

“What Merkel’s critics underestimate is the extent to which her proactive policies of the past decade encouraging integration and ‘intercultural opening’ have produced an even bigger paradigm shift . . . ”

Angela Merkel’s Leadership in the Refugee Crisis

JOYCE MARIE MUSHABEN

“Historical legacy” was probably not a term that crossed Angela Merkel’s mind during the turbulent summer of 2015, as roughly a million refugees fled to Europe by land and by sea, hoping to find peace, security, and a chance to build new lives. In fact, she had already secured a place in history, having been elected as Germany’s first female chancellor in 2005. Since she was also the first chancellor from the former East Germany, Merkel occasionally joked that she had a “migration background.” While her early life under an authoritarian regime instilled an unshakeable commitment to human rights, her initial response to the refugee crisis also reflected humanitarian impulses she had acquired as the daughter of a Lutheran pastor, raised in a “godless” state.

Formally trained as a physicist, Merkel had mastered the data indicating that baby boomer retirements would precipitate a major skilled-labor shortage expected to undermine Germany’s powerful export-driven economy. It was this looming “demographic deficit” that had motivated her to pursue a host of migration-related reforms shortly after she formed her first “grand coalition” in 2005, consisting of her party, the conservative Christian Democrats (CDU), and the center-left Social Democrats (SPD). Building on new citizenship and migration laws adopted during the last four years of her SPD predecessor Gerhard Schröder’s government, Merkel convened the first federal-level integration summit in 2006 and personally introduced the country’s first National Integration Plan (NIP) in 2007. The latter involved proactive measures to extend greater educational and occupational op-

portunity to “children of migrant descent,” largely the offspring of former guestworkers excluded from citizenship due to Germany’s adherence to *jus sanguinis*.

Over the next six years, Merkel initiated a series of reforms that also liberalized many highly restrictive asylum regulations imposed by Helmut Kohl’s CDU-led governments through the 1980s and 1990s. Ironically, the sharp decline in asylum applications after 1993 rendered Merkel’s reforms more palatable to anti-immigration hardliners, setting the stage for an unprecedented wave of new arrivals in 2015.

Declaring integration of the immigrant population to be a “central task for all society,” the first NIP drew on expert recommendations collected at the federal, state, and local levels. It included 400 voluntary initiatives focusing on language acquisition, education, vocational training, labor-market mobility, living conditions, and equal opportunity for women and girls. By 2012, the chancellor had added a National Integration Action Plan with reporting requirements and benchmarks to monitor implementation. It also provided for the “intercultural opening” of administrative agencies through affirmative action for persons of migrant descent; procedures for recognizing occupational qualifications attained abroad; and even a multilingual phone app to help new arrivals find housing, job sites, health care, integration courses, and counseling centers.

Cities like Berlin, Frankfurt, Cologne, and Stuttgart, home to large, long-term “foreign” populations, found new legitimacy for a wide assortment of proactive integration policies they had already developed on their own, supported by civil society groups. Local authorities established hotlines to antidiscrimination offices.

JOYCE MARIE MUSHABEN is a professor of comparative politics at the University of Missouri, St. Louis.

A federal prohibition against dual nationality for adults, which had been a major obstacle to integration efforts, was eliminated in 2014. Previously, a limited “option” adopted in 1999 had required “foreigners” born in Germany to renounce their parental nationality by age 23. Unable to navigate the complex, expensive bureaucratic process to secure their “native-born” status, many adolescents were stripped of German citizenship just as they reached voting age. The CDU and the SPD agreed that this policy was backfiring, rendering thousands of 18 to 23-year-olds “aliens” in the only country they really knew.

Labor migrants and their families were not the only ones who benefited from reforms undertaken during Merkel’s first and second terms. The Bundestag ended the legal limbo for thousands of “tolerated” refugees and asylum-seekers whose claims had been denied by German judges, but whose return to combat zones was prohibited under various United Nations conventions. Beyond granting adults a new right to remain, lawmakers approved an independent right to permanent residency for youths who had attended schools or completed vocational training in Germany. Previously subject to a five-year work ban, individuals with pending asylum applications were permitted to seek employment after six months. Cash allowances also increased, thanks to a 2012 Constitutional Court ruling that benefit levels set in 1993 were too low to ensure “human dignity.”

By the time those reforms took effect, the number of first-time asylum applications filed in Germany had already plunged from 438,191 in 1992 to 19,164 in 2007. The dramatic decline in new petitioners was due largely to Kohl’s draconian “Asylum Compromise” adopted in 1993 (undermining a generous 1949 constitutional guarantee in West Germany), and to the end of the wars of the 1990s in the former Yugoslavia. Satisfied that the “asylum problem” had been solved as the numbers fell, few of Merkel’s compatriots took much notice of the legislative changes she introduced pertaining to refugee rights. These changes provided a foundation for the “welcoming culture” she sought to cultivate.

SUDDEN EXODUS

Cheering the onset of the Arab Spring in 2011, Europeans who recalled the miraculous collapse of oppressive Soviet-style regimes in 1989 expected the populist, youth-driven uprisings to trigger a comparable wave of democratization across

North Africa and the Middle East. No one was prepared for the chaos that would follow the toppling of Muammar el-Qaddafi in Libya, the successive overthrows of Hosni Mubarak and Mohamed Morsi in Egypt, Bashar al-Assad’s brutal crackdown in Syria, and the rise of the Islamic State and competing extremist groups.

Having declined to 200,000 in 2006, the number of first-time asylum applications filed across the European Union surged from 279,000 in 2012 to 435,450 in 2013, then to 625,000 in 2014. The EU moved to amend several directives comprising the Common European Asylum System to ensure that new arrivals would be “treated equally in an open and fair system—wherever they [might] apply,” particularly as the refugee flow shifted from the western and central Mediterranean corridors to overland routes through the Balkans. Ignoring the Schengen rules that had opened borders between EU member states, France and Austria tightened border controls in mid-2015, seeking to keep out refugees who had landed in Greece and Italy.

On April 19, 2015, 800 people setting off from Libya perished in the worst refugee shipwreck on record. In just four months, 1,780 died at sea. The toll rose to 3,700 by year’s end—in contrast to 96 the previous year. According to UN estimates, 2016 was even deadlier. At least 5,000 had drowned by December, raising the probability of someone dying in transit to one in 88. Women and children were disproportionately represented among the victims. Merkel was the first to call for more solidarity, urging EU member states to embrace quotas (at least voluntary ones) for a fair distribution of refugees, despite mounting resistance from Hungary, Poland, and the United Kingdom.

By May 2014, migration to Germany had reached its highest level in 20 years; over 1.2 million people had entered since 2013. Among them were many jobseekers from Eastern Europe, finally granted freedom of movement as EU nationals seven years after their countries became members of the bloc in 2004. (Only the UK and Sweden had granted immediate freedom of entry to citizens of these new member states.)

The millions who have survived perilous boat trips across the Mediterranean since 2011 pose very different ethno-religious integration challenges for their host countries. Seeking protection from war and sectarian strife, over 85 percent of the 68,000 who made it to Greek shores by June 2015 had set out from Syria, Afghanistan, Iraq, or Somalia. Most of the 67,500 who landed in Italy

came from Eritrea, Nigeria, Somalia, or Syria. Few registered for protection in those two countries of “first arrival,” as required by the EU’s Dublin agreements; 43 percent moved on, hoping to register in Germany or Sweden.

Asylum applications in Germany rose from 18,278 in 2008 to 169,166 in 2014. The first six months of 2015 saw another 171,797 first-time applications. The number of unaccompanied minors alone rose from 763 in 2008 to 4,399 in 2014 and 7,500 new arrivals during the first half of 2015. From early 2015 through the end of 2016, the government registered over 1.2 million asylum applications.

THE HUMAN FACTOR

A number of media images in the summer of 2015 put a human face on the refugee crisis, even as some countries rushed to shut their borders along the Balkan route. The first was Merkel’s July 16 televised encounter with 14-year-old Reem Sahwil, a Palestinian refugee fluent in German and at the top of her class, whose family faced deportation after she had entered Germany for surgery. On August 27, Merkel learned that 71 refugees had been found asphyxiated in a sealed truck on an Austrian highway. By then an obscure, bureaucratic message posted on Twitter indicated that the Federal Agency for Migration and Asylum was making an exception for Syrians crossing into Germany, and was no longer enforcing the rules for returning asylum applicants to the EU member state they had first arrived in. Word spread quickly among refugees. Disturbing photos of the body of a three-year-old Syrian boy, Aylan Kurdi, washed up on a beach in Bodrum, Turkey, went viral on August 30, drawing global attention to the crisis.

Meanwhile, thousands of refugees had gathered at the Keleti train station in Budapest, hoping to travel on to Austria and Germany. Allowing only a limited number to board for Rosenheim and Munich, Hungarian officials sealed off the station. Merkel took a bold step at her press conference the next day, August 31. While Hungary was arresting refugees and erecting razor-wire fences to seal its borders against thousands in transit, Merkel announced that she had decided to keep Germany’s borders open, suspending the Dublin requirements for Syrians. On September 4, a photo of an amputee on crutches in Budapest made the

Internet rounds, as he set out on a 170-kilometer trek along the highway to Austria with Merkel’s portrait hanging around his neck.

While these images are sure to make it into European history books, another tipping point for Merkel will probably not get more than a footnote at best. On August 26, visiting a refugee facility in Heidenau, in the state of Saxony, formerly part of her native East Germany, she faced the wrath of protesters whose placards and shouts called her a traitor, a whore, and other obscenities. As one government insider told *Der Spiegel*, that was the moment when “the political became the personal” for the chancellor.

She declared on September 14, “If we now have to start excusing ourselves for showing a friendly face in emergency situations, then this is no longer my country.” Citing Germany’s orderly conditions, economic strength, pressing demographic needs, and the extraordinary flexibility with which it had mastered the challenges of reunification, she repeatedly insisted, “We can do this” (*Wir schaffen das*). While subsequent pronouncements make it clear that she meant Germany could master these challenges over time, her critics pounced on her inability to pull off an immediate miracle as the influx continued. She now avoids using this phrase, to avoid setting unrealistic expectations, and cautions her constituents that acquiring language skills and job credentials, and adapting to a new political culture, are long-term processes.

The first few days of September were filled with tense exchanges among officials from the Interior Ministry, conservative hard-liners (especially Bavarians), the Austrian prime minister, and Germany’s federal police chief, Dieter Romann, who argued vehemently for resealing the borders. The chancellor’s dramatic decision to keep the borders open came close to midnight on September 4, following hectic late-night discussions with members of her inner circle. That weekend, over 20,000 migrants arrived at Munich’s central train station, met by applauding crowds of supporters and volunteers.

Merkel’s decision to stand her ground on open borders inspired an outpouring of citizen engagement with refugees, channeled through 14,000 volunteer centers by late 2015. The migration reforms and integration initiatives promoted at the federal, state, and local levels between 2007 and

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2012 had begun to take root. But the chancellor's personal, principled stance on the issue was not new, either. In her New Year's address to the nation on December 31, 2014, she had spoken out against anti-immigration protests in Dresden and Leipzig organized by a group called Patriotic Europeans Against the Islamization of the Occident (PEGIDA). Confined largely to eastern cities, the protests appropriated iconic elements of the so-called Monday Demonstrations in 1989 against the East German regime, including chants such as "We are the people." Merkel lamented, "Too often, there is prejudice, there is coldness, yes, even hatred in their hearts."

RAPID RESPONSE

Germany's flourishing economy, along with a debt brake imposed on the states by a balanced-budget amendment in 2009, allowed the chancellor to respond quickly to appeals for federal cost-sharing on accommodation, food, and medical treatment for refugees. (State and local authorities are financially liable for applicants until cases have been decided.) The first Asylum Package, approved by the Bundestag in October 2015, doubled the federal contribution for the current year to 2 billion euros. Anticipating 800,000 arrivals and a five-month processing period, the states received a 2.8 billion euro advance payment for 2016.

The federal government allocated 500 million euros for subsidized affordable housing and reception centers with space for 150,000 people. To expedite construction, federal authorities temporarily suspended a number of building and renewable-energy requirements. Cash assistance was replaced with in-kind benefits at the reception centers, and skilled laborers were allowed to seek temporary jobs after three months to speed their integration.

Meanwhile, private employers have established apprenticeships coupled with language instruction. States have issued health cards to new arrivals, giving them immediate access to treatment. Hundreds of new civil servants in the Interior Ministry gradually cut application processing times from an average of three to four years in the 1990s to a few months at present. Rejections of Balkan residents, in particular, only take a few weeks. (The Balkans have been declared "safe states," though this may

not be true for minorities like the Roma; people coming from that region are thus viewed as economic migrants who do not qualify for political refugee status.)

THE BACKLASH BEGINS

The national mood shifted abruptly in the wake of some 500 sexual assaults by what the media described as "North African-looking men" during New Year's Eve celebrations in Cologne, Hamburg, and other cities, which followed closely the November 2015 attacks by Islamist terrorists in Paris that took 130 lives. An ugly backlash acquired organizational momentum when PEGIDA allied itself with a new party, Alternative for Germany (AfD), which had originally been formed to oppose the euro and Merkel's management of the EU's monetary crisis. The party's founder, economics professor Bernd Lucke, was forced out in July 2015 when easterner Frauke Petry pushed the AfD to the far right with a harsh anti-immigrant and anti-Muslim agenda.

Merkel stayed the course but was impelled by circumstances to make adjustments. After three months of wrangling, the Bundestag passed a second Asylum Package in January 2016. Rolling back earlier welcoming measures,

this legislation requires that migrants from "safe" countries be placed in special centers for fast-track processing within three weeks, usually ending in rejection. Given the public's outrage over the New Year's Eve assaults, it was ironic that the second package deliberately excluded an earlier CDU-SPD agreement to extend special protections to women and unaccompanied minors.

Free movement rules have been tightened as well. Now refugees cannot leave the district in which their Foreigner Registration Office is located, even to visit relatives in neighboring districts. If they are caught outside their district, they will lose benefits and their application proceedings will be terminated. Anyone given subsidiary protection, a status based on UN conventions that is granted to those who do not qualify as refugees but would be at risk if returned to their homelands, cannot pursue family reunification for two years. (There are exceptions for dependents in refugee camps in Turkey, Jordan, and Lebanon.)

Rejected applicants who fail to submit to "voluntary" deportation receive reduced maintenance

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benefits. The rest must stay for six months in the accommodations they were first assigned, up from three months previously, and they are now receiving more benefits in-kind, with cash supplements dispensed one month at a time. Applicants are now charged a monthly fee of 10 euros to cover language instruction, for which some are not even eligible. The problem is not that refugees are refusing to take language and integration courses but rather that there are not enough teachers to accommodate the demand.

Displaying political opportunism at its worst, the AfD has accepted ever more unsavory, openly neo-Nazi elements into its ranks, paralleling nationalist-populist trends in Hungary, Poland, Denmark, France, and the Netherlands. In March 2016, the AfD scored big in state elections, winning 11.7 percent of the vote in Rhineland-Pfalz, 14.9 percent in Baden-Württemberg, and 24 percent in Sachsen-Anhalt. In September, Merkel faced another electoral blow in her home state of Mecklenburg-Vorpommern, where the AfD racked up 20.8 percent of the vote. Although it has lost 300,000 younger, better-educated residents since reunification, the northern rural state of 1.6 million took in only 24,000 refugees in 2015, 2 percent of the national total—and a third of them quickly left for other places.

There is some concern that the AfD could cross the 5-percent threshold in Bundestag elections scheduled for the fall of 2017, which would allow a far-right party to enter the national parliament for the first time since the 1940s. However, proportional representation makes it almost impossible to form a non-coalition government in Germany, and none of the big players (the CDU, the SPD, the Greens) would accept the agenda of the AfD, whose leaders often seem to hate each other as much as they do asylum seekers.

The June 2016 British vote to exit the EU, the November presidential election in the United States, and support for Marine Le Pen of the far-right National Front ahead of the upcoming presidential election in France have unleashed currents that are about to make life much tougher for Merkel. She announced in November that that she will be running for a fourth term.

AN ATTACK IN BERLIN

A December 19, 2016, terrorist attack that left 12 dead and more than 50 injured at a Christmas market in Berlin will likely force the chancellor to accept further compromises on asylum rights

and refugee-vetting procedures. While the mood in Berlin is still somber as of this writing, the alleged perpetrator, Tunisian immigrant Anis Amri, could not have found a worse place for testing the historical resilience of Berliners: Breitscheidplatz, the site of the Kaiser Wilhelm Memorial Church, which was almost totally destroyed by an Allied bomb in 1943. The hollowed-out belfry has been left standing for over 70 years as a daily reminder of the horrors inflicted by a war rooted in racial bigotry and religious intolerance. Hundreds of thousands of Berliners thronged to Breitscheidplatz to display their solidarity once the Christmas market reopened.

Amri's various aliases, his four-year prison term in Italy for arson, and his complicated travel route from Lampedusa through various German states and back to Milan, testify first to the fact that other EU member states (like Italy) are failing to live up to their responsibilities to register, vet, and if necessary, detain or deport criminals. Second, Amri's ability to avoid detention and deportation more than once before the December 19 attack is indicative of a serious breakdown in communications between intelligence agencies and local police departments both inside and outside Germany. Third, it shows that countries like Amri's homeland of Tunisia lack real incentives to cooperate with European authorities when it comes to taking back extremists.

Some were quick to claim that the Berlin attack was a consequence of Merkel's policies. One of her harshest critics, former federal cabinet member Horst Seehofer, currently heads the Bavarian state government and is also leader of the Christian Social Union (CSU), the Bavarian sister party of the CDU. Refusing to accept his state's nationally mandated refugee quota, Seehofer began issuing ultimatums and playing the populist card early in the summer of 2015. He has openly challenged Merkel on many issues over the past eight years, often deploying gestures that come across as sexist. Seehofer's response to the Berlin tragedy was, as usual, opportunistically critical, at a time when one would have expected more deference, if only out of respect for the dead and injured.

Bavarian industries have profited immensely from an influx of over 90,000 foreign skilled laborers in recent years, yet Seehofer's hard-line CSU is the party most likely to lose voters to the AfD in the 2018 state election. Losing majority control in his home state would deprive Seehofer of his abil-

ity to influence coalition politics at the national level. His populist constituents might reflect on where ethno-religious bigotry can lead: five days after the Berlin attack, on Christmas Eve, over 50,000 Bavarian residents were forced to evacuate their homes in Augsburg when officials discovered a live 1.8-ton British bomb left over from World War II.

WELCOMING CULTURE

What Merkel's critics underestimate is the extent to which her proactive policies of the past decade encouraging integration and "intercultural opening" have produced an even bigger paradigm shift in the way Germans feel about themselves. Acutely sensitive to the Nazi albatross that any German leader carries around his or her neck on behalf of the nation, she has broken with earlier chancellors in regularly stressing the many things her compatriots should feel good about, including their new openness to diverse peoples and religions. As she stressed in her summer 2015 press conference:

In spite of everything, our country is still a good country. It is in good shape. The oft-praised civil society is a reality for us, and it makes me proud and thankful to see how countless people in Germany have reacted to the refugees' arrival. The numbers who are there for the refugees today . . . the numbers who accompany strangers through cities and offices or even take them into their homes surpass the harassers and xenophobes many times over.

Merkel has also tried to address voters' fears head on. "It would be especially hard for all of us to bear," she declared immediately after the Berlin attack, should the perpetrator have come to Germany as a refugee. It would be "particularly repulsive with respect to the many, many Germans who are engaged daily in providing assistance to refugees and with respect to the many people who really need our protection and who are doing their best to integrate," she added, concluding: "We will find strength for the life we want to live in Germany—free, united, and open." (In fact, it turned out that Amir had entered the country before Merkel's August 2015 decision to keep Germany's borders open to refugees.)

The refugee flow has slowed significantly since the 2015 peak. Compared with the total for 2015, only a third as many had arrived by August 2016. This is attributable, in part, to the deal the chan-

cellor brokered between the EU and Turkey to cut off the Aegean route to Greece. (In an ironic twist, Turkish President Recep Tayyip Erdoğan's harsh crackdown against tens of thousands of putative supporters of a failed July 2016 coup attempt has already triggered a new, albeit smaller asylum wave, with Turkish academics seeking refuge in Germany and Turkish NATO officers appealing for protection in the United States.)

Like any thinking person familiar with German history, I worry about the rise of xenophobic populist parties—but many anti-immigrant parties have come and gone since 1990, including the *Republikaner*, the German People's Union, and the Hamburg-based Schill party. It is worth recalling the unprecedented waves of xenophobic violence that followed reunification, averaging over 2,000 right-wing extremist attacks per year, which led to 20 deaths between 1991 and 1993.

Three factors nonetheless account for significant differences between now and then. First, few if any of the hate-mongers this time around experienced World War II firsthand, which means that they do not hold themselves morally, much less personally, responsible for protecting Germany against racial bigotry, religious intolerance, and sexist nationalism. The second is the rise of social media, where malcontents no longer feel bound by the rules of historical sensitivity, fact-checking, or civil discourse.

Third, and perhaps most importantly, Angela Merkel landed in the eye of the perfect storm, given the dynamics of generational change and globalization that coincided with the effects of German reunification. She found a majority of younger, better educated, and Europe-friendly citizens ready, willing, and able to embrace a new identity for themselves and their nation based on democratic pluralism. During her first term as chancellor, she asked them to "serve Germany," urging them to discover how flexible, creative, and helpful they could be.

This is not to argue that Merkel deserves all the credit for the paradigm shift reflected in German citizenship, migration, and asylum policies since 2005. Nor will she have an easy time overcoming the new forces of dissension, fear, and hate driving many of those who seek to overturn her reforms. But she has transformed Germany into a welcoming culture in ways that her predecessors would not have cared or dared to do, and that will stand as her historical legacy. ■