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German and the European Migrant Crisis: An Exploration of German National Identity

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Abstract

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Since 2014, conflicts in North Africa and the Middle East have brought large inflows of asylum-seekers streaming into Europe. Germany has not only accepted the greatest number of these asylum-seekers, but it has additionally pushed for other European Union member states to accept more asylum-seekers as well, thereby earning an international reputation as a leading proponent of human rights in the European Union. While images of German citizens crowding train stations in Munich and other cities to welcome refugees have dominated news cycles, there is an increasing anti-immigration sentiment in Germany, which at its most extreme has manifested itself in the forms of anti-immigration violence and the Islamaphobic Pegida movement. My thesis suggests that to fully understand this conflict, it is necessary to approach it as not only an issue of immigration politics, but as a political conflict over what it means to be German. In exploring this topic, I will provide a history of post-World War II immigration to Germany and an overview of the immigration debate in the country. I will additionally discuss the EU's involvement in the development of refugee law and the effects of Schengen on the current migrant crisis, as well as Germany's role in the EU. By providing a detailed account of the evolution of German national identity after World War II, I will frame Germany's role in the crisis in the context of the political conflict over German national identity.

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Introduction

"We just wanted them to know that the torture is over," said Hedy Gupta, when interviewed by a reporter from *The Guardian* in September 2015. She was handing out chocolate to incoming refugees at Munich's main train station—and she was in good company (Graham-Harrison et al. 2015). As their trains arrived in Munich, refugees were greeted by signs bearing welcoming messages and volunteers who provided food, water, and other essentials. One night train manager commented on the refugees' warm welcome at the station: "Time was the police used to throw Syrian families off the train. Now they're handing out chocolate bars to them. I think that change in attitude goes for most Germans as a whole" (Connolly 2015). Images of Germans' support for incoming refugees were broadcast across international media, garnering the country a reputation as a beacon of humanitarianism amidst the migrant crisis.

When compared to the violently racist attitudes that culminated in the human rights abuses of the Holocaust, Germany's transition to a nation so willing to take in foreigners in need is truly astounding. Of course, despite this popularly promoted human rights narrative, the reality of Germany's transition is much more complex, complicated by persisting anti-immigration rhetoric, which is voiced by the Islamaphobic Pegida and other far right groups, an inconsistent history of asylum policy in Germany, and the country's layered—and oftentimes contradictory—attitudes towards immigration policy.

What is particularly fascinating about post-World War II German society are its attempts to reconfigure German national identity. Ideas of a German national identity defined by shared ethnicity helped give rise to National Socialism, and after its fall in 1945, Germans were left reeling from the regime's violent and inhumane actions. Through the remainder of the 20th

century, Germans sought to reconstruct German national identity in different terms, one that would not return them to the horrors of their past. The debate that is currently taking place over Germany's role in the migrant crisis is representative of a larger debate in Germany over just what it means to be German. While Germany has been lauded for its devotion to supporting human rights during this crisis—and in comparison to its neighbors, this reputation is certainly deserved—it is hard to say if a genuine desire to protect human rights has been Germany's primary motivation in the crisis. Rather, this support of human rights appears to be one facet of a broader movement in Germany, one which rejects any ideals that mirror those of National Socialism, embracing instead a national identity that is defined solely on a legal basis. On the other side of the debate are those who support the older, ethnically homogeneous definition of German national identity. This debate over German national identity has manifested itself most acutely in the heated debates over the migrant crisis in Germany today.

In order to understand Germany's response to the migrant crisis, I will detail the EU's immigration policies, Germany's role in the EU, and the debates over both immigration and the current migrant crisis in Germany. Refugee law began in Europe after 1945 and it is imperative to have knowledge of the development of Schengen and the EU's immigration policies in order to understand the politics and debate surrounding the migrant crisis, as well as the failure of the EU to support refugee rights. While Germany has taken a leading role in the EU during the migrant crisis, its response cannot be fully understood without analyzing the discourse in Germany concerning this crisis, as well as the debates surrounding immigration and integration, which have perpetuated since the arrival of the guestworkers—foreign laborers—shortly after World War II. These debates paint the picture of a Germany that is fractured in terms of national identity, with some Germans pushing for immigration and inclusion, and others taking a

staunchly anti-immigration stance that views ethnicity as an irrefutable facet of German national identity. Because one side of the debate has so fiercely promoted human rights—and this is currently the rhetoric of Merkel's government in response to the migrant crisis—it is necessary to analyze Germany's role in the EU, especially as the EU has consistently failed to uphold refugee law and support human rights during the crisis.

In the first chapter of this thesis, I will provide an overview of international refugee law, which was conceived in response to the horrors of World War II, and identify key terms, such as "refugee," "asylum-seeker," and "migrant." These terms frequently overlap in political rhetoric and the media and it is impossible to fully comprehend the crisis without first understanding the distinctions between them. The chapter will then delve into the details of the Schengen Agreement, a cornerstone of European unity and identity, as its implementation has had controversial consequences for asylum-seekers and refugees' rights and it has substantially complicated the current crisis. I will provide criticisms of Schengen, as well as the European Union's frequently utilized methods of avoiding their responsibilities as outlined in refugee law, such as its border control practices and poor maintenance of refugee camps. I will provide context for the current migrant crisis, as well as Germany's own asylum-policies and its role in crafting a broad European identity. The purpose of this chapter is to provide an understanding of the history of refugee law and the responsibilities it bestows upon EU member states. While Germany has been hailed as the leading proponent of human rights in the EU under the conditions of the migrant crisis, this image is compromised by the EU's shaky history in supporting the rights of refugees and asylum-seekers.

The second chapter will focus on the evolution of German national identity, beginning with the country's increased multiculturalism as brought on by its guestworker program, and the

anti-immigration sentiment that followed it. I will additionally provide an overview of the evolution of German national identity as it is recalibrated by three generations of Germans with very different conceptions of national identity: the "forty-fivers," who came of age in 1945; the non-German Germans, who emerged in the 1950s under the political theorist Jürgen Habermas; and finally the "sixty-eighters," who earned their title in the youth protests of 1968. I will juxtapose the non-German Germans' conception of German national identity with the changes to German nationality law at the beginning of the 21st century, which reflected the increasingly multicultural character of German society. The chapter additionally explores German attitudes towards immigration, as well as the debate in Germany concerning the integration of immigrants. In this chapter, I seek to connect the history of Germany's immigration policies and attitudes toward immigrants to the broader debate over German national identity.

The third chapter details the evolution of German asylum law, which has become increasingly restrictive since its implementation in 1949, and examines the reasons for this change. While the right of asylum is outlined in Article 16 of the German Constitution, it has undergone several amendments since 1949 that have limited benefits to asylum-seekers and curbed their opportunities to appeal negative decisions. The increasingly restrictive nature of German asylum policies appears to be in direct contrast to its humanitarian role in the current crisis, as it represents the anti-immigration sentiment that is shared by many Germans. I then provide an overview of the current migrant crisis affecting Europe and the EU's largely fragmented response to it, with Eastern European countries generally reluctant to accept asylum-seekers and Western European countries and the EU pressuring the East to share the burden. Germany's role in the crisis is highlighted and explored, from its leadership in the EU to

conditions for asylum-seekers and refugees within Germany itself. The chapter will furthermore provide insight into the intense and sometimes vitriolic debate in Germany concerning the crisis.

The conclusion brings these chapters together, examining German policies and general attitudes in the context of the evolution of German national identity in the aftermath of the trauma of World War II. This thesis seeks to prove that the debate within Germany is not solely about the country's role in the migrant crisis, but is additionally representative of a larger debate over German national identity. Despite the popular narrative in international media, neither Germany's role in the crisis nor its national identity can be attributed solely to an unwavering devotion to humanitarian values and a tolerance for diversity. While these values are supported by many Germans, they are part of a larger movement that seeks to redefine German national identity as strictly political. Meanwhile, there remains a significant segment of the German population that rejects a purely political definition of German national identity, supporting instead a national identity defined by a shared ethnicity and culture. At its basis, the fragmentation among German society over the migrant crisis is spurred by a greater question: What does it mean to be German?

Chapter One: International Refugee Law and Schengen

Introduction

Before one can begin to understand German immigration and asylum policies, one must first be able to frame them in the context of the EU's policies. Since the inception of Schengen in 1985, the EU has struggled to balance the lightening of security along interior borders with increasingly heightened security along its external boundaries. Its practices have been accused of being ineffective and even dangerous towards migrants, despite such advanced and wide-reaching security systems as Eurodac and the Schengen Information System, as well as its security agency, Frontex, and the 1990 Dublin Regulation. Furthermore, its immigration policies are often exclusionary and only contribute to the influx of migrants through illegal means. For the continent that drove the creation and development of refugee law, European governments are now notably resistant to accept refugees. This chapter will examine these topics, first by defining the term "refugee," especially as it differs from "economic migrant" and "asylum-seeker," as these terms are frequently and intentionally blurred in public and political discourse. It will additionally provide an overview of the history of international refugee law and detail the efforts of the EU and individual governments to address the situation of asylum-seekers and other migrants, such as through border control and refugee camps, as well as identify common criticisms of these policies and practices.

International Refugee Law

The concept of the refugee is a relatively new one. In fact, it only emerged in the years succeeding World War II, as European governments struggled to find a solution for the masses

of displaced persons within their borders (Malkki 497). In a move perhaps prophetic of the quality of future refugee camps, many refugees were placed in former work and concentration camps in Germany in the years immediately following the war. Liisa Malkki, in "Refugees and Exile," suggests that the postwar shame in Europe, stemming from states' denial of asylum to so many people fleeing the Holocaust, was a primary driver in the development and nature of international refugee law (Malkki 500).

As the concept of the refugee developed in the years following World War II, so too did international refugee law. Article 44 of the Geneva Conventions, added on August 12, 1949, declared that a refugee cannot be considered an enemy alien based on nationality alone (Grahl-Madsen 283). The 1951 Convention Relating to the Status of Refugees, which put its focus primarily on the refugee situation in Europe, added to the Geneva Conventions the definition of "refugee" that remains unchanged to this day (Malkki 501, Loy et al. 14). The Convention defines a refugee as a person who is outside of his or her country of origin and who has a "well-founded fear of persecution" based on race, religion, nationality, membership in a particular group, or political opinion, if that person were to return to his or her country. Accordingly, in order to earn the label of "refugee," one must prove that he or she would be the target of existing human rights abuses in his or her own country (Loy 14).

Those who are determined by states to be refugees are privy to several rights laid out in the Geneva Conventions. Article 31, ratified on July 28, 1951 alongside the following Articles, states that refugees shall not be penalized for illegal entry into the country where they seek refuge. Article 32 prohibits the expulsion of a refugee unless he or she represents a threat to national security or public order (Grahl-Madsen 283). Article 33 forbids the forcible deportation

of refugees to countries where they will likely face persecution. This is known as the *nonrefoulement* obligation. (Grahl-Madsen 283, Loy et al. 18).

Furthermore, the 1953 European Convention on Human Rights (ECHR) lays out certain rights for refugees. Article 3 of the Convention forbids the expulsion of a refugee if it can be proven that he or she will be subjected to ill-treatment if returned to his or her home country (Lambert 41, Gibney 15). Meanwhile, Article 8 forbids expulsion if it would threaten an aspect of the refugee's private life, which includes sexual orientation and mental health, among others, and Article 6 prohibits the expulsion of a refugee to his or her home country if it can be proven that he or she will be denied justice there (Lambert 43-45). In effect, the Convention elaborates and expands on the circumstances that might violate the nonrefoulement obligation.

"Refugee" is not synonymous with "asylum-seeker," although the two are often considered interchangeable. An asylum-seeker is a person who has yet to or is in the process of applying for asylum, which would entitle him or her to residence and protection within the asylum-granting country. When the person's claim has been evaluated and he or she has been granted asylum, then he or she will formally become a refugee. (UNHCR 2015, "Refugees"). Stated most simply, refugees have been granted residence and protection in a particular country, while asylum-seekers have not yet secured those rights. Another important distinction to make is that between "refugee" and "economic migrant," as the two terms are often deliberately confused in political discourse. While populist politics and anti-immigration sentiment often—and frequently intentionally—blur this distinction, the Office for the United Nations High Commissioner for Refugees (UNHCR) places them into separate categories (Zahra 7, UNHCR 2015, "Refugees"). While economic migrants move in order to better their financial prospects, refugees move because their lives or freedom are threatened (UNHCR 2015, "Refugees").

It is particularly important to emphasize how limited, yet malleable, the definition of refugee is. Those who are fleeing wars or invasions do not, strictly by the wording of the definition, actually fall under the category of refugee (Loy et al. 16). Nonetheless, it can still be argued that a person fleeing civil war is additionally fleeing persecution for belonging to a particular group (Sierakowski 2015). The Geneva Conventions' definition of "refugee" is almost contradictorily both limited and malleable. As such, there has been significant discussion amid the current crisis in Europe over how to determine who exactly qualifies for asylum and who does not.

By the wording of the Geneva Conventions alone, the definition of "refugee" is clear. In practice, however, determining who qualifies as a refugee is considerably more difficult. Often through anti-immigration intention and sometimes through earnest confusion, refugees and asylum-seekers are mistaken for economic migrants. Furthermore, it can be challenging to determine which asylum-seekers' situations are congruent with the types of persecution described out in the Geneva Conventions. As such, especially given the overwhelming number of people currently arriving in Europe, European governments are struggling to determine who among them are privy to the rights of the Geneva Conventions. This is important to bear in mind as this paper examines the methods through which the EU addresses—or fails to address—the waves of migrants and refugees seeking a new home within its borders.

<p style="text-align:center;">Schengen: An Overview</p>

The Schengen plan was first brought to discussion at a June 14, 1985 meeting in Luxembourg. The attendees were France, Germany, and the Benelux countries. The Schengen concept was innocuous enough; border control between these countries would lighten, allowing

citizens freer travel between them. It would be a symbol of postwar Europe, united in shared history and culture. In the thirty years following the meeting, at least 15,551 migrants have died while trying to cross Schengen's borders, as estimated by organization United (Carr 3). How could a proposal for more open borders have produced such a devastating outcome? The answer lies primarily in EU policies and border control, but these must first be framed in the context of Schengen's history.

The Schengen Convention was signed in 1990 in Luxembourg, where it had first been brought to the table five years before. It encouraged more open borders between the participating countries, thus providing citizens with freer mobility. Negotiations over Schengen were not easy; as problems arose, such as the question of how to reduce crime while maintaining open borders, countries proposed the solutions that were most congruent with their own legal system and culture (Kapteyn 367). The Schengen Information System, which will be detailed later, can be considered as one answer to this question (University of Exeter). Germany was most persistent about the continuation of these negotiations, while France held the most weight in decision-making (Kapteyn 367). In fact, Germany's role in decision-making was remarkably limited, as at the time, its postwar legacy effectively dictated that it show restraint in expressing its sovereign interests. Instead, it sought a greater European identity in place of its fractured national one. Thus, the success of Schengen was a priority for Germany, even if it came at the expense of its other sovereign interests (Kapteyn 366). Germany and France were especially in favor of Schengen's creation, as the Benelux and Nordic countries had already formed their own similar unifications and Germany and France were interested in obtaining the same trade, immigration, and policing opportunities for themselves, such as the cooperation that would later result in the Schengen Information System (University of Exeter).

Of further significance is the Dublin Regulation, which began in 1990 as a sort of response to Schengen. The Regulation, which is unique to the EU, Norway, Iceland, Liechtenstein, and Luxembourg, mandates that refugees must be granted refuge in the first country they enter (Sierakowski 2015). In addition to the aforementioned regulation, Dublin establishes a criterion for determining which state is responsible for examining an applicant's claim to asylum. This is based on ties to any family members already within Europe and state of first entry and it is meant to ensure that certain high standards, such as the maintenance of the rights to information and a personal interview, are applied to all examinations of asylum claims (ECRE, "Dublin Regulation").

By the time the Schengen Accords came into being on March 16, 1995, Portugal and Spain had joined the Schengen area as well (Carr 26). Matthew Carr attributes the ten-year delay in actually implementing Schengen to the fortress-like components that define the area now; as time passed, governments grew concerned about the vulnerability of open borders. As will be detailed later, this concern has manifested itself in the development of heightened security at the EU's external borders (Carr 27). Perhaps this outcome should have been predicted, as countries began displaying a certain level of discomfort with the open borders from the outset. For example, on June 29, 1995, the same year as Schengen's implementation, France announced that it would maintain border controls with all its neighbors as it attempted to quell illegal immigration and drug smuggling. Then, on July 8, France and Spain reinforced the border between them due to Basque terrorist activity in the area (Convey and Kupszewski 940).

Nonetheless, these temporary speed bumps could not deter Schengen. Schengen was finally incorporated into the legal framework of the EU by the 1997 Treaty of Amsterdam (Carr 26). This created what is formally known as the Area of Freedom, Security, and Justice, which

will be referred to in this paper by its more common name, which, by no great surprise, is the Schengen area (Angelescu 73). Today, Schengen consists of all of the EU except for Bulgaria, Ireland, Romania, Croatia, Cyprus, and the UK, as well as the non-EU countries of Iceland, Norway, Liechtenstein, and Switzerland.

Migrants in the European Union

For all their effort in establishing an international refugee law in the 1950s, European countries have become particularly resistant to most kinds of immigration. From the challenge of entering European states to the threat of deportation once inside them, immigrants do not find as welcoming an environment in Europe as the Geneva Conventions might suggest. Schengen's borders do not end at its geographic edges; rather, they permeate throughout Europe in an effort to repel newcomers.

To begin, one must identify the different types of migrants that come to Europe, as they both influence and are influenced by migration laws. Andrew Convey and Marek Kupiszewski identify three categories of international migrants. The first of these are short-term visitors, who are typically admitted on a tourist or scientific visa and do not stay for more than a few months. The second category is that of mid-term migrants, who are usually traveling to Europe to work or study for more than a few months. They require permits along with their visas and often try for citizenship. The final category is that of lifelong migrants. It is more or less impossible for migrants to achieve this unless they can claim citizenship or are seeking asylum (Convey and Kupszewski 943). Since not all migrants can claim citizenship, and therefore cannot stay long-term, it is little wonder that anti-immigration voices might suggest that refugees are economic migrants in disguise, seeking an easy way in to Europe's borders.

It is additionally pertinent to specify that the task of granting visas is divided between the EU and individual countries. While the EU is responsible for granting short-term visas, long-term visas are an issue for its member states (Angelescu 75). Considering this, it is understandable why, as will be addressed later on, the quality of the handling of asylum cases in different countries is so inconsistent.

The EU's acceptance—or rather, lack thereof—of migrants has been criticized as being more favorable towards people from certain regions of the world. Xavier Ferrer-Gallardo and Henk van Houtum describe a "negative list" of 135 poor countries, whose emigrants find more difficulty accessing the EU than do those from the "positive list" of 60 developed countries (Ferrer-Gallardo and van Houtum 299). Convey and Kupszewski address three specific categories of aliens that are recognized within the EU: citizens of other EU countries, citizens of non-EU European Free Trade Association countries, and citizens of all other countries. Immigrants in these categories have different experiences when attempting to settle in a new EU state, including differing entry visa requirements, obtainment of work and residence permits, and paths to naturalization (Convey and Kupszewski 944). The EU's strict immigration policies have a strong relationship to the appeal of asylum-seeking as a means of entering Europe.

Furthermore, the practice of detention of migrants in Europe strongly affects asylum-seekers, often through carelessness on the parts of border security forces. Article 31 of the Geneva Conventions states, as mentioned previously, that asylum-seekers must not be penalized for entering another country for the purpose of claiming asylum. However, some countries immediately detain all migrants upon arrival, meaning that asylum-seekers can end up in immigration detention. Immigration detention is problematic in quite a number of ways, one of which is that it lacks clear legal parameters and a time limit (Carr 132). Therefore, asylum-

seekers can accidentally be detained for an indefinite amount of time simply for crossing a border. While this is not directly in opposition to Article 31 of the Geneva Conventions, as immigration detention is not technically a form of penalization, the distinction is murky at best.

Like immigration detention, deportation is a frequent practice in the EU that can negatively impact asylum-seekers. According to a 2009 European Commission report, approximately 200,000 migrants already inside of Europe's borders are deported every year (Carr 127). Some deportations are the result of voluntary return programs, which grant cash incentives to migrants in return for their departure. These programs are the gentler alternative to forced deportations, which are complicated and sometimes dangerous for the deportees (Carr 130). However, brutality is not the only problem with deportations. Matthew Carr provides one example:

> "Article 4 of the European Convention on Human Rights explicitly prohibits the 'collective expulsion of aliens.' In September and October 2002, however, Malta deported 220 Eritreans after rejecting their claims for asylum en masse, despite evidence that Eritrea was a dictatorship and police state where political dissidents and military deserters were routinely tortured and imprisoned" (Carr 127.)

This is not a unique case. Carr additionally describes a similar one concerning Iraqi asylum-seekers, who were deported in 2007 to Iraqi Kurdistan and Baghdad, although violence was still prevalent throughout the country (Carr 129). Because these cases involved asylum-seekers rather than refugees, it is not technically oppositional to Article 33 of the Geneva Conventions, which prohibits the deportation of a refugee to a country where he or she will likely face persecution. However, the distinction between asylum-seekers and refugees proves itself blurry in these cases, and they raise serious ethical questions about how Europe's deportation policies might put people at risk for physical harm.

Furthermore, the Dublin Regulation itself has been criticized for its lack of efficiency. It is not uncommon for examinations of asylum claims to be delayed or even overlooked entirely. Several other abuses have arisen in the system as well. For example, Belgium has sent asylum-seekers to Greece under the Dublin Convention, a move that in January 2011, the Grand Chamber of the European Court of Human Rights ruled as being in violation of Article 3 of the European Convention on Human Rights, which forbids the expulsion of a refugee to a country where he or she will certainly be subjected to ill-treatment. In doing so, Belgium had "[exposed] the applicant to the detention and living conditions there" (ECRE, "Dublin Regulation"). The ruling itself describes the conditions of the Greek detention center as "appalling," and states that the asylum-seekers faced a risk of ill-treatment (M.S.S. v. Belgium and Greece 5). The Court criticized the Dublin System as responsible for allowing such actions to occur (ECRE, "Dublin Regulation").

There are yet further criticisms of the EU's immigration policies. Seyla Benhabib states that the line between economic migrant and refugee, particularly in the context of the current crisis, is inherently blurry, as many migrants are undoubtedly traveling in order to improve their living conditions. Therefore, European governments themselves—whether intentionally or otherwise—easily confuse these terms (Sierakowski 2015). Tara Zahra echoes this, stating that Western countries proudly tout the right to asylum until greater numbers of asylum-seekers start arriving. Then, Zahra writes, the distinction between refugees and economic migrants begins to blur among governments and their people (Zahra 5). Carr argues that tight restrictions that make it difficult for asylum-seekers to access Europe force these people to use the same routes of immigration as economic migrants, increasing this confusion even further (Carr 160).

Ferrer-Gallardo and van Houtum make what is perhaps the best case for the faultiness of

the EU's immigration policies. They state:

> "Migrants will still come, no matter how high the fence is. But because of the increasing difficulty to get in legally, they are provoked to seek their entrances irregularly. Leading only to more phobia and criminalization, which then is answered by yet higher fences and a further tightening of the legal ways to enter the EU, after which the vicious cycle starts again. The only two parties that gain from this circle are security businesses to whom the control is increasingly contracted out and political extreme-nationalists" (Ferrer-Gallardo and van Houtum 300.)

In short, the EU's restrictive immigration policies only worsen the problems they seek to prevent,

namely the increasingly illegal methods of entrance by migrants. None of their policies, put into

practice, directly violate the rights set forth in the Geneva Conventions. However, this is only

because governments have found loopholes that enable them to skirt their responsibility to

uphold these rights. In part, the malleability of the definition of "refugee" can be called to blame

for this. Still, governments are entirely aware of what they are doing when they take steps to

avoid their obligations. In an unfortunate case of irony, the continent that was most critical in the

establishment and development of refugee law has continuously chosen to fail the very people it

sought to protect.

Border Control

Perhaps the most obvious manifestation of the EU's resistance to immigration is that of

its border control. In the absence of tight security along its internal borders, responsibility for the

EU's external borders has since fallen disproportionately onto its border states. This has,

arguably unfairly, saddled those countries with the task of enforcing the immigration restrictions

of all member states in addition to securing their borders (Carr 28). However, the European

Union has developed a broad security system in order to aid them.

The widest reaching of these security systems is Frontex. Formally known as the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, Frontex was established in 2005 to protect the EU from threats along its external borders (Mungianu 361, Feldman 15, Reid-Henry 199). The organization is based in Warsaw and, as of 2013, had 230 full-time staff employed in analysis and operational organization (Feldman 15, Reid-Henry 200). It is well funded, with an annual budget in 2011 of 88 million Euros (Feldman 16).

While Frontex is an EU agency, it is heavily involved with member states. Both EU institutions and member states were responsible for the development of its mandate (Mungianu 361). Furthermore, although Frontex was designed to function autonomously, it cannot run operations without support from member states (Feldman 15, Mungianu 374). However, Frontex holds influence over member states. Frontex establishes member states' obligations in terms of managing their external borders (Munginau 369). In this sense, Frontex holds an enormous amount of authority in dictating security efforts along the EU's external boundaries.

There are several facets through which Frontex maintains border security. One is through the collection of intelligence. Frontex will commonly detain and interview migrants to gain information about how smugglers move (Feldman 16). Through this, the agency is able to identify new migration routes and methods and put a stop to them, even before migrants reach the EU's borders. This only bolsters the EU's already extensive security intelligence, which is supported by the high-tech Eurodac and Schengen Information System (hereafter, SIS), expansive databases detailing everything from suspected terrorists to the fingerprints of all asylum claimants (Carr 28). The SIS, for example, contains alerts on such things as people wanted for arrest, missing persons, and objects that are being sought as evidence in criminal

trials (Europa 2015, "Alerts and data in the SIS"). Meanwhile, Eurodac, which was implemented

in 2003, is responsible for comparing all asylum-seekers' fingerprints to those relevant to

criminal investigations (Europa 2015, "Identification of applicants").

Another function of Frontex comes in the form of European Border Guard Teams

(EGBTs). These were established in 2011, taking over for the similar but more limited Rapid

Border Intervention Teams (RaBITs), which were groups of border control experts who were

tasked with addressing external border crises, namely those occurrences when large numbers of

migrants attempt to enter European territory (Mungianu 379, Feldman 14). These teams can be

deployed anytime within five to ten days, with the goal of preventing these migrants from

crossing the border and typically arranging for their transport back to their countries of origin

(Feldman 14). The EGBTs are intended to solve immediate crises. However, Frontex works on

long-term solutions as well.

As Irina Angelescu states, the EU is only the second line of border control. The first line

is in third countries (Angelescu 75). Frontex collaborates with non-EU countries of emigration,

most notably those in North and West Africa, in stemming migration attempts before migrants

can reach the EU's borders. In doing so, Frontex denies these migrants the right to claim asylum

in Europe. Beginning in 2007, Frontex joined with West African states in an effort to prevent

migrant boats from entering European waters (Carr 49). In North Africa, Frontex uses its

intelligence on smuggling routes to circumvent those paths within these states (Feldman 16).

Some non-EU states have become especially involved in this effort. Morocco, for example,

established criminal penalties in 2003 on any Moroccan citizens attempting to enter Spain

without documentation (Carr 56). This extension of Frontex's border control work into third

countries seems particularly ironic given that its purpose is to protect the sovereignty of its own nations' borders.

Europe's border control, both through Frontex and national agencies, has faced its fair share of troubles—and criticism. One of these lies in its insistence on preventing migrants from reaching European territory at all. The reasoning behind this is that the Geneva Conventions dictate that states within its borders must allow all asylum-seekers to apply for refugee protection as soon as they reach European territory (Ferrer-Gallardo and van Houtum 298, Carr 66). In what evidently becomes a recurring theme in the EU's anti-migration policies and practices, this effort is meant to help states avoid their obligations to accept these asylum-seekers. This practice has unsurprisingly led to numerous allegations of abuses among border patrol forces. Carr provides one example:

> "Migrants have been known to puncture their own boats in order to pressure the coast guard to rescue them so that they can appeal for asylum, but the Greek coast guard has been accused of puncturing migrants' boats and disabling their engines before dragging them back into Turkish waters and forcing their passengers to row back to shore with just one oar" (Carr 94).

This is a particularly troubling practice and is representative of the flawed nature of Europe's border control. Perhaps it can even be conjectured that the pressure placed by Schengen on border countries to secure the area's boundary opens the door to these sorts of abuses in the first place.

A second manner through which European governments avert their obligations to asylum-seekers is by creating circumstances in which these people cannot even qualify as asylum-seekers in the first place. In order to claim asylum, people must actively cross into European territory. A European country's vessels are, in fact, considered that country's territory, and so people should be able to claim asylum from accessing one of these vessels alone.

However, border control skirts this rule by retrieving these asylum-seekers, taking them under custody and thereby transforming them into "passive crossers of the 'border'" (Reid-Henry 208.) The distinction lies between the active crossing of European borders and the controlled, passive crossing at the hands of border control. As such, they can be processed as felons rather than as asylum-seekers. In fact, border control may not even explain their rights of asylum to them (Reid-Henry 208). By rendering asylum-seekers as felons illegally crossing the border, governments once again avoid their obligations by bending—but not outright breaking—refugee law.

Another criticism of Europe's border control comes in the form of accusations over the mishandling of asylum declarations. In Slovakia, for example, asylum-seekers undergo an interview process before being transferred to the asylum reception center in Hummene, where their claims are assessed. However, the Slovak Border Guard has been accused of immediately deporting asylum-seekers to Ukraine without fulfilling that process (Carr 39). Another example comes from the island of Samos in Greece. There, untrained police, who have little knowledge about the political situation of common emigration countries, have frequently rejected asylum appeals purely because they are unprepared for their work (Carr 96). The first situation is an example of border control forces' intentional resistance to accepting asylum-seekers. The second is due more to general incompetence and unpreparedness. However, both cases exemplify the dangerous levels of disorganization and inefficiency that plague Europe's security forces, EU and otherwise.

Refugee Camps

A particularly controversial facet of Europe's border control is that of refugee camps. Shortly after the refugee crisis that arose during World War II and persisted in the years succeeding it, European countries decided that a better option for addressing the needs of refugees was to place them in refugee camps outside of Europe's borders (Dunn 6). In doing so, these countries technically fulfilled their obligations to provide for refugees, but without all the inconvenience of actually living among them, as the right to asylum would guarantee them if they were to enter European territory.

The camps leave much to be desired. Typically the size of small cities, these camps are often supplied with just the basics with which to sustain the refugees residing there (Dunn 4). Furthermore, many camps are isolated, meaning that refugees struggle to find work, forcing them to become even more dependent on the lackluster services provided by the camps (Dunn 2). By effectively denying refugees the opportunity to become self-sufficient, these camps only worsen their situations in the long term. Furthermore, these camps are typically underfunded by Western countries, including those in the EU. At the end of 2014, Western states had funded only 25% of the UNHCR's appeal for aid to Syrian refugees (Dunn 6).

It is no great surprise that European governments display such a lack of interest in these camps. After all, as stated previously, the initial purpose of these third country camps was to fulfill those states' duties to refugees without actually bringing them into their own borders. However, there is yet another reason for the camps, that being their efficacy at deterring people from crossing the European border. If people cross the border and claim asylum, they must be granted certain rights and be permitted to undergo the process of proving their right to asylum. In maintaining these camps, governments prevent people from even crossing the border in the first place. Furthermore, if the crisis in one country of emigration ceases, then its emigrants can be

returned to it from these camps (Dunn 6). This therefore distills any fears of asylum-seekers entering European borders and not returning to their home countries after the crises there have ended. The entire purpose of these camps is to keep asylum-seekers outside of Europe's borders. As such, it is fairly easy to understand why governments do not particularly care about the camps' conditions. As long as they fulfill Europe's needs, then their services to refugees are irrelevant.

<div align="center">Conclusion</div>

The proposal for Schengen was innocuous enough. Lightened security along interior borders of culturally close countries was an earnestly optimistic idea. However, the outcome of this plan has been nothing short of disastrous in terms of immigration. Europe's lackluster immigration policies and border control routinely fail asylum-seekers and other migrants as countries try to avert their responsibility to them. Most harmlessly, this often means the intentional blurring of the concepts of refugee, asylum-seeker, and economic migrant.

However, this resistance manifests in more serious, sometimes more violent ways as well. The EU's restrictive immigration policies, which favor immigrants from Western countries, force asylum-seekers to increasingly utilize illegal methods to enter its borders. Therefore, asylum-seekers are often denied the rights to which they would otherwise be privy. They can, for example, find themselves in immigration detention with non-asylum-seeking migrants. Furthermore, immigrants who just narrowly fail to qualify for asylum can be deported to countries where it is likely they will become targeted for persecution. This intentional twisting of refugee law, coupled with restrictive immigration policies, only feeds into a vicious cycle of increasing numbers of illegal immigrants and continuously heightened security at Europe's external borders.

Europe's border control is just as problematic, if not even more so, than its immigration policies. The problem began from Schengen's outset, when responsibility for securing Schengen's external borders fell disproportionately on Europe's border countries. Arguably out of desperation and lack of proper training, national border guards have committed a wide range of abuses of power when dealing with immigrants, from the puncturing of migrant boats by Greek security forces to the immediate deportations of asylum-seekers to Ukraine by Slovak police. Ineptitude runs rampant among Europe's border control, as evidenced by the Greek police's failure to fairly and knowledgeably review asylum applications.

Furthermore, the EU, through institutions such as Frontex, routinely bends refugee law in its efforts to keep migrants outside of European territory. By picking up migrants through border security operations, they transform asylum-seekers into felons and become able to detain them. Additionally, their use of refugee camps deters the residents of those camps from seeking asylum within Europe's borders. Thus, they support these camps minimally, providing just what is needed for residents to survive, but not thrive.

It seems unnecessary to explicitly state that Schengen had created a problem that it cannot control. Despite all of its security arrangements, it cannot address the sheer number of migrants entering Europe's borders, and even when it does, it often does so through questionable means. This has largely been the result of European governments' refusal to fulfill their obligations according to the Geneva Conventions, as well as ill planning and preparation on the part of border security forces. Since the implementation of Schengen into the EU in 1997, the EU has proven itself to be ineffective and, in some cases, dangerously incompetent in addressing the migration crisis that Schengen has helped to create.

Chapter Two: German Guestworkers and the Evolution of German National Identity

<u>Introduction</u>

Since the fall of the Nazi regime in 1945, Germany has undergone something of a recurring identity crisis. Between the country's division and reunification, its increasing economic and political power in the EU, and its growing population of immigrants, the pressing question of post-war Germany has been one of national identity. While traditionally tied to ethnicity, German national identity has altered as the country's population grows more diverse. This phenomenon has manifested itself perhaps most prominently in Germany's immigration policies and the debates surrounding them. The contracting of labor migrants, or "guestworkers," after World War II instigated waves of immigration to Germany. When these migrants refused to return to their countries of origin, instead bringing their families to the country and establishing ethnic communities in German cities, Germany found itself with a permanent foreigner population. The guestworker era precipitated an ongoing debate in Germany over immigration, integration, and what it means to be German. This chapter will begin by providing an overview of the guestworker era and its repercussions on German society and the immigration debate within the country. It will furthermore recount the development of the debate over German national identity after World War II and the country's immigration policies. Finally, the chapter will examine the integration debate in Germany, as well as immigrants' successes and shortcomings within a German society that is defined by competing dialogues of xenophobia and acceptance.

The Legacy of the Guestworker Era

In the years following World War II, much of Europe experienced a shortage of laborers. In order to satisfy labor needs, many Western European states, including Germany, France, and Great Britain, instigated large migrant inflows. Some of these states brought in guestworkers, or *Gastarbeiter*, to participate in new labor programs, with the expectation that—as the name "guestworker" would indicate—these workers' residences would only be temporary. It was this action that established these countries as "immigrant-receiving states," as Gary P. Freeman classifies them, as opposed to traditional immigration states (such as the US, Australia, Canada, and New Zealand) and states that did not instigate guestworker programs, but that are now facing large waves of immigration (such as Portugal, Spain, Italy, and Greece) (Freeman 882).

Post-World War II labor migration to Germany began on a small scale. In the early 1950s, laborers arrived from Italy to work on German farms (Horrocks and Kolinsky 79). Through the 1950s, rates of labor migration slowly but steadily increased, partly due to the arrival of refugees from East Germany. However, when the Berlin Wall went up in 1961, refugees from East Germany were blocked from entering the West, and German manufacturers experienced a serious labor shortage (Martin 35). To add to this dilemma, the birth rate in Germany had been continuously falling in the years following the war, and even by the mid-1950s, there were concerns in the country about a shrinking work force (Horrocks and Kolinsky 79). Furthermore, West Germany was experiencing a trend of increasing numbers of citizens participating in white-collar employment, rather than in the manual labor force (Horrocks and Kolinsky 80). With these worries in mind, the German government took initiative on importing laborers from other countries.

Germany thus formed labor agreements with several Mediterranean countries. It had previously established such an agreement with Italy, but in the early 1960s, Spain and Greece joined the list as well. As the 1960s progressed, Germany created further agreements with Turkey, Morocco, Portugal, Tunisia, and Yugoslavia (Horrocks and Kolinsky 79). German employers would request a certain number of laborers, as well as their preferred country of origin, and if an insufficient number of German laborers were available to fill the position, then the request was passed on to the countries involved in the agreement (Martin 35). The laborers who arrived were typically unskilled men under 40 years of age, who arrived on 12-month contracts (Horrocks and Kolinsky 80). Their transportation to Germany was paid for by the German Labor Office, while their employers usually provided them with dormitories for living (Martin 35). Unlike guestworker programs in other countries, Germany's labor migrants enjoyed numerous benefits. They received unemployment benefits, sickness pay, and federal holidays (Horrocks and Kolinsky 80). For most of these laborers, working in Germany was far preferable to remaining in their home countries.

Germany's first major wave of immigration lasted from 1958 to 1966 (Siebert 168). After a brief recession in 1966, nearly 500,000 guestworkers were sent home to ensure that German laborers could get work (Martin 36). The second wave of immigration began in 1968, but stopped in 1973 when Germany's economy experienced an oil shock, resulting in a major recession (Siebert 168). While short-lived, the growth of labor migration during this second wave was enormous. While there had been less than 300,000 guestworkers in Germany in 1960, there were 2.5 million of them in 1972, constituting 12% of Germany's work force (Martin 35). Furthermore, the predominant nationalities of these workers had changed from Italian to Turkish and Yugoslavian (Martin 35). During the 1973 recession, as the perpetually popular scapegoats

during economic hard times, guestworkers came under the scrutiny of the public eye (Freeman 886). The government halted recruitment in 1973, but despite public pressure, it did not deport the guestworkers (Horrocks and Kolinsky 82). In fact, the government, led by the Social Democratic Party (SPD), declared that "no legally employed foreign worker…shall be forced to return home" (Joppke 284). The government did, for its part, try to pressure manufacturers to stop hiring guestworkers. In February 1973, the government announced that the recruitment fee would raise from 350 Deutsche Marks per worker to 1,000 Deutsche Marks in the September of that year. Unwilling to lose such cheap labor, employers hired more than 500,000 foreign laborers in the spring and summer before the change took place, a higher influx than ever before (Martin 36). Labor migration to Germany was officially halted on November 22, 1973 (Martin 37). However, millions of foreign laborers were already there to stay.

Part of the German government's approach to the guestworkers can be attributed administrative rulings in the 1960s and 1970s that established certain rights for guestworkers, and which were phrased vaguely enough in regards to deportation that local authorities could refuse to force guestworkers out of their jurisdictions (Martin 36, Horrocks and Kolinsky 87). Furthermore, employers found it burdensome to continuously train new employees year after year, and thus they strongly favored hiring laborers past their contracts' expiration dates (Martin 36). An additional reason for the government's reluctance to deport guestworkers is the country's pride over its post-WWII history of defending human rights. In the decades following World War II—and even arguably today, as will be addressed later in the chapter—Germans sought a sort of moral redemption for the atrocities their country had committed during the Holocaust. Thus, the country has made a significant effort to establish and support human rights, and has prided itself on its new legacy. This conviction has had an enormous effect on Germany's legal

policies over the past decades. In the view of the German government, or at least the Social Democratic Party, which held power at the time, deporting the guestworkers would have violated the dignity of those individuals, which Article 1 of Germany's Basic Law declares to be "untouchable" (Joppke 284). Thus, the recession did not justify the deportation of the guestworkers.

While the recruitment ended in 1973, immigration to Germany did not. Christian Joppke describes European family immigration as distinct in that it recognizes the inherent right of immigrants to bring their spouses and children with them (Joppke 281). By the time the *Anwerbestopp*, or the stop to recruitment, was implemented, 60% of guestworkers had already brought their families to Germany (Horrocks and Kolinsky 91). The aforementioned rulings of the 1960s, which secured rights for guestworkers, had declared that dependents could join their guestworker family members in Germany, so long as those family members had been employed for one year and had "suitable housing" (Martin 36). By accepting the family members of guestworkers, Germany continued to bring more immigrants into its borders. Furthermore, the settlement of these families in Germany discouraged guestworkers from only remaining for a short period time, as had been the original agreement (Carr 21). Regardless of Germany's plan for the guestworker program to be strictly temporary, by the 1970s, permanent ethnic minorities had been formed in Germany (Freeman 892). The guestworkers were there to stay.

Gary P. Freeman identifies three popularly held beliefs that have emerged from legacy of Germany's guestworker era. The first of these is that, just like the guestworker program, any temporary labor programs will result in more migrants settling permanently in the country. The second conviction is that new migrants to the country will largely come from outside of Europe's borders. The third is that the state is incapable of controlling borders and managing immigration,

as evidenced by the German government's failure to fully halt immigration during the 1973 recession, much less return the guestworkers to the countries of origin (Freeman 890). The guestworker program left a bitter taste in the mouths of many German citizens.

Thus, much like other Western European countries, there is an inherent skepticism among Germans concerning immigration and labor programs. This can partially explain some Germans' current worries about immigration, such as that people are immigrating for benefits rather than because of persecution in their home countries, referred to as "social welfare migration" (Siebert 169). However, these worries have not deterred Germany's government from continuing other recruitment programs, largely due to the country's struggle to produce enough of its own qualified individuals for highly specialized fields. The Green Card program, for example, which began in 2001, invited IT professionals to come to work in Germany. This program, which will be elaborated upon later in this chapter, is different from the guestworker program in that it aimed to bring in highly specialized workers for permanent residence in the country. However, it represents a continuing trend; due to the combination of a low birth rate and an aging work force, Germany's economy increasingly depends on the influx of foreign workers to support its industries.

The legacy of the guestworker era is marked by division. On one hand, many German citizens are skeptical of immigration, particularly their own government's ability—or lack thereof—to control it. On the other hand, the German government is still open to welcoming specialized workers into the country, largely due to its own shrinking work force. Adding to the divide is Germany's pride over its legacy of human rights and many Germans' desire to defend that legacy. One of Germany's great struggles today, arising predominately out of the

guestworker era, is figuring out how to balance its labor needs and human rights ideals with the reality of what that might mean for immigration.

<u>German Identity: Who is a German?</u>

The question at the center of Germany's immigration policies is that of what constitutes the German identity. During the country's years under National Socialism—and to an extent, even before that—German identity was rooted in ethnicity and culture. Any person born of German blood was unquestionably German, regardless of where he or she was born or raised. In the years following the fall of the Third Reich, Germany has struggled to reconcile itself with its past. During this process, divisions have emerged within German society over what its new identity should mean, a debate that becomes increasingly relevant as the country witnesses expanding multiculturalism within its borders. As the ideology of "German blood" grows more outdated, Germany struggles to answer a new question: Who is a German?

As with many other European countries, Germany's self-identity was long based in the shared belief that there was one German ethnicity and culture. The horrors of the Holocaust most drastically exemplify this way of thinking, as the country attempted to "purify" itself of those who did not conform to the popular notion of German identity. Since the end of World War II, Germany has not only attempted to atone for those atrocities, but it has even begun to reconstruct a new self-identity as well.

This recalibration of Germany's identity began with the "forty-fivers," or those Germans who had come of age around the fall of the Third Reich. While forty-fivers' opinion of Hitler himself was split, with some faulting other members of the Nazi Party for the horrors of the Holocaust while others assigned blame to Hitler as well, they shared a common dislike for the

Nazi Party (Moses 63). Additionally, they suffered a similar crisis of identity; they had been raised under the ideology of National Socialism, with many of them having been members of the Hitler Youth, and the end of the War triggered the dissolution of the ideals they had been brought up with from the brutal reality of Nazi Germany. In this aftermath, many forty-fivers developed a shared conviction: they could not allow such events to happen again (Moses 57). This conviction, however, was not driven by new ideals of humanitarianism. Rather, forty-fivers generally emphasized their own victimhood under the Nazi regime, overlooking the suffering of the victims of the Holocaust (Moses 68). Thus began an ideology of remembrance in Germany, but not one of repentance.

The promotion of human rights in Germany began with the "sixty-eighters," the generation that came immediately after the forty-fivers and who were so named for their widespread involvement in the 1968 student uprisings in Europe. The sixty-eighters were notably more moralistic than their predecessors and refused to empathize with their parents' experiences under the Nazi regime, choosing instead to distance themselves from what they viewed as a tarnished national legacy (Moses 60). In addition to this division between the forty-fivers and sixty-eighters, the forty-fivers were critical of the younger generation's moralistic idealism, as it reminded them of their own experiences with utopianism as part of the Hitler Youth (Moses 64). The clash between the two generations exemplify a seemingly irreparable divide in post-World War II German thought: the forty-fivers wanted to remember their suffering under the Third Reich, while the sixty-eighters sought to escape that legacy. Furthermore, while the forty-fivers remained politically benign or inactive, the sixty-eighters were actively involved in trying to effect political and social change in Germany.

These two thought processes came together with the emergence of the "non-German Germans" in the 1950s. These non-German Germans converged the forty-fivers' painful memories of life under the Nazi regime with the sixty-eighters' extreme aversion to any sort of nostalgia for that time. The result, for the non-German Germans, was a philosophy that rejected nationalist ideals (Moses 105). Their thought processes were fueled by the manner in which former Nazis easily integrated back into German society after the war, as well as the lack of remorse shown by a number of pro-Nazi thinkers (Moses 110). For example, Jürgen Habermas, the unofficial leader of the non-German German movement, broke off from his mentor, Martin Heidegger, whom he viewed as unwaveringly unapologetic for his support of the Nazis (Moses 111). Furthermore, a strong wave of anticommunist sentiment in West Germany gave ex-Nazis a window of opportunity to slip past judgment for their actions and reintegrate themselves into society (Moses 113). Watching this unfold, the non-German Germans sought to reinvent the German identity through the absolute rejection of nationalism.

This rejection of nationalism required that the German people become critical of all traditional notions of national identity in Germany. Only those traditions that were compatible with democratic constitutionalism could be perpetuated (Moses 231). By rejecting traditional national identity, these non-German Germans promoted one that "could only be procedural, enabling a tolerant pluralism of other, non-German cultures" (Moses 235). In their view, German identity must be based solely in law, rather than in culture or ethnicity. As far as this philosophy applied to immigrants, it meant that German society could not require them to fully assimilate into German culture while abandoning their own. The only requirement that could be asked of them was to cooperate with the German political processes (Moses 237). It was the non-German Germans' welcoming approach to multiculturalism that shaped nationality law in the 21st century.

Until 2000, Germany granted citizenship exclusively under the principle of *jus sanguinis*, or "right of blood" (Frölich 476). Not unlike some of its European neighbors, such as Italy and France, this meant that only those who could prove German ancestry could attain citizenship. As the turn of the century neared, this policy lost popularity. This can be partially attributed to Germans' wariness of policies resembling those enacted under National Socialism, which wholly embraced the concept of *jus sanguinis* (Frölich 476). Furthermore, Germany's immigration law allowed for an enormous influx of immigrants from Eastern Europe, many of whom had no cultural or linguistic connections to Germany. Meanwhile, children of guestworkers and other long-term foreign residents, who had grown up surrounded by German culture and language and who identified as German, could not gain citizenship (Convey and Kupszewski 953). These factors led to widespread dissatisfaction with Germany's nationality law.

In 2000, German nationality law changed to reflect its increasingly multicultural population. First of all, foreigners who had resided in Germany for at least eight years, who could support themselves financially, and who had no criminal record could gain citizenship. Furthermore, anyone born in Germany received automatic citizenship provided that one parent was born in the country, had resided there for at least eight years, or had an unlimited residence permit (Siebert 176). This allowed for the aforementioned children of immigrants, who spoke German and identified with German culture, to become citizens of the nation in which they were raised. Additionally, and as will be discussed later, these changes to German nationality law brought into question whether Germany was an ethnic nation or an immigrant one.

Further fueling this question were Germany's post-2000 immigration programs. As mentioned previously, Germany introduced the Green Card in 2001. This program, which was created in response to a shortage of skilled professionals at German companies, invited IT

workers to come to work in Germany (Jacoby 9). This program lasted until 2004, although it was not Germany's last attempt to attract STEM professionals (Siebert 173). In 2005, Germany's immigration law established new visas for highly skilled professionals in the science, technology, and engineering fields (Jacoby 10). In addition, the law stated that the German government would provide 600 hours of German language instruction to new immigrants (Jacoby 9). With these changes to the law, Germany not only invited new workers in; it set out to integrate them as well.

Some population statistics provide ample reasoning for the German government's actions. As mentioned in the earlier section, Germany has a rapidly aging population. By 2050, Germany's population is expected to decrease from 82 million to 60 million (Frölich 479). By 2020 alone, over 50% of the country's workers will be over 50 years old. Already, 70% of German companies have reported difficulties finding skilled laborers, a shortage that costs the country $20 billion each year. To make matters worse, even Germany's highly skilled foreign students do not stay after graduation. Of the 60,000 students who come to Germany each year, only 6,000 remain in the country after graduating. Additionally, Germany's employment visas, much like its Green Card program, brought in far fewer professionals than intended (Jacoby 10). Should these trends continue, Germany is projected to experience a pension crisis as soon as 2020 (Frölich 479). Regardless of whether Germans want more immigrants, their government has not been offered much of a choice: to maintain the health of its economy, the country must continue to accept new immigrants.

While Germany's need for immigrants is rather self-evident, its citizens' attitudes towards immigrants is an issue all its own. Despite Germany's large immigrant population, Angela Merkel stated in 2010 that multiculturalism had failed in Germany (Jacoby 8). How

could Germany, a country so proud of its postwar human rights record that it even refused to deport guestworkers, experience such a failure? Harald Bauder identifies an ongoing debate in Germany revolving around the question of whether Germany is an ethnic nation or an immigrant one (Bauder 161). One might suppose the answer would be obvious, considering that 20% of German residents are either first or second-generation immigrants (Jacoby 13). However, not all Germans are in agreement. In 2000, 76% of Germans reported that they believed Germany was an immigration country (Bauder 163). This high percentage exists despite the fervent attempts of conservative politicians to dispel the idea of Germany as an immigrant nation in the 1990s. (Bauder 164) However, in a poll conducted just two years later, 50% of Germans were against the arrival of new immigrants (Bauder 165). The most likely explanation for this discrepancy is that Germans believe that Germany has become an immigrant nation, but still desire an end to immigration.

Germans' reluctance to accept immigrants can be attributed to several factors. One of these is that a disproportionate amount of immigrants are unemployed compared to the general population. Between 1994 and 2004, foreign-born men and women had unemployment rates of 16.4% and 14.7%, respectively. In comparison, the unemployment rates for native-born men and women were 9.3% and 9.2% (Lancee 50). Additionally, as of 2005, they comprised 22.1% of social welfare benefits recipients, a percentage greater than their own percentage in the German population (Siebert 171). These statistics have fueled considerable animosity towards immigrants among low income Germans, who compete with them for jobs and housing. For this reason, Horst Siebert identifies more xenophobia in eastern Germany, which continues to suffer higher rates of unemployment, than in the west (Siebert 170). In a sentiment heard time and again by

populations around the world, many native Germans are concerned that immigrants will take resources and jobs away from them.

Furthermore, immigrants and their children have struggled to keep up with the educative and employment success of ethnic Germans. For example, in 2009, only 9% of high school students from Turkish families passed the test that permitted them to attend university. In comparison, 19% of ethnic German students passed. Additionally, while two-thirds of young Germans attend vocational training programs, "only a quarter of youth with immigration backgrounds are enrolled" (Jacoby 13). Whereas some commentators might allege that immigrants come from less educated backgrounds, it is important to note the xenophobia that exists within German institutions. In 2015, for instance, two economists from the University of Konstanz submitted identical resumés to employers under German and Turkish names. The applications submitted under German names received a greater callback rate than those submitted under Turkish names (Jacoby 13). Many immigrants report that they feel as if they will never be fully accepted into German society. Tamar Jacoby suggests that this may be part of the reason why immigrant workers do not stay for long in Germany; they worry that the schools and will fail their children. Meanwhile, university graduates are concerned that they may face discrimination in the German workplace, and thus choose to return to their countries of origin (Jacoby 13). While it appears that immigrants and their descendants are typically willing to become an equal part of German society, there is a deeply embedded xenophobia in German society that prevents them from doing so.

There is another facet to this xenophobia, however. Likely due to Germany's Turkish population, which comprises the largest ethnic minority in the country, many Germans correlate immigration with the arrival of more Muslims. Bauder states that "between 2002 and 2006

Bundestag debates associated immigration far more frequently with Muslim populations than with any other ethnic or origin group" (Bauder 167). In these debates, Bauder writes, the Islamic faith was often presented as "incompatible with Germany's secular democracy" (Bauder 167).

German xenophobia has a particular stronghold in Islamaphobia. In 1995, 40% of Germans viewed German Muslims as a threat; in 2006, most likely influenced by 9/11 and similar terrorist attacks, this number had risen to 55%. Meanwhile, 42% of Germans feared that there were terrorists among the German Muslim population (Bauder 167). These Islamaphobic sentiments carry over onto the floors of political institutions as well. In 2010, The Commissioner for Foreigners at the Thuringian Ministry of Social Affairs, Family and Health, Eckehard Peters, was sent into early retirement after he distributed a book called *Good Bye Mohammed* at ministries and schools (Malik 496). Other polls have suggested that there are further preconceived notions of Islam among the German population; 90% of them, for instance, believe that Islam is discriminatory towards women (Bauder 176). These beliefs exemplify a certain amount of ignorance and fear among the German population and provide insight to their attitudes towards immigrants as a whole.

There exists within German society a concept of "otherness" in regard to Muslims. Muslims are often viewed as belonging to a disparate culture that is simply incompatible with German society and its values. This concept is particularly evident in German immigration debates, which, at least under the CDU, emphasize the importance of Christian values (Bauder 176). Despite the efforts of Habermas' non-German Germans, a considerable amount of German national identity is still based in traditionally German culture and Christianity.

There is additionally a popular belief that immigrants, particularly the Turkish community, are reluctant to integrate into German society (Bauder 175). In 1999, following a

decade of demands by conservatives that foreigners integrate, Günther Beckstein, Bavaria's minister of the interior, suggested that a *Leitkultur*, or "dominant culture," should be adopted by German society and that immigrants should conform to it (Bauder 177, Manz 483). What ensued was a national debate that lasted for two years.

Liberals argued that the concept of Leitkultur was too similar to the values of the Nazi regime, which emphasized the German people as a *Volk* with a common culture, ethnicity, and future (Manz 483). Regardless of the efforts of the non-German Germans, this sentiment— though not as widespread as it was under Third Reich—is still very much alive in Germany. Even in 1996, a poll demonstrated that 25% of Germans disapproved of marriages between Germans and foreigners living in the country, but considered ethnic Germans whose families had resided elsewhere for generations, such as those emigrating from the USSR, to be members of the national community (Bauder 166). Paul Spiegel, chairman of the Central Council for the Jews in Germany, recalled the ideology of Volk in the Nazi regime when he commented, "What is all this twaddle about Leitkultur? Is chasing up foreigners, setting fire to synagogues, killing homeless people part of German Leitkultur?" (Manz 486).

Other leaders of religious minority groups, such as Nadeem Elyas, chairman of the moderate Central Council of Muslims in Germany, criticized the concept as well. Elyas expressed concerns that Leitkultur was simply a "catchword," which could be misused by far right, xenophobic groups (Manz 485). Hilmar Hoffman, the president of the Goethe Institute, a worldwide German language school, commented on the pointlessness of even suggesting that there could be a dominant culture, writing, "Cultures and ways of life do not resemble static structures and that every attempt at regulating culture must be futile as it is subject to the dynamics of societal processes" (Manz 487). In effect, German culture was bound to change; to

try to stop this change—to try to preserve some idealized, outdated image of the country—was

not merely morally wrong, but altogether impossible.

A popular argument during the debate centered around the Americanization of German

culture. Critics of Leitkultur maintained that due to the enormous influx of American media and

products, German culture was already irreversibly Americanized. Stefan Manz details the unfair

pedestal that Leitkultur put immigrants upon, as he writes, "Whilst the young elites diffuse into a

global Americanism, it should now be the Africans, Turks and Indians who are sworn into a

German 'remainder-culture' and act as its conservators. The ostracized foreigners were therefore

not only supposed to save the German social system but also its culture" (Manz 487). According

to Manz, the culture promoted by Leitkultur had long been gone from Germany. If Germans had

abandoned that culture, it was unreasonable to expect immigrants to rebuild and maintain it.

While the Leitkultur campaign simmered out after two years, the demand for foreigners

to integrate was widespread in Germany. In a 1996 poll, 60% of Germans supported greater

assimilation of foreigners into German society (Bauder 179). Furthermore, the same nationality

law that had opened the doors to citizenship for immigrants additionally required that they learn

German (Bauder 177). Under the Christian Democratic Union, the non-German Germans' hopes

for a strictly political national identity, unfettered by cultural or linguistic traditions, have

floundered.

A primary reason for this persisting conception of "otherness" is that Muslims are often

viewed as a single, homogeneous group. This, of course, overlooks the many cultural, historical,

and generational differences, among others, that make the Muslim community in Germany so

diverse. Jamal Malik identifies this notion in a 2005 coalition agreement between the CDU and

the SPD, which calls for a "dialogue with Islam" (Malik 500). Malik writes:

"The expression 'Dialogue with Islam' already indicates that the state 'creates' its discussion partners in search for a single representative organ, which can speak for every Muslim. This is based on the implicit assumption that there is a problem, an incompatibility that can threaten the desired and intended peaceful interaction between the dialogue partners, if it is not resolved." (Malik 500)

In addition to regarding the Muslim community as a homogeneous group with the same interests, the coalition indicates that a failure to integrate would result in dangerous consequences. In its attempt to reconcile two cultures, this assumption only works to highlight the perceived divide between them.

Malik highlights the distinctions between three generations of migrants. The first generation is typically resistant to integrate into German culture. In contrast, their second-generation children do integrate, though they do not seek out upward mobility to the same extent as the third generation. Members of the third generation largely identify as German and often intend to better their living standards within German society (Malik 500). By regarding the German Muslim community as a homogeneous group, the German government overlooks the nuanced nature of its generational differences. While first generation migrants are often resistant to integrate, the third generation already identifies as German; it can perhaps be argued that by perpetuating this concept of otherness, the German government only pushes this third generation to the fringes of German society, thereby creating the very dilemma it had sought to eliminate in the first place.

Regardless of the matter of integration, the influence of immigrants on German society cannot be overlooked. From Mesut Özil, who helped lead the German national team to victory in the 2014 World Cup, to Fatih Akin, the prominent director of such films as *Im Juli* and *Gegen die Wand*, which notably feature German-Turkish characters, the Turkish population in Germany has produced a number of cultural icons. Meanwhile, Düsseldorf boasts a sizable Japanese

population and celebrates Japan Day each year and Vietnamese-Buddhist temples can be found throughout the country. Perhaps the greatest expression of this mixing of cultures is that of one of Germany's most popular fast foods, the *döner kebab*, which combines a classic Turkish dish with popular German flavors, such as red cabbage. Each year, some 720 million servings of döner kebab are sold nationally (Angelos 2012). While the debate over integration continues, one fact is irrevocable: immigrants have left an indelible mark on German culture and society.

This discussion over integration, of course, brings to question whether integration is even necessary in the first place. From the perspective of the non-German Germans, the concept of asking immigrants to integrate into German culture is both absurd and unacceptable. In their view, there can be no national identity other than a political one; to declare a Leitkultur and request that immigrants conform to it would be to mirror the tenets of National Socialism. For other Germans, integration is a necessity for the continuation of German society and culture. The issue at hand is not, as they argue, one of ethnicity, but rather one of incompatible values between two disparate cultures. Harald Bauder, however, calls this expectation that immigrants will assimilate "inconceivable," arguing that immigrants will inevitably continue to hold on to aspects of their own cultures (Bauder 168). If assimilation is such an unrealistic option, then the debate must return to the matter of immigration. If Germany means to fully reject and amend for its Nazi past, must it continue to accept immigrants who refuse to abandon their own histories and cultures in favor of a Leitkultur? Or is the very concept of a Leitkultur too reminiscent of the ideals of National Socialism? These are among the questions that frame the debate over German national identity today. As the debate continues, the fact remains that Germany continues to be an increasingly multicultural society. It is only up to the German people to decide whether to accept these changes or not.

<u>Conclusion</u>

As the Third Reich crumbled in 1945, so too did the ethnically homogeneous image of German national identity that it had promoted. Out of that shattered image, German thinkers and common people alike sought for a new national identity on new terms, one which would spare them from repeating the travesties that had defined the Third Reich. For some, such as the forty-fivers, this drive was focused on their own suffering during the Nazi regime. For the sixty-eighters, this new national identity would be based in an outright rejection of the past and a firm promotion of human rights. These differing stances would merge in the philosophy of the non-German Germans, who rejected nationalism in favor of a German identity that was defined solely by law, rather than by a common culture or ethnicity.

Philosophy and the actual implementation of that philosophy into political reality are two different things, however. In some aspects, the non-German Germans' purely legal approach to German nationality made strides of progress into the 21st century. It opened the door to citizenship for the children of guestworkers and other immigrants, who had grown up in Germany and were linguistically and culturally German. Moreover, the German government sought to facilitate the integration of new immigrants through various means, including the provision of German language instruction. Although Germany's government has appeared to be supportive of new immigrants, racism has persisted in German society. In school and the workplace, racist—and particularly Islamaphobic—attitudes have limited immigrants and their descendants' opportunities for success. Meanwhile, many Germans, regardless of their positions on immigration, maintain that immigrants must integrate into German society, thereby refusing to even acknowledge the possibility that the integration must be mutually enacted. This spurred

the debate over Leitkultur, which for some Germans was a logical part of integration. For others, it echoed too closely the violent ideology of National Socialism.

It is debates such as that of Leitkultur that continue to shape the evolution of German national identity. At the center of those debates are the issues of immigration and multiculturalism, which call Germans to reconsider those qualities that define them. Is the pre-2000 immigrant from Eastern Europe, who can trace his or her ethnicity to Germany, but who understands little of German language or culture a German? What of the children of immigrants, who already identify as German and who were brought up through the German school system with their German peers? Perhaps most pressingly, where in this process of determining true German identity does the debate begin to incorporate the same ideas that allowed for the rise of National Socialism? German society is fractured over the topic of multiculturalism. Some Germans are in favor of the non-German Germans' purely political concept of national identity, which welcomes immigrants and promotes human rights ideals. For other Germans, those ideals of inclusion and acceptance represent a new German national identity that they neither recognize nor approve. Thus, they cling to traditional notions of German national identity, such as shared ethnicity or culture. The debate over German national identity pits those who support the traditional concept of national identity against those who reject the traditional concept as just another racist ideal of National Socialism.

Chapter Three: Germany and the Current Refugee Crisis

Introduction

Since 2014, conflicts in North Africa and the Middle East have brought large inflows of asylum-seekers streaming into Europe. Germany has not only accepted the greatest amount of these asylum-seekers, but it has additionally pushed for other EU member states to accept more asylum-seekers, earning it an international reputation as a leading proponent of human rights in the European Union. There is, of course, significant controversy both in the EU and within Germany itself regarding the Merkel government's position on the asylum-seekers. This chapter will examine the politics and conflicting views surrounding the current crisis. The first section will review the history of asylum policies in Germany following World War II. The chapter will then provide an overview of Europe's migrant crisis, focusing especially on the opposing views in the EU regarding the crisis, particularly between Western European and Eastern European states. The chapter will additionally detail Germany's leadership role in the crisis and the political debates in the country regarding its massive inflow of asylum-seekers. Germany's acceptance of so many asylum-seekers and its promotion of human rights in the European Union have brought it international praise as a hero in the EU, but the details—as details typically do— provide a more complicated image of a nation that is itself divided over its approach to the crisis.

Asylum in Germany

The right of asylum was first established in Article 16 of the West German Constitution in 1949. The article stated, "Persons persecuted on political grounds shall have the right of asylum" (BPB 2015). Through the 1970s, the majority of asylum-seekers were fleeing Eastern

bloc states. At the end of the 1970s, however, a military coup in Turkey and martial law in Poland caused a sharp spike in the number of asylum-seekers in Germany, with 200,000 applications filed from 1979 to 1981 alone. Due to the rising number of asylum-seekers, the German government amended the asylum process in an attempt to make the country appear less desirable to asylum-seekers. They made it more difficult to appeal against negative decisions, required visas for those fleeing particular countries, disallowed applicants to work for the first year while their applications were being processed, and reduced social benefits for asylum-seekers (BPB 2015). This, they hoped, would deter asylum-seekers from entering Germany.

However, the number of asylum claims continued to rise in the 1980s, prompting the CDU and CSU to push for an amendment to the Constitution, which would increase restrictions on the right of asylum. However, the SPD and the Free Democrats (FDP) opposed this movement, and without a two-thirds majority, the Constitution could not be amended. As the number of asylum claims rose, so too did suspicion that many asylum claimants were merely just economic refugees (BPB 2015). From 1991 to 1992, 60,000 people were entering Germany each month, peaking after fall of the Iron Curtain in 1992, at which point three-quarters of all asylum applications being processed in the EU were registered in Germany (Convey and Kupszewski 957, BPB 2015). This was enough for a compromise among Germany's political parties, who on December 6, 1992, amended Article 16 of the Constitution. While this compromise could be attributed to the spike in incoming refugees after the fall of the Iron Curtain, it is perhaps of significance to note that after German reunification in 1990, there was no longer any need or desire for the West German government to facilitate the asylum-seeking process for refugees from East Germany, whom they considered to be unequivocally part of the German people.

The 1992 amendment introduced the concept of "safe third countries," those which are in accordance with the Geneva Refugee Convention and European Convention on Human Rights, such as Norway. If deemed necessary or appropriate, Germany can send asylum-seekers to these safe third countries instead of keeping them within its own borders. The amendment additionally identified "safe countries of origin," which are states that do not pose a risk of political persecution or humiliating treatment. As of March 2015, Germany considers all of the EU, Ghana, Senegal, Serbia, Macedonia, and Bosnia and Herzegovina to be safe countries of origin. Asylum-seekers from those countries have fewer opportunities to appeal negative decisions than do other asylum-seekers. Additionally, the Asylum-Seekers' Benefits Act established a social security system for asylum-seekers that included fewer or less generous benefits than that of citizens (Siebert 169, BPB 2015). In 1994, asylum-seekers lost all social welfare benefits. Instead, asylum-seekers are given housing and coupons for food. Asylum-seekers may only receive social welfare benefits if the asylum procedure lasts for over three years (Siebert 171). Until asylum is granted, asylum-seekers are not permitted to travel freely throughout the state. In some cities, their freedom of mobility is restricted to a mere six square miles (Carr 135). As long as the asylum process continues, asylum-seekers are restricted financially and in terms of mobility.

Once asylum is granted, people are granted a temporary residence permit and are "entitled to social welfare, child benefits, child-raising benefits, integration allowances and language courses" (BMI 2016). If asylum is not granted, the Federal Office for Migration and Refugees (BAMF), which reviews asylum applications, determines whether there are grounds for prohibiting deportation of the asylum-seeker. If not, then the asylum-seeker must leave Germany (BMI 2016). The restrictions for asylum-seekers have increased markedly since 1949, as the

German government has attempted to curb the rising number of people entering the country's borders. Therefore, Germany's role in the current refugee crisis represents a fascinating contrast to its own policies.

<center>The Current Migrant Crisis</center>

Over the past few years, the number of refugees coming to Germany and other European countries has been steadily rising. However, that increase has steepened rapidly since 2014, in the wake of conflicts in North Africa and the Middle East (Tomkiw 2015). In the six months between January and July of 2015, 438,000 people applied for asylum in the European Union, compared to 571,000 in all of 2014 (BBC News 2015, "Migrant crisis: Why EU deal on refugees is difficult"). The majority of people crossing Europe's borders are asylum-seekers fleeing war in Syria and Afghanistan and violence under a corrupt government in Afghanistan (Tomkiw 2015). Since 2011, The Syrian civil war alone has displaced more than 4 million people, according the UNHRC (Tomkiw 2015). Europe has become an attractive destination for refugees for several reasons. For one, camps in Lebanon and Turkey have become overpopulated and refugees have been forced to look for safety elsewhere. Due to its proximity to the Middle East and North Africa and its relative economic stability, Europe has become the preferred option for many refugees (Tomkiw 2015).

European countries have responded to the crisis in different ways. While Germany has been lauded for its policy of *Willkommenskultur*, or "welcome culture," other countries, such as Hungary, have expressed greater resistance to accepting or even aiding refugees (Smith-Spark 2015). Hungarian Prime Minister Viktor Orbán has become a sort of figurehead of the anti-refugee movement in Europe, and in 2015, his country even constructed a four-meter high fence

along its border with Serbia to prevent refugees from entering (BBC News 2015, "Migrant crisis: Germany starts temporary border controls"). Furthermore, Hungary has faced accusations of poor treatment of refugees in camps and train stations (Smith-Spark 2015, Bennhold and Eddy 2015). Hungary has placed blame for these complaints on Germany, as it is one of the primary destinations for refugees, for reasons that will be explained later (Smith-Spark 2015, Graham-Harrison et al. 2015).

Anti-refugee sentiment is rife within Eastern Europe, often intermingling with Islamaphobia. Just this past February, a conservative Polish magazine, wSieci ("The Network") pictured a blonde woman wrapped in a European Union flag being assaulted by numerous men on its cover. The headline read, "The Islamic rape of Europe" (Sherwood 2016). One article in the magazine says of the sexual assaults in Cologne, which will be detailed later, "The first signs that things were going wrong, however, were there a lot earlier. They were still ignored or were minimized in significance in the name of tolerance and political correctness" (Sherwood 2016). This article is just one representation of the anti-refugee sentiment that has dictated many Eastern European governments' policies through the course of the migrant crisis.

A September 2015 EU commission has only worsened political relations within Europe in regards to this crisis. Identifying 120,000 refugees to relocate throughout the EU, the commission established mandatory refugee quotas in each of its 28 member states. Only refugees from Syria, Iraq, and Eritrea qualify for the plan, and groups such as unaccompanied children and rape victims are prioritized (BBC News 2015, "Migrant crisis: Why EU deal on refugees is difficult"). While some countries, such as the UK and Denmark, have pushed for an option for countries to opt out from the plan, others have outright rejected it. Most of these countries, which include Hungary and Slovakia, are part of Eastern Europe, highlighting a regional divide within

the EU. When Germany introduced new immigration controls to manage the crisis, Prime

Minister Orbán expressed support for them, calling them "necessary to protect German and

European values" (BBC News 2015, "Migrant crisis: Germany starts temporary border

controls"). Moreover, other countries, such as Poland and the Czech Republic, have expressed

willingness to take in more refugees, but oppose the mandatory quotas (Eddy et al. 2015). The

EU has grown increasingly fragmented as its member states vehemently disagree with one

another in regards to how best to handle this crisis.

A particularly troubling development in the EU's handling of the crisis has arisen in

March 2016, as the EU and Turkey have considered a deal that would enable the EU to send

asylum-seekers back to Turkey, while providing more money to Turkey and visa-free travel for

its citizens (Nebehay and Baczynska 2016). Under the terms of the "one in, one out" deal,

Turkey would accept one Syrian asylum-seeker in Greece for every Syrian accepted by the EU.

In addition to being illegal under the Geneva Conventions, which forbid collective expulsions,

Turkey has a particularly poor record of human rights (Verhofstadt 2016). While the UNHCR

and human rights groups, such as Amnesty International and Doctors Without Borders, have

criticized the deal as illegal and inhumane, the EU has presented it as a part of a pragmatic

solution to an overwhelming inflow of people. Referencing the 2.7 million Syrian refugees taken

in by Turkey, Angela Merkel said of the deal, "That's why it's only fair of us to ask first: can we

give Turkey a little bit of help in shouldering this task? (Nebehay and Baczynska 2016). If

finalized, this deal would represent another enormous failure on the part of the EU to uphold its

obligations to human rights and international refugee law.

In September 2015, UNHCR head António Guterres criticized Europe's inconsistent

management of the crisis. He stated, "Europe cannot go on responding to this crisis with a

piecemeal or incremental approach. No country can do it alone, and no country can refuse to do

its part" (UNHCR 2015, "UNHCR chief issues key guidelines for dealing with Europe's refugee

crisis"). Guterres further established six fundamental principles in regards to the crisis. The first

of these is that this is primarily a refugee crisis, not a "migration phenomenon," as many of those

opposed to accepting the refugees have referred to it (UNHCR 2015, "UNHCR chief issues key

guidelines for dealing with Europe's refugee crisis"). Secondly, a common strategy must be

implemented in Europe in order to manage this crisis. Such a fragmented approach has proven

itself to be ineffective. Third, urgent measures must be taken to stabilize the situation in the long

term. Fourth, Guterres expressed support for a relocation plan such as the EU commission from

that September, stating that all EU member states must participate in a mass relocation program.

Fifth, anybody who enters the EU and is determined to not be a refugee must be returned to their

countries of origin in a manner that is efficient and which is respectful of their human rights.

Finally, Guterres identifies smugglers as dangerous criminals who must be targeted, while their

victims must be protected. In order to help this effort, Guterres says, there must be more

opportunities for people to legally enter Europe. Additionally, the conflicts and wars that are

generating this crisis must be addressed (UNHCR 2015, "UNHCR chief issues key guidelines for

dealing with Europe's refugee crisis").

Regardless of the UNHCR's criticisms and suggestions, the EU has remained in a state of

disagreement over how to handle the crisis. Eastern European countries remain opposed to

accepting refugees, much less supporting a plan that would make such measures mandatory.

Western European countries, while more open to the idea of accepting refugees, have largely

resisted the quotas as well. The crisis has even thrown the very future of Schengen into question

as well. According to the rules of the Schengen Agreement, governments may suspend Schengen

for two years, a move that Germany itself is considering amid the crisis. Furthermore, Germany, Sweden, and Austria have criticized Greece's handling of the crisis and have warned that Greece could be ousted from Schengen (Traynor and Smith 2016). As governments seek to reduce the inflow of asylum-seekers into their countries, they increasingly prioritize the security of their own borders, casting doubt over whether Schengen may even have a long future in Europe.

As long as wars and violence continue in North Africa and the Middle East, however, it is unlikely that the tide of refugees coming to Europe will be stemmed. Four-meter high fences and hardline opposition to accepting refugees will not be enough to stop them from coming. The countries of the EU must establish an effective way to manage the crisis or they will find themselves overwhelmed by an unrelenting influx of refugees.

<p style="text-align:center;">Germany's Role in the Crisis</p>

While Eastern European countries oppose refugee quotas and Western European countries try to shirk their own responsibilities, Germany has emerged as the de facto leader of the pro-refugee side of the debate. Having declared that it would accept all Syrian refugee requests, regardless of where they cross into the EU—thereby suspending the Dublin Regulation—Germany expected an inflow of 800,000 migrants before the end of 2015, the highest of any EU member state (Graham-Harrison et al. 2015, Eddy et al. 2015). This is a striking increase to the 127,000 people who were granted asylum in German in 2014 (Abé et al. 2014). Refugees are projected to eventually reach 1% of Germany's overall population (Eddy 2015). With Chancellor Angela Merkel as the face of this humanitarian campaign, Germany has begun to cement its reputation as the hero of the refugee crisis.

Germany's role in the crisis extends outside of its own borders, however. The country has been an active proponent of the EU's quota plan, advocating for EU solidarity in sharing its burden. Merkel, who has framed the refugee crisis in a humanitarian context, has made a point of reminding EU states that as members of the EU, they are obligated to support certain human rights standards (BBC News 2015, "Migrant crisis: Why EU deal on refugees is difficult"). Germany's Interior Minister, Thomas de Maiziere, has even proposed cutting off European Union funding to countries that oppose the quota system, as those countries presently do not face any repercussions for their rejection of the EU plan (Deutsche Welle 2015). While it might be partially correct to attribute Germany's support of the quota system to its humanitarian interests, another, more pressing reason is the country's desire to relieve itself of the heavy burden of accepting so many refugees on its own. Under the quota plan, Germany would still receive the most refugees of any member state, with 40,206 coming into its borders. France would receive the second highest number of refugees, 30,783, just over ¾ the amount going to Germany (Deutsche Welle 2015). However, the quota system would still relieve some of Germany's burden, especially considering its pledge to take in all Syrian refugees.

Much like the EU, Germany has implemented a quota system within its own borders. The Königsteiner key, so named for Königstein, the city in which it was drawn up, distributes refugees among Germany's states according to those states' populations and economic power. North Rhine-Westfalia, the most populous state, accepts the most refugees, followed by Bavaria and Baden-Württemberg (Bennhold and Eddy 2015). For the six months to a year that their asylum status is being reviewed, most asylum-seekers must remain in the cities in which they applied. Once they have been granted asylum, however, "they are free to settle anywhere in the country where they can find a job or a support system" (Bennhold and Eddy 2015). Germany's

quota system aims to make the process of locating refugees more efficient, though it has experienced its share of criticism.

One criticism, though fairly minor, focuses on asylum-seekers' inability to move freely throughout the country. Given these restrictions, they are often unable to reunite with family or settle in the areas of their choice—such as West Germany, which harbors less extreme anti-refugee sentiment than East Germany—until they have been granted asylum (Bennhold and Eddy 2015). However, a bigger concern is that the German government has overburdened its states with the sheer number of refugees coming into the country. For example, Dortmund's main processing facility was supposed to be able to accommodate 350 refugees per day; instead, it was forced to accommodate 1,500 refugees per day before Germany's borders were even opened (Smale 2015). As a result, Dortmund's community center has been opened to help manage the inflow of refugees, taking on 1,100 volunteers and interpreters to pick up the extra work. Additionally, the schools in Dortmund's state, North Rhine-Westphalia, expect to enroll 40,000 refugee children during the 2015-2016 school year, requiring the state to hire more than 3,600 new teachers. As of September 2015, North Rhine-Westphalia had accepted 144,000 of a projected national 800,000 asylum-seekers (Smale 2015). As Dortmund city spokesman Michael Meinders said of the repurposing of infrastructure and even the German Army to address the needs of refugees, "It works—just—but under immense pressure. Dortmund really can't go on like this" (Smale 2015). Furthermore, the German government is expected to spend $2-3.7 billion on refugees in 2016 (Eddy 2015). Germany's acceptance of refugees has placed a heavy burden on its states, which some fear may increase intolerance towards refugees in the country.

However, Germany has additionally faced criticism for not doing enough to help refugees. For instance, while Germany has taken in the most refugees of any EU member state, those

refugees do not make up a significant portion of its population. While they are projected to comprise 1% of Germany's population, their numbers are still far below that. Meanwhile, smaller states, such as Malta and Sweden "take in three times as many refugees as Germany does," relative to their populations (Abé et al. 2014). Further criticism was aimed at Germany in September 2015, when the country temporarily reinstated border controls with Austria to "help authorities process asylum-seekers in a more orderly manner" (Deutsche Welle 2015). This move forced hundreds of migrants to sleep overnight in a car park in Austria (Eddy et al. 2015). While the German government has worked to promote a humanitarian approach to the migrant crisis, shortcomings such as these exemplify the great strain the country is under. Considering this, it is no great surprise that Germany has pushed for the implementation of the EU commission, in the hopes that other countries may take up the weight of its burden.

<div align="center">Reactions Within Germany</div>

Political opinion in Germany is divided over refugee policy. The Social Democratic Party (SPD), which is a "junior partner in Merkel's 'grand coalition,'" supports Merkel's decision to accept more refugees (Nienaber 2015). Secretary-General Yasmin Fahimi of the SPD, for example, echoed Merkel's humanitarian stance when she remarked, "We had to give a strong symbol of humanity to show that Europe's values are valid also in difficult times. Hungary's handling of the crisis is unbearable" (Nienaber 2015). The SPD Mayor of Hamburg, Olaf Scholz, has additionally requested a more liberal visa policy, despite the burdens already placed on German states (Abé et al. 2014).

Meanwhile, Bavaria's conservative Christian Social Union (CSU) has taken a strong stance against accepting more refugees. Andreas Scheuer, general secretary for the CSU, has

stated that Germany "cannot carry the weight of the entire world's pain" (Abé et al. 2014). Instead, the CSU has emphasized focusing on problems in Africa in an effort to stem the migration. However, as the non-governmental organization ONE has noted, since 2013, Germany has cut more development spending in Africa than any other donor country. Although Germany has pledged €100 million to Africa, German newspaper *Der Spiegel* has acknowledged this as "a damage control effort" at best (Abé et al. 2014). Additionally, the CSU has expressed concerns over the financial burden of accepting so many refugees, with Bavarian Interior Minister Joachim Herrmann accusing Merkel of not considering the strain such numbers of refugees would place on Germany's states (Nienaber 2015).

Merkel's Christian Democratic Union (CDU) has faced something of an identity crisis, as its members are split between supporting Merkel's uncharacteristic decision to accept so many refugees and the anti-immigration stance of the CSU, their sister party. Interior Minister Thomas de Maizière, for instance, has urged the German government to establish a limit on asylum-seekers, as the temporary border controls between Germany and Austria were not enough to "reinstate an orderly entry process" (Eddy et al. 2015). He has further recommended the creation of "waiting zones," places along Germany's borders where migrants can stay until they are granted refugee status, either in Germany or elsewhere (Eddy et al. 2015). While the CDU seeks to support their party leader, their members have expressed concerns about the sheer number of asylum-seekers coming into their borders. However, even Merkel is not as openly accepting as her right-wing opposition might suggest. She has stated, "We agree that the commission should define safe countries of origin, that European countries should join forces to help Italy and Greece open registration centers, and that those who have no right to stay go back to their countries of origin" (Tomkiw 2015). This statement echoes popular rhetoric among right-wing

parties, namely that a distinct line should be drawn between refugees and economic migrants, as well as that safe countries of origin must be recognized so that migrants can be more readily deported from Germany.

Merkel's rhetoric has not been sufficient for the CSU, however, who have found a sort of spokesperson in Hungarian Prime Minister Viktor Orbán. When Orbán was invited to a CSU meeting, Bavarian state premier Horst Seehofer stated that the Prime Minister "deserves support, not criticism. In the federal state of Bavaria, he enjoys this support" (Delcker 2015). While the CSU supports Orbán's stance on refugees, both the CDU and SPD considered Orbán's invitation to the meeting as "backstabbing" (Delcker 2015).

Outside of government, the debate over refugees has been heated as well. According to a survey in March 2015, 1 in 3 Germans wanted their country to bring in more refugees (Abé et al. 2014). In particular, a number of Germans have expressed distaste towards Orbán's handling of the crisis in Hungary. The Bild am Sonntag newspaper, for example, featured a headline in support of Merkel's policies that read, "Merkel stops the shame of Budapest" (Nienaber 2015). Moreover, protestors outside the CSU meeting to which Orbán was invited chanted, "Say it loud, say it clear, refugees are welcome here" (Delcker 2015). An opinion poll in September 2015 showed that while Merkel's approval rating has dropped, most Germans are not worried about the inflow of refugees (Nienaber 2015).

While most Germans may not express an overt concern about the influx of refugees, far right parties have made their voices heard in the debate. In 2014, before the number of refugees coming into Germany began to skyrocket, tens of thousands of people were already participating in demonstrations by Patriotic Europeans Against the Islamization of the West, an anti-immigration party popularly known as Pegida (Bennhold and Eddy 2015). Anti-immigration

violence has become a serious issue in Germany since the crisis began to take root, with more than 200 arson and other kinds of attacks on both migrant facilities and on migrants themselves in the first six months of 2015 alone (Eddy 2015). These attacks have been especially concentrated in Dresden and other cities in Eastern Germany, fueling concerns among asylum-seekers that they may be placed in dangerous areas (Bennhold and Eddy 2015).

Incidents of anti-immigration sentiment and violence have only worsened in the aftermath of widespread reports of sexual assault in Cologne on New Year's Eve 2015. 121 women in the city filed complaints that they had been robbed or sexually assaulted, with two submitting rape allegations (CBS News 2016, "Immigrants attacked in Germany amid backlash over sex assaults"). 73 suspects have since been identified, most of whom are refugees, although the German police did not distinguish refugees from asylum-seekers, who comprised a large portion of the suspects (CBS News 2016, "Germany blames wave of sex assaults mostly on refugees"). After the assaults, six Pakistanis and a Syrian were attacked in two separate incidents in Cologne, with two victims requiring hospital care. In response to the assaults, Pegida organized a 1,700-person protest outside of Cologne's main train station, with participants carrying banners sporting slogans such as "RAPEfugees not welcome." Police had to keep the Pegida protestors separated from the 1,300 counter-protestors who were in attendance as well (CBS News 2016, "Immigrants attacked in Germany amid backlash over sex assaults"). These latest incidents have only further ignited the fire of extremist right wing parties and have polarized the debate in Germany.

While initially hailed as the humanitarian hero of the refugee crisis, with images and videos of Germans warmly greeting refugees at train stations in Munich and elsewhere being widely transmitted through international news outlets, the response of Germany's right-wing

party has complicated matters. Between the deep-seated xenophobia in parts of Germany, particularly in the East, and the economic burden of accepting so many refugees, the visceral response of the right seems almost inevitable. However, while the extremist right-wing parties are loud, their sentiments are not universal. In The New York Times' article, "Where the Refugees Pour Into Germany, a 24-Hour Window," Alison Smale describes a more positive and hopeful sentiment in Dortmund: "'We are really proud of this because we have a bad reputation,' said Marcus Sulk, the Fire Department officer overseeing operations at the community center. He was alluding to the fact that Dortmund has been the home of a few vocal neo-Nazis, but he was heartened by the volunteers working with him to welcome refugees. 'We still have people who can show what the German soul really is,' he said" (Smale 2015). Overall, opinions on the refugee crisis in Germany are varied, but most Germans appear to be accepting of the refugees who are already there, although they remain concerned about exactly how they will accommodate such large numbers.

Conclusion

While international media has hailed Germany as the humanitarian hero of the migrant crisis, the truth paints a much more complex picture. While Germany's asylum policy following World War II was initially quite open, its government added increasing restrictions to make it more difficult for people to claim asylum within its borders. However, Germany has nonetheless accepted more asylum-seekers than any other country in the European Union, though it lags behind others in the ratio of asylum-seeker-per-citizen. Furthermore, while the German government has played a key role in pressuring other EU member states to take in more refugees,

its reasoning for this is more likely due to the burden of the huge inflow of asylum-seekers into its country than it is due to a fervent human rights dogma.

Additionally, Germans are hardly uniform in their support for the Merkel government's policies regarding asylum-seekers. Conservatives, such as the CSU, strongly oppose the government's acceptance of so many asylum-seekers, clinging instead to Hungarian Prime Minister Viktor Orbàn as the spokesperson for their position. Meanwhile, liberals, such as the SPD, have voiced support for Merkel's policies. Stuck in the middle is Merkel's CDU, which is torn between its conservative values and its leader, who has proven unusually liberal in her policies during this crisis.

Moreover, asylum-seekers face trouble among German society. While photos and videos of Germans greeting refugees at train stations and donating food, water, and other supplies have dominated news cycles around the world, a deep-rooted xenophobia exists within Germany as well. Especially after the sexual assaults in Cologne, asylum-seekers and refugees are facing increasing discrimination and violence in Germany, particularly in the east. Meanwhile, the country finds itself strapped for resources, drawing uncertainty over how long Germany's current policies can continue. While Germany stands out as leading proponent for refugees in Europe, particularly when contrasted against Eastern Europe, its government remains divided over whether to welcome asylum-seekers or to once again increase restrictions on them, and the tolerance of German society continues to be put to the test.

Conclusion

Much like international refugee law, the process of reconfiguring German national identity was shaped by the legacy of the Holocaust. In the wake of World War II, both Europe and Germany sought to prevent the atrocities of the past from occurring again and established rights for asylum-seekers and refugees to protect them against persecution and other human rights abuses. While rights for refugees and asylum-seekers are secured by law, the distinction between asylum-seekers, refugees, and economic migrants is often inherently blurry, and politicians and other anti-immigration advocates take advantage of this ambiguity to evade their responsibilities to uphold those rights. As Seyla Benhabib explains, this game of politics places refugees in a "state of exception," in which they become an unwanted, unprotected group that is vulnerable to attack (Sierakowski 2015). Accordingly, in the long and ironic tradition of human forgetfulness, Europe has largely failed to accept and support the enormous inflow of asylum-seekers currently streaming in from North Africa and the Middle East. Germany has emerged as the leader of the pro-refugee movement in the EU, thus building a reputation as the major human rights proponent in the European Union. While the current popular narrative supports the image of a Germany that is driven by a desire to protect human rights, that narrative does not accurately depict the ongoing migration debate in Germany. German society is fractured over whether to continue to accept asylum-seekers or to keep them out of its borders. At its basis, this is a larger debate over whether German national identity should be defined by a support for human rights and multiculturalism or by a more traditional, ethnically homogeneous concept.

Guided by the non-German Germans' rejection of nationalism, post-World War II Germany has sought a broader European identity. This shift can be evidenced by Germany's

strong backing of the creation of Schengen and its willingness to take a background role in the decision-making process, so long as it meant that it would be included in the final manifestation of the Schengen Agreement. Germany's allegiance to a larger European identity further helps to explain why the country has attained such a leadership role in the current refugee crisis, calling on EU solidarity in order to maintain the concept of a broad European identity.

Germany's participation in Schengen, its utilization of safe third countries and safe countries of origin, and its involvement in the EU-Turkey deal demonstrate Germany's inconsistent record of supporting human rights. The 1992 amendment to Article 16 of Germany's Constitution allows Germany to send asylum-seekers to other European countries rather than housing them itself. Schengen in general is devoted to keeping foreigners out while maintaining open borders between European countries, further bolstering the perception of a Europe that is united by culture and a shared future. While Germany claims to promote human rights, these rights have often been violated as a result of Schengen, as asylum-seekers and migrants have faced brutal deportation processes, have been mistreated by European border control forces, and even refugees face hardship in refugee camps that are underfunded by the EU and that largely serve the purpose of keeping refugees out of EU borders in the first place. While Schengen has paved the way for many human rights violations, Germany has largely remained silent on the matter, choosing instead to maintain its support of and membership in Schengen and therefore continuing to promote EU solidarity. This is not to suggest that human rights are unimportant to the German people; rather, it illustrates Germany's willingness to deprioritize human rights in favor of other interests, such as promoting a broader European identity or stemming the flow of asylum-seekers into its borders.

One might argue that the German government's reluctance to deport guestworkers during the 1973 recession is evidence of the country's commitment to human rights. This is partially correct. After all, the 1970s did follow the rise of the sixty-eighters and their philosophy of human rights, which was popular enough that the government, under the left-leaning SPD, found itself resistant to forcibly deport the guestworkers. However, another reason for the government's failure to deport guestworkers lies in the appeal of cheap labor to German employers. In the 1960s and 1970s, the guestworkers were assigned rights that were phrased vaguely enough that local authorities, if they so chose—and often they did—could refrain from deporting guestworkers, thus allowing local employers to continue benefiting from the cheap labor, even after the German government attempted to stem the inflow of guestworkers by raising the recruitment fee for employers. The decision to allow guestworkers to stay was not merely one of human rights, but one of practicality as well.

Of course, the result of the German government's actions—or lack thereof—in 1973 was the formation of permanent ethnic communities in Germany, as guestworkers not only stayed, but brought their families over as well. Out of this emerged a strong resistance toward open immigration policies in Germany, as well as a general lack of confidence that the German government could ever be fully capable of controlling its borders. Furthermore, it gave rise to the commonly held belief that most immigrants to Germany are coming over for benefits rather than because of persecution, a sentiment that persists today in German immigration debates. It should be additionally noted that Germany has a shrinking labor force, a fact that its government is quite aware of. Visa programs for people in specialized fields—and to some extent, even Germany's current openness to refugees—are a response to this. This highlights a huge ideological divide

between Germany's government, which has been open to immigration at least for practical reasons, and the country's people.

Non-German German philosophy has shaped much of German politics since the end of World War II, and the change to Germany's nationality law in 2000 is the culmination of this movement. For the first time, German national identity was based not in ethnicity, but became a strictly political concept instead. However, while the German government recognizes German nationals, regardless of ethnicity, as equal Germans, xenophobia persists in the country. Many Germans are reluctant to accept immigrants because of the comparatively high rate of unemployment among immigrant populations. However, this rate of unemployment can partially be attributed to systemic discrimination within the workforce and in schools, thus prompting native Germans to complain about a problem that they themselves perpetuate. In East Germany, where the economy is weaker than in the West and the unemployment rate higher, concern is rife that immigrants will take jobs and resources away from native Germans.

Xenophobia in Germany is particularly centered around Islamaphobia and this does have an influence over Germans' attitudes towards immigration. This emphasis on Islamaphobia is largely due to the fact that the largest ethnic group to arrive in Germany during the guestworker program were Turks, who are primarily Muslim. The Islamaphobia that exists within Germany especially exemplifies that Habermas' non-German German philosophy is hardly universal. While there is a segment of German society that supports national identity as a purely political concept, there is another segment that believes that a shared ethnicity and way of life define the German people. Many Germans view Islam and Christianity as incompatible, while identifying Christianity as an indispensible trait of German society. Furthermore, when one compares the response of Germans to the predominately Muslim North African and Middle Eastern asylum-

seekers who are currently entering the country to their response to the European refugees that arrived before the fall of the Iron Curtain, it becomes evident that Germans view other Europeans, a group with whom they feel a shared identity, more favorably than they view non-European "others." Even as Germany continues to become more multicultural, the idea of the non-European as an "other" persists. That acknowledged, the strong opposition to the proposal of a German Leitkultur suggests that many Germans are resistant to antiquated ideas of nationality when they recognize their similarities to the ideals of National Socialism. There is a deep-rooted xenophobia with Germany that defines one side of the German immigration debate, but the other side is open to immigration and supports a strictly political definition of German national identity, one in which people of all ethnicities and cultures can become part of the German people, so long as they cooperate with German law.

The progress of the philosophy of the non-German Germans took place mostly under an SPD-led government. Under the CDU, national identity shifted back into a more cultural and religious lens. While Germans would generally reject the suggestion that there is an ethnic aspect to German national identity, the evolution of German asylum policy hints that an ethnic aspect may exist as well. The narrowing of German asylum policy in 1992 reflects that the country's policies may have previously been focused on accepting refugees from East Germany, largely considered to be members of the German community. Once Germany was reunified, there was no longer any need for the German government to facilitate the asylum procedure for asylum-seekers, as the country had finally reclaimed the members of its community who had been confined in East Germany. This change in policy strongly suggests that German national identity is still closely tied to culture, language, and even ethnicity, and that despite Germany's pride in

its human rights legacy, it is not actually the primary motivation for many of the country's policies.

The German government under Merkel is representative of the non-German German reinvention of national identity, which rejects nationalism, which it has substituted somewhat with an emphasis on a broader European identity. Furthermore, it recognizes the country's need for more workers, and thus is willing to accept more asylum-seekers, even at the behest of its citizens, many of whom fear for their own jobs. Under Merkel, Germany has taken on a leadership role in the migrant crisis not purely out of an interest for human rights, but additionally due to its interest in promoting and maintaining solidarity in the European Union. Furthermore, its acceptance of asylum-seekers is not born wholly out of the government's devotion to human rights, but largely due to the country's desperate need for a young labor force. This is not to argue that human rights is not a factor in the role the German government has chosen to play in the current crisis; it is simply to say that it is not the only factor, nor is it the most pressing one.

The German people are currently divided over the issue of asylum-seekers, with one side represented by violent xenophobia, the other represented by open-armed acceptance of asylum-seekers, and with a heavily populated moderate middle ground. Even the CDU-led German government, though represented by Merkel and her repeated rhetoric of human rights, is divided on the subject. The question therefore arises: is it a philosophy of human rights that is driving Germany's actions in the migrant crisis, or is it the product of fear that the failure to support this philosophy might once again give rise to the ideals of National Socialism? Between the thought processes of the sixty-eighters, who rejected the country's history and promoted a human rights agenda, and the forty-fivers, whose political objectives primarily centered around preventing the

conditions that precipitated National Socialism from arising again, which more closely matches the attitudes and motivations of German society today? Based on Germany's policies since the end of World War II, it appears that the philosophy of the forty-fivers is the one that has most likely persisted into the present day, as Germany has previously put human rights ideals on the backburner in the name of Schengen and European unity. Human rights are still important to large portion of the German population, but it must be acknowledged much of the current drive to accept asylum-seekers is a backlash against the country's pre-1945 legacy. For many Germans, the act of supporting human rights—and, by extension, the country's acceptance of asylum-seekers—is their way of rejecting the ideals that gave rise to National Socialism. This kneejerk reaction is more representative of the philosophy of the forty-fivers than that of the sixty-eighters. While the promotion of human rights is important to many Germans, this is just one facet of the side of the German national identity debate that supports humanitarianism, inclusion and tolerance, and an identity defined not by ethnicity, but rather by law alone. However, not everyone in Germany supports this definition of German national identity, and it is here where the debate over the migration crisis takes its roots.

In Dortmund, which hosts a large proportion of Germany's asylum-seekers, officials have been extracting World War II-era bombs from where they plan to construct housing for up to 1,000 asylum-seekers (Smale 2015). Regardless of the racism and xenophobia that exist within Germany, asylum-seekers continue to arrive and Merkel's government does what it can to accommodate them. While German society remains divided between xenophobia and inclusion, its government continues to exemplify the philosophy of the non-German Germans. Despite some human rights failures in recent decades, particularly in reference to asylum law and the recent EU-Turkey deal, Germany's role in the current crisis represents a country that is, at least

for now, increasingly defining itself as an ethnically diverse supporter of human rights, even if not all Germans are in agreement on this new definition. As German officials swap World War II bombs for housing for asylum-seekers, so too does a significant segment of German society seek to swap a national identity based in antiquated notions of "Germanness" for one based in human rights and a tolerance for diversity—a trend that, with time, will hopefully overcome the xenophobia that still exists in the country. Opinions inevitably remain divided in Germany, but it is inarguable that Germany's response to the refugee crisis represents a pivotal reexamination of what it means to be German.

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