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THE EUROPEAN DILEMMA:
INSTITUTIONAL PATTERNS AND POLITICS OF 'RACIAL' DISCRIMINATION

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DISCRIMINATORY LANDSCAPE

PRELIMINARY REPORT

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I. POLAND IN BRIEF



The **population** of Poland amounts to 38,6 million, and 17.6 million in employment age: Some other **demographic characteristics**: total fertility rate: 1.37 children born/woman, life expectancy at birth for total population: 73.66 years, female: 78.05 years, male: 69.52 years. Population growth rate: - 0.02%, net migration rate: - 0.49 migrant(s)/1,000 population (2002.). **Ethnic groups**: Polish 97.6%, German 1.3%, Ukrainian 0.6%, Belarusian 0.5% (1990 estimations); **Religions**: Roman Catholic 95% (about 75% practicing), Orthodox, Protestant, and others - 5%.

Source: www.cia.gov

Poland is a country with old traditions dating back to the middle of the 10th century. Its golden age occurred in the 16th century. During the next century, the strengthening of Polish gentry and internal disorder weakened the nation, which ended in losing independence as the result of a treaty in 1772 between Russia, Prussia, and Austria partitioning Poland. She regained independence in 1918 only to be overrun by Germany and the Soviet Union in World War II. After the war its borders were moved; Poland lost its eastern territories and regained its western areas. After the war Poland became a Soviet satellite country following the war, but one that was comparatively tolerant and progressive¹.

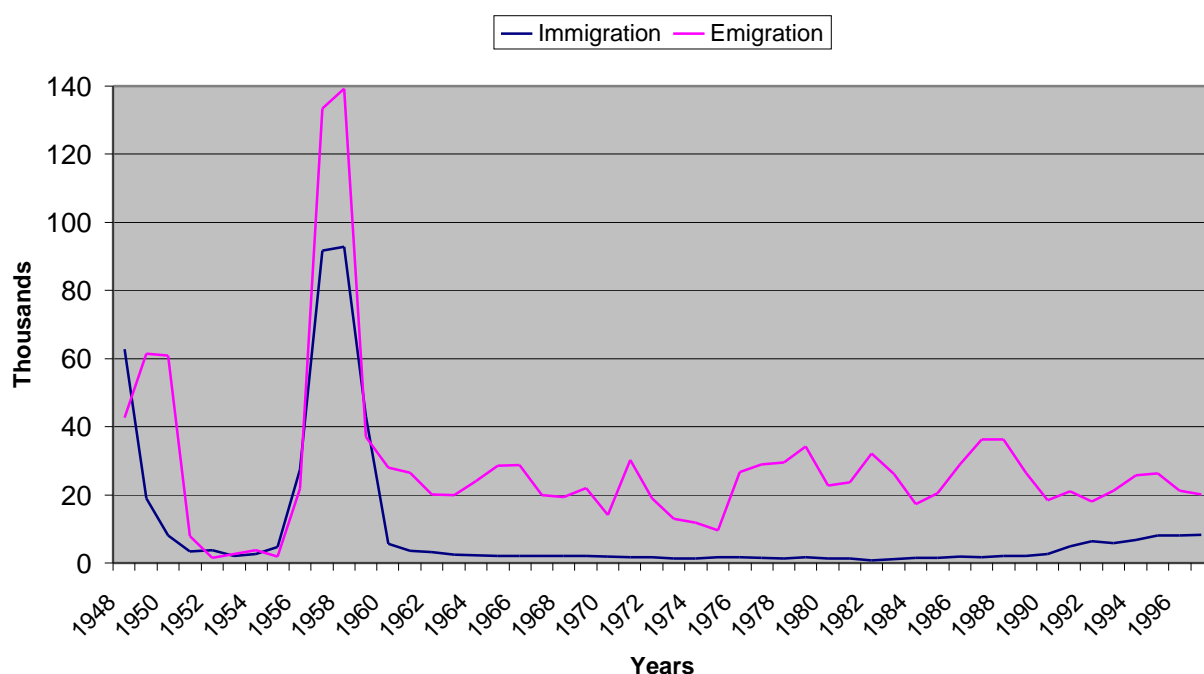
Post-war generations of Poles, now nearly 39 million people, have lived within a rather soft – but commonly mentally disapproved version of a Communist system. Contemporary history of Poland was periodically interrupted by spontaneous, non-violent revolts in 1956, 1968, 1970, 1976 and – the most spectacular of them, the longest and the most effective *Solidarity* peaceful uprising – the famous years 1980-81. Only eight years later (eight years which, under the rule of Martial Law and its consequences, both had preserved but deviated independent feelings and attitudes) a very casual set of external and internal factors has produced a deep systemic change. Poles have received what they strove for: political democracy and market economy. Poland joined the NATO alliance in 1999. She is expected to join the European Union in 2004. But the question arises: do Poles really want to live in a capitalist society – with all its consequences?²

The rapid industrialization of 1950s and 1960s has resulted in mass internal migrations from rural areas to the new industrial centers. In the same time external migrations were very weak, meeting many political and economic constraints. In the transition period it has been changing but still very slowly.

¹ www.cia.gov

² J. Supinska, *Social Portrait of Poland*, in: H. Horburger (ed.), *EU – Enlargement: Our neighbour's views*, Schuren 2003

External migrations for permanent residence from/to Poland 1948-1997



Source: www.stat.gov.pl

The above picture shows the perpetual difference between emigration from and immigration to Poland, the last being always lower:

A shock therapy program during the early 1990s enabled the country to transform its economy into one of the most robust in Central Europe, boosting hopes for acceptance to the EU. Poland has fastly pursued a policy of liberalizing the economy and today stands out as one of the most successful and open transition economies. GDP growth was strong and steady in 1993-2000 but fell back in 2001-02 with slowdowns in domestic investment and consumption (...) The GDP real growth rate dropped down to 1.2% in 2002. The privatization of small and medium size state-owned companies and a liberal law on establishing new firms have allowed for the vibrant development of a private business sector. In contrast, large agricultural sector in Poland remains backward due to structural problems, surplus labor force, inefficient small farms, and lack of investment. Restructuring and privatization of "sensitive sectors" (e.g., coal, steel, railroads, and energy) have begun. (...) The government's determination to enter the EU as soon as possible affects most aspects of its economic policies³.

The GDP structure by sectors is the following: *agriculture*: 4%, *industry*: 35%, *services*: 61% (2000). In the same time the rate of labor force occupied in agriculture amounts 28% (1999).

Moreover, according to objective measures, almost 16% of multi-children households (6-persons or more in family) have found themselves below the *subsistence level*. In 2002 GDP *per capita* (in purchasing power parity) attained the level of \$9,500, but its distribution has been increasingly unequal. The lowest income

10% of households received only 3% of total income, the highest 10% - 25% (1998).The most fundamental problem is still enlarging poverty area,

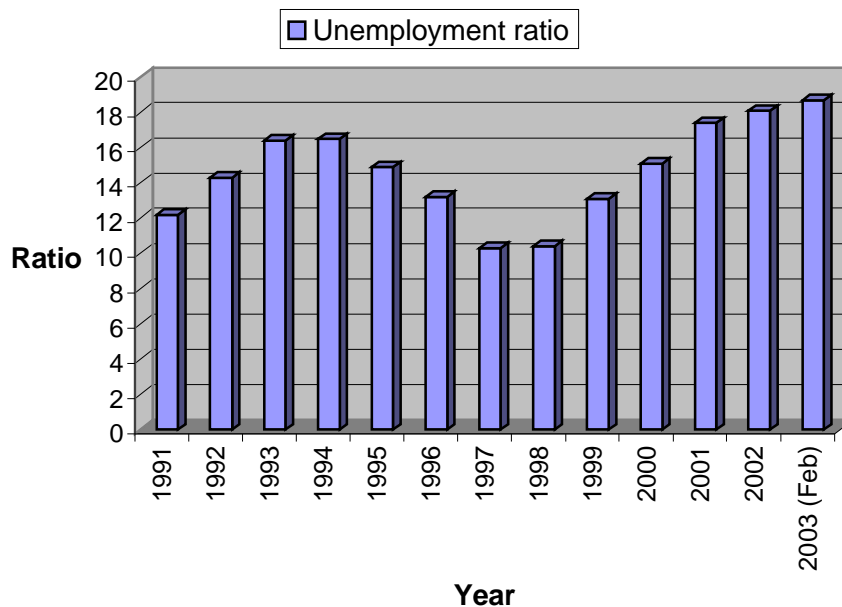
³ www.cia.gov

Since 1999 Poland is divided into 16 voivodships (województwa); Dolnośląskie, Kujawsko-Pomorskie, Łódzkie, Lubelskie, Lubuskie, Małopolskie, Mazowieckie, Opolskie, Podkarpackie, Podlaskie, Pomorskie, Śląskie, Świętokrzyskie, Warmińsko-Mazurskie, Wielkopolskie, Zachodniopomorskie.



Source: www.kprm.gov.pl

Registered unemployment ratio 1990-2002 (December)



Source: www.stat.gov.pl

The Western type democratic mechanisms has been successfully introduced in Poland. The political scene composition were changing very often: 3 presidents, 4 tenures of Parliament, 8 cabinets – it is a lot as for ten years...

Around ten political parties managed to gather some electorate – more stable or more ephemeral one - and elaborated more or less defined programs; much more of them have been registered.

A two chamber National Assembly consists of the *Sejm* (460 seats; members are elected under a complex system of proportional representation to serve four-year tenures) and the Senate (100 seats; members are elected by a majority vote principle on a provincial basis to serve four-year tenures).

It seems strange that Poles, formerly Soviet block leaders in opposition movement, nowadays use the democratic machinery much seldom than citizens in other western and eastern European states. Only three Presidential elections and the first semi-free Parliamentary election in 1989 (to the *contract Sejm*) attracted more than 60 % citizens; later the voters number oscillated below 47%.

Sejm and Senate elections were last held 23 September 2001. The elections results to the *Sejm* were: SLD-UP (Democratic Left Alliance and Union of Labor have split) 41%, PO (Citizens Platform) 12.7%, *Samoobrona* (Self Defense) 10.2%, PiS (Law and Justice) 9.5%, PSL (Polish Peasant Party) 9%, LPR (League of Polish Families) 7.9%. *Seats by parties* - SLD-UP 216 (SLD-UP: SLD has 200 deputies and UP has 16), PO 65, *Samoobrona* 53, PiS 44, PSL 42, LPR 38, German minorities 2; (note: two seats are assigned to ethnic minority parties). Senate is dominated by SLD-UP coalition: 75 seats.

It is important to underline that two radical right wing parties (*Samoobrona* and League of Polish Families) obtained more votes than before and entered the Parliament. Therefore another two – extremely radical - right parties (*Alternatywa* and PWN – Polish National Community) did not gather any visible support. Their results were diversified in different voivodships:

The rate of votes obtained by radical right parties during the last Parliamentary elections:

Voivodship	LPR	<i>Samoobrona</i>	<i>Alternatywa</i>	PWN
Dolnoslaskie	6,87	9,81	0,46	<i>No lists</i>
Kujawsko-pomorskie	7,89	10,77	0,25	<i>No lists</i>
Lubelskie	10,52	14,43	0,40	<i>No lists</i>
Lubuskie	5,44	9,60	0,38	<i>No lists</i>
Lodzkie	7,44	13,23	0,34	0,06
Malopolskie	11,09	8,05	0,44	<i>No lists</i>
Mazowieckie	7,79	8,56	0,33	0,03
Opolskie	6,62	11,01	0,41	0,37
Podkarpackie	14,17	11,02	0,54	<i>No lists</i>
Podlaskie	11,79	12,04	0,21	<i>No lists</i>
Pomorskie	6,92	7,84	0,28	<i>No lists</i>
Slaskie	4,82*	7,16	0,66	<i>No lists</i>
Swietokrzyskie	6,24	12,81	0,95	
Warminsko-mazurskie	7,70	11,05	0,33	<i>No lists</i>
Wielkopolskie	6,83	10,68	0,31	0,02
Zachodniopomorskie	5,27	14,97	0,31	<i>No lists</i>

Source: www.pkw.gov.pl

Poland has to face serious territorial inequalities (differentiations) concerning life conditions and life opportunities. It becomes more obvious if we look into statistical data at lower administration levels: 265 poviats and 2 494 gminas. Some of these drastic differences may inspire increasing social conflicts and sometimes may stimulate political extremism.

Today's Poland both enjoys radical changes towards desired western type democracy, market economy and cultural opening and suffers from unexpected threats and challenges impossible to cope with. The former and the latter are so deeply mixed altogether that nobody is able to unravel a plot of *goods* and *bads* – and to eradicate the *bads*⁴.

What can we say about Poland's economic prospects? The distance to prosperity is still long. For instance, GDP in Germany is 2,7 times bigger than in Poland. Even if (too?) optimistic prognoses were right and Poland really attained the 6% rate of GDP growth in years to come, it would take – according to the Polish Socio-economic Strategy Board – 17 years to reach the level of Greece, 23 years – Spain; and it would take 28 years to reach the average EU level. We should do our best to make the growth sustainable and to allow Poles to live together without tensions and conflicts all this time (and longer).

⁴ J.Supinska, *Social Portrait of Poland*, in: H.Horburger (ed.), *EU – Enlargement: Our neighbour's views*, Schuren 2003

II. CATEGORIES OF PERSONS PERCEIVED AS *OTHERS*

BASIC THEORETICAL ASSUMPTIONS – SOME REMARKS ON THE SOCIOLOGY OF *HOMELINESS* AND *OTHERNESS*

The concept of *homeliness* is understood as a strong link between a person or a group with another person, a group or territory, sometimes an object, cultural product, symbol or ideal being. Homeliness means the feeling of belonging, understanding, acceptance, security. One can talk of *otherness* when an individual or a group, on their own choice or for independent reasons, exists in the environment perceived as *unfamiliar* or in which is perceived as an *other*. F. Znaniecki states that *otherness* is a relative feature, it is the feature which *an individual or a group may, in certain conditions, possess or not, independently to own modifications*. The feeling of *otherness* is mostly negative, experienced by *others*. Pleasant emotions in the contacts with *otherness* ex. while travelling, result from having a perspective of returning to *homeliness* or sharing this contact with own group (Nowicka, Lodzinski 2001).

We may differentiate between two types: *subject otherness* and *reflected otherness*. The first situation occurs when the very group is convinced of having specific features, different from the rest of society. It creates a certain image of other groups, both positive and negative attitudes towards these groups. Reflected *otherness* is the feeling of being another; the group feels being perceived as *others* by the rest of society (Nowicka, Lodzinski 2001).

Taking intensiveness, frequency and the type of contacts as the criterion, *others* may be divided into two groups. *Home others* and *outer others*. The *home others* enter into relations with a *home group*, creating a certain feeling of *homeliness* (it refers for example to persons who live in a given community since ever). *Outer others* are the *others* who are not in any relations with a dominating group; it refers to foreigners, having no contacts with a given identity group (Nowicka, Lodzinski 2001).

As Z. Bauman states *an other is not just an unknown person*; on the contrary, a specific feature of *others* is that they are well known. According to Bauman, unless a potential *other* appears, without anybody's invitation, *within our sight, enters into the world in which I live and work* he or she is rather a *nobody* than an *other* (Bauman 1996). Bauman refers to the thesis of G. Simmel that to become an *other* one needs to culturally differ, be socially distant and physically close (conflict between cultural distance and territorial closeness).

The above remarks on the category of *others* in Poland have rather a sociological character. The chapter is basically divided into the general categories of **citizens** and **foreigners (non citizens)**; the division into *ours* and *others* is made according to criteria applied in political sciences and law. Anyhow some part of *others* will not find their place in any of the categories. They will be presented at the end – as persons in more complicated situation, being *in the middle of the road*.

Their presentation will refer as well to such aspects as the real representation of different cultures in chosen categories of the *others*, the degree in which they are accepted by society and finally, following Bauman, how often *they appear within our sight*.

CITIZENS OF THE REPUBLIC OF POLAND

Citizenship is than primarily a legal and political category, thus only this aspect is discussed in this report. From a sociological perspective it is essential that according to public opinion polls, a *foreigner* is considered to be a Pole only if he or she is a Polish citizen .

Social, religious and other minorities

According to R.A. Schermerhorn's definition minorities are subgroups within given cultures which differ from dominating groups by physical and language features, by their customs and culture(...). Such groups are considered essentially different and not belonging to the dominating group (...). (Bojar 2000). Here we make distinction (following H. Bojar) between three types of minorities, apart of national or ethnic. Four million persons with disability in Poland may be an example of a social minority. One hundred officially registered religious organisations may prove the existence of religious minorities. The number of members of non-catholic churches is estimated to about a million; the largest are Orthodox and Protestant minority religions in Poland. Having a very high level of declared religious attachment we may speak of another minority, it is persons declaring as non-believers. Another discussed minority group are homosexuals. According to WHO persons of homosexual orientation make 3 – 4% of each population, thus in Poland we might talk of about one – two million persons.

As it comes out from sociological research, the distance to social, religious and other minorities is still strong, though after 1989 many positive changes have taken place in relation to various social minorities, ex. giving them the right to organise. In Europe Poland is perceived as the country with no open national or ethnic conflicts, though the representatives of minorities may happen to face the acts of discrimination.

Polish citizens, assimilated, though ...

Polish citizens, born in Poland, the second, third generation descendants of migrants, in spite of their total assimilation (to culture, not identifying themselves as migrants) may also be perceived, universally or selectively, as *others*. It makes them *feel like others* in their own country. A specific group consists of immigrants who settled down in the country under the age of ten and, though they have been totally culturally shaped by the country of immigration, they remain newcomers (1,5 generation immigrants). It may be caused by other physical features (the colour of skin, the shape of face, it is racial features). It may also refer to Polish citizens having a mixture of *outside European blood*, reflected in some physical differences. Persons with strange names may also be perceived as *others*.

A specific type of *others* are persons, *à priori* considered Jewish (in a so called *whispered propaganda*) though they do not identify themselves as Jews. In such cases the label *Jewish*, often used in some public debates, is used to underline that the person so qualified belongs to the group of *others*. Intended negative connotations of the word *Jew* in such a contexts may prove some form of antisemitism, at least at the level of *lexis*. This phenomenon may also be the effect of a so called *conspiratorial theory of history* imputing *the conspiracy of Jews to rule over the world*.

National and ethnic minorities

National minorities may be defined as groups of citizens aware of their different nationality or ethnic origin, language, cultural traditions with no politically separated territory within the country. The only generally approved criterion of national and ethnic belonging is the criterion of awareness (self-identification).

The representatives of 13 traditional (it is settled for at least a century) national and ethnic minorities live in Poland making about a million persons (2 to 3% of the population). We can name such minorities as Belorussians, Czechs, Lithuanians, Germans, Armenians, Slovaks, Russians, Ukrainians and Jews. Among ethnic (it is stateless minorities) we may name Karaites, Roma (Gypsy), Tatars and Lemka.

The immigrants from Greece, Bulgaria (Macedonia), who came to Poland at the beginning of the 50s as groups of organised political refugees, make so called *new minorities*, the same as groups settled down in Poland in the 90s (mostly Vietnamese) who naturalised in Poland. Yet the majority of national minorities in Poland are the autochthones. There were some controversies in Gorny Slask (Upper Silesia), as to their plans to register an association of the Silesian minority.

According to Z. Bauman *others*, belonging to national or ethnic minorities (especially traditionally settled down in Poland) are *very well known*, one could say they are *the neighbour others* or, according to E. Nowicka *home others*. The situation of *new minorities* is somewhat different (so is of new migrants), often totally culturally different (ex. the Vietnamese); they may be called *foreign guests (the outer others)*, who, for the majority of Poles are neither friends yet not enemies; some feel uneasy about them, yet curiosity prevails (Zabek 2002).

NON CITIZENS = *OTHERS*

According to the law, **the foreigner is a person having no Polish citizenship**. Here we refer to this category in a sociological sense. In sociology the term *foreigner* (in relation to persons living in Poland) is referred mostly to persons of another origin, timely living in Poland (persons at work, in education or tourists), it is the persons whose *home* is outside Poland.

The term *foreigner* is also used in relation to (newly) arrived persons of *other* origin, who plan to settle down in Poland (*immigrants*). It may happen that *in a common language* this term refers to immigrants having Polish citizenship yet varying (physically, culturally) from a *dominating group*.

Most generally a foreigner is a person who comes from *another country, another land* (speaking a foreign language, brought up in another culture etc.), clearly different from the *native, the inhabitant*. Using the criterion of belonging to a so called *Western world* we can differentiate, like E. Nowicka and J. Lodzinski, *central foreigners* coming from Western Europe or the US and *peripheral foreigners* coming from Eastern Europe (mostly from the former Soviet Union) and Romania. Taking the criterion of a distance and cultural differences we may differentiate between *close foreigners* coming both from Western and Eastern Europe, thus culturally familiar, and *distant foreigners* it is of different race, coming from *exotic* and mostly underdeveloped countries.

It may be interesting that though the term *foreigner* is universal, it is often used to define only the persons coming from well developed countries of Western Europe, North America and Australia. While saying *a foreigner* the Poles mostly mean the foreigner coming from well developed countries (Iglicka, Weinar 2002)

Immigration is a free or forced, legal or illegal transfer of foreign population **settling down** in a given country. The term immigrant is applied both to persons since long living in the country of immigration, and the newcomers intending to settle down in the country. *Immigrants* are sometimes defined as groups living in a given country though not the autochthones. On the other hand the term immigrant is not always applied to persons who intend to settle down. We can also meet such categories as *short-term immigrants* and *long-term immigrants*. *Nota bene*, the discussed term has a special connotation in Polish, and refers mostly to persons from underdeveloped countries, travelling *to a promised land to earn their bread* (Iglicka, Weinar 2002).

Refugees or candidates for the status

A *refugee* is the person threatened with prosecution because of race, religion, nationality, belonging to a specific social group or else for his or her political convictions and for these reasons leaves his or her country of citizenship and cannot or does not want to be protected by this country or who has no citizenship and for similar reasons remains outside the country of origin and cannot or does not want to return to this country. Such persons very seldom appear among the applicants for a refugee status.

According to M. Zabek the feature, which differs groups applying for the refugee status and other immigrants, is *the strategy of making their stay legal*, it is that *the first apply for the refugee status*. Among the refugees there are many people coming from countries totally culturally different (ex. from Africa), who both before and after receiving the status feel and are perceived as *others* (their problem is isolation in refugee centres and idleness).

The refugee who gets the status must find accommodation; it is demanded while seeking for a job or registering as unemployed. For financial and other reasons is not easy to find accommodation, especially for persons looking different. Persons having the status of a refugee, having no accommodation in Poland may get support from his or her own nationality groups (Zabek 2002).

In the legal sense the status of a refugee ends up at the moment a person becomes a Polish citizen or when withdraws the application.

Foreign students

Foreign students make a specific group of *temporal visitors*. We define a foreign student as a person who stays in Poland for full course studies, also post-graduate, excluding foreigners taking short-term courses on the basis of scholarships (ex. within SOCRATES/ERASMUS programmes). From the legal point of view they are treated as *foreigners*; they have no Polish citizenship.

From the sociological point of view the situation of foreign students is the situation of *others* – persons who live in a new environment, in another culture and in a different society for longer, yet limited period. He or she must adopt to new conditions though seldom fully assimilates to the culture of the receiving society. A foreign student is attributed a number of specific roles: of a young person, a student, a *foreigner*, an ambassador of his or her country, also a mediator between two cultures. The person, on the arrival to Poland, faces a cultural shock of a different scale.

The way in which students are perceived by Polish society depends mostly upon a cultural circle, which they represent, their race and their country of origin. Social distance,

resulting from general convictions on different race and ethnic groups, is different towards *foreigners* from different countries. The distance is stronger in case of persons of a different race (from Africa, Asia). Therefore this group is perceived as much more different, strongly strange. Their being *others* is easily noticed and difficult to hide because of its physical character. It makes the situation of this group extremely difficult and their contacts with Polish society are to the extreme characterised by distrust. These persons are most at risk of aggressive attitudes in relations with Poles and have the feeling of being discriminated. (Mucha 2000, Nowicka 1990, Nowicka, Lodzinski 1993)

In case of numerous foreign students of Polish origin, both social distance and the feeling of *otherness* seem comparatively small.

Legal immigrants

According to the methodology of the Polish Central Statistical Office (GUS) immigrants are foreigners who have **the permission to settle down** and re-emigrants (it is Polish citizens) only when they are **registered for a permanent stay**.

Though the concept of the *legal immigration* is mostly associated with permanent settlement in the country of destiny, actually it is applied to persons temporarily staying in Poland (*short-term legal immigrants*). A criterion for using the term *immigrant* is certainly a (planned) duration of their stay in Poland. In case of permanent immigration the use of this term is unquestionable, however in case of short term immigrants nobody knows up to when it is a short-term stay and till when we may talk of short or long-term immigrants; it probably depends upon many factors. In practice among legal immigrants only some plan to settle down in Poland for ever.

The motives for the migration may be different, ranging from matrimonial to material ones. Legal immigrants may be classified to many types, the best criterion seems to be geographical: persons coming from the East (also Far East) and from the West. In recent years a large group are Vietnamese immigrants, who come to Poland mostly for trading (textile and food). For a different culture this group is hermetic, though accepted by Poles – there is an increasing number of be-national marriages, which may be a proof for the adaptation of this group in Poland. Citizens of the former Soviet Union make another group of legal, working immigrants (Russians, Ukrainians, Belorussians). The number of Turkish immigrants is increasing recently (opening Turkish fast-food bars), though their number is rather small.

The group of traditional immigrants are Asian and African Polish University graduates, who got married in Poland and remained.

Commercial tourists; involved in selling and buying products

This type of *tourism* is a form of so called *pendulum migration* - short term (one to several days) *trade visits* to Poland, often within a black sphere of economy (ex. smuggling cigarettes or alcohol).

Even if Poland is not an attractive country in this respect, yet chosen for easy transport (Lukowski 1997). Among those coming to Poland to do shopping Ukrainians and Belorussians prevail. As to one-day visits (including shopping and visiting neighbours) the dominating position is taken by Germans living close to Polish border and in Berlin as well.

Migrants from Ukraine and Belarus represent different social status and education. W. Lukowski states that *the ideal of a pendulum migrant* is a teacher or researcher, having more

flexible time schedule, allowing for this type of activities. There is a kind of specialisation, ex. in case of persons selling car parts produced in the former Soviet Union, often at the order of a given client.

In the opinion of the same researcher *pendulum migrations* are rooted in a specific *international producing and selling corporation*, consisting of producers active in a black sphere, the network of market places and dozens of *tourists* provided for by the network of services – accommodation, feeding and so on. More rigorous regulations introduced in 1997 (charges for visas) limited this type of *tourism*.

The *regular* tourists coming for recreation, business, visiting families or old neighbours (it refers mostly to Germans), also transiting, though they are *others* staying in Poland for a very short time, may contribute to the creation of a given – positive or negative - stereotype of the *other*.

Illegal immigrants

Illegal immigrants are persons staying on the territory of Poland for a longer period **without due permission** (visa, the permission to stay, to settle down, who do not apply for the status of a refugee), persons who illegally crossed the border and who illegally prolonged their stay in Poland, often undertaking illegal, undemanding jobs, (ex. in construction works), thus being perceived as competing at the labour market. Illegal immigrant groups consist mostly of persons coming from the former Soviet Union, also some African (Somalia) or Asian (India, Sri Lanka, Pakistan) countries. They mostly treat Poland as a transition country, actually stay much longer.

Social isolation is one of the problems of illegal immigrants, which often is tantamount to a **total exclusion** from social and cultural life in Poland. The Roma people from Romania, living in their camps, governed by their own rules, earning their living as beggars may be a good example.

Some illegal immigrants cooperate with the underworld, it is organisations engaged in illegal transfer of people, drug distribution, prostitution and violence. Prostitutes coming from countries of the former Soviet Union and Bulgaria, working along transit roads and in special agencies, make another specific group of illegal immigrants.

Investors, specialists, managers

Highly qualified *foreigners* are often, though not universally, called *ex-pats* (short for *expatriate*). It mostly refers to the employees of foreign capital enterprises. In a common understanding they are seldom addressed to as *immigrants*.

Thus one could think that the term *immigrant* is reserved for less qualified immigrants. The discussed category of *others* has a differentiated legal status, yet **their economic status is high**. They come both as employees – mostly the managerial staff in international enterprises in Poland and as investors (they invest capital in land, estates, shares). Some foreign specialists work in Poland on the basis of long-term contracts.

Some, mostly young and open to other cultures, have no adaptation problems; for them Poland is neither the first nor the last country to which they come as *ex-patriates*. One could risk a thesis that foreign managers from the West, no matter their country of origin, belong to one culture – **the culture of business**. Most of their time is devoted to work, they mostly speak English in every-day contacts, they seldom speak or hardly speak Polish (though

happen to learn it); their contacts are limited to a close circle, which does not allow for integration to Polish culture. They sometimes get married in Poland; then their integration to Polish culture becomes more intensive.

The way how foreign businessmen are perceived by Poles is many-sided. On the one side they are highly esteemed, which is the result of their *western way of life* (they make a group of *better others*, smart and rich), on the other hand they are perceived as the *exploiters of Polish employees* (ex. in Western supermarkets, where the Labour code is often violated) or as the threat to home industry (one can mention supermarkets again; because of special tax deductions, they are perceived as destroyers to small home enterprises) or even *the threat to everything which is Polish* (one may quote a slogan *buying out Polish land*).

As to their feeling of being *others* in a psychological sense one could say that it does not make any problem as they belong to the *world's culture of business* not sensitive to national or ethnic divisions. It may be different in case of a so called institutional discrimination (in the sphere of law), ex. limiting the access to goods (land, business concessions, jobs). This type of *otherness* may result in certain, measurable consequences, ex. in the economy.

MIDDLE OF THE ROAD

Persons with double citizenship

We can discuss the category of double citizenship both in legal and cultural terms. Polish law prohibits a Polish citizen to be simultaneously the citizen of another state. On the one hand, the principle of exclusiveness of Polish citizenship is aimed to eliminate manipulations, ex. while using a Polish passport to illegally buy land in Poland and the passport of another country to avoid obligatory military service. On the other hand it may become an obstacle for Polish citizens living abroad and having the citizenship of another country to visit Poland, especially if they have no Polish passport. The principle of the exclusiveness of Polish citizenship is being criticised by Polish Diaspora all over the world, who consider the law as discriminating.

A sociological (cultural) aspect is totally different and much more complicated. From sociological and psychological perspectives a person having double citizenship, living out of Poland, may feel split between *two motherlands*. The situation of persons living in Poland, born in mix marriages (bi-national or bi-cultural) is even more complicated, especially in case one parent represents a totally different culture. It is not so much the problem of split between two citizenships as *the split between two cultures*. In any case the problem of *otherness* may actually cause the situation that persons of *double-affiliation* may be perceived as *others* (so they may feel) both in Poland and in *another motherland*, thus feel not belonging to any national (cultural) community. Re-emigrants are a specific group of persons having double citizenship.

Re-emigrant comebacks

According to Cerese theory, we may differentiate between four types of re-emigrants. 1. *re-emigrants of failure*; 2. *conservative*; 3. *innovative*; 4. *pensioners*. (Okolski 1998, Iglicka 2002), Re-emigration of failure means returns caused by the lack of success in another environment. Conservative re-emigration takes place when a person free-willingly returns to the country after reaching the aim. Innovative re-emigration refers to persons who have not found a country to realise own ambitions and life aspirations. The last type of re-emigrants are persons returning to the country with an intention to spend the rest of one's life here.

Persons who emigrated to the US at the beginning of the 80s do not often return to Poland, yet their children, born in Poland and brought up abroad, sometimes do. They are mostly well educated, full of initiative, returning to Poland to make business. From Great Britain mostly older people return, including combatants, whose reasons are mostly sentimental. For Germans geographical closeness may be of some importance. As M. Okolski states, the re-emigrated Silesians do not return if successful and socially advanced, at least successfully integrated in Germany.

Their returns, apart from personal reasons, were caused by the position in social structure which Polish immigrants take abroad (mostly peripheral, far from professional competences of the respondents). Depending on the *type of the re-emigrant* the degree of his or her *otherness*, after a long time of staying abroad, is differentiated.

Repatriates or im-patriates?

Generally speaking a *repatriate* in a legal sense is the person of Polish origin, who came to Poland on the basis of a repatriate visa, from such countries as Armenia, Georgia, Kazakhstan, Kyrgyz, Tadjikistan, Turkmenistan, Uzbekistan or the Asian part of Russia, with an intention to settle down. Most of Poles perceive the resettlement of those who had been victims of cruel XXth century history as their moral duty.

Though the term *repatriation* used in the Polish law does not reveal the essence of that kind of migration. Their sentimental image is not truthful. Therefore **they do not come back**. Most of them are *descendants* of the war and Stalinist regime Polish exiles, inhabitants of former Poland's territories. Their language capacities, cultural background and life experience are often much more *other alike*. Nevertheless they are people longing for better life. That is why P. Hut suggests the term *im-patriation* would be much more adequate.

The so called *repatriation* flow runs from the East. The returns of citizens of Polish origin in third, fourth generation from Western countries are marginal. W. Lukowski's research of French citizens (Lukowski 1997) proves that for the majority of them Poland is not a familiar country, though some of the inquired had relatives in Poland. The researched population was dominated by persons between 25 and 50 years old, well educated and the reasons of their settling down in Poland could be mostly professional – they may be counted as foreign specialists.

III. STATISTICS – WHAT DOES IT SHOW AND WHAT DOES IT IGNORE?

Between the end World War II and the beginning of political, economic and social transformation initiated in 1989/1990 Polish society was one of the least ethnically differentiated in the world. The share of citizens of Polish Peoples Republic whose nationality was other than Polish, ranged, depending on the period, between 1% and 3%. After the delimitation of new borders about 3 million Polish citizens in various periods left Poland.

Transformation of the 90s has not brought deep changes in the ethnic structure of the country. Political liberation allowed for the restitution of national minority organisations, some new appeared, yet the share of minorities in Polish society is still small.

National and ethnic minorities are not the only groups of other national cultures. As mentioned before, recent liberalisation did not cause national conversion at a pre-war scale (it referred to 30% of the population), yet meaningful streams of migrations appeared in the effect of opening the Eastern border for tourism. Due to increasing links between Poland and Western structures, our country is considered an attractive place to study and live. Another factor are new links with Polish emigration abroad, sometimes called a *creeping impatriation*.

NATIONAL AND ETHNIC MINORITIES

In the result the Allies' decisions after World War II German-speaking population was displaced to Germany and Austria. In further years the scale, in which German origin population left Poland, depended upon politics. Official German statistics says of 3 068 thousand Germans who emigrated to Germany from the Eastern block countries between 1950 and 1993, among them 1 435 thousand of Polish citizens. Only in the last months of the war 3 to 4 million persons left Poland escaping the coming army. Between 1946 and 1949 about 2 275 thousand Germans were displaced from Poland.

After the demarcation of Polish eastern border line along the river Bug about 4 million Polish citizens were left behind the Soviet side of the border (before the War in Eastern voivodships Poles made 30% of population). On the basis of agreements signed between 1945 and 1947 about 518 thousand of non-Polish population (in the majority they were the Ruthenians and the Lithuanians) were evacuated to the East of Russia. In further years Ukrainians, Lemko and Boiko populations were transferred to Polish Western and Northern regions (so called *Akcja Wisła <the Vistula Action>*).

In the result of border changes Czech minority was strengthened; the whole region of Kotlina Klodzka (Klodzka Valley), inhabited by Czechoslovaks, was incorporated into Poland.

Another group who left Poland were Polish citizens of Jewish origin (in 1956 and 1968). It is impossible to clearly calculate the scale of this emigration as only some were deprived of Polish citizenship (nowadays legal procedures aimed at resumption their Polish citizenship take place).

National and ethnic minorities in the 90-ties:

Nationality	(Numbers in thousands) according to different sources		
	Polish Sociological Association	Ministries of the Interior and of Education	By: A. Chodubski and national minority organisations
German	260	300-500	1000-3000
Ukrainian, Lemko, Boiko	70	250-300	500-2000
Belorussian	76	200-300	500-1000
Roma (Gypsy)	25	20-30	30-50
Lithuanian	9	20-25	25-40
Slovak	5	10-20	25-40
Czech	2	3	25-40
Jewish	3	8-10	10-30
Armenian	2	5-8	15-20
Tatara	2	5	4-5
Karaita	0'2	0'2	0'2-1
Russian	2	10-15	20-30
Total	456,2	831,2 - 1216,2	2154,2 - 6256

Source: Own calculations based on C. Zoledowski, *Polacy za granicą, mniejszosci narodowe w Polsce (Poles abroad, national minorities in Poland) in: Spoleczenstwo polskie w latach 1980 – 1995/6 (Polish society between 1980 and 1995/6) ed. A Rajkiewicz, Warszawa 1997, p. 33; data from the Ministry of the Interior and Administration from 2000 year.*

Political changes after 1989 allowed for setting up associations of national and ethnic minorities. The most active in this field is the German minority, organised in 12 associations. Ukrainians living in Poland have 9 associations, Lemko and Bojko as ethnic minorities are partially organised within and partially outside Ukrainian minority organisations (5 own associations). The Jewish minority is organised in 7 associations. Other minorities have not more than 2 associations each, depending on the size of the group. National and ethnic minorities have the right to set up own education institutions (e.g. in the year 2000 in 320 schools, over 30 thousand children were in education) and issue their own press; the biggest are German and Ruthenian titles, distributed in the regions of homogeneous minority population.

In June 2003 the results of National Census from 2002 will be published. It included questions asking for citizenship, nationality and the language used at home. There was much dispute about these questions and their formulation, with special regard to the fact that no double identification was possible. Some had doubts as to credibility of the Census (decreasing, possibly increasing a real number of minorities, or else verification of the estimations coming from national minority organisations). The discussion may return after the publication of results.

Emigrants, Immigrants

For many Poles international migrations refer to persons migrating to western, more affluent countries, though as the nation we either faced or heard of persons compulsory displaced in the years of World War II from the pre-war Eastern territories of Poland to the Soviet Union,

a non-democratic and poor country. Another direction were post-war migrations to Western and Northern regions of Poland at the end or after the war.

Hearing the word *emigrants, displaced persons*, some thought: *Polish* emigrants, displaced *Poles*. They heard of the phenomenon at school, learning history or discussing with neighbours and relatives. Poles have migrated since ages, for political and economic reasons.

Old immigrants after the war

Political immigrants, who left Greece and settled down in Poland were a margin if compared with mass migrations of Polish citizens after the war. Groups of several dozens thousand people were settled down in western part of Poland, and financially supported. The newcomers from Greece were also a Macedonian ethnic minority. According to A. Chodubski in Poland still live between 6 and 10 thousand Greeks and a similar number of Macedonians. Before 1990 this group was considered national minority, recently though formally they preserved all benefits foreseen for national minorities, formally they are not considered a minority.

Another group are Hungarians who settled down in Poland; they are mostly persons who came to Poland for personal reasons.

Refugees

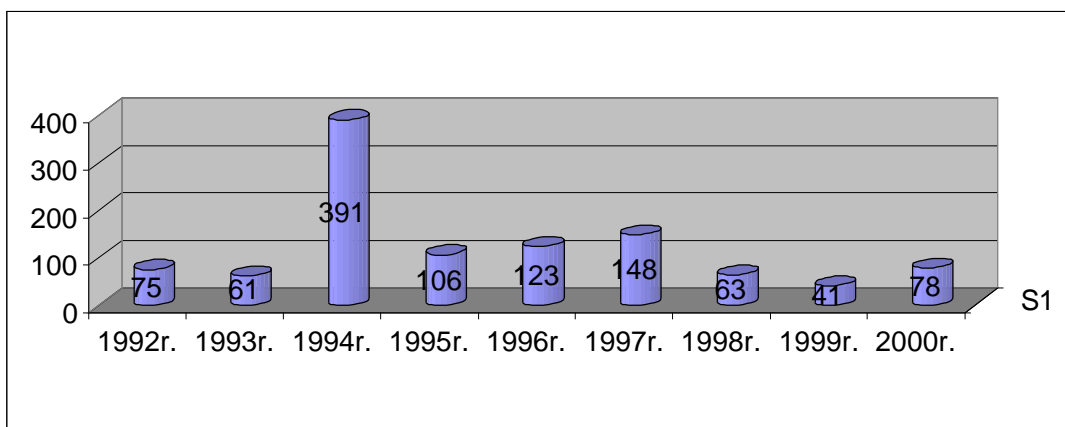
Between 1994 and 2000 year citizens from 18 countries applied for the status of a refugee. The majority came from outside Europe. Migrants from European countries are mostly the citizens of the Russian Federation (including Tchetchnia), Belarus, Ukraine, Romania, Bulgaria and Yugoslavia.

Persons applying for the status of a refugee in Poland are not administratively allocated in a given place. In case, Poland is only a transit country for them, they illegally try to cross the border with the EU countries. Judging from the number of cases discontinued (because of the absence of the applicants) some of them apply for a visa without an intention to settle down.

Data from the Ministry of the Interior and Administration present the number of foreigners applying for the status of a refugee in the Republic of Poland since 1992; previously they were not registered and the decisions on the status were taken and persons registered in the Geneva Office (UNHCR). The number of foreigners who apply for the status of a refugee in Poland between 1992 and 1996 was small and unstable. The majority (4589 persons) applied in 2000 year which was a 23% growth in relation to 1997. In the whole period 1992 – 2000 years 20 519 foreigners applied for a refugee status in Poland.

To conclude: Before 1994 very few applied for the status of a refugee. The tendencies diametrically changed after 1994. Due to new world's conflicts the number of visas issued increased. In 1994 the Minister of the Interior and Administration issued 330 more visas as compared to year 1993. The majority were the refugees from Bosnia and Herzegovina; (365 persons were given the status and offered a shelter and protection according to international law). For the whole period between 1992 and 2000 year they were the most numerous population who got the status of refugees in one year. In the same year 7 refugees from Yugoslavia, 3 from Afghanistan and 3 from Sudan were considered oppressed in their countries. Data prove great differences between the share of various nationality groups.

The number of decisions by the Minister of the Interior and Administration on the status of refugees in the Republic of Poland (in two instances procedure) in the period 1992 to 2000:



Source: Information by the Minister of the Interior and Administration

In the year 2000 there was an increase in the number of positive decisions. 37 more visas were issued as compared to the year 1999. The citizenship of refugees has also changed. The biggest group were refugees from Russia (26 persons), Somalia (10 persons) and Turkey (7 persons).

Foreign students

Since 1990 the number of foreign students has almost doubled (though their share in the total number of students decreased from 1,0 to 0,4%) and reached (according to Central Statistical Office GUS) 7 380 persons in the academic year 2001/2002. As many as 72% of students came from European countries, half from the former Soviet Union.

After 1990 there has been a constant growth of the percentage of young people of Polish origin; nowadays over a half of all foreign students classify to this group. Some of them applied for Polish repatriate visas after graduation (since January 1, 2001 only the Poles from the Asian regions of the former Soviet Union are entitled to this procedure).

New immigrants of the period of transformation

The majority of *new* immigrants come from the neighbouring countries (but not only). The results of research done by the Institute of Tourism show that the majority of tourists come to Poland from the neighbouring countries (about 80%, there are visits classified as *touristic*); the rest come from: the Netherlands, Great Britain, Denmark, Belgium and Sweden. From the overseas come Americans and Jews. A large share are transit journeys of Germans, Ukrainians, Belorussians or Estonians. Among those coming to Poland to do shopping Ukrainians and Belorussians prevail. As to one-day visits (including shopping and visiting neighbours) the dominating position is taken by Germans living close to Polish border and in Berlin.

Precise estimation of the size of this immigration is impossible since the abolishing of visas to travel between Poland and other countries and the withdrawal of an obligation for

foreigners to register. Thus the only numbers refer to persons who apply for **the permit to stay** in Poland or having Polish citizenship.

Data from the Ministry of the Interior and Administration say of several thousand foreigners applying for the document, though only the visas issued are counted and in the course of time some applicants re-emigrate or become Polish citizenship by the President's decision. Some foreigners who have come to work for foreign capital companies as managers (no permit needed) set up their own business and remain in Poland. Some of them came to Poland with their families, some though single, are visited by their relatives and friends. Nevertheless in order to give for children from foreign families (which do not belong to diplomatic corps) easier access to education, schools and pre-schools with foreign language teaching are set up (usually by embassies).

For the lack of proper information we can only estimate the number of foreigners from the West in our country; they are counted for between 10 and 15 thousand. They are both Dutch peasants settled down in Zulawy or Pomorze as well as council members in stock exchange companies and banks.

Another source of information on the (legal) economic activity of immigrants at the Polish labour market are statistics of work permits issued by local labour offices. The above table shows the data from 1997 as an illustration of the phenomenon.

Individual work permits according to countries and the period of validity issued in 1997:

Country	Total	Period of validity			
		to 3 months	3 - 6 months	6 - 12 months	Over a year
Total	15 307	493	4 314	10 463	37
EUROPE	8 942	185	1 954	6 778	25
including:					
Austria	134	1	10	123	0
Belorus	611	15	264	327	5
Bulgaria	242	4	75	163	0
Denmark	208	3	11	193	1
France	602	5	35	560	2
Netherlands	277	2	23	252	0
Jugoslavia	146	3	72	70	1
Germany	1 025	14	103	903	5
Russia	741	29	243	469	0
Sweden	258	5	17	236	0
Ukraine	2 233	57	811	1 358	7
Great Britain	1 106	13	59	1 034	0
Italy	365	7	28	327	3
AFRiKA	218	12	53	153	0
including:					
Algeria	31	5	4	22	0
Nigeria	30	1	5	24	0

ASIA	5 005	259	2 248	2 494	4
including:					
China	741	31	398	312	0
India	412	7	229	176	0
Vietnam	2 041	137	917	987	0
AMERIKA	1 033	37	56	932	8
including:					
Canada	158	5	9	141	3
The United States	816	29	34	748	5
OCEANIA	99	0	3	96	0

Source: *Work permits for foreigners, issued by District (Wojewodztwo) Labour Offices between January 1 to December 31, 1997, (the results of survey), KUP 1998.*

Between 1990 and 2000 year **75 514 persons applied for a permit to stay in Poland for a definite period**. This group is much differentiated. They came to Poland expecting to improve their economic situation; these are both high rank specialists working for western companies or self-employed and visitors from the former Soviet Union and Eastern and Central Europe, working within *black sphere*.

The scope of immigration from the East is much larger than from the West and has a different structure. According to the estimations made by M. Okolski **the number of immigrants from the former Soviet Union working illegally in Poland was over 300 thousand persons**. This group is differentiated according to their legal status and the duration of staying in Poland.

Among legal immigrants are women who got married to Poles (about 1 thousand) and teachers from the former Soviet Union, now working in the East of Poland (as English and German language teachers, musicians). Another group, much larger, are persons illegally working in Poland - Ukrainians, Belorussians and Russians engaged in construction works. Some work in agriculture and even as prostitutes.

Persons illegally working in Poland coming from the East, similarly as those coming from the West, contact mostly within their own social environment. Their inadequate command of Polish does not allow for full adaptation in our country. The scale of Eastern immigration may be noticed in Warsaw Orthodox churches, visited by migrants from Ukraine, the Russian Federation and Belarus.

We should mention two new important national groups of migrants settling down in Poland: Armenians and Vietnamese. Other nations either are not eager to settle down in Poland or form much more dispersed groups. Larger concentration of immigrants from these countries can be noticed in larger cities, such as Warsaw and Lodz.

Immigrants on the turn of centuries (receiving the permit to stay in Poland or Polish citizenship):

Country of origin	The number of migrants	
	1999	2000
Europe	4334	4134
Including the UE countries	3991	3883
The former Soviet Union (including Czeczenia)	738	1084
Asia	285	251
Afrika	149	120
North and Central America	1797	1530
South America	54	46
Oceania	167	162
No data available	1	4
Total	7525	7331

Source: Own calculations on the basis of data from Central Statistical Office (GUS)

While discussing the problem of immigrants in Poland one should mention the immigrants from Romania (Roma, Gypsy) who live on beggary. Their number is unknown, occasionally they are deported to the country of origin, some apply for the status of a refugees, or else individually try to illegally cross the border between Poland and the EU countries.

While describing immigrants one should also mention children of parents of an unknown origin; some women of a differentiated status who delivered children in Poland leave them in child care establishments. Polish law does not allow for their naturalisation and potentially the adoption; sometimes the mothers return to get their children back.

Repatriates

The first *re(im-)patriates* came to Poland in 1992 and, because of the lack of proper regulations, had to apply for the status of a refugee to legally stay in our country. Meaningful changes of regulations took place in 1996 and 1997. Before 2001 a repatriate visa was issued only for 2 persons who had not come from the former Soviet Union.

Persons who received repatriate visas in 2001 according to the country of origin:

Country of origin	Number of visas issued
Ukraine	381
Kazachstan	216
Belarus	140
Russian Federation	36
Lithuania	20
Moldova	9
Czech Republik	2
Total	804

Source: Own calculations based on data from the Repatriates and Foreigners Office

The above presented data, (we may add 1 501 persons, who got repatriate visas before January 2001) do not reflect the full number of *im-patriates* to Poland. According to the regulations the applicants wait for visas in their countries of residence, yet some of them, having relatives in Poland, arrive to the place of future settlement before the visa has been issued. Visa is valid for the period of one year, thus the im-patriates arrive at different moments.

The total scale of *re-repatriation* is unknown – according to the regulations a citizen of the Republic of Poland is not obliged to stay in the country; there are no legal instruments of depriving citizenship.

On the basis of research one could state that an actual number of foreigners of Polish origin living in our country, often with non-Polish spouses and relatives, is larger by about 20 – 30%.

Credibility of official data on immigration

According to the researchers from the Centre for Migration Studies (OBM) **documented knowledge on the inflow of foreigners to Poland is extremely incomplete.**

The labour market in Poland, characterised with the absence of foreigners till 1990 created a vast segment to employ migrants, though mostly without due permissions; a new form of international mobility in Central Europe (including Poland) emerged – so called partial migrations which refer to a 3 to 5 million inflow of foreigners each year.

According to OBM we can speak of several highly represented groups of migrants. Each has its specific features (the country of origin, demographic features, the level of education, formal status in Poland) and each may be attributed specific perspectives for integrating in Polish society as well as the duration of further stay in Poland. Unfortunately, information on their demographic, social and economic features is insufficient.

Knowledge on the size of migrations to Poland is often false. The way how migrations are defined and registered, information collected and processed seems not very promising as to the perspective of having more complete knowledge. To improve the situation we need basic change in the methods of making statistics on migrations.

In case of Poland, there is no point in making comparative analyses of official statistics (it is just *the top of the iceberg*). The official complete and detailed data about others does not exist. We can just talk about estimations. As it was mentioned, the population of national and ethnic minorities is about 2-3% of total population. In this group, unemployment rate is comparable with the unemployment rate for the whole population (except for unemployment rate for Roma population: about 80%). The total number of immigrants (working legally, illegally and unemployed) is unknown. **About 20 thousand foreigners work legally.** It is estimated, that **about 200-500 thousand work illegally** (it concerns in-comers from western and eastern countries; according to different research the *employees* from western countries usually work for a couple of days for western companies, the *employees* from eastern countries usually work much longer). Market places activities' are not included in these estimations - some say, that a total number of (working?) immigrants accounts to about **1.5 million** (including tourists and *trade visits*!!! But the last figure is commented as very exaggerated.

Finally let us remind that the total **Polish labour force** amounts about **17,2 million** and **unemployment** scale in March amounts more than **3,3 million**; 83,6 % of the unemployed had not the right to unemployment benefits. No comments.

IV. DISCRIMINATION AND THE ALLIED CONCEPTS⁵

In a broad sense **discrimination** is understood as: 1) permanent, regular and unjust acts, directly or indirectly limiting chances of some individuals, groups or societies to satisfy needs and achieve aims highly valued in a given culture, 2) uneven treatment of some individuals or social groups by denying them participation in privileges, prestige or power, resulting solely from negative attitudes and prejudice because of their real or assumed features, ex. class affiliation, race, sex or religion, 3) lower access to social values (education, professions, affluence, political rights etc.) only because of their being members of a group – the object of stereotype (prejudice, stigmatisation), while ignoring their individual qualifications and achievements.

Members of discriminated groups are mostly, though not universally, characterised by the features, which make them easy to differentiate from other groups (ex. biological). The opposite of discrimination is equal treatment (equal chances).

TYPES OF DISCRIMINATION - ACCORDING TO THE SPHERES

Institutional discrimination is unequal treatment by institutions because of group affiliation.

Vocational discrimination (at the labour market) occurs when denying the individuals and/or groups the access to certain posts, to work in chosen professions, also unequal treatment at work because of belonging to a given group.

Economic discrimination means a limited access to financial resources, often in the result of vocational discrimination, though may also be manifested by limited access to social welfare services.

Political discrimination means denying individuals and/or groups equal rights to participate in political life, ex. Denying the right to vote.

TYPES OF DISCRIMINATION - ACCORDING TO ITS CAUSES

Racial discrimination (racism) means unequal treatment because of different race. Racism as a theory assumes causative links between physical features (somatic, ex. the body structure, colour of skin, shape of cranium) and certain mental features (ex. intellectual, personality), which justifies the domination of some races over others and as *more valuable* are predestined to rule over the less valuable.

The 80s of the 20th century witnessed the appearance of a so called *new racism*, which accentuates cultural differences between groups of people (*we* and *them*, *ours* and *others*). Its leading idea is to preserve traditions and local customs, to protect a specific life style. *New racism* does not deny other groups their right to an autonomous development, yet only within their own culture. Thus culture, not the race becomes a differentiating criterion. According to this theory the division into *ours* and *others* (*we* and *them*) is in accordance with the nature of men and *otherness becomes the other side of homeliness* thus the essence of a *new racism* is

⁵ Definitions applied in this chapter are based a. o. on: Antoszewski, Herbut (2002), Olechnicki, Zalecki (2002), Rysz-Kowalczyk (2002), , Sztompka (2002), and law regulations (mentioned below).

not so much the very division between two sides as its potentially extreme effects in case the representatives of other cultures are denied to participate in *home* culture.

The border line between a natural division into *ours* and *others* and the *new racism* is questionable and may be differently understood. A related term – contemporary racism (modern racism) is also used to define another face of contemporary racism, it is of manifesting certain prejudices in a subtle and indirect way. It results from the fact that contemporary norms recommend tolerance toward other groups and people do not want to be suspected of racism.

Ethnic discrimination means unequal treatment because of ethnic belonging (national belonging, the language). It may be identical to race discrimination, especially in its new racism version.

Sex discrimination (sexism) means unequal treatment, within a given group of society, of women and men in various spheres of their social activeness, ex. in employment, mostly because of traditional roles being attributed to the representatives of a given sex.

Other types of discrimination according to the causes **of discrimination are because of:**
- age, - social origin, - state belonging (citizenship), - political convictions, - religion, - disability, - sexual orientation.

TYPES OF DISCRIMINATION ACCORDING TO ITS FORMS

Direct discrimination occurs when a given individual (a group) is treated less favourably than other individuals (groups) in a comparable situation. It is manifested by intentionally uneven treatment because of a given feature (belonging to a given group).

Indirect discrimination takes place when a seemingly neutral principle, criterion or practice puts a given individual (a group) in a specially unfavourable position in comparison to other individuals (groups). It is manifested by unintentionally unequal treatment because of a given feature (belonging to a given group).

TYPES OF DISCRIMINATION IN RESPECT TO SOCIAL MOBILITY

Extreme discrimination means total exclusion of an individual (a group) from social advancement. An unexceptional denial of the right to work for certain groups of immigrants may be the example of this type of discrimination.

Selected discrimination may take three forms: 1) closing the chance to advance to the highest positions; there is an “*upper limit of potential achievements*” for a given group. 2) vocational discrimination which means creating barriers of access to certain professions, mostly identical to sex discrimination (of women), 3) closing or limiting important “*channels of mobility*” (ex. reducing education opportunities by high costs of education).

The manifestations of discrimination may be identified by statistical analysis of social, economic and political situation. Thus we assume that measurable statistical disproportions (inequalities) in satisfying needs or in the degree of participation in social, political or economic life between groups prove the existence of discrimination, ex. low share of women as compared to men taking managerial posts or positions in economic life or in politics are considered the indicators of sex discrimination.

Individuals and groups are not always conscious of discrimination. This phenomenon gave rise to the term (idea) of **auto-discrimination**. The term means the acceptance of one's own situation by an individual or a group, unconscious of discrimination, which results in the

limitation of own aspirations. The mechanism described by Robert Merton as a “self-fulfilling prophecy” is a similar phenomenon; it is the situation in which the stereotype like: “Blacks are lazy” reduces their chances for employment, thus they become unemployed. A high unemployment rate among the Blacks is then being treated as the evidence proving that “Blacks are lazy persons” which closes a vicious circle of a stereotype.

Another discussed term is a so called *positive discrimination*, also named (more adequately, probably for linguistic reasons) *a reverse discrimination*. Reverse discrimination means granting special privileges (ex. in legal entitlements) to groups (previously) discriminated. A good example of this type of discrimination is a newly proposed draft law on an equal status of women and men. It introduces parity of sex in public bodies. Because of the domination of man in politics the Act forces de facto the promotion of women in this sphere. Such a parity rule exists in Scandinavian countries and in France. Special privileges for national minorities in the parliamentary election law may be another example. Some understand the concept of *positive discrimination* as giving groundless and unearned privileges to certain groups at the expense of other groups, deprived of these privileges. The last case is in contrary to the very content of the term.

Here we come again to the question of relativity of discrimination as a category. Some consider positive discrimination the only remedy for a negative discrimination, others say that a so called *positive discrimination* does not differ, as to the essence, from any other type of discrimination; some even go farther saying that the phenomenon called by its advocates a *positive discrimination* is not a discrimination; discriminating is only their proposal of a *positive discrimination*. It is worth noting that many international documents aimed at preventing all forms of discrimination allow using so called *positive actions*.

THE CONCEPT OF “DISCRIMINATION” IN SELECTED DOCUMENTS AND LEGAL REGULATIONS

The concept of discrimination appears in many international documents such as:

- International Convention on the Elimination of All Forms of Racial Discrimination
- Convention on the Elimination of All Forms of Women Discrimination
- The Geneva Convention on the Status of Refugees of 1951
- Convention on the Rights of Children
- European Social Charter
- Protocol No. 12 to the Convention on Protection of Human Rights and Basic Freedoms of the Council of Europe
- European Union Master Convention on the Protection on National Minorities of 1995
- Treaty of the European Communities
- The Charter on Basic Rights of the European Union of 2000
- No 2000/43/WE Directive of the European Union

Polish version of the report includes a more detailed analysis of the mentioned documents.

Selected Polish regulations:

This review of the Acts in force and drafted shows in what types of context the term *discrimination* is used in Polish law. The review uses a linguistic key, it is the appearance of the word *discrimination*. Using a linguistic key has certain limitations. For example the Penalty Code provides for penalising discrimination many times (in case of national, ethnic,

racial, political, religious discrimination, also because of one's convictions), though the very word *discrimination* is not used (in any form, any time).

- Art. 32 point 1 of the **Constitution of the Republic of Poland** of 1997 states: “everybody is equal against law” and “everybody has the right to equal treatment by public authorities”. Point 2 states: “nobody and for no reason may be *discriminated* in political, social and economic life”. The next, Art. 33 refers to equal rights of women and men (preventing sex discrimination), while Art. 35 is the guarantee of freedoms and rights of Polish citizens belonging to national and ethnic minorities.
- Art. 11 (3) Of the **Labour Code** from 1996 makes “any *discrimination, direct or indirect* in labour relations, especially for the reasons of sex, age, disability, race, nationality, convictions, especially political and religious or trade union membership unlawful “. Chapter II a of the Code is devoted to equal treatment of women and men. Art. 18 (3) says that “equal treatment of women and men means not discriminating in any way, directly or indirectly for the reason of sex” (§2). *Indirect discrimination* occurs in case of disproportions as to work conditions to the disadvantage of large majority of one sex unless they may be justified by factors other than sex. (§ 3). Though the concept of *indirect discrimination* appears in the Code in a broader context, its definition may be found **only** in the context of sex discrimination. The Labour Code does not give any definition of the concept of *direct discrimination*.
- Art. 12 point 3a of the **Act on employment and preventing unemployment** states that no information from an employer on vacancies or on vocational training may include conditions discriminating job-seekers for the reason of sex, age, disability, race, nationality, convictions, (political or religious), or trade union membership. Similarly Art 6c, point 3 states that the criteria of job promises or job permits for foreigners may not include any conditions which discriminate job-seekers for the mentioned reasons.
- Art 6 point 1 of the **Act on Guarantees of the Freedom of Thought and Religion** says: “nobody may be discriminated or privileged because of religion or religious convictions.” Also §1, point 3 of the Ordinance of the Minister of Education from 1992 on conditions of religion teaching at public preschools and schools says that “attending or not attending to religion or ethic lessons in preschools and schools may not be the reason for discriminating anybody in any form.”. Art. 8 point 2 of the Act on cemeteries and funerals states that in “administrative units not having communal cemeteries the authorities of religious cemeteries are obliged to allow for the funeral, with no discrimination, of persons of other religions or without religious convictions”.
- Art. 18 point 1 of the **Radio and Television Act** says that “broadcasts may not propagate any actions forbidden by the law (...), especially may not present contents discriminating for the reason of race, sex or nationality”.
- According to draft **Act on a General Inspector on Preventing Discrimination** it is planned to establish the inspector to “watch how the principle of equal treatment is observed” and to prevent “*discrimination* because of race, national and ethnic origin, religion and convictions, age and sexual orientation, both in public and in private spheres of social life”. The draft introduces differentiation between *direct and indirect discrimination*. “*Direct discrimination* occurs when, because of race, ethnic or national origin, religion and convictions, age and sexual orientations a person is being treated less favourably as compared to how other person is, was or would be treated in a comparable situation; *indirect discrimination* occurs when a seemingly neutral principle, criterion or practice puts a person in an especially unfavourable situation as

compared to other persons, unless the principle, criterion or practice is objectively justified by the aims of such principles, criteria and practices and the means to meet these aims are adequate and unavoidable.” According to the draft “actions undertaken temporarily, aimed at equalising chances or compensating an unfavourable situation (...) do not break the principle of equal treatment.” (thus a so called positive discrimination is acceptable).

- Draft **Act on national and ethnic minorities** states that “every person belonging to a minority is entitled to protection against any act of *discrimination*, hatred or violence because of belonging to the minority”; it states that the “solutions introduced into the law to support minorities may not be interpreted as the manifestation of privileges or discrimination to anybody.” (thus a so called “positive discrimination” is acceptable).
- In the draft **Act on equal status of women and men**, *sex discrimination* is defined as “different treatment of women and men because of their belonging to a given sex, leading to an unjustified less favourable real or legal situation of a person, in comparison to a person of another sex.” The draft precisely defines the concept of *sex discrimination* in the following way: it means “the situation in which a person or a group is, was or would be treated less favourably in the same situation as compared to another person or a group, because of belonging to a given sex.” (*direct discrimination*); it also introduces the term *indirect discrimination* understood as “introducing seemingly neutral principles, criteria or practices which may lead to unfavourable situation of persons of a given sex as compared to persons of another sex, unless such principles, criteria or practices are objectively justified by a legally sanctioned aim and the means to meet this aim are adequate and necessary”. The discrimination occurs also in the case when “specific needs of a given sex are not met in the sphere of health services”; on the other hand temporal actions aimed at the equalization of chances and leading to a real equity of rights of women and men through decreasing, to the favour of one sex, the scope of real inequalities in this respect” are not treated as discrimination; (thus a so called “positive discrimination” is accepted).

All the attempts to make the term *discrimination* more precise in documents and legal regulations and draft laws aimed at preventing discrimination of certain groups show how this concept is actually understood by law-makers in Poland. As it shows, there are different ways of understanding the question of discrimination (it can be understood very widely or in very limited sense; either as an extreme phenomenon or as a phenomenon concerning selected areas). These different understandings of the word *discrimination* are off course reflected in the public (political) discourse.

V. THE STATE AND *OTHERS*. LEGAL ACTS AND PUBLIC INSTITUTIONS

From the legal point of view, the simplest (however imperfect) classification into natives and strangers is identical with the division into citizens and foreigners. Thus, while analysing legal aspects of being a stranger, one should first refer to these two categories. According to the legal definition, a foreigner is any person who is not a citizen. It is therefore proper to see first how the category of citizenship is construed in the Polish law, and then to move to a more specific legal category “foreigners”.

CATEGORY OF CITIZENSHIP IN POLAND

In the **Constitution of the Republic of Poland** of 1997 the concept of citizenship is identified with the concept of a nation (the preamble reads: ... *we, the Polish nation – all citizens of the Republic of Poland...*). Nationality is a concept belonging to an emotional, intellectual or cultural sphere, so it should be noted that what we are discussing here is a so called category of *political nation*. Pursuant to Article 34 of the Constitution, citizenship is acquired by birth from parents being Polish citizens or else one parent is a Polish citizen, the other has no citizenship. No-one can be deprived of the citizenship, one may relinquish it.

The Law on Polish citizenship of 1962 rules out the possibility of having a *double citizenship*. It means that in proceedings before Polish authorities, Polish citizens may not exercise the rights derived from holding citizenship of another country.

The Polish citizenship (as provided for also in the Constitution) is, by virtue of the law, acquired by a child whose either both parents are Polish citizens (Article 4, section 1) or one of the parents is a Polish citizen and citizenship of the other is either unknown, or undetermined, or such parent holds no citizenship whatsoever (section 2) (the principle of blood, *ius sanguinis*). The Polish citizenship is also acquired by a child born or found in Poland whose parents are unknown (or their citizenship is unknown, or they hold no citizenship) (Article 5) (the principle of soil, *ius soli* – but only when citizenship of parents cannot be determined). Likewise, a child whose one parent is a Polish citizen, and the other is a citizen of another country acquires Polish citizenship by birth (Article 6, section 1). If, in a statement made before a competent authority, parents have chosen for their child citizenship of a foreign country, a citizen of which is one of the parents, then the child may acquire Polish citizenship provided that, after reaching the age of sixteen and before reaching the lawful age, it has made a suitable statement before a competent authority and the latter has issued a decision to approve the statement (sections 1 and 3).

On request, a foreigner may be granted Polish citizenship by the so called **naturalisation**, if by virtue of a *residence permit*, he/she has lived in Poland for at least five years (Article 8, section 1), while citizenship granted to parents extends to children remaining under their parental authority (section 4). A person of an indeterminate citizenship, or having no citizenship at all, may also be declared a Polish citizen (Article 9). Furthermore, Polish citizenship is acquired by a foreigner who has been granted a *permit to settle down* in the territory of the Republic of Poland and for at least three years has remained in a matrimony with a person holding Polish citizenship, after a suitable statement has been made and approved (Article 10).

NATIONAL MINORITIES

So far, Poland has ratified a number of international legal documents relating to the protection of national and ethnic minorities and militant racism and intolerance. Among those legal acts, one should note the fact of ratification of the Council of Europe *Master Convention on protection of national minorities*, which followed the passing of **the Act of on ratification of the Master Convention on protection of national minorities** of 2000.

The other international law documents ratified by Poland are: *the European Social Charter* (nowadays Poland is encouraged to sign and ratify the Revised Social Charter), the declaration made by Poland in accordance with Article 14 of the *International Convention on elimination of all forms of racial discrimination*, in which Poland recognised the authority of the *Committee for the Elimination of Racial Discrimination* to examine individual complaints. *The European Committee against Racism and Intolerance (ECRI)*, being the body appointed by the Council of Europe and made up of independent experts, calls Polish authorities to sign and ratify *the European Charter for Regional or Minority Languages*. Likewise, Poland is being encouraged to sign and ratify the *European Convention on legal status of migrant workers* and the *Convention on participation of foreigners in public life at a local level*.

The basic guarantees for national minorities rights can be found in the Constitution of the Republic of Poland of 1997. In Article 32, this fundamental act introduces the principle of equality and non-discrimination. Article 35 of the Constitution directly refers to the question of minorities in its section 1 providing that *the Republic of Poland does guarantee to the Polish citizens belonging to national and ethnic minorities the freedom of preservation and development of their own languages, preservation of customs and traditions and development of their own culture*. In section two, there is a catalogue of rights belonging to minorities, guaranteeing them ... *the right to create their own educational and cultural institutions as well as institutions designed to protect their religious identity, and to participate in deciding on matters concerning their cultural identity*.

Article 53 guarantees freedom of conscience and religion. Section 4 of the same article provides that the religion of a church or religious congregation of an approved legal status may be a subject of education at schools while it must not violate the freedom of religion and conscience of other people. Pursuant to Article 60, Polish citizens exercising full public rights are entitled to the access to public service on equal terms.

Furthermore, provisions on participation of national and ethnic minorities in public life are found in a number of acts, among which the following can be mentioned: **the Act on guarantees of freedom of conscience and religion** of 1998, **The Law on associations** of 1989, **the Law on gatherings** of 1990, **the Act on political parties** of 1997, **The Act on National Population and Housing Census 2002** of 1999, **the Act on protection of personal data** of 1997.

National minorities also take advantage of preferences contained in Article 134 of the **The Law on elections to the Sejm and Senate of the Republic of Poland** of 2001, which provides that electoral committees formed by voters associated with registered organisations of national minorities may exercise the right to exempt electoral lists of these committees from the condition of obtaining at least 5 per cent of votes validly cast nationwide.

A separate group of legal documents dealing with minority issues is formed by **agreements and treaties on good neighbourhood and friendly cooperation, which Poland** concluded with all her neighbour countries: (Belarus – 1992, Czech and Slovak Federal Republic – 1991 – now valid in Poland's relations with the Czech Republic and Slovakia, Lithuania – 1994, Germany – 1991, Russian Federation – 1992 and Ukraine – 1992). As a

rule, these agreements include confirmation of the rights of national minorities to develop and express their ethnic, cultural, language and religion identity.

In January 2003, **a draft of the Law on national and ethnic minorities in the Republic of Poland** was completed and became the subject of a stormy parliamentary discussion. The drafted law puts emphasis on the rights of whole communities, the concept being adopted across Europe; on the other hand, United Nations documents are dealing with the rights of individuals. The act will relate – the draft says while defining the concept of *minority* – to the Polish citizens belonging to *minorities traditionally living in the territory of the Polish state*.

The draft confirms the rights guaranteed by the Constitution, including the right to preserve and develop own culture and identity, freedom of conscience, the right to express own convictions and to profess and practice own religion. The public authorities support *realisation of the equality of chances, in particular in the area of public life and education and culture, activities aimed at maintaining and development of national identity of persons belonging to minorities*.

The right to cultivate languages of minorities (the draft calls *them accessory languages*) first of all involves: an opportunity to learn one's language and to learn in this language as well as a freedom of its use. The use of those languages in public life, in *authority – citizen relations* was also provided. In the community, traditionally or substantially inhabited by persons belonging to a minority (the Ministerial Council is to announce the list) an accessory language may be introduced at the request of a citizen. The cost of necessary translations is born by the State Treasury. From substantiation of the draft, it appears that the entire official documentation will be kept in the official language (Polish) while a citizen may submit letters and requests in an accessory language. Consequently, in these communities, names of places, public bodies and streets may be bilingual. The drafted act is to introduce an amendment to **the Act on substitution of names and surnames** of 1956. This will permit to return to the original surname or name, which has been changed as a result of an administrative decision taken without a request being submitted by the person involved.

Learning a native language or in a native language as well as other activities meant to preserve the national or ethnic identity, schools organise observing the free will principle. A director of an educational institution organises the activities, and a pre-school child or a pupil participate in them only when parents have made a suitable request. However, as the draft says, *in case of young people being at least thirteen years old, the declaration with a consent to take part in such activities may be made by pupils themselves*. Once made, the declaration is valid until the completion of education at a given school, unless the pupil involved withdraws it.

The state supports – among other things by subsidies – non-commercial activities in the sphere of culture meant to maintain and develop identity of national minorities, such as: publication of periodicals, books, operation of cultural institutions, artistic and common room activity. Public radio and television are to promote *knowledge of history, life and culture of national minorities living in Poland*. Their duties also include the emission of programmes in native languages.

The draft provides for establishment of **the Office for National Minorities** headed by a president as a head of the central governmental administration, to be appointed and dismissed by the Prime Minister. Among other things, his duties will include the distribution of subsidies.

The draft gave rise to numerous controversies. Some deputies were of opinion that there is no need to pass it. Opponents of the Act argue that in its essence the bill repeats solutions guaranteed to minorities in the Constitution and other statutes, and so there is no sense to create a new legal act. Supporters of the Act point out to the fact that the ratification of *the Master Convention of the Council of Europe on protection of minorities* makes it necessary to create detailed guarantees for the rights of minorities exactly by passing the aforementioned bill. The expected favourable response of the international public opinion to the passing of the bill would not be meaningless – they say.

FOREIGNERS

The status of a foreigner is governed by the **Act on Foreigners** of 1997., which has repealed the outdated act of 1963. Pursuant to Article 2 of the Act on Foreigners *a foreigner is any person who does not hold Polish citizenship*. It is proper to mention that *the Act, with the exception of its Article 5, section 1 and Article 96, is not applicable to heads and members of diplomatic missions, heads of consular offices and members of foreign consular offices as well as to persons of equivalent status under laws, agreements and established international practice on condition of reciprocity and subject to suitable documents being held by these persons*.

The Act on Foreigners (Article 5) conditions **passage across the Polish border** on the possession of a valid travel document and a visa. **A travel document** may be issued to a foreigner by authorities of a foreign country, Polish authorities, or an international organisation (Article 4, section 1 of the Act). On the other hand, **a visa** may be issued or invalidated solely by Polish authorities. Abroad, these are represented by a consul, and, at home, by a governor. However, there are exceptions to this rule, and so a visa may be granted by a commanding officer of a Border Guard post. A visa is stamped into a travel document (Article 10 of the Act). A visa may entitle to a single or repeated passage across the Polish Border; it must specify its validity period, purpose of travel and sojourn, and other data. The Act also stipulates when a visa may be refused or entry in Poland denied.

A person who has lost his/her travel document is obliged to report to the police. In such circumstances, a Polish travel document may be issued for the period of up to two years, no longer however than the validity period of the residence permit. Furthermore, Article 29 provides for the issue of **temporary Polish travel documents** when a foreigner entitled to enter the territory of the Republic of Poland has lost the document abroad. The temporary document is issued for the period of up to one week.

The Act also resolves the question of issuing **residence and settlement permits** as well as the question of family reunion. As far as the residence is concerned, the relevant decision is made by the governor of a voivodship (wojewoda) to be valid for a specified period of time. In order to obtain a residence permit, an applicant has to meet some of the criteria referred to in the Act. These may include: grant of a work permit, making business, taking up education, marriage to a Polish citizen or a foreigner holding a residence permit. It is worthy of mentioning that a permit is issued for the period of up to two years, and thereafter it may be extended only once, however, for the period of no more than two years. **A residence card** is issued to a foreigner whose request for residence for a specified period of time or settlement has been approved. Article 21 of the Act on Foreigners specifies its elements.

Chapter 3a of the Act contains provisions relating to **family reunion**. The institution of family reunion originates from international regulations establishing *the right to live in the*

family. Article 24a and subsequent provisions stipulate when a spouse or children may be granted permission to take up residence in the Republic of Poland to reunite with their family.

Still, when a given foreigner has certain obligations towards his/hers country of origin, then even after the aforementioned conditions have been satisfied, he/she will not be granted a settlement permit as provided in Article 19 of the Act on Foreigners. Other provisions relate to dependant children. It is important that a permit is granted for an indefinite period of time. Obviously, in justifiable cases, the Act allows for a residence or settlement permit to be withdrawn.

The category of refugees occupies a significant place in the Polish law. As far as refugee protection is concerned, an important event in the Polish legislative process was the introduction of a constitutional guarantee for the status of a refugee expressed in Article 56, section 2 of the Constitution of the Republic of Poland of 1997: *In accordance with international agreements that are binding on Poland, a foreigner seeking protection against persecution in the Republic of Poland may be granted the status of a refugee.*

More specific regulations are contained in The Act on Foreigner. Article 32 of the Act clearly provides that: in the Republic of Poland, a foreigner may be granted a status of a refugee in the meaning of the Geneva Convention and the New York Protocol, unless such foreigner has obtained the status in any other country that provides him or her with real protection.

An amendment to the Act on Foreigners was adopted by the Parliament of the Republic of Poland on 11th April, 2001 and contains some material changes in comparison with the previous legal situation. New provisions in Article 34a of the Act abolish the automatic grant of the refugee status to applicant's teenage children and spouse accompanying him / her. Article 34a added to the Act in its section 2 provides that a request may also relate to a foreigner's spouse, if the person seeking the status so applies, and the accompanying spouse consents thereto in writing.

While waiting for a request for the status of a refugee to be examined (Article 40), a foreigner has the right to seek such social benefits as accommodation, food, health care, humanitarian aid, occasional or continuous financial aid, assistance in voluntary repatriation to the country of origin or country of residence. Article 40 has been supplemented by a new section 3, which has changed the rigid rule, under which the aforementioned social benefits may be granted only by sending a foreigner to **a refugee centre**.

In addition, a significant change in the legislation relates also to the passing of authority, among other things, in respect of granting the status of a refugee to the officer of the central government administration – the President of **the Office for Repatriation and Foreigners**, supervised by the Minister of the Interior and Administration.

The first significant change in the internal legislation relating to the integration of the so called recognised refugees was introduced in 1994. The then passed Act on Employment and Unemployment equalised the rights of foreigners to access the labour market with the rights of Polish citizens. In 1996, the Act on Social Assistance of 1990 was amended, giving refugees the right to social benefits equal to the rights of Polish citizens. In 2000, the Parliament adopted an amendment to the Act on the System of Education, granting refugees the right to learn in public high schools.

When may a foreigner be expelled from the territory of Poland? The Act on Foreigners says that this may refer to a foreigner who stays in the territory of the Republic of Poland without an entry or sojourn permit, when he or she has no resources to cover the costs of sojourn, has undertaken employment or has worked without suitable permit or when any

condition occurs, which would justify refusal of granting a visa (Article 52). A decision to expel a foreigner may be undertaken by wojewoda *ex officio* or on request of the National Defence Minister, Head of the State Security Office, commander in chief of the Border Guard or commanding officer a Border Guard unit, Commander in chief of the Police or provincial police commander. The principles and conditions of his / her stay in **the deportation centre** are provided in details; every foreigner awaiting the expulsion has the right to the decent life conditions and to the decent treatment.

REPATRIATES

The question of Polish citizenship being acquired by repatriation of persons from eastern territories of the former Soviet Union was provided for in **the Law on Repatriation** of 2000. Article 9 of the Law on Repatriation specifies territories, from which inhabitants of Polish origin may apply for the status of a repatriate. These are the republics: Armenia, Azerbaijan, Georgia, Kazakhstan, Kirghizia, Tadzhikistan, Turkmenistan, Uzbekistan or other part of the Asian territory of the Russian Federation. It means that the new Law limited the notion of repatriates. In the previous period Poles living all around the world could apply for the status.

Although in accordance with the Law, **citizenship is acquired on the strength of the law on crossing the border of the Republic of Poland, the acquisition of citizenship is conditioned on the prior grant of a repatriation visa** (Article 4). This refers to persons who can present documents proving their Polish origin. The fact is ascertained by a consul by way of an administrative decision (see Article 5 and subsequent). The grant of a repatriation visa is conditioned on evidence being presented to show that satisfactory living conditions in Poland have been secured (possession of a dwelling place, means of sustenance, etc. (see Article 12).

The Law distinguishes also the institution of **recognition a repatriate** (Article 16). Relevant decisions are issued by the wojewoda. This refers to persons who meet the conditions specified in the Law under discussion for obtaining Polish citizenship (they are of Polish origin and were living in the specified territory of the former Soviet Union), but stay in Poland on the basis of a temporary residence permit in connection with studying as holders of scholarships granted by the Polish side. They ought to submit their request within twelve months of graduating from university.

It is planned that, in the future, the question of repatriation will be included in **a new law, the draft of which was adopted** by the Cabinet on 21st January this year (the Act on amendment of the Law on Repatriation). The draft assumes that the Law would take effect as of 15th June, 2003.

One of the major changes in the Law provides for a greater financial support for the purposes of repatriation from the national budget. And so, e.g. in accordance with the amended wording of Article 22, section 2 of the aforementioned Law, the means granted to a repatriate for an overhaul or adaptation of a dwelling in the place of settlement in the territory of the Republic of Poland would originate from the national budget. At present, pursuant to the Law in force, the means may be provided only by local self-government, which in practice, due to the poor financial situation of self-government structures, significantly affects conditions for repatriation.

SELECTED FIELDS OF *OTHERS'* LIFE IN POLAND

Access to labour

In a current legal state **foreigners that already have settlement permission or a status of refugee** are exempt from the obligation of gaining labour permit.

Remaining foreigners are allowed to perform work on the territory of Poland after passing the following three-grade procedure:

- an employer gets a promise of labour permit for a said foreigner;
- a foreigner obtains a proper visa or settlement permission for a said period of time;
- a foreigner gets a labour permit.

Promises and permits are issued by wojewoda for a defined period of time (not longer than visa or residence permit validity). The papers issued for a definite foreigner and defined employee, for a defined post and kind of work.

Wojewoda issues a promise taking under consideration the merits after having analysed the situation at a local labour market, the information being obtained from starosta - starost of the poviat (the including if the employer in question has tried to entrust the post in question to a Polish citizen or a foreigner who has already possessed settlement permission or the status of refugee in the Republic of Poland).

Wojewoda will not issue then a promise to employ a foreigner if he assesses it as inadvisable from the point of view of a labour market situation. Furthermore he will not do that if the employer earlier, with no grounds, refused to employ on the post offered to a foreigner another unemployed or job-seekers directed to him by a starost. Also in case when a motion concerns a foreigner whose qualifications, skills or proposed wage are not appropriate in relation to labour in question or when a foreigner has earlier violated Polish regulations in the scope of public order.

From the day Poland becomes member state of the European Union the situation of foreigners will change. The bill granting **citizens of the European Union member states** the right to undertake and render labour in Poland without the obligation of gaining permission of proper bodies will enter into force. In the result foreigners will be entitled even to unemployment benefit.

Labour conditions, days off

There are not any discriminatory regulations in the Law of 30.10.2002 on social insurance concerning industrial accidents and occupational diseases, neither due to citizenship nor to the place of accommodation. One should mention, that the regulations concerning social insurance against industrial accidents and occupational diseases have a very long and rich tradition in the international law, especially comparing to other fields of social insurance. *The ILO Equality of Treatment (Accident Compensation) Convention No 19* of 1928 was ratified by Poland already in 1928.

According to the Law on freedom of conscience and belief, special rights for confessors of non catholic (*other*) religions are made. People belonging to churches and other religious unions in which religious holidays are not the days off in legal aspect, are allowed to obtain a leave (at work or at school) on request for the time of the holiday, if they come to work another day instead.

In case of some churches and religious unions (e.g. orthodox, Jewish) there are regulations concerning specified religious holidays legitimating to leaves.

Right to pension and family benefits

Polish social insurance system is based on the **Law on social insurance system** of 1998. The first part of the act comprises a. o. the regulations concerning discrimination – the Law is based on the equal treatment of all insured regardless of sex, marital status, family status. The equal treatment regards in particular to: 1) the conditions of becoming a subject to social insurance, 2) the contribution paying liability and contribution level, 3) the level of the benefit.

According to the article 5, the following categories are excluded from the social insurance system: foreigners (citizens of foreign countries), who do not stay in the territory of the Republic of Poland, including employees of foreign diplomatic and consular offices, missions, special missions and international institutions, unless international agreements ratified by Poland provide otherwise.

The kinds of social insurance benefits (a. o. disability pensions), the conditions of obtaining the right to them, the rules of disposal etc. are subject to other regulations (both Laws and Ordinances). None of these acts makes the right to benefits depending on citizenship. The basic condition is paying the contribution.

Actually the above mentioned requirement is rather difficult for foreigners to meet. These, who came to Poland for permanent residence are liable to paying the contribution, but in order to obtain the right to pension one has to prove, that he or she was the subject to the social insurance system for at least 20 years (in case of woman) or 25 years (in case of man). It is quite easy in case of life stability and appropriate period of stay and employment in Poland. The citizens of states, that signed bilateral agreements on social insurance with Poland, are in a better position. In case of them, the period of insurance in their motherlands is taken into account by the decision concerning the right to benefit.

The regulations concerning family benefits are different. They are not based on insurance, but on non-contributory technique. **The Act on family and care benefits** of 1994 is limited to Polish citizens living in Poland and foreigners with settlement permit. So, the main criterion is the settlement in Poland.

Access to the health care

As far as health care in Poland is concerned, the rights of foreigners are first of all provided for in the basic system acts: until recently, in the **Act on universal health insurance** of 1997 and currently in the **Act on the National Health Fund** of 2002 to the extent as those acts refer to foreigners.

Both acts establish rules of rendering health services first of all to the insured, so to people holding Polish citizenship and paying benefits for health insurance as well as to foreigners (and their families) staying in the territory of the Republic of Poland by virtue of a visa entitling to take up employment, settlement permit or temporary residence permit, if: 1) they are subject to obligatory health insurance, 2) they have been insured voluntarily (Article 6 of the Act on the National Health Fund).

Article 7 of the Act on the National Health Fund points out to the groups defined as foreigners. The first one is made up of students and postgraduates studying in Poland and graduates being in obligatory training in Poland. The other is made up of friars and alumni of religious and theological seminaries, order postulants, novices and juniorists and the like staying in the territory of the Republic of Poland by virtue of visas, settlement permits and temporary residence permits.

It is worth mentioning about unequal treatment concerning e.g. foreign postgraduates, who have the right to voluntary public health insurance. These without Polish origin must pay the contributions by themselves. Contributions for the others were paid by universities (after submitting appropriate documents concerning their origin; the final decision about recognition of the Polish origin is taken by a consul of the Republic of Poland). This fact can be understood as a *positive* discrimination, nevertheless it is questionable.

Postgraduates and other persons applying for the right to health care services, such as persons with work permit and who are employed on the territory of the Republic of Poland must face very exhausting procedure, but thereafter they obtain the status of insured person and automatically the rights identical to those of citizens of the Republic of Poland having such insurance. Article 8 of the act deprives those foreigners of the possibility of being covered by health insurance with the Fund who stay in the territory of the Republic of Poland, including employees of foreign diplomatic and consular offices, missions, special missions and international institutions, unless international agreements ratified by Poland provide otherwise. First of all, this refers to a number of bilateral agreements based on the principle of mutually equal treatment of Polish and foreign citizens.

It is still worth to mention about the other side of the coin. *Others* can be candidates for a job in public health care institutions or they can try to set up their own medical practice. **The Act on medical chambers** from 1989 describes the competence of medical self-management, which acknowledges the right to practice as a doctor and registers members of regional medical chamber (who intend to work on the territory of its activity). The limitation of the access of potential competitors to the local *health care market* can be a temptation.

Access to education

According to the **Act on the educational system** of 1991 schools and public institutions should *enable pupils to preserve their national, ethnic, language and religion identity with special attention to the study of their own history and culture*. Those questions were provided for in detail in **the Ordinance on the organisation of education supporting preservation of national, ethnic and language identity of pupils** of 1994 belonging to national minorities. Among others, the ordinance introduced the concept of *a school with native language teaching* (where pupils are taught in the language of the minority, they belong to) with the exception of the Polish language and history lessons. It makes it possible to form classes with native language of the minority teaching, on condition, that the class consists of at least 7 pupils.

The public schools and pre-schools are opened free for persons with Polish origin in the sense of regulations on repatriation; persons, who have settlement permit; persons, who have such permit based on international agreements; persons with a refugee status, on the same conditions as for the Polish citizens.

According to **the Ordinance on admission of persons, who are not Polish citizens, to public pre-schools, schools, institutes for teachers' education** of 2001 foreigners are admitted to secondary schools, if they: - have a certificate of a foreign primary school equal to

the Polish certificate; - submit a medical certificate, proving that there are no any contraindications of taking up the education in the specific kind of school. If a foreigner is not able to submit documents mentioned above, he is admitted to appropriate class (or semester) depending on the results of the exam in his (professional) skills.

For other persons, who are not Polish citizens, a scholarship (either from the Minister of Education or from a school director) can be granted. Otherwise they have to pay for their education by themselves. In the latter case, the fee for each year cannot be lower than planned educational costs. When he or she is in the difficult economic situation, the fee may be reduced or one can be exempted from it.

For the foreigners without skills in Polish language, a gmina arranges additional free Polish language lessons for the period not longer than one school - year. Foreign diplomatic or consular offices or cultural - educational associations can arrange courses of language and culture of the motherland of foreigners.

Access to the social assistance

The scope and forms of assistance rendered to *others* by institutions of social aid are provided for in: the **Act on social assistance** of 1990 as well as **the Decree on specific rules of rendering aid to refugees, the amount of financial benefits, forms and scope of aid, course of action in those cases and circumstances, under which the aid may be withheld or refused** of 2000.

The act provides that in addition to persons holding Polish citizenship also foreigners staying or having residence in the territory of the Republic of Poland, having permission for permanent stay or the status of refugees are entitled to benefits from social assistance, unless international agreement provide otherwise (Article 2b). In particular, helping the refugees is the duty of the poviats (Article 11a). Assistance is granted to refugees for the period not longer than twelve months and involves financial aid for expenses connected with learning the Polish language (of a specified amount), insurance benefits in the amount specified in the regulations on general health insurance, specialist social counselling supporting the process of integration (Article 24a).

The Poviats Family Aid Centre (PCPR) or Municipal Family Aid Centres (in cities exercising the rights of an administrative district) render assistance to refugees under the integration programme in the form of financial allowances (in particular to cover their expenses on clothes, footwear, toiletry as well as rent) and payment of expenses connected with learning the Polish language.

PUBLIC INSTITUTIONS ACTING ON BEHALF OF *OTHERS*

Actions of the government of the Republic of Poland should tend towards protection of rights of national minorities and *strengthening the spirit of tolerance and intercultural dialogue*. Activities of the following bodies serve this purpose: **Committee for National and Ethnic Minorities**, **Committee on Liaison with Poles Abroad** of the Polish Sejm, **Emigration and Poles Abroad Committee** of the Polish Senate, **Office for repatriation and foreigners**, **Inter-ministerial Team for National Minorities**, **Department of Religion and National Minorities** of the Ministry of the Interior and Administration, **Department of National Minorities Culture** of the Ministry of Culture, Ministry of National Education and Sport, in the structure of which there is no separate unit dealing with the issues of national minorities,

but these fall within the power of the **Department of General and Special Education and Social Prevention**.

In 2002 the competence of **government Plenipotentiary for equal status of woman and man** (appointed one and a half year before) was broadened by the following duties: *preparation works for establishing the office for counteracting discrimination due to race, ethnic origin, religion and beliefs, age and sexual orientation, including: elaborating the schedule and legal acts drafts concerning the establishing of the office*. **The Office for National Minorities** is likely to be set up soon as well.

Laws against discrimination of the rights of minorities are also found in the **Penalty code**. In its Article 118, Chapter XVI relating to crimes against peace, humanity and war crimes provides for specific penalty *for homicide or causing heavy damage to the health of a person belonging to any national, ethnic, racial, political or religious group, aimed at the destruction of the whole or a part of such group*. Article 119 penalises *the use of violence or unlawful threat to a group or individual persons caused by their national, ethnic, political or religious affiliation*. In accordance with Article 256, *public propagation of a fascist or any other totalitarian political system as well as exhortation to the hatred based on national, ethnic, racial or religious differences is subject to penalty*. Article 257 provides that *public insult to a group of people or individuals because of their national, ethnic, racial and religious affiliation* is penalised.

The public social assistance institutions (predestined to flexible actions in not typical situations), could be of the very important meaning, especially for these *others*, who are lost and helpless.

It is very difficult to estimate the number of *others* taking advantage of social assistance. As a matter of fact, it is possible only in the case of refugees who make a small group of aid recipients. In 2000, such assistance was given to 18 families, including 2 families, which obtained assistance in form of social work (source: Ministry of Labour and Social Policy, 2000). The other *others* take advantage of assistance on the basis of general principles (additionally in the local social assistance centres the assistance for Roma and mixed marriages is noticeable).

This means that like in the case of Polish clients the assistance of those institutions and potentially wide range of services is being reduced due to insufficient number of qualified social workers, the fact that it is a client to come to social assistance centres (social assistance continues to be an institution waiting for a customer and not the one that meets them half-way), discretionary nature of some services, the scope and value of which is being limited due to the lack of resources or other reasons.

In the institutions of social assistance helping *others* meets certain barriers: reluctant attitude toward *others* in institutions, amid their staff and in their environment; also the lack of knowledge about the non-profit sector helping *others*. Moreover, social workers as a professional group are not sufficiently prepared for the work with *others* – cultural and ethnic minorities and have little experience in this work.

For any institution of social assistance, suffering the shortage of basic means, the basic problems in social work with *others* are linked to the following dilemmas: - Whom to assist – natives or *others*? Who is a native and who is an *other* for employees of the institution? Should discrimination practices in the institutions of social assistance be discussed or rather passed over in silence? Does a social worker have an authority over a client and how is it manifested?

As far as the protection of foreigners' and national and social minorities' rights is concerned, activities of the **Ombudsman** (very prominent and *opinion-leading* institution set

up already in 1987) play an essential role, although, it is worthy of mentioning, according to literal interpretation of the Law, until 1991 the ombudsman was not authorised to act on behalf of foreigners. It was not until the amendment of 1991 that the circle of subjects authorised to file complaints with the ombudsman was widened to persons not being Polish citizens (Article 18 of the Act on Ombudsman). But even then, despite such provision of the Act existing before 1991, the ombudsman intervened in matters involving foreigners, first of all invoking the principle of common justice, which he should follow, and *the International Pacts of Civil and Politic Rights* and *of Economic, Social and Cultural Rights* ratified by Poland in 1977.

The number of cases concerning protection of national minorities' rights has not made up the substantial percentage (less than 1%) comparing to general number of intervention of the Polish ombudsman, since it was set up. E.g. in 2002, 33 cases concerned national minorities and approximately 150 - foreigners (including repatriates). In case of foreigners, about 5% cases regarded only expulsion, about 30% – refugees (most of them, due to the refusal of a refugee status, less – concerning refugees centres, very seldom - concerning integration assistance for those, who obtained the status); about 40% cases regarded conditions of stay in Poland (e.g. employment, social insurance, health care; most of the cases were about refusal of temporal residence permit) and both conditions of stay and expulsion; about 10% cases concerned repatriation (a. o. regarding fulfilling the duties of inviting party; problems of husbands and wives of repatriates, who do not obtain the settlement permit, but only the temporary residence permit in Poland). A problem noted by the ombudsman is the lack of a legal regulation, which would allow to legalise the stay of foreigners who for various reasons are not and should not be expelled.

Complains are usually in written form, very seldom the representatives of minorities and foreigners come to the ombudsman personally. In case of foreigners, most of complains were individual, less of them were undertaken by virtue of the office. In case of national minorities, in 2002, 17 cases were undertaken on ombudsman initiative, 8 due to the motions of national minorities' organisations and 8 – private persons.

According to the employee of the Ombudsman Office (who was interviewed by us), neither the Polish law, nor the Polish authorities incline towards discrimination of national minorities or foreigners and it is difficult to speak about an institutional discrimination. The ombudsman intends to check some administrative decisions of voivodship offices in 2003, what should enable him a better diagnose of the issue. *The problem*, the Ombudsman Office employee said, *consists rather in xenophobic attitude towards "others" in the substantial part of the Polish society.*

VI. POLISH POLITICAL SCENE. ATTITUDES, DECLARATIONS AND ACTIONS

POLITICAL PARTIES. PROGRAMME DECLARATIONS

In ideological declarations, official statements of party leaders and programmes of parties and groupings active on the Polish political scene (that is having or aspiring to having its representation in the Parliament) **it is difficult to point out distinct and direct xenophobic or racist calls.** It is first of all the result of the construction of the Polish law that directly bans

the existence of political parties and groupings *exhorting in their papers to totalitarian methods and nazi, fascist and communistic practices and those whose programmes or activity assume or admit racial or national hatred, the use of violence in order to gain power or influence on the policy of state or anticipate making classified their programmes or membership.*⁶

In part it is also an effect of unpopularity of extreme groups among the Polish society although there are exceptions from this principle what seems to be proved by the success of Związek Zawodowy Rolników *Samoobrona* (Farmers' Trade Union *Self-defence*) in course of recent parliamentary election (now it has 39 for an overall number of 460 deputies). *Samoobrona* should be recognised as an extreme grouping first of all for its attitude towards economical issues and the way of practising politics (controversial, offensive parliamentary speeches, roads blocking etc.). Xenophobic trains in the speeches of *Samoobrona* leader are quite distinctly visible (dislike to rather indeterminate *others*, who *are buying up Polish soil and who flood our market with cheap and poor quality food*).

Samoobrona's popularity is to be linked with Polish society's penchant for authoritarianism including a tendency to supporting charismatic leaders who make the impression of being strong personalities, who are offering simple remedies for every social problem. For the same reason *Prawo i Sprawiedliwość* (Law and Justice) (43 deputies) grows to be one of the leading parties.

Symptomatic is that organisations that have their roots in national traditions are the most *Euro-sceptical*, strongly stressing the necessity of national, cultural and religion identity preservation, sharp distinction from others (also by physical separation – tightening of borders, and in this way for example *restraining influx of criminals from the East*)⁷

Programmes of certain groupings: (Liga Polskich Rodzin (Polish Families League), Partia Ludowo – Demokratyczna (Peasant – Democratic Party), Ruch Katolicko – Narodowy (Catholic – National Movement), Ruch Odbudowy Polski (Poland Reconstruction Movement), Zjednoczenie Chrzescijansko – Narodowe (Christian – National Union) and also co-ruling, until not long ago, Polskie Stronnictwo Ludowe (Polish Peasant Party) – (40 deputies)⁸ stress even stronger reluctance towards representatives of foreign capital that from such a perspective are perceived as threat (*others*) from outside.

Yet only extreme rightist grouping that is Narodowe Odrodzenie Polski (Poland National Reconstruction) in its programme, documents and commentaries explicates for *national separatism* (*Settling races in countries of their origin is the first step towards a peaceful world*) and against *Zionism, political, economic and territorial imperialism*. In its leaflets it propagates among other things watchwords: *the employment for Poles, against immigrants, for inviolability of Western border, against German fifth column*. As for now this neo-fascist party has not got even the slightest chance to get into the Parliament. A few similar political initiatives disappeared long ago while NOP joined groupings supporting the candidate for Lodz president who has won the election.

At the same time there are active parties recalling to national tradition, conservative as far as their outlook and economic programmes are concerned yet are advocating tolerance. An example is small Stronnictwo Konserwatywno Ludowe (Conservative – Peasant Party) having only eight deputies in the Parliament, that clearly declares the need of the tolerance

⁶ Article 13 of the Constitution of the Republic of Poland (of April 2nd, 1997)

⁷ Fragment of programme *Agreement with Poland* of the Ruch Odbudowy Polski of May 3rd, 1996

⁸ Christian – Democratic and Peasant parties

towards *others*, other nations and first of towards neighbours (eastern and western) as well as towards all European nations. SKL accepts yet common religion traditions as a base of tolerance (according to their representatives the tolerance is not all-embracing).

POLITICAL PARTIES. EVERYDAY RHETORIC

Only while analysing concrete manifestations of political life – leaders' and members' of those groupings current speeches, their behaviours, undertakings, in which they participate or act as passive observers – it is possible to define their real attitude towards *others*. This demands a skill of reading between lines, as – due to legal regulations – they rather seldom recall to hatred derived from xenophobia.

An example of meeting a warrant of *political correctness* is expressing negative opinions on national minority (most often – Jewish) through the use of an expression *true Poles* in a certain context. For recipients it is enough legible a signal telling them about speaker's dislike for *others* (that is *untrue Poles*) while it does not expose sender of such a verbal communiqué to potential legal responsibility. In representatives' of Liga Polskich Rodzin and Zjednoczenie Chrzescijansko – Narodowe statements perceptible are distinct recalls to nationalism and the division of the world into *natives*, who are members of the mentioned organisations and *others* that are followers of the other political options and other than catholic outlook. There appears also an open, not camouflaged with language parables, *hate speech*.

On the Polish political scene after 1989 *hate speech* is a relatively new phenomenon; heyday is dated for the middle of the 90s of the 20th century. One may wonder if it has its roots in old phobias towards Germans and Ukrainians (especially from the period of the World War II) and Jews or it appears as a retarded result of arousing hatreds by the communist party – state authorities which was formerly used for short-term political goals (maintaining of aversion to Germans was a method of legitimisation of those authorities, the dislike to Ukrainians – justified their displacement after the War and to Jews who were becoming indispensable for authorities *internal enemy* – by the end of 60s first in particular).

In 2000 the so called *Jedwabne affair* became peculiar *litmus paper* for disturbing patriotism interpretation in political debates on the Polish political scene:

- disclosing that during the Hitler occupation in a few small villages in the north – eastern Poland collective manslaughter over Jews was committed by their Polish neighbours;
- as well as apology that president Kwasniewski in the name of Poles directed to Jewish nation in July 2001.

Politicians of above mentioned groupings sharply rejected any possibility that any Pole could be held responsible for such a crime, recognising that the whole thing was a *Polonophobs'* slander and accusing president of this *Polono-phobia*. The temperature of debate was very high.

Provoking hatred and xenophobia politicians statements not necessarily serve only their particular and short-term political goals. Patriotic or plainly and straight chauvinistic rhetoric, the fuelling of xenophobic atmosphere are probably designed for long-term political goals and the propagation of their outlook.

ROMAN CATHOLIC CHURCH

Roman Catholic Church plays as far as public matters in Poland are concerned very diverse role. They are, both episcopate and clergy, as well as politically active Catholics, deeply divided. The Church conducts charity activity in relation to the *others* too on one hand and in general evolves toward modern, tolerant Catholicism while on the other hand amid priests but also within the episcopate survive and find support currents of a militant nationalism, appears aversion towards opposing xenophobia and anti-Semitism.

Anti-xenophobic declarations and constructive Church activity

Documents of the Polish Church draw attention to brotherly stance toward all people no matter their race and religion. Such a standpoint was distinctly articulated among other things in the *Letter of Polish Episcopate Council for the Religion Dialogue on the Occasion of the Year 2000* (Jasna Gora, August 2000).

Episcopate reacted to the *Jedwabne affair* with dignity: in May 2001 in the largest Warsaw church Primate presided the penance service in the company of cardinals and over fifty bishops.

In the structure of the Polish Episcopate Conference there is a few institutions that deal with questions of various relations with broadly understood *others* (believers in other religions, unbelieving, migrants, refugees)⁹. They are the following: the Charity Commission, Committee for Polonia and Poles Abroad, Council on Ecumenism, Council on Migration, Tourism and Pilgrimage, Council on Religion Dialogue in the framework of which function various teams and among other things the Team for Church Aid for Catholics in the East.

In the framework of activity of *Caritas Polska* – charity organisation of the Polish Episcopate – exists a separate, specialised set of problems concerning migration¹⁰. In the statutory guidelines of the Caritas Polska there reads that the basis of Caritas functioning is the *particular kind of love – aid addressed to all in need, poor and weak – without paying attention to their race, religion, nationality or a degree of guilt*. Institutional form of Caritas activity toward migrants and refugees are special offices for migrants and refugees having their bases in four towns: Bialystok, Lublin, Wroclaw and Zgorzelec. They were established by Caritas Polska thanks to financial support from abroad and operate in close co-operation with diocese Caritas branches that guarantee free use of office rooms and make available for the sake of refugees their own material resources such as clothes, medicines, food, furniture, household appliances.

Since the middle of 90s Caritas Polska co-ordinated *Programme of Aid for Migrants and Refugees*. Its most active offices operated in eastern Poland. The majority of beneficiaries originated from Tchetchnia and Ukraine but there also happen to appear newcomers from such distant countries as Angola and Equador.

⁹ Bishop Ryszard Karpinski, *Church in Poland towards emigrants*, /in:/ Ks. Marek Chmielewski (editor), *Church in Poland toward people in need*, TN KUL, Lublin 1994

¹⁰ A. Zadura, *Reach out your hand /in/ Caritas. Quarterly devoted to charity labour*, 1998.

Informator Caritas No 1 98/99, Warsaw 1999

Information of the office for refugees of the Caritas of Lublin Diocese; <http://www.caritaspolska.org.pl>

Who are we? Information of Migrants Office Caritas of Wroclaw Archdiocese; <http://www.caritas.pl/wroclaw>

The number of beneficiaries kept growing in years 1994 – 2001 from 20 at the beginning to 1,215 in 2001. It was so for the following reasons: - within that time grew the number of foreigners coming to Poland especially of those who were seeking here the status of refugee, - two new centres were opened in Białystok – thus **Caritas offices** become known on the market of humanitarian help.

Several scopes might be separated within the activity of Offices for Migrants and Refugees, and namely:

- humanitarian help on border crossing points in Zgorzelec and Białystok,
- psychological aid,
- financial and material assistance,
- assistance by the access to medical treatment,
- legal assistance,
- programme of help for women and infants,
- assistance in a process of adaptation to formal requirements of life in Poland rendered to the so called recognised refugees (persons, who gained formal status of refugee),
- assistance for people held in deportation centres,
- assistance for current and potential repatriates, from former Soviet republics in particular,
- advising in matters concerning migration from Poland.

Issues linked with helping refugees and migrants is the subject of **thematic conferences**. A sample is the conference organised by the *Caritas*' Office of Information for Migrants and Refugees of Lublin diocese held in January 2003. Leading subject there was the integration of refugees into the Polish society and also the summing up of bilateral Polish – Dutch co-operation as well as realisation of pro-accession training programme in respect of refugees integration. Also a pilot program of refugees integration, which will be realised in Mazowsze, Podlasie and Lublin provinces was presented.

Another example is the organisation of **Refugee Day**. In June 2002 Caritas of the Wrocław diocese organised – with the participation of the Polska Akcja Humanitarna (Polish Humanitarian Action - PAH), Stowarzyszenia REM (REM Association) and Centrum Wolontariatu we Wrocławiu (Wrocław Voluntary Centre) – integration soireé on the occasion of the International Refugee Day. Honorary patronage was held by such personalities as Cracow archbishop metropolitan Cardinal Henryk Gulbinowicz, representative of UNHCR in Poland Jaime Ruiz de Santiago and professor Andrzej Zoll – ombudsman. The ceremony was held in the gardens of *Caritas* of the Wrocław diocese.

Catholics and *catholics*

The assistance activity of the Church could not be overestimated. Not all yet statements of episcopate members were fortunate. For example Primate of Poland cardinal Jozef Glemp stated during the inauguration of the Demographic Congress, on September 15th, 2001: *What is of the concern to the Church, is real need of certain policy with reference to society in order to make it grow, in order to avoid degradation of the nation. Once a question was risen if we manage to feed ourselves? Thus tendencies to limit population growth. Nowadays we know that Europe's ethnic population decreases and others come to this place. Today's Europe counts twenty million of Islam believers, which becomes a cultural and civilisation phenomenon, awakening reflections and worries about the future. Similar situation in Poland*

and we are interested not to have demographic “emptiness”, as into this “emptiness” will enter those, against whom we were defended by Jan III Sobieski (the king of Poland, who defended Vienna against Turkish armies in 1683), and we want neither another culture nor terrorism no any other difficult situations.

What is more important, it is assessed that there are few main trends¹¹ in Polish Catholicism including the militant Catholicism. Its anti-thesis is the *Catholicism of unclear borders*, which— as it is assessed by Catholic commentator M. Przewozniak —*in the name of wrongly understood dialogue principle is so fascinated with the possibility of meeting (people) thinking differently that forgets its own identity.*

Radio Maryja, an official broadcasting station of the Redemptorist order, is ever more influential and shocking representative of this *militant Catholicism*. It was founded in Poland in the beginning of 90s on the model of *Radio Maria International* and Italian broadcasting station *Maria*. Church authorities mark only off its aggressive rhetoric and not decide to substitute its leadership.

The scope of internal divisions is demonstrated by fact that in a weekly headed by a priest and published by Catholics – being a leading subject of that Catholicism of unclear borders – there reads: - Radio Maryja rather seldom – says one of radio’s ideologists – propagates sweet – blandish gospel of love and mercy. According to this conception the building of authentically Christian religion without naming an enemy against which there is the must to wage a war is impossible ¹². Catholics linked with this weekly are object of particular hostility and *hate speech* to even higher degree than the post-communists.

Radio Maryja has supposedly 5 million listeners. Prayers and discussing catechism take some 1/3 of the air time. Probably the majority of listeners limits to listening to these programmes. But there are also very influential broadcasts on social matters. *In those programmes the broadcast station presents and fuels worries and hatred of a part of the Polish society that are derived from the lack of understanding of the contemporary world, fears of alien domination and their complexes. Christian religion and Catholicism in particular, whose best representative considers itself Radio Maryja, is - according to the radio – being attacked from all angles and in Western Europe completely eliminated. The same refers to everything being Polish. Under this hopeless situation one should demonstrate artificial optimism, not to surrender, to debunk sneaky enemies (liberalism, masons, Jews) and keep looking for miraculous solutions (...). Sometimes from those statements it is impossible to judge if they refer to Jews, Germans or other enemies – but it does not matter as on principle they are working in close co-operation (...). “Let’s see who is now representing German interests in Poland. We may speak of certain names”¹³.*

Radio Maryja is capable to organise street demonstrations too, at which people carry, among other things, banners with short but self-explanatory watchword: *Kwasniewski* (present president of the Republic of Poland, formerly member of the communist party) *is Stolzman*. In course of recent presidential election in 1995 it was stated on the aerial of Radio Maryja in a form of accusation that Hanna Gronkiewicz – Waltz (*Kwasniewski*’s competitor in the election, linked with the *Solidarity Trade Union* and demonstrating iron Catholicism) *is Jewish and just recently married*¹⁴. Meaningful is the fact that naming political enemy’s

¹¹ Ewa K. Czackowska : „**Our**” *doesn’t mean anybody*, Rzeczpospolita February 5th, 1998

¹² *Tygodnik Powszechny* No 19, March 9th, 2003

¹³ www.radiomaryja.pl.eu.org

¹⁴ Ref.: Jaroslaw Makowski, *With the Head in the Wall*, in: Rzeczpospolita of Sept.5th, 2002

nationality, qualification him as *non-Pole* is aimed in discrediting him in the eyes of the public opinion and thus deprive him votes.

The Radio Maryja quickly transforms into **radio – television – media – academic concern**: own daily: *Nasz Dziennik* is published on paper and through internet, own high school, all-Polish network of offices located next to parishes with the consent of rectors and in some dioceses on the basis of agreements with diocese authorities, books publishing house, publishing its own version of encyclopaedia, *Nasza Przyszlosc (Our Future)* Foundation, *the Institute of National Education* and – the last but not the least – recently obtained concession to set in motion television programme.

Some thirty politicians connected with *Radio Maryja* were elected deputies for the parliament of current term and founded above mentioned Liga Polskich Rodzin. Yet, organiser and director of the Radio, father Tadeusz Rydzyk has a custom to quickly recognise today's friends for tomorrow's enemies, so political power constructed by him is subject to fragmentation.

His enemies get mobilised, i.a. in non-governmental organisations. In November 2001 a group of followers of *the Ruch Społeczny Świadomi Tolerancji (Social Movement Conscious of Tolerance)* marched along streets of Warsaw crying: *When shall we crack down at last Goebbels of today – father Rydzyk?* In the internet information on *Radio Maryja* can be found not only on its own pages but also on at least two pages edited by *Radio's* adversaries, who diligently register and analyse its broadcasts.

NON-GOVERNMENTAL ORGANISATIONS

A separated data base collecting information concerning non-governmental organisations meant to fight manifestations of xenophobia and discrimination does not exist in Poland, so quantitative analyse of this phenomenon is difficult. In the largest of Polish **data base on non-governmental organisations - KLON** - appear some 100 organisations active on this field yet, 2/3 of them act for the favour of German minority. The data are to large extent out-of-date and incomplete.

Further search in the internet showed that there are much more such organisations in entire Poland and that they are very diverse. This information is not always up-to-date but it is possible to distinguish **five categories**.

The first group concentrates on mutual contacts between Poles and representatives of other nations that might be defined as **neutral or friendly**. The goal of those organisations is making Polish citizens acquainted with other nations' cultures, art, and history and encouraging Poles to make tourist excursions to these countries. Within the group it's worthwhile to mention associations of friendship Polish – American, Austrian, Belgian, Chinese, Cypriote, Hungarian, French, German, Greek, Icelandic, Italian, Japanese, Moroccan, Panamanian, Portuguese, South-African, Spanish, and many other.

The second is made of organisations the activity of which refers to contacts between Poles and nations, that due to historical remnants are characterised by reciprocal aversion and prejudice. An example are organisations meant to shape Polish-Jewish or Polish-German relations that for their main goal chose **overcoming of mutual aversion** and fighting discrimination and prejudice. They lay great emphasis on education, disclosing historical truth, organising symposia, lectures and international exchange.

The third group is made of non-governmental organisations **formed by minorities** living of the territory of Poland and among others Belorussian, Lithuanian and Ukrainian.

The forth are **Economic Chambers** meant to strengthen trade exchange and in this way to serve closer acquaintance.

The fifth category – particularly important – is made of organisations that do not identify with any national or social minority but in their activity concentrate on **the fighting all manifestations of xenophobia, discrimination and racism**. The most active in this field are: *Otwarta Rzeczpospolita (Open Republic)* and *Stowarzyszenie Nigdy Wiecej (the Association Never Again)*.

Otwarta Rzeczpospolita does scientific researches; in its activity, among other things, it has undertaken review of textbooks at an angle of Open society idea propagation. It is working over the list of organisations involved in similar subject matter and analysing the contents of right-wing press publication. It has conducted studies over intolerant youth attitude towards other than their own religion and national groups (in the framework of a project called: *One Country – Many Nations*).

The Association *Never Again* is very active amid youth and well known due to a published periodical and its internet page. It aims at counteracting neo-fascism, nationalism and hatred towards *others* and undertook numerous successful initiatives. The most important was for example football campaign *Let's kick racism from stadiums* meant to free football playing grounds from fascist symbolism, get rid of racist cries and watchwords; creating a network of anti-racist football supporters clubs. In the framework of the programme it publishes an anti-racist magazine for football fans *Stadion (Stadium)* and co-operates with media. It published also a record under the watchword *Music against racism* where hits from various kinds of music are presented.

Particularly cognitively interesting is the initiative to run the **Dark Brown Book** containing information on incidents of racial and xenophobic background as well as on crimes conducted by members of aggressive youth groups, including neo-fascists. Victims of registered violence cases are not only ethnically strange individuals but also the disabled and homeless as well as young anti-fascist activists. As a success the organisation considers the campaign for the introduction to Polish Constitution a ban for fascist and racist organisations.

One of the methods of fighting against discrimination and xenophobia is ARM – ACTION (*Anti-Racism Makers*) that is aimed at salesmen selling records of those teams whose texts call for racial hatred. On the internet page devoted to this initiative there is ready to use crime register form and detailed instruction what to do, as well as the list of bands promoting nationalist, pro-facist or anti-Semitic ideology.

Interesting is also the idea to form a **Tolerance Schools Club** that is to unite schools from different countries in which pupils are taught tolerance towards self-selected minorities and ethnic groups and exchange their knowledge with the other club members. The initiative is under the patronage of *Fundacja Porozumienie bez barier (Understanding with no Barriers Foundations)*, founded by Poland's 1st Lady Jolanta Kwasniewska.

Among non-governmental initiatives it is worthwhile to mention the organisation of **festivals and days of foreign cultures, days and weeks of tolerance and multi-culture** (e.g. Lodz, Poznan, Lublin, Bialystok, Wlodawa, Zielona Gora and many other) in course of which youth may meet peers from other culture and national circles, spend time together and get to know each other better.

POLISH PRESS

In the 2nd ECRI 15 report of 1999 it was written: While the majority of press of the broadest range of influence condemns all manifestations of racism, xenophobia, anti-Semitism and intolerance, there appear signals that some dailies publish anti-Semitic articles, but simultaneously as extreme rightist materials seem to be commonly accessible in Poland. In the context of the above statement the thing that can fill us with a bit of optimism is the introduction, at the motion of the Association against Anti-Semitism and Xenophobia Open Republic, of the ban on the distribution of magazines propagating racial and national hatred through state distribution network.

In wide range central and local press articles on foreigners do not call for a public debate. This press tries to conform to *political correctness* principle. On one hand, one can have an impression that media attempt to present information on foreigners in Poland objectively and without prejudice however the context in which it is published, is not neutral.

A basic source of data on publications concerning foreigners is the analysis of the contents of main periodicals did by M. Mrozowski in 1996. He divides statements in the press into four basic groups: influx of immigrants to Poland (354), crimes committed by immigrants (276), economical activity of immigrants in Poland (286) and, finally, immigrants life in Poland (91).

The analysis does not allow for the construction of an immigrant universal picture. We are rather dealing with a number of various images. In the foreground appear usually events described by journalists (generally speaking – negative) while immigrants themselves are pushed back. They are making background being most frequently perpetrators or at least co-perpetrators of a problem that has to be solved. Here appears the construction of *collective hero*. Immigrants become anonymous, evil or troublesome mass of newcomers from the East, with which we must co-exist. Newcomers from the West, who are not immigrants but good or at least fascinating *foreigners* perceived more individually, are presented by journalists radically differently.

The description of outward appearance of foreigners is also different: from an ugly and dirty Roma (Gypsy), through slap-dash clothed newcomer from the East and exotic refugee from Africa to well-dressed representative of Western Europe. For journalists there is no doubt that for newcomers from the East the goal is pursuit of bread and escape from persecution; for those from the West our (Poles') charm and pursuit from civilisation. Descriptions of alleged mental features is characterised by great internal contradiction. Citizens of the former USSR for example are simultaneously open and distrustful, sincere and sneaky. The exception make only Armenians and Vietnamese, whose medial image seems to be rather coherent: liability, discipline, organisation, loyalty and isolation.

Numerous worries are linked with the problematic of migration. Immigrants from the East bring with them the danger of crime (mafia structures – Armenians, Vietnamese, impulsiveness and the lack of brakes – former USSR, Romania, Bulgaria). Newcomers from the West will buy up our land. Information on migration, having positive effects make unquestionable minority.

In the publications analysis does not appear even a notice that Poles treat foreigners well or that all foreigners deserve well treatment. Predominant are simplifications, bias and even

15 European Committee against Racism and Intolerance, the second Report concerning Poland, Dec. 10th, 1999

xenophobia. According to M. Mrozowski's conclusion press treats with friendliness few-day tourists, newcomers from the West are perceived rather positively but those from the East meet rather unfriendly reception.

Similar analysis was conducted again in 2000¹⁶. The author of the study refers in her work mainly to foreigners, yet discusses other groups of immigrants from the East. According to her opinion first of all clearly *sensational* journalists' interested in the problematic of migration deserve special attention. Refugees are, first of all a *good topic* for the way how they got on the territory of the Republic of Poland. In the moment they leave centre for refugees, they cease to be interesting. That is why it is hard to find any information on their further life, work or adaptation process. In journalistic statements often appears war terminology and words having reference to natural disasters: they have entered, the problem exploded, bands, wave, flood but it is hard to judge if *publications were an expression of true fear present in the society or they were meant to evoke this fear and maintain it – as surrogate topic*. With time the tone of comments changes to a humorous one. Journalists present newcomers in ridiculous situations, are using the play of words: immigrants on ice, immigrants from a boat, immigrants straight from water, immigrants fell from heaven. Fictional marriages are described in categories of good business although journalists sometimes warn of others, who will later become a burden or matrimonial crooks (in case of non-fictional marriages).

Newcomers from the territory of the Balkans are treated relatively friendly (Slavs, the war in Europe). Those from Africa are rather wild and lazy and their demanding character and ingratitude awakes indignation. Gradual change of their presented image is noticeable in relation to particular groups. Always rather negatively presented Romanians seemed at the beginning bizarre and tiresome but rather harmless beggars, by the end of 90 they became a dangerous group associated with theft, fraud and drug distribution. In case of newcomers from the East the situation is different. At the beginning of the 90 we were dealing with a threatening wave of *Russians* and by the end of the decade we are talking about trade and export and the phenomenon is accompanied by a growth of awareness of national differences amongst citizens of the former USSR.

In the whole study there is none text by an immigrant. The question is if it results from existing barriers in the access to media, or immigrants' lack of interest and dislike to auto-presentation.

K. Iglicka and A. Weiner¹⁷ disclose entirely different picture of one of the other categories of *others – specialists that came from the West*. They appear in articles usually referring to economy, legalisation of stay or cultural activity. Americans, who are usually seen positively and who are the only nation not making a homogenous group, are being

¹⁶ M. Dobrowolska *Picture of Refugee on Columns of Polish Press*, master's study wrote under the leadership of M. Mrozowski, Warsaw 2000, analyse was conducted on 61 cuttings from years 1990 – 93 and 112 cuttings from years 1997 - 98.

¹⁷ K. Iglicka, A. Weiner, *Foreigners – Specialists in Warsaw Urban Area* under preparation, *Influence of Foreign Migrations in Warsaw on the Situation of City's Labour Market* – co-ordinator M. Okolski, in the framework of the study over social Space of Warsaw Metropolis (www.iss.uw.edu.pl/bpmsw/pdf/moduly/spe.pdf/)

Analyse was done on 81 cuttings from local press (*Gazeta Wyborcza*, *Zycie Warszawy*, *Zycie*, *Dzien Dobry* weekly) from the period between January 1998 – November 2001)

mentioned most frequently. Strong homogeneousness characterises the picture of the French, who are presented as *closed group of investors*, whose economic activity wakes susceptibility and dislike. All newcomers from Asia are not to be distinguished with the only exception of the Japanese, who are pictured positively (*reliable, clean, they love Chopin*). There is the lack of a distinct image of Germans, who appear in the press only on a margin of information on their new investments.

Attributing definite features to individual nation is still not a dominant tendency. Usually foreigners from highly developed countries create one *community of foreigners from the West*, that is separated from Warsaw inhabitants by language and financial barriers. The lack of a distinct image of individual nation is replaced with a few images:

- of foreigner – specialist (desirable others);
- wealthy person (better housing estates, higher wages);
- crime victim;
- an ideal of cultural and civilisation superiority (here discloses journalist complex).

Similarly as in case of former studies discloses journalists' tendency to vertical evaluation of a *other* – in a context of his or her being *better or worse* than a Pole.

It must not mean that newcomers from the East are entirely disregarded by media. The proof is a press discussion accompanying passing of a new law on foreigners in 1997¹⁸. The presentations of journalists concentrate on the *tightening of Poland's Eastern border*, usually in a context of the necessity of adjusting to European Union's recommendations which is linked with negative consequences: economical (restriction of border and local market trading) and political (worsening of relations with our eastern neighbours, mainly with Russia and Belarus).

The problematic of foreigners appears also in media in the context of researching the level of openness of Polish society toward others. One of examples is a poll on the evaluation of admitting black player (already citizen of RP) Emmanuel Olisadebe to the representation of Poland organised by the weekly *Pilka Nozna (Football)* or the participation (and victory) of Erica Alira originating from Africa in the second edition of *Bar – "hot chairs" reality show*.

Sergiusz Kowalski and Magdalena Tuli in their book titled *The Speech of Hatred, Report 2001*, accessible in the internet on pages of the above mentioned Association *Open Republic*¹⁹, analysed **annual contents of selected rightist press only**. They explained: *We have passed over known, extreme neo-fascist and anti-Semitic publications including "Szczerbiec" – the bulletin of the National Revival of Poland, "Tylko Polska" (Only Poland) – Leszek Bubel's periodical and numerous fascist fanzins (groups of youth sub-cultures). We have excluded them just due to their absence in the main stream of public discussion. We wanted to reveal that the range of hate speech in its radical edition is not limited only to identified, isolated extremes.*

The authors recognised **as not-tolerant but still fitting to the central stream of public debate** five titles, and among others *Nasz Dziennik (Our Dayly)* – linked with Radio Maryja and, unfortunately, the title which used to serve democracy well in the past - the weekly *"Solidarnosc" (Solidarity)*. *The evidence of their position is the fact that they are easy*

¹⁸ S. Lodzinski *Press discussion concerning effects of the new law on foreigners coming into effect* (December 1997 – May 1998) Materials and Documents: Research and Expertise Office – Parliament Office – July 1998. Over 50 cuttings were gathered, mainly from *Rzeczpospolita* (50 per cent) and *Gazeta Wyborcza* (25 per cent), unfortunately, no deeper analyse of the gathered material was conducted.

¹⁹ www.or.icm.edu.pl

accessible in every newspaper kiosk (...) and that many famous personalities from the world of politics, science and culture gave them interviews. Those were publications in which within the studied period numerous manifestations of hate speech occurred (and not only incidental and less drastic, although sometimes similar expressions).

Their conclusions were similar to those stemming from the analysis of “Radio Maryja” programmes. But printed word is easier to undergo quantitative analyse. What draws the attention is *the domination of topics concerning Jews and Israel (407 cases) and that a considerably smaller attention was paid to other nationalities and countries. Germans (and also Hitlerites, Gestapo etc.) were talked enough frequently (131) but generally in Jewish or referring to Jews contexts so in result the number of articles dealing with Germans themselves counts only 28. It is caused, at least partly (it’s enough to analyse contexts), by the concentration on Jedwabne crime in which Poles, Germans and Jews co-appear.*

The authors could submit texts for language analyse and precisely reproduce communication code comprehensible for the writer and for readers. They reproduced vocabulary that was used there and also a repertoire of qualifiers, symbols and arguments. At the lexical level such qualifiers as *only the natives* or *always the same people* or *certain nation* or *non-Poles are comprehensible and reader knows, that they refer to Jews, even though there are no any more specific explanations needed.*

A sense of harm seems to be an emotional binder of these scheme. The image of Poland as a uniform community of Poles, threatened by Europe – and the Germans in particular; minorities - and Jews in particular and a so called “civilisation of death” - are its central point. We can find numerous texts in which categories “ours” and “others” occupy absolutely dominating position. With these few words one can explain the whole complexity of the World.

While analysing the relation of media to foreigners one should mention the **internet**, where under such watchwords as *foreigners in Poland* and *others in Poland* there are close to 7 thousand items. A part of them make different fragments of studies, articles and advertisements. But there are also *sites brochures / guides* for foreigners staying on the territory of the Republic of Poland (e.g. page concerning bi-national couples), sites of previously mentioned associations dealing with the problems of racism and xenophobia as well as sites presenting the culture of other nations (as for example *Panorama of Cultures* containing information on cultural events and publications from the territory of Baltic countries, former republics of former USSR, Bulgaria, Hungary, Yugoslavia, Romania and Slovakia).

INFLUENCE OF INTERNATIONAL CONTEXT

Dispute over European integration

Euro-hatred of the radical Right

A dispute lasts, arguments are being presented. It seems that in Poland accession (although not the one *made on knees*) supporters prevail. It is worthwhile to draw attention to those, who express their hostile opinions on a perspective of Polish accession to the European Union, reaching for the argument that it’s the European Union that is xenophobic towards Poles, that is governed by *anti-Polonism*.

For example on pages of one of miniature national parties we could read: *fifty years of tears and dilemmas passed (1939 – 1989), here came the time of liberty but suddenly new*

*tears and now dilemma appear. It comes out that our west-European neighbours have extremely reach racist and colonial traditions, cynically exploit our natural susceptibility to trust rulers. There is a chance to revert Polish thinking to geopolitical balance. As, this time, it's not the USSR that keeps stealing us of tens of million dollars, that it's not the USSR that wants to transform us into the seventeenth republic, it's not the USSR that tells us to buy worthless goods, than who is manipulating Polish soul?*²⁰

But also on the columns of *Our Daily*, printed in 300,000 copies, almost every day you may find – especially within the last months before the referendum – texts titled e.g. *Why you want to loose sovereignty?*²¹, where there reads: *On the moment of accession to the European Union we will have to disown sovereignty, give up legislative power, deprive ourselves of the right of upbringing children.*

And one of professors linked with the magazine writes: *So as christening of Poland initiated the process of Christianisation and building of basis of Latin civilisation, the act of our accession to the European Union will represent the beginning of the process of de-Christianisation and a new stage of Latin civilisation disappearance. This civilisation, substituted by an artificial mixture of various civilisations, sooner or late will tumble down into neo-pagan savagery. Disgusting symptoms of this phenomenon are visible well enough, as the Dutch experiment spreads quickly. It becomes clear that as 966 was the beginning of Polish statehood, so the integration with the Union will be the beginning of this statehood disappearance.*

Consecutive quotation is also characteristic – as it confirms the existence of tensions inside Church: *The other scandalising phenomenon is the participation of some priests in pushing the Catholics to the European Union. It's not the problem of ministers, who perhaps had no time to think over all the consequences, who keep to assume wrongly that the European Union it's exactly the same that united Europe and European commune. It is the problem of those who boast about their knowledge and their intellectual potential, who are in the habit of patronising Catholics in matters having no connection with their duties, who blatantly, on the principle of exclusivity, make use of the access to public mass media*²².

Governmental campaign to encourage Poles to vote YES during the June referendum lasts. Simultaneously smaller and bigger groups organise anti-campaign. In many places, often by the occasion of religion ceremonies, people distribute thousands of leaflets calling for rank-and-file self-organising in the face of deadly threat for Poland from the European Union. They deliver lectures, organise poster actions that are simultaneously anti-union and anti-hipermarket.

Euro-scepticism of youth alternative movements

Polish accession to the EU is a great challenge. It's possible to feel a mixture of hopes and fears, there's a necessity to take care of the accession conditions and prepare for co-governing over the Union. Thoughtless euro-enthusiasm might end with a violent disappointment. But circles attached to the idea of the *open society*, tolerance, secularism, multiculturalism as a rule recognised the entrance to the Union as a chance.

²⁰ *Nowy Przegląd Wszechpolski* (New All-Poland Revue), Year 9, No 9 – 10, 2002

²¹ *Nasz Dziennik* (*Our Daily*) March 22-23, 2003

²² Rafal Broda, *European Union and Poland. Main Arguments before Referendum*, *Our Daily* March 15-16, 2003

It's a pity that recently the requirements of the EU – being the consequences of the Schengen Treaty – concerning the obligation to introduce visas and tighten future Union's eastern border are considered by inhabitants of the Ukraine, Belarus and other eastern neighbours of Poland as act of dislike (and even discrimination) towards them. In Poland groups appear – consisting mainly of young people – who are supporting them – protest against the Fortress Europe. Participants of a *loose network of people* active under the name *None man is illegal* write in the *Anti-border Bulletin: In the past we were closed behind the iron curtain*²³.

New threats after September 11th. Muslim –dangerous others?

So far, Islam was not an axis of any serious discussion in Poland. Contacts with this religion and its believers were sporadic²⁴ if we consider that a number of Muslims in Poland is evaluated for 5 thousand, including 4 thousand of Polish Tatars – the group exclusively well assimilated within Polish society. New Muslim immigrants since the very beginning were not considered a social problem.

International events, terrorist attack against the *World Trade Centre* on September 11th, 2001, caused that people began to perceive a new other – a Muslim. The fact that for more than a year media attention was concentrated on terrorist attacks in the United States, on the war in Afghanistan, preparations for the war against Iraq and on the conflict in Tchetchnia caused the growth of interest in the world of Islam.

Directly after September 11th there was a single serious incident in relation to Islam believers. Three days after the terrorist attack unknown perpetrators broke windows in the Gdansk mosque. This event was condemned by representatives of state authorities as well as by the Catholic Church hierarchy including Gdansk archbishop father Tadeusz Gocłowski. To prevent similar incidents authorities strengthened mosques guards.

After terrorist attacks against the United States the number of aggressive attacks at persons having *Arabic appearance* grew. The range of such behaviour is hard to count as accessible information is rather scarce²⁵. It's necessary to stress that representatives of Muslim communes²⁶ in Poland do not note – apart from those incidents – an increased level of aversion against Islam believers. All excesses having racist background are considered as individual, sporadic cases.

A group, that in the context of current international events, seems in the eyes of public opinion troublemakers, are Tchetchens. They are traditionally enjoying – for their resistance to Russian authorities – sympathy amongst Poles. But in the light of newly disclosed information on their co-operation with the Islam terror and especially after the assassination in the Theatre On Dubrowka (Oct. 23rd, 2002) the image of this national group begins to change. More and more voices raise that Tchetchens do not deserve our sympathy and they

²³ www.zcnjn.most.org.pl

²⁴ Probably it's the cause that Poles feel the larger social distance as far as Islam believers are concerned in report to believers of other religions. Compare: Social Distance or tolerance and openness? Attitudes to believers of Orthodox Church, Protestantism, Judaism and Islam, CBOS 06.20.2001

²⁵ They appear on internet pages devoted to Islam and Arab affaires: www.arabia.pl, www.planetaislam.com, www.islam.pl

²⁶ They speak most often on the above mentioned Internet pages.

should be considered a terrorist groupings. This shift of opinions harmonises with the activity of state authorities that recently refused substantial group of Tchetchens the right to cross Polish border²⁷. This decision was meant to prevent their appliance for the refugee status, and thus the strengthening of Tchetchen Diaspore in Poland.

Paradoxically, within the circles of the extreme Right after September 11th appeared some kind of *pro-Islamism*, as true perpetrators of the tragedy were to be – Jews. One of the main ideologists of the *Nasz Dziennik* wrote: *The glory of victims of September 11th is disturbed a bit by the fact, that political hyenas sneaked in their graveyard. In the first place the western press is surprised: somebody (before the attack) has warned all Jews working in the WTC, and has not warned other employees. What does it mean? Somebody was playing with the death of those people from the very beginning and did it for equally criminal political goals.*²⁸

Breaking of political correctness principles

Events taking place on international arena in the course of the last one and a half year had significant influence on political debate in Poland. Political principle of talking about different cultures in a tone of tolerance got broken. It happened for the first time when a liberal daily *Gazeta Wyborcza* reprinted an article by Oriana Fallaci *Rage and Pride* (disregarded however a known statement by Noam Chomsky concerning September 11th and having opposite significance, even though Chomsky was cited there frequently). The publication provoked broad discussion over permissible limits of different cultures and stimulated discussion over the essence of Islam.

Polemics around the article of the Italian journalist cause the emerging of **two ways of perception of the Muslim world** in Polish political commentary:

- Those, who perceive Islam as homogenous civilisation based on the dictate of religion, which in the name of its dogmas attempts to dominate the World and which makes deadly danger for democratic and liberal culture of the West make one wing.
- Their opponents perceive the world of Islam as a mosaic of various streams and cultures, whose common feature is the conformance to the dogma of love, and whose image is falsified due to activity of a group of terrorists and because of strong influence of strongly negative stereotype being in force in Europe and the United States.

It is worthwhile to stress that - however divided the parties of the dispute – talking about representatives of alien culture as about enemies, as about people as far as culture and civilisation is concerned ceased to be faux pas and became an element of public discussion. What's more, from a continuously conducted monitoring of media²⁹ comes our that journalists have a tendency to use stereotypes and concentrate only on a few controversial questions while describing alien cultures. Thus public opinion can not get a broader picture of events going on there.

²⁷ Information kept appearing for the whole 2002.

²⁸ Priest Czeslaw S. Bartnik, *Religious thought for September 11th*, Our Daily 14-15 IX 2002

²⁹ Monitoring concerning Muslims is conducted by Dr Agata Skowron-Nalborczyk from the Institute of Orientalism of the Warsaw University

Opposition to the war against Iraq. Various motives

It's hard to assess if and how the attitude of Poles towards Muslims will change under the influence of the war in Iraq. **There is a chance that the image of dangerous Muslim will be squeezed out by the image of a victim of the war.**

Although three fourth of the public opinion opposes armed conflict in the Persian Gulf 30 it does not translate onto anti-war protests so mass as in western Europe. Nevertheless, on February 15th, 2003 the anti-American demonstration gathered in Warsaw some 1,000 participants, what recently had not happened very often (if not to count protests of groups of workers). Smaller street demonstrations were taking place more and more often the next days.

Anti-war movement in Poland is concentrated **in the left-wing circles**, even those directly linked with the governing coalition that immediately backed up the United States. They were: *Federacja Młodych Unii Pracy* (Federation of the Youth of the Labour Union), *Amnesty International Polska* – representing non-governmental organisations, *the Association of Iraqis in Poland*, *General Association of Palestine Students* – from among immigrants circles. *Inicjatywa Stop Wojnie* (Stop the War Initiative) – as write its founders (former participants of the Florence European Social Forum) – grows to a rank of a real social movement. Never before anti-war movement mobilised thousands of people in the streets. Now it has made it twice (on February 15th and on the day of the attack against Iraq) and in both cases thousands of people demonstrated. The movement founder express their hope that consecutive all-Polish demonstration, on March 29th, will be another success as far as the number of participants is concerned. Specially if we manage to secure transport for people from other cities.

Also **radical rightist groups** become the participants in those protests, presenting themselves as the main organisers. On the page of the Narodowe Odrodzenie Polski we can read about their participation in the February demonstration. *The only unpleasant embarrassing event was the behaviour of the activists of the Lewicowa Alternatywa / Pracownicza Demokracja* (Leftist Alternative / Workers Democracy), who introduced prevention squads, demanding from the police to attack ... nationalists. If police reacted to suggestions of “revolutionary” socialists, there would come to the crush of pro-Iraqi demonstration. A question appears if their declared friendliness to Iraqis is only the trick of *Sojusz Lewicy Demokratycznej* (Democratic Left Alliance) meant to discredit anti-globalist and anti-American activity.

No wonder that organisers of demonstration from the movement Stop Wojnie while inviting the opponents of the war against Iraq exclude the *racist, extreme Right*.

As it can be seen, in course of the last one and a half year the birth of social category of new *other* is visible. Although he or she lives in regions distant from Poland, due to his or her alleged features and hostility threatens values to which we subscribe. His appearance forces Poles to change the way of conducting public discussion and revaluation of our old sympathies. And the war will probably cause another revaluation phase.

30 Research done by Ipsos-Demoskop 6 – 11.2. 2003

VII. FROM THE RESEARCH

PUBLIC OPINION ON *THE OURS* AND *THE OTHERS*

The category of **identity** (and the allied division into the ours/the *others*) is gaining importance in face of our accession to the European Union. This problem has recently become the point of interest of the Research Institute on the Backgrounds of Democracy (Instytut Badan nad Podstawami Demokracji). The results were published in the work *Tozsamosc Polakow a Unia Europejska (Polish Identity and the European Union)*. The results of a representative survey, presented in this collective work prove a very strong national identity of Poles, which is not contradictory to our openness to European values.

From the point of view of European integration another research project is important. It was a so called image research representative survey, done in 2000 year in the Institute for Public Affairs (Instytut Spraw Publicznych) in Warsaw, referring to the problem of how the Poles are perceived by Germans, Austrians, Spanish, Swedish, French, British and Ukrainians and how Poles perceive these groups in Poland.

Similar research was done by Z. Bokszanski from the Institute of Sociology in Lodz. Along the research on Polish identity he examined the image of Poles in foreign eyes: *Polska i Polacy w oczach studentow rosyjskich <Poland and Poles in the perception of Russian students>* (1997), *Analiza porownawcza obrazu Polski i Polakow w opiniach studentow finskich, francuskich i niemieckich <Comparative analysis of the image of Poland and Poles in the opinions of Finnish, French and German students>* (1995), *Obraz Polski i Polakow wsrod studentow francuskich i niemieckich <The image of Poland and Poles by French and German students>* (1994).

Since long the category of *otherness* is present in the research of the Institute of Sociology, Warsaw University. Already before the fall of communism, precisely in 1988, they carried out (under the leadership of professor E. Nowicka) a representative research project *Studia nad postawami wobec innych narodow, ras i grup etnicznych <Studies on the attitudes towards other nations, races and ethnic groups>*, and in 1991 another one dealing with the perception of *the ours* and *the others* by high school and university youth. The research used both quantitative methods and focus group interviews. The research proved that young Poles' opinions on other peoples were built on stereotypes; and their attitudes were not very tolerant.

Three big public opinion centres do not concentrate solely on the market analyses but also examine social attitudes and opinions. Two of them, OBOP and CBOS did much research on the attitudes of Poles towards other nations, to foreigners and refugees living in Poland.

Poland has good traditions in such a research. The majority of research has been focused on examining positive and negative attitudes towards various nations; the stereotypes referring to other peoples were researched as well as the opinions of Poles on stereotypes of Poles in other countries. Another point of interest was how *other* peoples influence global and Polish economies. They researched the opinions of Poles on other countries' policy on Poland and also examined social distance in relations with other peoples.

The mentioned research was done at the beginning of the 90s. Some general conclusions may be formulated:

- one can notice a constantly high level of positive attitudes declared towards some peoples (Americans, French) the attraction to other groups (ex. Roma population) is permanently low. The level of positive attitudes is also low in relation to Jews;

however, the phenomenon of Polish antisemitism is much more complicated and cannot be explained in simple terms of group stereotypes.

- there is a stable, slow increase of general positive attitudes to *others* and the decrease of reluctance. It is manifested by an increasing number of persons declaring positive attitudes and the decrease of declaring reluctance. The strength of these feelings (according to a proposed scale) is changing too (see the picture below);

Average positive / negative perception of 14 nation:

Minus – negative perception prevails. Plus – positive perception prevails.

The scale is between -3 and +3



- this tendency is modified by other variables, yet not explained; probably these are factors resulting from Polish home policy;
- in general terms the most positively perceived is economically developed *West* (including Japan) and the less positively perceived those from less developed East and South. Actually, level of positive perception of the *West* has increased in the middle 90's, but just after has gone down. Attitude to the nations, which together with Poland belonged in the second half of the 20th century to the Soviet empire is still increasing. It seems that other factors affect general level of positive perception of a nation, other – fluctuations of this level (see the table below).

Average positive / negative perception of other nation:

Minus – negative perception prevails. Plus – positive perception prevails.

The scale is between -3 and +3

Attitude of Poles towards:	Average value of indicator for 3 following years		
	1993-1995	1996-1998	1999-2001
French	0,97	1,03	0,85
Italians	1,03	1,07	0,90
Americans	1,10	1,17	0,90
Germans	-0,47	0,10	-0,25
Jews	-0,73	-0,50	-0,70
Hungarians	0,60	0,60	0,65
Czechs	0,25	0,43	0,55
Slovaks	0,20	0,33	0,40
Lithuanians	-0,33	0,06	0,30
Bulgarians	-0,50	-0,37	-0,25
Belarusians	-0,70	-0,57	-0,25
Russians	-0,97	-0,80	-0,65
Ukrainians	-1,23	-1,00	-0,80
Romanians	-1,37	-1,03	-1,05

In 1998 CBOS researched social distance of Poles toward the representatives of other peoples on Bogardus scale; the conclusion was that the distance of Poles towards other peoples is still large and culturally motivated.

In July 1999 CBOS examined positive attitudes and reluctance toward religions. They are of extreme interest as there is very little research involving the very group of reference as the researched. The respondents could declare his/ her positive attitude or reluctance towards Catholic and other religions registered in Poland. The results seem to prove that to a large extent the reluctance of the Poles towards all *other* groups is just the reluctance towards other people, including *the ours*. It is worth noting that about two-thirds of the questioned declares indifference towards other people's religion, with a weak reference to the type of religion (except for *Satanists*).

The weakest side of the applied methods is their *isolation from the context*; actually they enquire into the relation to certain terms, abstract to the majority of respondents. The results may be helpful in identifying general attitudes of Poles towards *others*, positive or negative (including towards other Poles and foreigners living in Poland). It is comparatively easy, when the contents of questions are constant, to reveal long-term tendencies. However, the research does not allow for forecasting real attitudes of the Poles towards the representatives of other peoples: their behaviour (aggressive, indifferent, friendly), their inclination to support xenophobic organisations or more restrictive legal regulations.

The evaluation of the presence of foreigners in Poland refers to their influence upon Polish economy, potential profits and losses, especially in the context of international companies participating in privatisation of Polish enterprises.

The results show that the opinions of respondents on profits and losses for Poland in the effect of the presence of foreigners in Poland are divided more or less according to the same pattern as positive attitudes and reluctance towards the countries, they come from. The opinions have little in common with the size of invested capital or the type of their economic activity in Poland.

There is a scheme – like in case of positive attitudes and reluctance toward other peoples – *the West is good and the East is bad* . In other words the visitors from the West bring profits and from the East bring threats. Generally the profits resulting from the presence of foreigners are almost balanced with the losses. It may be interesting that in spite of a constant growth of unemployment during the last 14 years the percentage of persons who support permitting foreigners (including refugees) to work, is constantly rising.

Some surveys enquired more deeply into the question of Germans and Jews. The respondents were asked if the representatives of these groups should have the right to settle down in Poland and participate in privatisation. In the period of a conflict raised in connection with Auschwitz crosses (built as a demonstration and without permission by a group of right extreme oriented persons nearby the former concentration camp, where mostly the Jews were exterminated) the researchers asked the question: Who suffered most during the War – the Poles or the Jews? In contrast to earlier research in this case the research was focused on persons either personally known or heard about. Actually the subject of the research were persons treated as the representatives of some social or economic processes, thus not in an autothelic sense.

Research on the attitudes toward refugees may answer the question if Poles properly, it is in accordance with legislation, understand the term *refugee*. Questions were asked what to do with refugees (to forbid the arrival, to send back, to allow for a longer stay or to settle down), how to help them while settling down in Poland and what are potential profits for Poland resulting from the presence of refugees.

The results prove that about half of the respondents are ready to allow for longer stay or even settlement and the share of positive attitudes is growing; in 1999 it became larger than the share of persons who chose to expel refugees from Poland. Persons who properly understand the term *refugee* are more in favour of refugees. Probably a long history of Polish emigration makes the attitude towards refugees much more positive than toward other groups defined as *others*, even in case of persons of the same nationality. This hypothesis, possible to verify in surveys, demand confirmation.

To sum up, public opinion surveys give information on long-term tendencies as to xenophobic attitudes of Polish society. It raises the question: to what extent these attitudes are really manifested (or only declared) and how much they influence current economic and political life, to a large degree created by Poles themselves.

RESEARCH ON *OTHERS* IN POLAND

It is hardly possible to find an academic centre where the research of our interest has not been done. Several centres specialise in such research, ex. the Institutes of Sociology at Warsaw, Jagiellonian, Torun, Lodz and Wroclaw Universities, Research Centre for Migration Studies at Warsaw University, the Institute on Work and Social Problems, the Institute of Social Policy at Warsaw University, the Faculty of Social Sciences at Gdansk University, Pedagogic, Ethnology and Anthropology Faculties at Warsaw University, Institute for Central and East European Studies in Lublin etc.. Some researchers of the discussed problem are associated with the Institute of Philosophy and Sociology of Polish Academy of Sciences or with the Faculty of Polish Philology at Lublin University. The long distance scientific activities of the Committee on Research into *Polish Communities Abroad* (Polish Academy of Sciences) enable us to understand better problems of *other* communities emerging in the temporary Poland.

The list is incomplete as it is impossible to present all the achievements of Polish sociology of the end of 20th and the beginning of the 21st centuries in such a short report. Above only some research and some chosen centres are shortly presented.

A so called sociology of border territories takes special place in social research on the problems of our interest. It researches social relations at border territories in both literary (territorial) and broader (cultural, ethnic) sense. There was much research at the Polish-German, Polish-Ukrainian, Polish-Belarus and Polish-Czech border areas describing i.a. local dimensions of relations between the two cultures (nationalities) and the aspects of regional (transnational, in so called Euroregions) cooperation. The research under the leadership of Z. Kurcz was done (in 2002) by researchers from the Institute of Sociology at Wroclaw University and The Institute of Public Affairs in Warsaw.

Another interesting example is the Institute for Central and East European Studies in Lublin, created with the purpose to study historically and culturally shaped specificity of Central and East Europe. They carried on research (ended in 1999) on *Procesy integracyjne, tradycje tolerancji i kultury pokoju w Historii Eutopy Srodkowo-Wschodniej (Integration Processes, the Tradition of Tolerance and the Culture of Peace in the History of Central and East Europe)*. The aim of the research was to present the past and the present state of tolerance and the culture of peace at the described territories. Historical achievements of this region in the process of shaping legal and cultural frameworks for a religious dialogue is meaningful and specific in the context of religious relations in Europe. Pointing to historical traditions the researchers aimed at defining the present face of tolerance in the period of dynamic changes of the system of values as well as social changes in contemporary Central and East Europe. The results were presented at international conferences: *Tozsamosc, odmiennosc i tolerancja a kultura pokoju (Identity, Diversity, Tolerance and the Culture of Peace (1995) and Niemcy Rosjanie , Zydzi w Europie Srodkowo-Wschodniej. Problem wspolzycia narodow) Germans, Russians and Jews in Central and East Europe. The problem of coexistence between nations (2000)*.

The representatives of ethnology reach to darker aspects of history, trying to explain the origins of social exclusion of the Roma population, showing the sources of making poverty an ethnic phenomenon. The isolation of the Roma from the outer world is not so much the consequence of having their own culture, own system of values, language as of a long period of bad treatment and the feeling of separation. Individuals who are excluded and discriminated tend to act within own group, ethnically different, without the need to enter into relations with an outside world, to respect rules coming from the outside, from the environment ethnically unfamiliar. This thesis may be illustrated by their mutual economic interdependencies and an inclination to half-formal behaviours, revealed in the research of J. Laskowska-Otwinowska in one of the villages in the south of Poland (*Elementy kultury romskiej jako zrodla marginalizacji <Elements of the Roma Culture as the Source of Social Exclusion> w-in: Lata Tluste, lata chude. Spojrznie na biedę w spolecznosciach lokalnych <Good Years, Poor Years. An Insight into Poverty in Local Communities>*. Ed. K. Korzeniewska, E. Tarkowska, Warszawa 2002). The research did by the representatives of ethnology shows some sources of discrimination of groups culturally specific.

In the last years we witness a growing number of works on the inflow, the situation and the degree of integrating recently coming others.

The Center for Migration Studies of the Institute of Social Studies at Warsaw University engaged researchers of various specializations: the economists, demographers, sociologists,

who have since long researched the problems of migrations. Earlier research on migrations **from Poland** gave the researchers a necessary experience to start examining migrations **to Poland** at the moment their scale grew, it is in the 90s.

The main determinants of migrations from Poland before 1998 were a migration policy at the macro level and economic factors at the micro level. In the 90s migrations of Poles abroad became more dynamic and may be classified into 4 types: pendulum migrations (single or repeated), short-term migrations, long-term migrations and settlement migrations.

The work edited by E. Jazwinska and M. Okolski *Ludzie na hustawce. Migracje między peryferiami Polski i Zachodu (People at the See-Saw. Migrations Between the Peripheries of Poland and the West, Warszawa 2001)* presents the results of research on so called partial migrations. Migration networks created in earlier years (the 70s and the 80s) helped to develop and intensify migrations in the 90s. These networks were important especially for the initial period of adaptation. Cultural bivalence linked with partial migration allows for full adaptation neither in the country of immigration nor in the country of emigration; some representatives of partial migrations became excluded both in the immigration and emigration countries.

A research project on immigrations to Poland was carried out by researchers, headed by M. Okolski, from the Institute for Migrations Studies in the years 1995 – 1997. They mostly used the method of *ethno-survey*, supported with more traditional methods. The research was focused on: groups of re-emigrants, settlement migrations of foreigners, short term working migrations, partial migrations, the attitudes of local communities toward foreigners and migrants.

The aim of the research was to work out methodology of measuring and analysing migrations to Poland, to identify features of migration inflows as well as factors determining migrations and interactions between Polish society and migrants in the 90s.

The researcher classified 6 highly represented types of migrants in Poland. Each has specific features (the country of origin, demographic features, the level of education, formal status in Poland) and each may be attributed specific prognoses as to their chances to integrate in Polish society and as to the duration of their further stay in Poland.

The returns of latest emigrants from Germany (they still have Polish citizenship and are registered as permanent inhabitants of our country, though have lived in Germany for a couple of years) are scarce and if happen, are mostly the effects of personal failure while living abroad or result from the calculations to get direct profits (ex. social entitlements in both countries).

One can notice a new form of international mobility in Central Europe (including Poland) – so called *partial migrations*. About 3 to 5 million foreigners came to Poland in recent years who may be considered this type of migrants. The labour market in Poland which was *free* from foreigners until 1990 created a vast segment directed at the employment of migrant workers, mostly without demanded permissions. Two national groups prevail: Armenians and Vietnamese. Other national groups are either not inclined to settle in Poland or their settlement is more territorially dispersed. Larger groups are concentrated in big cities (Warszawa and Lodz). A final report presenting the results was published by M. Okolski: *Imigranci. Przyczyny napływu, cechy demograficzno-społeczne, funkcjonowanie w społeczeństwie polskim (Immigrants. The Factors of Their Inflow, Socio-Demographic Features, the Situation in Polish Society)* Warszawa 1998 and in other works edited in the series *Working Papers* (altogether 15 fascicles, 15 other publications).

Since many years **the Institute of History** of the Polish Academy of Sciences has been publishing volumes making series *Migracje i społeczeństwo (Migrations and Society)*. The

fifth volume *Imigranci i społeczeństwo przyjmujące. Adaptacja? Integracja? Transformacja?* (*Immigrants and the Receiving Society. Adaptation? Integration? Transformation?*) published in 2000 year, was devoted to immigrations to different countries, including to Poland. Of special importance were the works of S. Łódzinski *Pełzająca wielokulturowość. Perspektywy polityki wielokulturowości w Polsce – problemy prawne i nastawienie społeczne* (*The Creeping multiculturalism. Perspectives of the Policy of Multiculturalism in Poland: Legal Solutions and Social Perceptions*) and of A. Chodubski *Obraz imigracji w Polsce w latach dziewięćdziesiątych* (*Picture of Immigration in Poland in 1990s*).

The Institute of Labour and Social Problems has been doing research on economic migrations since 1994. A large part refers to migrant workers in Poland. Two research projects seem of special importance.

The first is a case study carried out by the team, headed by A. Rajkiewicz within the project *Zajęcia zarobkowe cudzoziemców ze szczególnym uwzględnieniem zatrudnienia w szarej strefie* (*Vocational Activities of Foreigners with Special Regard to Black Sphere Employment*), referring mostly to Ukrainian and Belarussian migrant workers both in legal (E. Jaroszewska, *Praca zarobkowa cudzoziemców w Polsce na podstawie obserwacji uczestniczącej* <*The Employment of Foreigners in Poland in View of a Partaking Observation*>) and black (J. Gardawski, *Gastrobotnicy z Białorusi i Ukrainy na polskiej budowie* <*Belarussian and Ukrainian Migrant Workers in Construction Works in Poland*> and K. Kucharska, *Praca na czarno – przykład Ukrainca zatrudnionego w Polsce* <*Working at the Black Labour Market – the Example of an Ukrainian Migrant Worker in Poland*>) spheres. The conclusion is that foreigners are discriminated, no matter if their work is legal or illegal, as compared to Poles as to wages, and the conditions in which they work and live.

Apart from lower wages they work harder and longer than Poles. Their living conditions are worse and they are socially insecure because of imprecise labour agreements. Their wages are reduced for unclear and imprecise reasons, they never know the amount of their final wages. Under economic pressure, having chances to find work neither in Ukraine nor in Belarus, they decide to become *working machines* having no right to speak for themselves or to object.

Long-lasting research carried out in the same Institute, under S. Golinowska, within the project *Popyt i podaż na prace cudzoziemców w Polsce* (*The Supply and the Demand for the Work of Migrant Workers in Poland*) being now in its final phase refers to local market places where migrant workers are recruited to illegal work, to enterprises and households employing foreigners.

The research done by sociologists, ethnologists and the representatives of pedagogy is an example of a more comprehensive, multi-dimensional attitude in minority studies. As early as by the end of the 80s the researchers from **The Institute of Sociology**, Warsaw University headed by E. Nowicka studied the situation of students from developing countries in Poland. The project *Polska i Polacy w moich oczach* (*Poland and Poles as I See Them*) was devoted to their adaptation problems, to their image of Polish society, to the existing stereotype of Poland and Poles; its aim was to show the attitudes of Poles towards foreigners from the perspective of the objects of these attitudes. The research proved that over a half of the questioned foreigners (students from developing countries), especially from African and Arab countries, faced hostility manifested either by ordinary people in the streets and by the then militia.

Quite recently E. Nowicka and T. Halik from **The Institute for Oriental Studies** at Warsaw University researched the situation of Vietnamese immigrants in Warsaw

(*Wietnamczycy w Polsce. Integracja czy izolacja <Vietnamese Immigrants in Poland. Integration or Isolation?>*, Warszawa 2002). The aim was to answer the question: What are the degree and the forms of integrating this ethnic group in Polish society and culture? This project refers to a specific group, most numerous out of all strongly culturally different groups that have recently come to Poland. The general conclusions prove their real isolation (*they seemingly live in Polish society, actually outside it*, first of all due to strong cultural differences). Yet, the first symptoms of integration can be noticed as well as the chance for advancing this process, if due adaptation programs are undertaken.

There was also an interesting, qualitative research done by researchers from **The Institute of Ethnology and Cultural Anthropology** at Warsaw University presented in the work, the title of which is very meaningful: *Miedzy pieklem a rajem. Problemy adaptacji kulturowej uchodzcow i imigrantow w Polsce (Between Hell and Heaven. The Problems of Cultural Adaptation of Refugees and Immigrants in Poland)*, Warszawa 2002. It was a comprehensive research on refugees (especially from African countries) and working migrants (including such differentiated groups as Vietnamese or Africans active at local market places, the owners of Turkish bars or foreign managers).

The categories of refugees and national minorities are also present in the research activities of **the Institute of Social Policy** at Warsaw University. The research, one of the first in Poland on another category, potential *others* – the repatriates was done there. Another project was focused on a specific mixture of *homeliness* and *otherness* : Polish-German bi-national marriages.

We should also mention numerous research on **social minorities** (not limited to national or ethnic groups, but also referring to religion, moral and others). An example is the work of H. Bojar from **The Institute of Philosophy and Sociology** of Polish Academy of Sciences (2000) presenting the problems of minorities from three perspectives: of state, the minorities and the majority. The basic conclusion is that the situation of social minorities has improved in the last decade, yet a social distance is still great.

It is worth noting the research made in **the Institute of Sociology** of the University of Torun. The research (under guidance of J. Mucha) regarded the Polish culture perceived as the dominating and strange (in the perception of minorities) culture. What is important, under *minorities*, authors understood not only national and ethnic minorities, but such groups as impoverished people or youth subcultures as well.

Gender studies are a new and developing direction of research, close to the subject of our considerations.

We should also mention other works referring to others, using reportage techniques (B. Pawlak, *Mamuty i petardy, czyli co naprawde cudzoziemcy mysla o Polsce i Polakach <Mammoths and Petards or else on What Foreigners Actually Think about Poland and Poles>*Poznan 2001) or even the books written by the representatives of foreigners in Poland (Zijad Abou Salah, *W poszukiwaniu piatego kata czyli obcokrajowcy o Polakach <In Search for the Fifth Corner or the Foreigners about Poles>*, Politechnika Wroclawska, Wroclaw 1995) which is a collection of free interviews made by a foreign students with other foreigners in Poland. These works do not always meet all methodological criteria yet have their meaning as a quasi-qualitative research; their input into our knowledge about others should not be underestimated.

As this selective outlook proves much research on the category of *otherness* has been done, both among Poles and *others*, with the use of different research methods, quantitative

and qualitative, including surveys, the content analysis, archive techniques, statistical analysis etc.; it proves an increasing interest of Polish science and researchers in the problems of *homeliness/otherness* .

To end up we should add that Polish researchers do not limit themselves to do research work. They manifest in public life their involvement in policy making as well. The ***Memorial*** directed in October 2002 by the Committee for Future Studies *Poland 2000 Plus* (Polish Academy of Sciences) to the highest authorities of the Republic of Poland has concerned ***the urgent need to determine Polish state policy in the field of external migrations.***

FINAL REMARKS

Why we *could not* and *should not* devote the largest part of this introductory report to concrete manifestations of discrimination of *others* on labour markets and in education institutions? It should be reminded that the topics will be the main field of interest in following stages of our research.

*

We could not limit our first report scope to the discrimination on the labour market and in schools **because of some important reasons**.

As a support to our position concerning the unsatisfactory condition of statistical data, presented in **Chapter III**, let us use the following quotation from the **ECRI Second Report on Poland**.

According to the Report: Little information appears to be available on the possible extent of discrimination in the field of employment, be it statistical information about unemployment levels among the various minority groups, or case-law pertaining to the relevant provision against discrimination in the labour code. Certain groups, such as the Roma/Gypsy communities in some areas, are reported to face difficulties in finding employment: this is considered by the authorities to be a consequence of the changing labour market situation and a lack of qualifications among the Roma population, although ECRI stresses that disadvantage on the labour market is also frequently attributable to direct discrimination and prejudice as well as to previous discrimination in access to education and social equality.

These difficulties have at least *three reasons*.

First of them is related to the state of statistics concerning the number of foreigners working in Poland. As we mentioned in **Chapter III** the knowledge of the size of migrations to Poland is often false. *The way how migrations are defined and registered, information collected and processed seems not very promising as to the perspective of having more complete knowledge.* The notions like *foreigners* or *immigrants* are not included in the routine reports on labour market published by the Central Statistical Office. The official, complete and detailed, data about *others* do not exist. We can just talk about estimations.

In order to improve the situation we need basic change in the methods of making statistics on migrations. In **Chapter VII** we presented one of the leading research units active in this field of research, Institute for Migrations Studies headed by M. Okolski, whose opinion on statistics is very critical. Proposals indicating how to improve them, published by M.Okolski in 1997, have not been implemented until now.

We had mentioned expectations directed to the National Census 2002. Its first results will be published in June 2003. Let us remind: it happened the first time after the war that some questions related to the nationality and language were asked. Furthermore, the census should have to include all temporary residents of Poland as well. We shall be able to assess credibility of the new important source of data soon.

The *second* reason. Data concerning permits to stay in Poland and work permits (presented in **Chapter III**) are just *the top of the iceberg*. However, the chemical composition of the top is representative to the whole iceberg. But the social composition and life experiences of both parts of foreigners – small legal and huge illegal - working in Poland has to be different in many important aspects. Information concerning illegal economic activity

can never be so easily available as data on legal workers; it is obvious and banal everywhere. Still, if the proportion between legal and illegal immigrant workers number in Poland amounts - according to estimations - 1 : 40 or even worse, the access to credible information becomes problem *number one*.

In consequence it is very probable that illegal immigrants who fail to find the job in Poland come back to their country because most of them have here no family support. Obviously it concerns citizens of the neighboring states (Vietnamese or Armenians stay longer and organize self-help networks to survive). Therefore the majority of those who have stayed *is* employed and the rate of unemployment among immigrants staying in Poland is probably much lower than among Polish citizens.

The *third* reason: the state of research which could serve as the most valuable source of knowledge complementing (and even substituting) the official data. Maybe this statement appears to be inconvincing if we remember the intensive research activities presentation in **Chapter VII**. It is true that issues of *others* images and relations between Poles and *others*, national minorities, antisemitism and xenophobia, migration studies, and even migrants life in Poland, are very well developed. Also it is true that discrimination often becomes subject of sociological research but it concerns mostly gender, disability, old and new social minorities.

Nevertheless the proportion of studies taking into account the labour relations is much poorer. It is not the absence of interest but the case of extreme difficulties of research undertaken in the shadow economy.

Obviously there are some empirical signals of the problem. We mentioned in **Chapter VII** the important research done by The Institute of Labour and Social Problems in 1998 referring mostly to Ukrainian and Belarussian migrant workers performing unskilled hard work both in legal and black spheres (following figures will illustrate difficulties met by researchers: they distributed 500 questionnaires, only 171 of them came back; 135 from legal and only 36 from illegal immigrant workers; and yet they applied another research methods as well). Let us remind once more its main conclusion: *foreigners are discriminated, no matter if their work is legal or illegal, as compared to Poles as to wages, and the conditions in which they work and live. Apart from lower wages they work harder and longer than Poles. Their living conditions are worse and they are socially insecure because of imprecise labour agreements. Their wages are reduced for unclear and imprecise reasons, they never know the amount of their final wages. Under economic pressure, having chances to find work neither in Ukraine nor in Belarus, they decide to become "working machines" having no right to speak for themselves or to object.* The research on quantitative aspects of immigrants work being now in its final phase will be published in the middle of year 2003. All these research results, even if very partial, will be seriously considered during our own research directly focused on the labour market.

However it is a question how to interpret the ascertainments. Everything depends on the context and standards taken into account. Immigrants from the East win the temporary posts because they accept bad conditions. They are still better than in their countries. Polish workers competing for the same jobs may feel discriminated against immigrants and would define their strategy – if they have known the economic terms – as *social dumping*. More precisely: illegal immigrant workers are not threat to Poles looking for *normal* job on *normal* labour market but they are competitive on the hidden market offering opportunities to gain small money for small irregular work (which is very important for 84% of 3,34 million unemployed Poles who are not eligible to unemployment benefits and in order to survive really *have* to earn some extra money from time to time). It implies the need of re-thinking all of the discrimination definitions discussed in Chapter II.

The crucial *legal* instrument offered to local authorities – one of those described in **Chapter V** – enables *wojewoda* not to issue a promise to employ (of course legally) a foreigner *if he assesses it as inadvisable from the point of view of a labour market situation*. The space left to interpretations is vast. In some gminas the unemployment rate amounts 3-4% - in another – 30-40%. The same disparities are characteristic for different labour market segments. The opinion which refusal was a result of discrimination and which one was justified by the labour market situation is very difficult to take. It will be one of the main tasks of our future research. Therefore until now **only 2-3% of applications were rejected. Why do immigrants apply so seldom; it is a question.**

Polish Ombudsman activities – presented in the same Chapter V – add some valuable information about forms of discrimination on the labour market. About 50-60 cases analysed yearly (40% of cases of foreigners) *regarded conditions of stay in Poland (e.g. employment, social insurance, health care; most of the cases were about refusal of temporal residence permit*. Very promising is the Ombudsman intention *to check some administrative decisions of voivodship offices in 2003, what should enable him a better diagnose of the issue*. Let us hope that our research will be confronted with the Ombudsman investigation led in the same time all over Poland.

For very similar reasons possibilities of presentation of immigrants **situation in schools** are very limited. There are some official data and research results but relating almost uniquely to the *old* national and ethnic (focused on Roma people but not only on them) minorities inherited from the complicated Polish history.

One of the most important issues deserving a very solid study is the question: **should we and how could we transform the illegal work into a legal, socially stabilized, legal work of immigrants in Poland**. The lack of any comprehensive immigration policy has been denounced in mentioned at the end of **Chapter VII Memorial of the Committee for Future Studies Poland 2000**. The authors of the Memorial attempt to define priorities and methods of such policy; looking for the balance between protection of Polish citizens on different labour markets, eradication of illegal immigration to Poland but - after 2005 - liberalization of issuing permits to stay and to work in Poland, especially for professionals; looking for the balance between preparing immigrants to participate in Polish national community without a harm to their own cultural values. Some formulations are questionable but the general idea, in our opinion, deserves strong support.

We hope that our research will be helpful in these attempts.

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We should not limit our interest to discrimination of immigrants on labour markets and in schools.

In any case, *even* if we had plenty of exact statistical data and research results concerning the phenomena, our introductory report – entitled *landscape* of Poland – should have brought *first* a sketch of its economic and social *landscape* and its cultural *climate*. Both of them – the landscape and the climate - determine *Polish soil fertility* enabling springing out seeds of xenophobia and discrimination in coming seasons. They affect the society's receptivity to xenophobic, anti-xenophobic and neutral ways of thinking, attitudes and discriminatory behavior demonstrated in private and public life, especially in creating and implementing legal rules in basic public institutions.

That is why we should have reminded briefly – in **Chapter I** - to what extent Poles had been hurt by their history and shocked by the latest traumas of transition period after 1989.

One of important results of modern history was the rapid and brutal Poland's transformation from the multinational, multicultural and multireligious society into the one of the most homogenous European nations. And yet some memories and resentments survived.

Another important aspect of Polish heritage: the image of *Wandering Pole* exiled from his homeland for political or economic reasons, had to have significant influence on contemporary attitudes toward different categories of *others* and *newcomers*; their typology is presented in **Chapter II**.

In **Chapter VII** we have described **evolution of Poles' attitudes** toward them (there is a stable, slow increase of general positive attitudes to 'others' and the decrease of reluctance. It is manifested by an increasing number of persons declaring positive attitudes and the decrease of declaring reluctance.) and we have asked the question: to what extent these attitudes are really manifested (or only declared) and how much they influence current economic and political life, to a large degree created by Poles themselves.

It is interesting if hostile or friendly feelings are transferable from one to another group of *others*; e.g. from the *old* ethnic minorities to the *new*: immigrants. Each of possible answers - *yes* or *no* or *in between* - is worthwhile to seek. On the other hand there are some premises that *the Polish emigrant/refugee tradition* stimulates Poles' positive feelings for newcomers.

There is another interesting issue to be solved during our research activities: are participants of the public discourse the emanation of Polish society? That is why the presentation of Polish political scene was necessary just at the very beginning of our research. **Chapter VI takes the crucial position in the report. Its content will serve as a source of hypothesis to be verified in the course of our research led among immigrants and in selected institutions.**

It appears that quite many **mainstream politicians**, legislators, members of Parliament, are concerned in problems of foreign capital inflow to Poland and possibilities of taking over by foreigners Polish factories, Polish banks and – the most emotional issue – Polish land. Nevertheless we cannot resolve the justified aspirations to preserve Polish economic independence to xenophobia. But sometimes pragmatic positions *are* accompanied by *otherist* feelings. The problem of immigrants, one of main topics discussed by Western politicians, appears very rarely in their statements.

Another politicians and *public persons* situated **at the fringe of political scene**, usually neglected as the *political folklore*, express much more frequently *anti-otherist* opinions. However they are much more absorbed by the, *old' others* (reviving historical resentments) and by the '*imaginary' others* (antisemites may be tolerant to the *real Jews* minority but they are irreconcilable in relation to the *hidden Jews who had changed their names*). In **Chapter VI** their affiliation to some currents inside Catholic Church is illustrated by several quotations. But even them are not interested very much in new immigrants. That is a *specialité de la maison* of some juvenile pathological groups like *skins*.

Public actors the most involved in presenting the new phenomena are mass media more sensible to the problem of *new others*. It is better than nothing although new negative stereotypes are emerging there. It is widely illustrated in the same Chapter.

Numerous **non-governmental organizations'** attention is paid either to ethnic cultures' attractiveness (the nice side of the *others* presence) or on violence acts against *looking different* (the ugly side of the phenomenon). They are already more and more visible,

especially in or around educational institutions. Humanitarian actions are more and more popular as well.

By the way, almost no interest of ngo's is manifested in the area of labour market; it looks boring for young activists? Similarly it was not possible to collect data concerning trade-unions activities in the field, neither *pro* nor *contra* immigrants.

Therefore **the emergence of large group of the new *pro-other* ngo's – complementing associations of traditional minority groups - constitutes the brightest part of Polish public scenery.** The monitoring of their activities will be helpful in the last stage of our research when we shall attempt to elaborate the outline of the anti-*otherist* and anti-discriminatory policy. We would like to agree with Piotr Stachanczyk, the Director of the Polish Office for repatriated nationals and foreigners, heading Polish delegation to the Helsinki Conference of European Ministers responsible for Migration Affairs (16 - 17 September 2002): *we are convinced that we cannot just integrate foreigners by taking administrative measures. That is why we rely heavily on the local level to promote hosting and integration, which is achieved through school, vocational training and local community life. We also want to involve non-governmental organisations in the context of a genuine endeavour on the ground.*

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Poland still awaits the real emergence of immigration problems and we should urgently consider and predict our capability to cope with them in the coming future. We can agree once more with Piotr Stachanczyk,: *After a long period as a country of emigration, Poland is now preparing to receive a growing number of foreigners on its soil. Asked: Who are the foreigners who choose to work or live in your country? Stachanczyk replies: For the moment we are mainly receiving people from Ukraine, Belarus and Russia, a high proportion of whom are seasonal workers and daily commuters. They are not yet present in very large numbers, but we know that after we accede to the European Union, the number of foreign residents will increase significantly. What will happen then? How will Poles and Polish institutions behave? It is a question.*

Poland plays nowadays the role of typical *transit country*. How long else? During the Conference on *Migration Management in the Mediterranean Region* - La Vallette (Malta), 10 - 11 April 2003 - the much-debated question was how to deal with continuing dialogue between those affected by immigration - countries of origin, countries of transit and destination countries. As a good example was presented the cooperation between *country of origin (Morocco), of a transit country (Malta) and of a country of destination (France)*.

It reminds very much the recommendations expressed by Polish professors in the *Memorial* quoted earlier. Which of the roles will be the main one of Poland in short and in long term? No matter which, it should be played in favour of *ours* and *newcomers*. Let the research be helpful in the area.

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IMMIGRANTS AND ETHNIC MINORITIES IN GERMANY: AN OVERVIEW

March 2003

1. Notes on immigrants, aliens and minorities in Germany and their legal status: Who is who?

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1. NOTES ON IMMIGRANTS AND ETHNIC MINORITIES IN GERMANY AND THEIR LEGAL STATUS: WHO IS WHO?

This may come as a shock to an unprepared reader, but Germany has hardly any minorities from a legal point of view. The only minorities living in Germany are the national minorities protected by the Council of Europe's Framework for the Protection of National Minorities which are estimated to make up about 0.2-0.3% of the total population. Sorbs, Frisians, Danes, Roma and Sinti fall into this category. Also, it is not a common practice in Germany to speak about minorities.

Therefore, if we want to do research on German minorities, we will have to leave the realm of law and of everyday language. For the purposes of this project, we will adopt a definition of minorities which focuses on their experience of discrimination and disadvantage: „People of immigrant origin can be said to occupy a position as a minority when their identification by cultural markers that are associated with their descent exposes them to social discrimination and disadvantage“ (Bauböck 1994).

On this definition we have to start our account not with immigrant aliens, but with „returning Germans“ and „German refugees“. Surprisingly, German law distinguishes between three types of Germans, about which more later (in part 1.2 on German citizens, nationals and German ethnics). German „refugees“ and „returning Germans“, although technically citizens, belong to the discriminated groups.

Since German citizenship was granted based on descent (‘*ius sanguinis*’) until very recently, post-World War-II Germany stayed open to returning Germans - in particular to those expelled from Poland and the Czechoslovak Republic after World War II, those fleeing East Germany before the construction of the Berlin Wall in 1961 or those „migrating back“ from the various parts of Russia before and after the collapse of the Soviet bloc. Until recently they were granted German citizenship practically upon crossing the German border. Their numbers not only swelled national immigration statistics and government expenditures, but also contributed to the emergence of intra-German tensions. Although they were German citizens in legal terms, the everyday experience of German refugees and returning Germans has been that of discrimination by the more lucky, settled Germans. Ironically, the standard reproach directed against the German refugees and returning Germans was that they were *positively* discriminated and therefore had specific advantages compared to „normal“ Germans.

In Germany as in other countries, the most relevant legal-formal distinction is that between *citizens* and *aliens* [*Ausländer*]. Aliens in Germany as in other countries constitute a very heterogeneous population. They only share one characteristic in common - they are not German. Apart from this, they differ as to whether their stay in Germany is *legal* or *illegal*, and, to what sort of *residence permit* they are entitled. Residence permits allow more or less secure, more or less (un)limited residence in Germany. They also determine rights and obligations, including access to education, work and other resources. Therefore, an overview of various types of residence permits will be presented in part 1.3.

Part 1.4 deals with „minorities of recent immigrant origin“. This label applies to those born in Germany to guest worker parents or grandparents, and part 1.5 is about the few and small ethnic and national minorities in Germany in the judicial sense.

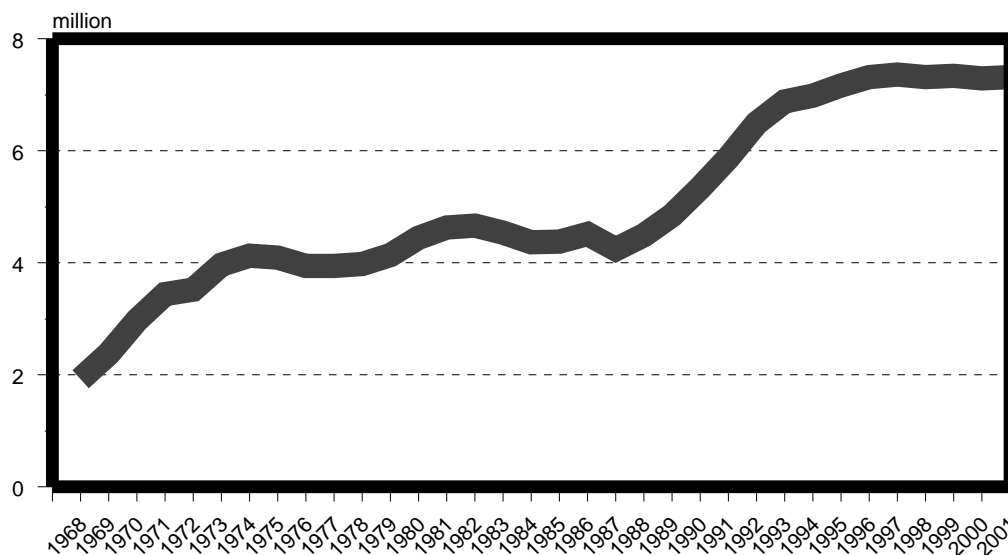
Part 1.6 refers to those who are sometimes called „illegal immigrants“. They stay in Germany without valid papers, that is offend §3 (1) of the Law on Foreigners and Aliens (*Ausländergesetz*; AuslG) which says that foreigners and aliens have to have a residence permit when entering Germany or while staying in Germany. Although there are no statistics about those without valid papers, their number is probably about 500,000 to 1,500,000 persons (Alt 1999: 48-51).

Finally, in part 1.7, we very shortly describe Germany’s contribution to the construction of the ‘fortress Europe’ - not so much within the framework of EU conventions, but with regard to bilateral agreements with its Eastern European neighbour states.

1.1 Germany's aliens - some statistics

In 2001 82,440,309 people lived in Germany. Among them were 7,318,628 aliens. That corresponds to 8.9%. Figure 1 shows how the number of aliens in Germany developed between 1968 and 2001:

Figure 1: Number of aliens in Germany, 1968-2001



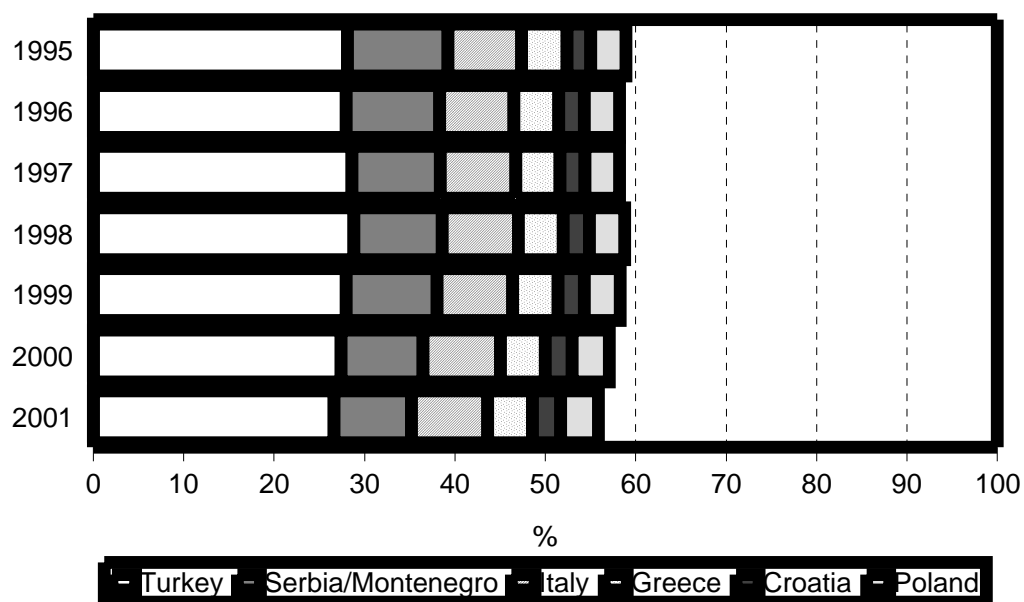
Source: *Beauftragte der Bundesregierung für Ausländerfragen 2002: Table 11, p. 389*

Figure 1 shows that the number of aliens in Germany has risen between 1968 and 1974 to slightly more than 4 million. In the periods between 1973 and 1988 it has remained relatively stable. From 1988 on there was a sharp increase of the number of aliens in Germany until 1996. From 1996 onwards, the number of aliens remained relatively stable again, though at a level almost twice as high as in the 1970s and 1980s.

Of all aliens 25.6% were citizens of EU member states in 2001. About 26.6% of the aliens living in Germany were Turkish citizens, while citizens of Yugoslavia (Serbia and Montenegro) comprised the second (8.6%), Italians (8.4%) the third, Greeks (5%) the fourth,

citizens of Poland the fifth (4.2%) and Croatians (3.1%) the sixth largest group (Beauftragte der Bundesregierung für Ausländerfragen 2002: Table 13, p. 391). These nationalities comprised 55.9% of Germany's alien population. With the exception of the citizens of Poland, all these nationalities belong to the group of nations with which Germany signed inter-state labour recruitment agreements in the 1950s and 1960s (see chapter 1.3). Figure 2 illustrates that the composition of the alien population in Germany has not changed very much since 1995.

Figure 2: Germany's alien population 1995-2001 by selected citizenships (percentages of the total alien population)

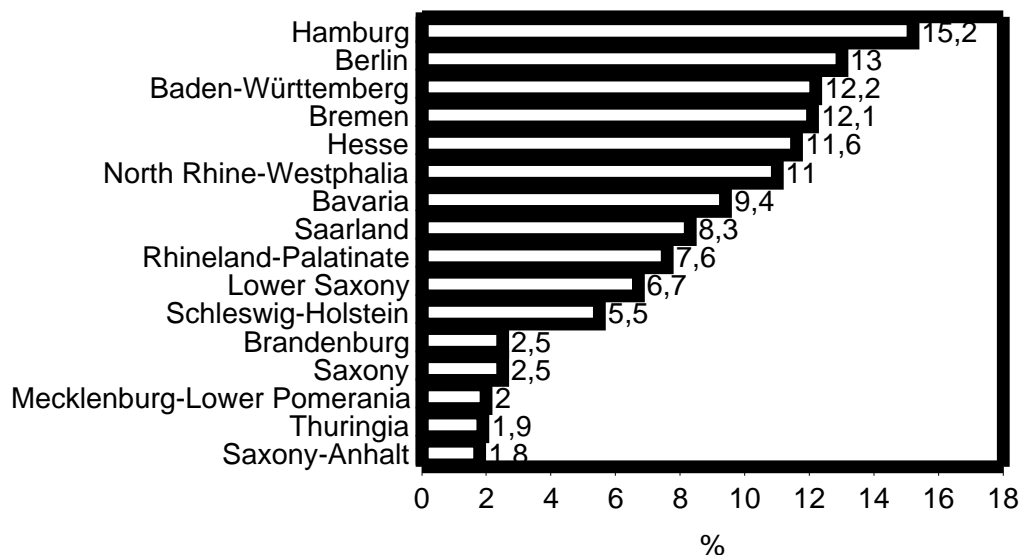


Source: Statistisches Bundesamt 2000

Because more than half of the alien population in Germany consists of former „guest-workers“ and their offspring (see Figure 2), it is reasonable to expect that mainly these state-recruited workers comprise large proportions of aliens who were born or have long lived in Germany. And, indeed, 67% of the Turks, 71.7% of the Greeks and 73.6% of the Italians have lived longer than 10 years in Germany by 2001 (calculated from Beauftragte der Bundesregierung für Ausländerfragen 2002: Table 20, p. 399). According to the German Federal Statistics Office available on its homepage under <http://www.destatis.de>, of all Turks who in 2001 lived in Germany 36.3% were born in German, among Italians their share was 28.3% and among the Greeks 26.6%. In Germany these people are named 'domestic aliens' [*Inländer*], and they are the ones who best fit the category of an „ethnic minority“.

Aliens are very much a West German phenomenon: Only 4% of all aliens lived in East Germany in 2001, while 96% lived in West Germany. Brandenburg and Saxony with 2.5% had the highest proportion of aliens among the five East German federal states, Saxony-Anhalt the lowest one with 1.8%. Among the West German federal states, the proportion of aliens varies widely as Figure 3 shows:

Figure 3: The proportion of aliens in the federal states in 2001



Source: Statistisches Bundesamt 2000

The city states Hamburg and Berlin have the highest proportions of aliens (15.2% or 13%, respectively), while the Northern states of Lower Saxony (6.7%) and Schleswig-Holstein (5.5%) have the lowest ones. Clearly, the proportion of aliens and economic power correlate: Economically powerful federal states have higher proportions of aliens than economically weaker ones.

On the city level, it was Berlin (436,182), Munich (287,107), Hamburg (268,766), Cologne (182,456), Frankfurt (171,174) and Stuttgart (134,068) who had the highest shares of alien inhabitants in 2001. Turks were the biggest group of aliens in each of these cities followed by Yugoslavs. When we rank German cities according to the proportion of aliens, the sequence of the cities is a different one: The German city with the highest proportion of aliens is Offenbach (25%; ranking on place 55 with regard to absolute numbers) closely followed by Stuttgart (24.5%) and Frankfurt (with 24.1%). On the fourth place is Munich (22.8%), followed by Ludwigshafen (22.1%) and Mannheim (22.1%). Berlin, Hamburg and Cologne which rank on the first, third and fourth place with regard to absolute numbers, are on the 54th (Berlin: 12.8%), the 29th (Hamburg: 15.4%) and 8th place (Cologne: 19.7%) (see isoplan 2002).

1.2 Citizens and aliens

Who is a German citizen and who is not, is defined in Article 116 of Germany's Basic Law which includes two paragraphs. Article 116, § 1 says, in essence, that everybody is a German citizen who has the German citizenship or who was admitted to German territory defined by the situation on December 31, 1937 as a refugee [*Flüchtling*] or an expelled person [*Vertriebener*] with German national identity. These refugees and expelled persons together compose the category of „status Germans“ [*Statusdeutsche*].

Article 116, §2 mainly says that those German citizens who were deprived of citizenship between January 30, 1933 and May 8, 1945 for political, racial or religious reasons as well as their descendants can become naturalised when they apply for naturalisation. Based on this legal paragraph returning German Jews have a right to German citizenship along with other persecuted groups.

The legal definition of who is a German citizen was forged by the historical events associated with the two world wars, and this is one reason why citizenship is not identical with national identity or German ethnicity [*deutsche Volkszugehörigkeit*] in the German law.

Only German national identity legitimizes a claim to German citizenship. Actually, the definition of “German national identity” stems from Hitler’s time. The Circular Notice of the German Reich’s Ministry of the Interior [*Runderlass des Reichsministerium des Inneren*] of 1933 specifies that everybody who declares oneself as belonging to the German people [*Volk*] is of German national identity when his or her declaration is confirmed by specific facts [*bestimmte Tatsachen*] such as language, education or culture (see Heinelt & Lohmann 1992: 48/49). The Federal Expellee Law [*Bundesvertriebenengesetz*; BVFG] of 1953 adopted this definition. It supplemented it with the criterium of descent [*ius sanguinis*] that was already included in the Citizenship and Nationality Law [*Reichs- und Staatsangehörigkeitsgesetz*; RuStaG] of 1913.

With its distinction between German citizenship and German national identity the German law is not in accord with the European Convention on Citizenship that was signed by Roland Wegener, Permanent Representative of Germany to the Council of Europe, in February 2002. Article 2a of the Convention says that „[For the purpose of this Convention:] 'nationality' means the legal bond between a person and a State and does not indicate the person's ethnic origin“ (European Convention on Nationality, Council of Europe, ETS no. 166). According to this definition, then, the two terms „citizenship“ and „nationality“ are interchangeable. Germany, however, still insists on differentiating between „citizenship“ and „nationality“.

A person can become a German citizen by:

1. being born to German parents or to parents of whom at least one is a German citizen [*ius sanguinis*] (although modified several times, this law is in power since 1913),
2. being born on German territory and fulfilling several requirements [qualified *ius solis*] (this law is valid since 2000) [*Staatsangehörigkeitsgesetz*; StAG]),
3. being naturalized (a statutory right to naturalization for aliens has existed in Germany since 1993).

Ad 2. The second definition constitutes a qualified ‘*ius soli*’. It is of quite recent origin, since it was introduced into the German law as late as 2000 after a long and bitter political struggle. In January 2000, when the Law on Membership in the German Reich and Nation [*Reichs- und Staatsangehörigkeitsgesetz*; RuStaG] was modified and renamed Citizenship Law [*Staatsangehörigkeitsgesetz*; StAG], a qualified *ius solis* was added to the *ius sanguinis*. According to this new principle a person is entitled to German citizenship when he or she is born on German territory and the following demands are met: (1) before the person's birth, at least one parent must have lived in Germany permanently and legally for at least eight years;

(2) at least one parent must have had an unlimited right to residence [*Aufenthaltsberechtigung*] or an unlimited residence permit [*unbefristete Aufenthaltserlaubnis*] in Germany for at least three years (for an explanation of the various types of residence permits see part 1.2).

Because Germany's new qualified *ius solis* might come up against the *ius sanguinis* of the other states, there is a regulation called the „option model“ [*Optionsmodell*] which states that a person who acquires German citizenship because of the qualified *ius solis* and who at the same time is a citizen of another country because of the *ius sanguinis* must choose between the two citizenships at the age of 23. Dual citizenship is undesired, but there is the possibility of applying for a permission to retain dual citizenship at the age of 21.

The Citizenship Law [*Staatsangehörigkeitsgesetz; StAG*] also contains a transitional regulation for children born in Germany and not older than ten years on January 1, 2000. They have a statutory right to naturalization [*Anspruchseinbürgerung*] when their parents fulfil the above mentioned requirements and apply for the naturalization of the child by December, 1st, 2000. In such cases, officials cannot decide about naturalization at their free discretion.

Ad 3. As mentioned before, there was no statutory right to naturalization for aliens before 1993, when the so-called simplified naturalization process was turned into a legal right to German citizenship and codified into the Law on Foreigners and Aliens [§ 86 (1) *Ausländergesetz; AuslG*]. But it was restricted to aliens who a) were above the age of 23, b) had lived in Germany permanently and legally for at least 15 years, and to aliens who a) were between 16 and 23 years of age, b) had lived in Germany for a minimum of 8 years.

The latest modification of the Law on Foreigners and Aliens [*Ausländergesetz; AuslG*] was made in 2002. According to the modified law aliens have a statutory right to naturalization if they:

- have lived in Germany permanently and legally for at least eight years
- have an unlimited right to residence (*Aufenthaltsberechtigung*) or an unlimited permission to residence (*unbefristete Aufenthaltserlaubnis*)
- renounce their previous citizenship
- express loyalty to the Constitution of the Federal Republic of Germany
- do not engage in unconstitutional activities
- are able to support themselves and their families without normally calling on public relief or unemployment benefits
- never were sentenced for having committed a crime (apart from trifling delicts)
- have sufficient knowledge of the German language.

Spouses and minor children can be naturalized along with the applicant, even if they have not lived permanently and legally in Germany for eight years (§85 AuslG 2002).

In 1999, the year before the citizenship law was changed, 143,267 persons were naturalized. In 2000 there were 186,688 naturalisations, about 40,000 (21.4%) of which were

naturalisations of children born to non-German parents. This number of naturalisations corresponds to a rate of increase of 30% which was interpreted by the Minister of the Interior, Otto Schily, as evidence for the new law taking effect and the Federal Government having managed „to start a shift in thinking about immigration and integration in the state and the society“ (Bundesministerium des Innern 2001a). Evidence does not support his view, however. Already one year later, in 2001, the number of naturalisations decreased. There were 178,098 naturalisations in 2001, among them 23,400 naturalisations of children born to non-German parents. According to the Federal Statistical Office (Statistisches Bundesamt, 20 June 2002) a linear increase (except for 1997) in naturalisation rates took place between 1994 to 2000. In some years they have been almost as high or even higher than in 2000. For example, the rate of increase in 1998 was 28.8% and in 1999 34.2%. Therefore it seems reasonable to argue that the number of naturalisations in 2000 constituted a temporary peak of a trend which started six years earlier. It was quite independent from the modification of the laws on naturalisation in 2000.

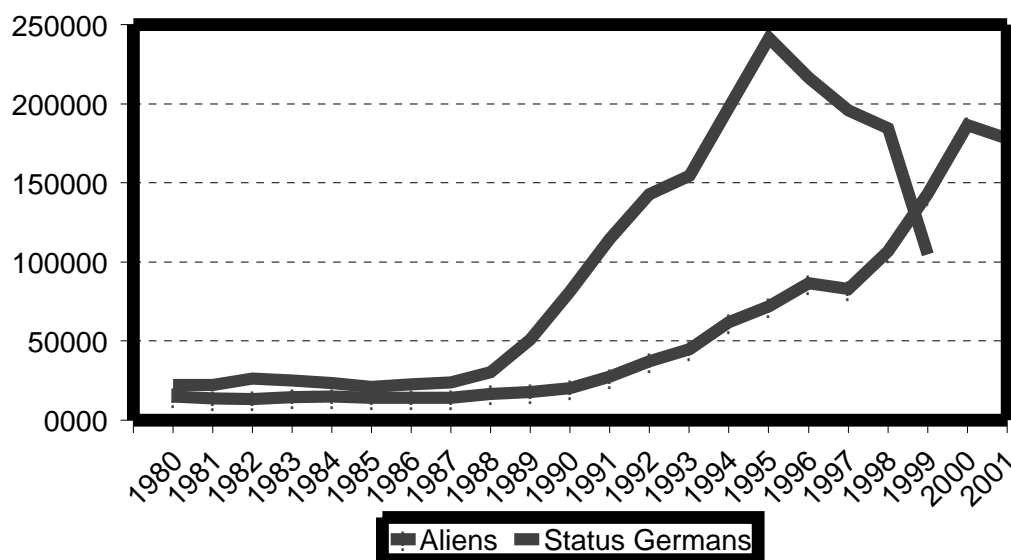
Ad 3. Naturalisations in Germany not only include aliens (i.e. persons who are not German citizens and who are not of German national identity), but also political refugees and expelled persons of German national identity or their descendants [*Vertriebene deutscher Volkszugehörigkeit*]. Among them, there are the so-called status Germans (mentioned above) and the „Resettlers“ [*Aussiedler*] who are defined in the Federal Expellee Law (Bundesvertriebenengesetz; BVFG) of 1953 as persons who return to Germany from the „German Eastern regions, Danzig, Estonia, Latvia, Luthania, the Soviet Union, Poland, Czechoslovakia, Hungary, Romania, Bulgaria, Jugoslavia, Albania or China“ even after the ending of the expulsion measures. An amendment to the Federal Expellee Law [*Bundesvertriebenengesetz*; BVFG] of 1957 puts the Resettlers into the same category as the Expellees. As ethnic Germans both groups had a statutory right to German citizenship.

With the fall of the Iron Curtain in 1989, the immigration of Resettlers increased sharply. They were perceived as being culturally quite different from the Germans in the Federal Republic, so that their „German-ness“ was called into question. In 1990 the Federal Government reacted to this by passing a law helping to limit this immigration - the Law on the Admission of Resettlers [*Aussiedleraufnahmegesetz*; AAG] (for a more detailed account of the ethnic Germans' settlement and re-settlement history, see Blahusch, no publication date). It established that from then on Resettlers had to apply for admission to Germany from their place of residence and were only allowed to enter German territory when they had received a letter of admission [*Aufnahmebescheid*]. This letter of admission could only be denied if the applicant was found to lack „ethnic-German“ characteristics, defined by the Federal Expellee Law [*Bundesvertriebenengesetz*; BVFG]. Only three years later, in 1993, another law was amended, namely the Law on the Settlement of the Consequences of War [*Kriegsfolgenbereinigungsgesetz*; KfbG]. It introduced the term „Late Resettlers“ [*Spätaussiedler*] in order to identify all persons who applied for admission to Germany from Eastern European countries after January 1st, 1993. (Anybody born after this date is not counted as a Resettler or Late Resettler, but only as a descendent.) With this law *a quota was introduced* restricting the number of letters of admission of „Late Resettlers“ to 220,000 (which was the mean of admissions for 1991 and 1992). In 1998 the quota was further reduced to 100,000 by the red-green coalition which had come into power the same year (see Figure 1). The Law on the Settlement of the Consequences of War did not only introduce the quota, but placed further restrictions on „Late Resettlers“ insofar that it is not sufficient for

them to prove that they descend from Germans any more. Additionally, from then on they have to prove that they have a good knowledge of the German language and that they are discriminated in their country of residence (with ethnic Germans from the former Soviet Union being the only exception to this last condition since for them a history of prosecution was generally assumed).

Since August, 1st, 1999 the „Late Resettlers“ not only have a statutory right to German citizenship, but German citizenship is transferred to them upon entering German territory. As a consequence, since 2000 naturalisations of „Resettlers“ have disappeared from the naturalisation statistics. Only naturalisations of aliens remain. However, „Late Resettlers“ are registered when they come to Germany.

Figure 4: Naturalisations of aliens 1980-2001 and of status Germans 1980-1999



Source: http://www.auslaender-statistik.de/bund/einbue_3.htm Statistisches Bundesamt (Wiesbaden) und Beauftragte der Bundesregierung für Ausländerfragen (Berlin).

To summarize, there are three ways of becoming German, namely the *ius sanguinis*, a qualified *ius soli* and *naturalisation*. Also, there are two types of naturalisations in Germany, those of aliens and those of ethnic Germans, or „citizen immigrants“ as one might call them. While naturalisations of aliens have been treated very restrictively in the Federal Republic of Germany, naturalisations of ethnic Germans were simple and numerous. This situation has changed only recently. While the introduction of a qualified *ius soli* in 2000 made the naturalisation of aliens at least a bit easier, the naturalisation of ethnic Germans was made more difficult in the 1990s with the amendment of the Law on the Admission of Resettlers [*Aussiedleraufnahmegesetz*; AAG] and the Law on the Settlement of the Consequences of War [*Kriegsfolgenbereinigungsgesetz*; KfbG]. As will be seen in the remainder of this report, for historical reasons it made and still makes a difference to what category of naturalised persons one belongs, with citizen immigrants being positively discriminated while naturalized aliens are not.

1.3 Types of residence permits for aliens in Germany

§ 3 (1) of the Law on Foreigner and Aliens (*Ausländergesetz*; AuslG) lays down that foreigner and aliens have to have a residence permit when entering Germany or while staying in Germany, and § 92 (1) 1 makes it clear that breaking this rule is a criminal offence. The Law on Foreigners and Aliens distinguishes between five categories of residence permits (Beauftragte der Bundesregierung für Ausländerfragen 1999):

Temporary Residence Permission

The residence permission [*Aufenthaltsbewilligung*; §28 AuslG] is earmarked. As soon as the specific purpose for which the *Aufenthaltsbewilligung* was granted is fulfilled, the alien holding it must leave the country. Foreign students, for example, are granted this type of residence permission.

Limited residence permit

A limited residence permit [*befristete Aufenthaltserlaubnis*; §§15-23 AuslG] is granted foreigners or aliens who take up gainful employment in Germany or who are spouses or children of Germans or non-Germans who already live in Germany. It represents the first step into what is called the consolidation of residence [*Aufenthaltsverfestigung*].

Unlimited residence permit

If an alien has lived in Germany on the legal basis of a limited residence permit, he or she can be given an unlimited residence permit [*unbefristete Aufenthaltserlaubnis*; §24 AuslG] when some additional conditions are met: The alien must prove that he or she can converse in simple German, can support him/herself and his/her family (in combination with a working permit) and has sufficient housing. He or she must also testify that there is no criminal investigation or trial against him/her. This list is not always definitive. Municipal authorities might want to request further evidence in any of these matters. Those aliens who have been granted asylum, and „Contingent Refugees“ [*Kontingentflüchtlinge*] always receive an unlimited residence permit in Germany without having to meet the extra conditions.

An important difference between the limited and the unlimited residence permit is that an alien with an unlimited residence permit can only be asked to leave the country, if he or she has committed a crime, while an alien with a limited residence permit can be asked to leave the country, if the reason for having received the permission disappears. For example, an alien's spouse can be deported after a divorce if there is no new valid ground for a residence permit. **Most aliens in Germany have limited or unlimited residence permits** (see Table 1 below).

Right to residence

The right to residence [*Aufenthaltsberechtigung*; §27 AuslG] offers best legal protection. An alien is entitled to the right to residence when he or she has had:

- a limited residence permit for at least 8 years or
- a limited residence permit for 3 years or
- an unlimited residence permit for at least 5 years and he or she is granted asylum or
- an unlimited residence permit for at least 5 years and he or she is married to a German citizen.

Additional conditions that must be met are largely the same as for an unlimited residence permit.

Entitlement to residence

The entitlement to residence (*Aufenthaltsbefugnis*; §30 AuslG) is the type of residence permit that is usually granted for humanitarian reasons, particularly to the refugees of civil wars. To some extent, it is also an instrument for legalizing rejected asylum-seekers who cannot be deported [*abgeschoben werden*] because of obstacles for deportation [*Abschiebehindernisse*], the so-called „de-facto refugees“. The entitlement to residence is understood as a temporary residence permit and is therefore limited to a maximum of 2 years (§34 (1) AuslG). The justification is that holders of entitlements to residence must (and want to) return to their countries of origin when the political situation in these countries allows for a return. Accordingly, authorities must check regularly whether the political situation improved sufficiently. If an alien has been in possession of an entitlement to residence for a minimum of 8 years, however, he or she can be given an unlimited residence permit.

The restrictions that are involved in this type of residence permit are critical: Holders of an „entitlement to residence“ are prohibited from setting up businesses or taking up „comparable employment“ (a concept to be clarified by our future research), but employment as such is not prohibited (§32 a (6) AuslG). Those who have to rely on social security, which will be the a large part of them, cannot take up residence where they want to but are restricted to the municipality that provides social security for them (§32a (5) AuslG). Finally, an entitlement to residence may only be granted an alien, if no application for asylum or not withdrawal of such an application has already been made.

Residence Allowance and Toleration for Asylum Seekers

Apart from the 5 types of residence permit described above, there are two categories defining the legal status of an alien that are not regarded as residence permits. These are *residence allowance* [*Aufenthaltsgestattung*] and *toleration* [*Duldung*]. Residence allowance is defined by the Law on Legal Proceedings Concerning Asylum [§55 *Asylverfahrensgesetz*; AsylVfG]. It defines the status of asylum seekers in the course of the legal proceedings. If an asylum seeker is granted asylum, he or she receives an unlimited residence permit. If not, he or she is

either deported or tolerated (or rarely he or she gets an entitlement to residence in rare cases as was mentioned above).

Toleration of an alien simply means that the government renounces from deporting him or her to the country of origin because deportation is legally or factually impossible (as is the case e.g., if the country of origin refuses to accept him or her back, or if the alien is threatened by a death penalty in his or her country of origin). Toleration is the normal status of asylum seekers whose applications have been turned down. It is limited to one year at most, but can be renewed (§56 (2) AuslG). Both residence allowance and toleration involve **a prohibition or far-reaching restriction of gainful employment** (§61 (1) AsylVfG or §56 (3) AuslG, respectively), though §56 (3) AuslG says that gainful employment *can* be prohibited or restricted, it is common practice throughout Germany that it *is* prohibited or severely restricted. **Holders of a residence allowance or a toleration, are not free to move in Germany**, but are restricted: The former are restricted to a specific municipality (as is the case with holders of an entitlement of residence) (§§ 56-57 AsylVfG), and tolerated persons are restricted to a specific Federal State (§56 (3) AuslG).

Displaced and Stateless Persons

Finally, there is a relatively small number of displaced and stateless persons in Germany. Displaced persons [*heimatlose Ausländer*] are survivors of the Second World War who were aliens on German territory after the end of the war and could not or refused to be repatriated by the United Nations Relief and Rehabilitation Administration (UNRRA). As such they are old people and their numbers decrease rapidly. According to the Convention Relating to the Status of Stateless Persons [*Staatenlosenübereinkommen*; StÜbK] of 1954 stateless persons are persons who are not accepted as citizens by any state. Normally, persons become stateless by arbitrary expatriations. At the moment stateless persons in Germany are mainly Kurds or Palestinians. Table 1 provides an overview over the types of residence permits of aliens living in Germany in 1998.

As can be seen from Table 1 just **under 8%** of all aliens living in Germany in 1998 were holders of a residence allowance or a toleration (columns F and G). As such, they **were living under severe restrictions concerning their freedom of movement and gainful employment**. Another 2.3% had an entitlement to residence which also is not meant to represent or prepare a permanent stay, so that one can tell from Table 1 that **about 10% of all aliens who lived in Germany in 1998 had the status of temporary residents**. For many politicians bearing costs for integration measures for this group is unthinkable.

Only 11.6% of all aliens living in Germany in 1998 had a right to residence which is the most preferable and secure residence permit an alien can have. So, one can say that on both ends of the scale ranging from a severely restricted status to quite a secure one there are similar percentages of people. Still, more than a quarter (27.1%) of all alien residents in Germany have an unlimited residence permit.

Table 1: Aliens' types of residence permits on December 31, 1998 (total and selected nationalities)

- | | |
|---|--|
| A Residence approval (<i>Aufenthaltsbewilligung</i>) | E Entitlement to residence (<i>Aufenthaltsbefugnis</i>) |
| B Limited residence permit (<i>befristete Aufenthaltserlaubnis</i>) | F Residence allowance (<i>Aufenthalts gestattetung</i>) |
| C Unlimited residence permit (<i>unbefristete Aufenthaltserlaubnis</i>) | G Toleration (<i>Duldung</i>) |
| D Right to residence (<i>Aufenthaltsberechtigung</i>) | H Other status (displaced or stateless persons among others) |

Nationality	A	B	C	D	E	F	G	H	TOTAL
Turkey	6,863	764,708	610,417	500,391	19,192	49,355	11,516	147,781	2,110,223
Jugoslavia	3,693	122,589	160,750	105,272	15,448	80,832	119,838	111,052	719,474
Bosnia-Herzegovina	2,483	37,638	18,398	16,596	11,334	7,618	69,768	26,284	190,119
Poland	41,637	88,424	60,989	6,903	10,157	2,236	1,478	71,780	283,604
Croatia	5,809	47,767	73,024	67,107	811	643	3,375	10,303	208,909
Iran	2,118	23,945	44,954	11,453	8,742	11,656	1,054	11,172	115,091
Romania	9,653	20,501	12,882	504	2,494	3,804	1,240	38,723	89,801
Vietnam	1,139	19,605	26,614	1,370	4,903	4,260	13,832	13,729	85,452
Marocco	4,527	32,576	23,545	10,344	206	581	365	10,604	82,748

Nationality	A	B	C	D	E	F	G	H	TOTAL
Afghanistan	287	7,459	12,668	246	14,057	14,937	10,651	7,962	68,267
Sri Lanka	283	14,690	12,439	2,263	5,405	11,955	2,389	8,885	58,309
Hungary	14,443	11,251	13,136	3,815	417	219	81	8,543	51,905
Lebanon	490	12,054	7,312	329	16,447	4,305	5,788	8,348	55,074
Tunisia	1,044	8,862	6,940	3,406	131	407	111	3,648	24,549
Other	111,910	563,270	900,962	119,260	54,756	90,803	43,281	1,291,823	3,176,065
TOTAL	206,379	1,775,339	1,985,030	849,259	164,570	283,612	284,767	1,770,637	7,319,593
ROW PERC.	2.8	2.3	27.1	11.6	2.3	3.9	3.9	24.2	100.0

Source: Beauftragte der Bundesregierung für Ausländerfragen 1999, p. 28

Though (within limits) residence permit can serve as an indicator for the conditions affecting the lives of aliens in Germany, one cannot use residence permit as an indicator when it comes to determining the quality of life for aliens. Country of origin and citizenship also play a great role. They do not correlate with a specific type of residence permit as Table 1 shows: We find citizens of all nationalities in all categories of residence permits. Nevertheless, certain patterns can be observed:

Due to their history as German guest-workers [*Gastarbeitern*] there are many Turks and Croatians who have a right to residence (23.7% of all Turks and 32.1% of all Croatians) or an unlimited residence permit (28.9% of all Turks and 35% of all Croatians). This is easily explained by their having been living in Germany for a long time (which is the main condition for receiving a right to residence or an unlimited residence permit; see above). For citizens of other states, one can read from their distribution over the various categories of residence permits their recent political fate: 20.6% of all Afghans and 29.9% of all Lebanese living in Germany are holders of an entitlement to residence which clearly reflects their status as de-facto refugees or turned-down asylum seekers who cannot be sent back to their countries for political reasons.

Table 1 gives an impression of the overall status of aliens in Germany. Though rough patterns of relationship between citizenship and status of residence can be found, there is a great *heterogeneity of legal status in the alien population in Germany and even within specific citizen groups*

The new immigration law

While this report is being written a new immigration law [*Zuwanderungsgesetz; ZuwG*] is on its way through the diverse institutions of German legislation that goes back to a bill passed by the Red-Green Coalition in 2001. **This piece of legislation allegedly atests to the explicit recognition of Germany as a country of immigration after a long period of denial of this fact.** Apart from this recognition, the new law is characterised by the intention to *limit* and to *regulate* immigration. This intention is indicated by the new law's full title: Law on the Regulation and Limitation of Immigration and on Regulation of Residence and Integration of EU-citizens and Aliens [*Gesetz zur Steuerung und Begrenzung der Zuwanderung und zur Regelung des Aufenthalts und der Integration von Unionsbürgern und Ausländern*; <http://www.integrationsbeauftragte.de/themen/zuwanderungsgesetz.pdf>].

The new law will bring about some simplifications, especially with regard to conditions for acquiring residence permits. According to the new law, there will be only two types of residence permits in the future, the residence permit in the narrower sense and the establishment permit (§4 (1) ZuwG). The former is always limited according to the intended purpose of the stay in Germany, while the latter is unlimited (§§7,9 ZuwG). In order to be granted an establishment permit one will have to meet nine conditions among which are the very same conditions an alien has to meet now in order to get an unlimited residence permit or a right to residence. Among other things, he or she must have had a residence permit for at least 5 years in order to get an establishment permit. So, under the new law an alien can acquire a permanent and legally secure stay in Germany sooner than it is possible now, if one

takes the right to residence for which an alien must have lived in for 8 years as the point of reference.

Liberal critics of the new law think that it not only does not mitigate existing hardship for immigrants and aliens, but places even harder demands which will further restrict the rights of almost all groups of immigrants and aliens (e.g. Zimmermann 2001). A point in case is that refugees will be discriminated against because the „toleration“-status will not be available according to the new law, and the law does not provide for an equivalent. Conservative critics raise - among other things - the objection that the principle of job priority for Germans [*Vorrangprinzip*] is not guaranteed. According to this principle vacancies can only be filled by aliens, if there is no German who can or wants do the job. Interestingly, the Red-Green Coalition, which introduced the bill, counters this objection by arguing that the principle of priority for Germans is firmly established in it, thus leaving the principle untouched (Bundesministerium des Innern 2003).

At any rate, the new law is a heavily contested law, and whether it will improve the overall living conditions of immigrants in Germany remains to be seen. Unquestionably a reduction to two types of residence permit would not only simplify things for the authorities, but would also contribute to the foreigners' understanding of their own legal status: According to the Representative Study on Foreign Workers and their Families, 2001 commissioned by the Federal Ministry of Labour and Social Order [*Bundesministerium für Arbeit und Sozialordnung*] 10% of the 1,003 Turks and 5.9% of those from former Yugoslavia, 8.5% of the Italians and 8.1% of the Greeks surveyed could not give the type of residence permit they had (Venema & Grimm 2002: Table 12.1, p. 166).

1.4 Minorities of recent immigrant origin: Guest workers and their descendants

According to the German sociologist Klaus J. Bade, a well-known specialist in the area of migration studies, the time period between 1955 and 1973 should be characterized as the "Guest Worker Period" in Germany (Bade 1992:393). Once hunger and chaos following World War II gave way to the ultra-rapid growth of the German economy known as the "economic wonder" [*Wirtschaftswunder*] of the 1950s, the demand for labour seemed insatiable, even though returning war prisoners, German refugees expelled from Poland and Czechoslovakia as well as Germans fleeing East Germany supplied millions of new workers.

During this time period Germany relied on state-recruitment and several inter-state labour recruitment agreements to actively import labour force from abroad. It signed the first agreement with Italy in 1955 and two others with Spain and Greece in 1960 (Bade 1992:395). Agreements with Turkey (1961), Portugal (1964) and, - hardly effective -, with Morocco (1963) and Tunisia (1966) followed. In 1968 an agreement with Yugoslavia was also signed. At this point nobody thought of consequences of importing large numbers of foreign workers (Bade 1992:394). By using the term "guest workers", however, the representatives of the German government, labour mediation offices and employer- and employee organizations made very clear that they thought of the newcomers as temporary guests who would leave once their services were no longer needed.

After the construction of the Berlin Wall in 1961 which cut off the supply of East Germans fleeing the German Democratic Republic, the need for the imported labour force grew

dramatically. Between 1960 and 1973, the years which mark the time between the first year of full employment and the first oil crisis, the foreign labour force in Germany grew from 280,000 to 2,6 million persons (Bade 1992:393,395). Among foreign labourers Italians, Spaniards and the Greeks were at first the most numerous, but in the course of the 1960s they were gradually outnumbered by Turks and Yugoslavs. These "state-secured" and "state-recruited" guest workers comprised about three-fourth of all foreign workers in Germany in the 1970s (about 77% in 1974 and about 74% in 1979).

Although the number of the foreign workers recruited with the help of the German state grew steadily, statistics show that in times of economic recessions/crises, the recruitment - even when explicit political measures were not introduced - went down (Bade 1992:395-396). Following the recession of 1966/1967 the employment of foreign labour went down about 30% (from 1.3 to 0.9 million) in 1968, then increased again, to drop about 23% between 1976-1978. Based on these and other figures Bade argues that foreign workers have always had a cushion/buffer function in Germany. When lay-offs came, they were the first to be fired in large numbers.

Immigration Land in Denial

After the first oil crisis of 1973 the German state stopped recruitment of foreign labour [*Anwerbestopp*] abroad and converted some short-term visits home into undesired permanent returns. In general the number of new labour recruits decreased. However, the number of those who stayed and let their families join them increased. Bade (1992:396) argues that the recruitment stop had the unintended consequence of turning the shifting into a permanent foreign labour force in Germany. In an effort to avoid undesired return, foreign workers now increasingly applied for an unlimited residence permit [*Aufenthaltserlaubnis*] and even for the right to permanent residence [*Aufenthaltsberechtigung*]. Presumably, other state measures unintentionally further promoted the immigration of foreigners' family members. For example, in 1975 state benefits were decreased for foreign children living in their parents' country of origin, so that there was an incentive for foreigners to bring their children to Germany.

Although the number of foreign employees decreased from 2,6 million in 1973 to about 1,3 million in 1989, the number of foreigners living in Germany remained stable (Bade 1992:396-397). In the 1970s it was nearly 4 million persons. Although new recruitment was negligible, by 1989 the number of foreigners grew to about 4,9 million persons. The residence statistics also showed that the tendency to stay increased. Of foreigners who resided in Germany on the last day of 1987 almost 46% lived already 10-20 years in Germany, while almost 14% lived longer than 20 years.

As indicators of desired permanency among immigrant guest workers one can list their greater tendency to:

- bring their family members as well as to marry in Germany
- increase their savings and consumption in Germany rather than saving the money for consumption back home

- establish ethnic communities, complete with own associations, clubs, newspapers, publishers, religious centres, food stores and ethnic businesses
- pressuring authorities to exact specific policies, privileges or rights

Without much exaggeration one can claim that all labour immigrant groups resident in Germany came to display all these „indicators of permanency“ by the 1970s. It became clear that they came to stay. From Bade’s point of view, what in the 1950s started as the state-organized temporary, foreign labour import turned in the 1970s into a permanent immigration and thus - with time - into a problem. Calls for integration were first made in the 1960s, became stronger in the 1970s and became a standard political goal in the same decade (O’Brien 1996:52).

The crux of the problem was the extremely restrictive naturalisation law which denied citizen rights to several million people who came to constitute Germany’s permanent population (Bade 1992:398). But the restrictive naturalisation law has been just one among many serious problems. Very soon German politicians and social scientists started sounding alarm concerning the following "problems" of foreign workers in Germany (Bade 1992:397; Heckmann 1992:79-89; Alba, Handl, Müller 1994; Szydlik 1996; Bender/Seifert 1996; Eichener 1990). Foreign workers as a rule:

- perform the least desirable, hardest and dirtiest jobs
- do not rise on the job- work the longest hours and take on/suffer most over-time
- have not switched to the service sector jobs as most Germans
- are the first to be the most affected by unemployment
- live in poor housing conditions
- suffer from inter-generational family conflicts
- suffer from cultural and identity conflicts
- with the exception of the Greeks, their children do not do well in and often drop out from school
- with the exception of the Greeks, do not gain access to well-paid jobs/are not upwardly mobile
- their integration in the host society is poor

In the 1980s punctual research (mostly in Berlin) revealed some areas of advanced mutual integration and expansion of multi-cultural life styles (Bade 1992:398-401). Voices demanding easier conditions for naturalization, a new comprehensive immigration law instead of a myriad laws applying to foreigners and spread over various life spheres (labour, housing, residence), and more and better integration measures became stronger. However, the political response was marked by reluctance - "Germany is no immigration country" was the motto of all political parties. In 1990, it did come to the first, very limited, reform of the alien law [*Ausländerrecht*].

Although survey results evaluated for the first time to be presented later on in this report actually show an actual increase in the tolerance of the German population towards

foreigners, this tolerance contrasted strongly with political discourses in Germany. By then the anti-integration, foreigner-hostile voices were about half a decade old. Bade's own analysis (see Bade 1992: 400-401 for a brief summary; for a more detailed and differentiated view, see Frank 1995)) shows that since about the mid-1980s political parties politicized the foreigner question in the public debates to gain electoral successes. Quite purposefully they put resident foreigners into the same polemic bag with new political refugees, while evoking the image of immigrant floods threatening to undermine Germany and its German-ness. Secondly, towards the end of the 1980s and the beginning of the 1990s, in part because of re-unification, West Germans became increasingly confronted with the immigrant East German brethren as well as with the Germans repatriating from the former Soviet bloc countries. This context allowed politicians to play foreigners [*Ausländer*] against fellow co-Germans [*Übersiedler* from East Germany and *Aussiedler* from the former Soviet bloc] in their speeches. The result was that foreigner-hostile voices became converted into a generalized xenophobia - the fear of the unknown, no matter whether it was foreign or German and yet foreign. Directly as a result of the re-unification, finally, East German xenophobia intensified and became part of the public knowledge. To Bade's own analysis it should be added perhaps that the planned eastward expansion of the European Union which was put on the political agenda already in 1990 only worked to intensify the fear of and the imagery of being flooded by the East Europeans. Not only the representatives of political parties but also of the German trade unions expressed these fears and replicated these images in their speeches. They have been organizing numerous internal and public discussions around these themes.

1.5 Ethnic and national minorities in Germany

In Germany, national minorities are those ethnic groups [*Volksgruppen*] living in Germany whose cultural heritage is protected by the Council of Europe's Framework for the Protection of National Minorities, namely the Sorbs, the Danes, the Frisians and the German Sinti and Roma. Except for the German Sinti and Roma, their traditional settlement areas lie on the Germany territory, or more specifically in four of the Federal states, namely in Schleswig-Holstein, Saxony, Lower Saxony and Brandenburg. They are classified as German citizens, even if they maintain their ethnic identity and benefit from the support of the Federal Government for their culture (mainly by encouraging the use of their languages). As such, they have all the rights and duties codified in the Basic Law. Because membership in one of the national minorities is voluntary and there are no official statistics in Germany that refer to ethnic origin or ethnic identity, it can only be estimated how many people make up the national minorities in Germany. The estimate reported in the Federal Republic of Germany's First Report according to Article 25, 1 of the Council of Europe's Framework for the Protection of National Minorities, which was provided in 1999, is that there are about 192,000 people who belong to one or another of the national minorities in Germany. If this estimation is accurate, the national minorities constitute only 0.2 to 0.3% of the population of Germany.

While Sorbs, Danes and Frisians do not have a history of persecution in Germany and do not face any social disadvantages or discrimination, the German Sinti and Roma do. Though the Romani civil rights movement started in Germany in the late 1970s, the genocide of Sinti and Roma was acknowledged officially only in 1982. They were recognised as a national minority as late as 1997. According to various selective surveys, public opinion is highly critical of Sinti and Roma (Margalit 1996) and they are still perceived as foreigners by many

Germans in spite of their 600-year long history in Germany. In what might be regarded as a continuation of the so-called pre-emptive measures, Sinti and Roma have often been made the object of official policies which define them as a police or social problem. For example, racial profiling of Sinti and Roma was officially stopped in most German federal states during the 1990s, but the state of Bavaria continued the practice until October 2001 (Open Society Institute 2002), and in April 1995, 150 policemen raided a Romani refugee residence in Cologne. They forced 39 women to undergo blood tests and took their fingerprints. Four women were subjected to a gynecological inspection at the University Hospital (Margalit 1996).

1.6 Aliens without (valid) papers

Aliens without papers are persons who enter Germany without permission or reside in Germany without permission. Though the term has been criticized widely, they are normally referred to as „illegals“ [*Illegale*] or „illegal migrants“ [*illegale Einwanderer*] - even in publications of the Federal Police Border - to signify the fact that their residence is not authorised by valid papers and therefore not legal. Additionally, there are „bogus legals“ [*Scheinlegale*] entering or residing in Germany, i.e. those who enter or reside in Germany with false papers which might or might not pass checks by officials. Unlike in other countries, entering or residing in Germany without valid papers, is not only a breach of the law, but a criminal offence (§ 92 (1) AuslG). Therefore, entering or residing in Germany automatically makes aliens without (valid) papers criminals, even if they do not know about this themselves and have not committed any so-called survival criminal offences [*Überlebensstraftaten*], e.g. food theft.

Though aliens without (valid) papers have a right to public health care services when they are employed, they must rely on non-governmental facilities or welfare organizations associated with the Church for medical care or advice because of the necessity to avoid being exposed to state officials.

For the same reason, their legal claim to the wages they agreed upon with their employers is of no practical value. Their children do not have the opportunity (let alone the legal claim) to go to school in any of the Federal states [*Bundesland*] apart from Berlin. In Berlin's education law it is stated that alien children have to be accepted in Berlin's schools if they apply for acceptance (SchulG §15 (1)). Again, the necessity to make an application and come into contact with officials might make aliens without (valid) papers to shrink from sending their children to school.

It is in the nature of the subject that there are no statistics on aliens without papers, but it is estimated that there are between 500,000 and 1,500,000 aliens without (valid) papers (see Unabhängige Kommission „Zuwanderung“ 2000). Up to now, there have been no attempt to regulate the status of aliens without (valid) papers in Germany.

By way of compensation for the lack of reliable statistics on persons entering or living in Germany without valid papers, data on illegal enterings and residences at the border can be consulted.

Applying the unofficial general rule that for each discovered person without (valid) papers, there must be two undiscovered, border police estimates that there were 209,712 persons in 2001 who managed to enter Germany without (valid) papers. Of course, this „guesstimate“ ignores the „bogus legals“ already residing in Germany and does not consider that among those who are turned back are many repeat offenders (for an overview of the problems connected to the estimation of the number of persons without valid papers residing in Germany, see Alt 1999: 48-51).

Table 2: Persons without (valid) papers: Illegal entries, persons turned back after having entered Germany, persons turned back at the border and persons smuggled across the border, 1995-2001

Year	Arrests of persons who entered Germany without valid papers [unerlaubte Einreise; §58 AuslG]	Persons turned back after having entered Germany without valid papers [Zurückschiebung; §61 AuslG]	Persons turned back at the border because they lack valid papers [Zurückweisung; §60 AuslG]	Persons smuggled across the border [aufgegriffene Geschleuste]
1995	29,604	29,673	125,742	6,656
1996	27,024	27,249	94,154	7,364
1997	35,205	26,668	88,269	8,288
1998	40,201	31,510	60,091	12,533
1999	37,789	23,610	57,342	11,101
2000	31,485	20,369	52,257	10,320
2001	28,560	16,048	51,054	9,194

Sources: Annual Reports of the Federal Border Police [Bundesgrenzschutz; BGS] 1996/97; 1998; 1999; 2000/2001; Bündnis 90/Die Grünen, Bundestagsfraktion 2000

In 2001, Romanians, Yugoslavs, Iraqis and Turks made up for a quarter of all who tried to enter Germany illegally. Illegal border crossing was most frequent at the German-Czech border and the German-Austrian border (Bundesgrenzschutz; BGS 2001).

1.7 Germany as a part of the 'fortress Europe'

Since the 1990, the creation of a single Europe has increasingly been bound up with a closure of the EU to non-EU citizens by relaxing internal border controls within the EU on the one hand, and preventing entry to non-EU citizens and especially those from Third World countries by means of stricter border controls and immigration regulations on the other hand. Landmarks within this development are the Dublin convention of 1990 which aimed at preventing asylum seekers from making more than one application in the EU and the proposals for taking and filing fingerprints from refugees and asylum seekers first made in 1991 and realized in January 2003 under the name of EURODAC. Those who are critical of this development often refer to it as the construction of the 'fortress' Europe (Gordon 1989). Piper (1998: 23) ascertains that „the drift towards such a 'fortress' has not been orchestrated from Brussels but is the result of a combination of tougher measures introduced by individual member-states and inter-governmental initiatives directed towards the harmonization of policy and practice (such as Schengen and Trevi)“. While similar immigration and asylum policies developed on an ad hoc basis, in 1976 the "Trevi" group composed of interior ministers was set up to co-ordinate EU-policy on terrorism, radicalism, extremism and violence (Piper 1998: 22-23). It later took up also immigration, visas and border controls as issues. In 1985, the "Schengen" group (at first composed of Germany, France and the Benelux countries, and later joined by Italy, Spain, Portugal and Greece) was organized with the goal of abolishing internal borders by 1990, while setting up co-ordinated measures to keep "undesirables" outside the Schengen borders. In 1986, the Ad Hoc Group for Immigration was established to end abuses in the asylum process. It proposed, for example, that sanctions should be imposed on airlines bringing in undocumented asylum-seekers or those with forged papers. In 1990, the Dublin convention was signed to prevent asylum-seekers from making more than one application within the EC. Also in 1990, a draft convention on co-ordinated controls at external borders was introduced and in 1991, proposals about fingerprinting were made. The EU Council of Ministers approved the plan to fingerprint asylum-seekers in the EU in 1995.

Piper (1998: 23) rightly points out that there are not many „*drafted*“ documents which exemplify the general tendency towards stricter border controls and stricter immigration regulations, such as 'The External Border Convention' ... and 'The Draft Resolution on Family Reunification“ though immigration regulations and deportation measures have been very similar throughout the EU (Baimbridge, Burkitt & Macey 1994; Mitchell & Russell 1994).

The 1957 Treaty of Rome, which established the European Economic Community, granted freedom of movement and settlement to EC workers and their families. It also called for abolition of any discrimination based on nationality with respect to employment, pay and other work conditions (Piper 1998:22). The Single European Act signed in 1986 ascertained as principle full free movement and settlement rights for 330 million EC nationals as of January 1, 1993. The aim all along has been to create a free market for goods, capital, services and labour. But even today experts say that goods, capital and services circulate much more freely than labour does. Few of us are aware of the fact that geographical mobility of labour within the EU is extremely modest. For example, in 1996 only 2% of the entire EU-labour force worked in another EU-member state (Penderak 1999: 37). Labour protection has constituted no priority. Policy making concerned with labour and social issues had been developing very slowly within the EU (Keller 1995: 253, 256, 258). Trade unions

have not managed to coordinate their strategies either at the supranational or the sectoral levels, so they have been a poor match for employer organizations.

As for Germany, there have been several bilateral agreements with the Eastern European neighbouring states designed to supplement the Schengen agreement on taking back illegal immigrants which has been effective since 01 May 1991. On such agreement on taking back illegal migrants was signed between Poland and Germany in 1993. In 1998, this agreement was the basis for the "Akcja Obcy/Aktion Fremde", a joint measure of border guards and police who constantly made raids on refugees and migrants. This measure resulted in 6,000 deportations during the first year of the measure alone (Jäger-Dabek 2002). In 1995, a corresponding agreement was made between the Czech Republic and Germany. The most recent bilateral agreement Germany entered into is the agreement with Slovakia on the taking back of persons who travelled from Slovakia to Germany without having valid papers or vice versa. The agreement was signed 19 February 2003 and described by Minister of the Interior, Otto Schily, as an „important element in the struggle against illegal migration“, because „Slovakia is an important transit state for uncontrolled migration, especially from Asia“ (Bundesministerium des Innern 2003b). In order to push the bilateral agreements on taking back illegal immigrants through, the states involved reinforce the cooperation of border officials and border police. For example, on 17 February 2003, there was the first joint border patrol of Czech and German border officials agreed on by Ministers of the Interior, Stanislav Gross and Otto Schily (Bundesministerium des Innern 2003c).

2. RESEARCH ON IMMIGRANTS AND ETHNIC MINORITIES IN GERMANY: THE STATE OF THE ART

Anyone with a good idea of research on immigrants and ethnic minorities in Germany must concede to the fact that this research is much more often than not based on the premise that immigrants or members of ethnic groups are some kind of fringe groups posing various kinds of social problems because of their cultural heritage, their social background or the immigrant situation itself which is expected to create 'culture shock' and forms marginal men. Accordingly, public statistics as well as social scientists' research focus very much on unemployment, social assistance and crime rates (among other things) among foreigners. However, it comes close to a stroke of good luck to come across the facts that in 2001 more than 10.000 among the 310.000 soldiers in the German armed forces were of non-German descent, that foreigners living in Germany pay some 50 million Euro taxes per year, that one out of six marriages in Germany is a marriage between a foreigner and a German or that in 1999 almost 60% of the 35,000 Germans who live in Majorca had no knowledge of the Spanish language and 68% did not know anything about the local customs, so that these Germans had to be regarded as not capable or willing to integrate (all data collected from <http://www.paritaet.org/via/index.htm> which is the homepage of the Association for Intercultural Work [Verband für Interkulturelle Arbeit - VIA]).

So, the interest of the public and of social scientists, too, in foreigners is quite one-sided, and findings from research on foreigners are often biased - not so much because of a partial description of the findings, but because of the tacit premises underlying the research question and the way the topic is approached.

In the following sections (2.1 and 2.2) we compile descriptive as well as explanatory findings from research on foreigners in the German school system and the labour market because these are the most important societal areas for the (re-)production of social inequality between individuals as well as groups. Other relevant fields, like housing or health care, unfortunately cannot be treated in this report.

2.1. Immigrants and minority members in the German educational system

Though it seems perfectly natural to us today that there is compulsory education for each and every child - and immigrant children, too - this has not always been the case in Germany and still is not the case when it comes to children of refugees, asylum seekers or illegal immigrants. Until the mid of the 1960s, immigrant children neither were bound by law to attend school nor had a legal claim to school attendance in every federal state (Baker & Lenhardt 1988: 43). It was in 1952 that the Permanent Conference of the Ministers of Education and Cultural Affairs [*Ständige Konferenz der Kultusminister der Länder der Bundesrepublik Deutschland*] made its first statement on immigrant children's schooling and recommended the introduction of compulsory education for them, not the least because it was suggested that the institutional integration of immigrant children would help to maintain public order (Röhr-Sendlmeier 1986). In 1964, the ministers of education and cultural affairs agreed that all federal states should make it possible for migrant workers' children to attend school, but even at the end of the 1970s compulsory education for immigrant children had not found acceptance in all federal states. Certainly, Germany had to live up to what was set in the European Economic Community regulation no. 1612 /68 on freedom of movement for workers within the European Community, namely that children of EU-citizens had to be granted school attendance in regular classes, but jurisdiction over education was and still is constitutionally assigned to the federal states, so that the federal government could not simply command the federal states to introduce compulsory education for all immigrant children or children of EU-members specifically (Baker & Lenhardt 1988: 44).

At present, all federal states accept children from other EU-countries and children with a 'guest worker' background, but only some accept asylum seekers' children, refugees' children or children who are themselves tolerated persons. It should be made quite clear that the acceptance of non-German children of any kind in the German school system is legally equivalent to the fixing of an exception to the rule to which the legal claim to school attendance is restricted to German citizens (Gogolin 1998).

Foreign Children in the Education System: Some Statistics

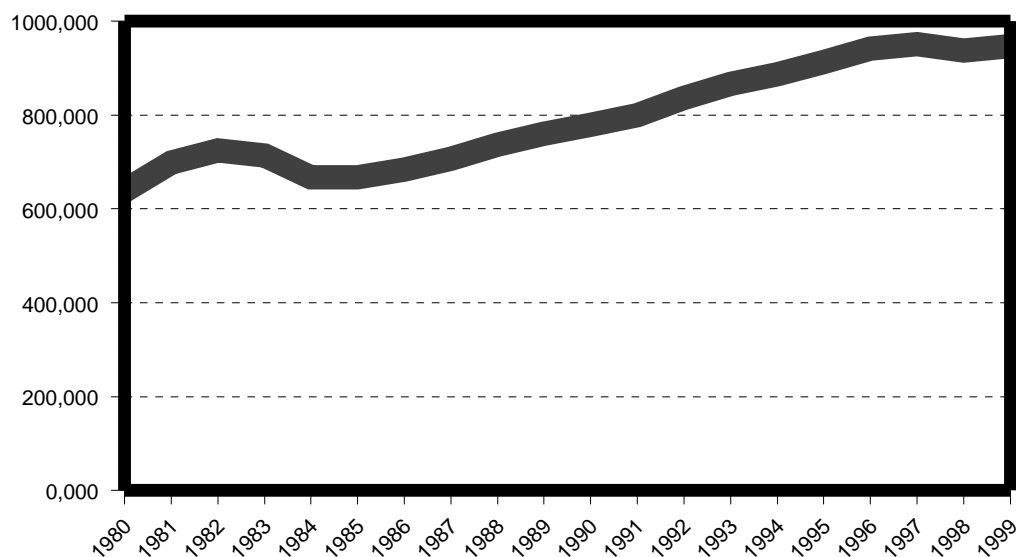
In the mid-1960s there were between 50,000 and 55,000 foreign children in German schools providing general (not vocational) education. This corresponded to only 0.5%, and this small proportion may be an explanation why the federal government as well the federal states thought of foreign children in the educational system as a marginal phenomenon in this period. But the number of foreign children shot up to about 857,000 in 1982. This meant that **15% of all pupils were foreign in 1982.**

Subsequently, their number increased further, although it was interrupted by periods of stagnation (1982-1985 and 1996-1999) (Nauck 1994). **In the school year 1999/2000, there were 946,300 foreign children in the German schools. They constituted 9.4% of all pupils.**

This means a decrease compared to 1982. When the proportion of foreign children is considered separately for East and West Germany, it turns out that it is very low in East Germany, namely only 0.8% compared to 11.3% in West Germany in 1999/2000 (*Beauftragte der Bundesregierung für Ausländerfragen 2002a: 179/180*).

By far most foreign pupils are from ‘guest-worker’ families or have the corresponding nationalities. Together, they make up for over 70% of all foreign children.

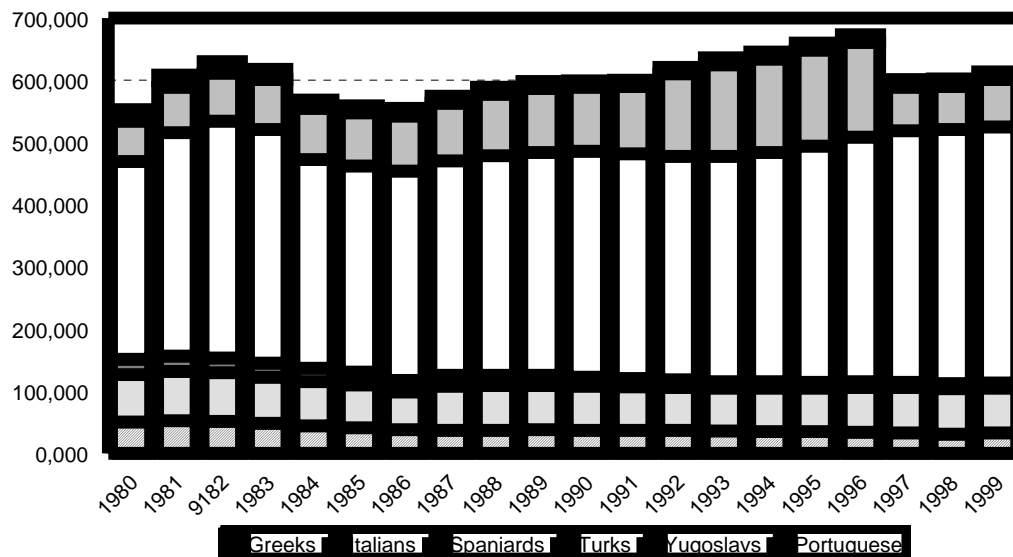
Figure 5: Number of foreign children in German schools providing general education, 1980-1999



Source: *Beauftragte der Bundesregierung für Ausländerfragen 2002: Table 17, p. 38*

Figure 6 shows how the numbers of pupils of ‘guest-worker’ nationalities have developed between 1980 and 1999. Turks have been the biggest group by far during the period observed, followed by Yugoslavs as the second largest and Italians as the third largest group. **In 1999, Turkish pupils made up for 43.6% of all foreign children**, Yugoslavs (since 1997: only Serbia and Montenegro) for 8% and Italians for 7.6%. The fourth biggest group, the Greeks, made up for 3.5%.

Figure 6: Number of foreign children of ‘guest-worker’ nationalities in German schools providing general education, 1980-1999



Source: *Beauftragte der Bundesregierung für Ausländerfragen 2002: Table 17, p. 38*

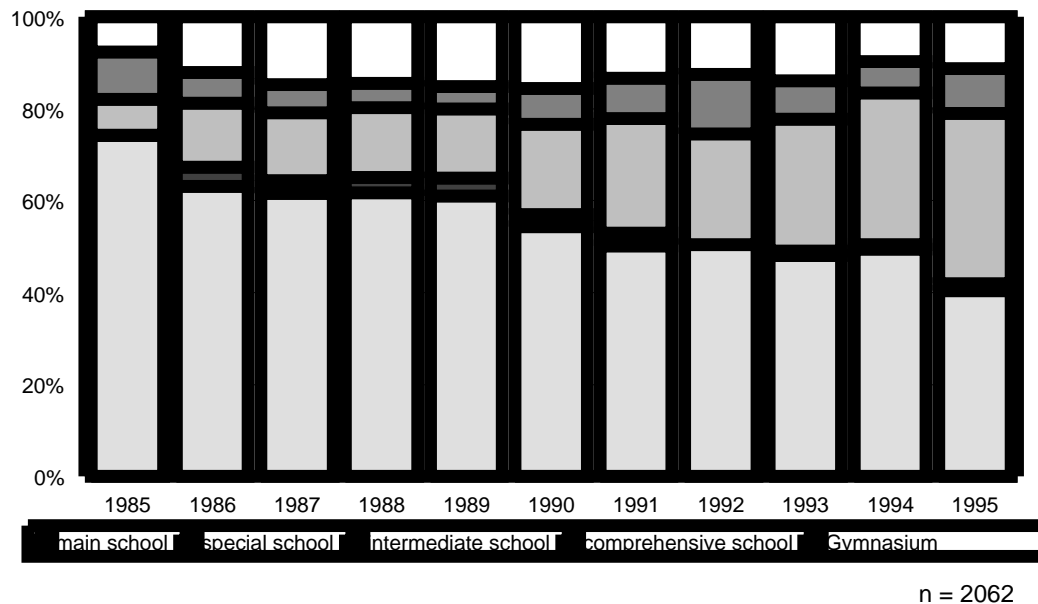
As for the development of the number of pupils with ‘guest-worker’ nationalities during the period observed, we see from Figure 6 that the numbers of Greek, Italian and Portuguese children have remained relatively stable with the number of Greeks decreasing slightly, those of Portuguese children increasing slightly. The number of Spanish children have decreased linearly and rather substantially (from 18,909 in 1980 to 8,257 in 1999), whereas the numbers of Turkish and Yugoslav children almost linearly increased. (Concerning the Yugoslav children, one must take into account that since 1997, only children from Serbia or Montenegro are counted as Yugoslavs. This is why the number of ‘Yugoslav’ children has decreased dramatically between 1996 and 1997.)

In Germany, the secondary school qualifications are decisive for the types of vocational training one can choose, for the admission to the institutions of higher education and one’s career prospects in general. The qualifications which pupils can get from different types of secondary schools are ranked. The graduation certificate of the „main school“ [*Hauptschulabschluss*] is the least prestigious. *Gymnasium* is the most prestigious. Its graduation diploma [*Fachhochschulreife und Abitur*] constitute necessary prerequisites for access to the institutions of higher learning.

Though the educational system is not entirely uniform, in most federal states the system provides, after four years of primary education, three secondary tracks which are clearly ranked: The „main school“ [*Hauptschule*] is the least prestigious track. It aims at preparing pupils for taking up an apprenticeship after the six years of education it provides. Therefore, emphasis is on practical training. It has the least demanding curriculum of all secondary tracks. The „intermediate school“ [*Realschule*] provides a more comprehensive all-round education than the main school. For example, the „intermediate school“ provides the teaching of a second foreign language. After the successful completion of six years at the „intermediate school“ pupils get the certificate of intermediate secondary learning [*Mittlere Reife*] which allows for a continuation of secondary education at *Gymnasium*, while the

certificate of main school secondary learning does not. *Gymnasium* is the most demanding and prestigious track. It provides entrance qualifications for Science-technical universities (after eight years) or regular universities (after nine years) and therefore is the direct route to institutions of higher education. In some federal states there is a fourth type of secondary track, namely the „comprehensive school“ [*Gesamtschule*] which is also sometimes called „middle schools“ [*Mittelschulen*]. „Comprehensive“ or „middle schools“ provide the option to combine more demanding and less demanding courses and to attend school as long as one wishes. Accordingly, these schools provide both the certificate of main school secondary learning and the certificate of intermediate secondary learning, and sometimes also university entrance qualifications. Special schools [*Sonderschulen*] of different types are intended for pupils with different kinds of handicaps. Depending on the kind of handicap the different types of special schools provide different certificates. Special schools for learning-disabled children often do not provide their pupils without any certificate of secondary schooling. Therefore, it is important to look at the types of secondary schools foreign pupils reach after having finished primary education. Official school statistics does not provide such data, but there is one data set, namely the German Socioeconomic Panel, which provides individual data and allows for an analysis of educational attainment by adolescents from immigrant families. It also provides information about the pursuit of a vocational training in comparison with German adolescents. This is because Turks, Yugoslavs, Italians, Greeks and Spaniards have been surveyed annually along with Germans in West Germany since 1984 (for a description of the GSOEP and a detailed analysis, see Diefenbach 2002). Figures 7 and 8 show the types of secondary schools pupils from migrant families and German pupils moved onto after having finished primary education in the years 1985-1995.

Figure 7: Children from migrant families' transition from primary education to different types of secondary schools, 1985-1995



Source: German Socio-economic Panel (GSOEP), own calculations

Figure 7 shows that in all years of the period of time observed, pupils from migrant families most often moved on to „main school“, but there has been an almost continuous decrease in the proportion of foreign pupils who go to the „main school“: In 1985, 74.4% of the foreign pupils went to „main school“. In 1990, 54.3% did so, and in 1995 only 37.9% went to „main school“ after having finished primary education. As can be expected, the proportions of pupils from migrant families who moved on to „intermediate school“ continually increased in the period observed, but it was not until 1995 that almost equal proportions of pupils from migrant families moved on to „intermediate school“ and to „main school“.

As for the transition to *Gymnasium*, Figure 7 shows that in 1985 only 7.7% of the children from migrant families went to *Gymnasium* after having finished primary education. This proportion increased during the second half of the 1980s, and in 1990, the proportion was 15.5% after all. But since then, it has decreased again.

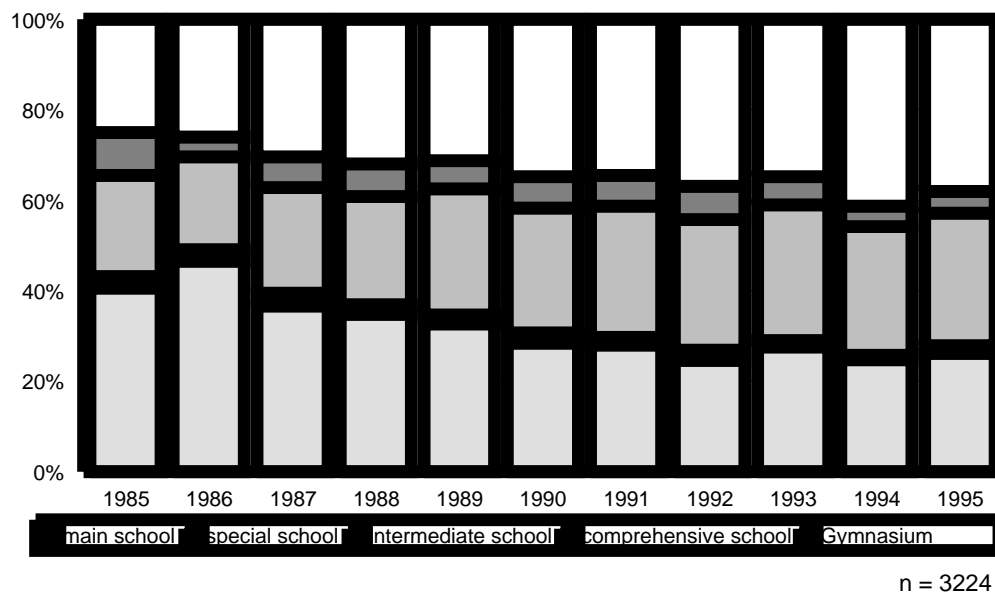
In 1985, 10.3% of the children from migrant families passed on to „comprehensive schools“ after having finished primary education, but the proportion decreased during the second half of the 1980s. In 1992, 13% - or the highest proportion of such children - moved on to „comprehensive schools“. In the subsequent years the proportion decreased again. In order to assess the actual importance of „comprehensive schools“ for foreign children, one must know that they do not exist in all federal states and that many urban „comprehensive schools“ have introduced restrictions on the admission of foreign children in reaction to the great demand (Gomolla & Radtke 2002: 225). Therefore, the proportions of children from migrant families moving on to „comprehensive schools“ after having finished primary school do not reflect the true demand.

Finally, Figure 7 shows the proportions of children from migrant families moving on to special schools. They have decreased between 1986, when the proportion was 4.2%, and 1992, when no immigrant child surveyed moved on to special schools. In the subsequent years, their share increased slightly (1995: 1,5%). Unfortunately, the findings for the special schools are of limited validity, because of the small numbers of children from migrant families in the survey who moved on to special schools. (We will come back to the proportion of foreign children who attend schools for the learning disabled later in this chapter.)

In all, one can read from Figure 7, that there was an improvement of the situation of children from migrant families. But this improvement is restricted to greater proportions of children from migrant families moving on to „intermediate school“ instead of „main school“ after having finished primary education. On the other hand, the proportion of children from migrant families who have moved on to Gymnasium has been small during the period observed and even has decreased since 1990.

The comparison of Figure 7 with Figure 8 makes clear that any positive development of these children’s position in the German school system can hardly be described as a tendency to rapprochement to the position of the German children. This is especially clear when we look at the proportions of children who move on to *Gymnasium*: Already in 1985, a quarter of all German children (compared to 7.7% of children from migrant families) moved on to *Gymnasium*. This proportion increased to 37% in 1992 and has since then been oscillating about this percentage.

Figure 8: German pupils’ transition from primary education to different types of secondary schools, 1985-1995



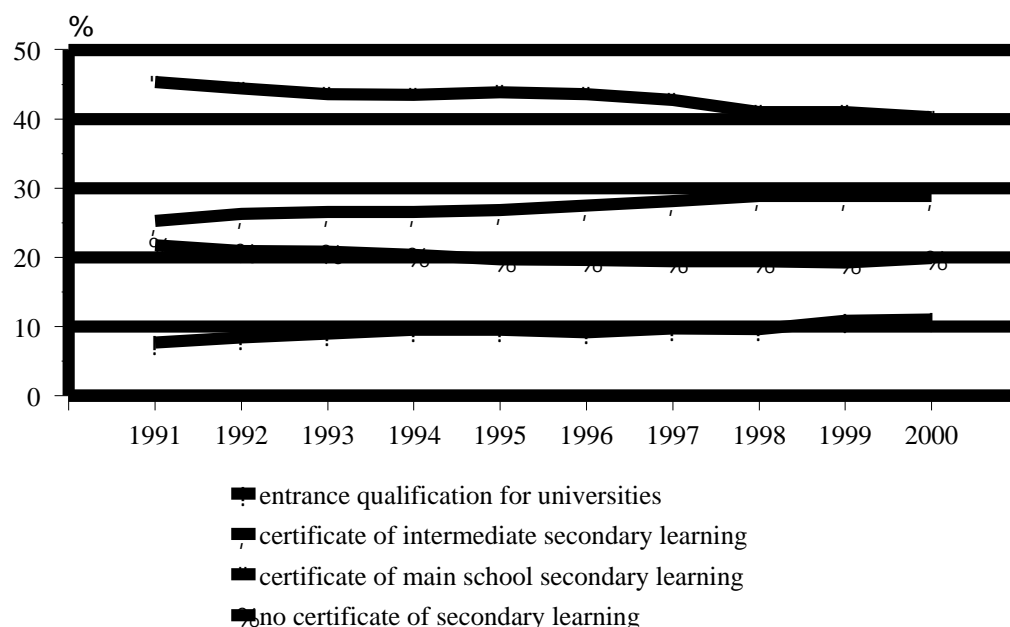
Source: german Socio-economic Panel (GSOEP), own calculations

In the second half of the 1980s, the proportion of German children who moved on to *Gymnasium* was twice the proportion of children from migrant families. This ratio changed considerably in the first half of the 1990s: The proportion of German children who went to *Gymnasium* then was three times that of children from migrant families who attended *Gymnasium*. Also, there is a much smaller proportion of German children who move on to „main school“ after having finished primary education. It is only with regard to „intermediate school“ that one can speak about a rapprochement of positions: Since 1993 there are similar proportions of German children and children from migrant families who move on to intermediate school.

When we look at specific nationalities, we find considerable differences: In the period from 1985 to 1995, Italians had the highest proportions of children who moved on to „main school“ (70.8%) and the lowest proportions of those who moved on to *Gymnasium* (8.2%). The corresponding proportions for Turks are 62.3% and 9.6% and those for Greeks are 42.5% and 26.2%. Spanish and Yugoslav children take up middle positions between Turks and Greeks. With the proportion of 26.9% of the German children moving on to „main school“ and 33.5% to *Gymnasium*, it turns out that Greek children are the ones coming the closest to German children (Diefenbach 2002: Figure 9, p. 29). So, it is not the Turkish, but the Italian children who most frequently follow the least prestigious secondary track.

Because transitions between types of secondary schools are possible (though not customary), a much more reliable indicator for the educational attainment than the secondary track chosen after having finished primary education are secondary school qualifications on which official statistics provided data. Figures 9 and 10 show what types of secondary school qualifications foreign children (Figure 9) and German children (Figure 10) have received in the years 1991 to 2000.

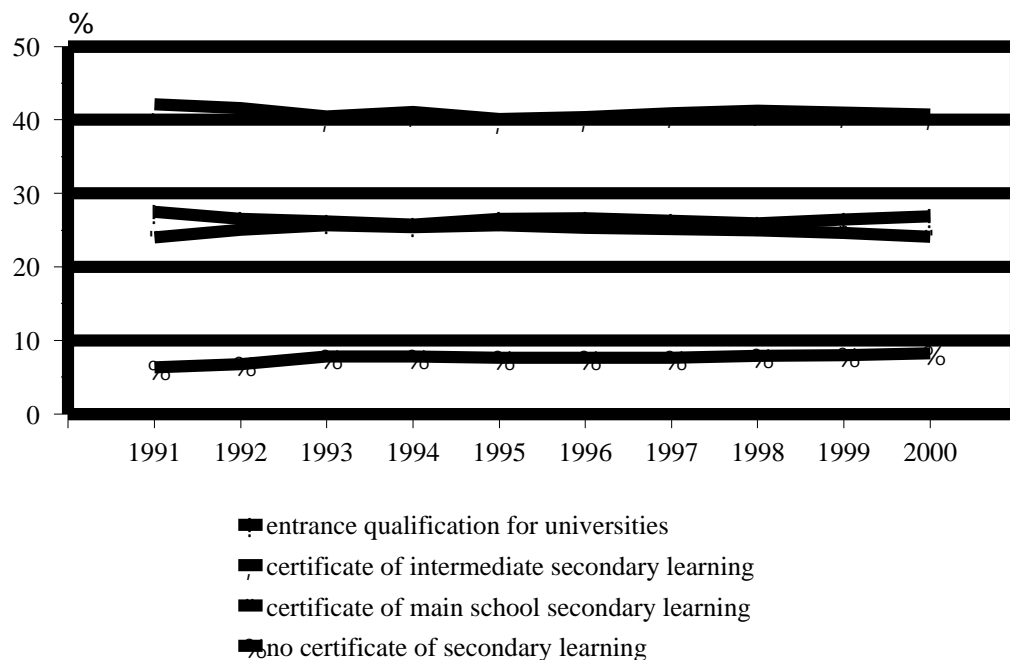
Figure 9: Types of secondary school certificates received by foreign school-leavers, 1991-2000



Source: Statistisches Bundesamt, notification in reaction to inquiry

First of all, what is striking about both figures is that the proportions of foreign and of German children who receive specific types of certificates of secondary schooling are very stable in the period observed. A comparison of Figures 9 and 10 shows that about a quarter of the German school-leavers received a certificate of main school secondary learning, whereas 40-45% of the foreign school-leavers did. As to those leaving school without any certificate of secondary learning, they made up for 6-8% among Germans and 20% among foreigners. Taken together, these findings show that more than 60% of the foreign school-leavers, but only about 30% of the German school-leavers had quite a bad starting position when it comes to begin a vocational training or an occupational career. Conversely, only 8-10% of the foreign school-leavers could show an entrance qualification for universities, whereas a quarter of German school-leavers could. Also, 25-28% of the foreigners, but 40-41% of the Germans left school with a certificate of intermediate secondary learning. This makes quite clear, that the disadvantages of foreigners in the German school system are substantial and stable.

Figure 10: Types of secondary school certificates received by German school-leavers, 1991-2000



Source: Statistisches Bundesamt, notification in reaction to inquiry

The fact that much more foreign children than German children leave school without any certificate of secondary schooling has to do with the much higher proportion of foreign children than German children who go to special schools for the learning-disabled. In their analysis of official data published in 1981, Trommer & Köhler gave evidence that already in the 1970s there had been a steady increase in the proportion of foreign children in special schools for the learning-disabled (Trommer & Köhler 1981: 130). This trend continued, so that in 1999, 15% of all pupils going to special schools were foreigners, though their share of all pupils in the German school system was only 9.4%. This means that foreign children were over-represented by the factor 1.56 (Powell & Wagner 2001). With regard to the over-representation of foreign children at schools for the learning-disabled Reiser (1981) had

coined the slogan 'Special schools - schools for foreign children?' already in 1980 to indicate that foreign children were pushed away in special school for all kinds of reasons, but not because higher proportions of them than of German children were learning-disabled.

Reactions to the disadvantages of foreign children in the German school system

At the end of the 1970s, the observation that the accomplishments of foreign children in the German school system did not match those of their German peers triggered off the first public debate on the reasons for this (Geiersbach 1989; Hopf 1981; 1987; Esser 1990). Social scientists as well as pedagogues argued that foreign pupils are strangers to the German society, its institutions and its values. Because of their cultural heritage they have deficits in what was considered to be the 'normal equipment' of a (German) child the same age group (Gogolin 2002: 264). Pedagogical practice based on these ideas about normality defined it as necessary to aid foreign children in overcoming their deficits by means of all kinds of organizational measures, for example, the introduction of preparatory or special classes. These measures and the premises they are based on have been summarized under the label of 'foreigner pedagogics' [*Ausländerpädagogik*] (for an overview, see Tränhardt 1999). Though 'foreigner pedagogics' has been sharply criticized (Hebenstreit 1988; Lutz 1991) and though 'intercultural pedagogics' [*Interkulturelle Pädagogik*] or 'intercultural education' [*Interkulturelle Erziehung*] was proposed and elaborated as an alternative (see Diehm & Radtke 1999: chapter V; Niekrawitz 1990), 'foreigner pedagogics' still has its advocates and 'compensating measures' for foreign children are institutionalized within the educational system (Gogolin 2002).

Explanations brought forward

The explanations for the disadvantages of immigrant children in the educational system which are proposed in the social scientific literature can be roughly divided into four categories: (1) „cultural“ (already mentioned), (2) „migration situation“ (3) socio-economic and (4) educational-institutional (for which one example was already given when the study of Kornmann & Schnattinger 1989 was mentioned).

AD (1)

Advocates of the cultural explanation focus on the disadvantages of immigrant children in the educational system which are caused by their own or their parents' cultural heritage, or their cultural identification which is regarded as being in deficit compared to the '(post-)modern' culture prevailing in Germany. The 'original' version of the cultural explanation was offered by Rosen (1959) who claimed that cultural differences, such as the degree of fatalism, explain subsequent socioeconomic inequalities among minorities. Since then, the cultural explanation has come in many variations. For most part it is true that these explanations have generated no empirical research/tests, but are grounded instead on preconceived ideas about life in the typical 'Muslim', 'Oriental' or 'Southern European' family (Bender-Szymanski & Hesse 1987: 37). Even when empirical evidence is provided, many methodological objections can be raised concerning the design of these studies and the the interpretation of the findings. For example, Leenen, Grosch & Kreidt (1990) claim that Turkish families cling to a 'traditional'

understanding of learning and teaching, that is, learning by heart, unquestioned acceptance of the material or seeing teachers as absolute authorities (Leenen, Grosch & Kreidt 1990: 760/761). This encourages what they call a 'receptive orientation' (Leenen, Grosch & Kreidt 1990: 761). For these authors, this type of 'traditional' understanding stands in sharp contrast to the 'modern', that is, „instrumental and individualistic“ understanding (Leenen, Grosch & Kreidt 1990: 762). The latter exemplifies aims and methods of learning and teaching advocated in the German educational system. As a result, so the argumentation goes, immigrant parents distance themselves or even reject the German school system (Leenen, Grosch & Kreidt 1990: 758) and do not show any (or enough) interest in their children's school careers. They do not support them as much as is necessary and as much as German parents in fact do. Excerpts from qualitative interviews with 25 Turkish university students constitute the empirical evidence for the argumentation presented by the authors. Their statements are used to back up the ideas of the authors about the problems these children might have had with their parents' 'traditional' understanding of learning and teaching. In order to explain why they succeeded nevertheless, the authors point to these students' exceptional ability for 'self-placement' [*Selbstplatzierung*] (Leenen, Grosch & Kreidt 1990: 762). Though it is, of course, a good idea not to focus on 'problem children' only, the lack of any comparison group restricts severely the validity of these findings.

Another attempt to provide an empirical test for the 'cultural' explanation, focuses on the position of foreign girls in the German school system. Analyses of the German Socio-Economic Panel (*GSOEP*) show that girls from migrant families do not have significant disadvantages as compared to boys from migrant families (Diefenbach 2002: 25-28). This finding does not fit in with ideas on gender-specific socialization within patriarchal families. Such families are defined as being very restrictive for girls and as discouraging girls from getting a good general education. For example, Rosen & Stüwe (1985: 40) described the plans of 'Italian families' for their daughters as follows: „The socialization of the girls is adjusted to this rigid gender-specific picture: They are intended to become good wives and mothers“. Also, social educators at times disguised German language courses for Turkish women as sewing courses in order to avoid the alleged resistance of the women's husbands (Diehm & Radtke 91). In the view of Diehm & Radtke social educators have an interest in such simple models of homogeneous cultures because it helps them to legitimize their own existence and also to give importance to their work: „With the figure of the 'imaginative Turkish women' social educators have created for themselves an especially needy client“ (Diehm & Radtke 1999: 91).

The cultural explanation faces even more fundamental difficulties: Its advocates generally have a very simplified and overly homogeneous picture of culture and regard 'culture' as 'national culture' only (Diehm & Radtke 1999: 77). Most of them have concentrated very much on what they think represents the Turkish culture. Even if their argumentation was valid with reference to the Turkish culture, they still have to explain why children with a cultural heritage that is supposed to be much closer to the German culture, e.g. Greek or Spanish children, also do clearly worse than German children. Especially, they would have to make it plausible why it is that Italian children (who are supposed to be much closer to the German culture than to the Turkish one), fare even worse than Turkish children.

AD (2)

In some respects pointing out to the „migration situation“ to explain the disadvantages foreign pupils have in the German school system as compared to German children constitutes the simplest of four explanations.. In one variation it is derived from assimilation theory (see, for example,. Gordon 1964; Alba & Nee 1996) and states that the educational careers of migrant children will improve and on average converge with those of other pupils over time (Smith & Tomlinson 1989). For Germany, Alba, Handl & Müller (1994: 37) discovered that „the educational disadvantage of second-generation children is, in general, considerably less than that of children who migrated after the onset of schooling“. But nevertheless, the same authors found that: „... obviously, a great disparity remains between Germans and non-Germans of this generation“ (Alba, Handl & Müller 1994: 16). While it is simple enough to test this prediction (given the necessary quantitative data), the assimilation hypothesis does not provide an explanation for why this prediction should prove true.

Korte (1990) argued that immigrants do not develop a long-term perspective on their lives in Germany because of their insecure legal status (especially with regard to their right to residence), so that immigrant parents are not inclined to show much interest in their children's education. Instead, they make their children leave school as early as possible in order to have them contribute to the family income, which is, again, regarded as the main resource necessary to undertake re-migration (a similar argument is made by Schiffauer 1991). First, this might be true for Turkish immigrants, but not for Italians who are EU-citizens and as such have freedom of movement, but whose children are known to do even worse in the German school system than Turkish children. Secondly, if Korte was right, one would expect educational attainment of immigrant children to vary systematically with their parents' intentions to return to their countries of origin or to build up a 'new life' in Germany. But Alba, Handl & Müller (1994: 29) do not find a statistically significant effect of the household head's intention to re-migrate on the child's going to main school (the least prestigious secondary track) or other types of secondary schools in their analysis of the German Socio-economic Panel (*GSOEP*). In her re-analysis of this data and some additional waves of the Panel, Diefenbach (2002: Table 7, p. 61) also fails to produce statistically significant effects of the the household head's intention to re-migrate on the child's going to main school versus other types of secondary schools or on the child's going to *Gymnasium* versus other types of secondary schools.

Moreover, several studies have shown that Turkish immigrants' educational aspirations are very high (Holtbrügge 1974; Nauck 1995; Neumann 1980; Mehrländer et al. 1981) and that they turn out to be stable across control variables such as the child's sex or the degree of the parents' integration into German society (Karasan-Dirks 1980). While Boos-Nünning (1989) found that parents and children highly overlap in their educational aspirations, Nauck (1995: 77) showed that Turkish migrant parents compared to their children differ substantially in their assessment of the probability with which the children will reach the aspired educational level with the children being much more doubtful than the parents.

Actually, one might argue that it is exactly the insecure legal status of immigrants which is an incentive for immigrant parents to choose such educational tracks for their children that are regarded as promising in both societies, the German society and the society of origin. Academic tracks meet this condition, and this might explain why immigrants have such high

aspirations (Boos-Nünning 1989: 22/23). But it does not explain the reality of considerable disadvantages migrant children have in the German educational system.

Another prominent feature of the situation of immigrants in Germany is that they normally do not speak German. Because the German school system is completely mono-lingual (apart from the so-called native-language classes [*muttersprachlicher Unterricht*] which migrants can sometimes apply for), children who do not speak German at all or not very well, are handicapped compared to German(-speaking) children (on monolingualism in the German educational system, see Gogolin 1994 or Gogolin & Neumann 1997). So, it is not surprising that Alba, Handl & Müller (1994: 31) found that a child who has at least one parent who speaks German badly is more likely than others to attend main school. In their report on the situation of foreign workers and their families, Venema & Grimm (2002: Table) observe that in the youngest group of respondents, three quarters think that they have a good command of the German language, not only of the spoken language but also of the written language, whereas this applied to only slightly more than 50% of the respondents in the oldest group. Because many foreign children in the German school system are born to migrant families in Germany and grew up in Germany, a lack of knowledge of the German language is not so much of a problem for foreign children living in Germany it used to be. Therefore, a lack of knowledge of the German language cannot be *the* sole or main explanation for the disadvantages of foreign children in the educational system (any more). But normally, the lack of knowledge of the German language is a problem for children who come to Germany when they have already reached school age and attended school in their country of origin. The lack of knowledge of the German language is probably also responsible for the statistical negative relationship between migrant children's age of entry into Germany and the educational attainment of migrant children (Esser 1990). At any rate, we suggest that the future development will polarize the foreign children born in Germany and the foreign newcomers to the German school system because of the varied extent to which they have command of the German language.

AD (3)

Socio-economic explanations of the disadvantages children from migrant families have in the educational system are derivatives of the human capital theory. According to Leibowitz (1974; 1977) a child's education is dependent on the time, attention and money that is available in the family. The more of these resources are available, the more can be spent on the child's education. The more of the familial resources are invested in the child's education, the better the educational attainment should be. As indicators for the time, attention and money available in a family, human capital theorists usually use data on both parents' education, gainful employment of both parents and household income. Additionally, the number of minor children in the household is controlled for, because it indicates among how many children the available resources have to be distributed.

Applied to migrant families in Germany, one might argue that they normally have less resources to invest in their children's education than German families do because many migrants are not well educated, do not have very well-paid jobs, and have a relatively low household income. Moreover, in many migrant families, both parents are working, so that they cannot spend as much time with their children than for example a housewife can (Becker). If human capital logic was valid, one would expect to find that educational

attainment is the same for migrant children as for socioeconomically deprived German children. Surprisingly, there is only one empirical study that makes this comparison. Nauck, Diefenbach & Petri (1998) tested the human capital explanation using data from the German Socio-Economic Panel (*GSOEP*). They tried out different statistical models and compared findings on the effects of human capital for migrant families and German families with equivalent socioeconomic status. They found that for migrant families, the variables included in the human capital model (both parents' education, gainful employment of both parents, household income and number of minor children in the household) failed to produce any statistically significant effect on the type of secondary school a child attends, whereas for German families the model produced statistically significant effects. Alba, Handl & Müller (1994: 35) also come to the conclusion that the foreign pupils' disadvantages „are not just the products of the lower socioeconomic origins of foreign children, in comparison to German, or of their recency of arrival“.

So, while it is true that being a foreigner and being socioeconomically deprived are often confounded in Germany, the disadvantages foreign children have with regard to educational attainment cannot be attributed to their socioeconomic status alone. In statistical analyses, there always remains a significant effect of „being a foreigner“ or, more specifically, having a specific nationality.

AD (4)

Research on institutional discrimination in the educational system is still rare, though statistical tests of hypotheses derived from other explanations have regularly shown that the negative effect of being non-German on educational attainment stubbornly refuses to go away, no matter how many and what kind of variables are fed into the specific models. Surely, this has to do with the fact that it is very difficult to test for discrimination directly. Very few people would say that they deliberately commit individual acts of discrimination, and institutionalized discriminatory mechanisms are typically not regarded as such. They are legitimated in other than discriminatory terms.

Any empirical study on discrimination must therefore infer discrimination from statistical standards of comparisons and show how (and not so much why) it can be that the application of the 'normal' standards systematically results in varied outcomes for different groups of people, whereas an assessment of inequalities with the help of statistical standards of comparisons alone does not suffice to infer the existence of discrimination, because the inequality could be brought about by other than discriminatory factors (for a more detailed criticism of the use of statistical standards of comparison, see Radtke & Gomolla 2002: 81-85).

The most prominent and recent example for research on the mechanisms by which „ethnic differences are constructed in schools“ (such is the subtitle of the book) is a study by Radtke & Gomolla (2002). Their data stem from official local statistics on schools and pupils in the city of Bielefeld as well as from qualitative interviews in which they let teachers interpret some of these statistics (which in our view is a very interesting methodological approach). Their overall assessment of the findings from their study is that the discrimination of foreign pupils is a result of the organisational logic according to which schools function (Radtke & Gomolla 2002: 255-257). For example, the didactics and methodology which underlie lessons

presuppose homogeneous groups of pupils who can be taught „as one pupil“ (Radtke & Gomolla 2002: 258). In order to achieve homogeneity schools make use of any possibility they have to influence the qualitative composition of the classes. They act xenophobic and racist without realizing that they do so. This is clear from the practice of excluding children from enrollment because they are not (yet) fit for school (Radtke & Gomolla 2002: 257/258). As for children from migrant families, they often do not have a good knowledge of the German language. This becomes then equated with not (yet) being fit for school by the schools. They become categorized as „maturity- and development-delayed“. German primary schools yearly admit new pupils in part based on the outcomes of the medical examination conducted by doctors who assess the overall ability of the individual children to attend school [Schulfähigkeit]. (This overall assessment is a derivative of statements not only about the physical but also about social and language abilities of the candidates for enrollment in primary schools [*Einschulung*]). This implies an annual possibility of rejecting children deemed not „yet“ fit for school (Radtke & Gomolla 2002: 257/258). The strategy turned out to be very efficient in the 1980s. School classes were kept homogeneous, while children from immigrant homes were sent to special pre-schools and problem-catching classes. But then ministries of education and cultural affairs in several federal states noted increases in expenditures on education associated with these practices and took measures to prevent them. The exclusion of migrant children, their relegation to special classes or to special schools is still a widespread and unquestioned practice, however, because most people within and outside of schools find it plausible or even necessary to subject migrant children to a special treatment, a need for which is justified by stereotypes held about 'other cultures' (Radtke & Gomolla 2002: 263/264). Since everybody accepts the ideas that their German and level of development is inferior, that they have a different mentality and do not receive enough support from their parents, there is no resistance to the school praxis of excluding them from regular schools shortly after their enrollment.

Research focussing on differences between foreign and German children at the transition from primary to secondary schooling was conducted by Kristen (2000). She could draw on data from six elementary schools in the federal state of Baden-Württemberg that provided information on their pupils' transition in the years 1983 to 1999. All in all, her analysis is based on the transitions of 3,354 pupils (Kristen 2000: 5). The finding according to which children from migrant families, especially Turkish and Italian children, are considerably more likely to move on to main school after having finished primary education is replicated by her research (Kristen 2000, Table 2, p. 7). What is more interesting is that migrant children get poorer notes than German children in the subjects „German“ and „Mathematics“, but get distinctly better notes in mathematics than in German. Because the average of both notes according to an institutional rule is decisive for the recommendation children get for a particular branch of secondary education, it is clear that migrant children would have obtained recommendations for more prestigious tracks than the main school track more often, if it was not for their (lack of) knowledge of the German language. The main finding from the study conducted by Kristen is that being non-German still has a statistically significant effect on the transition to an inferior type of secondary schooling when the notes in German and Mathematics are controlled for, but only for Italian and Turkish children (Kristen 2000: 11). Even if it is unclear why this is so, the finding proves that the formal regulation according to which pupils' recommendations for specific tracks of secondary schooling depend solely on their notes in German and Mathematics cannot guarantee for a 'fair' assignment of children without respect for the children's nationality.

Radtke & Gomolla (2002: 247) also found in their study that school headmasters openly concede that recommendations given by primary school teachers for their pupils' transmission from the primary to a secondary track do not depend on their grades only, but also on the characteristics of a specific pupil's private surroundings which are regarded as achievement prerequisites. The most important of these characteristics is a 'parental home that is willing and able to support the child's educational efforts' [*unterstützendes Elternhaus*] and this is exactly what is often suggested not to exist in the case of migrant children, so that their grades are weighed with a negative factor which is usually not applied to German children (Radtke & Gomolla 2002: 247). Radtke & Gomolla (2002: 252) also observed a tendency of teachers in primary schools to avoid a formal recommendation of a specific secondary track for migrant children by recommending their transition to comprehensive schools which are not combined 'automatically' with a specific kind of certificate of secondary schooling. Actually, foreign children get better certificates of secondary schooling from comprehensive schools than from the other types of secondary schools taken together (Diefenbach 2003), so that the teachers' avoidance of a formal recommendation would be welcome, if the comprehensive schools had not introduced quotas for foreign pupils in order to avoid being turned into 'a better main school' [*eine bessere Hauptschule*] (Radtke & Gomolla 2002: 225). Obviously, the premise here is that too high a concentration of foreign children necessarily reduces all pupils' overall-achievement.

With regard to the overrepresentation of foreign children in schools for the learning-disabled, Kornmann & Schnattinger (1989) found that the proportions of foreign children going to special schools for the learning-disabled varied a good deal in different federal states and that this can be statistically explained not only by the relative frequency of foreign pupils in the different federal states, but also by the unemployment rates for the federal states: The higher the unemployment rate in a federal state, the smaller the over-representation of foreign children in schools for the learning-disabled (Kornmann & Schnattinger 1989: 201). The authors interpreted their findings as indirect evidence for the practice of 'filling up' vacancies in special schools with foreign children: When unemployment is widespread, relatively many families are affected by financial burdens as well as stress. This familial situation results (among other things) in a deterioration of the pupils' work, and there is a higher demand for places in special schools for the learning-disabled among German children. But if the economic situation is good and less German children are in need of being cared for in an institution for the learning-disabled, there are vacancies which are filled up with foreign children. To our knowledge, Kornmann & Schnattinger (1989) were the first to state a hypothesis about institutional discrimination of foreign children in the German school system in such a clear fashion.

Radtke & Gomolla (2002: 195-197) came across evaluations made as part of remittance procedures for foreign pupils to schools for the learning-disabled that involved a circumstantial, ad hoc assessment of the pupils' knowledge of the German language and an immediate decision, although this is forbidden by the state decree. The 1982-decree in Nord-Rhein-Westfalen calls for specific language tests and a ten week observation period by the primary school teachers. In some cases, evaluation referred to a lack of motivation on the foreign child's part which was, again, attributed to frustration with German language deficits (Radtke & Gomolla 2002: 200/201). Moreover, the authors found lots of references in the evaluations to cultural otherness in general or, more specifically, to estrangement from

German culture and institutions (Radtke & Gomolla 2002: 203-205) as well as references to an unfavourable parental home and refusals on the children's parts to take part in consultations or seek help from advice centres (Radtke & Gomolla 2002: 271).

All in all, research done so far on the well-substantiated disadvantages of foreign children in the German school system shows that no simple explanation can be adopted. Instead, we have to reckon with different explanations for different groups of foreign pupils as well as with cumulative effects.

2.2 Immigrants and minority members on the German labour market

According to the Third Book of the Social Code [*Drittes Buch des Sozialgesetzbuches; SGB III*] which has replaced the Law on the Promotion of Work [*Arbeitsförderungsgesetz*] of 1969 since 1 January 1998, access to the German labour market for foreigners depends on the granting of a work permit by the employment office, on principle. But there are exceptions from this rule. EU-citizens, those who are guaranteed freedom of movement according to the European Economic Community's regulation 1612/68 from 15 October 1968, foreigners who are employed in Germany within the framework of bilateral agreements and foreigners who have an unlimited residence permit or a right to residence (see chapter 1.3) are allowed to take up work in Germany without getting a work permit (see § 284 SGB III). All other foreigners have to get one of the two types of work permits, namely the 'work permit' [*Arbeitserlaubnis*] in the narrower sense and the 'right to work' [*Arbeitsberechtigung*]. § 285 SGB III specifies the conditions under which a foreigner can get a work permit of which the most important are that:

- his or her employment does not have any negative consequences for the German labour market,
- there is no German available for the job [*Vorrangprinzip*],
- he or she is not employed under more unfavourable conditions than comparable German employees and
- he or she has a residence permit.

If an applicant meets these conditions, the employment office is free (but does not have) to grant the work permit for an employment in a specific occupation, firm or factory. The restriction of work permits has been common practice of employment offices long before 1998, but was not fixed explicitly as an employment office's latitude in the Law on the Promotion of Work [*Arbeitsförderungsgesetz*] of 1969. The Third Book of the Social Code [*Drittes Buch des Sozialgesetzbuches; SGB III*] of 1998 also put another common practice into a legal regulation, namely the principle according to which Germans have to be given priority access to job vacancies [*Vorrangprinzip*]: According to Westphal (1997: 163), employment offices granted work permits to foreigners only, if the employment agency had tried in vain for at least four weeks to procure the vacancy for a privileged person, i.e. normally a German. Employers have to inform employment offices on the wages, working hours and working conditions for the foreigners they wish to employ (§ 284 (3) SGB III), and they commit an offence if they employ foreigners who do not have a work permit or a right to work. In such cases, the work contract with the respective foreigner is regarded as inoperative. For renewals of work permits the same regulations apply as for original work permits (Davy & Çinar 2001: 311).

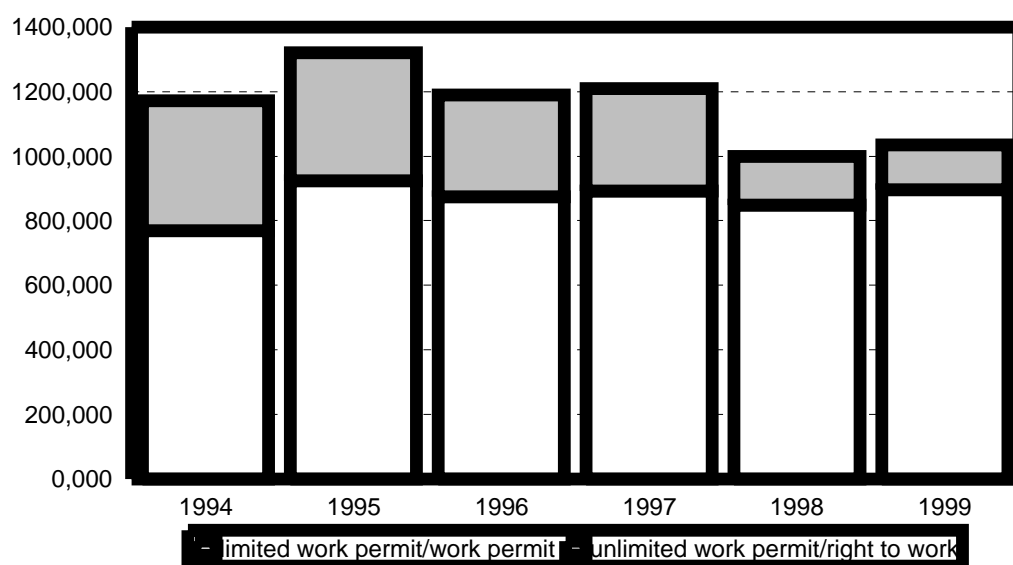
In 2000, the federal government passed a resolution on some relief for foreigners with an entitlement to residence, for asylum seekers and for tolerated persons [*Erste Verordnung zur Änderung der Arbeitsgenehmigungsverordnung vom 8. Dezember 2000*]. Until then, all these persons were excluded from the possibility to apply for a work permit, if they entered Germany after 15 May 1997, i.e. they were de facto excluded from the labour market for an unlimited period of time. Since 2000, they can apply for a work permit after a waiting period of one year.

The second type of work permit is the ‘right to work’ [*Arbeitsberechtigung*]. According to § 286 SGB III It is granted to a foreigner if:

- he or she has a work permit,
- he or she is not employed under more unfavourable conditions than comparable German - - employees and
- he or she has been lawfully employed and subject to compulsory insurance in Germany for at least five years or has been staying in Germany for at least six years without interruption.

The right to work is granted for an unlimited period and it not restricted to an employment in a specific occupation, firm or factory (§ 286 (3) SGB III). A right to work has to be granted if the above mentioned conditions are met, so that there is no latitude left for employment offices. Therefore, the right to work is a much more secure legal status than the work permit. It should be noted that the so-called ‘domestic foreigners’ [*Bildungsinländer*] also have a right to work: Foreigners who they entered Germany before reaching the age of 18 and got a secondary school certificate or signed a contract for a vocational training in Germany have a legal claim to a right to work. The same applies to foreigners who have entered Germany before reaching the age of 18 and lawfully stayed in Germany for at least five years (Davy & Çinar 2001: 314).

Figure 11: Work permits granted by employments offices, 1994-1999*



Source: <http://www.auslaender-statistik.de>

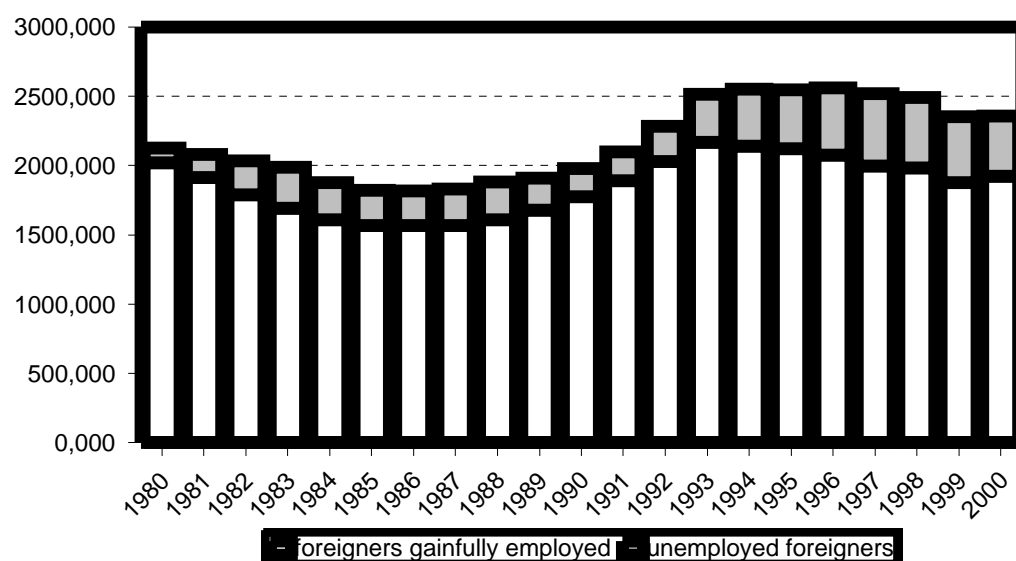
* Up to 1998, the conditions under which foreigners could be granted a work permit, were legally established in the Law on the Promotion of Work. The Law distinguished between two types of work permits, namely the limited work permit and the unlimited work permit which correspond to the work permit and the right to work almost completely, so that a presentation within a period of time is appropriate (Davy & Çinar 2001: 309).

Figure 11 shows that limited work permits or work permits clearly more frequently than unlimited work permits or rights to work. Also, the proportion of limited work permits or work permits, respectively, which are the less secure types of work permits, has increased linearly between 1994 and 1999 at the expense of the more secure types of work permits.

While Figure 11 shows how many and what types of work permits were granted 1994-1999, it does not tell us anything about the total number of foreigners working in Germany in this period of time. Figure 12 not only informs us about the number of foreigners lawfully employed and subject to compulsory insurance in Germany 1980-2000, but also about the number of unemployed foreigners.

Figure 12: Foreigners gainfully employed and foreigners unemployed in Germany, 1980-2000 (West Germany only)

Source: *Beauftragte der Bundesregierung für Ausländerfragen 2002: Table 29, p. 53*

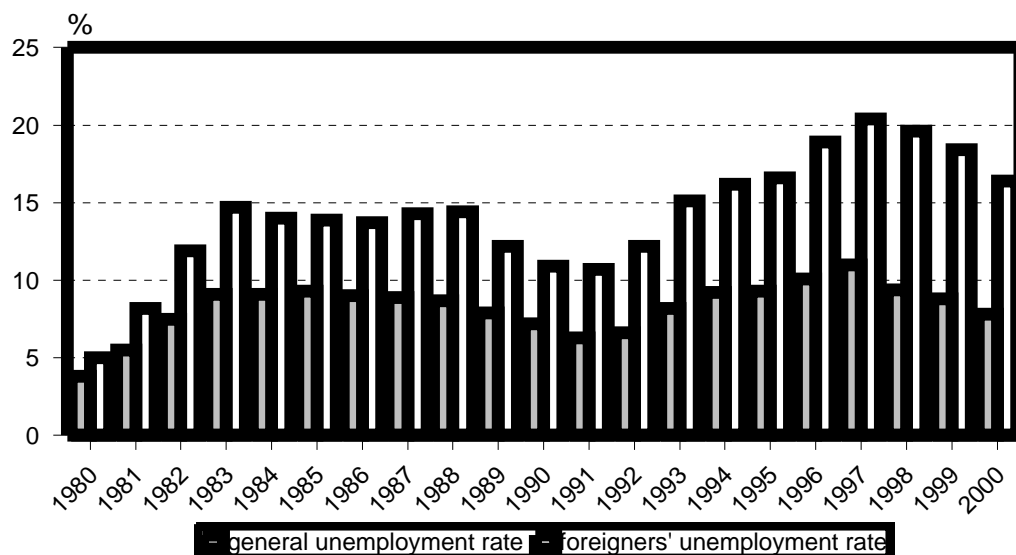


From Figure 12 it is clear that the number of foreigners gainfully employed has decreased between 1980 and 1987, while the number of unemployed foreigners was increasing between 1980 and 1983, decreasing from 1984 to 1986 and increasing again in 1987. From 1987 on, the number of foreigners gainfully employed increased steadily until 1993 and decreased slightly afterwards. In 2000, there were 1,922,813 foreigners gainfully employed. By contrast, there was a sharp increase of the number of unemployed foreigners during the last decade which reached its peak in 1997. After 1997, the number of unemployed foreigners slightly decreased to 436,788 in 2000.

Currently, foreigners make up for 8.9% of all persons gainfully employed in West Germany and for 1% in East Germany. That means that the proportion of foreigners gainfully employed approximately corresponds to the proportion of foreigners in the resident population of Germany.

If we compare general unemployed rates in West Germany with foreigners' unemployment rates in West Germany, we find that foreigners' unemployment rates have been distinctly higher than general unemployments in each one year of the period between 1980 and 2000 (see Figure 13).

Figure 13: West Germany's general unemployment rate and foreigners' unemployment rate in West Germany, 1980-2000



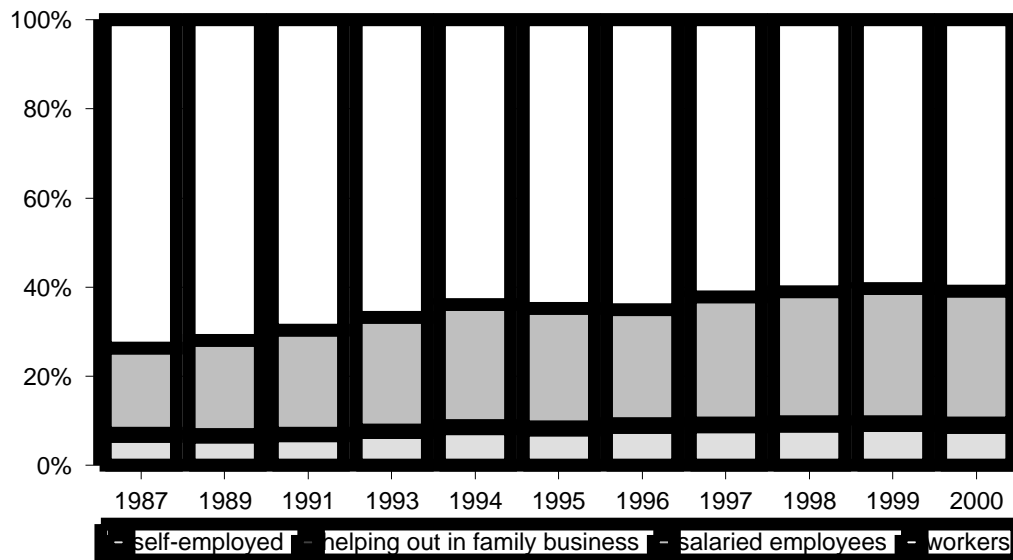
Source: *Beauftragte der Bundesregierung für Ausländerfragen, 2002: Table 28, p. 52*

Moreover, Figure 13 shows that the deviation of the foreigners' unemployment rate from the general unemployment rate has increased very much during the 1990s. The difference between both rates was biggest in 1998 with 10.2%. There are big differences between foreigners of different nationalities: While Turks' unemployment rates have been higher than all foreigners' unemployment rates during the 1990s, the opposite was true for Spaniards, Portugueses and especially for Yugoslavs, and the unemployment rates of Greeks and Italians correspond to all foreigners' unemployment rate (Beauftragte der Bundesregierung für Ausländerfragen 2002: Table 33, p. 57).

Contrary to the general trend in Germany towards a service- and information-oriented society, foreigners have been and still are employed as unskilled, semi-skilled or skilled workers. It's true that the proportion of foreigners who were unskilled, semi-skilled or skilled workers has decreased since 1985, but in 2000, about 60% of the foreigners as compared to about 40% of the Germans were unskilled, semi-skilled or skilled workers. Again, there are remarkable differences between different nationalities: Among the Turks, there are 39%, and among the (former) Yugoslavs there are 40% unskilled or semi-skilled workers, while among Italians there are only 24% unskilled or semi-skilled workers (Venema & Grimm 2002: 28). During the 1990s, foreigners' positions on the German labour market improved: The proportion of foreigners who were employed as salaried employees or self-employed

increased, while the proportion of foreigners who were workers decreased and the small proportion of foreigners who are helping out in the family business has been stable on a very low level (mean percentage for the period of observation: 0.8%) as Figure 14 shows:

Figure 14: Employed foreigners' positions, 1987-2000*



* Data refers to West Germany for 1987-1993; since 1994 it refers to all Germany

Source: *Beauftragte der Bundesregierung für Ausländerfragen 2002: Table 25, p. 49*

Data on the number of foreigners in the public service are not available for all Germany. Only for Northrhine-Westphalia there are data showing that in 1999, the proportion of foreigners in the public service was 4.5%, while they made up for 12.3% of all foreigners gainfully employed (Beauftragte der Bundesregierung für Ausländerfragen 2002a: 307).

As for the type of industrial sectors in which they work, most gainfully employed foreigners are working in the manufacturing industry, though this sector has lost some of its importance for foreign workers: In 1989, 54% of them were employed in this sector, while ten years later only 34% and in 2000, 34.6% of them were working in this sector (Beauftragte der Bundesregierung für Ausländerfragen 2002a: 306). Also, many foreign men are construction workers, while foreign women are often working in the service or in the trade sector (Venema & Grimm 2002).

In the report on the situation of foreign workers and their families already mentioned in chapter 2.1, Venema & Grimm (2002: 30) say that between a quarter and a third (depending on their nationality) of the foreigners gainfully employed are doing shift work (Turks: 34%; Greeks and (ex-)Yugoslavs: about 30%; Italians: 24.2%) and that the proportions of Turkish and Italian men who do shift work have decreased since 1995, while those of Greek and (ex-)Yugoslavs have increased. The share of pieceworkers among foreigners has notably decreased since 1980: While 30% of the foreigners gainfully employed were pieceworkers in 1980, this was true for only 12.1% in 2001.

In general, it is true that the position of foreigners on the German labour market has improved during the last two decades: They have drawn even with the Germans with regard to the proportion of self-employed persons and the proportion of unskilled or semi-skilled workers among foreigners has decreased in favour of skilled workers or salaried employees. Nonetheless, they have serious disadvantages on the labour-market compared to Germans: They have a much higher unemployment rate, the majority of foreigners still are unskilled or semi-skilled workers, and they are almost totally excluded from the public sector. In this connection, one should also mention that the net incomes of foreigners (single ones as well as married couples' with children) are clearly below the net incomes of Germans (Roloff & Schwarz 2002; also see Goldberg, Mourinho & Kulke 1995: 6/7).

Explanations for the disadvantages of foreigners on the German labour market

The reasons for the distinctly more unfavourable position of foreigners as compared to Germans are manifold. Characteristics of the foreigners themselves, those of the suppliers of work, the structure of the labour market - all play a role (see Faist 1993 or Seifert 2000: 197 for arrangements of determinations for the foreigners' disadvantages). Also, regulations imposed by government or federal institutions have an impact. In the following paragraphs we will report in broad outline on various factors brought forward in the literature in order to explain the foreigners' disadvantages on the German labour market.

The most simple explanation for the foreigners' disadvantages on the German labour market refers to the foreigners' human capital, i.e. their training, qualifications and experiences with previous employments. The lower a person's human capital, the lower the chances of this person's job prospects. The foreigners' disadvantages, so the argument goes, are simply a consequence of their lack of human capital as compared to that of Germans: Immigrants to Germany often came (and come) from countries or regions within these countries in which agriculture is dominating the economy, whereas the more 'modern' sectors (information, communication, service) are very small or virtually absent and schooling in these countries does not provide children with the kind of knowledge that is necessary for having good job prospects on the German labour market (van Suntum & Schlotböllner 2002: 40). Therefore, their human capital is less (or at least less suitable) to the requirements of the German labour market. This argumentation is empirically supported by the fact that the formal level of education among foreigners from non-EU countries is lower in Germany than in any other EU-country (van Suntum & Schlotböllner 2002: 179). **According to Seifert (2001: 10) every fifth migrant with a 'guest worker' background had no educational or vocational certificate as compared to every tenth German in 1999. Among those who have a certificate of main or intermediate secondary schooling, two out of three migrants do not have any vocational training as compared to less than 25% among Germans (Bender et al. 2001: 65). Among ethnic Germans, every third immigrant had an occupation that corresponded to his or her vocational training (Seifert 2000: 268).**

The insufficient fit of foreigners' qualifications with the German labour market has also brought forward to explain the higher unemployment rate among foreigners than among Germans. Because foreigners are mainly employed in the manufacturing industry or have jobs that do not require specific vocational training and because, at the same time, these sectors of the labour market have been shrinking during the last two decades, the higher

unemployment rate among foreigners is a result of the structural change of the labour market (van Suntum & Schlotböllner 2002: 176).

If the human capital argument was the full explanation for the disadvantages of foreigners on the German labour market, one would expect that immigrants with high levels of education do not have difficulties to find well-paid and secure jobs. But this does not hold true: **Even highly educated immigrants have difficulties to get adequate jobs, because their educational or vocational certificates are often not recognized or only after an additional training, even if they certify academic careers.** For example, immigrants who want to take up a medical profession have to get a licence from the medical association which is a very complicated procedure involving - among other things - several bad-paid practical trainings stretching over several years. Moreover, the medical association grants a licence for the taking up of a medical practitioner only to those who have the German citizenship (Schoeps, Jasper & Vogt 1999).

One would also expect the children born to immigrant parents in Germany to fare better than their parents on the German labour market, because they can be expected to have passed through the educational and vocational tracks provided by the German educational system. Therefore, they should have had the opportunity to accumulate the human capital necessary for good job prospects. Though the second generation actually fares better than their immigrant parents (Alba, Handl & Müller 1994), the human capital in the form of certificates of secondary schooling foreign children accumulate in German schools is not equivalent to that German children accumulate, but falls far behind that of German children as we have already described in chapter 2.1. So, to a certain extent, a bad position on the labour market is a consequence of a bad education, and we are referred back to the question why it is that foreign children do not get the same returns from secondary schooling than German children do (for some answers given to this question see chapter 2.1). **As for the access to traineeships or apprenticeships, foreign adolescents are at a disadvantage compared with German adolescents because of a lack not only of human capital, but also of (a specific type of) social capital: It was found that every fourth German adolescent owes his or her traineeship or apprenticeship to the parents' relations. Among foreign trainees this applies to every eighth only (Granato & Meissner 1994: 70).**

In addition, there is empirical evidence for discrimination against foreigners during the selection procedure of applicants for a vacancy. In a poll among businesses and firms in Lower Saxony in 1984, it came out that more than two thirds of them did not accept foreign trainees. They gave various reasons for this, and the reason given most frequently (by 45.9% of all businesses and firms) was that there was an oversupply of German applicants for traineeships. 15.2% of all businesses and firms stated that foreigners were not hired in principle (van Suntum & Schlotböllner 2002: 59).

Goldberg, Mourinho & Kulke (1995) on behalf of the International Labour Organization carried out an experiment more recently in which German and foreign "applicants" (actually, they were test subjects) were kept similar with regard to certificates of secondary schooling, work experience, age and knowledge of the German language. Also, the foreign "applicants" were selected for their powers of interpretation and their ability to express themselves as well as for their appearance. **The main result from this study is that in 19% of all cases involving modest qualifications the foreign "applicants" were discriminated against,**

whereas in the cases involving higher qualifications, discrimination against foreign “applicants” did not occur to a statistically significant extent. For example, foreign “applicants” were told on the telephone that a vacancy was already filled, when a German applicant who called afterwards was told that the job was still vacant. Moreover, foreigners are victims to mobbing more frequently than Germans (Goldberg, Mourinho & Kulke 1995).

Other examples for discrimination of foreigners on the German labour market are bureaucratic hurdles which render it impossible for foreigners to do their jobs without refraining from their religious beliefs. The chamber of handcrafts which sets the rules for the training of butchers together with the chamber of industry and commerce fixed in its regulations that trainees do not only have to cut up pigs as part of their training, but must reckon with being confronted with this task in their intermediate examination. This is a deterrence for Muslims to take up the training, and if a Muslim trainee is not prepared to do that, he cannot finish his training. A case of a Muslim trainee who refused to cut up a pig for religious reasons triggered off a public discussion which led - among other things - to a decision of the chamber of industry and commerce of Eastern Westphalia to deviate from the regulations fixed by the chamber of handicraft and give their consent to Muslim trainee’s cutting up other animals than pigs as part of their traineeship or intermediate examination (van Suntum & Schlotböllner 2002: 185).

The unfamous ‘headscarf debate’ [*Kopftuchdebatte*] was sparked off by legal cases of female Islamic teachers who were requested to refrain from wearing their headscarfs in classes because this violates the law on governmental neutrality in religious questions in school. The Supreme Administrative Court ruled that if Muslim teachers were not willing to teach without the scarf, it was legal to have them dismissed. The latest verdict in this matter was announced on 4 July 2002. On the basis of these verdicts, female Muslim teachers can effectively be disqualified from public service. The “scarf verdict” turned out to produce consequences outside the public service, too: one department store and one kindergarten also dismissed Muslim employees on the basis of the requirement of neutrality, but the labour tribunals in Dortmund and Erfurt cancelled these dismissals, reminding the employers that the right to wear a headscarf is constitutionally guaranteed by § 33 GG which says that nobody has to face any disadvantages because of his or her religious faith or world view. Moreover, since 1994 there is a law (§ 81 Abs. 2, § 81 e VAG) that states that any unequal treatment of immigrants is forbidden. Though the matter of headscarfs worn during working hours as well as the cutting up of pigs as part of the training for (Muslim) butchers seem to be settled legally, we can expect further debates and judicial hearings about these issues.

2.3 Natives’ attitudes towards immigrants and ethnic minorities and immigrants’ experiences with discrimination and xenophobic violence

While legal regulations structure life opportunities as well as constraints on the lives of immigrants and ethnic minorities, the attitudes of natives towards them shape the overall social climate in which immigrants and ethnic minorities live. They define the scope within which immigrants can negotiate their personal freedom and their relationships with majority members. Moreover, politicians often claim to react to public opinion when they formulate public policies. Therefore, it is important to investigate natives’ attitudes towards immigrants or ethnic minorities. In section 2.3.1 we present some analyses of public opinion in order to

assess the degree of xenophobic attitudes among Germans. Moreover, we present studies on the reasons for holding xenophobic attitudes and shortly discuss how xenophobia in general and antisemitism in particular are linked.

If xenophobia is not only expressed in opinion, but in action, immigrants become victims of xenophobic violence. In section 2.3.2 we give a brief outline of xenophobic violence in Germany and report on research aimed at providing an explanation for it.

While it is true that public opinion plays a decisive role in shaping the living conditions of immigrants or ethnic minorities, the immigrants' attitudes towards the natives and the society in which they live are also important. They influence an immigrant's ability and willingness to integrate. Although hardly researched at all, the immigrants' attitudes deserve a separate study and much attention. Decision-makers should not make any decisions before they have a fairly good idea about how immigrants or ethnic minorities define their own interests.

An obvious example for this is the „return aid“ [*Rückkehrhilfe*] of DM 10,500 offered by the German government to foreigners willing to return home according to the Law on Return Aid [*Rückkehrhilfegesetz; RückHG*] passed in November 1983 for which there was very little demand. „At best, the financial incentives enticed foreigners already planning to emigrate to leave sooner, but they failed to persuade those who wished to stay to reverse their plans. And even this is questionable given the fact that in a number of years (1975, 1974) more migrants had returned home without the incentives than did in 1983“ (O'Brien 1996: 82/83).

In section 2.3.3 we present what little is known about the immigrants' attitudes towards the Germans, German society, different types of immigrants living in Germany, feelings of and experiences with discrimination.

2.3.1 Xenophobic attitudes towards and contacts with immigrants and members of ethnic minorities

Before we present our survey analyses, we would like to raise the issue of bias in research on and the various (mis)uses to which scientific research becomes put. Our concern is that not only non-scientific, but also social science polls are often misconstrued and misused in public debates.

For historical reasons in Germany - more than in other country perhaps - xenophobia is equated with (Neo-)National Socialism and antisemitism while its other forms of expression are often ignored (Koopmans 2001). Politicians and the mass media react very strongly to outbursts of popular antisemitism, that is, desecration of Jewish burial grounds or synagogues. They also react rather strongly to antisemitic statements or antisemitic bouts of public personalities. However, their reactions to arsons of asylum houses, violence directed against foreigners and violent murders of foreigners are much less frequent, weaker and less decisive. Although most attacks against asylum seekers and foreigners are actually directed against people of colour and so can be easily understood as racist acts, the official language of politics, science and media rarely uses the word „racism“ in connection with these attacks. Since the very word „racism“ is banned from the public discourse in a collective effort to leave the NS-past behind, and instead such euphemisms as „hostility towards foreigners“

[*Ausländerfeindlichkeit*] or „hostility towards the strange(r)“ [*Fremdenfeindlichkeit*] are used, the effect is a collective denial of racism in contemporary Germany (Piper 1999:41-43).

One consequence of this discursive constellation is that much of the research on 'xenophobia' or 'xenophobic attitudes' turns out to be research on right-wing orientations or right-wing extremism which does not necessarily reflect public attitudes towards immigrants nor - more specifically - antisemitism. In the mass media and even in reports provided for institutions of the federal government (as an example see *Erster Periodischer Sicherheitsbericht 2001*, section 2.10.3.1), it is often taken for granted that xenophobic attitudes have been on the rise during the last decade(s). This impression is due to the arson attacks on asylum seekers' hostels which, although they had their predecessors in West Germany in the early 1970s, seemed new in the beginning of the 1990s. However, evidential support for this widespread view is rather impressionistic simply because there has been no systematic collection of representative survey data on xenophobic attitudes in Germany, even though xenophobia supposedly represents a great political concern given German history.

Most often cited on xenophobic attitudes in Germany are the bi-annual German General Survey [ALLBUS], the Politbarometer surveys conducted by the Research Team Elections [*Forschungsgruppe Wahlen*], the surveys conducted by Institute for Applied Social Research [*Institut für praxisorientierte Sozialforschung; IPOS*] carried out on behalf of the Federal Ministry of the Interior, and the Eurobarometer surveys of the European Union. Most of these surveys are conducted at irregular intervals, or they do not pose the same questions about foreigners each time, or, finally, they are inconsistent in the wording of questions about foreigners.

Even if German social scientists rely mostly on this imperfect data, they have produced some „serious“ results. The problem is that these do not receive much public or political attention. Frank-Olaf Radtke (1993:95) argues that political parties, who wish to attract voters, selectively use social science research in support of their discourses on foreigners, and that the mass media reinforce these discourses since they wish to curry favour of mass media consumers (Radtke 1993 95). Although politicians and the media address different parts of the public, their discourses are similar and strengthen each other. As he puts it: “The real xenophobia is provoked by the state; it is politically and scientifically constructed and multiplied by the media” (Radtke 1993: 96). In his view, this becomes clear not only from the use of data on migration, integration and xenophobia, but - even more - from the staging of ‘problems’ for which governments have solutions: Because governments have only restricted possibilities to change laws or enact decrees which, for example, would abolish poverty or unemployment, they tune their descriptions of the country’s problems to solutions they can provide, such as, for example, limiting the numbers of asylum seekers (Radtke 1993:94). Bovenkerk, Miles & Verbunt (1990) reflections on the Dutch experience apply also to the German case. These authors suggest that focussing on the public attitudes towards migration and prejudice is wrong as it turns attention away from “the way in which the state regulates migration processes, and consequent political and ideological processes” which is what researchers should concentrate on as these processes play a much more decisive role (Bovenkerk, Miles & Verbunt 1990: 480). They suggest that „the organisation of scientific research on these matters is an integral part of state activity and should therefore be part of our comparative research project” (Bovenkerk, Miles & Verbunt 1990: 481).

In general it is not an exaggeration to say that there is something like a schism on the issue of xenophobia in the German social science literature: While some authors, mainly political scientists and historians, postulate a “new fear of foreigners” (for example, Leggewie 1993), that is, an increase in xenophobia which in their view developed during the 1980s, other social scientists, especially those engaged in quantitative empirical social research, fail to find support for this contention (Ganter 1998). At least one conceptual reason for this should be mentioned. There is much disagreement and ambivalence about what the concept of ‘xenophobia’ is actually intended to capture and how it can be measured. In his instructive overview over on attitudes towards foreigners in Germany since 1980, Manfred Heßler (1993) points to inconsistent findings and explains them by both methodological considerations, such as the wording of questions and „context effects“ which arise when a battery of questions on a single issue is posed by a questionnaire, and differences in the conceptualization of xenophobia either as a general attitude towards foreigners or as a set of attitudes towards specific types of persons perceived as strangers. In general it should be noted, as far as the influence of the questionnaire on the answers is concerned, that the overall-attitudes toward foreigners are the more favourable the more tangible the items and the more they refer to specific groups rather than to foreigners in general (IfD 1985).

Let us close the discussion on the uses to which social science is put and say a few words about other types of research. Apart from the surveys mentioned above, there are many public opinion polls commissioned by newspapers or television stations. They tend to express pronounced sympathies for a specific political camp or political party. These polls are often conducted in reaction to specific events or debates, so that one cannot rely on them in order to get a realistic impression of how widespread xenophobic attitudes or tendencies toward discrimination of foreigners really are. Unfortunately, political decision-makers take these surveys or single xenophobic acts seriously. Even worse, political decisions and statements are often interpreted in their light. The result is a vicious circle of perpetual misconceptions.

A typical example is the statement of the federal chairman of the Turkish community in Germany, Hakki Keskin (1995), to the effect that a wrong policy, especially the debate over the right to asylum sparked off by party political considerations, encouraged racism. He substantiated his statement with a media-conducted research on violence against foreigners (Redeweik & Bergeest 1992) without stopping to consider whether there is any causal relationship between political debates, public opinion, individual acts of violence and reporting in the media.

Having expressed all these reservations, we are now ready to embark on the next part of the report which deals with attitudes. In the following we will focus on research dealing with a) attitudes towards immigrants and ethnic minorities, b) antisemitism and c) violent acts against immigrants or members of ethnic minorities.

Let us explain why the following section heavily leans on the Eurobarometer survey from 1997 and ALLBUS. For the opener we present findings from one of the Eurobarometer surveys, namely the Eurobarometer survey from 1997, because of the unwarranted (sic!) impression they caused. We will show that the false construction of categories explains why according to this Eurobarometer many Germans are self-declared racists. Then we present

analyses based on ALLBUS since it provides systematic data on some attitudes towards immigrants every two years.

ALLBUS is a biennial survey dating back to 1980. It draws on a representative sample of the population of the Federal Republic of Germany to report on attitudes and stated conduct in different fields. ALLBUS consists of a questionnaire filled in in a face-to-face interview. It has one constant and one variable part. Only a few questions concerning attitudes towards foreigners and contacts with foreigners have been included regularly in ALLBUS, but for these very questions we have cross-sectional data spread rather evenly over twenty years: 1980, 1984, 1988, 1990, 1994, 1996, 2000. In 1996 attitudes towards foreigners were the main subject area. **For this report this data will be analyzed as a sequence for the first time in the history of the German social sciences!**

One word of caution is necessary. ALLBUS of 1996 produces results that consistently differ from those produced by surveys in other years. Deviant results for this year can be also seen in our tables. This is due to the fact that in 1996 the entire ALLBUS focused on foreigners. There is an agreement among experts that this produced „context effects“.

The Eurobarometer surveys are conducted on behalf of the European Commission in all EU member states and are made available for social science research purposes by the Social Science Data Archives in the respective countries. The Eurobarometer survey series was established in 1973 and is conducted twice a year. In each country about 1,000 interviews are conducted with separate samples drawn in East and West Germany. It contains trend questions, which are included regularly or occasionally. They focus on attitudes towards the European integration or on the institutions of the EU, and on varying topical questions. Eurobarometer surveys of 1988, 1997 and 2000 included topical questions on ethnic minorities or immigrants. The „sensational“ survey of 1997 will be re-analyzed here to show that unlumped categories produce quite unspectacular results.

Because of their imperfections the following data sets were excluded from analysis: The Politbarometer polls people in reaction to specific events and therefore provides atypical data. The IPOS have regularly surveyed the German population on their attitudes towards immigrants only until 1995. Also, the IPOS surveys' measuring instruments and main research areas vary a lot. The Eurobarometer included questions on attitudes towards foreigners only in 1992, 1997 and 2000, and the number and content of these questions vary. For this reason it does not provide a systematic or reliable data basis.

Degree of racism: self-assessment

In 1997, the European Year Against Racism, respondents in the Eurobarometer survey were asked to make a self-assessment concerning their degree of racism on a 10-point-scale.

Here is the wording of the question: „Some people feel they are not at all racist. Others feel they are very racist. Would you look at this card and give me the number that shows your own feelings about this? If you feel you are not at all racist, you give a score of 1. If you feel you are very racist, you give a score of 10. The scores between 1 and 10 allow you to say how close to either side you are“ (Eurobarometer 47.1, spring 1997).

In the paper presenting first results at the Closing Conference of the European Year Against Racism in December 1997, it is stated that 8% of the Germans describe themselves as „very racist“ and another 26% as „quite racist“, while 34% of the German respondents said they were a little racist and 32% said they were not at all racist (European Commission 1997: 2). This leaves Germany in a middle position compared to the other EU countries with Belgium (22%), France (16%) and Austria (14%) having the highest numbers of declared ‘very racists’ and Luxemburg, Sweden, Ireland and Spain having the lowest (2-4%).

This finding is not trustworthy because of a technical problem: in order to generate this finding the 10 point scale which measured the degree of (self-assessed) racism was split into four *uneven* categories in such a way that the extreme category on the positive side contains only point 1 from the original scale, while the extreme category on the negative side consists of points 7, 8, 9 and 10 of the original scale. In the original conference paper the procedure used to create discrete categories is described. However, some of those spreading or interpreting the findings on the self-assessment as ‘racist’ simply drop this information. For example, in his article on racism and xenophobia published by the Society for Political Education [*Gesellschaft für Politische Aufklärung; GfPA*] Reinhold Gärtner (2000) presents a table in which 33% of Austrian and 39% of German respondents are categorized as having said they were “very or quite racist”.

Against the background of these dubious practices, we re-analysed the distribution in question. For reasons of clarity: we also combined some categories of the original 10-point-scale, so that we obtained a 5-point-scale, but we made sure that each of the five categories contained two of the original 10 categories. Table 3 shows the results:

From Table 3 we see that about half of all respondents (48% in West Germany and 56.5% in East Germany) thought of themselves as „not at all racist“ in 1997. Another 25% rated themselves as being „a little racist“, and about 15% were undecided. Between 5 and 8% said they were „quite racist“ or „very racist“. Contrary to the widespread assumption, East Germans rate themselves as less racist than West Germans, and East German women think of themselves as less racist than East German men (the differences between East German men and women are statistically significant with $p \neq .001$). In West Germany, women and men do not differ as much in their self-assessments. Though West German women rate themselves as slightly less racist than West German men, the differences between them are not statistically significant.

Table 3: Germans' Degree of Racism: Self-Assessment (percentages, Eurobarometer 1997; German residents with other nationalities than the German nationality excluded)

	Germans			East Germans			West Germans		
	All	Men	Women	All	Men	Women	All	Men	Women
(1) not at all racist (points 1 and 2 of the original scale)	52.3	48.2	56.1	56.5	49.8	62.5	48.1	46.7	49.5
(2) a little racist (points 3 and 4 of the original scale)	25.3	27.3	23.4	23.4	28.4	18.9	27.1	26.2	28
(3) undecided/neither-nor (points 5 and 6 of the original scale)	15.6	16	15.3	14.7	14.4	14.9	16.5	17.5	15.6
(4) quite racist (points 7 and 8 of the original scale)	5.5	6.6	4.5	4.7	6.3	3.2	6.3	6.8	5.9
(5) very racist (points 9 and 10 of the original scale)	1.3	1.9	0.7	0.7	1.1	0.4	1.9	2.8	1
<i>Total percentages</i>	<i>100</i>	<i>100</i>	<i>100</i>	<i>100</i>	<i>100</i>	<i>100</i>	<i>100</i>	<i>100</i>	<i>100</i>
<i>Total n</i>	<i>1922</i>	<i>927</i>	<i>995</i>	<i>960</i>	<i>458</i>	<i>502</i>	<i>962</i>	<i>469</i>	<i>493</i>

In all, one might conclude from these findings that racism is not so much of a problem in Germany - at least not when self-assessments are used as a measure. However, these results have to be treated with much caution. One should keep in mind that in Germany, as in the other German-speaking countries, such as Austria or (in part) Switzerland, it is quite unusual and even politically incorrect in some circles to speak of 'races' or 'racism' because of the connotation the term „race“ has. This term harks back to the National Socialist ideology and politics. Instead Germans refer to „xenophobia“ or - more literally - to „hostility towards foreigners“. Nevertheless, the German version of the Eurobarometer used the term „racist“ [*rassistisch*]. In this way, comparability with other countries was superficially granted, but perhaps the use of the term „racist“ in a German-speaking context resulted in more restrained reactions than the use of „xenophobic“ or „hostile towards foreigners“ would have done.

Discriminatory tendencies

Discriminatory tendencies can be captured with the German General Survey [ALLBUS] by means of four items that measure respondents' readiness to exclude foreigners from or cut down on their freedom in the fields of the overall lifestyle, labour market, political activities and choice of marriage partner. These items were included in ALLBUS in 1980, 1984, 1988, 1990, 1994, 1996, 2000, that is, in eight years covering a period of two decades. Respondents could answer on a 7-point-scale with '1' meaning 'completely disagree' and '7' meaning 'completely agree'. In order to show the percentages of those who are prepared to exclude foreigners or cut down on their freedom to various degrees and those who are not, we combined the categories on the negative side of the scale (1, 2 and 3) and those on the positive side of the scale (5, 6 and 7).

Table 4 shows these percentages as well as the percentage of those undecided about the item in question.

Table 4: East and West Germans views' on various statements on foreigners living in Germany (percentages; Data from the German General Social Survey)

	East German Men			East German Women		
	1994 (n = 531)	1996 (n = 534)	2000 (n = 618)	1994 (n = 574)	1996 (n = 582)	2000 (n = 680)
<i>Foreigners living in Germany should adapt their way of life a little more closely to the German way of life</i>						
(completely) disagree	28.4	22.4	17.4	29.7	21.7	15.9
undecided	23.5	18.0	20.2	24.5	15.7	14.6
(completely) agree	48.1	59.6	62.5	45.8	62.7	69.5
<i>When jobs get scarce, the foreigners living in Germany should be sent home again.</i>						
(completely) disagree	48.1	42.6	49.7	43.1	33.2	47.3
undecided	19.8	22.0	20.2	24.0	20.8	16.8
(completely) agree	32.1	35.4	30.1	33.0	46.0	35.9
<i>Foreigners living in Germany should be prohibited from taking part in any kind of political activity.</i>						
(completely) disagree	59.8	45.1	48.4	57.5	41.2	53.3
undecided	14.4	19.1	19.0	18.6	20.0	14.9
(completely) agree	25.8	35.8	32.6	23.9	38.8	31.8

<i>Foreigners living in Germany should choose to marry people from their own nationality.</i>						
(completely) disagree	64.1	60.6	62.8	56.3	49.5	61.8
undecided	17.9	14.3	13.1	16.4	18.4	13.4
(completely) agree	17.9	25.0	24.1	27.3	32.1	24.8

Table 4 continued

	West German Men						
	1980 (n = 1359)	1984 (n = 1423)	1988 (n = 1356)	1990 (n = 1476)	1994 (n = 1117)	1996 (n = 1204)	2000 (n = 916)
<i>Foreigners living in Germany should adapt their way of life a little more closely to the German way of life</i>							
(completely) disagree	20.4	23.3	29.7	33.3	33.3	24.5	19.1
undecided	13.6	14.6	13.1	13.8	15.8	15.6	14.6
(completely) agree	66.0	62.2	57.2	52.9	50.8	59.9	66.3
<i>When jobs get scarce, the foreigners living in Germany should be sent home again.</i>							
(completely) disagree	33.3	43.0	48.9	57.1	62.7	57.2	58.0
undecided	15.0	15.4	14.8	13.3	14.6	18.6	17.3
(completely) agree	51.7	41.6	36.3	29.7	22.8	24.2	24.7
<i>Foreigners living in Germany should be prohibited from taking part in any kind of political activity.</i>							
(completely) disagree	35.9	42.3	47.3	55.1	55.8	47.6	54.3
undecided	13.9	11.2	15.0	12.0	13.6	16.7	19.2
(completely) agree	50.2	46.5	37.8	32.9	30.6	35.7	26.5
<i>Foreigners living in Germany should choose to marry people from their own nationality.</i>							
(completely) disagree	44.3	54.9	55.4	69.9	68.5	69.1	77.0
undecided	14.2	13.9	13.7	9.5	14.6	13.4	10.9
(completely) agree	41.5	31.2	31.0	20.6	17.0	17.5	12.1

Table 4 continued

	West German Women						
	1980 (n = 1596)	1984 (n = 1581)	1988 (n = 1696)	1990 (n = 1575)	1994 (n = 1072)	1996 (n = 1198)	2000 (n = 966)
<i>Foreigners living in Germany should adapt their way of life a little more closely to the German way of life</i>							
(completely) disagree	22.2	25.2	26.3	33.7	30.7	22.2	18.7
undecided	13.7	15.8	17.8	16.6	17.6	18.9	13.7
(completely) agree	65.1	58.9	55.9	49.7	51.6	58.9	67.6
<i>When jobs get scarce, the foreigners living in Germany should be sent home again.</i>							
(completely) disagree	33.9	41.1	45.5	52.8	57.7	53.6	53.5
undecided	13.5	16.2	18.9	15.5	18.2	20.5	22.3
(completely) agree	52.6	42.7	35.6	31.7	24.1	25.9	24.1
<i>Foreigners living in Germany should be prohibited from taking part in any kind of political activity.</i>							
(completely) disagree	36.4	39.4	45.9	47.2	51.5	46.5	52.8
undecided	11.9	13.0	16.1	14.6	16.4	17.7	15.2
(completely) agree	51.7	47.5	38.0	38.2	32.1	35.8	32.0
<i>Foreigners living in Germany should choose to marry people from their own nationality.</i>							
(completely) disagree	39.4	50.4	50.9	62.9	66.2	65.0	72.0
undecided	13.9	12.9	14.9	9.3	12.9	13.0	13.2
(completely) agree	46.7	36.6	34.2	27.8	20.9	22.0	14.8

From Table 4 we see that though there are substantial shares of respondents who agree with the items listed each year, there clearly has been **an overall decrease in discriminatory tendencies between 1980 and 2000 for West Germans for three out of four items:** intermarriage, political activities and allowing foreigners to stay, even when unemployment rises. **In a slight departure from Ganter (1998) who argues for a decrease in discriminatory tendencies between 1980 and 1996** based on his analysis of ALLBUS, Table 4 shows that **this is true only for the period between 1980 and 1994. A trend towards increasing discrimination returned with regard to the statement that foreigners should adapt their way of life more to the German way of life after 1996** (see also Terwey 2000 who comes to the same conclusion).

Germans are most „intolerant“ when life style is concerned. A clear majority of West Germans agrees that foreigners should adapt more their way of life to Germans in all years (except for West German women in 1990), and this is also true for East German men and women in 1996 and 2000. **While between 1980 and 1994 a decreasing number of West German men and women (from 65-66% down to 51%) wished that foreigners should adapt more to Germans, 1996 indicates a trend reversal. By 2000 the percentages of those who agree that foreigners should adapt more bounced back to, or even surpassed, the 1980-level (men:66%, women: 67.6%).** In East Germany years 1996 and 2000 show a sharp increase in „intolerance“, especially among East German women (from 45.8% up to 69.5%).

Germans are most ‘tolerant’ concerning intermarriage. The percentages of those West Germans who disagree that foreigners should marry people from their own nationality has increased almost continually (from 39-44% up to 72-77%) between 1980 and 2000. A majority of East Germans also disagrees (apart from women/1996), although men (steadily over 60%) are more „tolerant“ about intermarriage than women (only once over 60%).

There are more Germans who are „tolerant“ about foreigners engaging in political activities than those who are not, but those tolerant rarely surpass 50%. Looking at the years 1994, 1996 and 2000, one can see that almost **one out of three in both parts of Germany agrees that foreigners should be prohibited from taking part in any kind of political activity**, thus showing their willingness to deprive foreigners of a basic human right.

Most Germans are „tolerant“ towards guest workers, and actually acknowledge their right to remain in Germany, even if the labour situation becomes difficult. Of West Germans since 1990 a rather steady, small majority (57-58% men and 53% women, with a temporary jump in 1994) disagrees that they should be sent home jobs become scarce. Since 1994 barely 25% of West Germans, but around 35% of East Germans agree that foreigners should be sent home in such a case. Based on these last percentages one can conclude that **almost one-third of all Germans still cling to the notion of the ‘guest-worker’, but they constitute a minority in Germany.** Overall, the differences between East Germans and West Germans are not as big as one might have expected considering the precarious labour market situation in East Germany as compared to West Germany. It is also noteworthy that there is a substantial share of respondents (about 20% in recent sample years) who are undecided on this item. For West Germany, there is a slight tendency to a growing number of undecided respondents in the period of observation.

In order to test for the development of extreme positions with regard to discriminatory attitudes, we calculated the percentages of respondents who fully disagree to, are undecided on or fully agree *with all four or three out of the four* items mentioned above. Table 5 presents the results of these analyses:

Table 5: East and West Germans who fully disagree with, are undecided on or fully agree with all four or three out of four statements on foreigners living in Germany, 1980, 1984, 1988, 1990, 1994, 1996 and 2000 (percentages); Data from the German General Social Survey (ALLBUS)

	1980	1984	1988	1990	1994	1996	2000
<i>East Germans</i>							
<i>Men</i>					<i>n = 531</i>	<i>n = 534</i>	<i>n = 582</i>
fully disagree					7.2	12.6	5.2
undecided					2.5	4.0	1.8
fully agree					3.2	12.0	5.4
<i>Women</i>					<i>n = 574</i>	<i>n = 581</i>	<i>n = 680</i>
fully disagree					5.9	9.0	5.0
undecided					2.8	3.4	1.6
fully agree					3.8	11.9	5.3
<i>West Germans</i>							
<i>Men</i>	<i>n = 1359</i>	<i>n = 1423</i>	<i>n = 1356</i>	<i>n = 1476</i>	<i>n = 1117</i>	<i>n = 1204</i>	<i>n = 1198</i>
fully disagree	8.7	11.6	16.9	9.1	10.9	14.6	9.7
undecided	2.2	2.5	2.8	0.4	1.2	2.9	1.7
fully agree	14.6	12.4	11.8	3.6	3.0	7.7	2.4
<i>Women</i>	<i>n = 1596</i>	<i>n = 1581</i>	<i>n = 1696</i>	<i>n = 1575</i>	<i>n = 1072</i>	<i>n = 1112</i>	<i>n = 966</i>
fully disagree	8.8	10.2	13.8	7.0	8.3	13.6	7.4
undecided	2.2	3.4	4.5	3.2	1.6	2.4	1.9
fully agree	18.2	13.5	11.9	4.3	2.9	10.2	3.4

As Table 5 shows, for both West German men and women the percentages of those who fully disagreed with four discriminatory items went up throughout the 1980s (from 8.7 to 16.9% for men; 8.8 to 13.8% for women), to then drop to/below the 1980-level in 1990 (9.1% for men and 7% for women). Their percentages increased again in the 1990s (to 10.9 and 14.6% for men and 8.3% and 13.6% for women), to then drop again (9.7% for men and 7.4% for women). In 2000, the group of extremely tolerant West German women was smaller than it was in 1980, while the group of extremely tolerant West German men was just slightly higher than it was in 1980. Therefore, the comparison of only these two years indicates that the group of „extremely tolerant“ Germans did not expand at all between 1980 and 2000, while taking into account the whole period for which data are available indicates that at least until 1996 the group of West Germans who are the most tolerant had increased.

„Extreme intolerance“ (fully agree with 3-4 items) is displayed by 15% male and 18.2% female West German respondents in 1980. Thereafter their percentages decrease rather steadily until 1990, when they suddenly drop by 2/3 to stay at the new, much lower levels even in 2000 (2.4 men and 3.4% women). This trend is only interrupted by a sudden, upwards jump in „extreme intolerance“ in 1996. **The table indicates that the group of „extremely intolerant“ Germans did not expand, but rather decreased very strongly, between 1980 and 2000.**

Those who are extremely undecided (insofar as they are undecided on all four or three out of four items) make up for 4.5% (West German women in 1988) at most. In almost all years and subgroups their percentages are lower than 4.5%. In the period of observation there is an overall slight decrease of the percentages of those who are extremely undecided, but this does not go along with an pronounced increase of those who occupy the extreme categories, so that we can not agree with Ganter (1998) who states a polarization with regard to discriminatory tendencies on the basis of the same data we used, namely the German General Social Survey/ALLBUS. On the contrary, we infer from the findings presented in Table 5 that **there has been a stronger polarization during the 1980s than during the 1990s.**

Attitudes towards the inflow of different types of immigrants

During the 1990s the debate on immigration policy in Germany focused on notions of „foreign infiltration“ [*Überfremdung*] and „having reached the maximum load“ [*„Das Boot ist voll“*], especially with regard to refugees and asylum seekers whose numbers reached a peak in 1992 (440,000). Included in the German General Social Surveys of 1990 (West Germans only), 1991, 1992, 1996 and 2000 are questions not only on the inflow of immigrants into Germany, but on the inflows of different types of immigrants, namely of ethnic Germans [*Aussiedler*], asylum seekers, employees from the EU and employees from non-EU member states. Table 6 shows how respondents think the inflow of the different types of immigrants to Germany should be handled.

Firstly, Table 6 shows that **in almost all subgroups and in all years a majority of the respondents (from the smallest 53% to the largest 79%, with an average of 64%) think that there should be restrictions placed on the inflow of immigrants to Germany, no**

matter what type of immigrants are concerned. Secondly, the percentages of the population demanding restrictions has become higher by 2000 than it was originally (apart from West German women with respect to EU-employees), even for East Germans whose attitudes have been rather stable or subgroups whose attitudes fluctuated a lot.

Interestingly, West German men became strongly interested (an upward jump of at least about 10% or more) in imposing restrictions on asylum seekers and employees from non-EU-members states, such as Turks, between 1996 and 2000. During the course of the 1990s they also began gradually to favour restrictions on the inflow of ethnic Germans, so that by 2000 as much as 78.8% were for restrictions for this particular group. For no other group is the majority for restrictions so great (compare to 53.7%, 71.2% and 73.2% for restrictions for other groups). West German women became strongly interested (70.1%) in restrictions in a similar jump-up manner by 2000 as compared to 1996 only as far as employees from non-EU-member states, such as Turks, are concerned.

Interestingly, the pattern is different for East German men who jump-started strongly favouring restrictions (60.5% and 56.8%) by 2000 for both EU- and non-EU-employees. But even they join their western brethren in that most of them favour restrictions on the inflow of ethnic Germans (73.1% as compared to 69.3%, 60.5% and 56.8% for other groups). East German women resemble them in all these respects: most are for restrictions on the inflow of ethnic Germans, and they changed attitudes about EU- and non-EU-employees the most from 1996 and 2000.

When looking at the category of asylum seekers, it is fascinating that during the 1990s more East Germans than West Germans were for imposing restrictions, but that this reversed in 2000. In this year more West German than East German men (73% vs. 69%) and more West German than East German women (72% vs. 71%) favoured restrictions on the inflow of asylum seekers. While the percentage of West Germans who favoured restrictions clearly increased between 1991 and 2000, their percentages remained rather stable among East Germans. All in all, these percentages make clear that a clear majority of Germans is for imposing restrictions on the inflow of asylum seekers. This might reflect the broad agreement between the population and the political parties on which the new immigration law (see 1.2) rests or it may reflect the influence of the media-conveyed views expressed by the political parties.

The percentages of those who have declared themselves in favour of completely stopping the inflow of different types of immigrants to Germany have generally decreased in West Germany. The small groups which favour absolute stops range in their shares from 6% to 21%. In East Germany the tendencies are mixed. The percentages favouring a stop for the EU- and non-EU-employees remained stable or decreased (their percentage varying from 18 to 39%), while the percentages of those favouring a stop for the inflow of ethnic Germans and asylum seekers increased (from 11-14% to 14-17%). The mean percentages of those who think that the inflow of immigrants should be stopped over all types of immigrants is 24.8% for East and 17.2% for West Germans. All in all, only minorities are in favour of stops to the inflow of immigrants.

Interestingly, the small percentage of both West German men and women wishing for a stop to the inflow of ethnic Germans increased to 11-12% from 10-11% between 1991 and 2000.

Similar tendencies were found in East Germany, except that East Germans favouring a stop constituted as many as 14-17% by 2000.

Table 6: East and West German respondents' views on the inflow of different types of immigrants in 1991, 1992, 1996 and 2000 (percentages; Data from the German General Social Survey)

	East Germans							
	Men				Women			
	1991 (n=666)	1992 (n=534)	1996 (n=532)	2000 (n=618)	1991 (n=755)	1992 (n=620)	1996 (n=581)	2000 (n=680)
<i>Inflow of ethnic Germans [Aussiedler] should be</i>								
possible without restrictions	15.1	17.1	14.0	10.1	14.7	15.4	12.7	10.9
restricted	71.4	70.1	66.7	73.1	74.5	76.6	71.0	75.5
stopped	13.5	12.7	19.3	16.8	10.8	8.0	16.2	13.5
<i>Inflow of asylum seekers should be</i>								
possible without restrictions	13.7	13.7	13.7	9.5	16.2	14.7	9.7	10.1
restricted	68.7	65.6	66.7	69.3	69.0	67.9	67.8	70.9
stopped	17.6	20.8	19.6	21.2	14.8	17.4	22.5	19.1
<i>Inflow of employees from the European Union (EU-member states) should be</i>								
possible without restrictions	18.8	19.8	12.7	17.4	9.9	12.4	9.5	14.0
restricted	57.3	59.3	48.8	60.5	64.8	65.4	53.4	67.7
stopped	23.9	20.9	38.6	22.1	25.3	22.2	37.1	18.3

<i>Inflow of employees from non-EU-member states, e.g. Turks, should be</i>								
possible without restrictions	5.5	4.2	3.5	3.8	5.7	6.1	5.0	4.2
restricted	54.2	57.7	46.9	56.8	58.1	60.7	45.9	59.1
stopped	40.3	38.2	49.6	39.4	36.3	33.2	49.2	36.7

Table 6 continued

	West Germans							
	Men				Women			
	1991 (n=596)	1992 (n=919)	1996 (n=1081)	2000 (n=966)	1991 (n=667)	1992 (n=997)	1996 (n=1112)	2000 (n=966)
<i>Inflow of ethnic Germans [Aussiedler] should be</i>								
possible without restrictions	22.0	18.1	16.5	10.0	18.4	15.2	12.9	13.8
restricted	67.8	69.3	71.5	78.8	70.8	75.6	76.1	74.4
stopped	10.3	12.6	12.0	11.2	10.8	9.2	11.1	11.8
<i>Inflow of asylum seekers should be</i>								
possible without restrictions	13.4	14.1	13.1	11.0	14.4	12.2	12.2	12.5
restricted	66.0	60.4	64.7	73.2	62.5	65.4	66.8	71.9
stopped	20.5	25.4	22.2	15.6	23.1	22.4	21.0	15.7
<i>Inflow of employees from the European Union (EU-member states) should be</i>								
possible without restrictions	43.2	41.2	38.0	40.2	27.4	28.1	27.8	30.4
restricted	48.0	48.7	49.8	53.7	62.0	63.8	60.4	61.1
stopped	8.8	10.2	12.3	6.1	10.6	8.1	11.8	8.6

<i>Inflow of employees from non-EU-member states, e.g. Turks, should be</i>								
possible without restrictions	13.0	10.6	8.6	8.6	10.1	10.2	8.0	9.1
restricted	58.3	58.9	58.1	71.2	61.7	65.7	60.3	70.1
stopped	28.6	30.4	33.2	20.3	28.2	24.1	31.7	20.8

It is also clear from Table 6 that West Germans make a clear distinction between employees from EU-member states and other immigrants, while East Germans do not. While strong West German male majorities favour restricting inflow of ethnic Germans (79%), asylum seekers (73%) and employees from non-EU-member states, such as Turks, (71%), only 54% favour restricting the inflow of EU-employees. A similar pattern is found for West German women. West Germans seem to follow their political leaders/media in their choice of groups on whose inflow restrictions are to be imposed. We need to recall that for some years now asylum seekers have come from non-European countries - one reason for the introduction of policy measures meant to protect „Fortress Europe“. If we are to draw any conclusions, we could attribute to West Germans xenophobia directed at non-Europeans and ethnic Germans. We should recall that West Germans assessed themselves as more racist than their East German counterparts (see Table 3), an assessment which the findings relating to their attitudes on the inflow of immigrants seem to support.

In contrast, East German men form larger majorities favouring restricting inflow of ethnic Germans (73%) and asylum seekers (69%) and distinctly smaller majorities in favour of restricting inflow of EU- and non-EU-labor force (61% and 57%). The pattern is the same for East German women. Along with Table 4, this suggests that East Germans are chiefly concerned about restricting the inflow of „strangers“, while they show less sensitivity about competition for work. This does not fit with their self-image as non-racists (see Table 3).

Only about 40% West German men and 28% West German women take the view that the inflow of employees from EU-member states should be possible without restriction. One wonders whether this expresses ignorance or rejection of the freedom of movement for workers from EU-member states.

As we did with regard to discriminatory attitudes (see Table 5), we calculated the percentages of those occupying extreme positions as far as the inflow of immigrants is concerned. We defined respondents as „unwelcoming“, when they voted for stopping the inflow of at least three types of the four types of immigrants and as „welcoming“, when they thought that inflow should be possible without restriction for at least three of the four types of immigrants. Those who thought that inflow should be restricted for at least three of the four types of immigrants represent the middle category. Table 7 summarizes the findings.

Table 7 shows that **extremely welcoming or extremely unwelcoming persons make up for a small minority of respondents**, especially in West Germany, where extremes come to one-digit numbers only, in all survey years except in 1990. While the extremely welcoming and extremely unwelcoming Germans sort of balance each other out in West Germany, extremely unwelcoming respondents clearly outweigh extremely welcoming respondents in East Germany. **Most respondents in both parts of Germany do not opt for a stop to immigration, but for restricted immigration** (means over the period of observation for East Germans: restrict: 46.2%; stop: 11.8%; means over the period of observation for West Germans: restrict: 58.2%; stop: 10.7%). They constituted anywhere between 59% and 32% between 1990 and 2000. **Worrisome is the fact that this group decreased tremendously in size between (1990-)1996 and 2000. Whereas in 1990 about 50% of all respondents were found in this category, by 2000 only about 32-36% were.**

Table 7: East and West Germans who want to stop, restrict or release the inflow of at least three of the four types of immigrants (percentages; Data from the German General Social Survey)

	1990	1991	1992	1996	2000
<i>East Germans</i>					
<i>Men</i>		<i>n = 666</i>	<i>n = 534</i>	<i>n = 532</i>	<i>n = 618</i>
inflow possible without restriction		4.3	4.0	3.2	1.6
restrict		49.5	51.7	46.0	31.8
stop		11.6	10.3	19.6	8.6
<i>Women</i>		<i>n = 755</i>	<i>n = 620</i>	<i>n = 581</i>	<i>n = 680</i>
inflow possible without restriction		4.5	5.0	3.1	2.1
restrict		54.6	55.1	45.8	35.3
stop		10.5	8.9	17.7	7.1

West Germans					
<i>Men</i>	<i>n = 1476</i>	<i>n = 596</i>	<i>n = 919</i>	<i>n = 1081</i>	<i>n = 916</i>
inflow possible without	11.2	9.6	7.9	5.6	2.8
restriction	40.1	50.1	47.1	49.6	35.2
restrict	14.1	6.9	9.1	8.7	3.5
stop					
	<i>n = 1575</i>	<i>n = 667</i>	<i>n = 997</i>	<i>n = 1112</i>	<i>n = 966</i>
<i>Women</i>	7.6	7.9	6.7	4.4	
inflow possible without	43.5	53.0	58.7	52.5	4.1
restriction	17.0	7.6	6.2	8.0	35.5
restrict					4.1
stop					

Again, we find no evidence for a polarization of opinions: The pronounced decrease of percentages of persons who want to restrict the inflow of 3-4 of the four types of immigrants obviously does not result in a similar increase of extremely welcoming or unwelcoming positions.

Germans' Contacts with foreigners

Up to now we reported findings on attitudes, but not on conduct, and surveys typically deal with opinions and attitudes, while conduct can only be tracked down by means of direct observation. While factual behaviour does not fall within the range of surveys, surveys can include questions about conduct in order to provide an approximate value. ALLBUS makes available data on contacts between Germans and foreigners for the whole period between 1980 and 2000. Unfortunately, it is only asked whether the respondent has or does not have contacts with foreigners in his or her own family, at work, in the neighbourhood or in his or her circle of friends, so that nothing can be said about the type, frequency or quality of these contacts. It should also be kept in mind that it cannot be decided a priori, whether the maintenance of contacts leads to an increase or to a decrease of xenophobia. Nevertheless, we chose to include the data on contacts between Germans and foreigners in our analysis because it offers hints about the degree of (deliberate or unintended) segregation.

Table 8 shows **that a majority of respondents has not had any contacts with foreigners between 1990 and 2000. Amazingly, the percentages of those having no contacts with foreigners were smaller in the 1980s than in the 1990s (mean of those without contacts with foreigners 1980-1988: 52.6%; 1990-1996: 62.8%).** In 2000 two out of three respondents did not have contacts with foreigners in any of the fields mentioned in the survey. Conversely, the percentages of those who have contacts with foreigners in all of the four areas mentioned have increased almost linearly, though they remain on a very low level in the period of observation (3% in 2000)

The percentages of those respondents who have contacts with foreigners in his or her own family, in the circle of friends or at work have increased almost linearly between 1980 and 2000, while the percentages of those who have contacts with foreigners in the neighbourhood have remained more or less the same. This is especially interesting because contacts with foreigners in the family and in the circle of friends are maintained on a voluntary basis, while contacts at work or in the neighbourhood are at least partially unavoidable..

Table 8: Germans' contacts with foreigners in different areas of life (percentages; Data from the German General Social Survey; in 1980, 1984, 1988 and 1990 only West Germans)

	1980 (n = 2955)	1984 (n = 3004)	1988 (n = 3052)	1990 (n = 3051)	1994 (n = 3294)	1996 (n = 3306)	2000 (n = 3590)
<i>All Germans</i>							
<i>Respondents having contacts with foreigners in his/her own family</i>							
yes	5.3	6.3	7.3	10.9	9.1	14.8	17.9
no	94.7	93.7	92.7	89.1	90.9	85.2	82.1
<i>... at work</i>							
yes	22.9	25.5	23.6	34.4	29.2	34.8	33.3
no	77.1	74.5	76.4	65.6	70.8	65.2	66.7
<i>... in the neighbourhood</i>							
yes	19.7	22.5	27.6	27.6	18.0	27.1	28.7
no	80.3	75.5	72.4	72.4	82.0	72.9	71.3
<i>... in the circle of friends</i>							
yes	14.7	22.3	24.6	31.2	28.6	39.1	38.6
no	85.3	77.7	75.4	68.8	71.4	60.9	61.4
<i>Respondents having contacts with foreigners in all four areas of life</i>							
in all four areas of life	0.9	1.0	1.6	1.3	1.4	3.6	3.0
in none	57.8	50.8	49.3	71.8	76.4	40.1	66.3

Table 8 continued

East Germans									
	All			Men			Women		
	1994 (n = 1105)	1996 (n = 1116)	2000 (n = 1298)	1994 (n = 531)	1996 (n = 534)	2000 (n = 618)	1994 (n = 575)	1996 (n = 582)	2000 (n = 680)
<i>Respondents having contacts with foreigners in his/her own family</i>									
yes	2.7	6.0	8.8	2.3	7.2	7.9	3.1	4.8	9.6
no	97.3	94.0	91.2	97.7	92.8	92.1	96.9	95.2	90.4
<i>... at work</i>									
yes	10.0	13.9	20.5	13.2	20.0	21.0	7.1	8.2	20.1
no	90.0	86.1	79.5	86.8	80.0	79.0	92.9	91.8	79.9
<i>... in the neighbourhood</i>									
yes	3.1	7.1	14.9	3.1	6.9	16.9	3.1	7.3	13.0
no	96.9	92.9	85.1	96.9	93.1	83.1	96.9	92.7	87.0
<i>... in the circle of friends</i>									
yes	10.5	15.7	20.0	11.1	18.0	19.1	10.1	13.7	20.9
no	89.5	84.3	80.0	88.9	82.0	80.911	89.9	86.3	79.1

<i>Respondents having contacts with foreigners</i> in all four areas of life									
in none	0.2	0.4	0.5	0.2	0.6	0.3	0.2	0.2	0.7
	90.2	70.3	76.5	89.3	64.7	75.7	91.1	75.4	77.2

Table 8 continued

West Germans									
	All			Men			Women		
	1994 (n = 2189)	1996 (n = 2402)	2000 (n = 1882)	1994 (n = 1117)	1996 (n = 1204)	2000 (n = 916)	1994 (n = 1072)	1996 (n = 1198)	2000 (n = 966)
<i>Respondents having contacts with foreigners in his/her own family</i>									
yes	12.4	19.3	22.2	13.6	19.6	20.7	11.3	19.1	23.6
no	87.6	80.7	77.8	86.4	80.4	79.3	88.7	80.9	76.4
<i>... at work</i>									
yes	39.0	45.5	42.2	48.9	56.4	50.2	28.8	34.8	34.7
no	61.0	54.5	57.8	51.1	43.6	49.8	71.2	65.2	65.3
<i>... in the neighbourhood</i>									
yes	25.8	37.2	36.5	27.3	38.7	39.1	24.1	35.8	34.1
no	74.2	62.8	63.5	72.7	61.3	60.9	75.9	64.2	65.9
<i>... in the circle of friends</i>									
yes	37.9	50.9	51.0	41.5	54.6	54.1	34.3	47.3	48.2
no	62.1	49.1	49.0	58.5	45.4	45.9	65.7	52.7	51.8

<i>Respondents having contacts with foreigners</i>									
in all four areas of life	2.0	5.2	3.9	2.5	6.1	4.7	1.4	4.4	3.2
in none	69.9	24.8	59.4	66.9	18.7	58.2	73.0	30.8	60.6

A comparison between East Germans' and West Germans' contacts with foreigners reveals that there are considerable differences: West Germans clearly have more contacts with foreigners than East Germans, and this holds true for all four fields included in the survey. At the same time, the percentages of East Germans who have contacts with foreigners have risen more sharply between 1994 and 2000 than the respective percentages of West Germans.

2.3.2 Xenophobic violence

When speaking about xenophobic violence in Germany, what comes to one's mind immediately are the attacks in the early 1990s against asylum seekers' hostels like the arson attack on the asylum seekers' hostel in Aschersleben in August 1991, the attack on a residential home for foreigners in Hoyerswerda in September 1991 lasting for several days or the arson attack on an asylum seekers' hostel in Mölln in 1992. They have become notoriously well-known because of the degree of violence displayed by the attackers, the media-transmitted pictures of applauding onlookers and their discussion in the media. While they are often referred to in order to illustrate xenophobia in Germany, it is difficult to assess the frequency of xenophobic violent acts or the number of victims of such acts.

The assessment of the frequency of xenophobic violence is difficult because of various reasons: First, we assume that there is a substantial number of unreported cases of xenophobic violence. Victims of xenophobic violence might not want to report the case to the police because of feelings of shame, because they are afraid of acts of revenge or because they think that the police will not try to do anything about their case anyway. Immigrants without valid papers will avoid attracting attention in order not to be exposed. Secondly, there is some latitude with regard to what actually counts as *xenophobic* violence. Victims might attribute violent acts against them to other motivations than xenophobia. On the other hand, it is also possible that immigrants and members of ethnic groups tend to ascribe any aggressive behavior against them to xenophobia when in fact it is not. This would result in an over-reporting of xenophobic violence. Often, offenders cannot be identified and if they are identified, they do not have to give explanations of their acts, so that policemen have to make their own decisions on how to sort the offences or crimes they have to record. Victims and NGOs working with victims of violence state that the police is often unwilling to classify an assault as xenophobic. Thirdly, in Germany, xenophobic violence has long been subsumed under „right-wing extremist violence“ which also includes the use of anti-constitutional symbols (mainly the swastika) and the spreading of propagandist materials and which is prohibited by §§ 86 and 86a of the penal code [*Strafgesetzbuch*].

It was not until September 1991 that the Federal Bureau of Criminal Investigation [*Bundeskriminalamt*] introduced a specific new category of „xenophobic offences or crimes“ [*fremdenfeindliche Straftaten*] in the Criminal Police Registration Office for Crimes against State Protection [*Kriminalpolizeilicher Meldedienst Staatsschutzkriminalität; KPMD-S*]. According to the Federal Bureau of Criminal Investigation's definition all criminal offences or crimes are regarded as xenophobic that „are committed against persons to whom offenders deny a right to reside or live in their surroundings or in Germany on account of an intolerant attitude that refers to nationality, membership in an ethnic group, race, skin-colour, religion, outlook on life, descent or outward appearance or that are committed against other persons, institutions or objects out of xenophobic considerations“ (*Bundeskriminalamt* 1993, quoted

after *Bundesministerium des Innern & Bundesministerium der Justiz* 2001: 269). Though antisemitism corresponds to this definition, offences and crimes motivated by antisemitism are counted by the police in an independent registration service. In practice, it is very hard to distinguish between right-wing extremism, xenophobia and antisemitism, so that it is appropriate to note data on xenophobic violence with caution.

For the period between 1991 and 2000, the Federal Ministry of the Interior provides the following statistics of xenophobic, violent offences or crimes:

Table 9: Xenophobic violent offences or crimes in Germany, 1991-2000

Type of criminal offence/crime	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Homicides										
- accomplished	3 (3 victims)	4 (6 victims)	2 (6 victims)	0	0	0	0	0	1	1
- attempted	0	28	18	8	8	11	8	10	11	9
Bodily harm	236	576	727	494	372	307	406	384	386	569
Bomb attacks	0	12	3	1	0					3
Arson attacks	335	596	284	80	37	27 ^a	26 ^a	0.458	29 ^a	31
Further xenophobic offences/crimes	1,852	5,120	5,687	2,908	2,051	1,887	2,513	2,228	1,856	^b
All xenophobic offences/crimes	2,426	6,336	6,721	3,491	2,468	2,232	2,953	2,644	2,283	3,594

^a Bomb attacks and arson attacks filed together

^b Not identified in the report of the Federal Agency for Internal Security for the year 2000

Source: Federal Ministry of the Interior (<http://www.integrationsbeauftragte.de/daten/tab35.pdf>)

From Table 9 it is clear that the years of 1992 and 1993 represent the peak of xenophobic violent offences or crimes, with the numbers of xenophobic violent acts being more than twice as high as in the other years (with the exception of 1994 and 2000). For the reasons given above, it is probable that the numbers given in Table 9 represent a very conservative description of violent offences or crimes in Germany.

This suggestion is also confirmed by the fact that the numbers of xenophobic crimes reported by the federal registration office and the registration offices of the federal States [*Länder*] differed enormously (for example, the federal states registered 846 xenophobic or right-wing extremist violent acts in 2001, while the federal government registered only 577 such acts for the same year; see Sellkens & Wilde 2002). As a reaction to this and after lengthy debates on the „best“ categorization of offences or crimes, the system of categorization and registering was changed again in 2001. The „Criminal Police Registration Office for Politically Motivated Offences and Crimes“ [*Kriminalpolizeilicher Meldedienst Politisch motivierte Kriminalität; KMPD-PMK*] was established which aims at a more realistic and uniform registration of offences and crimes in all federal states.

The central concept now is the 'politically motivated offence or crime', and an offence or a crime is counted as a politically motivated one, if „the circumstances or the offender's attitude suggest that the offence or the crime is directed against the specific person because of his or her political orientation, nationality, membership in an ethnic group, race, skin-colour, religion, outlook on life, descent, sexual orientation, mental or physical handicap, outward appearance or social status“ (hib 104, 2001).

Considering that it is not reasonable to compare numbers of specific types of offences or crimes before 1991 and after 1991 as well as before 2000 and after 2000. All that can be said about the recent development of xenophobic violence is that the number of xenophobic offences or crimes in 2001 amounted to 3,391 with an additional 1,629 antisemitic offences or crimes, and that the number of politically motivated offences or crimes which have to be assigned to the right-wing camp has decreased in the course of the year 2001 (*Bundesministerium des Innern* 2002).

The report of the Federal Agency for Internal Security [*Verfassungsschutzbericht JAHR*] lists 10,054 politically motivated offences or crimes from the right-wing camp for 2001. Among these were 709 violent acts and among the 709 violent acts there were 18 or 3% antisemitic violent acts and 374 or 53% that were directed at foreigners. Table 10 shows how many violent acts against foreigners fall to the different categories of violent acts:

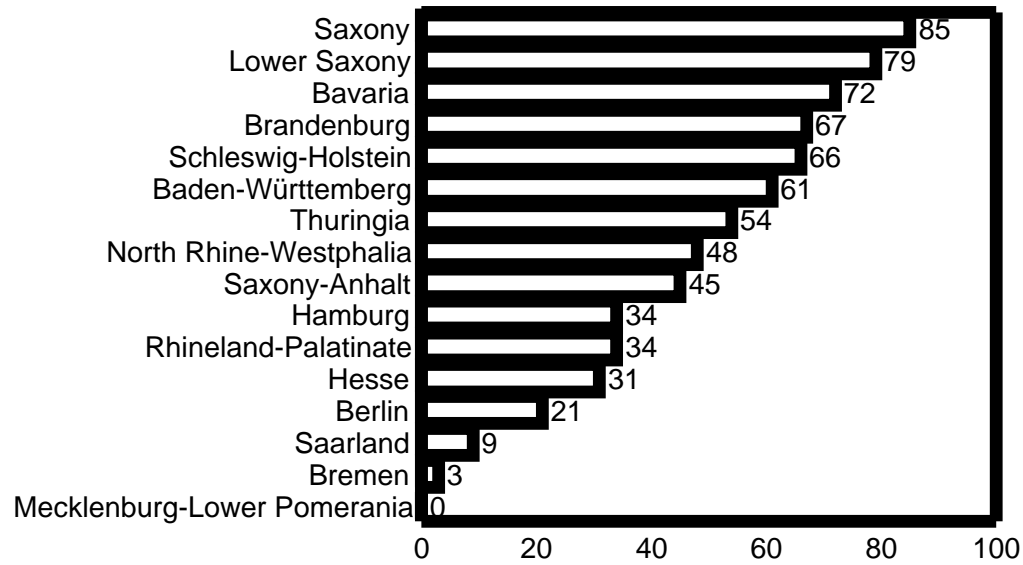
Table 10: Violent offences or crimes directed against foreigners in 2001

Type of violent offence/crime	Number
Homicides - accomplished	0
- attempted	7
Bodily harm	343
Bomb attacks	0
Arson attacks	12
Breach of the peace	9
Dangerous interference in rail, air or road traffic	1
Unlawful detention	0
Robbery	1
Blackmailing	1
Offences involving resistance against the state authorities	0

Source: *Verfassungsschutzbericht 2001*, p. 38

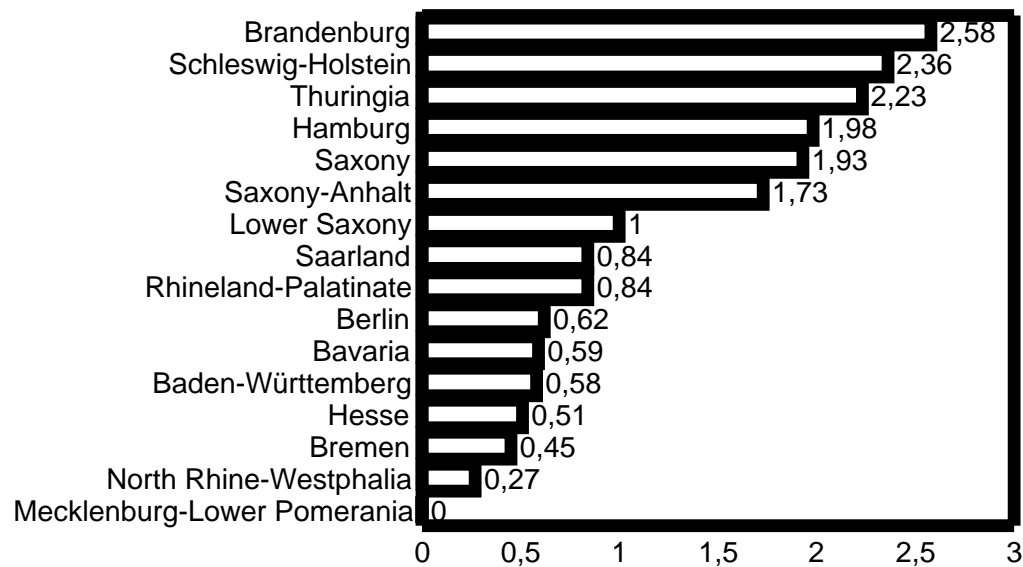
There are clearly more xenophobic offences or crimes in the New Federal States or East Germany than in the Old ones or West Germany: Though the absolute number of such offences or crimes is higher in West Germany, the number of such offenses or crimes per 100,000 inhabitants is higher in East Germany than in West Germany (compare Figures 15 and 16): Four of the five New Federal States, namely Brandenburg, Thuringia, Saxony and Saxony-Anhalt, take up the first, third, fifth and sixth position in the ranking of Federal States when offences or crimes are referred to 100,000 inhabitants. There is also a noticeable North-South-differential with the northern Federal States showing higher numbers of xenophobic violent offences or crimes.

Figure 15: Politically motivated offences or crimes of right-wing extremists in the Federal States (frequencies), 2001



Source: *Verfassungsschutzbericht, p. 41*

Figure 16: Politically motivated offences or crimes of right-wing extremists in the Federal States (frequencies per 100,000 inhabitants), 2001



Source: *Verfassungsschutzbericht, p. 41*

The question why there are more xenophobic violent acts in East Germany than in West Germany is discussed quite passionately by German social scientists.

Some authors believe that in East Germany the foundations of right-wing extremism or xenophobic violence were laid in the GDR because state socialism encouraged the development of authoritarian, nationalistic and xenophobic orientations while turning a blind eye to xenophobic encroachments in the country (Stöss 1999). In combination with the fall of the Berlin wall and the incorporation of the GDR into the

Federal Republic which is regarded as having caused a lot of psychological stress and many disappointments, this resulted in the use of immigrants or minority members as scapegoats - so the argument goes (Stöss 1999; Wahl 1995). Though this sounds plausible, the argumentation leaves open the question why it is that mostly young people and mostly men who should have internalized authoritarian, nationalistic and xenophobic orientations and who should have felt the stress and the disappointments connected with the change in the system more than other people, because they are the ones who transfer their stress and disappointments into action while others do not (or not to a comparable extent).

The same criticism applies to one of the many variations on this argumentation which has gained a doubtful reputation. That is the so-called 'potty thesis' [*Töpfchentese*] brought forward in a daily newspaper (the 'Magdeburger Volksstimme') in 1999 by criminologist Christian Pfeiffer who is now Minister of Justice in Lower Saxony who attributes juvenile delinquency in East Germany or, more specifically, xenophobic violence of adolescents in East Germany to the collective upbringing practised in the GDR. Though the argument was not new (it was developed and published by psychotherapist Hans-Joachim Maaz in 1990), Pfeiffer's remarks sparked off a very controversial and passionate dispute on the 'right' practices of bringing up children up and their suspected consequences for personality development that often came very close to general social criticism. Apart from the questions whether specific practices of upbringing are so decisive as suggested, whether collective upbringing does necessarily go along with a neglect of individual needs and whether collective upbringing does really create authoritarian personalities and a lack of self-confidence, one wonders why girls but not boys seem to be immune to the effects of such upbringing and why older people who have also been socialized in the GDR do not display xenophobia to the same degree as adolescents do.

Advocates of the argumentation which makes East German right-wing extremism and xenophobia into a special phenomenon caused by the authoritarian East German past and post-1989 transformation-related stresses, insecurities and traumas (Stöss 1999; Pfeiffer 1999; Maaz 1990), claim in effect that right-wing extremism and xenophobia in Eastern Germany differ not only quantitatively, but also qualitatively from those in West Germany. This leads to the question what differences can actually be observed. In general, a comparison of right-wing extremism and xenophobic violence in West Germany and East Germany does not reveal significant differences apart from the fact that right-wing extremism in West Germany displays a higher degree of organization than in East Germany and xenophobic violent crimes are more often committed by lone operators in West Germany than in East Germany (Peucker, Gaßebner & Wahl 2001).

In Search of Causes and Reasons of Xenophobic Violence: Research on Offenders' Characteristics and Biographies

While there are many studies that deal with right-wing extremism from a critical and broad theoretical perspective or wish to provide the ultimate the explanation for xenophobic or antisemitic attitudes, studies that deal directly with those who commit xenophobic or antisemitic offences are comparatively rare. The first systematic

quantitative studies on xenophobic offenders stem from the first half of the 1990s (Heitmeyer & Müller 1995; Homfeldt & Schenk 1995; Kalinowsky 1990; Willems, Würtz & Eckert 1994).

All these studies argue that xenophobic violent or non-violent acts are mostly committed by young men. For example, Willems, Würtz & Eckert (1994: 24) found in their study of those who were suspected to have committed a xenophobic offence or crime during the period between May 1992 and December 1993, that 53.2% of them were between 15 and 20 years old. In Kalinowsky's study, 46.2% of the offenders were aged between 14 and 21 (Kalinowsky 1990). No other age-group showed as nearly a percentage. Peucker, Geßebner & Wahl (2001: Figure 2, p. 26) find in their recent study on suspects of xenophobic violent offences or crimes that about 28% of all suspects were between 15 and 17 years of age and another 31% were between 18 and 20 years of age. 18% of all suspects were between 21 and 24 years of age. Distinctly less percentages fall to the four remaining older age groups and to the one younger age group (about 3% fall on those under 15 years of age).

The percentages of women among those who commit xenophobic offences or crimes were 5.1% (Willems, Würtz & Eckert 1994) or 2.7% (Kalinowsky 1990), respectively. A repeat of the study by Willems, Würtz & Eckert (1994) was conducted in 1997 by Peucker, Geßebner & Wahl (2001). These authors found that 9% of all suspects were women.

It has also been uniformly ascertained that high percentages of those who commit xenophobic offences or crimes come up with a very modest school education. Heitmeyer & Müller (1995) found that 53.8% of xenophobic violent offenders in West Germany and 42.3% in East Germany left school with a secondary school qualification from the „Hauptschule“ which is the least prestigious type of secondary school in the German educational system. When those who left school without any secondary school qualification are added, the circle of xenophobic violent offenders with a minimum of school education increases to 80% in West Germany and 60% in East Germany. Willems, Würtz & Eckert (1994) get to 73.7% of minimally educated suspects of xenophobic offences or crimes. However, in their more recent study from 1997, Peucker, Geßebner & Wahl (2001) find that the share of suspects with medium school education has risen. Also, the share of unemployed persons is clearly higher among suspects of xenophobic offences or crimes (22% in 1997) than in the corresponding age groups in the total population (which was 9-11% in 1997) (Peucker, Geßebner & Wahl 2001). **Nevertheless, the majority (78%) of suspects is still at school, in a vocational training or gainfully employed, so that one cannot simply say that unemployment is a determinant of xenophobic offences or crimes. This, again, contradicts the hypothesis according to which xenophobic offences or crimes are committed by persons who are socially deprived (Butterwege 1995; Hennig 1994; Hopf 1994).**

Another interesting finding from research on suspects of xenophobic offences or crimes is that there is a substantial overlapping of xenophobic offences or crimes and general delinquency: In their study of suspects of xenophobic offences or crimes, Willems, Würtz & Eckert (1994) discovered that 63.1% of these suspects had been suspected of another offence or crime with or without a political background before. A more recent study by Peucker, Geßebner & Wahl (2001) shows that 55% of all

suspects of xenophobic offences or crimes have to be classified with general political or non-political delinquency. This result corresponds to findings on the motives for the offences or crimes: While xenophobic attitudes made up for more than 40% of all reasons given by the suspects, these were often given along with other reasons among which peer group pressure or desire for violence are cited most frequently (Peucker, Geßebner & Wahl 2001). **Obviously, xenophobic offences or crimes are not simply a result of xenophobic attitudes or a disapproval of the presence of foreigners, but spring from a combination of more general sets of attitudes and situational factors.**

In research focussing on more psychologically orientated perspectives, the personality and socialization of offenders is emphasized. Wahl, Tramitz & Blumtritt (2001) found from covert observation of interactions between groups of German adolescents and groups of non-German adolescents that the specific way in which different groups of German adolescents interacted with groups of non-German adolescents (open and friendly or shy and restrained) did not differ from the way in which the same groups of German adolescents interacted with other groups of German adolescents, i.e. their interaction style did not vary, but remained the same with both, groups of non-German adolescents and groups of German adolescents. The authors interpret their finding as indicating that behind „xenophobia“ there lies a general misanthropy or social incompetence in dealing with unfamiliar people which may have been learnt during childhood.

Starting from the finding that most of the xenophobic violent offenders are young men, some authors hold the father-figure responsible: An overly authoritarian father might produce a xenophobic violent son (Adorno et al. 1950) just as well as a missing father might do (Ziehe 1975; Mehler 1994). The study of Wahl, Tramitz & Blumtritt (2001) showed that xenophobic violent offenders often grew up with very authoritarian fathers or without their own fathers. This is confirmed by the study of Homfeldt & Schenk (1995). In general, it is the family - in various constellations - that is the responsible party for many researchers (see as typical examples Hopf, Rieker, Sanden-Marcus & Schmidt 1995; Hopf 2000). Xenophobic violent offenders often have lived in children's homes during some periods of their childhood or adolescence and have experienced a cold familial climate or frequent marital rows (Wahl 2001). **Against the background of these findings, it might come as a surprise that xenophobic violent offenders do not experience their parents' divorce more often than other adolescents (Willems, Würtz & Eckert 1994).**

As for socialization in school, xenophobic violent offenders have felt that they cannot cope with what was expected from them by teachers more often than other adolescents, and more than half of them were sent off school at least once because of violent acts (Wahl 2001).

It is important to keep in mind that these are descriptive findings and that one may not infer causalities from correlations. Moreover, most of the studies on xenophobic offenders do without any group of comparison, so that it is not possible to pin down what distinguishes xenophobic violent offenders from other people. Also, on closer examination the respondents in the various studies are not strictly comparable. Some studies are about xenophobic violent offenders, others on right-wing extremist adolescents of any sort some of them display violent behaviour

while others do not etc. In all, social scientists' knowledge about the reasons and determinants of xenophobic violence is fragmentary and of a provisional nature.

Fighting xenophobic violence

Programs to fight xenophobic violence or right-wing extremism in general have been launched in Germany on both, the federal and the state level. The programs operate by supporting or coordinating educational and social work projects across the country (Möller 2002). Among them are many voluntary initiatives ranging from counselling the victims of xenophobic violence to financial support for youth centres or for exhibitions which promote democratic values or maintain their own support programs for dropouts [*Aussteiger*]. For example, the EXIT - Germany programme supported by the Centre of Democratic Culture [*Zentrum für Demokratische Kultur*] was introduced in 2000 and modelled after the Swedish EXIT programme which was founded in 1998 by the ex-Nazi Kent Lindahl. In 2001, federal and state programmes for dropouts followed this private initiative. The right-wing extremist scene criticized the programmes as bribery and organized a demonstration under the motto „Resistance cannot be purchased - Show courage for your convictions - Do not opt out“. About 400 persons took part in the demonstration.

The Federal Agency for Internal Security gives the following report on the state programme for Neo-Nazi dropouts (*Verfassungsschutzbericht 2001: 29*): In 2001, 730 persons called the 'dropout hotline' which acts as the medium by which persons willing to opt out of some right-wing extremist group can get in touch with advisory services. Among them there were 160 persons who were rated as 'potentially willing to opt out'. Callers were asking for very different things, such as financial aid, assistance in judicial inquiry, help with the search for a job or personal protection. Among the callers were parents, social workers, workers for aid organisations and journalists, too. However, it is unknown how many right-wing extremists really managed to withdraw from the scene or will do so as a result of the programmes.

Apart from the programmes for dropouts there are state programmes designed for combatting right-wing extremism or xenophobia that do not aim at the extremists or xenophobic offenders, but do what they themselves regard as preventive work with children and adolescents. The biggest of these programmes is called 'Federal Programme on Youth for Tolerance and Democracy - Combatting Right-wing Extremism, Xenophobia and Antisemitism' [*Jugend für Toleranz und Demokratie - gegen Rechtsextremismus, Fremdenfeindlichkeit und Antisemitismus*] which was introduced in 2001. Included in the programme are three subprogrammes: The XENOS programme aims at activities in the sphere of vocational training and in firms, the second one is an allocation of funds provided for activities already on the agenda of the so-called Federal Plan for Children and Youth [*Kinder- und Jugendplan des Bundes*], and the third one, the CIVITAS programme, aims at fighting right-wing extremism and xenophobia in the New Federal States by means of providing money for all kinds of projects. The latter part of the programme is a reaction to the perception that right-wing extremism and especially xenophobia was mainly a problem of East Germany. For the continuation of the programmes mentioned above in 2002, the state provided 47.5 million Euro.

What all the programmes have in common is that they are of quite recent origin and that they are not (yet) scientifically guided and evaluated. In his preliminary evaluation Möller (2002) finds evidence that the structures of existing programs call for further improvements, such as better training for social workers and activists, integration of scientific research and social practice, attempts to address unorganized right-wing adolescents and scientific evaluation of programs and projects.

2.3.3 Immigrants' attitudes toward Germans, German society, other immigrant groups and experiences of discrimination

In Germany, there is no systematic reporting on immigrants' living conditions or on their attitudes towards Germans or German society. The Ministry of Work and Social Order (which was combined in 2002 with the Ministry of Economics and Technology and renamed into Ministry of Economics and Work) has commissioned surveys of foreign workers and their families in 1980, 1985, 1995 and 2001, but with regard to immigrants' attitudes towards Germans, German society or different immigrant groups, these surveys are only partially instructive. It is at least clear from the survey of foreign workers and their families conducted in 1995 that almost 25% of Turks and almost 20% of Yugoslavs (or persons who formerly had Yugoslav citizenship) experienced verbal offences or insults. Among Italians and Greeks about 10% had such an experience. More men than women and more persons younger than 24 years than older ones reported such experiences. A majority of all nationalities surveyed did not have such experiences. (Mehrländer, Ascheberg & Ueltzhöffer 1996: 320-324).

Other surveys which focus on immigrants are available, but are of limited value, because they take into account only specific groups of immigrants, such as, for example, the German Youth Institute's Foreigner Survey [*Ausländersurvey*] of 1997 which only takes into account children and adolescents, and because they emphasize the immigrants' will and ability to integrate into German society, while they neglect their fears or experiences of discrimination. Generally, these surveys do not include questions allowing for immigrants' critical comments. We know of several data sets constructed by social researchers within the scope of their own research projects that would allow for an analysis of immigrants' attitudes towards Germans or German society, but we will have to check for the availability of these data before we can make plans to analyse this data in connection with our project.

There is another way of getting information on immigrants' attitudes: It is possible to extract immigrants from surveys of the resident population, because these surveys normally include a question on the respondent's nationality, place of birth or something like that. The problem with this approach is that non-Germans will be rare in these surveys because they do not make up for a big part of the resident population (8.9% at present) or because they tend to be under-represented for reasons of higher mobility. They are also less likely to be caught for an interview. **Moreover, the implicit premise of surveys of the resident population seems to be that the resident population actually is a *German* population. This becomes clear from the questions about attitudes towards the influx of foreigners or the perceived criminality of foreigners posed in these surveys which are meant to measure the degree of xenophobia in the German population.** Answers to these questions are interpreted accordingly. Also, questionnaires used in such surveys are almost always

in the German language, so that a sufficient knowledge of the German language is the prerequisite for taking part and making oneself heard. So, even if immigrants are surveyed, included in the data set will be only those immigrants who speak German sufficiently well and who presumably are comparatively well integrated into German society. There is no doubt that surveys meant to be surveys of the residential population are actually not surveys of the residential population.

Nevertheless, Kühnel & Leibold (2000) followed this path and extracted the non-German population from the General Social Survey (ALLBUS) for 1996 in order to analyse the „relationship between Germans and foreigners as the foreigners living in Germany see it“ (such is the title of their study). Unfortunately, respondents without German citizenship are rare in the data set: There are only 212 among the total of 3518 respondents who do not have German citizenship. Moreover, the data set does not contain variables representing the respondents' experience with discrimination. But respondents were asked to assess the degree to which there is discrimination against foreigners in Germany. For the measurement three items were used referring to the frequency with which

- landlords refuse to serve foreigners
- parents of a 17-year-old daughter forbid her to be friends with Turkish adolescents
- employers first dismiss foreign workers from their jobs before they dismiss German workers

In addition, respondents were asked whether they thought that foreigners are generally treated worse, just the same as or better than Germans by public authorities. Kühnel & Leibold (2000: 126) found that there were only very small differences between the assessments of West German, East German and foreign respondents, but that foreigners suggested a slightly lesser frequency of the discriminatory acts mentioned in the items (with the item on the dismissals being an exception). This finding remains stable, if control variables like age, sex or education are introduced.

Respondents were also asked whether they themselves found the discriminatory conduct described in these items were all right or not, and whether they thought that most Germans found them to be all right or not. As expected foreigners were the ones who found these conduct the least fair and East Germans found them all right to a greater extent than West Germans, but in all three groups respondents tended more towards a rejection than towards an acceptance of discriminatory conduct. When it comes to the assessment of most Germans' opinion on the acceptability of such conduct, Kühnel & Leibold (2000: 126) found that foreigners thought that most Germans do not find these conduct acceptable to a higher degree than the German respondents did (this difference is statistically significant).

When the respondents without German citizenship were subdivided into different nationalities, it turned out that Turks reported discriminatory conduct more often and thought that most Germans accept discriminatory conduct slightly more often than respondents of other nationalities (Kühnel & Leibold 2000: 131) with the ethnic Germans being more similar to the Turks with regard to their assessments than Yugoslavs or citizens of Southern European States (Greeks, Italians, Portugese and

Spaniards). (Of course, one has to be cautious about this finding because of the small numbers of respondents of specific nationalities.)

Also included in the German General Survey 1996 were such questions as whether foreigners should have the same rights to social security benefits as Germans or whether foreigners should have the right to vote in local elections. In answering these questions non-German and German respondents differed quite substantially: Non-German respondents agreed to both items to a much higher degree than German respondents did. With regard to social services German respondents tended to concede them to foreigners, but they tended to refuse to them the right to vote in local elections (with the West Germans surprisingly refusing them this right to a higher degree than East Germans) (Kühnel & Leibold 2000: 134/135).

With regard to the legal requirements that have to be met to acquire German citizenship, there was a high agreement of non-German and German respondents. Only two out of eight such demands are assessed by non-German respondents as less important than by German respondents. These are - not surprisingly - being born in Germany and being of German descent. But it may come as a surprise that non-German respondents rated the good command of the German language as more important than German respondents did. Both groups rated the ability to earn one's own living and a clean criminal record as most important, while Christian religion was rated as the least important requirement by both German and non-German respondents (Kühnel & Leibold 2000: 137).

All in all, the analysis of the General Social Survey of 1996 by Kühnel & Leibold (2000) shows that non-German and German respondents make very similar assessments of the frequency of discriminatory behaviour and of the requirements for the acquisition of German citizenship, but hold quite different opinions as to social security benefits and foreigners' right to vote in local elections. In our view, the findings - especially if they are examined together with the findings reported in chapter 2.3.1 - suggest that discrimination of immigrants or members of ethnic minorities in Germany is not so much a problem of widespread individual prejudice or ideology being expressed in personal attitudes, conduct or personal encounters in the course of daily routine, but is connected to fights for the distribution of material or immaterial resources between groups that are regarded as in- and out-groups in relationship to each other along ethnic lines.

2.3.4 Summary: Xenophobic attitudes and xenophobic violence in Germany

The main result from our overview of the literature and our own analyses is that there is a serious information gap on the frequency and intensity of both xenophobic attitudes and xenophobic violence in Germany. Though at the first sight there seem to be many relevant surveys and studies, a closer look at them reveals that they all have serious shortcomings of one kind or the other which fact severely restricts the validity of their main results.

Concerning xenophobic attitudes, we have to fall back on the only data set that provides information on a regular basis, namely the General Social Survey (ALLBUS). The analysis of these data has shown (see 2.3.1) that claims to a generally

and latently xenophobic German public and to increasing xenophobia among Germans which are repeated too often in the media and in introductory textbooks do not seem to be justified.

As to xenophobic violence, it is even harder to make valid statements because of varying definitions of what xenophobic violence is and because of varying types of categorizations that go along with the definitions. Because there are no definite numbers on xenophobic violent acts (and though not even one such act is acceptable), one must leave open the question whether xenophobic violence is on the increase in Germany.

If it was true that xenophobic violence - as a violence typically exercised by men - is connected more to a general misanthropy and social incompetence, many of the programmes intended to prevent or change xenophobic attitudes by means of promoting democratic values could be expected to miss their target: They would be bound to be ineffective, because only those children and adolescents can be reached by these programmes who are already socially competent and committed. At any rate, we support the view expressed by Möller (2002) that it is necessary to scientifically guide and evaluate these programmes.

All in all, we recommend not to accept claims to increasing xenophobia in Germany unchecked, because we find no watertight evidence for it. According to our investigation into the subject, it may well be that Radtke is right in suggesting that xenophobia is more „politically and scientifically constructed and multiplied by the media“ (Radtke 1993: 96) than it is a set of attitudes and convictions rooted in the individual. Also, if one turns one's attention away from individual xenophobia and focuses on institutional discrimination instead, one might find out about the means and the „standards of normality“ that are employed in the construction and multiplication of xenophobia.

APPENDIX 1

Germany and the Foreigners between 1945 and 2003*

Until 1945	Reliance on forced foreign workers, war prisoners and concentration camp labor Forced population migration mostly on the Eastern borders
1944-1949	Return of war prisoners and foreign workers to their places of origin Flight and Expulsion of Germans from the East and Southern & Central Europe Many Germans leave post-war Germany
1949-1961	Flight of mostly younger “East” Germans from the GDR. The West German government after some years accepts the responsibility for this population
1955	EEC-Agreement which gradually opens West Germany to the members of the European Economic Union. In 1969 a law is passed which guarantees them free access to the labor market
1955	Signing of the first contract with Italy about the recruitment of Italian labor by the German state 1 mln unemployed in Germany
1956	The Hungarian Uprising/Repression. Germany offers asylum and generous reception to the Hungarian refugees. State support to <i>Philharmonia Hungarica</i> , and a Hungarian <i>Gymnasium</i> .
1961	The construction of the Berlin Wall. End of the East German refugee wave
1961-1966	Full employment. Large scale state-organized recruitment of foreign labor
1966-1968	Employment crisis. Work contracts with state-imported labor are not extended
1968	The Prag Spring/Repression. Germany offers asylum and generous reception to the Czechoslovak refugees
1969-1973	The main phase of the state-recruitment of foreign - mostly Turkish and Yugoslav - labor
1972	Treaty with Turkey: no law abiding Turks would be forced to return home
1974	25% of migrant workers in German trade unions

- 1970-1988 West German efforts to free Germans from Eastern Europe, purchase of Germans from Rumania and the German Democratic Republic, extending credits to Poland
- 1970-1990 GDR: State-recruitment of workers from Poland and then from Vietnam, Mozambique, Angola and Cuba. By 1989, 150,000 foreign workers in the GDR
- 1973 Coup d'etat against President Allende in Chile. Germany offers asylum
CDU/CSU start an anti-refugee campaign/Chileans
- 1972 Calls for the integration of foreign workers; first government papers

First Turkish wild cat strikes. Government announces its intention to stop further immigration and to "consolidate" the existing foreign population followed by:
- 1973 – present The end of state-recruitment of foreign labor

Revoking work and residential rights of guest workers on social assistance
- 1974 Foreign workers not allowed to settle in "overburdened" residential areas in which more than 12% aliens already reside (declared unconstitutional by the Federal Constitutional Court in 1976, extinct by 1979)
- 1970-1980 Practically no new immigrant labor, but massive immigration of families joining foreign workers already residing in Germany. Stabilization of the number of foreigners at about 4 million. Development of ethnic communities. *De facto* social integration. Politicians refuse to recognize that the "guest worker" phase is over: "GERMANY IS NO LAND OF IMMIGRATION"
- 1978 Creation of the Office of the Commissioner for Foreign Workers; Foreigner Policy formulated for the first time, aiming at the recognition of *de facto* immigration and major intensification of integration measures. INTEGRATION FEVER starts.

Islamic religious instruction to Muslim pupils spreads to several Länder
- 1978 80% of asylum applications are granted
- 21.11.1978 Heinz Kühn (SPD), former prime minister of Northrhine-Westphalia, becomes the first Federal Commissioner of Foreigners' Affairs [Ausländerbeauftragter] and presents a memorandum in 1979, the

famous 'Kühn-momrandum', in which he claims that Germany has de facto become a 'country of immigration' and asks for the introduction of integration measures

- 1979 Beginning of the massive refugee waves from contagion areas: Turkey, Poland, Sri Lanka, etc.
- 1979 Commissioners for Foreigners' Affairs are introduced on every administrative level
- 1976/1981 First research studies appear which claim that migrants suffer from culture shock and are traditional, authoritarian, insecure, isolationist, extremist, etc.
Government policy focuses on the 2nd migrant generation - the youth - in an effort to rescue it. It fits nicely with the emphasis on general intercultural education
- 1980 Poland/Military government/Emergency law. Germany offers asylum and generous reception of the Polish refugees
- 1979-1982 CDU/CSU campaigns against foreigners in media and politics at their peak, targeted most of all against Turks. Fire attacks against refugees. The CDU/CSU politicians demand lowering the number of foreigners in West Germany, but make no attempts to convert their promises into policy measures. They in fact continue the policy of the previous government. Flight of voters to the right wing parties: *Republikaner & DVU* by the late 1980s
- 1981 The xenophobic Heidelberg Manifesto by 15 professors helps legitimate conservative and right-wing/racist opposition to multiculturalism and the integration policy
- 1980-1988 Gradual introduction of limits into the asylum law. Measures (started already by the SPD) to impede family re-unions, lower the age of foreign children allowed to join their families in Germany, shortening time foreign workers returning workers had to wait to reclaim pension funds, inducements for foreign workers returning home, etc. Most accompanied by protests and demonstrations.
- 1980-present Introduction of the visa-obligation for all refugee-source-countries, apart from the refugees from the Balkan wars
- 1982 4.6 mln immigrants, about 34% of migrant workers in German trade unions
- 1983 2 mln unemployed
- 1984 The first large immigration from the German Democratic Republic since 1961

- 1985 29% of asylum applications are granted
- The average migrant situation is much improved compared with the 1970s as far work and residence rights, income and life chances of children are concerned
- 1986 After thousands of East German refugees are let out into West Berlin from East Berlin, the CDU/CSU starts a massive anti-asylum seeker campaign, but fails to win parliament for amendments to Article 16 of the constitution which guarantees asylum to politically persecuted persons
- 1987- Intensification of migration from the GDR, Poland and the USSR
- The SPD in favor of local voting rights for foreigners
- 1988 The number of asylum seekers starts surpassing 100 000/year but only about 1/3 is granted asylum
- 1989 Freedom of movement for East German citizens; massive migration from East Germany
- The SPD in favor of a radical liberalization of naturalization policy and automatic citizenship for foreign children born in Germany and having one German parent
- 1990 New limits on financial assistance to “Status Germans” [*Aussiedler* & *Übersiedler*]. Introduction of informal quotas (220 000/year) on the re-settlement of *Aussiedler* in 1991
- Dec. 1992 Formal introduction of a quota (220 000/year) on the re-settlement of *Aussiedler*. With no public debate this quota is continuously lowered until it reaches 103 000 in 1998
- 1990/1991 The last GDR-government invites persecuted Russian Jews to seek asylum in the GDR, even when they lack passports!!! In 1991 all political parties renewed this invitation, although a visa requirement was introduced. They also passed a generous integration program for the Russian Jews
- 1990 New Alien Law replaces the Alien Law of 1965. Aliens under the age of 23 can claim naturalization as long as they had resided in Germany at least 8 years, had attended school 6 years, and had not been convicted of felony. Those 23 and older had to have lived in Germany for at least 15 years, not have been convicted of felony, and not be collecting social assistance
- 1991-1992 CDU/CSU continues the old integration policy, but delays processing of the asylum applications, turn against the established “liberal” asylum law, and force the SPD to a compromise on the asylum issue.

Only 3-7% of all asylum applications are granted. Chancellor Helmut Kohl sees this divisive issue causing a “crisis of the state”. As the 1980s (and later the 1990s) brought mostly non-white asylum seekers to Germany, these new policies imply a heavy dose of racism

Arson attacks on asylum seekers. Right-wing extremism and right-wing violence against foreigners peaks. Although it decreases in the 1990s it does not disappear. Politicians react much more strongly to anti-semitic than to anti-foreigner extremism

- 1993 An annual quota of 225,000 ethnic Germans to come to Germany is fixed
- 1993 438,000 asylum applications (52% of all applications in Western Europe). In 1994 some 20% and in 1995 some 14% of applications are granted
- 1996 Every second West German has foreign acquaintances and/or friends; only about 16% of East Germans report similar contacts with foreigners
- 1996 A German language test introduced for *Aussiedler* re-settlement applications
- 1997 4.5 mln unemployed. Foreigners the first to be fired. Foreign (and female) unemployment rates exceed by far native (male) unemployment rates
- 1998 CDU/CSU’s electoral campaign focuses on the citizenship issue. It warns against the SPD/GREEN-attempt to create an “Islamic Republic Germany” by making it easier for resident Turks to acquire citizenship
- 1999 SPD/GREEN coalition lowers the annual *Aussiedler* quota down to 100,000 per year
- 1999 New law relaxing somewhat citizenship requirements, addition of a carefully earmarked *ius solis* to the *ius sanguinis* while the CDU/CSU launches a massive campaign against the double citizenship
- 2002 Much criticized as a and then failed attempts to forbid the right-wing NPD
- 2002 Business and SPD/GREENS launch a green-card campaign in an effort to win acceptance for new legislation facilitating import of qualified labor force from abroad
- 2002 Only the often pivotal FDP attempts to win votes by not distancing itself from its prominent politician launching an anti-semitic campaign some weeks before the election day. CDU/CSU play down anti-foreign remarks but keep promising to solve the foreigner question.

However, the CDU/CSU-candidate for Chancellor, Stoibler, is well-known for his 1980s slip in which he came out against “race-mixed society”

Only about 1,8% of asylum applications are granted

Every sixth German is married to a foreigner

Source: Dietrich Thränhardt, “Einwanderungspolitik in der Bundesrepublik Deutschland”, <http://egora.uni-muenster.de/ifp/lehrende/thraenhardt/bindata/2910.pdf>; Dietrich Thränhardt “Einwanderungs- und Integrationspolitik in Deutschland am Anfang des 21. Jahrhunderts” <http://egora.uni-muenster.de/ifp/lehrende/traenhardt/bindata/o402.pdf>; Asylum statistics based on Rainer Münz and Ralf E. Ulrich, Changing Patterns of Immigration to Germany, 1945-1997", Humboldt-Universität zu Berlin, Philosophische Fakultät III, Chair of Demography <http://migration.ucdavis.edu/cmpr/sdreport/Munz-Ulrich-ImmtoGermany.html>; O'Brien Peter. 1996. Beyond the Swastika. London. Routledge, pp.50-55,66,72,78,80-81,85,94

APPENDIX 2

Six phases of postwar immigration to Germany+

1. Large scale immigration of Germans: expellees, citizens of the GDR, other ethnic Germans.

Until 1960 12 million postwar refugees and expellees [*Vetriebene*] from the East moved to the Federal Republic of Germany (FRG) which at the time had about 50 million inhabitants.

2. Recruitment of foreign labor began in the mid-1950s. But foreign labor was of no major importance up until 1960-1961, the construction of the Berlin Wall. It stopped the flow of East Germans to West Germany.

Until 1960-1961 3 mln Germans moved from the GDR to the FRG (Thränhardt/0402:1).

In 1955 - the first year of systematic state-recruitment of foreign labor and the year of the first contract with Italy -- about 80 000 foreign workers worked in the Federal Republic of Germany.

1 mln unemployed

3. At this time German authorities began to organize foreign labor recruitment on a large scale.

State contracts are signed with Spain and Greece (1960), Turkey (1961/1964), Marocco (1963), Portugal (1964), Tunis (1965), Yugoslavia (1968) and South Korea (1970) (Thränhardt/2910:5)

In 1966-1967 there were 1.3 mln foreign workers in the FRG (Bade 1992:396).

4. Foreign labor recruitment was stopped briefly in 1966-1968 and definitely after the first oil crisis of 1973 in order to reduce the number of foreigners in the FRG. This goal was not achieved, but the attempt led to a consolidation of the guest-worker population and later to a new moderate growth in West Germany's foreign population by way of family reunion and rapidly increasing number of children born to foreigners.

By 1973 there were 2.6 million foreign workers in the FRG. As a result of further immigration, family reunions and child births foreigners came to comprise about 4 million people by 1973.

The 1980s were characterized by relaxed burgeoning multiculturalism, further efforts to integrate foreigners in the German society, and voices arguing for more rights. At the same time, however, politicians refused to define Germany as an immigration country (Bade 1992:398,413)

By 1989 there were 1.7 million foreign workers and 4.9 million foreigners in the FRG.

By the late 1980s of the foreigners living in Germany about 46% had lived in the FRG between 10-20 years, while about 14% longer than 20 years (Bade 1992:396-397)

Between 1953 and 1978 a total of 178,000 asylum seekers came to the FRG (Münz and Ulrich:14). The military coup in Turkey (1980), the martial law in Poland (1980), outbreak of the civil war in Sri Lanka (1985), etc. increased the numbers of asylum seekers. The annual number of asylum seekers surpassed 100 000 in the late 1980s. But long before then, in the national electoral campaign of 1980 German politicians started to politicize the “foreigner question”.

In the 1980s politicians increasingly evoked the image of the threatening “refugee floods”. They spoke of “economic refugees”, “seeming-refugees”, “burden-limits”, “breach in a dyke”, “foreign infiltration” (Bade 1992:414). They demanded ending the state-recruitment of foreign workers, inducements to foreigners willing to leave, reform of the asylum law, struggle against misuse of the asylum law, quick deportation, etc.

5. In the late 1980s and early 1990s the immigration of ethnic Germans and foreigners reached new peak levels. A new wave of political turmoils and the downfall of the Soviet system were the main causes.

In 1989/1990 more than 0.5 mln refugees and *Übersiedler* came from the GDR. (Bade 1992:403). In addition more than 0.77 mln *Aussiedlern* came from Poland, Rumania and the Soviet Union.

In 1989 there were 121 318 refugees seeking asylum in Germany (Bade 1992:412-413). A year later their numbers rose to 193 063.

Until 1980 the rate of recognition (application granting) was over 80% -- since most refugees came from the Soviet bloc countries. In 1985 the rate dropped to 29% and by the early 1990s only 3-7% of all asylum seekers were granted asylum (Münz and Ulrich:15).

Politicians continued to politicize the “foreigner question” (Bade 1992:400). They played foreigners against *Aussiedlern* in the political debates. Xenophobia grew.

6. Since 1992 introduction of new restrictions against immigration of *Aussiedler* as well as of asylum seekers. With the asylum regulations in force since-mid-1993 the legal procedure for decision-making was speeded up, while at the same time the numbers of applicants were reduced.

In 1994 some 20% and in 1995 14% of asylum seekers were granted asylum (Münz and Ulrich:16).

+SOURCE: When not otherwise indicated the source is: Rainer Münz and Ralf E. Ulrich, “Changing Patters of Imigration to Germany, 1945-1997”, Chair of Demography, Philosophische Fakultät III, Humboldt-Universität zu Berlin:

<http://migration.ucdavis.edu/cmpr/sdreport/Munz-Ulrich-ImmtoGermany.html>,
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