

The End of Denial

Solidarity, Diversity, and Constitutional Patriotism in Germany

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IN THE 1980s and early 1990s, one could be forgiven for getting the impression that Germans had a monopoly on self-obsessed debates about their “identity.” When the country was still divided, politicians and intellectuals joined in what seemed to be an interminable series of ceremonies, conferences, and televised discussions about the meaning of Germany. Today, a united Germany has hardly found consensus on its ever elusive national identity; and yet, both the tone and the parameters of the debate have changed profoundly, and not just because of unification. Slowly, there is convergence on a definition of “Germanness” that is no longer ethnic, that is more accepting of immigrants, and that implies a less tortuous, though not complacent relation to its own past. This new self-conception might even hold lessons for the pan-European discussion about the integration of minorities and the future of the welfare state—a discussion in which it is often assumed that there has to be a trade-off between “solidarity” and “diversity.”

During the Bonn Republic, arguably the most successful—and morally most attractive—self-description of the country was the concept of “constitutional patriotism.” Initially coined by the political scientist Dolf Sternberger, a disciple of Hannah Arendt, and then adopted by Jürgen Habermas in the mid-1980s, constitutional patriotism referred to a form of political belonging centered on democratic principles and, more concretely, the achievements of the West German constitution. Critics charged that such a concept was merely temporary compensation for a proper national identity with a richer sense of history—which was supposedly available to other,

undivided nation-states. Skeptics also charged that, in itself, constitutional patriotism was too abstract and, as a particularly inappropriate metaphor went, “bloodless.” The writer Martin Walser, apparently taking poetic license, went furthest when he called it a typical product of the fashionable “political masturbation” of the 1980s.

After unification in 1990, many expected talk of constitutional patriotism to disappear. The dream of “post-nationalism,” the hope to show other European countries how to transcend traditional nationalism, appeared to be lost. A self-styled New Right sought a return to an unashamed defense of the national interest. Moderate voices like the Social Democrat historian Heinrich August Winkler—later to become an adviser to Gerhard Schröder—asked that Germans accept their status as a “post-classical nation-state.” In practice, pragmatism reigned, but unease lingered.

It was only ten years after unification that a less self-involved and less abstract debate finally began. No doubt, the timing had something to do with the fact that a red-green government had, at last, amended German citizenship law, privileging *jus soli* over *jus sanguinis* and finally abandoning the purely blood-based definition of Germanness that had been instituted under the Second Empire. In response, leading Christian Democrats called for a new conception of integration centered on the notion that immigrants ought to assimilate to what they called a German *Leitkultur* (literally: a guiding culture). The term had been coined by the Syrian-born German political scientist Bassam Tibi in 1997 to describe a “consensus on values”—in contrast to versions of multiculturalism that supposedly implied moral relativism.

As with so many identity debates, the one in 2000 was inconclusive. Most observers believed that *Leitkultur* had been rejected, not

least because its proponents could not say what was specifically cultural, let alone German about it. Values seemed at most to refer to political precepts enshrined in the German Basic Law, in which case *Leitkultur* was really another way of saying constitutional patriotism plus the imperative to learn the German language.

However, something did change in the first years of the new century. Schröder styled Germany a “power for peace” and persistently called for a more independent and, above all, more self-confident approach to foreign policy. Foreign observers with sharp tongues spoke of a new “social nationalism,” as the power for peace was also to embody a social model—in contrast, of course, to the United States. Paradoxically, the more Schröder himself began to dismantle the German social model, the more he defended it as an example for others.

This new social nationalism went hand in hand with an apparently changed attitude to the past. Günter Grass, most notably, started writing about the Germans as victims in the Second World War; a book about the bombing of German cities, by a maverick historian, became a surprise bestseller. Some observers detected a strange socio-psychological economy: the less the welfare state could render the present and the future secure, the more the past had to become a source of comfort or even an object of compassion.

This peculiar economy, however, did not always turn on zero-sum games. A logical and highly influential variant emerged with another surprise bestseller by yet another maverick historian: Götz Aly's 2005 *Hitler's People's State* reinterpreted Nazi success as being based on the fact that they had given the Germans a very generous welfare state, mostly by plundering Europe. Hitler, Aly contended, had been, above all, a “feel-good dictator.” Thus, discomfort with the welfare state in the present—even acceptance of its partial dismantling—and guilt about the past could now coincide. Parameters for debates about nationalism, patriotism, and integration began to shift considerably; old lines between left and right became blurred; and the possible ways in which solidarity in the past, present, and future might hang together have become significantly more complicated.

The real question is whether some of this

new identity talk is likely to translate into a different set of policies, especially as far as integration is concerned. Here it's important to get some basic facts straight and not to conflate different categories of alleged *Ausländer*, as frequently happens in German debates: For one, the influx of ethnic Germans from Russia and other Eastern countries has abated considerably, as has the number of asylum seekers, which peaked in the early 1990s and fell swiftly after the old—by European standards very liberal—asylum law was tightened. At the same time, the legal changes that were to recognize Germany as a “country of immigration” have so far not had the effects that friends and foes expected. There hasn't been a large wave of naturalizations, and neither have the quotas for a much-trumpeted German version of a green card been filled.

WHAT ABOUT the country's three million Muslims? High profile incidents such as the murder of a young Kurdish woman by her brothers have re-ignited debates about the emergence of so-called parallel societies; that is, traditionalist subcultures in which German laws do not apply, Turkish women are imported and forced to marry, and archaic honor codes justify the cold-blooded execution of women whose major offense is to “want to live like a German woman.” For many Germans, the murder of Hatun Sürücü in February 2005 was the German equivalent of the murder of Theo van Gogh—a shock causing both genuine soul-searching and scare-mongering, if not an outright “moral panic,” as the Dutch writer Gert Maak called what happened in the Netherlands after Van Gogh's murder in November 2004.

So far, there hasn't been much of a response to any of this from the Greens or Social Democrats. The Christian Democrats, who tended to repeat, “Germany is not a country of immigration” like a mantra of exclusion during the 1980s and 1990s, can't bring themselves to put it like this anymore—though many of them might like to return to an ethnic definition of citizenship. For now, they almost ritually denounce the “naïve multiculturalism” that Greens and Social Democrats allegedly dreamed about, even if it's impossible to pin-

point any proposals in the past that ever actually advocated a multiculturalism of parallel societies.

The president of the German Parliament, Christian Democrat Norbert Lammert, recently called for a renewed debate on the concept of *Leitkultur*, because “Multikulti was an illusion.” His actual proposals, however, did not go any further than constitutional patriotism plus the German language. In fact, he claimed that German was “the only really German thing” that was involved in his vision of *Leitkultur*. Other elements in what Lammert called a “canon of what keeps us together” were the rule of law and everyday civility. Although he gestured toward religion’s playing a “significant role” in making people aware again of their own culture, Lammert was quick to reassure citizens that initiatives in this regard would have to come from within civil society, not from the state.

Talk of different national models in different European countries persists, but there has been much convergence in recent years. Anglo-Dutch versions of multiculturalism have been abandoned. It’s important to note that these were always “multiculturalisms of fear,” in which concessions to minorities were made pre-emptively as part of a not very coherent strategy of pacification, rather than the multiculturalisms that followed Johann Herder in positively celebrating diversity. French republicanism is slowly becoming less uncomfortable with affirmative action, and the French state, rather than sticking to a strict policy of non-interference with religion, has gotten into the business of organizing its own interlocutor in the form of the *Conseil Français du Culte Musulman*. Almost all countries now insist on language requirements, on citizenship tests, on “nationalizing” or “Europeanizing” Islam through the training of local imams, and finally, on more or less elaborate civic rituals and oaths for newcomers.

Germany has now fallen behind this European consensus in two respects. Citizenship

ceremonies tend to reflect a traditional distrust of national symbolism, while at the same time there is an increasing tendency to insist on loyalty tests. Baden-Württemberg has this year become the first state to introduce a *Loyalitätsprüfung* comprising thirty questions that only Muslims have to answer. Not surprisingly, Muslim leaders feel that such a singling out is discriminatory.

Second, the German state has in principle been willing to grant the status of “public law corporation” to an Islamic organization, in the way it has done with the major Christian churches and with the Jews. Yet so far, no primary Islamic organization has emerged, for which “Muslim disunity” is usually blamed. In practice, however, Islamic organizations are already offering instruction in state schools, parallel to Catholic and Protestant instruction, if there is sufficient pupil demand.

Panglossianism ought to be resisted, but what is emerging both in Germany and in other European countries might well be described as constitutional patriotism: a pragmatic set of policies that certainly do not guarantee integration but are at least less constrained by outright denial (“we are not an immigration country”) or by the rhetoric of national traditions (“republicanism forbids positive discrimination”). And finally, there is, at least, an increasing perception that immigrants could be part of the solution to the problem of declining birth rates, rather than a threat to solidarity.

There is at least a small historical irony here. Constitutional patriotism, that artificial and abstract construct designed for one-half of a divided nation, is becoming the norm, not just in Germany, but also, and maybe even more so, more widely in Europe. In a peculiar and perhaps positive way, Thomas Mann’s nightmare—that there will be a German Europe, rather than a European Germany—appears to have come true. ●

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