; Germany's highest court. Ms Ludin had been forced to step down from her position as a teacher in the State of Baden-Württemberg because she had refused to take off her headscarf while teaching. The Court of Baden-Württemberg had found that Ludin's headscarf interfered with the religious freedom of her students. Ludin appealed this decision to the federal Constitutional Court, who proclaimed on September 24, 2003, that the prohibition on her headscarf was unconstitutional on the narrow technical ground that Baden-Württemberg had introduced its headscarf ban without primary legislation. On this basis, the Court called for each state parliament to pass laws on the status of the headscarf in the education sector.[81]

At this point the headscarf became an issue in the City-State of Berlin. The City-State was governed by a "Red-Red" SPD-PDS coalition and reactions to the Ludin case were split along party lines. Initially, the SPD was strongly in favour of a ban on

headscarves in the public service. The post-Communist PDS[82] was strongly opposed.[83] The
day after the Court's decision, the Berlin Senator for Domestic Affairs from the SPD,
Ehrhart Körting, announced the position of his party. The headscarf, he said, was an
"expression of fundamentalism and aggression … against Western values and the
emancipation of women."[84] Körting called for a speedy introduction of a headscarf ban
across the *entire* public service.[85] In stark contrast, Carola Freundl for the PDS demanded a
balance between the religious neutrality of the state and the personal religious freedom of
teachers.[86]

Fierce debate ensued within the Red-Red coalition and across the City-State of
Berlin. There was a great deal of public involvement. In January 2004, over 1000 Berlin
Muslims marched through the city under the slogan "my headscarf is 100 per cent cotton
and zero per cent terror."[87] Numerous foundations and think-tanks organized public
forums.[88] Most significantly, the PDS held a public hearing in the Berlin State Parliament
in early March, in which a range of academics, politicians, teachers, representatives of the
Muslim and Turkish communities and journalists participated.[89]

The SPD gradually retreated from its initial position for a ban on headscarves across
the entire public service. By the end of March 2004, the SPD and PDS were in agreement:
Berlin would ban the headscarf but it would also ban other visible religious symbols (such
as the cross, the Star of David and the Kippur) for public servants employed in schools
(although not preschools), the courts, the judiciary, the court administration, the criminal
justice system and the police force. On July 20, 2004, the coalition presented the bill to the
parliament and it was passed in early 2005. A package of measures to counter

stigmatization of Muslims in the State of Berlin, including a new anti-discrimination law (*Allgemeines Gleichbehandlungsgesetz*) accompanied the ban.[90]

Among the Turkish community of Berlin there were mixed reactions towards the ban. Most Turkish migrants in Berlin are Muslims but only one third are practising.[91] Left-leaning Turkish migrants are influenced by Turkey's tradition of laicism and most supported the ban.[92] Some were even critical that the ban did not go far enough[93] while Islamic Turkish organisations opposed the ban.[94] Of central importance to this study however, were not the differing perspectives within the Turkish community on this issue, so much as overall levels of participation of Turkish migrant groups in the political debates.

b) The political participation of Berlin's Turkish migrants in the headscarf ban debate

The media analysis of the two newspapers over this period, the qualitative analysis of interviews with Turkish organization leaders in Berlin and study of press statements of those leaders' organizations confirm that the Turkish migrants of Berlin were involved *quite significantly* in the debate. Looking first to the results of the media analysis, as Table 3.1 indicates, 14.8 per cent of all claims were made by Turkish migrants.

Table 3: Percentage of claim-making by migrants in the headscarf ban debate

Actor category	No. of claims	Claim-making as percentage of all claims
Turkish migrants	31	14.8
Other migrants	17	8.1
Total: Migrants	48	22.9
Total: Other actors*	162	77.1
Total: All actors	**210**	**100.0**

  * Claims of all actors who are not migrants.
   Source: Own calculations, media analysis.

The interviews with Turkish organizations confirm the comparatively high levels of political participation by this group in the debate. Only two of the eight organizations interviewed were in no way involved. Despite divergences in the level of participation of the six remaining, active organizations, all issued press statements on the topic and most were either invited to the Public Hearing in the Berlin Parliament or had lobbied parliamentarians on their stance on the ban. The overall impression from the interviews is that claim-making was substantially higher in the headscarf debate than the *Nationality Act* debate.

c) Political participation and the state political opportunity structure

The high levels of claim-making among Turkish migrants in the debate over a headscarf ban was at 14.8 per cent almost twice as high as the claim-making of *all migrants combined* in the national debate. In order to understand why there were such high levels of participation, it is necessary to consider the three dimensions of political opportunity at the state level of Berlin politics.

i) The first opportunity structure: Formal institutions

The openness of formal political institutions is informed both by access available to activists as well as the state's capacity to act in concert with such activists. Looking first to the question of *access,* the state and local levels of politics are identified in the literature as the most participatory of German politics.[95] This is also the case for migrants. The inclusion of migrants on parliamentary committee meetings and at public hearings is often stipulated in the institutional arrangements of state governments.[96] Migrant representation in public hearings has been required on a semi-formal basis in the State of Berlin since 1982.[97] In the current case-study, the importance of formal access channels is apparent. The Public Hearing on March 4, 2004 was a vital opportunity for Turkish groups to voice their views concurrently with the debates over the ban. Smaller hearings were also organized in local councils throughout Berlin.[98]

The strength of state governments is also a relevant factor that informed the PDS-SPD's capacity to push through the ban on all religious symbols. As discussed above, at the national level, the composition of the *Bundesrat* weakened the institutional strength of the government, thereby requiring it to reach a less favorable compromise position. In the State of Berlin, members of parliament elect the mayor and eight senators to constitute the executive branch, the Senate of Berlin. Since the Parliament elects the Senate, state executives are particularly strong and opposition parties hold more symbolic than actual power.[99] The results of the media analysis reflect the favorable institutional structures in place for German state governments. If institutional structures were to weaken a government's capacity to act, we would expect the claim-making of opposition parties to be high because of their importance in political debate. At 9.5 per cent, the opposition claim-making was substantially lower than the 16.9 per cent level of claim-making of opposition parties in the national debate.

ii) The second opportunity structure: Informal procedures and prevailing state strategies

Informal procedures and prevailing state strategies may also have been important in informing the participation levels of Turkish migrants in the debate over a ban on religious symbols. In contrast to the federal level of German politics where a ethnocentric culture undermined Turkish claims of attachment to Germany, a different political culture has emerged in the City-State of Berlin. As early as 1972, the State of Berlin acknowledged that Germany was "increasingly becoming a country of immigration."[100] This statement was revolutionary for its time and secured the State of Berlin's position as a leading figure in migrant integration policy.[101] Berlin was also the first state of Germany to appoint a Commissioner for Migration and Integration, Barbara John. Under the directorship of the Senator for Welfare and with the assistance of the Commissioner, the State of Berlin initiated a "self-help" programme. Migrant groups were given financial support to organize autonomously.[102] This self-help encouraged political action on the part of migrants and equipped them with the necessary resources and "know-how" to participate in Berlin State politics.[103]

These symbolic and concrete aspects of the City-State's prevailing strategies towards Turkish migrants may well have contributed to a political environment where claim-making by this group was seen as normal and was even encouraged. The media analysis supports this proposition. A division of the 210 claims into issues reveals that the political discourse was not dominated by a singular definition of German identity, as was the case in the *Nationality Act* debate. Some actors did cast the headscarf as "fundamentalist" and incompatible with "German values." However, these claims were balanced by claims on the constitutional right to wear a headscarf and the virtue of a ban on

all religious symbols. In short, there was a far greater spectrum of claims on German identity than at the national level.

iii) The third opportunity structure: actor alliances and configurations

The final dimension of the opportunity structure, actor alliances and configurations, is also relevant. Looking at the first actor alliance, that between Turkish migrants and the State, it is clear that Turkish migrants at the City-State level identify with the Left. Had they rights of suffrage, over 64.4 per cent would vote for the SPD and over 88 per cent for leftist parties generally.[104] The support that the PDS in particular provided for Turkish migrants was essential in ensuring an outcome that would not disadvantage Muslims over other religious groups.

The second actor alliance of concern is that between Turkish migrants and the Berlin Commissioner for Migration and Integration. In contrast to the Federal Commissioner for Foreigners, the Berlin Commissioner is non-partisan and sits within the state administration.[105] While this renders the power of the Commission symbolic rather than political, the legacy of the previous Commissioner, Barbara John, suggests that the Commissioner can still play an important role in shaping immigration policy within Berlin. John represented a vital advocate of migrants' rights both within Berlin and across Germany.[106] In 2002, John was replaced by Günter Piening. While his opposition to a headscarf ban attracted the criticism of some laicist Turkish organizations, it also sent an important message to the Turkish community as a whole that the State of Berlin was not targeting Islam.[107] His warnings against the potentially discriminatory effect of a headscarf ban alone in many ways preempted the enactment of the anti-discrimination law that prohibits discrimination on a number of bases, including on religious and ethnic grounds.[108] This was a beneficial corollary outcome of the ban.

iv) The State of Berlin: An outlier?

It is necessary to briefly consider whether the City-State of Berlin is an outlier with regard to the open POS it provides for Turkish migrant activism. The states of Bavaria, Lower Saxony, Baden-Württemberg and Saarland have banned the headscarf from schools; leaving other religious symbols untouched. In Hesse, there is a headscarf ban in the public services as well as in schools.[109] In analyzing the headscarf ban debate in Berlin and the claim-making of Turkish migrants in that debate, it has been suggested that the state POS differs in many ways from the national POS. Is it possible however, that the City-State of Berlin differs from both the national level *and* the other states of Germany. Without conducting separate media analyses of the claim-making of Turkish migrants in this debate in all these states of Germany– an enterprise well beyond the scope of this Chapter – it would be impossible to test this possibility quantitatively.

In some ways the State of Berlin is the exception rather than the rule. With regards to actor alliances, the SPD-PDS alliance is unique to Berlin. Left-wing parties[110] are only in power in three of the fifteen states of Germany, although it is in coalition with the CDU in an additional four states. Given the close allegiance between Turkish migrants and leftist parties, it is likely that the actor alliances of Turkish migrants and state governments will not be as favorable in all German states as it is in Berlin. Yet, despite the State of Berlin's idiosyncrasies, many of the factors that exist in the City-State of Berlin that foster a positive POS for migrants also exist in the other states. Access to public institutions as well as the unicameral parliamentary system are common features of all states.[111] All states now have a Commissioner for Integration and many have followed the City-State of Berlin's lead by initiating self-help programs for migrants.[112] Similarly, Ireland finds similarities across the German states with regard to intercultural education and local-level integration

through social work with migrant groups – additional forms of facilitative state policy not considered in this Chapter.[113] In short, while we could expect divergence in the openness of political opportunity structures across the various German *Länder*, a point made by Koopmans,[114] there are shared aspects within the state system of German politics which appear more open to the political participation of Turkish migrant activists than at the national level.

8: Conclusion

This Chapter has considered the political participation of Berlin's Turkish migrants at the two levels of German politics – the national and the City-State or *Land* levels. Two case-studies have been considered – the participation of Berlin's Turks in the debates over the *Nationality Act* (2000) and the participation of these migrants in the ban on religious symbols in the City-State of Berlin. This brief comparison of the claim-making of migrants in these events suggest that at least with regard to the two case-studies under examination, the political opportunity structure in place at the national level was significantly less open to migrant claims than that at the state level.

Three dimensions of the political opportunity structure have been considered – institutional structures, prevailing state strategies and actor alliances. With regard to the two case-studies, we find that these three dimensions interacted to provide a less favorable environment for Turkish migrant political participation at the national level, than at the state level of Berlin politics. The weak cooperative federalist system limited the capacity of the SPD-Green coalition to institute its desired dual citizenship reforms. The strong City-State Berlin parliament, in contrast, assisted the SPD-PDS in introducing the ban on all religious symbols. A prevailing culture of migrant activism and "self-help" encouraged participation of Turkish migrants in the *Land*-level debate. Despite efforts by the Red-

Green coalition, such a facilitative culture had not emerged at the federal level of German politics at the time of the *Nationality Act* debate. Finally, differences in the institutional position of political parties and the state and federal level government bodies representing foreigners, also affected the strength of Turkish migrant alliances with these political elites.

These three dimensions of opportunity correspond with differing levels of political participation at the different levels of German politics. In the federal case-study, Turkish migrants made 3.8 per cent of all claims, compared with 14.8 per cent in the City-State level. The interviews with Berlin Turkish elites confirm this finding that far fewer Turkish migrants were engaged in the debates over the *Nationality Act* than those over the ban on religious symbols. In the current case-studies therefore, the state-level provided a more facilitative environment for political participation than the national level. One concern that could be raised about this conclusion is that the particular state-level case study inflates the degree of political participation due to the emotive nature of the headscarf debate. However, it could alternatively be argued that the attainment of German citizenship was an equally important issue, related to the key issue of legal inclusion of migrants within the German polity. As such, we could well expect far greater levels of political participation in this case-study than the analysis reveals. The empirical analysis indicates that this is not the case, in turn pointing to the importance of the political opportunity structures, rather than the particular substantive issues at stake, in shaping the levels of participation in the case-study.

This chapter does not seek to provide an exhaustive account of the opportunities and constraints upon Turkish migrant activism in Germany. A more comprehensive study would need to compare not only a larger range of federal and state-level cases-studies but

also more German *Länder*. This could well be a basis for future research in the area. However, in drawing attention to the qualitative and quantitative differences in the political participation of the Turkish community of Berlin in these two levels of German politics, it is hoped that this chapter has revealed important institutional and cultural dimensions that shape opportunities for migrant activism in differentiated ways. These aspects are not only a product of current political exigencies but also more deeply entrenched structural and cultural arrangements that emerge over time.

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[1] Christian Joppke, *Immigration and the Nation-State: The United States, Germany and Great Britain* (Oxford: Oxford University Press, 1999), 65.

[2] Marieluise Beck, *Bericht der Beauftragten der Bundesregierung für Ausländerfragen über die Lage der Ausländer in der Bundesrepublik Deutschland* (Bonn: Bonner Universitäts-Buchdruckerei, 2002), 391.

[3] Ibid., 222.

[4] Mehmet Kilicgedik, "Bielefeld: Politische Partizipation fängt auf der kommunalen Ebene an," in *Integration durch Partizipation: „Ausländische Mitbürger" in demokratischen Gesellschaften*, ed. Christian Büttner and Berthold Meyer (Frankfurt: Campus Verlag, 2001), 61-67.

[5] German Basic Law (*Grundgesetz)*, Art 33(2).

[6] Claudia Diehl, *Die Partizipation von Migranten in Deutschland: Rückzug oder Mobilisierung?* (Opladen: Leske + Budrich, 2002), 118.

[7] Hanspeter Kriesi, Ruud Koopmans, Jan Willem Duyvendak, and Macro G. Giugni, *New Social Movements in Western Europe: A Comparative Analysis* (Minneapolis: University of Minnesota Press, 1995), xv.

[8] Simon Green *The politics of exclusion: Institutions and Immigration Policy in contemporary Germany* (Manchester: Manchester University Press, 2004), 31-2.

[9] Ibid, 32.

[10] Karl-Heinz Meier Braun, "40 Jahre Gastarbeiter und Ausländerpolitik in Deutschland," *Aus Politik und Zeitgeschichte*, B35 (1995): 14-22, 16, cited in Green, *Politics of exclusion,* 33.

[11] Ertekin Özcan, *Türkische Immigrantenorganisationen in der Bundesrepublik Deutschland: Eine Entwicklung politischer Organisationen und politischer*

Orientierung unter türkischen Arbeitsimmigranten in der Bundesrepublik Deutschland und Berlin West (Berlin: Hitit Verlag, 1989), 337 and Irfan Ergi, *Lebenssituation und politische Beteiligung von ArbeitsimmigrantInnen in der Bundesrepublik: Möglichkeiten, Probleme und Formen, dargestellt am Beispiel von TürkInnen* (Tectum Verlag, Marburg, 2000), 51.

[12] Özcan, Ibid, 44.

[13] Green, *Politics of exclusion* 38; Özcan, Ibid, 46; 342.

[14] Green, Ibid, 34;

[15] Özcan, *Türkische Immigrantenorganisationen in der Bundesrepublik Deutschland*, 67-8.

[16] Özcan, Ibid, 343-5.

[17] The seminal comparative work on guestworker systems by Miller for instance, devotes only one page to a discussion of federal German treatment of guest workers, and spends the remainder of his discussion of Germany to the Land-level, without explicitly differentiating between these levels: Mark J. Miller, *Foreign Workers in Western Europe: An Emerging Political Force* (New York, Praeger Publishers, 1981), 136.

[18] See for instance Walter Dean Burnham, "The Changing Shape of the American Political Universe" *American Political Science Review* 61 (1965): 7-28; Paul Lazarsfeld, Bernard Berelson, and Hazel Gaudet. *Erie County Study: The people's choice. How the voter makes up his mind in a presidential campaign.* (New York: Columbia University Press, 1968); Martin Needler, "Political Development and Socioeconomic Development: The Case of Latin America," *American Political Science Review* 62 (1968):889-97 and Hans-Martin Uehlinger *Politische Partizipation in der Bundesrepublik: Strukturen und Erklärungsmodellen.* (Opladen: Westdeutscher Verlag, 1988).

[19] Ronald Inglehart, *The Silent Revolution: Changing Values and Political Styles Among*

Western Publics. (Princeton, New Jersey: Princeton University Press, 1977), 296-7; G Bingham Powell, "American turnout in comparative perspective," *American Political Science Review* 80 (1986):17-42, 40 and Sidney Verba and Norman Nie, *Participation in America: Political Democracy and Social Equality*, (New York: Harper and Row, 1978), 1. All of these definitions of "political participation" draw an explicit link with citizenship.

[20] David A. Snow, Sarah A. Soule and Hanspeter Kriesi, "Mapping the Terrain," in *The Blackwell Companion to Social Movements*, ed. David A. Snow, Sarah A. Soule and Hanspeter Kriesi (Carlton, Victoria: Blackwell Publishing, 2004), 7.

[21] Bo Rothstein, "Political Institutions: An Overview," in *A New Handbook of Political Science*, ed. Robert Goodin and Hans-Dieter. Klingemann (Oxford: Oxford University Press, 1998), 139-40.

[22] But see the important contribution of sociological neo-institutionalism: Peter A. Hall and Rosemary C. Taylor. *Political Science and the Three New Institutionalisms* (Max-Planck-Institut für Gesellschaftsforschung, Cologne, Germany, 1996), 14-17.

[23] Ruud Koopmans and Paul Statham, "Migration and Ethnic Relations as a Field of Political Contention: An Opportunity Structure Approach," in *Challenging Immigration and Ethnic Relations Politics: Comparative European Perspectives*, ed. Ruud Koopmans and Paul Statham, (Oxford: Oxford University Press, 2000a), 30-1.

[24] Peter K. Eisinger, "The Conditions of Protest Behavior in American Cities," *American Political Science Review* 76 (1973):11-28, 25.

[25] Sidney Tarrow, *Power in movement. Social movements, collective action and* politics (Cambridge: Cambridge University Press, 1994), 85.

[26] Ibid, 85-99.

[27] Kriesi et al., *New Social Movements in Western Europe*, xiii-xvii.

[28] For a general political science approach: Kurt Sontheimer and Wilhelm Bleek,

Gründzüge des politischen Systems der Bundesrepublik Deutschland, (Munich: Piper Verlag, 2003), 353. For migrant-specific analysis: Romain Garbaye, "Ethnic Minorities, Cities and Institutions: A Comparison of the Modes of Management of Ethnic Diversity of a French and a British City," in *Challenging Immigration and Ethnic Relations Politics: Comparative European Perspectives*, note 13, 300.

[29] David A. Snow and Robert D. Benford, "Ideology, Frame Resonance, and Participant Mobilization," in *From Structure to Action: Social Movement Participation Across Cultures*, ed. Bert Klandermans, Hanspeter Kriesi and Sidney Tarrow (Greenwich, CT: JAI Press, 1988) 210; and Koopmans and Statham, in Koopmans and Statham 2000a, 34.

[30] Charles Tilly, *From Mobilization to Revolution* (Massachusetts: Addison-Wesley Publishing Co, 1978), 55.

[31] Jürgen Filjalkowski and Helmut Gillmeister, *Ausländervereine – ein Forschungsbericht: über die Funktion von Eigenorganisation für die Integration heterogener Zuwanderer in einer Aufnahmegesellschaft - am Beispiel Berlin* (Berlin: Hitit Verlag, 1997), 274-5; Peter J. Katzenstein, *Policy and Politics in West Germany. The Growth of a Semisovereign* State, (Philadelphia: Temple University Press, 1987), 220-1 and Jürgen Puskeppeleit and Dietrich Thränhardt, *Vom betreuten Ausländer zum gleichberechtigten Bürger* (Solingen: Lambertus, 1990), 143-4.

[32] Ruud Koopmans and Paul Statham, "Migration and Ethnic Relations as a Field of Political Contention: An Opportunity Structure Approach," in *Challenging Immigration and Ethnic Relations Politics: Comparative European Perspectives*, ed. Ruud. Koopmans and Paul Statham (Oxford: Oxford University Press, 30-1 2000a), 34.

[33] Kriesi et al., *New Social Movements in Western Europe*, 27.

[34] Ibid, 96-98, 102.

[35] Filjalkowski and Gillmeister, *Ausländervereine*, 274-5 and Puskeppeleit and Thränhardt, *Vom betreuten Ausländer*, 171.

[36] Ruud Koopmans, Paul Statham, Marco Giugni and Florence Passy, *Contested citizenship : immigration and cultural diversity in Europe* (Minneapolis: University of Minnesota Press, 2005).

[37] Garbaye, Ethnic Minorities, Cities and Institutions, in Koopmans and Statham 2000a; Patrick Ireland, *The Policy Challenge of Ethnic Diversity: Immigrant Politics in France and Switzerland* (Cambridge: Harvard University Press, 1994) and Ruud Koopmans and Paul Statham, "Migrant Mobilisation and Political Opportunities: An Empirical Assessment of Local and National Variation," paper at *Explaining Changes in Migration Policy: Debates from Different Perspectives*, 27-28 October 2000, Geneva.

[38] Ruud Koopmans, "Migrant Mobilisation and Political Opportunities: Variation Among German Cities and a Comparison with the United Kingdom and the Netherlands," *Journal of Ethnic and Migration Studies* 30 (3) (2004):449-470, 464.

[39] See for instance Koopmans and Statham 2000a, cited in Koopmans et al (2004).

[40] Ruud Koopmans, *Codebook for the analysis of political mobilisation and communication in European public spheres*, Wissenschaftszentrum Berlin, Germany, 2, http://europub.wz-berlin.de/Data/Codebooks%20questionnaires/D2-1-claims-codebook.pdf (accessed September 4, 2007).

[41] Wissenschaftszentrum Berlin, *Weitere Informationen zu den Projekten* 2007, http://www.wz-berlin.de/zkd/zcm/projekte/details.de.htm#merci (accessed September 4, 2007).

[42] Koopmans, Codebook for the analysis of political mobilization.

[43] Ibid, 2.

[44] Given the low levels of naturalization among migrants in Germany, the coding assumed that migrants did not hold German citizenship – i.e. were non-citizen, non-state actors.

[45] SPD-Greens, *Koalitionsvereinbarung zwischen der Sozialdemokratischen Partei Deutschland und Bündnis 90/Die Grünen*, IX(7) Integration, (Bonn, Germany, 1998), http://www.datenschutz-berlin.de/doc/de/koalo/09.htm#ix7 (accessed 4 September 2007).

[46] Cited in Simon Green, *The Politics of exclusion: Institutions and immigration policy in contemporary Germany* (Manchester & New York: Manchester University Press, 2004), 29.

[47] Celalettin Kartal, "Die 'doppelte Staatsbürgerschaft' als Integrationsfaktor in der Bundesrepublik Deutschland," *Zeitschrift für türkische Studien* 42 (2002), 221-239, 226.

[48] "Türken wollen deutschen Paß," *TBB-Spiegel*, 9.

[49] Sigrid Averesch, "Nach 95 Jahren ist das deutsche Blutsrecht passé," *Berliner Zeitung*, 16 October 1998, 4 and Sigrid Averesch, "Staatsbürger: Riskanter Gang nach Karlsruhe: Klage Erfolg ist umstritten," *Berliner Zeitung*, 8 January 1999, 6.

[50] Heike Hagedorn, *Wer darf Mitglieder werden? Einbürgerung in Deutschland und Frankreich im Vergleich* (Opladen: Leske + Budrich, 2001), 188.

[51] "Zwei deutsche," *Berliner Zeitung*, 21 May 1999, 6.

[52] Arthur B. Gunlicks, *The Länder and German Federalism* (Manchester and New York: Manchester University Press, 2003), 295; Christian Joppke, "Mobilisation of Culture and the Reform of Citizenship Law: Germany and the United States," in *Challenging Immigration and Ethnic Relations Politics: Comparative European Perspectives*, note 13, 155 and Graham Thom, *Immigration and Modern Western Citizenship*, PhD Dissertation. : Discipline of Government and International Relations, University of Sydney (2000), 393.

[53] *Nationality Act* (2000), Art 1(4)).

[54] There are certain very limited exceptions allowing for dual citizenship in Germany: *Foreigner Act* (1990), Article 2, §87 as amended by the *Nationality Act.* Since 1 January 2005, these changes are incorporated into the *Nationality Act* (2005).

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[55] Kenan Kolat, Interview with author, Offices of the Türkischer Bund in Berlin-Brandenburg. I interviewed him in German and transcribed the interview in full. Translation into English is my own. Berlin, 8 December 2003.

[56] Kriesi et al., *New Social Movements in Western Europe*, 27.

[57] Sontheimer and Bleek., *Gründzüge des politischen Systems*, 293-4.

[58] Ibid., 295.

[59] Innenausschuß des Deutschen Bundestages, "Reform des Staatsangehörigkeitsrechts: Die parlamentarische Beratung," Dienstag, dem 13. April 1999, in *Protokoll über die 12. Sitzung des Innenausschusses* (Bonn: Bonner Universitäts-Buchdruckerei, 1999), 33.

[60] Stephen J. Silvia, "The Bundesrat, Interest Groups, and Gridlock: German Nationalism at the End of the Twentieth Century," in *Breakdown, Breakup, Breakthrough: Germany's Difficult Passage to Modernity*, ed. Carl Lankowski (New York, Oxford: Berghahn Books, 1999), 124.

[61] Ibid., 127.

[62] Gunlicks, *Länder and German federalism*, 348-349 and Sontheimer and Bleek, *Gründzüge des politischen Systems*, 364-5.

[63] Kriesi, Political Context and Opportunity, 72.

[64] Rogers Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge: Harvard University Press, 1992), 114-37.

[65] Koopmans and Statham, in Ter Wal and Verkuyten 2000, 148.

[66] Bernhard Santel, "Außen vor? – Zur politischen Partizipation von Zuwanderern in Deutschland," in *Integration und Partizipation in der Einwanderungsgesellschaft*, ed. Marianne Krüger-Potratz, Hans H. Reich and Bernhard Santel (Osnabrück: Universitätsverlag Rasch, 2002), 15.

[67] Hagedorn., *Wer darf Mitglieder werden*, 178.

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[68] Claudia Diehl and Michael Blohm, "Apathy, adaptation or ethnic mobilisation? On the attitudes of a politically excluded group," *Journal of Ethnic and Migration Studies* 27 (3) (2001):401-420, 412. The "Left" here is defined as the SPD, PDS and Greens combined.

[69] Kriesi et al., *New Social Movements in Western Europe*, 59.

[70] Randell Hansen, "Citizenship and Integration in Europe," in *Towards Assimilation and Citizenship: Immigrants in Liberal Nation-States*, ed. Christian Joppke and Ewa Morawska (Basingstoke: Palgrave Macmillan, 2003), 94.

[71] Ulrich Zawatka-Gerlach, "Eine Steilvorlage für die CDU – Warnschuβ für SPD und Grüne," *der Tagesspiegel*, 9 February 1999.

[72] Since 2002, the Commissioner's official title is "Commissioner of the National Government for Migration, Refugees and Integration."

[73] Bernd Geiß, "Die Ausländerbeauftragten der Bundesregierung in der ausländerpolitischen Diskussion," in *Deutschland – ein Einwanderungsland? Rückblick, Bilanz und neue Fragen*, Festschrift des europäischen forums für migrationsstudien, ed. Edda Currie and Tanya Wunderlich. (Stuttgart: Lucius & Lucius, 2001), 127-140.

[74] Federal Commissioner for Foreigners, "Beck: Union soll Farbe bekennen," *Press Statement*, 9 February 1999.

[75] Federal Commissioner for Foreigners, "Überfälliger Schritt zu einem modernen Staatsangehörigkeitsrecht," *Press Statement*, 12 March 1999.

[76] Kolat, *Interview with author.*

[77] Manfred Hirner, "Das Parlament im Netzwerk gesellschaftlicher Interessen," in *Parlament und Gesellschaft: Eine Funktionsanalyse der repräsentativen Demokratie*, ed. Dietrich Herzog, Hilke Rebensdorf and Bernhard Weßels (Berlin: Westdeutscher Verlag, 1993), 154.

[78] Katzenstein., *Policy and Politics in West Germany*, 43.

[79] Innenausschuß des Deutschen Bundestages. Reform des Staatsangehörigkeitsrechts, 33.

[80] Green., *The politics of exclusion*, 102.

[81] *BvR*. 2003, 1436/02. Kopftuch Fall: Bundesverfassungsgericht, 24 September 2003.

[82] Now known as "die Linke" or "The Left"

[83] Jan Thomsen, "Die PDS will noch kein Kopftuch-Verbot," *Berliner Zeitung*, 27 September 2003, 20.

[84] "Körting will Kopftuch im öffentlichen Dienst verbieten," *der Tagesspiegel*, 26 September 2004.

[85] Susanne Vieth-Entus, "Kopftuch-Verbot: Eltern und DGH unterstützen Körting. Lehrergewerkschaft will Debatte über Trennung von Staat und Kirche," *der Tagesspiegel*, 27 September 2003.

[86] Sabine Beikler, "Nach Karlsruher Urteil: Böger plant Gesetz gegen Kopftücher," *der Tagesspiegel*, 25 September 2003.

[87] "100 Prozent Baumwolle, 0 Prozent Terror," *der Taggespiegel*, 19 January 2004.

[88] See for instance the following forums: Friedrich Ebert Foundation, "The Headscarf in Berlin," Public forum, Berlin, 11 February 2004, 7.00pm-9.30pm. Brandenburg, House of Cultures, "Al global forum," Berlin, 9 March 2004.

[89] Correspondence by email with Marion Seelig, PDS Member of Parliament Berlin over the headscarf ban, Berlin-Sydney, 31 August 2004.

ˋ[90] PDS, "Gesetz zur weltanschaulich-religiösen Neutralität des Staates: SPD and PDS vereinbaren Maßnahmenpaket," *PDS Newsletter*, 2 April 2004.

[91] Barbara John, *Repräsentativumfrage zur Lebenssituation türkischer Berlinerinnen und Berliner* (Berlin: Senatsverwaltung für Arbeit, Soziales und Frauen, 2002), 28.

[92] Berrin Alpbek, Interview with author at the offices of Turkish Union of Berlin-Brandenburg. Interview was in German. Translation into English is my own, 21 January 2004; Bilkay Öney, Interview with author at the offices of Berlin Greens about her role within Immigrün. Interview was in German and English. Translation into English was my own, 13 February 2004 and Saadet Özulusal, Interview with author, Offices of Treff- und Informationsort für Frauen aus der Türkei, Kreuzberg, Berlin. Interview in German. Translation into English was my own, 9 January 2004.

[93] Ozcan Mutlu, Interview with author as representative of Immigrün, Greens Office, Berlin. I interviewed him in German and English. All translations into English are my own, 22 January 2004.

[94] Burhan Kesice, Interview with author, Offices of the Islamische Föderation Berlin. I interviewed him in German. All translations into English are my own, 13 February 2004.

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[96] Thomas Scheffer, "Ausländerpolitik in der Kommune," in *Kommunalpolitik: Politisches Handeln in den Gemeinden*, Ibid, 776-8.

[97] Thomas Schwarz, *Zuwanderer im Netz des Wohlfahrtsstaats – Türkische Jugendliche und die Berliner Kommunalpolitik* (Berlin: Edition Parabolis, 1992), 133.

[98] Seelig, *Email correspondence with author.*

[99] Winfried Steffani, "Länderparlamentismus im parlamentarischen Bundesstaat," in *Liberale Demokratie in Europa and den USA, Festschrift für Kurt L.*

Shell, ed. Franz Greß and Hans Vorländer (Frankfurt/New York: Campus Verlag, 1990) cited in Gunlicks., *Länder and German federalism*, 217.

[100] Schwarz, *Zuwanderer im Netz des Wohlfahrtsstaats*, 125.

[101] Ibid, 143.

[102] Thomas Schwarz, "Integrationspolitik als Beauftragtenpolitik: Die Ausländerbeautragte des Berliner Senats," in *Migration und Integration in Berlin: Wissenschaftliche Analysen und politische Perspektiven*, ed. Frank Gesemann (Berlin: Leske + Budrich, Opladen, 2001), 134.

[103] Schwarz, *Zuwanderer im Netz des Wohlfahrtsstaats*, 13.

[104] Maria Berger and Christian Galonska, "Political integration by a detour? Ethnic communities and social capital of migrants in Berlin," paper presented at *Demokratie und Sozialkapital - die Rolle zivilgesellschaftlicher Akteure*, June 2002, Berlin, 14. The "Left" here is defined as the SPD, PDS and Greens combined.

[105] Schwarz, *Zuwanderer im Netz des Wohlfahrtsstaats*, 132-3.

[106] Ibid, 141.

[107] Günter Piening, " Muslimische Frauen integrieren - nicht ausgrenzen: Ein Kopftuchverbot löst keine Probleme!," *Press Statement*, Integrationsbeauftragter des Berliner Senats, Berlin, 17 February 2004.

[108] Günter Piening, "Allgemeines Gleichbehandlungsgesetz (AGG) tritt in Kraft," *Press Statement,* Integrationsbeauftragter des Berliner Senats, Berlin, 17 August 2006.

[109] K Rüdiger Durth, "Keine religiösen Symbole im Öffentlichen Dienst: Berlin und das Kopftuchverbot," *Das Parlament* (05-06).

[110] Defined here as either the SPD or the PDS.

[111] Scheffer, *Ausländerpolitik in der Kommune* and Gunlicks, *Länder and German federalism*, 147.

[112] Sigrid Baringhorst, "Symbolic Politics of Multiculturalism: How German Cities Campaign against Racism, " in *Minorities in European Cities: The Dynamics of Social Inclusion and Social Exclusion at the Neighbourhood Level*, ed. Sophie Body-Gendrot and Marco Martiniello (London: Macmillan, 2000) and Scheffer, *Ausländerpolitik in der Kommune,* 162-175.

[113] Patrick Ireland, *Becoming Europe : immigration, integration, and the welfare state* (Pittsburgh University of Pittsburgh Press, 2004).

[114] Koopmans, *Migrant Mobilisation and Political Opportunities*.