

GERMAN LIBERALS AND THE INTEGRATION OF MUSLIM MINORITIES IN GERMANY

by

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EXECUTIVE SUMMARY

This paper examines the position of liberal intellectuals in Germany. In particular it focuses on how German liberals consider their position in German society and examines the liberal intellectual community's view on the integration of Germany's Muslim minority.¹ There are three main findings. First, classical liberalism does not exist in the sense that Anglo-Saxons would understand it. Second, there is little political basis in Germany for free market reforms. Domestic society is organized around an ethos that is hostile to classical liberalism. Third, there is no cohesive German national identity, and, as a result, there is no sense of liberal nationalism.

German liberalism has had an unhappy history. For 130 years, since the founding of the modern German state, liberalism has been under siege by its enemies. A general climate hostile to liberalism is not unique to Germany. However, what is remarkable about the history of German liberalism is its intellectual weakness and the reluctance of liberal intellectuals to aggressively participate in the political process. This has meant that liberal political representatives have never had a strong intellectual foundation for their political action and, hence, have generally failed to defend liberal principles. As a result German political liberalism can be described as a turncoat movement or one that regularly betrays its principles.

A deeply entrenched sclerosis has enveloped Germany's political system. This goes much deeper than the much-discussed high taxation rates and regulatory burdens on small businesses and the national labor market. These are just symptoms of the sclerotic priorities on which post-war Germany was built. At the heart of German stagnation are dominant features of German society – social solidarity, commitment to a social market economy, a rigid party and bureaucratic system, an environment hostile to radical ideas, and an education system that, through teaching the history of Nazi Germany, imbues Germans with a sense of guilt or resentment and hence imposes a dystopic sense of what it means to be German. Put in place in the years following World War II to heal the deep psychological wounds that permeated German society and to prevent a return to militaristic nationalism, sixty years on, these features of post-war nation-building have become national pathologies. The German national sclerosis has preserved a politically immature state where economic reform is extraordinarily difficult, robbed Germans of a functional national identity, and destroyed the prospects for, or at least delayed the redevelopment of, liberal nationalism. The result is that it has failed to provide a framework for a successful integration of Germany's Muslim minority. German liberal intellectuals are generally perceived to have had only a marginal influence on political outcomes - even in their chosen area of economic reform. They have largely failed as a group to engage on the subject of minority integration and, as a result, have even less influence on national integration policy than they do on economic debates.

¹ Germany has an estimated population of more than 3 million Muslims of which 2.1 million are ethnic Turks and a substantial number of the remainder, ethnic Arabs.

I. GERMANY AS AN ADOLESCENT STATE

It is a truism to say that all countries are prisoners of their own history. The mark of mature nation-states is the extent to which they are able to overcome the constraints of their own past, change course, and escape the collective traumas of their past. On the surface, Germany is a successful, modern, democratic nation-state. However, probing the relative handful of German classical liberals, reveals in them a deep insecurity – a feeling that they are under siege in a society that does not like or accept them as a part of the political mainstream, and that frequently seeks to silence them. Modern Germany, from Bismarck to the *Kaiserstaat* through to the upheavals of Weimar and the experiment with genocidal Fascism, was never appreciative of free markets. Yet, Germans had, until 1945, an extraordinarily strong sense of national identity, remarkable given that the German state, founded in 1871 is a relatively modern phenomenon. The basic tenets of classical liberalism – individual rights, free markets, and a strong national identity – are the three pillars of a confident, prosperous, and successful society. Today, Germans are left only with individual rights. Free markets are unpopular both with political elites and with the electorate, while German national identity has been deliberately suppressed by the state and the political elites as a reaction to Germany's past role as warmonger and perpetrator of genocide. What has resulted is a politically immature state, lacking a sense of self, desirous of the benefits of freedom but hostile to the uncertainty, responsibility, and costs that liberty imposes.

In short, modern Germany is an adolescent.

1871-1918 KAISER, KANZLER UND KAPITAL – THE ALLIANCE FOR THE DESTRUCTION OF EARLY LIBERALISM

It is no exaggeration to say that German classical liberalism was suffocated at birth. In contrast to classical liberalism, which in the United Kingdom and the Netherlands rose on the back of civic reform movements and a politically ambitious mercantile class, classical liberalism in the German Empire, from its founding in 1871 which united Prussia with other German-speaking statelets (excluding Austria), faced violent opposition by a strong alliance of oligopolistic industry and the state. To illustrate, it is worthwhile to compare briefly Germany, where liberalism failed, and the United Kingdom and the Netherlands, which developed strong liberal movements.

Britain settled on free trade through a bruising political debate culminating in the repeal of the Corn Laws. The Dutch favored market commerce by natural inclination as a major seafaring power. The lack of any serious empire meant that Germany engaged in relatively little overseas trade. Hence the economic and political incentives for free trade were weak, as was the very small overseas trading class who played such a politically important role in liberalizing economic and trade policy throughout the 19th century in the UK and Holland. German industry relied predominantly on domestically mined coal and iron for its economic development, imported relatively little agricultural produce, and sold relatively little abroad. Foreign trade, therefore, was seen as a greater threat than a benefit to an alliance of Prussian landowners, new

industrialists, old merchants and artisans (in a part of Europe where unreformed guilds held legally and socially privileged status for centuries). It was the aristocratic *Junker* (landowning and military) Prussian class that arguably was the most important political class. Prussia politically and geographically dominated the new Germany. The Prussian Kaisers and the Prussian Bismarck derived support from their colleagues in the Prussian aristocracy who had long held a privileged economic and political position. They were anti-free trade and, most of all, suspicious of the cosmopolitan, liberally minded lawyers, civil servants, and civic reform activists in rapidly growing German cities. By contrast with the experiences of the United Kingdom, the Netherlands, and the United States (which drew its leaders from a relatively wide geographic and professional class), German industrialization brought rule by a very narrow ruling class who formed a dominant alliance over 40 years to oppose economic liberalization. The few liberals who existed were in a permanent political minority, and were consistently excluded or sidelined from any real power on the national or provincial level. In cases where they did obtain power, liberals were actively undermined by Bismarck and his allies. In any case, the political leadership of the National Liberal Party in the late 19th and early 20th century committed themselves to mainstream Bismarckian nationalism without much effective opposition by the German liberal intellectuals of the time.

Rather than a liberal society based on free markets and individual rights, the National Liberals effectively favored cartels. This is not to say that the National Liberals' rhetoric was strongly against free trade, which they frequently supported, but their actions seldom backed up that rhetoric. When challenged by Bismarck on legislation concerning national identity or their weak defense of free markets, they caved, and frequently became more Bismarckian than some other German conservatives, participating in "essentially anti-liberal state actions,"² though this did not prevent Bismarck from dumping the National Liberals from the Government in 1879 over differences on free trade. In the early debates, German liberal intellectuals were largely silent or ineffective. Bismarck had two key objectives. First was to develop a robust German authoritarian nationalism, based on traditional Prussian values – discipline and order with loyalty to, and respect for, the state. The second goal was to defeat the revolutionary socialist movements that in his view accompanied industrialization by developing a workplace-based welfare system, while redirecting otherwise socialist zeal to love of Kaiser and fatherland.

Most of all, Bismarck feared the nascent socialist movement (as did the National Liberals). To keep the menace of socialism at bay, the Iron Chancellor developed a social welfare system, which remains today the bedrock of the German social market economy. Paying industrial workers a pension, along with health insurance and accident insurance, had widespread political support amongst the anti-liberal alliance, and in fact was supported by many in the socialist movement as well. A few liberals opposed the welfare measures, but this opposition was exceedingly unpopular, and those who opposed the introduction of welfare were quickly pressured into support – not the first time that supporters of liberals would see their political

² Leonhard, J. "Co-existence and conflict: structures and positions of nineteenth-century liberalism in Germany" in van Schie, P. and Voerman, G. (eds.) *The dividing line between success and failure: A comparison of liberalism in the Netherlands and Germany in the 19th and 20th centuries*, Lit Verlag, Berlin 2006 p. 30.

representatives as turncoats. For the factory worker, welfare now provided real advantages for being a member of the German nation-state, for which his conscription into the army and loyalty to the status quo was the price. In return for their cooperation on buying off the factory workers, German industry was given protection against competitors. What emerged from the Bismarckian welfare state in the late 19th century was the beginning of what is now known as “social solidarity”. That is to say Germans, as individuals, members of an economic class, and as a national community, expect protection provided by the state. This provided fertile ground for the successive development by a series of German regimes, of the welfare state.

The social contract designed by Bismarck and the Junker conservatives demanded a heavy price from the German electorate. This included acceptance of imperial power, authoritarian rule, a weakening of parliament, restrictions on free speech, the press, religion and habeas corpus. In return there would be welfare, and the development of a homogenous German national culture that drew its principles from centuries of Prussian authoritarianism. On the eve of war in 1914, Wilhelmine Germany was an authoritarian, industrialized welfare state with a strong sense of national identity and nationalism – but one that was built on militarism and not on the spirit of civic liberty.

1918-1945 NO SECOND CHANCES: DYSFUNCTIONAL DEMOCRACY, ECONOMIC COLLAPSE AND THE SLIDE INTO FASCISM

The interwar Weimar republic, despite its chaos, was undoubtedly the highpoint of German political liberalism, albeit a tragic one. Early during the Weimar period, the National Liberals split into the liberal-nationalist, cartel-supporting, crypto anti-Semitic German People's Party (DVP) and the social-liberal German Democratic Party (DDP) whose emphasis was on protecting social liberties, although seldom economic ones. Having said this, the DVP and the DDP played a key role in developing the liberal Weimar constitution, and negotiated their way into the government and staffed senior roles in the civil service.³ However, once in power, their liberal rhetoric was seldom backed up by legislative action. The liberals were unlucky in the sense that the timing of their accession to power could not have been worse. Crushed by the great depression, the DVP and DDP fell to fighting each other and failed utterly to reform the state to deal with the economic downturn. Neither party offered much against the popular revolutionary programs of the Communists and the Nazis – both of which proposed a new and expanded welfare state, through, respectively, class-based and nationality/ethnicity-based revolution. Fearful of the Communists, the DVP and DDP failed to stand up for even notionally liberal principles. Harkening back to the betrayers of liberal values under Bismarck, the German liberals utterly abandoned their principles so much so that in the dying years of the Weimar republic, the rhetoric of the liberal parties on culture and economics was not dissimilar to that of the Nazis. By the early 1930s, some liberal party organizations were calling for an end to “filth and trash” in the German media, the destruction of free-thinkers and for “radical measures”

³ See Vörländer, H. “The Case of German Liberalism” in van Schie et al. op.cit. p.64.

against the SPD, Germany's main social democratic party.⁴ In the end, both the DVP and DDP rolled over to the Nazis, with one of the DDP's founders Hjalmar Schacht serving as Hitler's Minister for Economics, President of the *Reichsbank* and lastly as Minister Without Portfolio. Later, like so many of Weimar's liberals who had made a pact with the devil and joined the National Socialists, he fell afoul of Nazi paranoia and intrigue during the last years of the war and was packed off to Dachau.

The social compact between state welfare and nationalist authoritarianism was intensified by the Nazi state. The National Socialists centralized the welfare state, so that Berlin, rather than the workplace and the provinces, controlled disbursements and benefits. The Bismarckian message remained the same, albeit with an emphasis on ethnicity (or, as the Nazis like to describe it, "race"). In effect this was the continuation of welfare in exchange for order and loyalty to the state. Indeed, social welfare played a key role in the NSDAP, both in rhetoric and policy. Freedom, law and bread were key rhetorical slogans in the music and speeches of the Nazis on the campaign trail and during their time in power. "German" socialism was acceptable. Marxism and liberalism were not. In fact the Nazis built the next level of German welfare dependency by extending it throughout the population and creating a massive welfare bureaucracy. Given that the designers of Germany's post-war social welfare system were trained by, and worked in, the Nazi bureaucratic welfare system, it is not surprising that the underlying principles of a strong welfare state, which in turn demanded loyalty from citizens, survived into and after the Nazi regime.

Another principle that survived Bismarck, Weimar and the Nazis, was what Germans, even today, call the *Rechtsstaat*, that is to say, a state based primarily on the rule of law. The concept of *Rechtsstaat* predates Wilhelmine Germany and actually provided some of the impetus for the 1848 revolution that sought an end to monarchical arbitrariness. The underlying ideology behind *Rechtsstaat* is one of the rule of law – the concept that society should have a set of institutional rules that permits recourse to that law. As the emphasis on *Rechtsstaat* is law, rather than justice, it is easily adaptable to the legal systems of totalitarian states, such as Nazi Germany and the former German Democratic Republic, which both claimed political legitimacy on the basis of factors including, but not restricted to, the *Rechtsstaat*.

Rechtsstaat is also important in explaining the historical weakness of liberalism in Germany, as the *Rechtsstaat* relies on a powerfully coercive set of rules that requires complimentary and administratively powerful state institutions. The moral catastrophe of the *Rechtsstaat* is illustrated by the fact that the Nazis campaigned on, amongst other things, their defense of the *Rechtsstaat*. After all was Weimar not in chaos? Was not liberalism too weak to defend the nation-state against internal and external enemies including Marxists, Social Democrats and Jewish capitalism? The answer was a strong leader, with a united cohort who in turn would create a new political environment in which law would be respected and implemented. Therefore two elements of the *Rechtsstaat* can be observed. First, *Rechtsstaat* is an authoritarian construct unless the definition of the underlying law is clarified. For example, the Nuremburg racial laws

⁴ Langewiesche, D. *Liberalism in Germany* Princeton University Press 2000 p. 284.

were a perfectly orderly set of rules, and those who implemented those laws were acting with full legal and judicial authority. Second, *Rechtsstaat* is a reference to the rule of law and not the operation of key liberal principles such as natural justice, procedural fairness and equality before the law, the principles that underpin the jurisprudence of the common law legal systems found in the Anglo-Saxon world. Like the strong welfare state, and thanks to a generation of Nazi-trained and employed lawyers who designed and implemented the post-1945 legal order, elements of the authoritarian *Rechtsstaat* would survive Adolf Hitler.

1945-1967: THIRD TIME LUCKY? THE FAILURE OF GERMAN LIBERALISM IN THE POST-WAR PERIOD

The superficial, turncoat nature of pre-1945 liberalism with its commitments to cartels and less-than-concrete commitments to individual rights is understandable in a context of national defeat and humiliation and ensuing political and economic instability after World War I. However turncoat liberalism continued after 1945. Many pre-war liberal members of the *Reichstag* abandoned Germany altogether and fewer still made any commitment to liberal politics after the war. Of the 80 liberal members of the *Reichstag*, prior to the forced dissolution of the DVP and DDP, only three joined the post-war liberal parliamentary parties.⁵ This is in stark contrast to pre-war members of the SPD and conservatives who rejoined their parties or successor parties in large numbers. Indeed, the first years of the FDP were troubled. Shortly after its founding 1948, the FDP's membership was flooded by former Nazis, including a senior adviser to Joseph Goebbels. As a result the party was decidedly cool on Atlanticism, rejected the concept of a conscript army to socialize the military in democracy, and demanded the return of the Iron Cross as a military decoration with or without the swastika.⁶

The German architects of the post-war socioeconomic system were largely middle-ranking functionaries in the Nazi administration such as Kurt Kiesinger whose political career included the posts of Chairman of the CDU, Prime Minister of Baden-Württemberg and three years as Federal Chancellor commencing in 1966. His colleagues who designed the social, economic and political fabric of the new Germany included those who had survived and thrived under the Nazi regime, particularly the Nazi's university system – most famously, Professor Alfred Müller-Armack, who developed the concept of the *Soziale Marktwirtschaft* ("social market" hereafter), as well as those such as Chancellor Ludwig Erhard who had chosen internal exile during the war and had spent much of 1939-1945 working on scenarios for a defeated post-war Germany (a risky affair during the Third Reich).

Despite the fact that German liberals were in government in an almost uninterrupted fashion between 1949 and 1966, there was no challenge to the growth of the social market economy. In lockstep with their CDU/CSU allies, the liberals in government sought social justice and dignity of the individual: key elements of Christian Democratic support for the welfare state, or as it was

⁵ Langewiesche op. cit. p.305.

⁶ Ibid. p.313.

known then, “Christian socialism”. The role of the liberals both in and outside politics was to represent their key interest group, professionals who felt neglected by the trade union base of the Social Democrats and the Protestant and Catholic bases of the CDU and CSU, respectively. As long as the social market economy state provided protection for the 3 “A” interest groups of the FDP (*Apotheken, Ärzte und Architekten – Pharmacists, Doctors and Architects*), the liberals were happy, given that it benefited them politically. In any case to have a place at the national political table, liberals were required in the post-war period to agree with the social market economy. Failure to do so was to invite the term of extremism – a particularly odious label in the post-war years. So the new form of social market was accommodated, and was rationalized as a liberal solution to policy problems. Not too much fuss was made against this new political consensus by the handful of liberal intellectuals. This was surely understandable. Marxism and capitalism had brought turmoil and ultimately trauma to Germany. The East Germans were enslaved under the former, while the Nazis had been reliant on support from the latter to finance their rise to power, and ultimately their war machine. Hence, both the socialist state and free markets were philosophically and practically incompatible with the new democratic society that Germany was attempting to create. Liberal principles of creating a society based on minimal state intervention and free markets that were discussed in exile during the war were quietly forgotten and the writings of Friedrich Hayek who railed against state interventionism were put to one side. The German liberals once again had been bought off.

1968-1998 – FOUR OF A KIND? 68ERS, REVOLUTIONARIES, GREENS AND NEO-MARXISTS

The German 1968 generation, affectionately known as the *Achtundsechziger* (68ers), rose to prominence during the government of Kurt Kiesinger, CDU Chancellor and former Nazi Party member. Once radicals enamored of street protests and direct action, they began to rise to stunning political prominence in German public life in the years following unification. The 68ers were largely university age students in Germany, most famously led by Joschka Fischer. Appalled by the legacy of their parents’ accommodation with National Socialism and the ex-Nazis such as Kiesinger and Müller-Armack who designed and controlled Germany’s levers of power, the German 68ers teamed up with their fellow revolutionaries such as Danny Cohn-Bendit and Bernard Kouchner in France and sought to bring revolution to the streets of European capitals. Their short-term efforts to bring about the violent transformation of society by staging sit-ins, blocking streets, burning cars and assaulting police failed, but in the medium and long-term, their actions were significant.

In many ways the 68er generation were liberals, although relatively few would identify themselves as such. They certainly took on values traditionally identified with the liberal left – the right to demonstrate, equal pay for women, equal rights for homosexuals, increased social welfare, a questioning of the past during a time when German government was run by men who frequently had benefited politically, socially and economically from Nazism. Most innovatively, the Greens made environmental protection their central cause. After the failure of the attempted revolution of 1968, its members dispersed. Some, disillusioned, dropped out of politics altogether and became successful investment bankers and management consultants. Others continued in leftist politics. A handful joined the violent terrorist left, the Baader-Meinhof Gang, to carry out bank robberies and political killings. Many became pacifists, and became involved in

nuclear disarmament campaigns and the nascent Green movement. A few joined the mainstream parties, the SPD, FDP, and the CDU/CSU, while on the other extreme a handful swapped their direct-action radicalism of the left for the right and signed up to a plethora of neo-Nazi parties and networks. But, like most young successful political activists, the 68ers learned the arts of political and policy organization in politics of rebellion against a system and institutions that had grown comfortable with the status quo. The few German classical liberal intellectuals who were active at the time looked on them with admiration. After all, wasn't Germany becoming a corporate state – far from the ideals of a free society? However the 68ers were only looking for a state that kept its fingers out of the bedroom, not the boardroom or citizens' wallets. The FDP, as the party of predominantly Protestant middle class professionals, was not particularly concerned with a class of people who culturally were outside the mainstream and who were to be universally condemned by politicians everywhere – particularly at a time when the FDP was having problems with the left-wing radicalism of its own youth wing.⁷ In the end, the German political liberals spent much of their time as a comfortable middle class party, wooed by the rest of the world on foreign policy, given their control of the Foreign Minister's post for an unprecedented 24 years from 1974 to 1998 under Hans-Dietrich Genscher and later Klaus Kinkel. Instead of tackling issues of slowing economic growth, the liberals in cabinet did little. One can only wonder what would have happened had they held the Finance Ministry for a quarter century. The suspicion is - not much.

1998-2006: VICTORY OF THE FIFTH COLUMN? THE GREENS GROW UP

1998 was an auspicious year for the Greens, most of whose senior ranks were 68ers celebrating the 30th anniversary of taking to the streets by taking ministerial positions in government following the formation of the SPD/Green coalition shortly after the elections of that year. The darlings of the media, those who had advocated revolutionary change three decades earlier, were now at the pinnacle of political power. Schröder – who was Chairman of the SPD's radical youth wing, the Young Socialists, in 1968 – was now a respectable middle-of-the-road, five-times married, Social Democratic Chancellor. Fischer was best known variously for a photo depicting him standing over a policeman ready to bash him over the head during a street riot or for calling the President of the *Bundestag* an "arsehole" from the floor of the federal parliament. Now, he was Foreign Minister. However the reach of the 68ers went much deeper and wider across German society than just parliamentary politics. They were in the military, civil service, business, non-governmental organizations, journalism, academia, and the arts. In some circumstances, the 68ers controlled entire policy processes.

Kosovo, or Kosova depending on whether one uses the Albanian spelling, is an interesting case in point as to how the Greens viewed how society should be built, and how they operated as a part of the political mainstream. In the rebuilding of the Kosova following defeat of the Serb

⁷ For an account of the ideological struggle in the FDP's youth wing during the 1970s and 1980s see r Doering, D. and Stockhausen-Doering, L. *Kräfte des Wandels? Liberale Jugendorganisationen von der sozialliberalen Koalition bis heute* COMDOK Verlagsabteilung, Sankt Augustin 1990.

forces, Fischer ensured that, since he was responsible for the effective rebuilding of the state, trusted 68ers would control the policy development and execution mechanisms. He lobbied hard for, and succeeded in getting, General Klaus Reinhardt, one of the most prominent of the 68ers to follow a military career, installed as the Commander of the international Kosovo Force (KFOR) and French 68er Bernard Kouchner installed as the head of the UN civilian administration in the province⁸. Kouchner, a former member of the French Communist Party and an old friend of Fischer, whose formal title was Special Representative of the Secretary-General was effectively a viceroy in Kosova and oversaw civilian operations. Kouchner is an interesting example of how the 68ers have maintained their social and political activist networks both in and out of parliamentary politics. A long-time comrade of Danny Cohn-Bendit (aka “Danny the Red”), Kouchner went on to found *Medecins sans Frontiers* (Doctors without Borders) and served as French Minister for Health and State Minister for Social Integration. The 68ers have been instrumental in forming an important left-liberal consensus that has become a norm in the theory and practice in 21st century international relations – an unwritten dependence by sovereign governments on the work undertaken by Non-Governmental Organizations that frequently advocate social market economies and consensus-driven political systems in their nation-building work.

Fischer’s efforts to install his people in Kosova did not end with Reinhardt and Kouchner. Another old 68er, Tom Koenigs was Fischer’s *Svengali* on Kosova in the Foreign Ministry and served as Kouchner’s deputy and ultimately as his successor. With Reinhardt commanding the multinational troops on the ground, Kouchner and Koenigs the civilian administrative chiefs, and Fischer in Berlin, Kosova marked the first time the 68ers had effective complete political-administrative control of a geographic entity. (While Fischer, Reinhardt and Kouchner have recently retired, Koenigs is politically very much alive in his position as the de facto civilian chief of reconstruction efforts in Afghanistan as the UN Secretary-General’s Special Representative, and is another example of how the hard-line Marxist left have gained respectability. Koenigs, who hails from an old Cologne banking family, famously donated his early paid-out inheritance to the Vietcong and left-wing guerillas in Chile who were fighting for the expansion of totalitarian Communism.

The emerging Kosovar state, and to a lesser extent, today’s Bosnia-Herzegovina, has a governance structure that reflects the priorities of much of the 68er movement. This means a form of economic and cultural leftism – collectivist, or at least communitarian institutions – dominates every level of public life from city councils to the national parliament and the executive. Individual rights are encouraged, but just in case social interaction does not work peacefully and spontaneously, every sphere of public life must be regulated. The 68ers sought then, and their intellectual heirs seek now, to use regulation as a weapon against what they see as rabid individualism encouraged by the market and the authoritarian state represented by the bureaucratic-military complex. In short, the legacy of the 68ers has been social liberalism,

⁸ The civil administration answerable formally to the United Nations’ Secretary-General was the United Nations Mission in Kosovo (UNMIK). Politically though, little significant could occur without the permission of Fischer or his staff.

economic statism and a state hostile to the use of violence (as evidenced by the evolution of the doctrine of “force protection” rather than force projection where the *Bundeswehr* has been deployed - Bosnia, Kosova, Afghanistan and, most recently, off the Lebanese coast).

The outcome of the 68ers’ domination of German political life has not been a new form of liberalism, as some in Germany hoped, as much as a leftism without the cult of Marx. No doubt this is a reaction to the bad totalitarian days of East Germany, which is viewed with hidden nostalgia by a significant number of supporters of its competition on the left, the Party of Democratic Socialism (PDS) who teamed up with left-wing dissidents in the SPD, to form *Die Linke* – The Left Party.

The irony of the 68ers’ position today is that they have become mainstream. They are no longer the party of protest, and, with their significant support amongst new retirees, they have become a part of the problem.⁹ How will a party committed to social protection of its core constituency maintain pensions in a rapidly ageing corporatist state where entrepreneurship is discouraged? Perhaps, as some have posited, the Greens may become the true new liberals if the realist (*Realo*) faction can isolate their fundamentalist opponents in the party, derogatively coined *die Fundis* (the fundamentalists), and join the conservative CDU/CSU and FDP in what has been touted as a “Jamaica Coalition” – the party colors of the CDU/CSU, FDP, and Greens being black, yellow, and green respectively.

While there are some advocates of low taxes within the Greens, their importance has been exaggerated by commentators, and in most cases, calls for tax reduction have actually been designed to protect pensioners and students and to promote “environmentally friendly” industries – the key constituencies of the Greens, in the same way that churches, trade unions, and professionals are the respective core constituencies of the CDU/CSU, SPD, and FDP.

On the contrary, there is little to suggest that the Greens in government would be a liberalizing force in the economic sense. The Greens, historically, had few arguments with the regime in East Berlin. The GDR, complained the 68ers among the Greens (or at least those who did not end up as “unofficial cooperators” with the Stasi), had two major faults – they locked up dissenters in the name of Marx, and they wrecked the German environment with the socialist state’s extensive use of brown coal. The East Germans’ error was not the reordering of society – but rather that they did it in a cruel and irresponsible way. Collectivism is acceptable, but it must be undertaken by extensive regulation and if necessary enforced by street protest. Now that the 68ers have come into, and lost government and Marxist direct action street protest is long forgotten, what is left for leftists who support civil rights but are skeptical of economic rights?

Joschka Fischer summed this up in a recent interview to the left-leaning German daily *Tageszeitung* newspaper:

⁹ Neither are the left wing of of the SPD nor the PDS/Die Linke a part of the political fringe. They are also part of the mainstream. See Maxeiner, D. and Miersch, M. *Ist die Linke noch Links?* Liberales Institut, Potsdam, 2006.

A modern left party means understanding contemporary society...no longer the old workers and class society. Nonetheless, the Left's core themes such as social justice and equal opportunity have to remain at the centre of our politics, only defined anew - as distributive justice, accessibility justice, generational justice. When I speak with my grown-up children and their friends, I realize that there is a deep desire among the younger generation to live out its individuality on the one hand and to maintain social coherence on the other, even beyond the classic small family.¹⁰

These are the new themes of the German left – justice, individuality, and social coherence. German political and intellectual liberalism has largely acquiesced, in other words, to what has become known as “social solidarity.”

¹⁰ Interview with *Die Tageszeitung* 23 September 2005, available on the newspaper's web archive.

II. THE CURRENT STATE OF GERMAN LIBERALISM

Judging by the “end of history” thesis, at least, the maturity and success of a nation-state depends on the extent to which it progresses to a system where individual political and economic rights are respected. This means that liberals at some point in time should be the dominant force. Yet, apart from a short period in Weimar Germany, this has arguably never been the case and today the description of a public figure or intellectual as a “neo-liberal” or even a “liberal” is frequently one of denigration.

The exact definition of what constitutes German liberalism is unclear and the subject of much debate. Generally the term “liberalism” in Germany is synonymous with the notionally liberal party, the FDP. As will be discussed later on, only some liberals see themselves as supporting the FDP – whose policies frequently do not match liberal rhetoric. In any case, German liberalism is not one that liberals in English-speaking countries would understand unambiguously as classical liberalism. There is little appetite in Germany for the economic liberalism of Margaret Thatcher involving deregulation and tax reform. Guido Westerwelle, the FDP Federal Party Leader, recently admitted as much when he intimated that he was closer to Tony Blair than Margaret Thatcher. Neither has the FDP ever been keen on the concept of liberal nationalism.

Given that not all German liberals support the FDP, a brief discussion of what constitutes the philosophy of German liberalism is warranted. The idea underpinning German liberalism has an entirely different emphasis than that found in the liberalism that has underpinned radical reform in the English-speaking world. Successive liberal movements in the United States, the United Kingdom, Canada, Ireland, Australia and New Zealand have stressed free markets and individual rights in rhetoric, policy formulation, and implementation. Anglo-Saxon classical liberals are also more concerned with freedom and less worried about order.¹¹ They generally oppose as suffocating or counter-productive government intervention in the name of a highly-structured, orderly society. Instead, classical liberals stress the importance of individual autonomy; the belief in the capacity of people to be upwardly mobile; and the idea that fewer, rather than more, rules in public life are needed. In short Anglo-Saxon liberals are happy with ambiguity and a self-regulating society. Laissez-faire policies may result in less order and less structure, but things work themselves out in the end.

On the other hand, German liberals are much more cautious about advocating a policy framework based entirely on classical liberalism. Those Germans who favor free markets and individual rights do so ambiguously. For German liberals, free markets must occur within the framework of an orderly society. For the generations of Germans born since 1945, this means the social market economy and instinctive cooperation with, rather than the destruction of,

¹¹ A few German liberal intellectuals do sympathize with this Anglo-Saxon position. See for example Doering, D. “Einleitung” in *Kleines Lesebuch über den Liberalismus*, Academia Verlag, Sankt Augustin, 2005 pp.9-10.

institutions and norms that promote social solidarity.¹² Free markets are the best method of bringing order to society and curtailing the danger of cartels and particularly the abuse of power by cartel capitalism. (Cartels sustained and funded militant authoritarian nationalism under Bismarck, Wilhelmine Germany, Weimar, and Hitler). The rationale for free markets and promotion of individual rights therefore is not that this maximizes political, social, and economic freedom, but rather that it brings order to a society with a penchant for self-destruction.¹³

Not surprisingly, then, German liberals have come up with the term *Ordoliberalismus* (Order Liberalism) to describe their creed, and hence they are self-named the *Ordoliberalen* (Order Liberals). The ordoliberals, writes prominent liberal intellectual Michael Wolgemuth look:

...for institutional ways of avoiding in the future two dramatic experiences of German political-economic history: (a) a highly cartelised, regulated and conflict-ridden German economy as the state was captured by vested interests during the Weimar Republic (1919-33) and (b) the destruction of the rule of law during the Nazi-regime...¹⁴

This highlights the dystopic and traumatized self-image of German liberals. Derided and attacked by Bismarck, the Weimar industrialists, the Nazis, the German Communists in East Germany, and the Social Democrats and many Christian Democrats in the West, German liberalism is intrinsically cautious. For the ordoliberals the history of Germany means that private law is not sufficient to guarantee freedoms. After all, was it not the case that Wilhelmine and Weimar Germany were distinguished by the rise of private law under the *Rechtsstaat*?

There is a small class of German liberal intellectuals aware of this dysfunctionality – and hence some hope for a more classical version of liberalism. A small group of ordoliberals, mainly young professionals and recent graduates in their late 20s to mid-40s, are exploring the themes of “more freedom for more people” in ordoliberal publications and within liberal discussion groups.¹⁵

¹² Eg see Gohl, C. “Liberale Bürgergesellschaft als Fokus und Fundus unserer Generation” in Arbeitskreis Demokratie der Stipendiaten der Friedrich-Naumann Stiftung *Wer macht, bestimmt* Berlin 2005 pp.50-55.

¹³ There are some exceptions, see for example Melnik, S. *Freedom, Prosperity and the Struggle for Democracy*, Liberal-Verlag Berlin 2004 p.10.

¹⁴ Wolgemuth, M. “Western Europe: German unification, integration, globalization: the German social market economy facing a threefold challenge” in Roy, K. and Sideras, J. *Institutions, Globalisation and Empowerment* Edward Elgar 2005. p.150

¹⁵ Discussion with Christopher Gohl, liberal author and intellectual.

When talking to German liberal intellectuals, one gets a sense that they feel they are a tiny minority unpopular and under siege. They are probably right. While German liberal intellectuals have demonstrated a commitment to individual rights, they operate in a context in which the political leadership of both the left and the right emphasizes the preservation of social solidarity.¹⁶ As such there has always been a degree of tension between the political and intellectual elites of German liberal movements. However, the liberal intellectuals have a tradition of never seriously challenging the liberal political leadership. Few liberal intellectuals have ever gotten involved in politics – and when they have, they have generally been unsuccessful in changing the course of their chosen party. As discussed earlier, this trend stretches back to the earliest days of organized German liberalism and given this less than proud history, post-war German liberals have even more reason to be pessimistic about their role and influence in German society.

Some German liberal intellectuals see the opportunity for a resurgence in liberalism through activism in the small towns of South-West Alpine Germany, where support for a more classical form of liberalism has been traditionally strong.¹⁷ This is not surprising. Classical European liberalism on the continent has generally been more successful in physically isolated communities. There have been several theories put forward for this, but the most convincing is that physical isolation leads to greater economic and administrative self-reliance and the practical importance of local rather than federal government. Good rule is local rule. This goes some way to explaining the success of economic liberalism in southwest Germany, in Baden-Württemberg, southern Bavaria, Switzerland, western Austria and the German-speaking areas of Northern Tyrol in Italy. This “Alpine liberalism” is generally hostile to federal government intervention.¹⁸ However there are important regional differences. German liberals in Baden-Württemberg seem not to suffer from the xenophobia of their colleagues across the border in northeastern Switzerland or in western Austria (such as Jörg Haider’s economically liberal but xenophobic Kärnten). German alpine liberals tend to see themselves as striving for a civic society, rather than a corporate liberalism tied more closely to the interests of big business.¹⁹ This is partly due to the weakness of the pre-war corporatist liberals in Catholic Germany, including Baden-Württemberg. (Catholics, found predominantly in southern Germany, voted predominantly for their religious interests in the Center Party and not for the Liberals, given the historical alliance between Bismarck and the National Liberals to persecute Catholic institutions during the *kulturkampf*). However, whether the future of liberalism lies in a resurgence from the south is unclear.

¹⁶ See Dahrendorf, R. “Vom Sozialstaat zum zivilisierten Gemeinwesen” in Tamm, S. (ed.) *Kleines Lesebuch der Liberalen Sozialpolitik*, Academia Verlag, Sank Augustin 2004, pp. 75-86.

¹⁷ Interview with Christopher Gohl.

¹⁸ For an interesting view of anti-centralism from the perspective of a (Swiss) “Alpine” liberal see Nef, R. *Lob des Non-Zentralismus* Academia-Verlag, Sank Augustin 2006.

¹⁹ Interview with Christopher Gohl.

III. GERMAN SCLEROSIS – SOCIAL SOLIDARITY AND THE SOCIAL MARKET ECONOMY

Commentaries on German national sclerosis largely focus on economic problems, that is to say high wage costs and taxes, rigid regulation of labor markets, bloated levels of welfare and public spending, and the rigid institutional role that trade unions play in the economic, social and political life of the country. These factors, it is commonly stated, all lead to sluggish economic growth, despite a buoyant export-focused economy. Hence it is the political economy of Germany that attracts most attention.

This is an insufficient explanation of the current German condition. German national sclerosis runs much deeper. It encompasses a political culture deeply averse to risk and radical ideas, lacking a coherent national identity, and hostile to a vigorous assertion of its national interests outside its borders. Much of this sclerosis is historical. Germany with its deeply complex cultural, philosophical and legislative framework is nevertheless a shallow, immature nation-state. Every policy decision implicating a moral stance of the state is viewed predominantly through the lens of Auschwitz. The effect of unification in 1990 (in fact not so much a unification as an absorption of a population without any substantial democratic, much less liberal experience) was to color the national trauma of the West Germans with the largely anti-liberal values of the East Germans. What has emerged is a sclerosis resulting from a curious mix of historical trauma and guilt, hostility to market forces, lack of a national identity, and dependence on the state to protect citizens against the vicissitudes of life.

This sclerosis encompasses the political institutions and cultural attitudes that have entrenched the concept of the social market economy as the center of German life. The social market in fact has become an end in German social policy rather than a means to achieving a prosperous society. As the few German liberals appreciate, the worst political accusation that can be made in public political life is that one is opposed to the social market economy. Political slogans of all visible parties on the German political spectrum contain the rhetoric and ideology of social solidarity, social justice and the social market. The political rhetoric of individualism is rarely, if ever heard. While Germany is frequently described by liberals as a successful failure, or a state that “has run out of ideas”, there is, despite a system of consensus politics, little consensus on how to fix the problems.²⁰ Ironically this consensus based politics and the resulting notions of social solidarity, harnessed for the purpose of healing the wounds of the Nazi period, no longer suit a Germany – or at least parts of Germany – that has been a stable democracy for more than 50 years.

²⁰ Interview with Christopher Gohl.

SCLEROSIS AND THE PARTY SYSTEM

Part of the sclerosis has to do with the institutional role that political parties play in Germany and their near absolute power in dominating, directing, and largely controlling political debate.²¹ Political and social debate in Germany – compared to the US, UK, and other Anglo-Saxon countries – occurs in a rigid institutional framework. The influence of political parties runs deeper in German society and politics than in most other European countries (with the possible exception of Austria) and the Anglo-Saxon world. In Germany, political parties are the first responders to any political or socio-economic question, and play key roles in appointing members to the civil institutions of society. As a result, political debate is framed almost wholly in terms of the views of the political parties rather than in light of macro-trends within Germany society. The root of the domination of the political parties extends back to the fact that they have a constitutionally entrenched position in German public life and are legally protected and regulated. “Political parties”, states Basic Law, “shall participate in the formation of the political will of the people.”²² The constitutional status of political parties has meant that there is little that can pass in civic society without endorsement from these institutions. In turn this rigid form of policy development and political discourse, where almost everything is defined by party affiliation, has led to a massive bureaucratization of politics. Extra-parliamentary party organization in Germany is arguably as important as the party “fractions” that compose the federal and state legislatures.

SOCIAL SOLIDARITY AS A LEFT POLITICAL CONSENSUS

Social solidarity encompasses a reaction against the *Rechtsstaat*, social liberalism and economic statism. This dovetails nicely with the social market economy that all parties currently represented in the German Federal Parliament agree is the central pillar of how Germany should be run.²³ The arguments cover not whether the social market economy or social solidarity is a good thing but rather whether there should be more “social” or “market” in the Germany economy. In this sense, despite the entry of the left-wing Greens and PDS into the federal political scene, German political debate has not changed substantially since the SPD adopted its Godesburg Program in 1959. The Godesburg Program shifted the SPD away from an explicitly class/trade-union based party hostile to NATO and capitalism to a much more moderate position, where it sought to win power by capturing the vote of increasingly prosperous middle-income Germans. From this early point, the SPD pulled itself to the centre of politics, extraordinarily close to the CDU/CSU, and since that time the two main political blocs have had little separating them – although from time to time, political rhetoric has been used to attempt to create a dividing line. The disagreements on the economy have been in practice largely semantic. However the concepts of social solidarity and social market economy have long since been locked in.

²¹ See Wolfgang Rudzio *Das politische System der Bundesrepublik Deutschland* (7th ed.) VS Verlag Für Sozialwissenschaften, Wiesbaden 2006. pp. 93-136.

²² Article 21(1) of the *Grundgesetz* (Basic Law).

²³ Interview with Detmar Doering, Director of the Liberales Institut of the Friedrich-Naumann Stiftung

Formed on a federal level in 1980, the Green party had no initial natural constituency other than a network of old 68er comrades, then in their 30s. Undaunted, the Greens sought to woo the disillusioned young left, particularly as the SPD was perceived as becoming too close ideologically to the CDU/CSU. The Greens' political strategy was later broadened to include a search for votes amongst the wider middle class tired of a choice between two parties whose social and economic programs were remarkably similar, if not on paper, then at least in practice.

The attraction of the Greens was that they produced a "new leftism" that maintained the comfortable consensus on social solidarity while building on it. No longer did it just mean economic safety for special interest groups. The Greens' social debates attracted the predominantly comfortable professional middle class and their children – a key support group of the FDP. The Green movement's platform interestingly is not significantly different from that of the PDS or from those of foreign parties such as the Greek, Italian, and French communists. All accept a pluralist democracy and emphasize radical social liberalism – from gay rights to high minimum wages and controls on capital investment. All favor a state whose policies are directed to a radical vision of a green society. What differs is their support base. The Greens were always a middle class party, for whom a vision of a proletarian government was never important and who gradually drifted toward internationalism and acceptance of globalization both in the economic and security sphere. By 1998, the eve of the Green ascendancy to power, the German political elite had fully accepted the left-wing principles of social solidarity as a part of the political consensus. *Rechtsstaat* that coerced business and individuals under Bismarck, the Kaisers, and Hitler was now integrated with social justice. Coercion could now be used to achieve environmental and other "progressive" goals.

For the German social polity, reunification in 1990 signified not just the end of history – a peaceful and democratically united Germany – but, more important, the burying of Germany's love affair with totalitarianism of the left and right. The philosophy and tactics of Leninism – the attack on the state to transform it – adopted by both Nazis and Communists had been defeated. In Leninism's place was the promised triumph of the social market economy – justice, jobs, and democracy for all. The Greens' particular version of this end of history was one that embraced communitarianism and the social market economy. Or, as the Greens' 2005 Federal Election manifesto succinctly put it, "Freedom needs participation and justice."²⁴ Even 15 years after reunification, freedom in Germany is not something that has any immediate connotation with economic liberty – but rather is a method by which to ensure the functioning of the social market economy and to ensure a social future. This is a curiously contradictory process – the protection of the individual *by* the state through the social welfare system and the individual's protection *from* the state through the *Rechtsstaat*. Nevertheless, this concept of dual protection is repeated in one form or another in election programs across the entire political spectrum. Rather than attack the German social state, the 68ers have become its greatest advocates, and the Green party has become one of the most statist parties – particularly since the state has endowed it with

²⁴ Green Federal Election Manifesto 2005 p. 8.

power. Like the FDP that found itself in power for most of the post-war period until 1998, the Green party recognized that it benefited from the state and proved unwilling to advocate the radical ideas that would undermine this continued success. Rather, it built gradually on the existing wall of social solidarity and the social market economy and thereby extinguished as much as possible any opportunity to roll back the size of the state. This ultimately has been the Greens' biggest legacy in German politics.

SCLEROSIS AS SOCIAL SOLIDARITY AND A SCLEROTIC BUREAUCRACY

Radicalism is generally speaking a dirty word in German politics, conjuring the scourges of Nazism and Communism. Mainstream politicians tend to see radical solutions as politically unpalatable at best and, at worst, harmful to the social and political fabric of the Federal Republic. For those few advocating radical free-market and deregulatory solutions to Germany's political sclerosis – such as Angela Merkel's pre-election finance advisor, Paul Kirchhof – political death is swift. To succeed as a politician or a party, the emphasis must be on the accepted political norms of social solidarity, justice and equality – going outside of this, even rhetorically, brings electoral punishment. The far right, far left and the democratic parties all feature the concept of social solidarity in their election campaigns and particularly in their political rhetoric. In fact, the contest in German politics is to show that your party is the best in implementing and managing the social state. To attack the social market economy and social solidarity as central pillars of German society is to commit political suicide. Hence the few German liberal think tanks are reluctant to attack these (publicly) – to do so, would in their view, lead to political opprobrium and isolation from policy makers. Any political challenge to the concept of social solidarity and social solidarity must be made gingerly, respectfully, and couched in the language of modest reform.²⁵

This is self-reinforcing not only through the institutional power of the political parties, but also through the German federal bureaucracy. In particular the German federal civil service has succeeded in maintaining the status quo and defeating political innovation to a much greater extent than have its Anglo-Saxon institutional peers. Senior German career bureaucrats play a much greater part in developing policy than their colleagues in English-speaking parliamentary systems such as Canada, UK, Ireland, Australia, or New Zealand. This is partly due to the fact that the institution of political or “special” advisors found in other countries tempers the role played by the bureaucracy itself. The professional civil service recruitment system is even more sclerotic. Recruitment occurs out of universities (where many Germans spend 8 to 10 years obtaining a masters or doctorate degree) with an age ceiling of recruitment being approximately 32. Hence the German bureaucratic recruitment system has created layers of cohorts who rise in ranks in lock-step with one another. While there is no legislative restriction on lateral hires into the professional ranks of the civil service (or “higher civil service” as it is called to distinguish it from operational civil servants – eg doctors in public hospitals), moving in and out of the professional civil service is generally not an option, and recruitment to the senior policy-making

²⁵ Interview with Heike Göbel, Economics editor of the *Frankfurter Allgemeine Zeitung* newspaper.

ranks rarely happens. When it does, recruits rarely stay long or have much impact.²⁶ As a result, the public servant bands take their *weltanschauung* with them. Existing senior public servants now in their mid-fifties to early sixties generally are the 1968 generation, hold a green-red ideology and stand firmly opposed to a shift to economic liberalization through labor market deregulation, a massive reduction in domestic expenditure on social programs, and repeal of costly regulation on businesses (particularly environmental and planning laws). Nowhere are the coercive bureaucratic principles contained within the *Rechtsstaat* more evident than within the bureaucratic and administrative power of German bureaucracy. Adherence to social solidarity and the social market economy is deeply entrenched in contemporary Germany's administrative norms and bureaucratic politics.

²⁶ Interview with a senior German Civil Servant, August 2007.

IV. GERMAN EXCEPTIONALISM AND GERMAN NATIONALITY

WHAT IS GERMAN NATIONAL IDENTITY?

It is not entirely clear what constitutes German national identity. Possessing German citizenship and being fluent in the German language is not sufficient to describe oneself as a German. I would posit that in addition to German citizenship and language proficiency, for the overwhelming number of Germans, being German means having three traits: first, guilt, or resentment of national guilt, over German actions in World War II; second, a strong sense that social solidarity, social justice, and the social market economy is fundamental to building a good and fair society; and third, hostility toward Anglo-Saxon models of a free society built on individual rights, free-markets, and liberal nationalism – and the use of these as instruments of social policy. This identity is something that tends to unite almost all ethnic Germans regardless of income level or geographic location. I would go so far as to say that this would include many of those who would describe themselves as the elite of the ordoliberal intellectual class (admittedly a very small group). As one young German liberal intellectual and activist bluntly put it, “We want reform, but we don’t want the Anglo-Saxon model.”²⁷

A deep mistrust of economic liberalism is perpetuated in the elementary school curriculum dealing with Germany’s past. Germans are taught that Hitler’s path to power was aided by support from private industrialists who then entered a symbiotic relationship for the period of the war. From the view of much of the German population, capitalism was never sufficiently punished for sustaining the Nazis. Have not Krupp, Thyssen and other conglomerates continued seamlessly from 1939 to the present day? A sense of unfinished business related to the past criminality of the private sector endures today and contributes to the broader, national sense of guilt for crimes committed in the Nazi period. (Many young intellectual Germans admit that it is strange to feel German; they are not quite sure what it means to be German. When pressed on whether they think that a common feature of German identity is guilt, they readily say that it is.)

Meantime, German intellectuals are by their nature a pessimistic lot. The most frequent utterance you will hear from intellectuals whether aspiring or entrenched is, “It feels very strange to be German,” or alternatively, “People don’t like us or understand us, and in our lifetimes they never will”. This is not a new phenomenon, but critical to understanding it is an appreciation that Germans see themselves as unique. This is encapsulated in the concept of *Sonderweg* (“a different path”) in addressing social and economic problems from the rest of Europe and the rest of the world. *Sonderweg* is located largely amongst a middle-aged generation of intellectuals, journalists, and professionals whose political identity was defined during the 1950s and 1960s and whose work has contributed significantly to the strength of German democracy over the

²⁷ Interview with Daniela Langer, Chairperson of the Berlin Junge Liberale (Young Liberals – Youth wing of the FDP).

years. The rejection of traditional militaristic conservative notions of German identity was certainly a prerequisite for the successful transformation of Germany into a democratic state. The consensus is that the current generation of Germans' fierce anti-nationalist stance has been successful in that it has denationalized a majority of Germans to the extent that many of them prefer to feel European rather than German. But can the loss of nationalism and, arguably a strong and viable sense of national identity, be described as a "success?"

For many, the German concept of national identity today represents the triumph of a new postmodern notion of nationality, denying the essence of the nation-state and its citizens' loyalty to it, and transferring this allegiance to a central or transnational political unit (the European Union) of which one's nation-state is but a part. Subsuming national identity to a large "European identity" may be seen as a reaction against the dark application of authoritarian nationalism in Germany. It also reflects a belief that an integrated European social market economy with social democratic left-liberal values will stifle what it means to be traditionally German and with it the danger of a new German anti-democratic, xenophobic nationalism.

This line of reasoning is extraordinarily dysfunctional when it comes to attempting to provide for immigrants and ethno-religious minorities political and social rules setting forth how they are supposed to live and the values that they must adopt in their new homeland. How are Germany's ethnic minorities supposed to feel "German" when ethnic Germans are supposed to feel not "German" but "European?" In many ways, this puzzle lies at the heart of the issue of integration – Germans are confused about who they really are, given that they have spent the last 50 years denouncing any expression of (natural) liberal nationalism – yet they demand liberal nationalism of their Muslim minorities. Successful integration of Germany's Muslim minorities will not occur until one of two criteria is fulfilled: Either Germans themselves will adopt a vigorous and assertive liberal democratic nationalism and integrate minorities into this *weltanschauung*, or German identity will be successfully subsumed into a greater and coherent European identity. Both are highly unlikely in the short or medium term, but the former has a greater chance of success in the long term than the latter. The reason for this is that though Europeans remain generally unclear about what constitutes a European identity, they are certain on one point – a belief in a secularized (but not necessarily democratic) state, based on Judeo-Christian values that have been the moral foundations of European nation-states for generations.²⁸ When European nations have rejected Judeo-Christian values, in the case of the Nazis for a quasi-pagan racial philosophy, or in the case of the Soviets or ex-Yugoslavs for a godless, atheist personality cult, the outcome has generally been disastrous. (States that base their authoritarianism on established religious values tend to be far more sustainable.) Like many traditionally linguistically homogenous countries in the Judeo-Christian tradition, the Germans unambiguously understand themselves as a national community. The question is therefore twofold. First, who is and is not a member of the German national community, and second, can non-members of that national community ever be integrated into the national community?

²⁸ Eg see Kliemt, H. *Utopien Internationalen Rechts* Liberales Institut, Potsdam 2005.

What is dysfunctional about the Germans' rejection of their own nationalism is that it is a rejection of the legitimacy of self. The state is to be based on democratic values – but this is not sufficient to maintain the legitimacy of a largely homogeneous ethnolinguistic group. Certainly Germany does memorialize its positive cultural-national past. Beethoven, Schiller, Wagner, and Goethe enjoy a fame equal to that of figures like Marx, Liebknecht, and Luxemburg who have rejected what it means to uphold German interests and national identity in favor of an “international consciousness.” The latter pioneered the leftist definition of a German socio-political identity that survived the collapse of the German Democratic Republic or what the PDS's *Rosa Luxemburg Foundation* describes as “democratic socialism historically and by its nature...under the obligation of equal international cooperation and equality.”²⁹ The pre-occupation of German Marxist scholars and activists with transnational solidarity has left an indelible intellectual inheritance on the German polity (let alone on the naming of public places that still bear the appellations Marx, Luxemburg, and Liebknecht). The wider cultural debate in Germany is dominated by leftist notions and rhetoric of “social justice” and “solidarity”, and is concentrated in the mainstream “democratic socialist” camp represented by the broad left – the PDS, Greens, and SPD. For the PDS intellectuals, “equality without freedom is oppression; freedom without equality is exploitation; freedom and equality have a common root, solidarity.”³⁰ Solidarity is at heart of the German social compact, and its centrality receives expression in the acceptance of the social-market economy throughout German society and by all German political parties. Even reformist Chancellor Angela Merkel who has argued for changes to the social market economy clings to the notions of “solidarity” and “justice” given that these are necessary frameworks to discuss reform.³¹ While it is entirely normal for German Christian Democrats such as Merkel and other reformers to refer to solidarity, the fact that they do so shows how entrenched social solidarity is in the values of German Christian defenders of social justice (people who in the English speaking world are associated with the left-wing Anglican churches and left-wing Catholic and Jewish clergy, but in Germany are associated with political conservatives). The concept of solidarity is frequently used by the FDP to fight for its voters' professional interests.³² For the Greens, it was Fischer who used the concept of solidarity to argue for international deployment of *Bundeswehr* troops in Kosova and later in Afghanistan. Solidarity is also used as the moral glue that binds Germany ever closer to Europe. Hence the concept of German national identity is intimately caught up with solidarity. It is not surprising then that German policy elites have used the domestic concept of “solidarity” to create a notion of “intra-European” solidarity, ie social equality and justice for and amongst all inhabitants of Europe. Though Germans see white Dutch, French, and Belgians as fellow Europeans, there is little to suggest that this notion of European-ness frequently extends to Muslim ethnic groups such as Turks, Arabs, and Persians in Germany or other parts of European Union territory.

²⁹ *Annual Report of the Rosa-Luxemburg Stiftung* 2000/2001 p.12. Copy provided to author.

³⁰ *Ibid* p.1

³¹ See report of Merkel's speech at <http://www.dw-world.de/dw/article/0,2144,1911223,00.html>

³² Eg report at http://wahlkampf.fdp.de/webcom/show_article.php/_c-554/_nr-158/i.html

A EUROPEAN IDENTITY RATHER THAN A GERMAN IDENTITY?

As far as policy elites are concerned, a transnational European identity works wonders. Theoretically it should put to rest the specter of authoritarian German nationalism. German intellectuals in particular, including those who would describe themselves as ordoliberal, are generally accepting of the trend towards “Europeanizing” the German identity. The acceptance by ordoliberals of a Europeanized identity is partly due to the fact that the German intellectual and political climate is historically hostile to liberal ideas. Given that many ordoliberals see the powers in Brussels as more liberal than those in Berlin, they tend to believe that if Germans come to consider themselves primarily European rather than German, the German polity will become more accepting of attempts to liberalize German society.³³ A warning to the ordoliberals is that the idea of Europeanizing the Germans was something thought up by those generally hostile to classical liberal ideas.

The intellectual father of the move towards a common European identity, Jürgen Habermas, first termed the hostility to nationalism in Germany as a “post-national identity,” accepting only a constitutional patriotism to make up for what he has described as the drawbacks of German national identity. This concept of constitutional patriotism is seemingly attractive. Shouldn't it be relatively easy for Germany's Muslim minorities to define themselves as Germans by virtue of an allegiance to the democratic values of the constitutional state -- just as other Anglo-Saxon immigrant nations like the United States, Canada, and Australia demand allegiance to the constitutional values and norms that underpin their societies?³⁴

The problem is that Germany is not, despite Habermas' influence in Berlin and Brussels, a “post-national” country. It is still a place where ethnicity and at least German culture play a key role in defining who you are. While the universalist ideal of European rights may be a given in the comfortable, cosmopolitan salons of Berlin and Frankfurt, this is the exception rather than the rule. Ethnic German voters in the destitute ageing villages of Mecklenburg-Vorpommern and the poorer suburbs of Magdeburg and Berlin are unlikely to see themselves as anything but German. Even if a broad section of German society were to sympathize with this post-national shift, there is no consensus, particularly amongst intellectuals, on how this European identity is to be achieved. On the one hand, formal European institutions are unlikely in the near term to provoke anything but contempt from their citizens, given the distance between European agencies and the citizens whom they are supposed to serve. In particular creating a culture of European identity is likely to fail Muslim minorities on two grounds. First, European institutions are ill-equipped to deal with political representation of minorities, given that the two main pillars of Europe, the

³³ Eg see Kirchhof, P. “Ende der nationalstaatlichen Souveränität? Die Europäische Union und ihre Kompetenzen” in Müller-Groeling, H (ed.) *Reform des Föderalismus*, Liberal Verlag, Berlin, April 2004 pp 47-59.

³⁴ Habermas, J. “Yet Again: German Identity” *New German Critique* 52 Winter 1991 84-101; also Habermas, J. “Citizenship and National Identity: Some Reflections on the Future of Europe” *Praxis International* 12 No 1 April 1992 pp1-19.

Commission and the Parliament have no method of ensuring minority representation – and arguably neither should they. European institutions were established to represent states rather than to reflect the ethno-religious makeup of those states. The governments of the nation-states decide whom to send to the Commission, and their electorates decide who shall represent them in the European Parliament. This is the undoing of prevailing elitist opinion in Germany that largely favors the Habermas thesis of top-down European identity. Any European identity cannot be imposed from above; it must grow from the bottom up - from the roots of the constituent nation-states themselves. Similarly integration of ethno-religious minorities needs to be more than a citizenship certificate and a maroon passport. Integration must include recognition by the polity, or at least a significant part of the polity, that the minority – such as Muslim Turks and Arabs – are, say, German in the same way that ethnic Germans are. As Habermas himself recently admitted, “Nationalism is what binds us together as citizens of a nation-state.”³⁵ Habermas’ complaint is that internal self-determination no longer works in the era of globalization. However this is only partly true. While the sovereign state’s economic decisions are no longer entirely autonomous (and it is arguable whether they have ever been), issues of national identity are still determined at the level of local communities, and no amount of transnational or international law can change local dynamics. In contrast, for constitutional formalists who dominate the debate over national identity in Germany, there is an assumption that identity stems largely from citizenship. However, citizenship is not the same thing as identity. In fact the two are often quite different. The much-touted European identity is supposedly based on a fusing of national identities. This is a problem that stems from a reliance on law rather than an exploration of what it means to be European. The Germans assume that a common supra-national European citizenship is derived from citizenship of member nation-states. Be at least a citizen of a European Union member-state, and you will be entitled to the rights and freedoms guaranteed under European Union law. On the surface this is correct. Law can guarantee legal redress based on citizenship, but it cannot force integration based on identity. Neither can it force social acceptance of minorities.

The second bar to effective European identity for Germans is the assumption that constitutional formalism is the best way to determine identity. This approach assumes that the German constitution is the beginning and the end of a debate about German identity and hence that the European Constitution will be the bearer of a European identity. For German citizens, the issue is whether inhabitants of our land are “German” according to the principles of equality set down in the German constitution (also known as the Basic Law). This is because the constitution is unusually specific regarding non-discrimination on religious grounds, for example:

Neither the enjoyment of civil and political rights, nor eligibility for public office, nor rights acquired in the public service shall be dependent upon religious affiliation. No one may be disadvantaged

³⁵ Lecture given by Habermas at Boston College, October 2006.

by reason of adherence or non-adherence to a particular religious denomination or philosophical creed.³⁶

Constitutional formalism requires that neither civil rights nor public office-holding can be affected by religion and forbids (in most cases) compulsory disclosure of religious convictions, along with compulsory engagement in religious activities.³⁷ On paper, Germany has one of the most coercive anti-discriminatory constitutions in the world – understandable given the tendency for Germany to persecute its religious minorities in the past.

The other problem for those who simply look to respect for, and implementation of, the provisions of the German constitution to solve integration problems is that it represents what Habermas has curiously described as a path of negative integration, a set of rules about what one must not do. The concept of negative rules is common in both the left and right liberal traditions. Positive integration, as Habermas readily admits, is much harder to carry out. Practically though, positive integration of minorities gets more difficult the more one moves away from a national level, particularly when the (European) governing institutions are still in their infancy, are relatively ineffective, and unable to impose from above any “European identity.”

This is not to say that there are not liberal dissenters from the notion of constitutional patriotism. There are constitutional minimalists who argue that only democratic nation-states, rather than a supra-national federation of states can guarantee constitutional rights. Warning against the substitution of German identity with a European identity, others such as liberal-conservative have opposed constitutional patriotism on the grounds that it is unrealistic. Andreas Huyssen has written that “national identity” is:

...a field of contesting discourses and as long as the political sphere, parties and parliamentary representation are organized on a national basis, it is dangerously short-sighted to keep proclaiming that we are beyond that.³⁸

Critics would argue that the institutions of the European Parliament have evolved beyond a simple national legitimacy. They point to European-wide parties such as the European People’s Party or European Socialists, but in fact these are not parties at all, but rather federations of parties from the European Union’s nation-states. Further, within many of the federations or blocs, member parties hold significantly different views as to issues of immigration, citizenship, or what national identity means. Even if the European Union eventually set out common rules for

³⁶ Article 33(3) of the Basic Law 1949.

³⁷ Articles 136 through 141 of the Basic Law. In addition the articles of the old Weimar constitution guaranteeing religious freedom and equality are replicated as an appendix to the Basic Law and have legal effect.

³⁸ Huyssen, A. “Nation, race and immigration” in Geyer, M. (ed.) *The Power of Intellectuals in Contemporary Germany*, University of Chicago Press, Chicago 2001, p.324.

acquisition of citizenship, it is not clear that this would do away with the whole idea of national identity. People have a local, regional, and national identity because these are the most recognizable communities in which they live. Plum farmers or investment bankers in Hesse may sympathize with their colleagues in Italy over the issues of quotas or merger and acquisition rules emanating from Brussels, but it is unlikely that farming plums or engaging in cross-border management buyouts will forge a common European identity. Still less likely is it that the plum farmer or the I-banker would adopt a European identity out of legal formalism, economic regulation, or rules on citizenship.

GERMAN LIBERALS AND GERMAN NATIONAL IDENTITY

The key flaw in German liberal – particularly ordoliberal – thought is a concentration on economics, legal formalism, and interaction between the two. (Not surprisingly the American “law and economics” movement is wildly popular amongst the small German liberal intellectual elite). The most that liberals will generally support is a liberal version of constitutional patriotism – that is to say, once German citizens, regardless of heritage swear allegiance to the German constitution and live according to its values – that is sufficient for integration to occur. Or, as one young German liberal intellectual and political activist commented:

The path to integration is through the German Constitution. People who live in Germany must respect the constitution. They must speak German. We seek integration according to our legal and cultural norms. In any case, there is a sense of alienation for many [ethnic] Germans when they go into an area and everyone is speaking Turkish. This is alienating to much of the German electorate who then react against an open discussion of immigration and integration issues.³⁹

There has been relatively little discussion by liberals of history and culture. These determinants of national and cultural identity have largely been surrendered to the cultural left, as demonstrated by Habermas or the reactionary anti-liberal right who oppose naturalization or residency for non-German ethnic groups.

Unlike German conservative intellectuals, liberals have not questioned whether “...patriotic commitment to the German constitution, though a founding element in the redefinition of German identity, by itself is sufficient to address the hard questions of cultural identity, historical memory, immigration, and race”.⁴⁰

Can Muslims in Germany really integrate if the definition of what it means to be German goes beyond a simple constitutional patriotism based on allegiance to the democratic and secular

³⁹ Interview with Daniela Langer.

⁴⁰ Huyssen, A. op.cit. p.324.

nature of the German state? Are not further hurdles to integration imposed by the requirement of empathy with and sympathy for the collective memory of the culture of (ethnic) Germans? Liberal intellectuals are largely silent on this issue and are divided between those who oppose continued immigration on the grounds that the past record of integrating these communities has, at best, been mixed, and liberals who support increasing Turkish and Arab immigration on economic grounds, given Germany's rapidly ageing population. Additionally the pro-immigration group argues that despite integration problems in the past, there are success stories in the form of a new Turkish and Arab entrepreneurial middle class.

Contributing to a divided position on immigration and integration is the fact that liberal intellectuals are politically weak, unpopular and struggle in an environment in which the concepts of the social-market economy and social solidarity predominate. It is difficult to be a dissident liberal voice on mundane issues such as economics, let alone issues like the social integration of ethnic minority residents. The *Sonderweg* with its official anti-nationalist position has combined with an environment where liberal intellectuals (who anyway, are regarded with a degree of suspicion) are seen as being diametrically opposed to the broad left-liberal consensus of the elites. Even if liberals had a unified and coherent position on integration, which they clearly do not, their weakness in the public sphere would make it hard for them to be heard.

One reason for this is that opposition to the anti-nationalist political culture of the elites is almost entirely dominated by the parties of the far-right. Liberal intellectuals have been squeamish on discussing issues of ethnicity, religion, and integration largely because the FDP, the party with which liberal intellectuals are generally identified, has had problems in the past dealing with issues of ethnicity and race. These problems have usually fallen into two categories: Either former members of the far right have infiltrated the FDP's ranks, or existing senior party members, such as the late Jürgen Möllemann, once a close colleague of Guido Westerwelle, have made anti-Semitic remarks.

Another way of looking at the question of why liberal intellectuals have no defined position on Muslim integration is to consider that a defined position would require a clear understanding of what German nationhood and being German mean – beyond the legal formalism of a community of those who hold German citizenship or permanent residence rights. This question of what it means to be a German, and therefore what Germany wants its Muslim minorities to be, is a much broader issue. Arguably, affluent West Germany never held a proper conversation about what the effects of unification would be on its Muslim minorities. Unification was simply forced through. There is deep resentment in the East (apart from a few suburbs in the inner cities in major metropolitan centers such as Berlin, Dresden, and Leipzig) of economic stagnation, and this resentment has increased support for parties of the extreme left and right, arguably not just through their policies and challenge to the centrist establishment, but also through their role as regionalist parties of the former GDR. The alienation in the poorer suburbs, towns, and villages in the East runs deep. Inhabitants feel alienated by their loss of livelihood, and in the context of a state that claims social solidarity, the sense of loss associated with a decline in social status is made even more intense. Those who feel alienated in otherwise democratic societies are unlikely ever to accept minorities as being legitimate members of the nation-state. Liberal intellectuals have no real answers to the problems of alienation. Nor do they spend much effort in trying to come up with answers. One would think that a long-term solution would be not so much

“multicultural education” on issues of integration – education that is likely to be fleeting – but rather fostering a democratic liberal nationalism to counter the anti-democratic nationalism emanating from the far right. However, the left-wing anti-nationalist consensus makes this extremely difficult, and German liberal intellectuals, as discussed earlier, do not have a historical tradition of mobilizing liberal political elites or fighting hard within liberal political organizations for their beliefs.

Even if the liberal intellectuals were to get actively involved in the integration debate, they would be hampered by their rules-based approach to policy, which is a feature of ordoliberal thinking. The liberals would slip quite easily into the legal formalist perspective dominating the debate on integration. For example the debate on asylum seekers amongst the intellectual elites, opinion writers, and politicians is not so much whether Germany *should* accept asylum seekers and place priority on their integration, but rather whether the rights of asylum seekers under Article 16 of the Basic Law are guaranteed and in particular what is the status of the legal presumption that asylum seekers have a record of persecution from whence they are fleeing. The debate seldom gets to the point where the constitution is challenged. While elite opinion tends to favor legalistic and rules-based debate, German popular opinion views immigration, absorption, and integration in terms of the damage that they may do to the nation’s social fabric, suggesting a feeling that Muslim asylum seekers will never be good Germans. Asylum policy of course may have little to do with the mechanics of and barriers to integration – for instance, the fragmentation of Muslim representative organizations in Germany. However, there is little sympathy for increased expenditure on integration, as this is seen as benefiting those regarded in many circles as being harmful to the otherwise homogenous social order. There is an obvious contradiction here. A European identity is by its nature an identity based on a multi-ethnic diversity of nations.

Liberal intellectuals feel comfortable with a multi-ethnic European identity but are less willing to address the issue of a multi-ethnic German identity. There are three reasons for this. First, German liberals feel, like much of the rest of Germany’s intellectual elite, that these issues are best dealt with through legal formalism and adherence to the constitution. Second, the German liberal tradition post-1945 has ignored issues of national identity in favor of focusing on competition policy and particularly the need to establish a rules-based order to avoid cartels likely to use their economic power to undermine the democratic status quo (the essence of ordoliberalism). Third, German liberals have agreed with the European project to create a European identity or at least not fought against this, as in many ways they see the *acquis communautaire* (the accumulated body of European Union law) as aiding them in the fight against cartelization of the German economy. If the European identity is one that is hostile to cartels, then, from the perspective of the ordoliberals, it is better than whatever the amorphous German identity is.

GERMAN NATIONAL IDENTITY AND GERMAN EDUCATION

Intuitively the guilt that arose as a result of Germany’s actions in World War II is perpetuated by the existing German educational curriculum. German children start learning about Germany and World War II approximately between the ages of 7 and 9 (depending on the *Land* in which they attend school). This culminates in their final year of school with study of the rise of the Nazi

regime, Germany's role as the aggressor in World War II, and the Holocaust. This is not confined to history classes but is also taught in other subjects – most notably, German language and literature. Two outcomes bear scrutiny. First, children end up feeling guilty about their ethnic heritage. Second, they graduate suspicious of the moral value of capitalism, given its role as a factor in sustaining Nazism. The same curriculum is taught year after year, with relatively little emphasis on the positive aspects of German history – the post-war recovery and the role of modern post-war Germany as a bulwark against Communist totalitarianism. Essentially Germans are taught to feel ashamed of their ethnicity and to fear capitalism, so that the education system provides crucial sustenance for a dysfunctional national identity. No wonder Germans want a European identity that will be a refuge from their German one. But unless their education system changes, they will continue to be indoctrinated in both guilt and a suspicion of capitalism. Reforming the education system is a generational project but must be achieved if Germans are to become more amenable to free-market capitalism and the concept of liberal nationalism, two pre-conditions for the successful integration of ethnic minorities.

Liberal intellectuals, however, shy away like most Germans from any questioning of how Germany's war guilt should be treated and taught in schools and whether how this occurs is healthy for German society. This is reserved for a small band of conservative intellectuals, most famously Martin Walser who controversially described Auschwitz as a "moral club" used to hit Germans. In fact German conservative intellectuals are frequently as hostile to free-market capitalism as the rest of the population is. Therefore on issues of free-market reform, there is unlikely to be much room for an alliance, public or private, between conservatives and their liberal counterparts. However there may be an opportunity for an alliance on the issue of dealing with the social aspects of Islamism. Liberal opposition to headscarves stems from a view that this impinges on the rights of women.⁴¹ From the conservative perspective, opposition to headscarves is about asserting a sense of German ethnic identity. Both liberals and conservatives would agree on a legally formalist approach to the problem, according to which compelling women to wear headscarves would violate the provision of the Basic Law against compulsory religious acts, as there is significant scope for argument that wearing a headscarf is a religious act.⁴² On the other hand, forcing religious women not to wear the headscarf is arguably also in violation of the German constitution's provisions on the right of religious expression. Although the headscarf question in public institutions is a key issue precisely because it is a highly visible and comprehensible example of the growing Islamic presence in Germany, it is a symbolic reflection rather than a fundamental element of the integration debate.

When pressed, Liberal intellectuals admit that they have no long-term vision for how Muslim minorities should integrate into Germany. How to create this? There is an American dream, and though it is ephemeral, it is generally understood and serves as a powerful attraction for immigrants and an equally powerful integrationist building-block. In contrast, there is no "German dream," nor is there a "European dream". German hostility to free markets has robbed

⁴¹ Interview with Detmar Doering

⁴² Article 136(4) of the Basic Law of 1949.

immigrants of the dream of economic self-improvement, even if they do eventually become comfortable middle-class citizens. What is important, arguably, is not so much that immigrants join the ranks of the middle class, but that the dream of become materially wealthy unites them with their ethnic German neighbors. By repeatedly insisting that Germany is not an immigrant nation, the Germans have not allowed for the creation of a national immigrant narrative that English-speaking immigrant nations such as the United States, and to a lesser extent, Canada and Australia, have. This has also meant that while it is possible for an immigrant to become American, Canadian, or Australian whatever their national origin, it is unlikely that an immigrant can ever become German in the eyes of the ethnic German community. There is no magic fix for this, and the German policy elite need to think how they will radically reshape their society.

Unfortunately, as mentioned above, radicalism is a dirty word amongst the German policy elite and particularly amongst the political elite who would describe themselves as liberals. Even amongst the liberal intellectual elite, there is significant hesitation in adopting what are seen as “American” solutions to integration.⁴³ The values of order, stability, and certainty that are taught in the home and at school end up being the values of civil society. This was summed up by one liberal intellectual as a creed that states that “the most important thing is to live in safety and hence the best job is to be an office worker assured of job security.”⁴⁴ Not surprisingly, ask German liberal intellectuals which European political leader, Tony Blair or Margaret Thatcher, they prefer as a model of reform, and the answer is Blair rather than Thatcher. Radical reform, even for German liberal intellectuals, is to be opposed. Any change must come gradually, whether it deals with economic, taxation, or immigration reform. There is nothing new in this gradualism. German liberalism has a long history of seeking slow, evolutionary rather than revolutionary, change. The German liberal community in the first years of the 21st century is not that different from forebears in the 19th century. German liberalism may be known as *Ordoliberalismus*, but this is not far from a liberalism of compromise with the existing power. In the 19th century, the existing power was the monarchy; in the 21st century, it is the social market economy.

LIBERAL INTELLECTUALS’ RELATIONS WITH THE REST OF GERMAN SOCIETY ON INTEGRATION ISSUES

There is significant scope to argue that there is unanimity amongst German liberal intellectuals in seeing themselves as under siege. “Being called a liberal intellectual is an insult in German public life,” said one, herself a self-described intellectual of the classical liberal tradition.⁴⁵ Despite this, German intellectuals have a prominent role in prestigious press outlets that in many cases shape or crystallize public opinion. But this does not mean that liberal ideas influence

⁴³ Interview with Dr Irmgard Schwaetzer, former FDP German Federal Minister for Urban Planning, Housing and Construction and State Minister in the Foreign Office.

⁴⁴ Ibid.

⁴⁵ Interview with Heike Göbel.

policy. As one liberal intellectual declared, “We are a very small minority, and what we say does not permeate through German society. We are an intellectual fringe.”⁴⁶ Even if the German liberal intellectual elite were to discuss integration issues, which they do not with any frequency, there is an illusion among foreign commentators that liberals have had their way in terms of policy in the last 15-20 years. Unlike the countries of the English-speaking world, Germany has never been home to a neo-liberal revolution. There has been no German revolution in the way that large parts of the society and the state think about the role of individuals, as opposed to groups, in German society. The German liberal elite is aware of this. However they seem less aware that the atmosphere of individualism created by the neo-liberal revolution has informed the way that governments in English-speaking countries have dealt with integration – adopting approaches that are significantly less institutional and more based on the economic and cultural integration of individual immigrants and their descendents. Germans still tend to focus their integration efforts on co-opting religious institutions such as the various and fractious Muslim mosque societies.⁴⁷ At least one senior liberal intellectual I spoke to, who did not want to be quoted, stated that the best thing that could happen to German integration was for globalization and digitalization to continue unchecked in order to pressure labor market reform. But my source was reluctant to see this as affecting the way that Germany integrates its minorities. Similarly, the political wing of German liberalism, the FDP, has no particular interest in integration issues and in any case is not in favor of adopting radical free-market or individual rights-based approaches to immigration.

The sense of despondency amongst older German intellectuals is one steeped deep in the dysfunctional nature of German liberalism. German liberal intellectuals feel the Germans have rejected liberalism and that this rejection is a deep-rooted part of the deeply anti-liberal *Sonderweg*. Further, there seems to be a political compact across the German political spectrum that immigration and integration policy should not be “played with.” At best, liberals see first and second generation immigrants as potential entrepreneurs and hence potential political allies.

From visiting Anglo-Saxon countries, German liberals do recognize that it is possible to have a strong society without overwhelming state intervention. Despite the fact that this discovery is expressed to politicians in Berlin who, some liberals claim, take their ideas seriously,⁴⁸ there is little evidence that liberal intellectuals talk to senior political figures on the subject of immigration by, and absorption of, Muslim minorities. If they did, there is a chance that immigration policy could be influenced. However to do this in any coherent manner, liberal intellectuals would first have to establish a coherent liberal approach to immigration and absorption issues that differs from the existing legally formalistic approaches.

⁴⁶ Interview with a leading German intellectual who spoke on the condition of anonymity.

⁴⁷ See Stiftung Zentrum für Türkeistudien, *Die Wirtschaftskraft der Türkischen Selbständigen in Deutschland, NRW unter der Europäischen Union*. Essen 2003.

⁴⁸ Interview with Heike Göbel.

One tried and tested approach to encouraging integration in other places is to encourage deregulation of the labor market, lowering labor costs and thereby increasing employment. Ultimately this may reduce the ranks of the unemployed in the poorer sections of society, which include ethnic Turkish and Arab Muslims. However it does not follow that this would necessarily lead to integration, particularly as integration requires resident minorities and new immigrants to work toward adopting a new “German” identity, even as the issue of what constitutes a German national identity remains unresolved. Liberal intellectuals at least understand that labor market deregulation alone will not work to integrate Muslim minorities.⁴⁹ There is a sense in German society, particularly among ethnic German parents with children of school-going age, that it is undesirable to have children going to (state) schools populated predominantly by ethnically Turkish or Arab children. For example, in recent years, there has been a significant withdrawal of ethnic German children out of schools in Kreuzberg (a heavily Turkish suburb of Berlin). On the surface it would seem that there is a concern with the national identity and values of the ethnically Turkish and Arab children in those schools, which, in turn, suggests that secular, democratic values are not being passed on to the youngest generation of Germany’s Muslim minorities.

LIBERAL INTELLECTUAL PESSIMISM

One reason that liberals tend to be pessimistic about the prospects for immigration reform is that any type of significant reform tends to be diverted from its original intent. Recent amendments to unemployment benefit payments are cited as a case in point. In a series of reforms intended to cut the size of unemployment, the outcome was rather that more public funds, rather than less were being expended. There is a fear then that future integration reforms are unlikely to reach their desired conclusion. Big reforms end up being largely ineffective and frequently counter-productive. In particular, liberals see little role for themselves in the current grand coalition. There is a sense of deep hostility toward liberal intellectuals emanating from much of the existing senior leadership of the SPD and particularly from Vice-Chancellor, and former SPD Chairman, Franz Müntefering. Müntefering, who famously once described private equity firms as “locusts,” represents a party that views a platform of reflexive anti-Americanism and hostility to free markets as politically salable. The current *zeitgeist* according to liberals is that a pre-1968 German leftism with an overtly statist ideology is returning to the post-Schröder SPD and is infecting the CDU and FDP as well as large parts of the country, particularly those parts where the effects of high unemployment, an ageing population, and economic stagnation are being felt –e.g., the *Länder* of the former East Germany. Liberal intellectuals therefore feel locked out of a significant part of the national and regional political conversation.⁵⁰

One reason for this sense of alienation is the lack of liberal conversation and networking on issues other than economic reform. That is to say, in order to create a wider intellectual environment that is able to develop a liberal approach to immigration and integration policy,

⁴⁹ Interview with Detmar Doering.

⁵⁰ Interview with Detmar Doering

there is a need to create a better network amongst the tiny, yet fragmented, liberal institutions – to at least establish a coordinated intellectual bloc able to promote the advantages of building liberal nationalism and issues of national identity. The other reason to improve networking is to form an intellectual group to influence the FDP – or, at least, liberals in the CDU and to a lesser extent the SPD and the Greens. All of these parties contain significant elements in favor of weakening transatlantic ties, and it is these same elements that tend to be hostile to the idea of a robust and confident liberal nationalism. Having said this, liberals are pessimistic about whether the political elites' and the electorate's hostility toward Anglo-Saxon policy solutions can be reversed. The case most frequently cited is the breakdown of the intellectual relationship between Schröder and Blair following their joint publication of their Third Way Paper due to the unpopularity within Germany of significant reform along an Anglo-Saxon policy path. There have been similar intellectual ruptures within the CDU and the FDP. Angela Merkel sacked her economic policy advisor (and publicly declared choice for Finance Minister) Professor Paul Kirchhof, during the 2006 election campaign when there was an outcry in the CDU/CSU about his proposal to introduce a 25% flat tax and wide-scale economic deregulation. Similarly, those in the FDP who have advocated deregulating professional services such as pharmacies – a bedrock of support for the party – have been ignored. If liberals in any of the 3 main parties find it difficult to achieve intellectual or policy breakthroughs on less taboo subjects such as taxes or pharmacies, it is difficult to see how they will achieve their goal to open up the debate on the far more sensitive issues of religion, ethnicity, and national identity. If this is to be achieved it will need to be done in a strategic manner. Opening up this debate would have the most success if advanced in the *feuilleton* (culture) pages where otherwise “eccentric” ideas are aired, rather than in the more staid political or economic sections of leading newspapers such as *FAZ*, *Die Zeit*, *Die Welt*, or even *Cicero* (one of the few German political culture magazines).

A larger problem is that liberal intellectuals have been reluctant to talk out in the popular tabloid press on social issues (or in fact on any issues). German liberal intellectuals never write for widely read tabloids (such as *Die Bild*) in the way that American intellectuals such as Daniel Pipes write for, say, the *New York Post* – an important vehicle for addressing the general population directly. This is critical if liberalism is to grow as a mass political movement, rather than an eclectic group of elites talking amongst themselves.⁵¹ However there is a deep reluctance by liberal intellectuals to dirty themselves with public arguments and culturally, liberal intellectuals have been reluctant to write for the tabloid press – particularly on social issues, where German liberalism is seen as being weak and irrelevant.

In contrast, there is a feeling within the liberal intellectual elite that they need to reach out to the cultural, literary, and educational communities who are interested in the ideas of civic society and socio-cultural dynamics. Yet liberal intellectuals have no real sense of how this is to be effectively achieved given the traditional hostility of these sectors towards liberal ideas. On the political level, promoting ideas about national culture and integration among the current FDP leadership, many of whom are viewed by liberal intellectuals as intellectual lightweights with a predilection towards populism, is a significant challenge. Some older liberal intellectuals see

⁵¹ Interview with Dr Dominik Klepper, *Stiftung Marktwirtschaft* (Institute for the Market Economy).

their best chance for influence with the younger generations of FDP members now in their 20s and 30s.

All this has meant that German liberals struggle to move beyond a narrow band of middle income earners support for their position – and even many in this group do not support their platform of gradual economic reform (which arguably is less radical on issues such as tax and labor reform than the CDU/CSU). Liberal intellectuals also recognize that their party has failed to make any substantial inroads in the *Länder* of the former East Germany. This is partly because of the liberals' weakness on social issues in an area of relative economic stagnation and the failure to use political rhetoric that would identify them with local communities. Meantime, even the "left" PDS has attracted some support from small businesspeople and entrepreneurs in the East, given that the party supports the social-market economy.⁵²

This is particularly frustrating to many liberal intellectuals (predominantly academic economists) who would like to see a stronger FDP, or at least a stronger economically liberal wing of the CDU/CSU. The key complaint of liberal economists is that they alone can be described as classical liberals and have no ideological friends in other parts of German academia that are traditionally influential – political science, sociology, and German literature and cultural studies. The influence of Habermas, described above, is a case in point. A number of liberals view the economic research institutes (such as the *Walter Eucken Institute* and the *Institute for the Market Economy*) as being well-respected but not influential. This is partly as they address only a small section of the German policy elite and are frequently seen as being too radical.⁵³ As such, the institutes are concentrating on influencing a younger generation of German liberals who are seen as both more receptive to ideas and more intellectually astute than the current leadership generation of the FDP. However given that the small liberal intellectual think-tanks are almost completely directed to economic questions, there is a complete paucity of research into issues of integration by liberal think-tanks and as a result there is almost no discussion of integration issues by the liberal think-tanks and within their networks (including those with the younger generation of liberals).

LIBERAL INTELLECTUALS' RELATIONS WITH THE FDP ON INTEGRATION

German liberal intellectuals generally recognize that questions around immigration and integration are becoming urgent, and there is significant criticism of the FDP for not raising the failures of Germany to integrate its immigrants - but then the relation between the FDP and the German liberal intellectual elite has often been poor. As discussed above, there is simmering hostility between many intellectual liberals and their erstwhile political representatives. Many liberal intellectuals view the current FDP and liberal CDU leadership generation as being extremely intellectually weak, while the FDP and CDU political elite see German liberal

⁵² Interview with Dr Michael Wohlgemuth, Walter Eucken Institute.

⁵³ Interview with Michael Wohlgemuth

intellectuals as being hopelessly out of touch and even somewhat politically radioactive. There can be carefully managed association – for example, attendance at liberal think tanks’ conferences or lunches with liberal opinion columnists – but public association in the press is politically unfavorable. Even though most Anglo-Saxon liberals would describe liberal German intellectuals as very moderate, from the perspective of many German politicians, these thinkers are seeking to destroy the fabric of social solidarity.

The emphasis of liberal intellectuals on economics and rules regulating economic order tends to drive them to examine policies in the social sphere that have a direct impact on the economic well-being of the nation. In passing, liberal intellectuals have recognized that the stratified German school system is failing, particularly the *Hauptschule* (which is the bottom-rung of the German secondary school education system). The *Hauptschule* attracts those students with the lowest high school entrance test scores and thus a disproportionately large number of Muslim students (in particular Turks). These schools tend to feature alcohol and drug use, have disciplinary problems, and generally lack a proper learning environment. As a consequence, the *Hauptschule* are an unattractive place for high school teachers and administrators in the German education system, so that there is a very low public opinion of the *Hauptschule* (which are designed to give students “practical life skills”) in German society, and graduates find it difficult to secure employment. The problem is that the curriculum that now teaches a large proportion of Muslims in Germany does not prepare them for the job market. Yet liberals are under fire because, according to their accusers, suggestions to reform the *Hauptschule* constitute an attack on the social and economic system that could sustain those emerging from the *Hauptschule*. This is frustrating to liberals, but they have not found a successful framework for unilateral change to the German education system.⁵⁴ If Germany’s high school system is reformed, it will not be due the public urging of the liberal intellectuals. The debate over the *Hauptschule* is a good example of how the relationship between liberal intellectuals and the FDP is frequently thorny. The current FDP leadership is not particularly enamored of liberal intellectuals’ calls to reform the *Hauptschule*, and in turn some liberal intellectuals view the FDP as failing on this issue.

Some German liberal intellectuals agree with the proposition that it is critical to develop at the elite political level a sense of cross-party solidarity to effect economic and social reform. This goes to show again the powerful institutional role of German political parties. Having said this, German liberal intellectuals generally do not see the current generation of the FDP political leadership in driving this liberal cross-party consensus. Many see the current relatively high level of support for the FDP – around 10-12% – as being a direct result of the abandonment by the FDP leadership of free-market principles in favor of public support for corporatist and populist policies. (A recent example of this was the opposition of the FDP to liberalization of the German pharmacy industry, with most liberal intellectuals pointing out that this was a defense of the monopoly shared by an important constituency group within the FDP, much to the annoyance of the FDP leadership). The FDP’s opposition to sending troops as a part of the UN force to Lebanon after the Israel-Hezbollah conflict in the summer of 2006 was also an example of opportunistic populism – populism that may be an important tool for all political parties,

⁵⁴ An example of this is Behrens, E. *Föderalismusreform und Bildungspolitik*, Liberales Institut Potsdam 2006.

particularly in opposition, but which in this case raises questions about the FDP's commitment to the principles that it claims set it apart from other parties. As Heike Göbel, economics editor of the *Frankfurter Allgemeine Zeitung* points out, there is frequently a discrepancy between the economic and social rhetoric of the FDP and the legislative stance it takes on public policy issues.⁵⁵ Given the nature of German liberalism as a dysfunctional “turncoat” political movement, it is not surprising that this is a case of history repeating itself.

Much of the activism on integration within liberal circles originates with the small number of Turkish community members active within the FDP. The key body is the *Liberale Türkisch-Deutsche Vereinigung* (Liberal Turkish-German Federation). However even this body does little in terms of long-term thinking on integration issues. Rather, it serves as a community constituency body within the FDP and a vehicle for senior community members to obtain official positions in the FDP. There are ethnically Turkish German citizens who have reached a senior level within the party, most prominently Mehmet Daimagüler, a former member of the FDP's national executive. Turks who vote for the FDP tend to be from the ranks of successful entrepreneurs or their children who join the professional or academic classes. However even Daimagüler is critical of the FDP's lack of long-term thinking on immigration issues and the dearth of discussion of policies that could raise the estimated 14-15% of ethnic Turks who vote for the FDP. More problematically, there is little thinking within the FDP on how to deal with the long-term unemployed Turkish youths who, Daimagüler claims, are increasingly turning to Islamic radicalism.⁵⁶ This is, says Daimagüler, the logical outcome of what happens when society does not understand what it means to be a German. Identification with radical Islamism provides an identity that being “European” does not – and there is some debate on whether ethnic Turks will ever be regarded as “Europeans” or even “Germans” by ethnic Germans. The key complaint of liberal Turks is that the Germans debate the issue of visible Islamic identity – such as the headscarf – but are unwilling to discuss the lack of cultural and social acceptance of Muslims in Germany. This extends to the FDP as well to liberals in other parties and to liberal intellectuals in general.

LIBERAL INTELLECTUALS' RELATIONS WITH THE CDU ON INTEGRATION

Liberal public intellectuals like Göbel tend to be confident that if the FDP were the junior coalition partner to the CDU, they would politically bolster Christian Democrat reformists such as Angela Merkel against anti-reform opposition within the CDU/CSU. There is some evidence that the reformist wing of the CDU has been relatively successful in carrying out liberal economic reforms at the *Länder* level, particularly the administration of CDU leader Kurt Biedenkopf in the State of Saxony between 1990 and 2004. However even Biedenkopf, as one of the most popular reformist politicians, was generally not prepared to take a clear position on

⁵⁵ Interview with the author August 2006.

⁵⁶ Interview with Mehmet Daimagüler, former member of the FDP national executive, August 2006.

immigration and absorption when asked.⁵⁷ German office-holders will rarely spend political capital on discussing integration, probably because Germans tend not to favor higher levels of immigration and the common position amongst the political elite and the public is that Germany is not a nation of immigrants, despite the evidence to the contrary.

Is there an opportunity for liberalism to be promoted by intellectuals closer to the CDU/CSU camp? Many liberals on economic policy (who tend to be conservative on moral issues – such as the role of church in society and stem cell research) tend to shun the FDP for what is perceived as its intellectual weakness and “turncoat liberalism” that it is wobbly on the trans-Atlantic relationship and has a long history of not standing up for its principles.⁵⁸

There is common ground between liberal intellectuals in the Christian Democrat movement and liberals aligned with the FDP on the methods of achieving economic (and perhaps social) change. Both groups see the greatest chance for change residing at two levels. First is the local government level, particularly as it affects taxes in general and the local *Gewerbesteuer* (business tax) in particular.⁵⁹ Cumbersome levels of business taxes administered at a local level pose a significant disadvantage to new entrepreneurs and small businesspeople, particularly those from Muslim communities who frequently face difficulty in raising initial capital and tend to have lower levels of turnover. As a result Turkish and Arab small businesses have higher failure rates than those of ethnic Germans.⁶⁰ Reform of the (locally administered) tax system may well ameliorate the problems faced by the Turkish and Arab small business sector. Reform on a local level is often easier to achieve as it occurs below the national political radar of the press and can serve as an experiment for national political parties, allowing for testing of policy development and implementation strategies before national implementation while also helping illuminate political opinion in a limited environment. Local government reform would also dovetail nicely with the history of German civic liberalism on the local level stretching back to the earliest days of the German liberal movement.

Second, liberals aligned with the CDU/CSU and the FDP also tend to agree that a potentially powerful arena for change lies outside the public sphere – in private bargaining between private companies and their employees.⁶¹ That is not to say, improving productivity by negotiating for increased working hours without a proportionate increase in fixed wages or salary – but rather compensation in the form of productivity bonuses. Achieved on a national scale this would not

⁵⁷ Radio interview with Kurt Biedenkopf 17 October 2000 available at http://www.wfs-saxony.de/de/bf/reden_und_interviews/reden00/einw.htm

⁵⁸ Interview with Dominik Klepper

⁵⁹ Interviews with Christopher Gohl and Dominik Klepper amongst others.

⁶⁰ Interview with Mehmet Daimügler.

⁶¹ Interviews with Heike Göbel and Dominik Klepper.

only significantly increase Germany's productivity and competitiveness but also increase opportunities for hiring. Further, it would benefit small businesses disproportionately. However within the Christian Democrat movement there are limits to what liberals will countenance. Wage disparity is unacceptable if it impinges on what CDU/CSU liberals describe as "the dignity of mankind." That is to say, no one should get lost in society. As one liberal intellectual aligned with the CDU noted, "Basic security provides freedom."⁶² Once again the specter of social solidarity arises. Freedom, in the Christian Democrat context, as in the Social Democrat context, arises from security, not the other way around. While even Christian Democrat-aligned liberals will admit that reform is needed and that Germans have become too reliant on the state, the social market is still seen as the foundation of society. The problem is not a mixed economy but rather the fact that the welfare and regulatory element of the social market economy has grown beyond what its Christian Democrat founder, Ludwig Erhardt intended. But political liberals in the CDU tend to be wary of wide-scale reform of trade union power, given the fact that a key power base of the party is the Christian trade union movement. The CDU fears the internal political fallout from attempting to weaken what is seen as a critical constituency.⁶³

LIBERAL INTELLECTUALS' RELATIONS WITH THE GREENS ON INTEGRATION

There is much more limited scope for immigration policy cooperation between liberal intellectuals and the Greens, given the natural inclination of liberal intellectuals to view the issue of integration as a purely economic one and the rejection of economic liberalism by the Greens. However there has been some cooperation on an institutional level between the FDP and Greens' respective party institutions, *Friedrich-Naumann Stiftung* and *Heinrich-Böll Stiftung*, on exploring social issues.⁶⁴ The Greens see themselves as liberals concerned with social issues but favor strong government intervention. Having said that, support from Green intellectuals and political activists for liberal, civic, bottom-up integration via cooperation with powerful town Chambers of Commerce,⁶⁵ is the sort of integrationist policy that liberals often favor and could provide the basis for future cooperation on integration issues.

⁶² Interview with Christina Langhorst, Konrad Adenauer Stiftung.

⁶³ Interviews with Christina Langhorst and Dominik Klepper.

⁶⁴ Eg see Schneider, H. *Finanzautonomie von föderalen Gliedstaaten und Kommunen: Ein internationaler Vergleich* Bertelsmann Stiftung, Gütersloh, 2006.

⁶⁵ Interview with Gerhard Schick, Green Member of the Bundestag.

V. CONCLUSION

The current picture for German liberal intellectuals is bleak. German society continues to be largely unreceptive to reform, even to the gradualist program put forward by Chancellor Merkel's Grand Coalition. Liberal intellectuals remain a small minority who are viewed with suspicion by the general public and with wariness by the political elite. Yet there is still hope. There exists a new generation of younger liberal intellectuals who are, if not radical liberals, more amenable to ideas of substantial economic and social reform to counter Germany's moribund institutional economic and social pathologies. Many of these young liberal intellectuals are political and policy entrepreneurs and are, for at least the moment, politically ambitious. However, like older liberal intellectuals, few young liberal intellectuals and activists focus on the policy and politics of minority integration.

Changing Germany will be a two-step process. First, German liberal intellectuals, particularly young German liberal intellectuals, require support and development – intellectually, politically, financially and organizationally. Second, attitudes to free markets, individual rights, and the restoration of liberal nationalism can be changed by varying how, and what, young Germans are taught about history. A long-term active effort to amend German social attitudes and create an intellectually vigorous and politically effective German liberal intellectual class has a much greater chance of affecting the course of Germany's future than does passively waiting for Germans to evolve from the dystopia of their past.

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