Institutional Channelling: How Defines Germany Political Participation Opportunities for Immigrants?

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1. Introduction

The importance of immigrants' active participation in German society is undoubtedly emphasized and supported by governmental authorities. However, the by the state and political parties produced discourse on immigrants' participation is predominantly concerned with civic mobilisation and the involvement in organisations initiated by immigrants themselves. This paper addressing the less debated topic of immigrants' political participation acts therefore as a counterbalance to these discussions.

In research special attention has been dedicated to the correlation between immigrants' participation and integration. The widespread claim that ethnic and religious immigrant associations trigger segregation and hinder integration into German society has been refuted by recent studies affirming the incorporation of active immigrants (e.g. Thränhardt 1999). As immigrants' participation has been proofed to be an important means to promote immigrant integration it deserves further academic attention. It appeals to me to observe and research immigrants as active, contributing individuals to our society. This perspectival manner of immigrants' representation endeavours to distract attention from the mainly cultural and problematic discourse that exists concerning the issue of migration in Germany.

With the theoretical insights of Patrick Ireland among others the immigrants' mobilisation research field has been expanded to the influence of the institutional setting provided by the German state granting political participation opportunities to immigrants. This paper will especially answer the questions how the institutions and practices offered by the German government influences the participation of immigrants in the political sphere. The first chapter deals with definitions and theoretical concepts aiming to clarify how specific expressions will be used in this paper. The third and the fourth chapter will then reveal what political participation opportunities are provided by the government in terms of state and non-state institutions and practices.

2. Concepts and Definitions

A widely accepted definition from Max Kaase where political participation is described as the "behaviour of citizens which they voluntarily undertake alone or with others in order to influence political decisions"[1] is applied here (Kaase 2003, 495). According to this definition political participation does not only imply the participation at institutions of political interest aggregation, i.e. voter participation, membership in political relevant organisations like parties, trade unions, and committees, but also applies to the involvement in formal and informal interest groups, such as citizens' initiatives, and self organisations of immigrants. Similar to Kaase Martiniello identifies two different types of political participation according to their identification as a state or non-state body: conventional and non-conventional forms. While the former include participations types like voting, the latter points to political activities, such as protests, demonstrations, sit-ins, hunger strikes, boycotts. (see Martiniello 2007, 84).

As this paper aims to shed light on the institutional structures provided to immigrants to participate in the political sphere its focus lies on the state as the power to set the legal framework. The state's role and function in assigning rights and obligations to its citizens is underlined in Foucault's concept of governmentality. Foucault referred to governmentality as the 'art of governing', embracing the idea of a 'government' that is not restricted to state politics but can employ various control techniques. According to that governmentality incorporates governing techniques and practices used by the state to exercise power over its subjects as well as control this population and produce them to fulfil its government policies, that is to say make them governable (see Foucault, 1979). In other words, governmentality is a complex with institutions, procedures, calculations, and

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[1] In the text a translated version of the quote is used. Original quote: „Verhaltensweisen von Bürgern, die sie alleine oder mit anderen freiwillig mit dem Ziel unternehmen, Einfluss auf politische Entscheidungen zu nehmen"

tactics with knowledge of the political economy and with the technical means of apparatuses of security geared at its population (see Foucault 2000, 219).

With his concept Foucault develops a new understanding of power in modern societies that are characterized by a triangular power complex: sovereignty – discipline – governmentality. While sovereignty describes the state's function to exercise authority over its territory and subjects, with the term discipline Foucault introduces a new social awareness of power relations, i.e. managing large populations through disciplinary institutions, such as schools, armies, factories, and hospitals. In Foucault's terms power can be also produced in forms of knowledge that becomes apparent in public discourses and guides the conduct of the populations. In times of globalization such a discourse can be observed in the perception of the rise of migration levels as a threat to the survival of the nation state model. The states' legitimacy crisis and the exposure to the states' integrity indicated already by Machiavelli brought Foucault to the conclusion that the process of governmentalization can be seen as the state's struggle to survive (see Foucault 2000, 219). General tactics of governmentality can be perceived in attempts to manage diversity such as citizenship and multiculturalism policies. Some of these strategies applied by the German state to govern and control its citizens will be further depicted in this paper.

In literature on immigrants' political participation the role of political institutions has been increasingly become the centre of attention. Looking from a "neo-institutionalist" perspective such approaches focus on the influence of institutions on the preference and strategies formation of political actors and distance themselves from ethnicity and race theories which emphasize the ethnic identity as the basis for political mobilisation along cultural, religious, and racial lines (see Koopmans/Statham 2000, 29f.). The works of academics as Cornelius, Martin, and Hollifield 1994; Freeman 1992, 1995; Ireland 1994; Joppke 1997, 1998; Guiraudon 1998 significantly shifted the research interest away from the socio-economic and cultural determinism inherent in earlier works. These theories place

the political field of migration like any other political issue in the centre of the liberal democracy, where individual rights are negotiated between groups, persons, and the state in the arena of domestic politics (see Koopmans/Statham 2000, 29). Taking into account the considerations on governmentality and the influence of the state to apply power over its citizens this paper focuses on these so called political opportunity structure theories which outline the political participation possibilities present at a given time in a particular society.

According to Ireland's 'institutional channelling theory' institutions, such as political parties, trade unions, parliament, religious organisations, judicial bodies and humanitarian non-profit organisations need to be considered institutional gatekeepers determining and controlling the immigrants' access to channels of political influence. Depending on the approach of the 'institutional forces' towards immigrant integration policies, such as citizenship laws, and the actions of institutional gatekeepers immigrants' mobilisation is shaped in a inclusionary or rather exclusionary way. For this reason political opportunities are framed by the state's definition of how to govern its citizens and immigrants, such as the granting of voting rights to immigrants, naturalization possibilities, recognition of assembly and association rights, and the establishment of institutions granting immigrants representation (see Martiniello 2007, 88). Thus, according to Ireland institutions as well as policies and practices in the receiving state also have an impact on shaping immigrants organisation along ethnic lines (see Ireland 2000, 236f.).

Apart from such opportunities given within the national political framework it indeed depends on the person to take advantage of them. Depending on their political ideas and values, their status in the host country being of temporary or permanent nature, the feeling of belonging to the host country or the sending state, their social capital and existing networks, their knowledge of the political system and institutions in the receiving state, their socio-economic, educational, background, or their gender and age, an immigrant's willingness to seize political opportunities might differ (see Martiniello 2007, 88).

In accordance with Martiniello's differentiation between conventional and non-conventional participation venues the next chapters examine the opportunities granted to immigrants in these two fields.

3. Conventional Participation Opportunities

I am adopting Martiniello's proposal to differentiate between three types of state politics: electoral politics, parliamentary politics, and consultative politics (see Martiniello 2007, 91).

Given that as in most European countries in Germany full electoral rights are only granted to citizens it becomes apparent that one of the most important criteria regarding electoral politics is citizenship. Although EU-immigrants in Germany can take part in elections of the local and European parliament, non-EU nationals are excluded from passive and active voting rights and are only granted the denizen status including social and civil entitlements (see Cyrus 2005, 17). For that reason, the naturalisation rules set by the German government deserve further examination.

Germany remains a country where it is difficult to obtain citizenship. What Ireland calls 'Volk obessesion' (Ireland 2000, 267) can be explained by the ethno cultural exclusionist approach German citizenship takes (see Koopmans/Statham 2000, 196). The historically grown 'jus sanguinis'[2] principle excludes immigrants from the political community as they do not share the ethno-cultural background of the majority society. In other words, naturalisation precedes certain criteria of assimilation to the culture of the majority society (see Koopmans/Statham 2000a, 24). In addition to that, Germany long rejected the reality that the guestworkers recruited in the 1960s would remain in the country and encouraged immigrants to maintain their culture (see Koopmans/Statham 2000a, 22).

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[2] The concept of 'jus sanguinis' determines nationality or citizenship by having an ancestor who is a national or citizen of the state.

Although the Red-Green coalition reformed German citizenship law in 2000 in the sense that the 'jus soli'[3] was complemented by the 'jus sanguinis' principle, attempts to allow for double citizenship were turned down by the more conservative parties CDU (Christian Democratic Union) and CSU (Christian Social Union of Bavaria). In a culture that expects others to assimilate and fears culturally maladjusted immigrants creating parallel societies double citizenship appears to be not enforceable. Since the law went into practice in 2000 the naturalization rate went down by 25 percent (see Argun 2003, 69f.). In view of this number the attempts to further include immigrants in the legal political influence frame through eased naturalisation measures have failed.

In general naturalised immigrants in comparison to native Germans are less inclined to participate in elections. Still, it has to be considered that such a statement does not represent variations between different migrant groups. A representative survey realized in Berlin identified Turks (83%) as the group closely following native Germans (87%) in their intentions to vote. (see Berger, Galonska et. al. 2002, 14).

Similarly connected to the precondition of citizenship are the opportunities for immigrants to participate in parliamentary politics. The presentation of ethnic minorities in the central government, parliament and local government precedes the solely to citizens confined eligibility to run for office in national and federal elections (see Cyrus 2005, 17). The lack of special representation measures and the before mentioned naturalisation procedures explain the low percentage of immigrants in parliamentary offices. At the moment only five members of the Federal Parliament have an immigration background (see Cyrus 2005, 32).

The opportunities provided to immigrants to participate in consultative politics are advocated through the state's establishment of consultative institutions dealing with diversity and immigrant questions. In spite of their small influence possibilities these

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[3] According to the concept of 'jus soli' nationality or citizenship is decided on the grounds of the birth place.

councils have been subject to harsh criticism from political scientists for promoting the marginalisation of immigrants and giving them the illusion of direct political contribution (Martiniello 2007, 94f.) Germany's attempts to successfully incorporate immigrants into its associations and broader society have been tackled through the establishment of 'advisory boards for foreigners' (Ausländerbeiräte) in the 1970s. However, since foreigner advisory boards are only allowed to make non-committal statements they have been perceived as ineffective and insignificant by immigrants (see Ögelman 2003, 173). The low voter participation in councils' elections is a proof of their lacking acceptance within the immigrant community. The voter turnout for the foreigner advisory board in the federal state Nordrhein-Westfalen ranged between 2,1 % (City Löhne) and 31,9 % (City Lünen) resulting in an average voter participation of 12,28 %. The high voter participation in Lünen has to be traced back to the fact that the city closely cooperated with immigrant associations and the council, i.e. the council was obliged to hear the advisory board in all immigration-related issues and was ascribed the authority to put issues on the city council's agenda (see Cyrus 2005, 33).

4. Non-conventional Participation Opportunities

After a rather pessimistic outline of the immigrants' conventional opportunity structures it has to be underlined that apart from active and passive voting rights immigrants enjoy the same political and civic rights as German nationals. Martiniello divides non-state avenues of political immigrant mobilisation into four main categories: involvement in political parties, union politics, other pressure groups, and ethnic community mobilisation (see Martiniello 2007, 96).

As political parties transfer individual interests into legislative inputs and take them to the public sphere they are placed between civil society and state institutions. In their function to gather and provide personnel for political offices they can be assigned to the

group of voluntary associations (see Martiniello 2007, 96). From a legal perspective immigrants do not posses the right to membership in political parties but at the same time the law does not specifically prohibit affiliation. However, they are definitely excluded from internal party procedures, such as electing members or running for political offices (see Cyrus 2005, 17).

In general, membership rates of immigrants in German political parties are inclined to be low. In the representative Marplan-Survey only 0,4 % of the immigrants interviewed were member in a party and only 3,5 % took a membership into consideration. In the last years the parties have increasingly realized the importance of the immigrant population's votes and tried to open themselves by establishing particular committees for the immigrant population, such as the 'Federation of Turkish-Social Democrats', a branch of the SPD (Social Democratic Party of Germany). Even though within the last years the immigrant party members managed to hold higher offices and became more recognizable in the public sphere, immigrants are still underrepresented in parties and remain excluded from all levels of political decision making (see Cyrus 2005, 32).

The participation of immigrants in union politics was one of the first opportunities immigrants took advantage of to become politically active. While guestworkers arriving in Germany in the 1960s in the beginning believed they were to return to their home country they generally avoided political organisation. Eventually they started to turn to labour unions as a venue for representation in the late 1960s (see Argun 2001, 41). Ever since 1972 with the reform of the industrial constitutional law immigrants without citizenship enjoy full voting and member rights in trade unions (see Cyrus 2005, 17). This is also reflected in the high immigrants' membership numbers with 10 % of associates having a foreign background. An overrepresentation of immigrants in trade unions compared to Germans can as well be ascribed to the high percentage of immigrants working in the industrial sector. Furthermore, the special need for protecting foreign nationals and the

exclusion from political right account for the immigrants' high participation rates in trade unions (see Cyrus 2005, 34f.). Unfortunately, with the decline of trade unions all over Europe accordingly this opportunity becomes less relevant for immigrants.

Pressure groups are movements defending a variety of interests, such as environmentalist movements or animal right groups. Since the legal preconditions for immigrants to join pressure groups are the same as to participate in ethnic associations they will be jointly dealt with in the next paragraph (see Martiniello 2007, 97).

Ethnic community mobilisation refers to the possibility of immigrants to organize as a collective along, ethnic, religious or racial lines. In general the freedom to assemble and the right to establish associations are only reserved to German citizens. Nevertheless, there are some legislative regulations permitting non-citizens to set up associations, to launch political activities and self-organisation as long as they are not considered a threat to German security (see Cyrus 2005, 18). Unfortunately these organisations have been met with strong suspicion from the German state and are still questioned in their role as segregationist factors in creating parallel societies (see Cyrus 2005, 37). Different studies have refused such suspects by their findings that immigrant organisations through the accumulation of social capital promote integration on an individual and collective level even if the organisation is ethnic homogenous (see Thränhardt in Cyrus 2005, 50).

As for immigrants without citizenship many venues for direct political influence remain closed the ethnic form of organisation has been predominant in the landscape of migrant political mobilisation. A stronger commitment of immigrant organisations towards ethnic and religious agendas started in the beginning of the 1980s when immigrants realized the permanency of their stay and at the same time were confronted with the lack of immigrant policies and sufficient influence capabilities to enhance their living situations. Confronted with the receiving society's exclusionary political and legal system more organisations established measures uniting their members under ethnic criteria, for example

Kurdish or Alevi migrants gathered in associations on grounds of their common language or origin (see Østergaard-Nielsen 2003, 49f.). As Ayhan Kaya claimed the instrumentalization of ethnicity for political purposes may not necessarily be intended by immigrants but can be rather be considered a result of the exclusionary conditions in the receiving society and immigrants' experiences made by immigrant communities, such as othering, exclusion, and assimilation. According to such discrimination experiences immigrants might develop political strategy tools emphasizing their ethnic background (see Kaya 2004, 227f.)

5. Conclusion

The above outlined institutional setting provided by the state are coined by the general exclusiveness immigration politics take in Germany. As Martiniello proposed the more restricted the access to institutions and institutional practices are the more citizens are confined to non-coventional forms of political participation such as ethnic and cultural associations (Martiniello 2007, 102). Limited political possibilities as those arising from difficulties to attain citizenship explain immigrants' organisation mainly along ethnic lines.

When referring to Foucault's concept of governmentality it becomes evident that German governing strategies and measures aiming to make subjects governable are interspersed with the historically grown thought that immigration, if it should not become a threat to the integrity of the German state, can only be handled exclusionary. On the one hand, these governing techniques transmit an image to immigrants that many obstacles have to be overcome if one wants to be included into the majority society or that it is even impossible to be become part of it. On the other hand, the state impacts the knowledge to the majority population that it needs to stick together to defend itself from foreign elements disrupting the society's unity. In the latter case the state's fear of losing its sovereignty is transferred into the population's fear of being deprived of its 'Germanness'. Through such governing techniques a process of 'othering' has been initiated that becomes apparent in the limited political opportunity structures for immigrants.

Especially when it comes to conventional participation opportunities not naturalized immigrants remain without political rights. Even if under the conservative government of Angela Merkel it seems less probable one first step could be the revitalization of discussions about dual citizenship already promoted by the Red-Green government in 2000. As for many migrants it is still important to keep their first nationality, many refuse to gain German citizenship and negate the possibility to gain full political rights. In this sense, the political representation in German institutions continues to be an obstacle that has to be

overcome by immigrants. Although, with politicians such as Cem Özdemir, since recently the chair of the Green political party with Claudia Roth, political participation opportunities are not widened a process improving the public image of politicians with immigration background has started.

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