

From Liberal to Restrictive: The 1992 Asylum Policy Change in Germany

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FROM LIBERAL TO RESTRICTIVE: THE 1992 ASYLUM POLICY CHANGE
IN GERMANY

by

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A thesis submitted in partial fulfillment of the requirements
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ABSTRACT

As the most popular destination country for migrants and refugees in the EU since the end of World War II (MPI, 2004), Germany has a history of refugee inflows. In this thesis I focus on the different factors that led to asylum policy change in reunified Germany, from liberal since 1945 to restrictive, after the end of the Cold War in 1992, with the 1992 amendment of Article 16 of the German Basic Law. The study of the factors that account for German asylum policy change is important to understand the future of German asylum policy, and potentially provide a model of asylum policy change in other countries. In this study, I analyze German public opinion that seems to have been affected by large migrant inflows and the declining state of the economy. I argue that electoral pressures by the German public contributed to political party platform changes and asylum policy change. I use data from Eurobarometer surveys, the World Bank, and the Migration Policy Institute to describe the refugee inflows and the state of the German economy, and how these may have contributed to public opinion, as reflected in Eurobarometer survey results. I examine German political party platforms and campaign tactics based on secondary literature, such as scholarly articles and studies, as well as political speeches and statements. I also consider Germany's membership in the EU as a factor that may have affected the change in German asylum policy. Germany's membership in the EU may have been used as a form of leverage by the Christian Democratic Party (CDU), to pressure the Social Democratic Party (SPD), to compromise on asylum policy restrictions, as Germany's constitutional right to asylum impeded the implementation of EU asylum policy provisions. The findings of my research suggest that German public sentiments may have affected Germany's political party platforms. Evidently, the SPD, aligned its political platform and policy agenda to

align with the changes in the German electoral context and gain electoral support. Also, Germany's position as a founding member of the EU, may have contributed to the compromise on German asylum policy change, because the right to asylum as explained in Article 16 of the constitution, withheld Germany from utilizing the EU's asylum procedures and policies, until Article 16 was amended in 1992.

DEDICATION

I dedicate this thesis to my family,
especially my parents and my grandmother,
for their support and encouragement always

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Chapter 1: Introduction

Germany has become one of the most significant destination countries for immigrants, specifically refugees, since the end of World War II (MPI, 2004). During the current wake of the Syrian Refugee Crisis, 476,501 refugees applied for asylum in Germany in 2015 alone (Eurostat, 2015). Whether to hold onto strict refugee admissions policies, or take a predominantly humanitarian policy stance as a response to refugee inflows, is an ongoing debate. At the end of World War II, humanitarianism and the international recognition of refugees resulted in Western Germany's notably permissive refugee admissions stance. However, since the end of the Cold War, restrictions on asylum admissions became commonplace. The question I examine in this thesis is: Why did Germany's asylum admissions policies become more restrictive at the end of the Cold War, when the principle of West German asylum policy was liberal since its post-WWII implementation?

1.1 Historical Background

The 1951 United Nations Convention and Protocol Relating to the Status of Refugees was the first to establish the recognition and treatment of refugees on an international scale. As a signatory at the 1951 United Nations Convention and Protocol Relating to the Status of Refugees, international regulations on refugee rights were bound into West Germany's asylum policy (UNHCR). The Allies' presence in West Germany, after the end of WWII in 1945, also contributed to the establishment of a liberal democratic political regime that aligned more closely with the West German constitution and allowed for the integration of asylum rights into

this Constitution (Judt, 2005). However, the 1949 Basic Law for the Republic of Germany (Grundgesetz für die Bundesrepublik Deutschland) contributed more directly to the established of the inherent right to asylum in Article 16. Article 16 of the Basic Law was the first of its kind in Germany, as asylum policy was previously not accounted for as a constitutionally binding right. The most important provision established in the article is stated in Sentence 2: ‘Persons persecuted on political grounds should have the right to asylum’ (Library of Congress, 2016). This means that regardless of one’s country of origin, if one meets the requirements of gaining asylum in West Germany, one is automatically granted asylum. The requirements being that one’s reasons for fleeing one’s country of origin and seeking asylum in West Germany are attributed to political persecution. This liberal principle stood as the main provision for asylum admissions in Western Germany until the early 1990s.

After the end of the Cold War and German reunification in 1989, asylum applications in Germany increased significantly as the fall of the Iron Curtain prompted the opening of East European borders, allowing East European refugees to seek asylum in Germany. Along with the increase in asylum applications at the end of the 1980s and early 1990s, the German economy faced high levels of inflation and income inequality as the East German economy was integrated into that of West Germany. These migrant and economic pressures contributed to the perceived need for asylum policy restriction among the German public and political parties.

The governing parties, the Christian Democratic Union (CDU), Christian Social Union (CSU) and Free Democratic Party (FDP), and the main opposition party, Social Democratic Party (SPD) agreed on the amendment of Article 16 of Germany’s Basic Law on asylum in November of 1992 (Fijalkowski, 1993). This amendment allowed for the expulsion of refugees

back to the safe third country to which they first arrived, whereas before, asylum was granted regardless of their country of origin and it was unlawful to send a refugee back. Conservative values and EU asylum provisions had the upper hand in shaping asylum policy and limiting admittance of refugees from this point forward.

1.2 Explaining the Policy Change

Different factors may account for the asylum restrictions imposed at the end of the Cold War in Germany. The specific causal factors that I examine in this thesis are the German political party strategies, such as political party agendas and campaign strategies that resulted from social pressures, such as anti-immigrant public opinion and violent acts on refugees. These social pressures were enhanced by the immigration pressures felt following the fall of the Iron Curtain and increasing refugee inflows from Central and Eastern Europe, as well as economic changes after the Oil Crisis in 1973. Additionally, the EU and its binding agreements may have facilitated the policy change process.

1.3 Purpose

As a major European power and the engine of EU integration, Germany plays the crucial role of a prominent global actor for its economic, political and cultural influence worldwide. Further, as one of the most popular asylum destinations, Germany hosted more asylum seekers than any other member state in the EU from the end of World War II (Hellman & Bosche, 2006). Therefore, the study of its asylum policy is crucial to understanding and predicting future patterns of refugee admissions and treatment policies in Germany and other EU members. The

case I focus on in this thesis is especially compelling due to the fact that Germany previously held onto a notably permissive platform on asylum policy, but evidently, as a result of the Eastern and Central European refugee inflows in 1992-93, asylum admission policies became more restrictive as a deterrence mechanism. The German case can be used as a model to predict how other nations may react during similar international refugee crises. In the midst of the current Syrian refugee crisis, it is important to take into consideration the development of Germany's asylum policy in order to better understand the present-day policy decision-making in regards to asylum, in Germany, as well as other culturally, economically, and politically powerful nations.

1.4 Literature Review

Germany, a country historically known for its emigration throughout the 19th and early 20th century, became one of the major destination countries for immigrants, particularly, refugees at the end of World War II and throughout the 1950's, (MPI, 2004). After World War II Germany faced the daunting task of reconstruction while dealing with constant Eastern European refugee inflows. At this point in time, Germany was separated into East Germany or the German Democratic Republic, and West Germany, or the Federal Republic. Ideology and regime types differed greatly between the two. The Federal Republic held a liberal approach to refugee admission and followed the German constitutional provisions for granting asylum according to the Basic Law. In the German Democratic Republic, as a territory of the Soviet Union, asylum was not consistently recognized and refugees were processed arbitrarily (Poutrus, 2014). The

German Basic Law was solely followed by the German Federal Republic until German reunification in 1989, and after reunification applied to Germany as a whole.

The Federal Republic's Parliamentary Council enacted the Basic Law to the German Constitution to provide legal and humanitarian protection of refugees arriving to Germany. The Basic Law and its exceptionally permissive asylum granting provision were met with disapproval from nationalistic German political parties and constituents. The asylum provision established in the Basic Law as defined in Article 16, allowed the politically persecuted to have the right to asylum following the principles established during the 1951 United Nations Convention and Protocol Relating to the Status of Refugees. The principles established at the convention were groundbreaking developments in international human rights law and as a signatory Germany was bound to carry out these humanitarian guidelines within its own national asylum law (UNHCR).

Although the Basic Law's right to asylum was known to be liberal, and constrained the development of restrictions on asylum law, it was preserved as Western Germany's main Constitutional law on asylum from 1949 until its amendment after German reunification in 1992. Following the Asylum Compromise of 1992, Article 16 of the German Basic Law was amended. The amendment concluded that those seeking asylum may not be guaranteed the right on the grounds of political persecution because of their country of origin (Hailbronner, 1994).

One of the main explanations in the literature for the change in asylum policy was the political pressure to enhance the restrictions on German asylum policy that may have been caused by the electoral strength of constituents' grievances, right wing political party pressure, and increasing immigration. The massive influx of mainly Eastern European refugees as result of the dissolution of the Soviet Union in 1989 placed an even greater amount of political pressure

on parties of the Left that supported Article 16 of the Basic Law. By 1992, 438,200 refugees sought asylum in Germany alone (UNHCR, 2001) and caused tensions to rise.

The social grievances among local jurisdictions (*Länder*), such as those felt between Munich and Bavaria (Karapin, 2003), xenophobic attacks on refugees, and anti-immigrant demonstrations contributed to highlighting the need for further asylum provisions. The strong influences of anti-immigrant groups showed predominant disapproval from the German public regarding the asylum law, as the anti-immigrant movements grew in strength and in numbers throughout the late 1980s and early 1990s. As elite-level politicians witnessed their constituents' policy demands, their platforms to aligned with these demands, in order to secure their electoral support. These different elite groups were comprised of local-level officials such as city administrators, some of which were mayors and political party leaders, as well as *Länder* and federal level politicians.

As explained by Geddes, German public debate drew attention to the constraining nature of the constitutional asylum law, and highlighted the public fear of losing control over refugee inflows and territory, and the costs of large numbers of refugees. Geddes also found that in a 1991 opinion poll concluded that 76 percent of the German public agreed that an amendment to Article 16 was needed (2003).

Throughout the 1980s, constituent opinions and German political party agendas played off of each other to intensify the perceived need of refugee restrictions. As mentioned by Bosswick, the development of asylum policy from 1953 through the 1980s was characterized by the increasing realization among public and political sectors, that Article 16 was limiting the development of further asylum restrictions (2000). The 1981, 1984, and 1987 German election

campaigns highlighted the need for stricter asylum policies. Bosswick mentions that in the 1987 national elections, Conservative parties such as the governing Christian Democratic Union (CDU) party, placed political pressure on the Social Democrats who defended Article 16, for having neglected the need to reform the German right to asylum (2000).

Another important factor that should be taken into consideration as a social influence on German political party asylum positions is that of the economic costs of reunification. Piotrowicz argues that the economic costs placed a significant burden on West Germany to maintain a stable economy (1998). As seen in a study of the effects of German unification and immigration on the income distribution conducted by Grabka, Schwarze, and Wager (1999), the effects of the economic and social standards in East Germany were far less developed than those in West Germany at the time of reunification.

Further, the EU played a main role in creating restrictions to German asylum policies as a response to the Schengen and Dublin Agreements. The Schengen Agreement specifies that signatories would be part of an area of free movement with one single external border in place of internal borders (EC Europa, 2016). The Dublin Regulation specified that the first EU nation that a refugee arrives in is responsible for processing their application.

The binding agreements implemented as a member of the European Union, further catalyzed Germany's asylum restrictions. The Maastricht Treaty signed in 1992, at the end of the Cold War era and the beginning of German reunification, was carried out in support of European integration and empowerment among member states. The shared responsibility of maintaining stability and unity among the EU member nations enabled Germany to use the EC's Schengen and Dublin Regulations to its advantage, as they supported security measures and the safe third-

country principle. The 1985 Schengen Agreement specifies that signatories would be part of an area of free movement with one single external border in place of internal borders (Council of the EU, 2001).

Before the amendment of the Basic Law in 1992, Germany was constrained from benefiting from the EU asylum policies, as these policies went against Article 16. This was yet another reason why those supporting German asylum restrictions pushed for the amendment. After the amendment, Germany, with the help of the EU, resolved the domestic asylum problems by encouraging restrictive asylum policy aligning with the Dublin and Schengen Agreements and created one of the most restrictive asylum policies in the EU (Hellman & Bosche, 2006, p. 53, 54).

Although the literature I compiled examines different factors that may have led to the asylum policy reform, the mechanism of the connection between the social pressures and the behavior of political parties has not been explored. Each explanation emphasizes one or two specific factors, but does not go as far as examining their inter-connections, that is, the connection between public pressures and political party responses. In this thesis I examine more closely how the costs of immigrant inflows and economic instability after reunification increased social pressures and the role that these pressures placed on political parties' political and electoral strategies that may have eventually led to the amendment of the law. In addition, I consider the role the German media as a reflection of German public opinion, and political party platforms and campaign strategies. I will also take into account the effects that EU membership had on facilitating this process, as it was only briefly mentioned by the literature.

1.5 Methodology

The methodology I employ in my thesis includes conducting research using secondary sources on Germany's asylum policy; I conduct a thorough review of the literature and collect data on political campaign strategies as depicted in the media, political party reports, public opinion data, and also migration and economic data from sources such as Eurostat, Eurobarometer, the World Bank and the UNHCR.

Based on scholarly research articles and books, I gained insight on the chronological development of Germany's asylum policy, the factors leading to the restrictive change in asylum policy, as well the implications of this policy change. Policy briefings and historical analysis on the development of asylum policies at the European level, provided information about the European Union as a catalyst in furthering the policy restrictions by detailing the provisions and interpretation of EU policies and treaties, such as the Dublin Regulation, and the Schengen Agreement.

Political campaign strategies depicted in the media and reports on public opinion, such as Eurobarometer, provide the information to evaluate how attitudes towards immigrants were distributed among the electorate. I use the data from Eurobarometer surveys and longitudinal studies on German political party campaign strategies to explore the connection between the policy stances of political parties and constituent attitudes. I also use a study of the case of Munich to illustrate the impact of local-level interest groups and political elites on asylum policy change at the national level. Lastly, the data collected from Eurostat, the World Bank and the UNHCR provide reliable quantitative data of asylum seeker inflows throughout Germany's

history- more specifically, after the fall of the Iron Curtain. The economic data provided by the World Bank is used to demonstrate how economic pressures may have created greater tension. I use these data to examine the links among migrant inflows and the state of the economy, constituent attitudes, and political party policy positions, specifically patterns of influxes in migration to Germany, how they correlate with anti-immigrant public opinions, and shifts in political party asylum platforms.

1.6 Organization

This chapter, Chapter one, is an introduction to the research question, literature, and research design. In the second chapter, I provide the historical background of Germany's asylum admissions policies since 1945. I describe the formation and implementation of international asylum recognition and the German constitutional asylum provisions formed after World War II. In addition, I describe the policy changes on asylum that occurred between the end of WWII in 1945 and the end of the Cold War era in 1992. In chapter three, I examine the political party positions that may have accounted for increased restrictions, and how the media reflected public opinion and political party platforms and campaign tactics. I explain how political pressures, as a result of immigrant inflows and the state of the economy, may have influenced public opinion during the mid-1970s through the early 1990s, and contributed to constituent pressures such as anti-immigrant public opinion and violence towards refugees, and ultimately influenced German political party positions and campaign tactics. Political party positions can be traced to the Conservative and Left parties' concerns about electoral costs. Chapter four describes the European Union's role in facilitating Germany's restrictive policy changes with the

implementation of supranational agreements such as the Schengen Agreement and Dublin Regulation. Lastly, chapter five concludes and discusses the implications drawn from my research.

1.7 Findings

The findings of this study suggest that the changes in the electoral environment such as constituent concerns about migrant inflows and economic instability, favoritism of the CDU/CSU party, as well as the emergence of the Eastern German constituency after German reunification, contributed to the change in political party platforms, particularly that of the SPD. The SPD's need for alignment with and support from the new German constituency that emerged after the fall of the iron curtain in 1989, encouraged the reformulation of their political party tactics and policy platforms, and shaped them to appeal to the German public, with the intention of winning the plurality of votes in the 1994 federal elections. Mobilized by local level interest groups and political elites, local constituency grievances regarding influxes in migrant inflow, high unemployment rates, and the need to protect the German welfare state from non-EC migrants, seems to have prompted the SPD party to change its platform to move more to the right on social issues. This new platform moved the SPD closer to their opposition, the CDU, on asylum policy change in 1992. Also, Germany's EU membership contributed to the need to align German asylum policy with European-level asylum policy, as Article 16 did not align with the EU's Dublin Regulation on asylum. The CDU used the notion that the SPD was holding back necessary asylum policy changes that would allow German asylum policy to coincide with EU-level asylum policy. This pressure from the opposition seems to have also contributed to the

SPD's agreement to asylum policy change and the amendment of Article 16 of the German Basic law in 1989.

Chapter 2: Historical Background

In this chapter I describe the historical events, public attitude changes and policy changes that occurred from the post-World War II constitutional establishment of the right to asylum in 1945 in West Germany, leading up to the 1992 amendment on Article 16 of the German Basic Law. This will establish the setting and context for the study of the factors that led to social and electoral pressures and ultimately, the asylum policy change.

At the end of World War II, the geopolitical landscape of Europe changed drastically as the Soviet Union established the eastern European bloc, and Western Europe remained under the financial and military assistance, and political influence of the Allies throughout the reconstruction period (Judt, 2005). The Allies' occupation of West Germany at the end of the war, specifically by the United States, played an important role in establishing a liberal democratic political regime that served as not only a political, but also as a social revolution in Germany. The Allies engaged in a campaign to re-educate the West German Society and aimed at establishing a democratic mentality among the public and better ensure the removal of Nazi principles that had been embedded in German society during the WWII era (Mazower, 1998). These liberal principles were carried through many of the policies introduced during this time period. Western Germany was one of the more accepting and cooperative nations when it came to Americanization and westernization of regime type during the post-war reconstruction (Judt, 2005). This was thought to be because of the generally unanimous perspective on the rebuilding

of a new national identity after experiencing a tainted recent history. This was seen as a way to help restore a more positive image internationally, as well as rebuild German nationalistic pride¹ (Judt, 2005).

One of the main politically stabilizing factors that was brought on by the Allies' influence was the West German Government's decentralized governmental structure that placed the *Länder* in greater control of the local level administrative constructs as the Bundestrat represented their political interests at the federal level. The federal Government and *Länder* alike, actively took part in maintaining peace throughout the social and economic sectors by utilizing Social Market legislation, where the German Government allowed for a free market, but still intervened in economic functions such as the social welfare state and state-level markets (Judt, 2005). This democratic structure still plays a crucial role in the way that local-level politics is carried into higher levels of government, enabling the local-level constituents to influence the top levels of government and policy making. That Western Germany was also able to enhance its political stabilization can be attributed to their joining NATO (North Atlantic Trade Organization) in 1955. This helped create a stronger and more stable economy and social structure by establishing this trade and defense alliance with economically and militarily strong nations such as the United States, the United Kingdom, France, Canada, Italy, and Belgium.

After coming out of the war defeated and unstable, Germany faced the daunting task of political, social and economic reconstruction along with managing inflows of ethnic Germans, Eastern Europeans and other displaced persons seeking asylum. During the period of 1936-1948,

¹ Germany's nationalistic pride was depleted after the events of WWII. Many Germans felt uneasy showing pride for their nation due to their tainted history that was marked by the Third Reich regime, better known as Nazi Germany from 1933 to 1945, when the country was governed by the Nazi Party under Adolf Hitler.

there were approximately 46 million displaced persons in Eastern and Central Europe (Mazower, 1998). In many Eastern European countries such as Czechoslovakia, Romania, and Poland, there were a series of post-war expulsions of ethnic Germans and politically persecuted individuals. An average of 7 million ethnic Germans were expelled from these countries in 1948, or left due to persecution, being the victims of hate crimes, or mistreatment (Mazower, 1998). Ethnic Germans unlike most other migrants were given German citizenship and rights in accordance with the Basic Law of the German Republic. Other refugees of non-German descent were provided asylum under the Basic Law, but faced discrimination and were not given many of the same privileges as the ethnic German migrants (Mazower, 1998).

Germany's introduction of its Basic Law was evidently the result of the overall change in Germany's regime type to a more democratic structure and one where compliance with the constitution was a primary principle. West Germany's incorporation of international regulations on refugee rights into asylum policy was based on the democratic values instilled by the Allies. The most significant factor however, can be accredited to the agreements made at the 1951 United Nations Convention and Protocol Relating to the Status of Refugees. At the Convention, several provisions and principles were established to create a more comprehensive guide to international asylum rights and recognition (UNHCR). These principles were constructed by defining what a refugee was, establishing how they should be recognized, the rights and treatment they should have in the country they arrive to, as well as avoiding discriminating against them or punishing them for having entered illegally (UNHCR). The most significant provisions instilled during the convention were the right of refugees to seek asylum from persecution in other countries, as well as the principle of non-refoulement. Non-refoulement is

described as the practice against the return or expulsion of a refugee against their will to a nation where they fear “threats to life or freedom” (UNHCR). As one of the signatories at the convention these very same principles helped establish the German asylum policy as expressed under Article 16 of the German Federal Republic’s Basic Law explicitly defining asylum as a constitutional right.

Article 16 of the 1949 Basic Law for the Republic of Germany (Grundgesetz für die Bundesrepublik Deutschland) aligned with the liberal values established at the 1951 Convention and was the first of its kind in German history to establish the right to asylum. According to the article that explains the inherent right, Article 16 (2), Sentence 2 states: ‘Persons persecuted on political grounds should have the right to asylum’. Political persecution is defined “as persecution that causes specific violations of individual rights and, due to its intensity, excludes the individual from the ‘general peace framework’ of the state unit.” (Library of Congress, 2016). In other words, refugees were granted asylum in Germany if they could prove that they faced political persecution and were thus not able to return to their country of origin. Whereas, most other nations placed restrictions on refugee acceptance depending on whether or not an asylum seeker was from a deemed ‘safe’ country of origin. However, with Germany’s asylum status, refugees were able to receive the entitlements to refugee rights regardless of their country of origin. This liberal principle stood as the main provision for asylum admissions in Germany until the early 1990’s.

Although Germany was seen as being open to granting the right to asylum, German nationals came to be less accepting of refugees and migrants after the first few decades of German reconstruction. As an ethnically homogeneous nation, Germany had little to no

permanent migrant settlement in Germany before 1945 (Monforte, 2014). This was mostly because of the *jus sanguinis* or ‘right of blood’ approach to citizenship. *Jus sanguinis* citizenship means that you must be of the same ethnic descent as the other citizens within the country that you are attempting to get citizenship in (Rensmann, 2014). This stood as the main citizenship principle in Germany until the late 1990’s. Therefore, citizenship rights for migrants were limited to ethnic Germans. When it came to voting rights, only a small portion of refugees and other migrants were eligible to vote as part of their constituency, and therefore had little to no electoral influence (Rensmann, 2014). Along with limited rights to citizenship and voting opportunities to migrants, and becoming a more nationalistic minded nation, migrants faced discrimination and fell victim to hate crimes. These xenophobic acts on migrants and refugees peaked in the early 1990’s and further enhanced the anti-migrant sentiments among the public, highlighted the prominence of the issue and led to public demand that the German political parties take a stance on the issue. An example of violence towards refugees is reported in the Human Rights Watch Report, where right-wing extremists delivered violent attacks on a refugee shelter in the city of Rostock for the length of two days (1992). This caused the refugees housed there to evacuate as the extremist groups attempted to attack the inhabitants and even threw incendiary weapons such as petrol bombs at the building (Human Rights Watch 1992). Although these violent attacks on migrants and refugees throughout Germany were uncommon occurrences conducted mainly by nationalist groups, the events that took place in Rostock sparked a parliamentary investigation in response to the overwhelming violence that occurred there (Human Rights Watch 1992). In 1991, there were a total number of 3,884 crimes carried out against immigrants by right-wing nationals, this number rose to a remarkable 7,121 in 1992

and to 10,561 in 1993 (Human Rights Watch 1995). As a result of the German public's sentiments towards migrants, and ongoing violence fueled by the inflows of almost half a million asylum seekers that same year, the Christian Democratic Party (CDU) took the platform of standing up for a restrictive reform on asylum acceptance policy to help control the peaking number of migrants (Rensmann, 2014). The CDU also went as far as blaming the SPD party for not accepting the reform that had been previously proposed multiple times.

Throughout the stages of WWII reconstruction in Germany, guest workers, refugees and immigrants were widely accepted and sought after as cheap labor (Mazower, 1998). From 1945 to 1950, the inflows of refugees from Eastern and Central Europe and Eastern Germany to Western Germany reached their peak. By the 1960's European countries such as France, Germany, and Switzerland competed for labor and established guest worker systems due to the decline in European immigration and refugee inflows (Mazower, 1998). The reduction in asylum applications throughout the 1950's and 1960's contributed to the liberal qualities of German asylum policy and highlighted the need for migrant labor. After the rise of the Berlin Wall in 1961, East German immigrants were not legally allowed to cross over to West Germany and therefore, contributed to the decline in the German labor force. This placed more pressure on West Germany to establish a greater economic reliance on non-ethnic German migrants and migrant workers to contribute to the German labor force (Geddes, 2003). Migrant workers and refugees were being sought to provide cheap labor, as a result of not only reconstruction and a decrease in the refugee and migrant inflows, but also the rise in the newly established capitalistic and industrial values (Mazower, 1998). These values were driven by the rise in market economy principles instilled by western influences and the need for expeditious economic growth. The

assistance provided by the Marshall Plan- the financial plan instilled by the United States to provide assistance to Western Europe, also helped drive the growth and expansion of the Western German economy.

However, throughout the 1970s and 1980s economic decline throughout Europe and in Germany particularly, led to an adverse effect. The economic pressures brought on by inflation, a steep decline in the economic growth rate, unemployment and the overabundance of guest workers led to a public perception of competition between migrants and nationals for jobs (Gibney 2004). In October of 1973, Egypt and Syria's attack on Israel led to the announcement of the reduction of oil production as well as an increase in oil prices to more than double what they had been at the beginning of 1973 (Sargent 2013). The acceleration and tightening of refugee admission procedures at local and states levels where the economic and social pressures of reacting to refugee inflows were felt, were highly debated at local and Federal levels of German government alike (Poutrus, 2014). Social discontent further enhanced the pressures to reform the West Germany's 'open' refugee policy. This became more evident as the number of foreign workers in Germany alone reached a total of 2.8 million by 1973.

To further highlight the negative effects of liberal asylum policy, the Christian Democratic Party of Germany (CDU) stood on a more nationalistic platform that may have helped to encourage the plurality of the German public to take a stance against permissive asylum policies. The CDU of West Germany came to power after the 1949 elections and remained in power throughout the 1950's; it had a moderately conservative appeal to the majority of the German electorate (Mazower, 1998). The Social Democratic Party (SPD) became their main opponent and dominated the left side of the political party spectrum. This was partly

caused by the ban on communist and political parties that were extremely to the left. In 1956 the German Constitution created this ban as a way to prevent the tainted events of the recent past from repeating themselves¹ (Judt, 2005). However, they were not able to secure the plurality of the voter support throughout the 1950s. After the reform of the party's socialist values, their electorate support improved in the 1961 and 1965 elections. The 1969 Federal elections were successful for the Social SPD party as they won the plurality of votes and parliamentary seats in the parliamentary election and became the true opposition of the CDU. The SPD party gained true recognition throughout the 1970s, as Willy Brandt, the party leader from 1969 to 1974 played the main role of repairing relations between the two Germanys and reaffirming unity between the German people by conducting the negotiations of the Moscow and Warsaw treaties of 1970 (Mazower, 1998). These treaties established the recognition of the German borders and frontiers, as well as establishing encouraging cross boarder movements between the two Germanys.

The CDU played a crucial role in pressuring the SPD to reform refugee procedures and cease from supporting the current liberal asylum policy that stood by the welcoming of refugees with open arms. After a great deal of debate and significant pressure placed by Conservative parties, the German parliament passed a 1980 amendment that accelerated the asylum determination procedure (Mazower, 1998). These new procedures helped to restrict asylum decision appeals and facilitated expulsions of refugees who were in Germany for economic reasons. The culmination of legislative procedures to help reduce the high numbers of asylum and migrant inflows came to the point where 17 new legislative reforms on asylum came to be after the CDU seized power in 1982 (Mazower, 1998). The 1984 and 1987 election campaigns

were used as a platform for the Conservative parties to further reiterate and highlight their negative views of German openness towards asylum; they argued that refugees and migrants were mostly criminals who were looking to benefit from and take advantage of the German economy and welfare state (Monfrote, 2006). Although German reunification is accredited to Helmut Kohl, the 1990 CDU candidate who ran on a German reunification ticket, had an immigration platform much less accepting of refugees than past chancellors, the majority of which established platforms under the SPD. After winning the plurality in Eastern Germany and the majority of Eastern Germans voting for the passing of German reunification policies, the treaty of unification was passed on August 23, 1990 joining East and West Germany together once again and further establishing the CDU's position as Germany's favored majority party. Chancellor Kohl's CDU and CSU held office from 1982-1998 and retained the "political strategy and policy of "no immigration," no road to citizenship, and "no recognition" of visible minorities" (Rensmann, 2014).

These anti-migrant perspectives were encouraged by the inflows of refugees caused by the fall of the iron curtain. Towards the end of the 1980's and early 1990's, migrant and refugee inflows increased significantly as the Cold War came to an end in 1989 after Mikhail Gorbachev came into power and established the reforming principles of glasnost (openness) and perestroika (restructuring) (Mazower, 1998). This marked the dissolution of the Soviet Union and initiating the migration of millions of ethnic Germans and other displaced persons from what was the Eastern Bloc, to Western European countries, mainly Germany. The early 1990s' violent attacks, xenophobia, and discrimination against refugees and other migrants increased, as the rise in migrant inflows caused apprehension among the German public. The main concerns came from

an economic standpoint, as the public viewed migrants as the main source of economic decline because of their dependency on the welfare state and the perception that migrants were taking the jobs of German nationals. Another factor that played into the German public opposition of accepting migrants were the effects of the fall of the Iron Curtain and reunification of East and Western Germany. Western Germany was in the midst of accepting refugees from Eastern European nations as well as taking in many Eastern German nationals and assisting in the rebuilding of Eastern Germany's economy and social stability.

In November of 1992, the governing parties, the Christian Democratic Union (CDU), Christian Social Union (CSU) and Free Democratic Party (FDP), and the main opposition party, the Social Democratic Party (SPD) agreed on the 1992 amendment of Article 16 of Germany's Basic Law on asylum (Fijalkowski, 1993). The amendment allowed for the expulsion of refugees back to the safe third country to which they first arrived, whereas before, asylum was granted regardless of their country of origin; it was unlawful to send a refugee back to where they came from. The implementation of a newly strict, yet cohesive deportation system enabled authorities to immediately reject the asylum claims falsely claiming persecution (Gibney, 2004). This allowed less room for refugees to be admitted or stay illegally. After this amendment, Conservative values helped shape German asylum policy and controlled the admittance of refugees.

The EU also played a major role in creating restrictions to German asylum policies as a response to the Schengen and Dublin Agreements. The Schengen Agreement signed in 1985 and implemented in 1990, specifies that signatories would be part of an area of free movement with one single external border in place of internal borders (EC Europa, 2016). This enabled the

citizens of these signatory nations to be entitled to the freedom of movement across other signatory nations in the EU. Four hundred million citizens, as well as other individuals who were visiting or traveling in the EU were now able to cross national borders without the limitation of providing some form of travel permit or having to go through border checks (EC Europa, 2016). All states under the Schengen Agreement are bound to following the rules and regulations of compliance with the pre-determined conditions of helping protect one's borders as well as those of other Schengen nations, and work together with the other nation's border patrol and law enforcement authorities. One of the downsides to this agreement had to do with the security measures that had to be taken. As all nations participating in Schengen agreed to the overall terms, this meant that some nations were legally bound to increase their border security, and immigration and asylum policies in order to protect their borders from further insurgence and massive inflows (Bosche, 2006). One of these nations was Germany. As one of the most powerful and economically successful EU nations, the concern with illegal immigrants and refugees being able to more easily gain access to Germany by passing through other Schengen nations, was a daunting yet realistic concern. For this reason, asylum, immigration, and border control procedures were all made more restrictive in the years following the agreement which helped to reduce the number of asylum applications in Germany (Piotrowicz, 1998).

The Dublin Regulation was originally established at the Dublin Convention in 1990 where EU states signed an agreement that helped to specify the responsibilities of each nation when it came to asylum intake. According to the policy, the first EU nation that a refugee arrives to is responsible for processing their application (EPRS, 2016). EU member states such as Germany, were relieved, as refugees that potentially planned on cutting through other EU nations

in order to take advantage of Germany's liberal asylum policies, were now forced by law to apply for asylum in the country where they first arrived. Therefore, this was yet another restriction on German asylum admissions.

The Schengen and Dublin agreements were seen by Germany as an opportunity to "seal themselves off" from the inflows of refugees that passed through other EU nations first, as they would have to apply for asylum in the first EU nation they arrived to (Gibney, 2004). Countries such as Greece, Italy, Hungary, and France are considered countries of first arrival due to their location on their proximity to refugee source countries. Migrants and refugees were now more likely to apply for asylum in these first arrival countries than in Germany.

Aside from the more obvious and inherent effects that being a member of the EU had on German asylum policy, it is necessary to also consider the responsibility that came with being a member of the EU. As a cooperative union of European states, factors such as migrant inflows and economic instability that occur in one state, can also affect the other member states, as their economies and supranational agreements link them together. The Schengen and Dublin agreements helped to restrict asylum admissions policy, and reduce the number of refugee inflows. Germany, being one among the member states, needed to adhere to the EU's standards by maintaining a stabilized population growth and economy as EU states became more interconnected. Therefore, Germany's political parties agreed to restrict their asylum acceptance policy in order to have more control over their national economy and population growth, as well as that of the EU's (Bosche, 2006). Also, the EU's Dublin Agreement did not align with Germany's constitutional right to asylum until after the 1992 constitutional amendment on asylum. Before the amendment, the provisions of the Dublin agreement did not coincide with

Germany's constitutional right to asylum and prevented Germany from fully taking advantage of the EU-level asylum policies (Bosche, 2006). This misalignment provided yet another reason to amend Article 16.

Chapter 3: Factors Contributing to Policy Change

3.1 Migrant inflows and Economic Pressures

In this section I examine how the convergence of several factors, including migrant inflows and increases in asylum applications in Germany, economic pressures resulting from the global economic decline after the 1973 Oil Crisis, the end of the Cold War, and German reunification, contributed to the German public's sentiment towards migrants and refugees.

Guest workers and migrants had been welcomed and sought after as a source of labor for the economic expansion throughout the post-WWII era in Western Germany. However, the global economic difficulties in the mid-1970s following the Oil Crisis sparked inflation and economic downfall throughout Europe and diminished the need for the external workforce. Along with the economic downturn, inflows of migrants began to increase significantly in the 1980s and early 1990s when the fall of the Iron Curtain caused millions of Eastern Europeans to become displaced or interested in beginning a new life in Western Europe. In 1992, three years after the end of the cold and German reunification, Germany received about half of all refugees in Europe and became one of the most popular destination countries for asylum seekers (Bosswick, 2000). Its reunification with Eastern Germany had major effects on West German immigration as East Germans and other Eastern Europeans sought asylum in Germany, as well as its economy that now had to be restructured in order to temporarily support Eastern Germany.

Migrant Inflows

As Table 1 shows, in 1980, Germany received a total of 107,818 asylum applications. From the late 1970s until the early 1980s, asylum policy reform became one of the main priorities among German political parties. I will describe the specifics of the party tactics later in this chapter. The result of such a large number of refugee applications in 1980 led to the implementation of a new Asylum Procedure Code in 1982 (Bosswick, 2000). As asylum application numbers dropped in 1981-1984, demands for further asylum policy restrictions were not as prominently displayed among the German public or as part of political party platforms. However, the topic came to the fore once again, when asylum applications were substantially increased to 73,832 in 1985, and 99,650 in 1986 (Table 1). As a result of the recommencement of significantly high numbers of asylum applications, an amendment to the Asylum Procedures Code of 1982 was made in 1987 which made it easier to deny asylum to refugees who had previously stayed in a safe third country for at least 3 months before applying for asylum in Germany. The restriction's effects can be seen with the significant decrease in asylum applications in 1987 to 57,379, compared to the rise in applications that occurred in 1985 and 1986 (Table 1). This suggests a strong correlation between the rise in asylum application numbers and the spotlight that is placed on asylum policy restriction by legislators and political parties.

These asylum procedures were only temporary fixes to the issue of migrant inflows that resurfaced in 1988 until 1992, when asylum applications peaked. At the end of the Cold War in 1988, asylum applications rose significantly to 103,076, and 121,315 in 1989, as Eastern European borders opened with the fall of the Iron Curtain. By 1992, 438,200 refugees sought

asylum in Germany alone (UNHCR, 2001). This was without a doubt a crisis that surprised and intimidated German Constituents as they feared their welfare system and job market would be impacted negatively by migrants, specifically, asylum seekers.

Table 1

Annual Number of New Asylum Cases in Germany (1980-1992)

Year	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992
Asylum Applications	107,818	49,391	37,423	19,737	35,278	73,832	99,650	57,379	103,076	121,315	193,063	256,112	438,191

Table 1: Total Annual Number of Asylum Applications in Germany. OECD International Migration Outlook, Special Focus: Managing the Labour Migration Beyond the Crisis (Paris: OECD, 2009)

The economic pressures that were felt as a result of the Oil Crisis of 1973, the fall of the Iron Curtain, the reunification of Western and Eastern Germany, and most importantly for the purposes of this study, the inflows of migrants and refugees, played a crucial role in pressuring the German public and then the German government to restrict asylum admissions policy.

Throughout the Post-WWII era of the 1950s and 1960s, the German economy was being rebuilt and relied heavily on the labor of migrants, refugees, and guest workers for growth. Germany went as far as setting up guest worker programs where workers from other nations such as Italy, Yugoslavia and Turkey were invited to work in Germany (Judt, 2005). The guest worker, or *Gastarbeiter* as they were called, were provided with limited social and economic rights compared to German nationals, as they were perceived to be temporary workers. From 1960-1965, a total net number of migrants was 66,700, and a total of 91,800 migrants came to

Germany from 1970-1975 (MPI, 2016). However, not only were the numbers of migrants increasing significantly when comparing the 1960s to the 1970s in Germany, but several economic issues created even more tension among German nationals and migrants, especially when it came to high unemployment rates and debates about who should have access to welfare.

Economic Pressures

Following WWII, Germany received aid from the Allies to help restructure its economy and established a stable economic infrastructure. Along with the labor provided by guest workers and migrants, the German economy was back on its feet by the mid 1950s. The economy remained steady throughout the 1950s and 1960s, and rose significantly in the early 1970s. However, by 1975, the annual percent of GDP growth rate for Germany and the EU as a whole, plummeted, as seen in Figure 1. The severe decline in GDP annual growth percentage is attributed to the increase in inflation and a decline in Germany's economic growth rate. Due to these declining domestic economic conditions, feelings towards refugees and migrants overall became more negative throughout Western Germany. After the fall of the Iron Curtain and reunification with Eastern Germany, the declining economic conditions in Germany became even more strained because of the increase of migrants from Eastern Europe as well as Western Germany's need to help repair the East German economy in order to bring it up to the same level as West Germany and enhance the unification process (Grabka et al. 1999).

Nineteen ninety was a significant year for the German economy as a whole. Not only was West Germany suffering economically from providing aid to and establishing a common market economy with the newly reunified Eastern Germany, but droves of Eastern European immigrants

and Eastern Germans migrated to Western Germany to find employment and more economically stable lives as unemployment rates rose throughout the Eastern bloc. The East German transition from the socialist economy to the Market economy's Deutsch Mark was known as having been a form of 'Shock Therapy' given to East Germany as part of its economic restructuring. The 'Shock Therapy' as it was called, was felt by both East and West Germany, and caused further resentment among German nationals towards migrants and refugees (Grabka et al. 1999). German nationals now had to compete for jobs with migrants from Eastern Germany and Eastern Europe as result of the rising unemployment rates of 18% in East Germany and 10% in West Germany (Grabka et al. 1999). Income inequality was yet another issue in reunified Germany that was thought to have been increased by the movement of migrants, however, the overall German economic inequality was actually lowered by migrant movements, as described in Grabka's 1999 study on the German income distribution. The income inequality along with high unemployment rates were more directly caused by the rise in economic tensions after reunification.

Piotrowicz (1998) argues that these economic costs placed a significant burden on West Germany to maintain a stable economy. Providing financial assistance to East Germany while attempting to receive an influx of refugees and sustain the welfare state placed significant economic pressures on both East and West German regions. German nationals were driven to believe that the once economically necessary migrant workers and refugees, were now just a mere burden on their economy after the economic downturn in the face of the 1973 Oil Crisis, inflation, increased rates of unemployment, and reunification struggles. Monfrote (2004) argues that the 1990 legislative elections were known as the 'asylum campaign' due to the constant

candidate debate on asylum policy. These debates caused media campaigns that encouraged the public to believe that refugees were ‘smugglers’ who were endangering the German welfare state and economy. In the next section, I will review the public opinion in Germany, as well as describe opposition towards migrants and refugees as expressed through hate crimes and xenophobic acts.

Figure 1

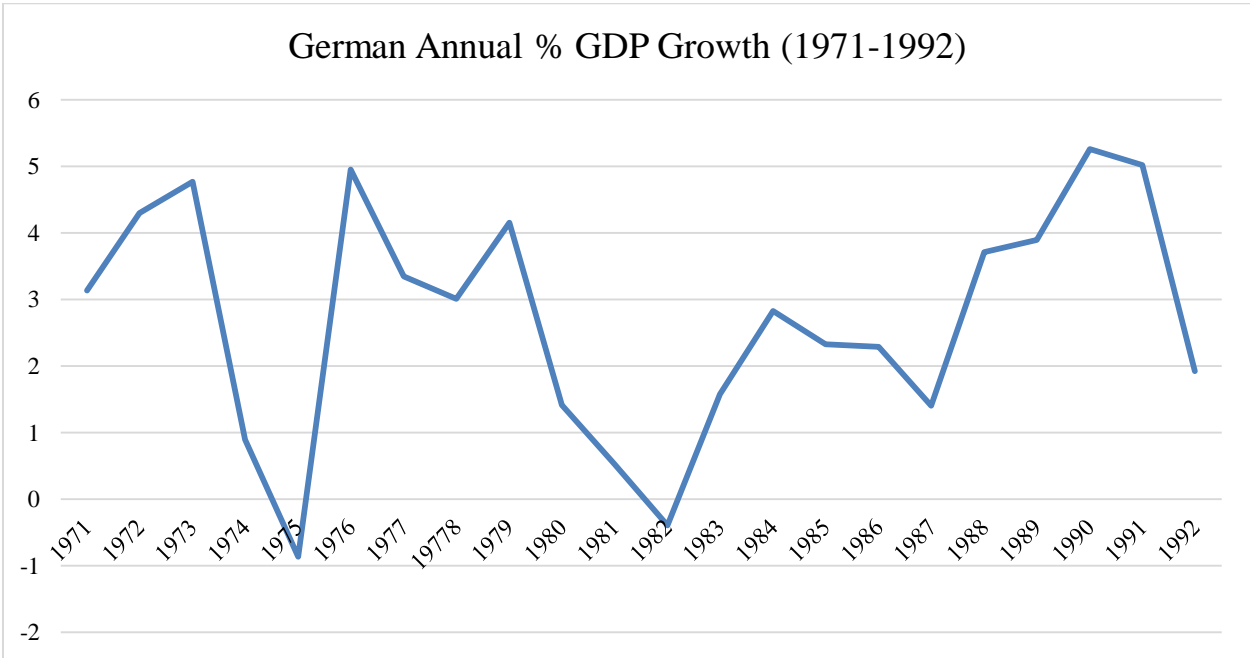


Figure 1: Germany Annual GDP % Growth. World Bank national accounts data, and OECD National Accounts data files. Germany Annual % GDP Growth (1960-1992).

3.2 Public Opinion and the Opposition towards Migrants and Refugees

In this section I discuss German public opinion results presented in Eurobarometer surveys from 1974 to 1992, as well as instances and statistical evidence of violent attacks conducted by neo-Nazi and nationalist groups on migrants and refugees throughout the early 1990's in order to show the correlation between the migrant inflows and economic instability,

and the German public's sentiments toward refugees, migrants, the right to asylum, and the country's economic standing. The results of the Eurobarometer surveys show that the state of the economy, high unemployment rates, and income inequality were constantly rated among the most important issues during this time by German nationals. Also, the right to asylum was ranked the lowest among Germans when asked about the rights and liberties of man that should always be respected (Eurobarometer, 1989). A majority answered in the affirmative when asked whether or not asylum policy reform was needed at the national level in order to control refugee inflows (Eurobarometer, 1992). The majority of Germans surveyed in 1990 stated that they thought there were too many non-EC nationals in Germany and that joint EC decision making was necessary in the area of political asylum (Eurobarometer, 1990). The increase in violent attacks and hate crimes carried out by neo-Nazi and nationalist groups from 1991 until 1993, as presented by the 1995 Human Rights Watch report, demonstrate that a small section of the German public reacted negatively to the influx of migrant inflows during the early 1990's and appears to have brought greater national attention to the area of refugee admissions policy (Human Rights Watch, 1995).

Violence and Opposition

Along with Germany's changing public attitudes towards migrants and refugees throughout the Cold War era and after reunification due to the large influxes in inflows, there were more evident signs that a portion of the German public showed strong opposition towards migrants. Hate crimes and xenophobic actions geared towards refugees and other migrants increased significantly throughout this period, particularly when large influxes of refugees were

seen in the early 1990's (Human Rights Watch, 1992). These anti-immigrant and anti-refugee sentiments were attributed to the fear and sometimes even hatred that was most likely felt by German nationalist groups, as they stood against migrants perceived as gaining German welfare rights and competing for jobs with ethnic Germans and German nationals. Although the majority of the German public stood against hate crimes towards migrants and refugees, nationalist and radically rightist groups caught national attention and seem to have brought more awareness to refugee admission reforms. A report conducted by the Migration Policy Institute concluded that 75% of Germans surveyed in 1992 thought that there were too many immigrants living in Germany (Abali, 2009). The main reasons behind the discontent with migrants are described by Gibney (2004), who focused on highlighting the effects of immigrant inflows on the public's negative perception of refugees. According to Gibney, the emergence of refugees that were so ethnically and culturally distinct from the majority of the German population, as well as the evident contempt that most economically depressed Eastern German *Länders* felt, caused a great deal of anti-refugee and anti-immigrant violence and sentiments among the German public (p. 96).

Piotrowicz (1998), described the extreme racial tensions that arose between German nationals and refugees among other immigrants in 1992. According to Piotrowicz, racial and xenophobic attacks against refugees were "daily occurrences." The segregation of refugees from the rest of the German population, by placing them in separate housing facilities located in less favorable areas of town, can be viewed as a representation of the xenophobia that arose, and created a greater amount of separation and anti-migrant sentiment as refugees were constantly viewed as outsiders.

Examples of xenophobic and racially fueled actions towards migrants were compiled by the Human Rights Watch/Helsinki Report and recorded in the book “Germany for Germans” (1995). As noted in the literature, right-wing and neo-Nazi groups grew significantly in the nineteen nineties. Thirty neo-Nazi groups and forty right-wing organizations were active in Germany, as reported by the German Government in 1991 with a total membership of 39,800. In 1992 these numbers increased to thirty-three neo-Nazi groups and forty-nine right-wing groups, increasing the overall membership of extremists to 41,900 (Human Rights Watch, 1995). As far as describing the types of targeted acts towards migrants and foreigners conducted by these groups, the racist ideologies shared by the group members encouraged them to wage verbal and as well as physical acts of violence. In 1991 the total number of crimes carried out against immigrants by right-wing nationals totaled 3,884, rose to a remarkable 7,121 in 1992 and to 10,561 in 1993 (Human Rights Watch, 1995). However, violent crimes targeted towards foreigners slightly decreased in the period between 1992 and 1993. By 1994, violent right-wing crimes decreased to 1,233. Violence and xenophobic acts varied greatly among the different regions, as well as between West and East Germany. It is reported that Western German states were responsible for the majority of xenophobic violent crimes in 1992, as East Germany held significantly lower anti-migrant crime rates because the ratio of ‘foreigners to Germans’ was not as high as in Western Germany as it was in Eastern Germany (Helsinki Watch 1992).

There are several examples of such violence throughout Germany, there are several that hold the most significance because of the casualties that resulted from them. On May 29, 1993 in Solingen Germany, the Genc family of Turkish origin were killed in a home fire that was thought to have been started by right-wing extremists, as authorities found swastikas freshly scratched

into the dirt and outside of their building (Human Rights Watch). The year before, two Turkish apartment buildings were firebombed, killing three people. The fire department was called to report the event by some stating “Heil Hitler.” Police responses to such attacks were varied depending on the structure of the local governance and police networks. Most police responses lacked in effectiveness and swiftness when it came to answering to calls regarding attacks on refugees and migrants. However, West German authorities were generally quicker and more effective at responding to such attacks. An example of this is seen when neo-Nazis in Magdeburg sought to attack foreigners in May of 1994. Five African refugees were targeted. They were beaten and stabbed and had to seek refuge in a foreigner-owned café while waiting for the police to arrive. It was reported that it took over half an hour for authorities to arrive at the scene (Human Rights Watch, 1995). Although several organizations were disbanded by the German government due to their violence and other hate-fueled actions, anti-immigrant sentiments remained whether these groups were discredited or not.

A 1993 New York Times Article by Papamarkos outlines the common German population’s sentiments towards the violence and discrimination that migrants and foreigners in their country faced on an almost daily basis. Most of the individuals interviewed stated that the majority of the German population stands against these horrific acts against foreigners. However, there still needs to be more done, not only to control the ‘skinheads’ who usually carry out these types of attacks, but to also fix the ‘relaxed’ German asylum system in order to control migrant inflows, reduce the number of attacks, and help establish a better life for foreigners already living in Germany. The article also mentions that numerous demonstrations by pro-migrant Germans were coordinated in order to raise awareness of the maltreatment of foreigners and

contribute to putting an end to the targeted violence. An example given is that of a first division professional German soccer club sporting jerseys that read "My best friend is a foreigner" during the last game of their 1992 season (Papamarkos, 1993). Like this peaceful, yet effective demonstration, many others sprung up throughout 1992 as a mission to end the abuse of foreigners and as a response to the increase in brutalities inflicted on foreigners, particularly refugees, that same year. As written by another New York Times reporter in 1992, nearly 350,000 Germans came together at the German capital to protest the ongoing violence against migrants, refugees, and other foreigners. Important political figures such as German President Richard von Weizsacker and Chancellor Helmut Kohl spoke at this historical event and were both met with contempt from neo-Nazi groups (Whitney, 1992).

Public opinion results

Public opinion polls help to identify the attitudes of German nationals towards the migrant population throughout this period of time. One of the most well-known and widely used polling systems in Europe since 1973 for recording public opinion overall, and specifically within the EU nations is the Eurobarometer. The polling results from the Eurobarometer will be used in this thesis in order to compare the German public's attitudes toward migrants from the mid 1970's through the early 1990's. The context of the questions asked in each year's Eurobarometer survey vary. However, the ones reported here are used to help associate public sentiment toward foreigners, migrants, and refugees with the public's view on other national issues such as unemployment and the state of the economy. Eurobarometer surveys are conducted at each EC/EU nation. Thus public opinion in Germany can be compared to that of

other EU members. I examine how migrant inflows and economic factors may have affected public opinion. I expect to find that public opinion played a crucial role in influencing the German political party agendas to look more closely at asylum policy restrictions and eventually leading to the change in the constitutional asylum admissions policy.

The 1974 Eurobarometer results show that all EC nationals saw inflation as the most significant issue in Europe at the time. This was a result of the European economy's recession after the oil crisis in 1973 and rising inflation rates among Germany and other EU nations. The countries where most nationals expressed fear and concern over the high unemployment rates within their nation were the Netherlands, Germany, and Denmark (Eurobarometer 1974). By the time the 1980 Eurobarometer polls were conducted, the majority of EC nationals asked how well off their country was economically, compared to other member states, most felt as though their country was worse off compared to others, especially when it came to work, wages and industry development. Wage and income levels, as well as dynamic industries were ranked the highest among top disparities by German nationals. This signified that the economic downturn throughout the mid and late 1970s continued to have negative effects on Germans' economy perceptions of economic performance in the early 1980s (Eurobarometer, 1980).

The 1989 Eurobarometer's special edition report focused on measurements of racism and xenophobia across EC nations. The report began with the EC's Declaration against Racism and Xenophobia introduced in 1986. This declaration outlines the following principles; the recognition of xenophobic attitudes and actions against immigrants, and the member states' objective of working towards the elimination of racial discrimination. The agreements made among EC nations were on condemning intolerance, hostility and force against groups based on

race, religion and cultural differences, working towards ending segregation, and awareness of indecency, xenophobia, and racism. This report was published in the midst of xenophobic attacks across Europe and also throughout West Germany's *Länder*. When asked which was the most important issue that their nation currently faced, German citizens ranked unemployment as the most important, suggesting that the economy and unemployment rates were still a major concern. When EC community citizens were asked of their approval of racist movements, approved of racist and anti-racist movements, the majority said that they disapproved of racist movements but did not approve or strongly approve of antiracist movements. However, liberty and equality among citizens were considered to be equally important. When EC nationals were asked which rights and liberties of man should always be respected under all circumstances, the majority chose the right of asylum (51%) while the second most popular response was that the right to asylum 'depends' on the situation (42%). When German citizens were asked the same question, the majority of Germans responded by answering that equality (94%) and privacy (93%) should always be respected. The right to asylum was ranked the lowest with a support of 38%. This demonstrates that the German public ranked all other rights of man higher than the right to asylum. This could be because when this poll was conducted in the late 1980's, the number of asylum seekers and other migrants began to rise once again, fueling the German public's aversion towards their permissive policy on granting asylum.

When Germans were asked which nationalities first came to mind when asked about people from other nationalities, they responded: Turks (63%), Southern Europeans (26%), and Eastern Europeans (16%) as 'others.' Turks were first to come to mind when asked about people from another culture, as they were seen as the most culturally and ethnically distinct members of

German communities. When asked what came to mind when thinking about people from other races, 73% of respondents said that Muslims came to mind. When asked whether or not they thought that there were too many people from other nations in Germany, 50% of Germans responded in the affirmative. To the question of whether they would like to see the rights of non-EEC nationals improved, maintained, or restricted, 56% responded that rights should be restricted and that the right to asylum 'depends.' When Germans were asked about supporting legislation to further control the inflows of foreigners, the majority of Germans answered by saying that their constitution needed to change in order to control the inflows, or that EEC action needed to be taken to control or restrict the migration. The main attitudes recorded in Germany about the place of 'others' in their society showed that the majority held conservative attitudes towards tolerance and the granting of asylum rights (Eurobarometer, 1989).

In 1990 the Eurobarometer survey asked which social policy areas should be regulated at the EC level, and the lowest support was shown for social rights for people from non-member countries at 62% compared to other social policy areas that received 80 to 90% of the vote. Fifty-seven percent of Germans said that the adoption of a community charter for fundamental social rights would be a good thing, while the respective percentage in other EU nations ranged from 70 to 80%. This shows that the majority of Germans felt that EC level of support regarding social policy would be favorable, however, a portion of German respondents still held a more conservative standpoint, and wanted to keep social policy areas within their national realm and reserve social rights for nationals, not migrants coming from non-member countries. According to the results of a 1989 flash poll in the 1989 Eurobarometer report 78% of Germans said they favored reunification; they were also asked whether or not they agreed with East Germany

joining the EC, and 68% agreed. However, when asked if Central and Eastern Europeans should also be allowed to join the community, only 57% of Germans agreed. This demonstrates that Germans felt closer ties to East Germans and would prefer them as EC members than the more culturally, ethnically, and nationally distinct Eastern and Central Europeans. Lastly, when Germans were asked about what all Germans had in common, economic success (14%) was ranked among the lowest, showing the pessimism regarding the German economic state and income inequality.

As reported in the 1991 Eurobarometer results, when Germans were asked how they felt about immigrants who were not nationals of the EC countries, 58% of West Germans and 45% of East Germans said there were 'too many.' The results here correlate with the rise in asylum applications at the end of the Cold War from 1988 to 1992, as well as a rise in migration to Germany from Eastern Europe. Evidently, Germans were feeling the pressures of migrant inflows. When Germans were asked what should be done about people from different countries south of the Mediterranean who want to work in the EC, 61% of Western and Eastern Germans said that restrictions were needed. Twenty-five percent said that they should not be accepted at all, and only 11% said that they should be accepted without restrictions. When Germans were asked the same question about Eastern European workers, 62% of Western Germans and 64% of Eastern Germans said that restrictions were needed, 26% of Western Germans and 23% of East Germans said not to accept them at all. The same question was asked about asylum seekers who sought entry due to humanitarian rights violations, and 54% of Western Germans and 53% of Eastern Germans said that restrictions would be needed, while 27% of Western Germans and 11% of Eastern Germans said not to accept them. This also suggests the overall German mindset

that further restrictions were needed to help vet or deny potential entry to immigrants and asylum seekers, as well as to guest workers as a result of high unemployment rates and increasing migrant inflows. Unemployment was a large issue that faced the EC, as 79% of EC citizens said that fighting unemployment was the most important of all political problems. In Germany specifically, the fight against unemployment was also a significant national issue as 69% of West Germans and 87% of East Germans said that it was 'very important.' When it came to asking Germans about whether or not the rights of EC nationals should be extended to those who are not, but still live in Germany, most East and Western Germans said that rights should either be restricted or left as is. Only 12% of West Germans and 14% of East Germans said that the rights should be extended. The majority of Eastern and Western Germans agreed that non-EC nationals should not have the same rights as German nationals or that they should be restricted. This appears to be the result of the increase in refugees and Eastern European migrants that occurred in the early 90's as well as the economic struggle ensued the merging of the Eastern German economy with West Germany's, and again, dealing with inflation rates and income inequality. Evidently, German nationals felt an aversion to extending social rights such as welfare assistance and allowing migrant workers and asylum seekers to compete for jobs with German nationals.

Results from the 1992 Eurobarometer show that the main fears among German nationals were having too many immigrants, higher crime rates, and having to pay for others. The German population was fearful about: too much immigration (44%), opening borders to drugs and crime (43%) and having to pay for others (42%) (Eurobarometer, 1992). Also, 56% of Germans said that they predicted the economy would get worse in the year to come. When it came to asking about joint EC decision making, political asylum (59%), foreign policy (59%), and immigration

policy (71%) all were ranked highly among EC citizens. This demonstrates that almost half of the German population feared the continuous growth of immigration to their country and seemed to correlate with the fear that migrant inflows would make their borders more open to the transportation of drugs and criminal activity and that by becoming more integrated with the EC's policymaking in the areas of foreign, immigration, and asylum policy, it would provide greater national security. We can also see that almost half of the Germans polled were fearful about having to pay for others, and this seems to be correlated with the majority's prediction of the economy becoming worse within the next year as well as the rise in migrants that could have increased fears about having to pay for their welfare and government funded housing. The German public's negative view of their economic standing as a nation continued to be the most constant national view demonstrated in the Eurobarometer survey results throughout the mid-1970's and early 1990's. The majority of Germans polled agreed with joint EC decision making in the areas of political asylum, foreign policy, and immigration policy. This can be viewed as not only the German public's fondness for becoming more immersed in the EC community, but more importantly it demonstrates the German public's sense that their national government is not taking the steps necessary to control these external forces, and thus viewing that supranational decision making as the most effective in creating the correct policies in these areas.

3.3 Electoral Pressures on German Political Parties

The violent attacks targeting refugees, the growth of anti-immigrant political parties, and Constituents among the *Länder* requesting to further restrict asylum provisions heightened tensions among the public and political sectors (Gibney, 2004). According to Geddes in 1991,

76% of the German public agreed that an amendment to Article 16 was needed (2003). In this section I will describe how the constituency's electoral pressures on the main German political parties encouraged the change of asylum policy from liberal to restrictive in 1992.

Electoral Patterns

Although the right of center Christian Democratic Party (CDU) proposed an amendment to Article 16, first in 1988 and again in 1991, it was rejected by the Social Democratic Party (SPD), who at the time held the plurality of the seats in both the Bundestag and Bundestrat- the two legislative bodies in the German federal government. Bosswick (2000) states that the proposals made by Conservative parties, including the CDU on the amendment of the basic law, was not able to be passed because of the opposition of the Social Democratic party and most other leftist parties refusing to agree with amending the policy. In order to pass an amendment, a two-thirds majority vote was needed from both legislative houses, thus making it difficult to get past the SPD dominated Bundestag. For this reason, studying the federal elections and the campaign strategies that took place throughout this time period (1978-1990) are crucial to discovering whether or not the electoral pressures from voters contributed to the parties' platform, the changes they made to their campaign strategies while competing for the majority of seats in the Bundestag, and ultimately their decision to restrict asylum policy.

The German Bundestag is the main legislative body of the government. The Bundestag election results throughout the 1970s, until the 1990s showed stronger support for the Social Democratic Party (SPD) than its main opponent, the Christian Democratic Party (CDU). The Social Democrats are known for their more leftist, social democratic platform on social and

economic issues and the Christian Democrats for their conservative, right-leaning platform. The CDU was the dominant party in federal elections throughout the 1950s and 1960s by constantly winning the plurality of the vote, however, after the 1969 federal elections, the SPD secured the plurality of vote by restructuring their platform and were able to retain the plurality of the votes throughout the 1970s and 1980s, as seen in Table 2. In the 1972 German Bundestag elections, the votes cast totaled 37,761,589. Of those, 13,190,837 (35.2%) went to the CDU winning them 36% of seats, and 17,175,169 (45.8%) went to the SPD, securing the plurality of seats (46%) for their party. The results of the 1976 elections showed that the SPD continued to lead with its plurality of 16,099,019 (47.6%) votes and 43% of seats compared to the CDU that received 14,367,302 (38%) votes and 38% of seats. Throughout the 1970s, the SPD was able to secure a plurality of votes because of its strong leftist economic policy position. The leftist position is one that aligns with the economic concerns of the lower and middle working class constituents, as it encourages government intervention in the economy (mixed economy) and emphasizes the importance of the welfare state. Therefore, the popularity of the SPD party during this time period is attributed to the constituency's alignment with leftist economic values that were intended to help lift Germany from its recession and improve employment rates. However, by 1983, the margin between the two leading parties began to narrow as the SPD secured 14,865,807 (38.2%) votes and 39% of seats, and the CDU received 14,857,680 (38.1%) of the votes and 38% of seats. The SPD won the plurality of votes and seats once again in 1987, however, the margin was still quite small, with the SPD receiving 14,025,763 (37%) of votes and 37% of seats, and, the CDU following behind with 13,045,745 (34.4%) of the votes and 35% of seats. The most significant change took place during the nineteen-ninety Bundestag elections

when the CDU reclaimed its plurality of votes and seats with 17,055,116 (36.7%) of votes and 40% of seats, compared to the SPD's 15,545,366 (33.5%) votes and 36% of seats. The CDU was able to win the plurality of votes and seats in this election due to several factors, the most prominent being, Helmut Kohl's position as CDU party leader and Chancellor in 1975, as well as his popular German reunification platform. The CDU/CSU coalition used their candidate's popularity to their advantage and emphasized his credibility and expressed the positive economic changes and unification strategies that would take place under his administration. In a 1990 New York Times news article by Protzman, Kohl states, "Through it, for the people of Germany, unity will become tangible reality in decisive areas". In 1990 the CDU capitalized on Kohl's image of the German unifier, especially appealing to the new constituency made up of East German voters. Also, the West German CDU party under Kohl formed strategic alliances with the East German Christian Democratic parties and contributed to the CDU becoming not only the most popular party in West Germany, but also the dominant party in East Germany just in time for the 1990 election (Holzhacker, 1999). The 1990 German Democratic Republic's legislative election was the first truly free parliamentary election that took place since its formation in 1932. This was seen as an opportunity by the West German Christian Democrats who helped establish a strong following of the East German Christian Democrats among eastern Germans throughout the 1980's (Holzhacker, 1999). This tactic contributed to making the CDU the most dominant party in Eastern Germany, and was attributed to the success of the party as a whole after reunification. This tactic appeared to be successful as the election results showed that the CDU received the plurality with 36.7% of votes compared to the SPD, that received 33.5% of votes and the traditionally dominant Eastern German party, the PDS (Party of Democratic Socialism),

received only 1,892,381 votes (16.4%). Evidently, the CDU's campaign tactics worked when it came to gaining support from the Eastern German constituency. The CDU's main campaign tactic was that of reinforcing the importance of reunification and played off of this notion throughout its campaign for the 1990 elections.

Although the margin was still quite small, in 1994 the SPD reclaimed the plurality of votes with 17,140,354 (36.4%) votes and the plurality of seats (38%), compared to the CDU's 16,089,960 (34.2%) of votes and 36% of seats. The SPD was able to win the plurality once again by changing their campaign strategies and party platform in order to gain electoral support from the middle class and attract a larger number of East German voters as well.

Table 2

Republic of Germany Elections to the Bundestag (1972-1994)				
<i>Bundestag Election Year</i>	<i>Percentage of Votes</i>		<i>Percentage of Seats</i>	
	<i>CDU</i>	<i>SPD</i>	<i>CDU</i>	<i>SPD</i>
<i>1972</i>	<i>35.2%</i>	<i>45.8%</i>	<i>36%</i>	<i>46%</i>
<i>1976</i>	<i>38%</i>	<i>42.6%</i>	<i>38%</i>	<i>43%</i>
<i>1980</i>	<i>34.2%</i>	<i>42.9%</i>	<i>35%</i>	<i>44%</i>
<i>1983</i>	<i>38.1%</i>	<i>38.2%</i>	<i>38%</i>	<i>39%</i>
<i>1987</i>	<i>34.4%</i>	<i>37%</i>	<i>35%</i>	<i>37%</i>
<i>1990</i>	<i>36.7%</i>	<i>33.5%</i>	<i>40%</i>	<i>36%</i>
<i>1994</i>	<i>34.2%</i>	<i>36.4%</i>	<i>36%</i>	<i>38%</i>

Figure 2: Republic of Germany Elections to the Bundestag (1972-1994).

The Case of Munich

Party campaign strategies and platforms are partly reflections of the political parties' adherence to their constituency's concerns, whether or not the party succeeded or failed in the past, what national and international interests are currently present, and what other constituencies they are attempting to appeal to. Political parties utilized the media, interest groups, and other forms of outreach in order connect with their constituency and gain more insight on what issues were most pronounced throughout the local *Länder*. As said by Helmut Kohl in a 1990s interview with *Vanity Fair*;

“I can learn more in a weekend talking with those people about what's really going on in Germany than from a month of studying the experts' reports,” Kohl once remarked. “When there's disagreement between what they say and what the polls say, I trust them, because they're always right” (Allman).

The electoral weight of interest groups and other political elites are especially significant when it comes to affecting political party platforms and policy changes by helping voice the constituency's concerns to the higher levels of government. Karapin (2003) focuses on the influence of local challengers and politicians on political elites when it comes to changing immigration policy. Political elites are considered to be the most politically influential and powerful individuals involved in policy making. Karapin argues that elite-level politicians used local level mobilization of both anti-immigrant and pro-immigrant supporters to provoke the opposition and encourage support of their specific position. He bases his argument on the analysis of several different cases such as that of Munich's local government having a SPD-

Green majority and pro-immigrant stance, yet facing a constituency with a more anti-immigrant sentiment.

The analysis of Munich's citizen and elite relationship is what I focus on here, as the local-level mobilization around anti and pro-immigrant citizen stances shown in this example help to demonstrate the large influence of public mobilization and interest groups on local and ultimately, national-level elites.

Munich's localities were divided into boroughs which were governed by councils. These councils were made up of a majority of the SPD and Green party from 1990-1994 (Karapin 2003). The SPD-Green coalition were known to have a permissive ideology when it came to asylum policy, however, in the German *Länder* of Bavaria as a whole, the view toward refugees was more conservative and they preferred restriction on asylum policy. Relations among other cities in Bavaria, including Munich, grew tense throughout the early 1990's, as they faced a rise in asylum seekers and limited resources to maintain them. This caused an increase in grievances among the locals as resources such as housing and jobs had to be shared with refugees. Even though these sentiments and anti-immigrant movements were commonplace, there were low levels of anti-migrant violence within Munich and other Bavarian cities. Karapin (2003) describes the Südpark neighborhood's divided grievances that led to severe antipathy toward immigrants. The city council members were mostly members of the SPD and agreed with the idea of providing social welfare to refugees. When the city came up with the plan for building a refugee shelter in the Südpark neighborhood, most residents began to protest and express their grievances by forming interest groups such as the most well-known anti-migrant group, the Bürgerinitiative Slevogtstrasse/ Südpark (BISSS) that worked towards bringing attention to the

pressure that was being placed on local communities to house large groups of refugees. They were backed by local elites and national level politicians who went so far as encouraging many anti-migrant groups to call the mayor's office and complain about the refugee shelter and spread the word about the negative aspects of the shelter. However, the city ignored the pleas given and anti-migrant groups continued to rally and enact court cases on the grounds that adequate discussions had not been held on where the correct location for a refugee shelter would be before having it built, that southern Bavarian neighborhoods were being assigned more than their fair share of refugees, placing a refugee shelter near schools would be dangerous for their children and that the male refugees would be particularly violent and inappropriate towards women (Karapin, 2003). During protests held by anti-refugee and anti-migrants, many signs would read, "Germans are Asylanten" and "Asylanten Out", and others would be seen stating that refugees had more rights than most Germans. Elite-level attention was brought to the concerns related to the refugee shelter, as well as the anti-immigrant sentiment and the limitations to accommodating refugees that it implied. SPD member and mayor of Munich from 1984-1993, Gerog Kronawitter, as well as the BISSS, openly supported a constitutional amendment after seeing the unbearable conditions and overcrowding of refugee shelters in the area. Other city officials and borough leaders throughout Munich were against the opening of the shelter in the first place and stood against further refugee entry into Munich (Karapin 2003). On the other hand, pro-immigrant groups were made up of fewer citizens, and were smaller and their movements far less supported by local and national level elites. This overwhelming support for anti-immigrant groups over pro-immigrant groups occurred because the elite politicians needed the support from their localities and this caused them to take sides on the stance of asylum seeker policy

restrictions (Karapin 2003). Therefore, the majority of the elite-level support went to anti-immigrant movements, as to align with their constituency's grievances. This caused a great amount of competition among local elites, both within their localities and in the face of anti-immigrant and asylum movements taking place throughout Germany. The elite-level competitiveness reached its peak in 1992 when the refugee and migrant inflows increased drastically, the public's feelings towards refugees became more negative, and debates among these elites included further restricting asylum admission policy. Lobbying efforts among local level politicians to federal-level politicians then helped to create high-level government debates about the need for asylum restrictions. Local and federal-level election periods called for a rise in voter support for the candidates who were able to appeal to their constituents and react to their movements. Therefore, the fact that the majority of citizens believed that there needed to be asylum reform, and were against providing shelters or locally funded housing for refugees, aligned with the CDU's platform. Therefore, the SPD's pro-immigrant and refugee stance was not as popular among the public, causing them to lose support at local and federal levels of government.

Karapin's main conclusions of the effects of the *Länder's* citizens on elite politicians were that non-violent, anti-refugee reformist groups were wide-spread throughout the 1989-1994 period, especially among Western German citizens. He also found that these non-violent mobilizations were enhanced by the influence of local political elites along with social and economic grievances. Both pro and anti-immigrant local movements were seen as normal throughout the *Länder* and enhanced political competition and debate among both local and federal level elites. This increased the prominence of the asylum restriction subject, bringing it to

the national level and creating more pressure on asylum policy restriction as the Christian Democrats favored restrictive asylum policies in order to limit refugees in Germany. The CDU's general secretary, Volker Ruhe went as far as suggesting that the asylum issue should be used against the SPD throughout German localities, as the SPD refused to accept the CDU's proposed constitutional asylum policy restrictions (Karapin, 2003). This pressure on the SPD party, especially among local and federal-level elites contributed to their decision to accept the proposed constitutional amendment on Article 16.

The Media as a Reflection of Public Opinion and Campaign Strategies

Broadcasting Corporations throughout Germany have played a major role in influencing German public, as well as reflecting German public opinion and political party platforms and campaign tactics. Depending on which political party or ideological spectrum the broadcasting corporation is on, a news or radio station will either be identified as “red” -in support of the more socialist parties such as the SPD, or “black”- in support of more conservative values and the parties that support them such as the CDU/CSU whose stations were seen throughout Bavaria and South Western Germany (Conradt, 2005). Most television stations and networks in Germany of favoritism for the CDU and were more likely to broadcast campaign material that was flattering of their party and of conservative values. This demonstrates the overall support that the German public held for the CDU party. During the final stage of election campaigns in 1972-1987, television debates between parliamentary leaders were commonplace, as the parties would have a final chance at sharing their policy platforms with the public (Conradt, 2005). This largely worked in favor of the SPD party, as they received the plurality throughout this time period.

However, from 1990 until 1998, Chancellor Kohl and the Christian Democrats declined to participate in the debates out of fear of threatening his party's campaign with negative media exposure (Conradt, 2005).

The importance of television and other secondary media exposure for candidates and their party platforms was especially critical throughout the elections of the mid 1980s through the 1990s as more Germans relied on the media and more specifically, television ads to educate them on the policies and strategies of the German candidates and their parties during election cycles (Donsbach, 1997). It was found that eight out of ten Germans relied mainly on the news media (television, magazines, and newspapers) to help them decide which parties to support throughout election cycles during the late 1980s and 1990s (Donsbach, 1997). This reliance on news media further enhanced the public's political interests and participation as they were further exposed to political party platforms and candidates. Most importantly, the media can be used as a tool in this study, that can be seen as a reflection of the German public's views on party candidates, as well as social and economic issues.

The way in which the news media presented these platforms and candidate personalities was crucial in shaping their public image. During the 1990 elections, Donsbach notes that CDU party leader Helmut Kohl was mentioned three times more during television ads than the SPD party leader, Schröder (1997). When the SPD party was covered by the news media during the 1990 and 1994 election campaigns, the SPD party's coverage focused more on the negative aspects rather than the favorable ones. The CDU was more often given a favorable image among news media outlets and used Helmut Kohl's image to bring more appeal to their party. During the last few months of the campaigning period, the media more actively presented each party in

terms of their candidate's specific personal merits rather than the party's political motives. Most German periodicals, such as *Die Welt*, *Focus* magazine, and *Spiegel* presented a favorable image of Kohl, whereas *ZDF* magazine favored Scharping, and only the *ARD* and *RTL* news magazines presented both candidates in a more nonbiased way (Donsbach, 1997). Therefore, depending on the news source used by each citizen, their perspective on the candidate and party platforms would differ. However, as seen in this study, the majority of media coverage and support was focused on the CDU/CSU and Kohl as their candidate, as he was popular among the German public and projected a party platform that aligned with the majority of the public.

Throughout campaign elections, different campaign tactics were used to strategically enhance a party's image while expressing unfavorable remarks and pointing out unflattering features about the opposing party. The SDU had more negative appeals in campaign ads with 30% in 1983 and 45% in 1987, than did the CDU with their 25% in 1983 and 17% in 1987 (Holzhacker, 1999). However, the SPD completely stopped using this tactic in the 1994 elections and the CDU used it in 25% of its 1994 ads. Holzhacker also found that the SPD stopped using negative campaign tactics in order to be perceived as more appealing to the general German public and enhance their chances of winning the plurality in 1994 (1999). The CDU also used strategies to compare its economic competence against that of the SPD in order to demonstrate that they could better manage the economy. The SPD on the other hand presented their comparisons on policy issues against those of the CDU more often. In 1983, they compared their unemployment solutions with the CDU's and in 1987, they focused on comparing their unemployment tactics and social value platforms with the CDU's because the most prominent issues during the mid to late 1980s had to do with the negative and residual economic effects of

oil crisis in 1973 on unemployment (Holzhacker, 1999). However, after the SPD's loss in 1990, their clear-cut policy stance and comparisons to their opposition, shifted to more ambiguous standpoints and backed away from outright comparisons in order to adapt to the electorate changes and increase their chances of attracting support from last minute and undecided voters, as well as new Eastern German voters for the next election. This shows the importance of change in the electoral climate on political party campaign tactics. A 1993 New York Times article describes the Social Democrats' campaign tactics in the wake of their effort to win the plurality in the 1994 parliamentary election. Party leader Rudolf Scharping advised against any radical or significantly leftist social and economic policy agendas during the campaign cycle (Whitney, 1993). In a speech made to SPD party delegates he states; "I ask everyone here not to make long opposition speeches, but to lay the groundwork so that the Social Democrats can and should run the government." (Whitney, 1993). Rather than stress the negative qualities of their opposition, the CDU, the SPD focused on sharing the strengths of their own political platform. The most significant change to the CDU's campaign strategy since German unification and 1990 elections was their focusing on the past successes as a party such as that of helping to bring Germany together under the CDU Chancellor's leadership. The SPD's change in campaign strategies were impacted the most by electoral pressures as the changes in constituency, unification, and emergence of smaller third parties encouraged the SPD to strengthen their appeal to the masses depending on public concerns and needs.

Political Party Reactions to Changes in the Electoral Environment

Holzacker (1999) demonstrates how changes in the German electoral environment affected the two largest parties, the CDU/CSU and SPD's campaign platforms and campaign tactics, as well as the approach they took to communicate with their constituents. This longitudinal study gives a critical amount of insight into the electoral effects on the parties' campaign strategies from the 1987 through the 1994 elections and how they strategized their campaign communication to favor their party. Holzacker points out that these two German parties are broad-based. In other words, they attract voters from different party backgrounds, social groups and classes (1999). As a result of this, there is a great deal of competition among the two in order to secure swing voters whose party support varies from one election to the other. He takes each election, (1983, 1987, 1990, 1994) and analyzes the responses to the electoral changes by looking at factors such as the way in which the parties communicate to the electorate about the appeal of their chancellor candidate, the use of strategic responses- portraying a favorable image of their party or a negative perspective on the other party. He also looks at the party's policy platforms and how their social and economic positions change in each election. The study is conducted using a content analysis on campaign commercials. The findings showed that the main ideological differences between the CDU/CSU voters and the SPD voters are their social values. On the other hand, economic sentiments were widely the same across East and West Germany. Therefore, his main finding was that the true variations in campaign strategies were focused on the adapting of the political parties' social policy platforms to meet constituent demands.

After reunification the SPD and CDU/CSU parties faced several factors when it came to constructing their campaign strategies. During the nineteen ninety campaign, the factors were composed of appealing to the new Eastern German constituents who were more economically conservative and socially liberal than Western Germans, the overall increase in support for the CDU/CSU, as well as new parties entering into the picture, such as the Greens (Hozhakcker, 1999). From the 1987 elections to the 1990, the SPD took on a more leftist approach on social values in order to appeal to voters that were on the verge of voting for the Greens. However, after the loss in the 1990 elections, the SPD took on a more leftist economic platform to help gain the electoral support from the Eastern German working class voters for the 1994 elections and took less of a stance on its usually progressive social value stance (Hozhakcker, 1999). The CDU was typically more conservative with its social values and economic standpoint throughout their election cycles. However, during the 1987 electoral cycle, they were more to the left on the economic scale because of their platform on Germany's welfare and in the 1994 cycle they stood to defend conservative social values (Hozhakcker, 1999). As far as the parties' emphasis on their candidates as shown through campaign commercials, the CDU highlighted the leadership skills and competence of their candidate, whereas the SPD emphasized mostly the personal qualities of their candidate. The CDU's 1990 commercials emphasized their candidate's leadership and competence largely because of his popularity among both East and West German constituencies, as he was known as the unifier of Germany.

Scholars on the subject of asylum policy change have observed that the SPD's decision to agree to implement a stricter asylum policy resulted in the pressures caused by constituents to enact this policy change, and that they ultimately gave in to the compromise due to electoral

pressures (Hozhakcker, 1999; Donsbach, 1997). It is evident that the SPD changed their social issues platform due to potential electoral consequences, because they sought to appeal more to the East German constituency and maintain the lower and working class votes overall. The SPD did not agree to compromise or accept constitutional asylum policy restrictions until it was proposed to them a third time in 1992, after having lost the 1990 federal elections to their opponent, the CDU/CSU (Fijalkowski, 1993). It appears that their decision to accept the policy change was influenced by their pursuit of greater electoral support from their constituents who requested asylum restrictions. Also, the declining support of the SPD from middle class workers caused many of them to place their vote on a candidate from a party outside of the two majorities (Hozhakcker, 1999). The SPD wanted to win back and appeal to these voters along with the new constituency that was made up of Eastern Germans. The result of the changes made to their platform and policy stance led to the party's victory in the 1994 elections.

Chapter 4: The EU's Role in German Asylum Policy Change

In this chapter I focus on the influence of Germany's membership in the European Community (EC) on Germany's 1992 asylum policy change. I argue that as one of the founding members of the European Economic Community (EEC) that later became the EU, Germany had a significant influence on the growth and development of the EU and its member states due to its economic and military prominence and its crucial role in supporting the development of European integration programs. Although German nationalistic ideals at times hindered the public's support of European integration from Germany's initial move toward integration in 1950, to the 1970's, public backing began to increase after the end of the Cold War (Bosche,

2006). The gradual increase in support throughout the 1980's and 1990's helped promote integration programs and agreements such as the Schengen Agreement in 1985, the Dublin Regulation in 1990, and European monetary integration in 1999. For the purpose of this study, I will focus on the Schengen and Dublin agreements and their effects on border, immigration, and ultimately asylum acceptance restrictions at the EU level, and more specifically, at the German national level. I also describe how the Dublin and Schengen agreements were used as leverage by the German government as a way of demonstrating that further restrictions on asylum policy were needed at the national level to align with the EU's asylum regulations.

Germany officially joined the European Economic Community (EEC) as a founding member in 1958 along with Belgium, Luxembourg, the Netherlands, Italy and France (Encyclopedia Britannica, 2016). The European Community was established after the European Coal and Steel Community proved to be successful in connecting the European nations both politically and economically in 1950. The idea behind the creation of the European Community was to establish a more integrated union among European nations in hopes of avoiding conflict among their neighbors after witnessing the negative effects of WWII and establish an economic community among members (Encyclopedia Britannica, 2016). As a founding member of the EC, Germany helped to encourage and establish European policies and regulations at the intergovernmental level. An example of this can be seen with Germany being the main actor in the development of policy to encourage further unity among the EU states. The Saarbrücken agreement was implemented as a border control initiative between Germany and France in 1984 and served as the predecessor to the Schengen agreement (EC, 2000). The agreement capitalized on the free movement of people between both countries with limited border controls and checks.

It later became what we know as the Schengen agreement in 1985, after the Benelux countries decided to join the area of free movement. I will describe in greater detail the specifics of the Schengen agreement and its impact on asylum policy later on in this chapter. The Schengen agreement was seen as one of the first major moves toward political integration at the European level regarding the subject of asylum policy (Bosche, 2006). Among other agreements and regulations related to the European asylum policy was the Dublin Regulation (Bosche, 2006). As a signatory of the 1990 Dublin regulation, Germany was able to share the burden of refugee applications with the other signatory states. The regulation was created as the first intergovernmental asylum policy and was intended to help reduce and disperse the number of asylum applications coming into the EU member states and restrict refugees from applying for asylum to more than one member state (EC, 2016).

German public support of European integration increased in the 1990's, as concerns regarding the state of the national economy and rising unemployment rates contributed to the perceived need for stronger inter-state and supranational support. Also, the German public's backing of economically justified restrictions on asylum, and their low levels of support for human rights initiatives such as granting asylum, seem to have encouraged the German government to further integrate economic institutions and security measures with that of the European Union. In 1990 the Eurobarometer public opinion poll reported that 88% of German nationals polled said they stood in support of European Unification and the European Community (Eurobarometer, 1990). The majority of participants also held a favorable impression of the European Commission and European Parliament. When participants were asked whether or not there should be an EC level charter for the recognition of fundamental

social rights, 57% of German citizens believed it would be a positive thing, whereas, citizens from other member state agreed with the statement at a rate of 70-80% (Eurobarometer, 1990). Sixty- five percent of German interviewees said that the EC should ‘speed up economic, political, and monetary integration and 68% stated that they felt as though they would be compatible with a European identity if they were to become more integrated in the European community. By 1992 the majority of Germans polled on joint EC decision making agreed that political asylum, immigration policy, and foreign policy decisions should be made at the EC level (Eurobarometer, 1992). These results demonstrate that the German public’s support for further European integration and joint decision making at an intergovernmental level became more favorable in the 1990s, especially when it came to policies affecting the security and defense of their borders from outside influences such as migrants, refugees, and potential international threats.

The Schengen Agreement among EU member states was adopted in 1985. However, the idea behind the agreement was proposed in 1984 when German Chancellor Helmut Kohl and French president, Mitterand discussed the possibility of opening borders and limiting border controls by reducing checks and customs between their national borders. This proposal initially focused on speeding up the process of further European integration and encouraging economic unity among member states to be a part of the single European market economy (Bosche, 2006). Thus France and Germany signed the Saarbrucken agreement that served as a model for open border processes and procedures; the Benelux countries joined in the border-free union with the signing of the Schengen agreement in 1985.

After signing an agreement at Schengen, this opened up borders among Germany, France, Italy and the Benelux countries (Belgium, Luxemburg, the Netherlands) (EUR-Lex, 2009). The agreement established the principle that citizens were allowed free movement among the signatory nations and instead of having internal borders, one external border stood in its place (EUR-Lex, 2009). This open-border principle encouraged the EC to address the creation of security measures and asylum restrictions in order to maintain stability and safety among the Schengen states. This meant that the police and judiciary systems of these nations had to coordinate among each other in order to ensure consistence in checks and procedures at the borders, further enhancing integration among the five member states (Bosche, 2006). Although only five out of the ten EC nations were signatories of the Schengen Agreement, the free movement treaty was open to welcoming more EC member nations in the future. The Schengen Agreement was not yet part of the EC's governing structure until after the Amsterdam Treaty in 1997, the EC recognized the agreement and reacted by implementing EC-level security measures and policies such as the Dublin Regulation (EUR-Lex, 2009). Before Schengen, the EC had been focused on mainly integrating member states economically, however, after the free-movement of people was established among half of its countries, the EC was forced to create common visa procedures, common checks at external borders and asylum and refugee regulations. After the Schengen Agreement was established, asylum, immigration, and border control procedures were all made more restrictive throughout the EC member states, helping to reduce the number of asylum applications in each country, especially Germany (Piotrowicz, 1998).

The Schengen Agreement was not met with complete acceptance by EU citizens and security experts, as many were concerned about crime rates rising, increases in drug trafficking,

and illegal immigration (Bosche, 2006). Germany in particular was faced with having to react on a national level to the implications of Schengen. The cooperative framework that was the Schengen's free movement of people could not be utilized by Germany without having to face certain consequences, the most significant being Germany's reform of its liberal asylum admissions policy. In order to fully implement the Schengen's provisions, asylum policy restriction was needed. The reaction to the Schengen's free movement procedures at the European level can be seen with the EC's Dublin Convention pertaining to the allocation of asylum applications. At the national level, the reaction to the Schengen and Dublin Regulations is seen by Germany's decision to restrict its own constitutional asylum policy in alignment with the Dublin Regulation's directives and as a reaction to the Schengen's allowance of freedom of movement among EU and non-EU citizens living or visiting another Schengen country (Bosche 2006). If further restrictions at the national level were not taken, Germany may have faced consequences, the main one being that they would have received larger refugee inflows due to the openness of the Schengen along with the openness of German asylum policy, both increasing the appeal to apply for asylum in Germany. Therefore, the implementation of Schengen allowed Germany to show that asylum procedures and policies were needed at the EC level and that their national constitutional right to asylum was too liberal and would not align with the Schengen or EC asylum policies.

The Dublin Regulation was implemented in 1990 as one of the first refugee policies at the intergovernmental level, placing a common policy on asylum among the EU nations (EPRS 2016). These restrictions on asylum applications established the principle of 'one EU member state, one application.' The provisions of this agreement state that an asylum seeker must apply

for asylum in the first EU nation they arrive in and that the member state holds jurisdiction over the application process (EPRS 2016). This restriction enabled EU nations to have more control over the incoming asylum seekers and set the regulations for each member state to abide by in a cohesive set of asylum processing procedures at the intergovernmental level that encouraged quicker and more accurate processing of asylum applications (EPRS 2016). By only allowing asylum seekers to apply for asylum in one EU nation, this helped to reduce the number of asylum applications among member states and cut down on asylum ‘shopping’ (Fratzke, 2015).

However, one of the main concerns among nations, especially Germany, was that this regulation would actually increase the number of asylum applications in their nation, as refugees discovered Germany’s liberal asylum granting policy and proceeded to enter the EU through Germany in order to be granted asylum more easily than if they had applied for asylum in another member state. Therefore, this gave the German government, particularly the CDU/CSU party another reason to encourage the amendment to the constitutional right to asylum in order to improve its alignment with the EU-level asylum rules without facing the consequences of having asylum seekers choosing to apply for asylum in Germany because of its permissive asylum granting (Bosche, 2006).

Germany’s constitutional asylum policy created a great deal of economic and political strain throughout the 1980s and 1990s in particular. The emergence of the Schengen agreement and Dublin regulation immersed Germany more deeply into the European Community and emphasized the need to restrict asylum policy as a result of citizen grievances about becoming overburdened by refugees, the economic strains brought on by refugee influxes, and fears about how future inflows would be handled. German asylum policy was pushed into becoming more

restrictive and the need for EC intervention and the intergovernmental weaving of asylum policy measures were evident to most citizens and politicians. Before amending Article 16 of the German constitution, Germany had difficulty instilling the values of the Schengen and Dublin regulations, as the constitutional guarantee to asylum defined in Article 16, did not coincide with the rules and regulations created at the Schengen and Dublin conventions, thus preventing the German government from taking advantage of the EC-level asylum policies (Bosch 2006). Article 16's provisions stated that refugees who proved political persecution would be guaranteed asylum in Germany regardless of their country of origin. Therefore, the Dublin Regulation, which stated that the first member state in which a refugee arrives to is the one in charge of processing the asylum application, was not used as the German asylum processing procedure until the constitutional asylum policy was changed in 1992. This created greater tension among German nationals and political parties as center-right parties such as the CDU, took the issue of asylum and moved it up to the European level in order to overcome the opposition of the SPD party to further restriction (Bosche, 2006). The CDU utilized the importance of merging German domestic level asylum policy with the EU's asylum platform in order to help place pressure on the SPD, as well as on other members of the Bundestag that did not initially agree with the policy change. In a speech given by then Chancellor Helmut Kohl, in which he addressed the Bundestag, he spoke about the importance of increasing Germany's European integration following the Maastricht Conference in 1991:

Firstly, there is no going back on the road to European Union. As they face the future, the Member States of the European Community are now bound together in such a way that neither disintegration nor regression into the old nation-state mindset, with all its negative consequences, can be an option. This means that we have realized a core aim of

Germany's European policy (CVCE 1991).

Germany's restriction on asylum policy was enacted in 1993 when the German Bundestag agreed on the amendment of Article 16 of the Basic Law, creating a more restrictive asylum policy that would enable them to fully reap the benefits of the Schengen and Dublin provisions. However, the amendment was seen to be one of the most restrictive in the EU and had met the Dublin Agreement's policy framework. Therefore, it can be said that the German government may have used the Schengen and Dublin regulations as leverage to help show that further restriction on asylum policy was needed at the domestic level and used it to create a surprisingly restrictive asylum admissions policy. Bosche (2006) notes in her writing that it is not uncommon to see EU national governments try and manipulate or overstep domestic gridlocks by using the European level of governance as leverage, as was done by Germany's tactic of utilizing the Schengen and Dublin agreements to add appeal to the need for alignment with the European platform on asylum policy.

Chapter 5: Conclusions and Implications

5.1 Main Points of Research

In this chapter I review the main points of my research and discuss its findings and conclusions. I then discuss the implications and importance of these findings in current and future asylum policy. Lastly, I point to the limitations that I faced when conducting my research and share recommendations for future research within this subject area.

The main focus of my research was to discover the factors which may have contributed to the asylum policy change in Germany from liberal with its implementation in 1945, to restrictive in 1992 with the amendment of Article 16 of the Basic Law. After reviewing the literature and the data, I narrowed the factors down to the following: the rise in asylum applications and overall migration in the late 1980s and early 1990s with the end of the Cold War, as well as the onset of the German economic recession after the 1973 Oil Crisis; both contributed to the overall grievances and anti-migrant sentiment felt by the German public, causing electoral pressures on German political parties that seem to have ultimately led to the Bundestag's agreement on restricting the German constitutional right to asylum. Germany's place as a founding member of the EU also contributed to catalyzing the agreement on asylum policy change, as German asylum policy was not in alignment with EU policy until after the amendment of Article 16. In the following section, I will discuss in detail the findings pertaining to each one of these factors and discuss the conclusions that I reached as a result of the findings.

5.2 Findings and Conclusions

In this section I review the findings of this study and provide concluding remarks. It seems the influxes in asylum applications at the end of the Cold War affected the German public's view on migrants and asylum seekers in a negative way and brought more attention to the subject of asylum policy change in the media, throughout the *Länder* where most citizen grievances were voiced, among political party agendas and platforms, and within the German government's legislative action towards asylum processing procedures as well. German economic conditions played a main role in enhancing the public's anti-migrant sentiments and

provided further reasoning behind the perceived need to control immigrant and refugee inflows in order to protect the welfare state, job markets, and economic stability throughout Germany. Before the 1973 Oil Crisis, and subsequent economic crisis in Germany and other EU countries, refugees and guest workers were more widely accepted by the German public. However, due to the economic difficulties in the mid-1970's, Germans became wary of admitting migrants as readily because of high unemployment rates and economic uncertainty that was predicted to become worse as more migrants arrived. The economic pressures felt by German reunification in 1989 also highlighted the fears and disapproval of Germans towards migrants and refugees arriving from Eastern Germany and Eastern European countries.

These anti-migrant sentiments were at times presented in the form of violence and hate-crimes against migrants and refugees. Manifestations of fear and hatred were mostly conducted by members of nationalist and Neo-Nazi groups toward refugees as violent crimes reached 7,121 in 1992 and 10,561 in 1993 (Human Rights Watch, 1995). Although violent acts toward immigrants were seen mainly by these nationalist groups and most Germans did not partake in these types of activities, public opinion polls demonstrate the German public's unease regarding the German economic state as seen from the polling results conducted in 1974-1992 by the Eurobarometer. Polling results consistently showed German apprehension towards high unemployment and inflation rates. It seems as though economic uncertainty may have contributed to the majority of Germans agreeing that the rights of non-EEC nationals should be restricted and that their national constitutional right to asylum needed to change. Also, the low levels of public opinion support for granting asylum as a fundamental human right, and low levels of support for social policies being implemented at the EU level, show that most Germans

polled felt that granting asylum was not as important as granting other social rights, and that policies regarding social values and social rights should be kept within the jurisdiction of national policymaking (Eurobarometer 1990). However, there were still German nationals who felt as though certain social rights, such as the right to asylum should be a policy area instilled at the EU level. Support for EU level integration increased in the late 1980's and early 1990's, as German public support of joint EU decision-making on asylum, foreign policy, and immigration policy rose (Eurobarometer, 1992).

The overall German sentiment regarding non-EEC nationals can be seen as skeptical, as Eurobarometer results showed that Eastern German migrants were favored over migrants from other European nations, especially over Turkish migrants, who were seen to be the most culturally and ethnically different from Germans. This is also seen with the majority of Germans saying that there were too many non-EC migrants in Germany. The majority of Eastern and Western Germans agreed in the 1991 Eurobarometer, that further restrictions were needed on admitting refugees seeking humanitarian aid, demonstrating that the rise in refugee inflows may have led to these sentiments regarding asylum restriction. The 1992 Eurobarometer results show that most Germans agreed upon political asylum, immigration policy, and foreign policy being part of joint EC decision making. This may be a result of the German public's view of their national government not taking adequate initiative to protect their borders from outside influences and that EC-level decision making would be able to provide restrictions on asylum admissions policies, and decrease immigration and asylum inflows. Lastly, the German public's fear of having to pay for others, especially those who were non-EC nationals, suggests that these

fears may have been enhanced by the economic instability and apprehension of sharing the national welfare benefits with non-German and non-EC nationals.

After proposing the amendment of Article 16 of the Basic Law in 1988 and 1991 to the SPD, the CDU was unsuccessful at passing the legislative amendment mainly due to the SPD's plurality of seats in the Bundestag. The SPD held the plurality of seats in the Bundestag from 1972 until the 1990 federal election, when the CDU received the plurality of the vote (36.7%) and 40% of seats in the Bundestag. Tactics such as forming a coalition with the CSU and their party leader, Helmut Kohl's German unification campaign strategy that held up well with the Eastern German constituents overall, contributed to swinging the plurality of votes in his party's direction. It appears to be that after their 1990 defeat, the SPD reorganized their campaign tactics and party strategies in order to appeal to the new East German constituency and uphold their popularity among working class citizens as well.

The importance of interest groups, political elites and local level mobilization showed to play a crucial role in bringing the grievances of German citizens among the *Länder*, to the higher levels of government. The case of Munich, demonstrates that the local tensions rose in correlation with inflows of refugees in 1990, as competition for limited resources such as housing and jobs became a main grievance among Munich's citizens. Although the city's council was made up of mostly SPD members who favored providing social welfare to asylum seekers, several uprisings and demonstrations, as well as the formation and mobilizations of anti-migrant interest groups in neighborhoods such as Südpark, brought more attention to the refugee issue at local and national levels. Munich's mayor, Gero Kronawitter (1984-1993) and the anti-immigrant group, the BISSS supported a constitutional amendment on the German asylum policy

after seeing the conditions in which refugees had to live, facing overcrowding in refugee housing units, and witnessing protest and attacks on refugees and other migrants throughout the city (Karapin 2003). Although there were pro-immigrant groups as well, they made up a much smaller portion of the public and were not as readily supported by political elites. The study shows that both pro and anti-migrant movements were commonplace throughout the Lander and that political elites had played a main role in their mobilization; it appears that most political elites were aligning and supporting anti-migrant movements, especially when the majority of their constituency held anti-migrant ideals. The local level interest groups and demonstrations, as well as the debate among political elites at local levels regarding asylum policy reform, helped to bring the topic of asylum policy compromise to the forefront of the national-level of government (Karapin, 2003).

The prominence of the media in reflecting the views of the German public, as well as demonstrating political party tactics showed to have also played a role in influencing the public image of the CDU and SPD which may have contributed to the outcome of the 1990 and 1994 elections, as well as the change in the SPD's political platform and their compliance with amending asylum policy in 1992. The news media's more positive coverage of the CDU/CSU party and their party leader Helmut Kohl, seems to have encouraged further support for their party (Donsbach, 1997). The campaign tactics that each party used played a main role in demonstrating how they tried to appeal to their constituency and promote their party platform. In 1987 and 1990, the SPD party used more negative appeals in their ads, whereas during the 1994 election, they stopped using negative ads directed toward their opposition, the CDU and used more of an ambiguous approach to addressing policy platforms in their ads as an attempt to gain

more voter support. The SPD's change in its campaign strategies and platform seem to have been attributed to the electoral pressures they faced after German unification with the new East German constituency, as well as having lost the 1990 federal elections and wanting to regain the plurality of support they had in previous years.

Finally, according to the longitudinal study on campaign commercials conducted by Hozhakcker, it appears that electoral changes within the political environment had a direct effect on party campaign strategies and tactics. The findings show that the main ideological difference among the German constituency was on social issues. Sentiments towards economic issues are among the most consistent throughout the German constituency. Therefore, the adjustments made by the SPD and CDU in their campaign tactics, were designed to align with their constituent's ideologies and were seen within their party's social policy platform throughout their campaigns, asylum policy being one of them. Therefore, it can be said that the SPD's agreement with compromising on asylum policy change could have also been brought on by the constituency's pressures on the party to align with asylum policy reform, and become more moderate on their social values in order to appeal to the working class and Eastern German electorate. The changes to their party platform and campaign tactics seemed to have helped the SPD win the plurality in the 1994 elections by gaining electoral support from the German working class and new East German constituency.

Although Germany's EU membership is not as directly reflected on Germany asylum policy change compared to the other factors, it was still an important facet to take into account when considering the culmination of factors that led to German asylum policy reform.

The German public's support for furthering European integration was not a largely supported movement until the 1980s and 1990s. Support increased due to high unemployment rates and economic decline that encouraged German nationals to see the need for further integration and support among EU member states. Economically motivated restrictions on asylum, the low levels of support for social and human rights initiatives and sentiments about the national government not doing enough to properly address these issues, may have contributed to the public's support of further integrating policy areas such as immigration policy, asylum policy, and foreign policy.

Germany's place among the other members of the EU is one of leadership, as Germany was one of the founding members and contributed to the establishment of many EU integration programs. This can also be seen in Germany's border control agreement with France that later became the Schengen agreement. The Dublin agreement was then implemented by the EU as an intergovernmental asylum policy, partially in response to the open-movement brought on by the Schengen agreement. The Schengen agreement's provisions allowed EC nationals to travel throughout other signatory nations with minimal border checks and processing. This allowed for ease of travel and trade, however, security measures were seen as necessary to protect the external border.

The Dublin regulation was implemented in response to the Schengen agreement, in order to allow for quicker processing of asylum applications and protect signatory states from large refugee inflows. The agreement states that asylum seekers are only able to apply for asylum in the first member state in which they arrive in. This allowed for not only quicker processing, but also helped to control refugee inflows and 'asylum shopping' (Fratzke, 2015). However,

Germany was not able to utilize the Dublin regulation to its full potential because of its permissive constitutional asylum policy which was not in alignment with the EU provision on asylum. This allowed the CDU to point out the misalignment of the German asylum policy with that of the EU's, in order to place more pressure on the SPD to agree to asylum policy change (Bosche, 2006). Therefore, the German government seems to have used the Schengen and Dublin agreements, as well as European integration as leverage, in order to help pass asylum policy reform at the national level.

5.3 Implications and Recommendations

The findings of my study suggest that migrant and economic pressures played a direct role in influencing German public opinion on the right to asylum, on Germany's need to control asylum inflows, and protecting the German economy and welfare state from further decline. These sentiments then seem to have contributed to influencing political party strategies and platforms that adapted in accordance to their constituency's grievances and requests, which were mobilized by interest groups and political elites from the local-levels, to the national level, as seen with the case study of Munich. Germany's place in the EU also contributed to the perceived need for constitutional asylum policy reform, as Article 16 of the German Basic Law prevented Germany from implementing the Dublin Regulation's asylum application processes. This need for alignment with the EU's asylum policies was promoted by the CDU in order to place pressure on the SPD to support the asylum policy reform. Pressures from the CDU, the constituency, political elites, and interest groups, encouraged the SPD to change its platform in order to appeal to the electorate and improve the party's chances of winning the plurality in the

1994 election. Ultimately, it seems that the SPD's alignment with the electorate's demands affected their decision to compromise on asylum policy change in 1992.

The implications drawn from my research findings can be used as a model for analyzing the contributing factors that cause other nations in the EU to create more restrictive asylum policies. They could also be used to help predict whether or not another nation will restrict their asylum policy in the wake of a similar refugee crisis based on the same factors I analyzed in my study. Also the change in Germany's asylum policy during the 2015 Syrian Refugee Crisis to an 'open-door' policy on asylum, demonstrates that the topic of asylum policy change in Germany is ongoing and subject to future study. This time the policy change is seen to have moved from restrictive to liberal, making this research study relevant to modern-day asylum policy reforms and bringing up the question of why German asylum policy has become more liberal in the wake of the 2015 refugee crisis, when asylum policy became restrictive in 1992 after Germany faced large influxes in refugee inflows as well.

One limitation of this study may be the lack of primary sources to support the argument made. If I were to continue this research, I would use primary data such as interviews with academic experts and public officials.

Further research in this subject area would be to conduct a longitudinal study, in order to examine whether or not the same social, economic, and political factors contributed to the German asylum policy changes that took place in 2015 during the wake of the Syrian Refugee Crisis. Furthermore, it may be useful to use the same factors described in my study, and apply them to nations that have implemented asylum policy change, particularly in the midst of a

refugee crisis or influx. These factors could be provided as a model to predict the causes that account for asylum policy change.

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