

SO145 Legal and Illegal Migration in Germany Since World War II

Seminar Leader: Dr. Marion Detjen

Course Times: Wed 9:00-12:15

Email: m.detjen@berlin.bard.edu

Office Hours: Tue 9:00-15:00

Course Description

This course is an introduction to post-War migration history in Germany, with a special focus on “legal” and “illegal” migration and the discourses, policies and concepts of legality that shaped this distinction. In the first half of the term, we will seek to understand why Germany finds it so difficult to conceive of itself as an immigration country. We also examine what kind of migration regimes the Federal Republic of Germany and the German Democratic Republic developed after the Second World War. As we will see, these regimes emerged within the framework of the division and subsequent unification of the two German states, and within a wider European and global context. What means of entry and exit were allowed in the period under examination? What kinds of status were accorded to migrants and refugees, and how did these alter under pressure from changing economic and political exigencies? In the second half of the course we will explore how the various parties involved dealt with the restrictions and the loopholes of the law, often combining “legal” with “illegal” means. We will compare the phenomenon of *Fluchthelfer* (“escape helpers,” dubbed *Menschenhändler* by the East German government) with people-smuggling at the European borders today, and we will discuss the connections between the fight against “organized immigration crime” and current negotiations for resettlement programs.

The course offers insight into a broad range of methods of migration research and draws on both published and unpublished sources. We will interview experts on border crossings, work on a case study, and make excursions to the Berlin Wall Museum at Bernauer Straße and the NGO Flüchtlingspaten Syrien e.V. At the end of the term, you will be asked to present your own project in a visualised form, using presentation software like Prezi, or film, or collage. Your project can if you wish be continued next term in a “research-creation” class as a more elaborate work of art.

Requirements

Academic Integrity

Bard College Berlin maintains the staunchest regard for academic integrity and expects good academic practice from students in their studies. Instances in which students fail to meet the expected standards of academic integrity will be dealt with under the Code of Student Conduct, Section III Academic Misconduct.

Attendance

Attendance at ALL classes is expected. More than two absences (that is absences from two sessions of 90 minutes) in a semester will significantly affect the participation grade for the course. Please consult the Student Handbook for regulations governing periods of illness or leaves of absence.

Participation

Due to the experimental character of the course your consistent, active and thoughtful participation is especially important. Class sessions will include brainstormings, discussions, presentations, writing and reading periods, and you will be asked to work alone, with a partner or in a group.

Assignments and requirements

The reading assignments will add up to 30-50 pages a week. The texts will all be uploaded on Google Drive in a Google Class. You will be asked to submit written reflections of your readings before every class.

As Midterm Paper, due October 7, you will hand in a conceptual paper of ca. 1500 words outlining your individual project (a biographical case study, an analysis of an event or an analysis of an art work).

At one point you will present your project to the class.

Your Final Project will consist of two parts:

- 1) A written piece, a film or photographs/collages that will contribute to a Prezi Presentation or a Website as a collaborative outcome of our class, due December 9.
- 2) An academic essay of ca. 3000 words, due December 31.

All written texts must be submitted through the Bard College Berlin online system. Late submissions will significantly affect your grade. Please consult the Student Handbook for regulations governing late submissions.

Grade Breakdown

Participation in classroom and communication with the professor and with each other:
20%

Written reflections of your readings:
20%

Midterm conceptual paper:
20%

Visual or written contribution to the Website or Prezi:
20%

Final Essay:
20%

Schedule

September 5, 2018 - Introduction or: Can Creon and Antigone both be right?

Readings:

- Vollmer, Bastian: *Policy Discourses on Irregular Migration in Germany and the United Kingdom*, Palgrave Macmillan, 2004, Introduction: pp. 1-22.
- Gesley, Jenny: „The Development of Migration and Citizenship Law in Postwar Germany“, The Law Library of Congress, <https://www.loc.gov/law/help/migration-citizenship/germany.php>, March 2017.

September 12, 2018 – Terminology, Theory, Events

Reading:

- Van der Leun, Joanne and Maria Ilies: „Undocumented Migration: An Explanatory Framework“, in: *An Introduction to International Migration Studies. European Perspectives*, ed. by Marco Martiniello and Jan Rath, Amsterdam University Press, 2012, pp. 302-326 and 351-378.

September 19, 2018 – An Unholy Alliance: Migration Control and the Sovereign Nation State

Readings:

- Schunka, Alexander: „Migrations in the German Lands: An Introduction“, in: Coy, Jason, Jared Poley and Alexander Schunka: *Migrations in the German Lands, 1500-2000*, Berghahn Books, 2016, pp. 1-34 (only the passages on 19th and early 20th Century)
- Fahrmeir, Andreas: „Law and Practice in Researching the History of Migration Controls“, in: *Migration Control in the North Atlantic World. The Evolution of State Practices in Europe and the United States from the French Revolution to the Inter-War Period*, ed. by Andreas Fahrmeir, Olivier Faron and Patrick Weil, Berghahn, 2003. pp. 301-316.

Visit to the Bard College Berlin Library

September 26, 2018 – Foreigners and Germans and Some People in Between: The West-German Constitution 1949

Reading:

- Klusmeyer, Douglas B. and Demetrious G. Papademetriou: *Immigration Policy in the Federal Republic of Germany. Negotiating Membership and Remaking the Nation*; Part 1: „Immigration Membership and the Basic Law“, Berghahn Books, 2009, pp. 1-29.

Lunch-Session: Friday, September 28.18 – Visit of Nanni Bihali, from Act Alliance, Brussels

October 10, 2018 – International Law: „The Making of the Modern Refugee“

Reading:

- Gatrell, Peter: *The Making of the Modern Refugee*, Oxford University Press, 2015, chapt. 3: „Europe Uprooted: Refugee Crises at Mid-Century and 'Durable Solutions'”, pp. 89-117.

October 17, 2018 Not an Immigration Country – The „Guest Workers“ Regime

Reading:

- „Working Guests“, in: *Germany in Transit. Nation and Migration 1955-2005*, ed. by Göktürk, Deniz, David Gramling and Anton Kaes, University of California Press, 2007, pp. 23-63.

October 24, 2018 „Refugees of the Republic“ - Excursion to the Berlin Wall Museum

Reading:

- Patrick Major: *Behind the Berlin Wall. East Germany and the Frontiers of Power*, Oxford University Press, 2010, chapt. 7: „Wanderlust: Travel, Emigration and the Movement“, pp. 194-223.

November 7, 2018 Illegalisation and Legalisation Policies in Post-1990 Germany

Reading:

- Klusmeyer, Douglas B, and Demetrios G. Papademetriou: *Immigration Policy in the Federal Republic of Germany*, Berghahn, 2013, chapt. 16: „The Restriction of Asylum, pp. 168-180, and chapt. 26: From Policy Vision to Legislative Reality. The Making of the 2005 Migration Law“, pp. 251-260.

November 14, 2018 „Fortress Europe“, „Crimmigration“ and the „Illegality Industry“

Reading:

- Sonja Buckel: „The Rights of the Irregularized. Constitutional Struggles at the Southern Border of the European Union“, in: *The Irregularization of Migration in Contemporary Europe. Detention, Deportation, Drowning*, ed. by Yolande Jansen, Robin Celikates and Joost de Bloois, Rowman & Littlefield, 2015, pp. 138-151.

November 21, 2018 „Inside Migration Law“: The Ausländerbehörden

Reading:

- Eule, Tobias G.: *Inside Immigration Law. Migration Management and Policy Application in Germany*, Ashgate Publishing Ltd, 2014, chapt. II, pp. 19-42.

November 28, 2018 Lifesavers, escape helpers and people smugglers

Readings (don't worry, they are short):

- European Council: „Directive 2002/90/EC of 28 November 2002, defining the facilitation of unauthorised entry, transit and residence“, Official Journal of the European Communities, L 328/17-18, 5. December 2002, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32002L0090&from=EN> (2 pages)
- European Commission: „Towards a Comprehensive European Migration Policy: 20 years of EU Action“, MEMO/15/4544, 04 March 2015, http://europa.eu/rapid/press-release_MEMO-15-4544_en.htm (6 pages)
- European Commission: „EU Action Plan against migrant smuggling (2015 – 2020)“, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, COM(2015) 285 final, 27 May 2015, https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eu_action_plan_against_migrant_smuggling_en.pdf (11 pages)
- European Parliament: „Combatting Migrant Smuggling into the EU“, Briefing Implementation Appraisal, April 2016, http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/581391/EPRS_BRI%282016%29581391_EN.pdf (12 pages)

December 5, 2018 – Legal Pathways or No Border Politics: Excursion to the Flüchtlingspaten Syrien

Reading:

- King, Natasha: *No Borders. The Politics of Immigration Control and Resistance*, zedbooks London, 2016, Chapt. 1: „What is a no border politics?“, pp. 24-50.

December 12, 2018 Closing Session

Reading:

- Buckels, Sonja, Fabian Georgi, John Kannankulam and Jens Wissel: *The European Border Regime in Crisis. Theory, Methods and Analyses in Critical European Studies*, Rosa-Luxemburg-Stiftung, Studien 8/2017