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Norms, Institutions, and National Identity in Contemporary Europe

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The constructivist study of norms faces two central challenges—reintegrating agency into its largely structural accounts and unpacking its arguments at the national level. This article addresses these issues, and does so in four parts. First, I briefly review the burgeoning constructivist literature, exploring the ontological and theoretical reasons for its neglect of agency. Second, by adding social content to the concept of diffusion, the transmission mechanism linking international norms to domestic change, I explain the motivation of domestic actors to accept new normative prescriptions, thus making a start at restoring agency to constructivist accounts. Third, I argue these key actors will vary cross-nationally as a function of state-society relations (“domestic structure”). Fourth, the argument is applied to the politics of national identity in post-Cold War Europe. In particular, I examine the degree to which international norms are affecting debates over citizenship and national minorities in contemporary Germany, with empirical data drawn from the European human rights regime centered on the Council of Europe.

This article examines changing conceptions of citizenship and the rights of minorities—that is, national membership—in contemporary Europe. War in the former Yugoslavia and conflicts between Russia and the Baltic states suggest that defining such membership is fraught with dangers. However, these facts should not obscure that similar questions are being raised in many West European countries. Unfortunately, our explanations for these processes are underspecified and typically consider domestic factors alone. Yet, in a Europe with ever more permeable borders, it seems shortsighted to isolate the domestic and international political arenas.

I probe this domestic-international nexus by examining the degree to which norms—shared expectations about appropriate behavior held by a collectivity of actors—promoted by the Strasbourg-based Council of Europe (CE) are affecting debates over citizenship and national minorities in contemporary Germany. Council norms regarding these issues are my independent variable. The dependent variable

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is state-level definitions of citizenship and the social/cultural rights of minorities—together, national membership.

These explanatory and outcome variables are linked via an institutional argument: domestic norms shaping the preferences of agents predict the degree to which international norms resonate and have constitutive effect, while domestic structure identifies these key agents and how they will vary cross-nationally. More formally, both domestic norms and domestic structure are variables that intervene between systemic norms and national-level outcomes.

Within the international relations literature, this argument contributes to a growing body of constructivist research that examines the state interests taken as given by both neorealism and neoliberalism. It does so by modeling the processes through which the constructivists' norms affect interests, and by "bringing agency back in" to their analyses. Lack of attention to process has resulted in correlational arguments, while neglect of agency has left constructivists unable to explain why the constitutive impact of norms varies across states.

The article is organized as follows. It begins with a brief review of the constructivist literature on international norms. In the second and third sections I develop a two-step argument to explain cross-national variation in the constitutive influence and diffusion of norms. The case material in the fourth section examines the European human rights regime—in particular, the degree to which norms it promotes influence the politics of national membership in contemporary Germany. Empirically, I consider both "norm-makers" at the European level and "norm-takers" within the Federal Republic; however, since previous constructivist scholarship has emphasized the former, I focus on the latter—the norm-takers in Germany. The conclusion assesses my argument, suggests how it could be extended empirically, and notes its implications for current theoretical debates.

Constructivism and the Study of Norms

Until recently, neoliberal institutionalism and regime theory were the dominant approaches to the study of international norms. Premised on rationalist assumptions, this work typically erects a black box around states and their decisionmaking process in the interest of theoretical parsimony. Such an approach has allowed these scholars to challenge neorealists on their own analytic turf (Krasner, 1983; Keohane, 1984, 1993a; "Promises, Promises," 1995).

At the same time, the rationalist core of this research has led it to skirt a key issue. When and under what conditions do norms shape the interests of states? (Keohane, 1993b:285; Anderson, 1995:463–64; Barnett, 1995:490–91; Finnemore, 1996a:ch. 1). While neoliberals and regime theorists do accord a role to norms, it is limited: they facilitate cooperation among self-interested actors. Norms constrain the behavior of states (agents), but do not affect their identities/interests; moreover, the norms themselves are dependent upon underlying power distributions (Klotz, 1995b:ch. 2).

These arguments and assumptions have been questioned by constructivist research that seeks to explain interest and identity formation. These scholars argue that international norms carry social content and are often independent of power distributions; they provide agents/states with understandings of interests ("constitute them"), and do not merely constrain behavior. In recent years, empirical work along these lines has convincingly demonstrated that norms can have such constitutive effects (Nadelmann, 1990; Finnemore, 1993, 1996a; Strang and Chang, 1993; Soysal, 1994; Klotz, 1995b; Katzenstein, 1996a, 1996b).¹

¹ For good treatments of the theoretical and ontological issues in constructivist work, see Meyer et al., 1987, and Wendt, 1992, 1995, and 1996:ch. 1.

While this constructivist scholarship has broadened our understanding of the role played by norms, it nonetheless exhibits two weaknesses. First, it neglects to explore in a systematic manner the mechanisms through which international norms reach the domestic arena. Constructivists fail to specify diffusion mechanisms and thus cannot offer a causal argument, verified through process tracing, of how norms are transmitted to states and have constitutive effects. As a result, their analyses are often correlational, where one establishes the existence of a global norm and then explores whether state-level practice and discourse are changing in ways consistent with its prescriptions.²

Second, constructivism cannot account for an obvious fact: the same norm will have a dramatic constitutive impact in one state, but fail to do so in others. In part, this problem results from inattention to theory development, especially at the domestic level; however, a more important factor is ontological. Despite an emphasis on the mutual constitution of agents and structures, empirical constructivists have utilized a largely structure-centered ontology, where structures (typically norms) provide agents (states or individual/groups within them) with new understandings of their interests.

Even in the few cases where, ontologically, agents do have status, constructivists have emphasized the role of international norm-makers—nongovernmental organizations (NGOs), international organizations—and not domestic norm-takers. Lacking a theory of domestic agency, constructivism thus overpredicts international normative influence and cannot explain cross-national variation in the constitutive impact of systemic norms (Florini, 1996; Moravcsik, 1997:29–30, among others).³

Diffusion as Social Practice

I highlight the role of these domestic agents by socializing a concept of central concern to the constructivist study of norms: diffusion. This word or its close synonyms (“spread,” “trickling down,” “translation”) abound in recent work; such usage is understandable. Scholars are asking how global norms affect and constitute particular domestic agents, be they states, individuals, or groups (NGOs, say). At issue, then, is how norms “out there” in the international system get “down here” to the national arena and have constitutive effects. As I argue below, constructivists are asking the right question, but have failed to think through what diffusion, from a social constructivist perspective, entails.

To begin, more needs to be said about diffusion—the concept itself and as a field of study. Diffusion, by a standard definition, is the “transfer or transmission of objects, processes, ideas and information from one population or region to another”; or, as one popular text puts it, diffusion occurs when an “innovation is communicated through certain channels over time among members of a social system.” Both definitions, while general, capture the central dynamic of concern to constructivists studying the spread/influence of norms (Hugill and Dickson, 1988:263–64; Rogers, 1983:14, respectively).

There is a rich tradition of diffusion research in anthropology, geography, history, sociology, and, more recently, political science. While this literature is as varied as the disciplines it encompasses, several common themes and assumptions stand out (for background, see Haegerstrand, 1967; Rogers, 1983; Hugill and Dickson, 1988; Most and Starr, 1990; Starr, 1991; Kapur, 1995; Gruebler, 1996).

² This problem is endemic in one branch of constructivism: research by sociological institutionalists. See Strang and Chang, 1993; Soysal, 1994; and, for critique, Finnemore, 1996b. With the partial exception of Klotz, 1995b, recent constructivist studies by political scientists exhibit much the same weakness (see Checkel, 1998a).

³ Constructivism’s missing theory of domestic agency is clearly seen in recent empirical work: Klotz, 1995b; Finnemore, 1996a; Katzenstein, 1996b; and Roundtable, 1997.

First, there has been a bias to focus on successful cases of diffusion; thus, in terms of research design, there is often a failure to consider the “dog who didn’t bark.” Second, there has been a tendency, particularly in subfields such as economic geography and sociological realism, and in popular diffusion models such as the spatial one first developed by geographers, to build approaches on implicit rationality assumptions at the level of particular agents (known as adopters in diffusion studies). Innovations diffuse, that is, because they help calculating agents solve problems or compete more efficiently (Haegerstrand, 1967:Postscript).

Third, much diffusion research is biased toward outside-in, structural explanations. The importance of the adopter populations’ own characteristics, with a few exceptions (anthropological field studies), has been slighted. Put differently, the role of agency within the adopter population is largely ignored or assumed away with simplifying assumptions (see above). It is therefore not surprising that one interdisciplinary summary of the state of diffusion research concluded that, while the “nature of the adoption environment is central to the diffusion process,” it remains poorly understood (Hugill and Dickson, 1988:270–71).

This brief review suggests that the dominant models and assumptions informing diffusion research have themselves successfully diffused to constructivists studying the spread of global norms. In many cases, these scholars rely, implicitly, on variants of the so-called epidemic or epidemiological model (Hugill and Dickson, 1988:ch. 3). In these accounts, contact between possessors of a trait and those who lack it is considered sufficient for explaining diffusion; patterns or similarities found in different areas are taken as evidence that diffusion has occurred. It is odd that constructivists, with their emphasis on social context, would utilize such an asocial diffusion model.

Two developments in diffusion research, however, can help constructivists restore both agency and social context to their analyses of norm diffusion. On the latter, sociologists have recently added an explicitly cultural and social element to prevailing diffusion models, arguing this is necessary when one uses diffusion to study the “social construction of identity.” This revised model also asserts that the degree of “cultural match” between global norms and domestic practice will be key in determining the pattern and degree of diffusion, a point to which I return below (Meyer and Strang, 1993:503–4).

A second development, in research by geographers, addresses the role of agency within the adopter population. The starting point here is the obvious, but too often neglected, one that specific features of adopters crucially affect the likelihood of successful diffusion; researchers need to pay greater attention to the adopter’s “experience, norms, values and intentions” when studying diffusion. Moreover, the adoption environment should be reconstructed within its own societal and environmental context, through an “intersubjective familiarity” of the individuals and groups under study. This is a call to reintroduce process, agency, and what Avinoam Meir has called “cultural man” to dominant structural diffusion approaches (Hugill and Dickson, 1988:239–44, *passim*).⁴

These advances in diffusion research should be of interest to constructivists as they have uncovered abundant evidence that the process of norm diffusion to their adopter populations (states and groups/individuals within them) depends critically on social and cultural characteristics of the population (Klotz, 1995b:ch. 7; Cortell and Davis, 1996a, for example). Constructivist research thus suggests that the

⁴ Meir’s emphasis on process also finds support in an earlier generation of anthropological diffusion studies; see Hugill and Dickson, 1988:Introduction.

preferences of domestic agents, in the presence of diffusing global norms, are shaped in important ways by countering domestic norms.⁵

Precisely because norms carry social content and meaning, it is important for constructivists to build on this empirical insight and socialize the process whereby norms are transmitted to the domestic arena. To this end, I argue that diffusion is more probable when a “cultural understanding that social entities belong to a common social category constructs a tie between them” (Meyer and Strang, 1993:490). However, this diffusion process is not always frictionless; country-specific differences matter. Diffusion is more rapid when a cultural match exists between a systemic norm and a target country, in other words, where it resonates with historically constructed domestic norms (Hugill and Dickson, 1988:ch. 12; DiMaggio and Powell, 1991:199–201; Meyer, Ramirez, and Soysal, 1992; Dobbin, 1993:3–7, *passim*).

Exploration of this hypothesis, however, requires a clear definition of cultural match. I thus define it as a situation where the prescriptions embodied in an international norm are convergent with domestic norms, as reflected in discourse, the legal system (constitutions, judicial codes, laws), and bureaucratic agencies (organizational ethos and administrative procedures). So defined, cultural matches vary across issue areas.

Cultural match is not simply a dichotomous variable (yes, one has it or not); rather, it scales along a spectrum. At one end, there is a positive (“+”) match, which indicates complete congruence between international and domestic norms in a particular issue area. In the middle, one has a null (“0”) match, where the domestic arena contains no obvious normative barriers to a particular systemic understanding. At the other end of the spectrum, one has a negative (“-”) match—a situation of no congruence between international and domestic norms. The degree of cultural match decreases as one goes from positive to negative. So defined, the concept captures the multiple, domestic as well as international, and potentially conflicting institutional contexts that construct agent identities—an empirical reality that has too often been neglected in recent constructivist work.⁶

While measuring cultural matches is no simple task (see methods section below), the potential payoff from employing them is high. Indeed, thinking in terms of matches helps highlight and reintegrate domestic context and agency into social constructivist analyses of diffusing global norms. By itself, however, the concept is not enough. It leaves unaddressed two important questions of agency/process: the specific mechanisms through which domestic agents empower norms; and how global norms, in a cognitive sense, connect to such agents.

Domestic Structures, Diffusion Mechanisms, and Social Learning

To have the powerful constitutive effects predicted by constructivists, international norms must be empowered in the national arena, that is, they must change the interests and preferences of some domestic agent (individuals, groups). Norm empowerment directs our attention to earlier stages in policymaking, when the issue is not compliance with or the implementation of well-established regime norms (Mueller, 1993), but how they first have constitutive effects. This requires exploration of the transmission mechanism or diffusion pathway through which norms reach the domestic level.

Specifically, I define empowerment as occurring when the prescriptions embodied in a norm become, through changes in discourse or behavior, a focus of domestic

⁵ Similarly, researchers in the ideas literature have argued that deeply rooted domestic discourses are key in limiting the impact of transnationally generated ideas. See Adler, 1987; Sikkink, 1991; and Bleich, 1998.

⁶ Barnett’s analysis of role conflict is one of the few exceptions (Barnett, 1993:274–77, *passim*).

political attention or debate (see also Adler and Haas, 1992:375–78). Empowerment involves elite decisionmakers and possibly other societal actors as well. Put more carefully, actions by state policymakers, be it changes in their discourse or behavior (Kratochwil, 1989; Klotz, 1995b:ch. 2), are a necessary but not always sufficient condition for empowerment to occur. This reflects the fact that elites are the gatekeepers who ultimately control the political agenda (Bachrach and Baratz, 1963).

A review of the political science (transnational politics, issue networks, constructivism), sociological (work on global culture and norms), and international law literatures reveals two different diffusion mechanisms empowering norms domestically: one is a “bottom-up” process, while the other is “top-down.” In the first case, nonstate actors and policy networks are united in their support for international norms; they then mobilize and coerce decisionmakers to change state policy. Norms are not internalized by the elites. The activities of Greenpeace exemplify this political pressure mechanism (see Nadelmann, 1990; Charney, 1993:543–50; Sikkink, 1993a; Klotz, 1995a, 1995b; Moravcsik, 1995; Wapner, 1995; Ron, 1997; Keck and Sikkink, 1998:ch. 1, *passim*; Risse and Sikkink, 1999).

This mechanism has received more attention in studies of norm diffusion. In part, this bias is understandable as the shaming activities of organizations like Greenpeace or Amnesty International are very much in the public (and scholarly) eye, and undoubtedly play a major role empowering norms. Yet, it sets up an implicit and unfortunate dichotomy between the good activists, civil-society entrepreneurs or NGOs, and the bad state, be it bureaucrats or elite decisionmakers. The danger in such a dichotomy is not only empirical (missing other possible diffusion pathways), but theoretical: it replicates the unhelpful either/or distinctions made in the early literature on transnational politics (Keohane and Nye, 1971; however, see Risse-Kappen, 1995a).⁷

A second, top-down diffusion mechanism has received less attention from scholars. In this case, social learning, not political pressure, leads agents—typically elite decisionmakers—to adopt prescriptions embodied in international norms. Norms become internalized and constitute a set of shared understandings that make behavioral claims. This process is based on notions of complex learning drawn from cognitive and social psychology, where individuals, when exposed to the prescriptions embodied in norms, adopt new interests (see Soysal, 1994; Stein, 1994; Risse-Kappen, 1995b; Finnemore, 1996a; Katzenstein, 1996a:ch. 8; Wendt, 1996:chs. 7, 8).

There are thus two dominant diffusion mechanisms empowering norms domestically. The challenge is to explain this variation, with the argument here being that the structure of domestic institutions accounts for a good bit of it. Specifically, I argue that the mechanisms of norm diffusion vary as a function of domestic structure, with four categories of such structures identified: liberal, corporatist, statist, and state-above-society. From these, I deduce and predict cross-national variation in the mechanisms through which international norms are empowered.⁸

In making these arguments, I draw upon research by students of domestic structures (Risse-Kappen, 1991, 1995a:ch. 1) and historical institutionalists (Longstreth et al., 1992), as well as work by sociologists (DiMaggio and Powell, 1991:219–28; Soysal, 1994:ch. 3). These scholars study how institutions (state bureaucracies, so-called intermediate associations linking state and society) structure the game of politics and, more important, policymaking within countries; their

⁷ For examples of this normative shaming dynamic at work, see David Lascelles, “Swamped by a Sea of Public Anger,” *Financial Times*, June 22, 1995; and Michael Peel, “Oil Rig Protest Ends,” *Financial Times*, August 18, 1997.

⁸ An earlier version of the following appeared in Checkel, 1997b. Raymond (1997:215–16) identifies not two, but four diffusion mechanisms; however, he considers research on both norm compliance and norm empowerment.

approach should be helpful in thinking more systematically about the process through which global norms are empowered in the domestic arena.

The argument is summarized in Table 1. The diffusion mechanisms—societal pressure and elite learning—are those highlighted in recent empirical work on norm diffusion. However, I go a step beyond this research by incorporating domestic structures as an intervening variable, one that predicts which mechanism will prevail.⁹

In the liberal structure (column 1), the role of elites is highly constrained; policy is formed more from the bottom up than from the top down (Risse-Kappen, 1991). Individuals and groups in society are accorded a central role in policymaking, and, therefore, likely agents of norm-induced change; societal pressure explains the domestic empowerment and possible constitutive impact of global norms. For empowerment, it is irrelevant whether elites learn from norms. Moreover, such learning is less probable in liberal structures, where decisionmaking is politicized and the circle of actors large. While the politics-process-learning connections are poorly understood theoretically, one central insight of the empirical case research is that the greater the amount of friction generated by politics, the lower the likelihood of individual-level learning (Mendelson, 1993; Pierson, 1993:617–18; Levy, 1994; Reiter, 1996:ch. 2; and, for empirical studies, Anderson, 1991; Hall, 1993).

A recent example of these dynamics comes from that classic liberal polity, the U.S., and its views on child labor practices in foreign countries. In a notable shift, the Clinton administration has come to favor domestic and international measures to outlaw so-called child sweatshops. This change correlates with a growing global consensus, evidenced in the International Labor Organization, World Trade Organization, and UNICEF, that child labor must be curbed. Thus, we have a possible global norm and changing domestic policy and discourse. However, as accounts make clear, this domestic change has little to do with learned logics of appropriateness, and everything to do with politics. Both the Clinton administration and clothing manufacturers such as GAP are acting to head off societal pressures organized by consumer groups and human rights NGOs.¹⁰

At the opposite extreme (column 4), one has the state-above-society structure. The state sits apart from and exercises considerable control over society. In this top-down policymaking environment, elite learning is necessary if international norms are to be empowered domestically; as learning theory suggests, it is also more likely in this less politicized setting. A persuasive example of these dynamics is the change in Soviet international behavior that brought the Cold War to a peaceful end. In the USSR, a state above society, learning by the Gorbachev leadership—in the form of new norms regarding security and international politics—was a decisive causal factor leading to subsequent revolutionary shifts in Soviet policy (Stein, 1994; Katzenstein, 1996a:ch. 8; Checkel, 1997a:ch. 5).

The middle two columns in Table I present a more complex picture of diffusion, one where both mechanisms are at work. In the corporatist domestic structure (column 2), state decisionmakers play a greater role in bringing about normative change than in the liberal case; however, this does not mean they impose their preferences on a pliant populace. A hallmark of corporatism is the policy networks connecting state and society, with the latter still accorded an important role in

⁹ The predictions below are probabilistic, not deterministic: for a given polity, they specify likely diffusion pathways and agents.

¹⁰ Nancy Dunne and Stella Burch, "Clinton Moves on Sweatshops," *Financial Times*, August 15, 1996; Kasra Naji, "Bangladesh Bans Child Labour in Garment Industry," *Financial Times*, November 2–3, 1996; and Peggy Hollinger, "Toymakers Accused of Ignoring Factory Code," *Financial Times*, December 4, 1996. On the dominant role of societal pressure for empowering norms in the U.S. polity, also see Cortell and Davis, 1996b.

TABLE 1.

	<i>Liberal</i>	<i>Corporatist</i>	<i>Statist</i>	<i>State-Above-Society</i>
Domestic Mechanisms Empowering International Norms	Societal Pressure on Elites	Societal Pressure on Elites (primary) and Elite Learning (secondary)	Elite Learning (primary) and Societal Pressure on Elites (secondary)	Elite Learning

decisionmaking (Katzenstein, 1985). In this setting, it is both societal pressure (primary) and elite learning (secondary) that lead to norm empowerment (see also Risse-Kappen, 1994).

Finally, in the statist structure (column 3), learning by elite decisionmakers plays a much more dominant role in the process through which global norms first reach the domestic agenda. As both the societal penetration of the state and the organization of social interests are weaker than in the liberal or corporatist types (Hall, 1986), the likelihood that pressure from below will empower norms is reduced. Illustrative of such dynamics is France, considered to be a prime example of a statist polity. During 1995, Greenpeace International was singularly unsuccessful when it sought, by invoking environmental norms and orchestrating an international and domestic pressure campaign, to stop French nuclear tests in the South Pacific.¹¹

For the constructivist study of norms, the foregoing has two benefits. Most important, it unpacks the state in a systematic way. There is a wealth of domestic politics in constructivist accounts of norm-driven change; however, lacking a clearly specified argument on how domestic politics works (let alone how such processes might vary cross-nationally), the constructivist norm at the national level has been empirical “ad-hocery,” with various implicit models advanced. The domestic structures argument advocated here not only captures key dynamics of norm-driven change in current studies; it also lays out a framework that can be subjected to further empirical testing and—ideally—challenges from scholars who develop other, competing, arguments.

In addition, my framework explores how international norms, at a micro-level, provide domestic agents with new understandings of interests. Building on the implicit cognitive model in several studies, I advanced a complex learning thesis, where agents, in the absence of obvious material incentives, acquire new values and interests from norms; their behavior, in turn, comes to be governed by new logics of appropriateness. Learning of this type needs to be distinguished analytically from simple learning. In the latter, strategies and tactics change while underlying interests and preferences remain stable—it can be accommodated within a rationalist account; with complex learning, interests themselves are endogenized (Levy, 1994).

This thesis adds a political/process dimension to the arguments of the few constructivist theorists exploring micro-foundations. Wendt (symbolic interactionist theory), Barnett (role theory), Risse-Kappen (attribution and learning theory), and Adler (cognitive evolution) have separately advanced arguments about the interaction of agents and structures that seek to explain how structures constitute the former. In the end, all solve the micro-problem by utilizing variants of social learning theory, in particular, of the complex sort (see Wendt, 1992, 1996:chs. 7, 8; Barnett, 1993:273–75, 1995:491–92; Risse-Kappen, 1995b; Adler, 1997:338–41). While these theoretical moves are to be applauded, the unfortunate reality is that

¹¹ See also Bleich, 1998:16–22, on statist domestic structures and transnational processes of ideational/normative change.

the cognitive logic underpinning them often breaks down in the complicated, political world with which empirical constructivism is grappling. Simply put, how does one maintain complex learning in settings where the static created by domestic politics hinders it? All four avoid this last issue by either bracketing domestic politics or invoking simplifying assumptions about them.

The answer advanced here is that social learning as the micro-mechanism translating norms to agents is more likely in particular types of polities—the statist and, especially, state-above-society—where the friction and tumult of politics is reduced. My argument thus seeks to take both learning and politics seriously, integrating theoretical insights with empirical reality.¹²

Summary. When the above is integrated with my earlier discussion of diffusion as social practice, the result is a two-step argument for explaining cross-national variation in the spread and constitutive impact of international norms. Domestic structure predicts the mechanisms transmitting these norms to the national arena, while domestic norms shaping the preferences of key agents predict the degree to which they resonate and have constitutive effect in particular states. This resonance is conceptualized in terms of cultural matches: “null” and, especially, “positive” matches increase the probability that international norms will have constitutive effects, while a “negative” match reduces it.

More formally, both domestic structures and domestic norms are variables that intervene between systemic norms and national-level outcomes. In contrast to much constructivist research, I am interested here in systematically exploring both process and outcome. Domestic structure is used “to investigate and explain the decision process by which various initial conditions [systemic norms, in my case] are translated into outcomes” (George and McKeown, 1985:35); for me, it also predicts, across countries with different state-society relations, the likely domestic agents empowering norms. Domestic norms determine the degree of cultural match, and thus predict, in a probabilistic sense, whether norm-takers in a particular country will be open to prescriptions embodied in systemic understandings.

Methods and Case Selection

My argument dictates a four-step research method. First, I document the existence of European norms on national membership and establish whether the development of such norms correlates with domestic policy debates or changing state practice. Second, the domestic structure of a country must be coded, with care taken that the coding is independent of my own fieldwork. I thus rely on the research of area/regional/comparative specialists. This coding will allow me to generate predictions and deductions concerning likely diffusion pathways for a particular country.

Third, I switch to an inductive mode and establish the historically constructed and, perhaps, institutionalized domestic identity norms addressing national membership (citizenship, minority-rights practice and policy). This allows me to ascertain the degree of cultural match between domestic and international norms; in turn, I can then generate predictions on the likelihood that norms will have constitutive effects in a given state. Fourth, to move beyond correlations, I demonstrate empirically that the pathway through which these norms diffuse and have effect (constitutive or not) is consistent with my argument.

¹² The argument may also be useful to sociological institutionalists, as well as IR researchers who advance a domestic norms explanation for the democratic peace. Both rely on implicit cognitive learning frameworks to connect macro-social structures to agents, while underspecifying political processes. See DiMaggio and Powell, 1991:14–15; and Chan, 1997:79, respectively.

Two points—the measurement of international norms and the operationalization of cultural matches—require further discussion. On the former, the challenge for constructivists is to develop indicators that an international norm, independent of any domestic effects, has evolved and become sufficiently robust to attain prescriptive status—that is, make behavioral claims on actors. I employ two such indicators, the first of which is textual analysis. The European regional norms of interest to me are codified in specific treaties and conventions; I can thus study the treaty texts. Crucial are the explanatory reports attached to these treaties, which give an insider's view of their evolution. Analysis of this sort uncovers areas where shared understandings have emerged.

A second, more important, technique is discursive. Interviewing at the Council of Europe in Strasbourg and in national capitals was crucial for revealing whether aspects of these treaties had acquired a prescriptive, taken-for-granted status as normative understandings. Exploitation of this second method was only possible due to extensive field work, which involved three rounds of interviewing over three years. These techniques of textual analysis and in-depth interviews replicate Zuern's (1997:298–302) excellent suggestions for “using documents” and “asking experts” when one wants to establish actor interests independent of behavior, a methodological challenge analogous to the one faced here.

For cultural matches, three measurement techniques are used. First, I rely upon historical institutionalism to capture the temporal dimension—in my case, the evolution of domestic norms regarding citizenship and minority rights. Building on a key historical institutionalist insight, I explore whether these norms become institutionalized, for this gives them staying power in politics (Goldstein, 1993; Katzenstein, 1993; see also Longstreth et al., 1992). Institutionalization is measured through indicators that are both bureaucratic (norms embedded in organizations) and legal (norms incorporated into judicial codes, laws, and constitutions). For example, in the German case below, I trace how ethnic conceptions of citizenship embodied in a 1913 law were replicated over time and locked into more recent legal codes, thus structuring contemporary rules of the game.

Second, I interview participants in contemporary policy debates, seeking to ascertain how and whether historically constructed norms shape policy preferences on citizenship. In all instances, I utilized a similar interview protocol, starting with the general (“How, if at all, does German national identity relate to the country's citizenship policies?”) and then proceeding to the more specific (“Advocates of citizenship reform typically propose an easing of the current prohibition on dual citizenship; how do you view such proposals?”).

My questions were designed to tap an individual's basic beliefs about citizenship and what motivated him/her to hold them. On the latter, I gave interviewees several possibilities, including answers that addressed materialist incentives (easing citizenship might allow more immigrants to access a decreasing social-welfare pie), as well as identity concerns (easing citizenship would dilute or change the “Germanness” of the country).

Third, as a supplement and check on the interview data, I carry out a content analysis of major media—German, in this case. This not only allowed for checking the beliefs and motivations of particular individuals (when that person was both an interviewee and participant in public debates); equally important, it helped me determine the general public discourse about citizenship.

Together, these three methods allow for a degree of triangulation when assessing the content of norms and normative effects (see also Raymond, 1997:219–22); in turn, this allowed me to give operational content to the term cultural match.

As for case selection, a central criterion was to have variance in a key intervening variable: domestic structure. Thus, in a larger work-in-progress, I chose Russia, Ukraine, Germany, and Great Britain as initial cases not only because all have been

engaged in wide-ranging debates over national membership; previous scholarship suggested they covered my four categories of domestic structures: liberal Britain, corporatist Germany, statist Russia, and state-above-society Ukraine (Checkel, 1997b, 1998c).

In this article, I consider only one country—Germany—and do so for three reasons. Theoretically, it is a most likely case for international-regional norms to have a domestic impact; given my interest in studying the role of norms at the level of norm-takers, the German focus thus makes sense. The theoretical logic, in brief, is that Germany sits within the most densely institutionalized environment in the post-Cold War world: Western Europe (Weber, 1994; more generally, Risse-Kapfen, 1995a:ch. 1). High levels of international institutionalization promote transnational normative processes and, more specifically, have led to a Europeanization of German national identity (Keohane, 1993a:ch. 1; Katzenstein, 1997).

Methodologically, my hunch at the start of this project was that German identity, contra to the theoretical logic above, would be resilient and relatively stable. This suspicion was based on nothing more than a reading of the specialist literature on the country, which stressed its deeply rooted ethnic conception of citizenship. As my fieldwork progressed, this hunch turned into empirical reality; in turn, this increased the appeal of an initial focus on Germany. From a methodological perspective, it was a case where “the dog didn’t bark”—that is, where international norms diffuse and are deeply contested in the domestic arena. For a constructivist literature that has too often considered only cases where norms work (Katzenstein, 1996a:ch. 12), my German study should thus also be valuable.

Practically, given my process-tracing method and its attendant data requirements, it simply would not be possible to fit five cases (four countries, plus the evolution of the European-level norms) into one article. The resulting analysis would be stretched too thin, leading readers to question the validity of my results.

Citizenship, Minorities, and Identity in the New Europe

Questions of membership have become central to the construction of identity in post-Cold War Europe. Laws on citizenship and national minorities create fundamental categories and distinctions. Is the membership principle *jus sanguinis* (citizenship passed along blood lines) or *jus soli* (citizenship accorded to anyone born on state territory)? What rights do states grant to migrants? Are they viewed as citizens-in-waiting or aliens? How are national minorities treated? Are they urged to assimilate or is their separateness recognized? All these issues are matters of public debate in a wide range of European countries (Brubaker, 1989; Hayden, 1992; Verdery, 1993; Jones, 1994).

I address these questions by exploring the normative context affecting the construction of identity. As already noted, contemporary Europe, with its institutionally thick environment, is a likely setting for the promotion of international norms. Moreover, the last decade has seen a significant increase in scholarly and NGO interest in citizenship and minority rights. These discussions have advanced to the point where specific propositions—for example, on facilitating dual citizenship—have gained wide backing (Hammar, 1989; Miller, 1989; Hannum, 1991; Bauboeck, 1994:Preface; Bauboeck and Cinar, 1994).

Proponents of such arguments have linked them to the norms of the European human rights regime centered on the Council of Europe. Far from being a passive player in this process, the Council has actively influenced it, seeking to create shared understandings of citizenship and the rights of minorities—the common social categories that sociologists see as essential to the promotion of diffusion. Indeed, the European rights framework and the Council are considered to be one of the

clearest examples of an effective international regime (Donnelly, 1986:620–24; Sikkink, 1993b; Moravcsik, 1995).

The Council of Europe

The Council has given real teeth to the protection of a wide range of rights in Europe. The primary instrument in this regard is the European Convention on Human Rights (ECHR), which came into force in 1953 (Robertson, 1956; Donnelly, 1986; Council of Europe, 1993; Hill, 1993). In recent years, the Council has devoted increasing attention to a particular subset of human rights: minority rights and citizenship. In December 1994, it adopted a Framework Convention for the Protection of National Minorities; in May 1997, the Council formally approved a European Convention on Nationality that addresses citizenship and immigrant naturalization.

The treaty on national minorities promotes shared understandings on the legitimacy of minority rights and identities; until now, such a consensus had never existed at the European level. Council officials see the Framework Convention's most important function precisely as a tool for exerting normative pressure. As one put it, the "important thing is that countries accepting it promise to implement its principles—and know the spotlight will be turned on them if they fail to do so" (Council of Europe, *Forum* [December 1994]:34; for the treaty, see Council of Europe, 1994).¹³

The European Convention on Nationality revises norms on citizenship that were embodied in a 1963 Council-sponsored treaty. On the question of multiple nationality (often referred to as dual citizenship [DC]), this earlier treaty had taken an explicitly negative view: dual citizenship was something to be prevented. It thus privileged state interests; from the vantage point of the state, dual citizenship was bad news, leading to split loyalties and complicating military service obligations (Council of Europe, 1996:app. 2, 209–10).

Seeking to exploit a growing awareness among scholars, NGOs, and some European governments that multiple nationality is often necessary and desirable, the new convention takes a neutral view on dual citizenship. In reality, however, this neutrality, by removing the earlier explicit negative sanction, is designed to push states to be more open to multiple nationality (for the treaty, see Council of Europe, 1997; on the changing views of dual citizenship, see the explanatory report attached to the treaty).¹⁴

Evidence of a European trend favoring greater tolerance of double nationality includes the following:

- **State-Level:** Between 1990 and 1994, several countries, including Italy and Switzerland, eased their previous strict prohibitions on dual nationality; as one study put it, the trend among European states is "most often for pragmatism to prevail." At a practical level, by the early 1990s, the "availability of dual

¹³ Also see Interviews: Hanno Hartig, Directorate of Human Rights, CE Secretariat, Strasbourg, May 1994, June 1995; and Frank Stekete, Minorities Section, Directorate of Human Rights, CE Secretariat, Strasbourg, April 1997. Hartig played a central role in the negotiations leading to the Framework Convention, writing most of the text; Stekete works on its implementation and monitoring procedures.

¹⁴ While it is beyond the scope of this article, one could take the analysis back one step further: what led the CE Secretariat to seek a revision of Council norms on nationality? In this case, it was largely a story of individual beliefs and open policy windows. Highly placed individuals within the Secretariat along with a few member states in Scandinavia had wanted such a revision since the late 1980s. However, it took a strong-willed and entrepreneurial CE Secretary General, Catherine Luminere, and a policy window created by the outbreak of ethnic conflict in Europe, which moved questions of nationality to the fore, for this wish to become reality in the 1990s. Interviews: Peter Leuprecht, First Deputy Secretary General, CE Secretariat, June, July 1995; Daniel Tarschys, Secretary General, CE Secretariat, April 1997. Luminere and other Secretariat personnel thus appear to have been the "moral entrepreneurs," individuals who help create norms, highlighted in recent constructivist research. See Finnemore, 1996a; and Florini, 1996.

citizenship [had] now become a matter of course in Western Europe" (Bauboeck, 1994:53, 62; "Zwei Paesse fuer Einwanderer: Wie machen es die anderen? Meist siegt der Pragmatismus," *Die Zeit*, November 21, 1997, respectively).¹⁵

- **Academic/NGO-Level:** Research reports and conferences sponsored by European academics and NGOs now often advocate an easing of the 1963 treaty's strict prohibitions (Hammar, 1989; Miller, 1989; Bauboeck, 1994; Bauboeck and Cinar, 1994).
- **European-Level:** The CE's Parliamentary Assembly (its legislative branch; composed of elected parliamentarians of Council member states) is on record as favoring more state recognition of double nationality. Indeed, it has explicitly criticized the new (1997) convention for not going far enough in this regard (Council of Europe Parliamentary Assembly, Document 7718, 20 December 1996; Document 7719, 20 December 1996, both available at <http://stars.coe.fr>).

Does this mean a new European-wide consensus exists? Hardly, for a number of states (Germany, for example) oppose any changes to the 1963 treaty. However, this evidence convincingly demonstrates that the old consensus against DC has broken down, and old European norms are competing with new understandings. If this were not the case, then why even bother with the long and difficult process that has just culminated in a new convention whose specific purpose from the start was to update and modify the 1963 treaty?¹⁶

What does the new convention actually say? Formally, it is neutral on the question of multiple nationality; it is left to CE member states to decide their own laws on the issue. This is made clear in the convention's Preamble, Article 15, and points 96–98 in the accompanying Explanatory Report. If one were to stop at this point, then the conclusion might very well be that little has changed (Council of Europe, 1997:2, 7, 32).

However, both the confidential negotiations during 1992–95 that led to the convention and its public reception suggest otherwise. On the former, as the bargaining began, the position of Germany and a few other countries was quite clear: the wording and explicit prohibition on DC contained in the 1963 treaty should be carried over into the new one. Yet the Germans and their allies quickly found themselves isolated as a consensus emerged that the world had changed considerably since 1963; this required revised European-level understandings on issues such as multiple nationality. While no consensus could be reached on specific revisions (full support of DC, say), the norm against DC in the earlier treaty was viewed as no longer tenable. Thus, discursive analysis reveals a clear and striking shift from explicit prohibition on DC to neutrality, with some member states and CE officials wishing to go even further.¹⁷

¹⁵ Also see Horst Eylmann, "Es gibt keine nationale Blutgruppe," *Die Zeit*, April 18, 1997; and Koslowski, 1994:386, where it is argued that by the start of the 1990s, "increasing migration in Europe and evasion of international conventions against dual nationality" had "led to its proliferation in practice." A related trend at the state level is that the principle of "jus soli has gained ever stronger acceptance" (Katrin Adler, "Das 'Jus soli' setzt sich immer staerker durch," *Das Parlament*, no. 46, November 7, 1997). For example, in December 1997, the French National Assembly modified provisions of an earlier, 1993, immigration law; the result was to introduce a greater element of *jus soli* for second-generation immigrant children ("France: Bill Approved," *Migration News* 5 [January 1998]).

¹⁶ Interviews: Margaret Killerby, Directorate of Legal Affairs, CE Secretariat, June 1995, April 1997; Horst Schade, Directorate of Legal Affairs, CE Secretariat, May 1994, June 1995; and Gianluca Esposito, Directorate of Legal Affairs, CE Secretariat, April 1997. Killerby was the chief Secretariat official involved in the convention's drafting; Schade and Esposito served as secretaries to the Committee of Experts on Nationality, the CE/member state body responsible for crafting it.

¹⁷ Interviews: CE Secretariat, May 1994, June 1995, May 1996 (by telephone); and ministerial official, Bonn, March, August 1995. The latter individual was the German representative to the Committee of Experts on Nationality. Similar

That such a shift has occurred is not simply a discursive reality, but a public and political one as well. Here, I refer to the reception the new treaty has received. Two streams of evidence are relevant. First, the Directorate of Legal Affairs at the Council, which was responsible for drafting the convention, has received numerous calls, faxes, and e-mails since late 1996—primarily from NGOs and politicians—as word spread that European-level norms on DC “were changing.” I encountered similar reactions—for example, when the leaders of one Berlin-based Turkish immigrant NGO reached a nearly identical conclusion upon reading a convention draft.¹⁸

Second and at the national level, the new convention has been portrayed as changing prevailing European norms on dual nationality. For example, within weeks of the convention’s formal signing, two German newspapers heralded the shifting European norms; the title of one article was indicative of its general tone—“New Council of Europe Convention: Double Citizenship is Made Easier.” The second article used the new convention to explicitly refute a statement by Theo Waigel, a leading Christian Social Union (CSU) politician, that European norms prevented the granting of DC, and to argue that the CE, through the convention, was promoting a “common good” by advancing dual citizenship as a means for integrating foreigners.¹⁹

In sum, a combination of textual and discursive analysis indicates that while it is too early to speak of a new and consensual European norm favoring dual nationality, the mid-1990s have witnessed an accelerating period of normative change. The old, anti-DC understanding has eroded, being replaced by a European-level norm that is neutral to slightly positive on questions of multiple nationality. This contention between old and new will come as no surprise to constructivists: they have identified norm contestation as typical of periods when older norms are being replaced by new ones (Katzenstein, 1993; Florini, 1996:367).

This said, the next step is to assess the causal impact of these emergent CE norms within the Federal Republic.

The Federal Republic of Germany

Given my design and argument, a necessary first step is to code the German domestic structure. This is a straightforward task as there is a strong consensus in the literature that Germany is corporatist. Regional specialists and Germanists, both European and American, and across various subfields, consistently characterize the country as possessing a decentralized state and centralized society, with a dense policy network connecting the two parts. These features endow it with a corporatist domestic structure: both state and society are participants in policymaking, which is consensual and incremental (Lehmbruch and Schmitter, 1982:Introduction, ch. 1; Katzenstein, 1985, 1987; Risse-Kappen, 1991, 1994; Thelen, 1993; Ziegler, 1995; Pierson, 1996:166–70; “Germany: Consenting Adults,” *Economist*, October 12, 1996).

discursive dynamics occurred during the negotiations over the minorities convention, where those involved in the bargaining—CE bureaucrats and national negotiators—came to no longer question the legitimacy of minority/group rights in Europe, a concept that is still deeply contested in the broader international arena. Interviews: Hanno Hartig, Directorate of Human Rights, CE Secretariat, May 1994, June 1995. On minority/group rights in international law more generally, see Felice, 1996.

¹⁸ Interviews: Gianluca Esposito, Secretary to the Committee of Experts on Nationality, CE Secretariat, April 1997; and Kennan Kolat, President, and Safer Cinar, Speaker, Tuerkischer Bund in Berlin/Brandenburg, May 1996.

¹⁹ “Neue Konvention des Europarats: Doppelte Staatszugehoerigkeit erleichtern,” *Das Parlament*, no. 47, November 14, 1997; and Uwe Wesel, “Wir wollen zwei Paesse,” *Die Zeit*, November 21, 1997. The latter article is the front page, lead one in that week’s *Zeit*. For the national level, I consider only Germany—given that it is the focus of my later case study.

Given this coding of the German structure, what is the expected process whereby norms will have constitutive effects? Table 1 predicts societal pressure (primary) and elite learning (secondary) as the mechanisms empowering European norms in Germany. However, my historical and contemporary research indicates not only a lack of cultural match between international and German norms on national membership, but that the latter are institutionalized and thus politically influential (see next section). I should thus uncover evidence of societal actors and, to a lesser extent, elites who are knowledgeable of and seeking to empower new norms; however, these efforts should be frustrated and slowed due to countering domestic norms that are institutionalized.

The empirical record of recent years strongly supports these predictions. Despite significant societal pressure seeking to align German conceptions of identity with emerging European standards and norms, the process of change has been hesitant and contradictory. Key elite decisionmakers, with preferences shaped by domestic norms emphasizing exclusive conceptions of identity, have opposed major reforms—in particular, the full-scale legalization of dual citizenship. These normative barriers have led to a near-complete rupture of corporatist bargaining structures, especially at the federal level.

Normative Context. The degree of cultural match between European norms and understandings historically constructed in the domestic polity is low. The evolving regional norm is a new and more inclusive understanding of national membership, with emphasis on broadened understandings of both citizenship and the rights of national minorities. In particular, it promotes inclusion by facilitating dual citizenship.²⁰

In Germany, dual citizenship would promote the assimilation of the large foreigner population. In most cases, present German law requires immigrants and foreigners to give up their original citizenship if they wish to seek it in Germany; this is an obstacle to integration since many do not wish to sever all ties to their homeland. The importance of dual citizenship for large parts of the foreigner community is so great that they acquire it through illegal methods that contravene German law.²¹

The mismatch between these changing regional norms and German understandings of identity and citizenship is significant. While there are clear historical reasons why these understandings took hold in the Federal Republic, the important point is that they have been reinforced over time and are now rooted in domestic laws and institutions (Brubaker, 1992:chs. 3, 4, 6; Kanstroom, 1993).

Legal and bureaucratic indicators as well as textual analysis and interview data all suggest the institutionalized nature of these domestic norms. Most important, the current German citizenship statute is based on a Law on Imperial and State Citizenship that dates from 1913, and an ethnic conception of identity is maintained throughout the German legal system—most notably in Article 116 (1) of the Basic Law (the postwar German constitution). Indeed, the ethnic core of the 1913 citizenship law is reproduced in the Basic Law via a so-called *Nationalstaatsprinzip* (the Nation-State Principle), which makes very clear that there is a material core (that is, blood ties) connecting a citizen and his/her nation. As one analyst has noted,

²⁰ To reiterate, my claim is not that a pro-DC norm exists at the European level; rather, we are witnessing a period of flux and contending norms. By moving from explicit prohibition to neutrality, the new CE nationality convention, when compared to the 1963 baseline treaty, thus clearly facilitates DC.

²¹ Interview: Kennan Kolat, President, and Safter Cinar, Speaker, Tuerkischer Bund in Berlin/Brandenburg, May 1996. On the importance of DC for the immigrant community, including discussion of its illegal acquisition, see Faruk Sen, "Links und stumm," *Die Zeit*, September 30, 1994; Diehl and Urbahn, 1997:section 2; Kreuzer, 1997:5; and Martina Keller, "Einbuergern, Ausbuergern, Einbuergern," *Die Zeit*, March 27, 1997.

this basic principle, despite minor modifications over the years, “remains effective until [the] present” (Kreuzer, 1997:2). It is thus not surprising that a Christian Democratic Union (CDU) expert on nationality and citizenship, Rupert Scholz, claims a fundamental, constitutional status for the concept of *jus sanguinis* (see also Hailbronner, 1989:77; Kanstroom, 1993, passim; Fulbrook, 1994:233; Koslowski, 1994:371; “Halb und halb,” *Der Spiegel* no. 12 [1995]; Leslie, 1996:5–8).²²

Developments in German jurisprudence have also promoted the institutionalization of historically constructed understandings of citizenship and identity. Most notably, the Federal Constitutional Court (*Bundesverfassungsgericht*) has elaborated what German analysts call the “evil doctrine”: the dictum that “dual nationality is an evil from the national as well as the international viewpoint, and it should be avoided in the interests of citizens and states.” Likewise, in a 1989 ruling which struck down a Laender law on local voting rights for immigrants, the Court insisted it “would be incorrect to claim that the concept of the ‘people’ in the German constitution had undergone a change due to the drastic rise of the aliens population” (Bauboeck, 1994:116; Kreuzer, 1997:1, respectively).²³

In addition, political opponents of more inclusive conceptions of citizenship rarely cast their arguments in terms of Germany’s interests or social well-being. Rather, time and again they make reference to German identity and society. As one CDU domestic policy expert argued, “we will thwart these plans [for dual citizenship] because this would change our society.” More recently, an Interior Ministry official forcefully attacked proposals for multiple nationality, claiming they would undermine “the traditions and cultural identities” of the German nation.²⁴

Finally and at a very practical level, it is striking how ethnic and exclusive understandings of identity often appear as the default mode in public discourse, suggesting their deeply rooted nature. Consider one important recent example. In May 1997, Federal President Roman Herzog gave a speech in Berlin dedicated to the opening of the “European Year Against Racism,” an initiative co-sponsored by the European Union and the Council of Europe. A former judge and moderate within the CDU, he clearly intended the speech to be a bridge-building exercise between Germans and the foreigner community within their country.

Herzog warned, in particular, against the danger of stereotyping foreigners as temporary visitors; yet, almost in the same breath, he referred to their status in terms of “guests’ rights” (*Gastrechte*). This led one young German-born Greek in the audience to heatedly reply that she did not consider herself a guest. Subsequent newspaper editorials harshly criticized Herzog’s faux pas: how could one talk about the *guest* rights of foreigners *born* in Germany?²⁵

The evidence above leads to two conclusions. First, this lack of cultural match—I code the country a “–” in this category—will hinder and slow within Germany the constitutive impact of emerging norms on citizenship and minorities promoted by the Council of Europe. Second, the German state has institutionalized myths about the national community and its requirements (see also Katzenstein, 1987:382–85).

²² The historical dimension extends even further than documented here, with the ethnic citizenship principle of the 1913 statute being taken from a law promulgated in 1870 (Von Mangoldt, 1994).

²³ The evil doctrine view of DC has also taken root at the Federal Interior Ministry, where former Minister Kanther often referred to multiple nationality as a “fundamental evil.” Matthias Geis, “Deutsche unter sich: Streit um die Staatsbürgerschaft,” *Die Zeit*, April 25, 1997.

²⁴ See “Heated Controversy in Bundestag over Deportation of Kurds,” *Frankfurter Allgemeine Zeitung*, March 18, 1995, as translated in *FBIS-WEU-95-053*, March 20, 1995; “Turks and Kurds, Sunnites and Shi’ites in Germany: Can One Organization Represent Them All?” *This Week in Germany*, December 8, 1995; and “CDU-Politiker: Reform der Staatsangehörigkeit noetig,” *Sueddeutsche Zeitung*, March 21, 1997.

²⁵ “Herzog wuerdigt Rolle der Auslaender,” *Sueddeutsche Zeitung*, March 5, 1997. For critical editorial coverage, see “Folklore, Gyros, Trallala,” *Sueddeutsche Zeitung*, March 5, 1997, among others.

These myths, or, better said, domestic norms, and their effect on elite preferences will erect barriers in Germany to the diffusion of regional norms on membership.

Societal Pressure. Recent years have witnessed an explosion of societal interest in questions of citizenship and the situation of foreigners in Germany, with key roles being played by the liberal media, churches, trade unions, grassroots citizens' initiatives, and the commissioners for foreigners' affairs. The activities of foreigners' groups and councils, while important, have been less consequential (for background, see Katzenstein, 1987:ch. 5; Gibney, 1993; Kanstroom, 1993:part 3; Klusmeyer, 1993; Bade, 1994).

For some, the very existence of such concern might be surprising. After all, one is talking about rights for individuals—foreigners—who are noncitizens for the most part; by definition, they are disenfranchised (see, however, McClain, 1993). Moreover, with few exceptions (some local elections, for example), foreigners and immigrants in Germany have no voting rights. Thus, political parties have few incentives to heed the concerns of these individuals.

Such arguments, however, overlook a crucial point: the length of time these noncitizens have been in Germany. Large-scale movements of immigrants began in the late 1950s, when the first guest workers were recruited. Over the past forty years, they have slowly gained access to the political process through three routes. For one, powerful social actors such as the trade unions now support liberalizing changes to Germany's citizenship and naturalization laws. In addition, the churches, another important social group in the German system, have adopted the cause of foreigners as their own. Finally, despite a disenfranchised status as noncitizens, foreigners are increasingly mobilizing to promote their rights.²⁶

Having established that societal pressure in this policy area is possible, the next step is to document its presence and the extent to which emergent regional norms promote and facilitate such activity. One force helping to mobilize pressure from below has been the liberal German press, especially the Hamburg-based *Die Zeit*. Its analysis of foreigners in Germany has shifted from neutral reporting to near advocacy, with reporters forcefully promoting dual citizenship as a way to better integrate immigrant groups such as the Turks. In making such arguments, they often point to new European norms facilitating dual citizenship. As one *Zeit* commentator argued in a front-page article, recent CE work on nationality "should make [the attainment of] double citizenship easier."²⁷

A second societal actor is the churches. In recent years, the governing bodies of the Protestant, Evangelical, and Catholic denominations have called for Germany to adopt an integration policy for its resident foreigners, including acceptance of dual citizenship and a move to greater elements of *jus soli* in German law. In Berlin, the Evangelical church has produced flyers on dual citizenship; these make the case for it by referring to, among other factors, emerging European norms and recent work by the Council of Europe. In the best corporatist tradition, the churches have

²⁶ On trade union support for liberalizing changes to citizenship laws, see "DGB wants Compulsory Visa Requirement for Foreign Children to be Revoked," *GermNews*, March 9, 1997; and Jutta Redmann, "Zwei Paesse waeren die Loesung: Studie zur Einwanderung," *Frankfurter Rundschau*, April 4, 1997. On church support, see "ZDK sieht Deutschland als Einwanderungsland," *GermNews (DE)*, January 31, 1996; Konrad Schuller, "Was gut ist fuer Deutschland, ist gut fuer uns alle," *Frankfurter Allgemeine Zeitung*, March 18, 1996; and "Kirchen zur Woche der auslaendischen Mitbuerger," *Sueddeutsche Zeitung*, April 23, 1997. For the views of foreigners' groups, see Interview: Mustafa Cakmakoglu, President, Tuerkische Gemeinde zu Berlin, May 1996; and Hakki Keskin, "Von Privilegien kann keine Rede sein," *Die Zeit*, June 13, 1997. Keskin is chairperson of the Tuerkische Gemeinde in Deutschland, a prominent nationwide immigrant NGO.

²⁷ Uwe Wesel, "Wir wollen zwei Paesse," *Die Zeit*, November 21, 1997. Also see Robert Leicht, "Scheinangebot," *Die Zeit*, December 2, 1994; and Theo Sommer, "Diese Tuerkei zaehlt nicht zu Europa," *Die Zeit*, April 7, 1995.

also sought to make their views known by participating in conferences and policy networks on issues of foreigners' rights.²⁸

The broader public—specifically, a grassroots citizens' initiative—has been a third social force in the debate. Seizing upon a policy window created by the surge in antiforeigner violence that accompanied German unification, a group of activists based in Berlin orchestrated, beginning in 1993, one of the largest mass campaigns in Germany for a number of years. The initiative was focused on the need for dual citizenship in German law; it gathered over one million signatures from a broad array of public figures.²⁹

This was a textbook example of how to mobilize public pressure. The campaign coordinated its actions with other social actors (the Evangelical Church, for example), gathered signatures from prominent German academics and public figures, and secured free publicity for the initiative in the centrist-liberal German press (*Der Spiegel*, *Sueddeutsche Zeitung*, and *Berliner Zeitung*, among others).

Moreover, emergent European norms favoring inclusive conceptions of citizenship played an important role in the campaign. Signature collectors pointed to their presence; more generally, the initiative distributed an information sheet noting that Germany's refusal to recognize multiple nationality made it "an international exception" ("Informationen zum deutschen Staatsbuergerrecht: Doppelstaatsbuergerschaften" [Berlin, no date]). Despite such arguments and despite its clever tactics, the initiative fell apart when it reached the federal level in Bonn during 1993–94—a point to which I return below.³⁰

A fourth actor playing a role at the societal level is a unit nominally a part of the government: the various commissioners of foreigners' affairs. While there are dozens of such commissioners at all levels of the German polity, two stand out for their importance: the Office of the Federal Government's Commissioner for Foreigners' Affairs, established in 1978 and headed by Cornelia Schmalz-Jacobsen; and the Commissioner of Foreigners' Affairs of the Berlin Senat (city government), created in 1981 and directed by Barbara John (Federal Government's Commissioner for Foreigners' Affairs, no date; *Auslaenderbeauftragte des Senats*, 1994, 1995a).³¹

Both units, but especially the one in Berlin, have significant influence at the local level—for example, working with foreigners' councils and furthering the integration of immigrants into communities. The office in Berlin, in contrast to the federal one, is also involved in politics, seeking to build policy networks that can advance the rights of migrants. In playing this political role, John's office makes use of the liberal citizenship policies of several neighboring countries, as well as changing European norms. On the latter, a brochure distributed by the Berlin office is entitled "Double Citizenship—A European Norm" (*Auslaenderbeauftragte des Senats*, 1995a:21).

²⁸ Interview: Thomae-Venske, Commissioner for Foreigners' Affairs, Evangelical Church of Berlin-Brandenburg, May 1996. For the flyer, see "Handreichung zum Thema: Doppelte Staatsbuergerschaft" (Berlin, 1995). Also see note 26 above; "Thaddens Zorn," *Die Zeit*, October 7, 1994; and Jochen Buchsteiner, "Konzepte, die erst reifen muessen," *Die Zeit*, November 18, 1994.

²⁹ Interviews: Ismail Kosan, Member of the Berlin Parliament, Buendnis 90/Die Gruenen Fraction, May 1996; and Andreas Schulze, Staff Member, Office of F. O. Wolf, German Member of the European Parliament, Berlin, May 1996. Also see the flyer "Unser Ziel: 1 Million Unterschriften fuer die doppelte Staatsbuergerschaft" (Berlin, no date).

³⁰ The year 1997 saw a renewed round of pressure-from-below mobilization on dual nationality and citizenship reform; however, the end result was the same—no change at the federal level. See ". . . aber Sueheyta moechte bleiben," *Die Zeit*, February 28, 1997; "Kanthige Visa," *Die Zeit*, March 21, 1997; "Tuerkische Gemeinde fuer leichtere Einbuergerung," *Sueddeutsche Zeitung*, June 12, 1997; and Hakki Keskin, "Von Privilegien kann keine Rede sein," *Die Zeit*, June 13, 1997.

³¹ See also Interviews: Georgios Tsapanos and Michael Schlikker, Office of Federal Government's Commissioner for Foreigners' Affairs, March, August 1995; and Barbara John, Commissioner of Foreigners' Affairs of the Berlin Senat, November 1995, May 1996.

John herself is aware of Council of Europe work in this area and is involved in several Council projects (Auslaenderbeauftragte des Senats, 1995b).

Groups formed by immigrants and foreigners themselves are a final societal actor seeking to align domestic conceptions of national membership with emerging European norms. Somewhat surprising (given their stake in the matter), they have played a marginal role in the national policy debates. One reason is the young age of such organizations. An all-German group promoting the interests of ethnic Turks was founded only in December 1995. Basic disagreements over goals and strategies among these organizations are a second factor behind the lack of influence. In Berlin, the two main Turkish organizations are sharply divided over a number of issues and do not coordinate their activities.³²

In sum, societal pressure and groupings have played a key transmission role, seeking to empower emerging regional norms on citizenship in the German domestic arena. This mechanism is consistent with my theoretical expectations. However, whether this social pressure leads to constitutive effects also depends on the degree of elite learning, the hypothesized secondary diffusion mechanism in the corporatist German polity.

Elite Learning. Two individuals who stand out at this level are Cornelia Schmalz-Jacobsen of the Federal Commissioner's office and Richard von Weizsaecker, Federal President until May 1994. Both have spoken out forcefully for a new understanding of the place of foreigners and minorities in the German state. In particular, they have called for an easing of naturalization rules, a revocation of laws prohibiting dual nationality, and for a more inclusive, civic conception of German citizenship.³³

With Schmalz-Jacobsen, there is evidence of a learning process driven by exposure to broader European understandings. Her office has extensive contacts with governmental units and NGOs addressing citizenship-nationality issues in Great Britain, the Netherlands, and several Scandinavian countries. She is aware of Council of Europe work in this area, often making reference to it in Bundestag debates or other public appearances (as do a number of Bundestag deputies from the Social Democratic and Free Democratic parties). Germany, Schmalz-Jacobsen argues, must develop a "concept" for immigration and citizenship that is "integrated on a European and international level" (*Report by the Federal Government's Commissioner for Foreigners' Affairs*, 1994:87-88).

Two types of data support a social learning argument. First, there is the change over time in Schmalz-Jacobsen's understanding of the citizenship/DC issue. While she has long campaigned for foreigners' rights in Germany, Schmalz-Jacobsen now explicitly connects this concern with a broader and changing European context. Second, interviews with two advisers confirm that exposure to international/CE work on citizenship has influenced her views.³⁴

³² Interviews: Kennan Kolat, President, and Safer Cinar, Speaker, Tuerkischer Bund in Berlin/Brandenburg, May 1996; Mustafa Cakmakoglu, President, Tuerkische Gemeinde zu Berlin, May 1996; and Barbara John, Commissioner of Foreigners' Affairs of the Berlin Senat, November 1995, May 1996. Kolat and Cinar, in particular, are very much aware of and utilize changing European norms and policy on citizenship. On the all-German grouping, see "Tuerkische Gemeinde in Deutschland E.V. Gegrundet," Mimeo (Hamburg, no date); and Martinal Doering, "Tuerken sind nicht Buerger zweiter Klasse," *Berliner Zeitung*, December 12, 1995.

³³ On von Weizsaecker, see his comments on Cologne Deutschlandfunk Network, September 29, 1991, as translated in *FBIS-WEU-91-189*, September 30, 1991; and Quentin Peel, "German President Urges Easier Citizenship Laws," *Financial Times*, December 24, 1992.

³⁴ On the first point, compare: Judy Dempsey, "A Change Foreign to her Nature" (interview with Schmalz-Jacobsen), *Financial Times*, February 8, 1993; with *Report by the Federal Government's Commissioner for Foreigners' Affairs* (1994). On the second, see Interviews: Georgios Tsapanos and Michael Schlicker, Office of Federal Government's Commissioner for Foreigners' Affairs, March, August 1995; and Dr. Camelia Sonntag-Volgast, Bundestag Deputy, SDP, August 1995.

More recently, evidence suggests learning among a new group of elites: the so-called young, wild ones in the ruling CDU. This is a group of younger Christian Democratic Bundestag deputies who advocate, contra the wishes of party elders, major reforms to German citizenship laws. In particular, they favor granting DC, for a limited period of approximately eighteen years, to children born in Germany of foreigner parents.³⁵

Why this behavior? As they are politicians, an obvious explanation would be instrumental self-interest: it is a way of advancing their political careers within the party. However, leading CDU figures still vehemently oppose any move toward DC, with Chancellor Kohl recently declaring that “if we were to yield on the question of double citizenship, then in a short time we would have not three million, but four, five or six million Turks in our land.” Tellingly, the Chancellor made this angry statement at a meeting of the CDU Youth Union, where the young, wild ones enjoy a measure of support. Career advancement thus does not seem to explain their actions.³⁶

A more likely explanation is learning from emerging norms. In their own writings and interviews, the wild ones and their supporters in the party argue that they are seeking to bring German policy into line with “European standards”; in a similar fashion, they claim to be “fitting German citizenship law to the European context.” Altmaier and Roettgen, two of the group’s leaders, refer to extensive discussions with foreigners’ organizations and churches and how these exchanges have influenced their views on DC. And, as noted earlier, it is precisely immigrant NGOs and churches that have played key roles in diffusing changing European norms on DC to the Federal Republic.³⁷

Individuals like these, while growing in number, are still the exceptions that prove the rule. Other elite players in the debate have a radically different conception of German identity, a much more exclusive one that is shaped by dominant domestic norms. This is seen in two ways. First, opponents of change often cast their arguments in terms of Germanness and national identity, sometimes explicitly referring to the 1913 citizenship statute. Some might claim this is simply political posturing, where notions of identity are invoked as a cover for self-interest. In this case, there are problems with such an argument. It is not at all clear whose economic or electoral interests are being served given the growing public consensus on the need to integrate the large foreigner population (“Auslaender: Die brauchen wir,” *Der Spiegel* no. 26 [1996]; “Who is a German?” *Economist*, April 5, 1997).³⁸

Second, key units within the government have acted to minimize the influence of emerging norms on national membership sponsored by the CE. For example, when Germany signed the Council’s Framework Convention on National Minorities in

³⁵ For this group’s views on DC, see Peter Altmaier and Norbert Roettgen, “Die Uhr laeuft: Das Staatsangehoerigkeitsrecht muss noch bis zur Bundestagswahl 98 reformiert werden,” *Die Zeit*, August 15, 1997. The authors are leading members of the young, wild ones. Also see Hans-Joerg Heims, “Beruhigungsspielen fuer die jungen Wilden: Der Streit um die doppelte Staatsangehoerigkeit spaltet die CDU,” *Sueddeutsche Zeitung*, April 23, 1997.

³⁶ Helmut Loelhoeffel, “Koalition vertagt ihren Streit,” *Frankfurter Rundschau*, October 31, 1997.

³⁷ See “Hilflose Parlaments-Mehrheit,” *Sueddeutsche Zeitung*, October 28, 1997; Horst Eylmann, “Es gibt keine nationale Blutgruppe,” *Die Zeit*, April 18, 1997; and Altmaier and Roettgen, “Die Uhr laeuft,” respectively. Also see “Schnellere Beratungen gefordert: Juengere Abgeordnete zur Novellierung des Staatsangehoerigkeitsrechts,” *Frankfurter Allgemeine Zeitung*, April 16, 1996, where Altmaier and Roettgen refer specifically to discussions with foreigners’ groups.

³⁸ In distinguishing analytically between political rhetoric and deeper notions of identity, interviews with politicians, bureaucrats, and NGO representatives were essential. See Interviews: Cem Oezdemir, Bundestag Deputy, Green Party, March 1995; Dr. Camelia Sonntag-Volgast, Bundestag Deputy, SDP, August 1995; German ministerial official, March, August 1995; Dr. Jens Meyer-Ladewig and Detlef Wasser, German Ministry of Justice, August 1995; Thomae-Venske, Commissioner for Foreigners’ Affairs, Evangelical Church of Berlin-Brandenburg, May 1996; Safter Cinar, Speaker, Tuerkischer Bund in Berlin/Brandenburg, May 1996; and Ismail Kosan, Member of the Berlin Parliament, Buendnis 90/Die Gruenen Fraction, May 1996.

May 1995, it issued a special declaration making clear that: (1) the Council had no right to define a national minority; and (2) Germany would adhere to its traditional understanding that the category national minority applies only to individuals within its borders who hold German citizenship. In other words, the large numbers of Roma (“gypsies”) and Turks living in the country but without citizenship status would be excluded from the convention’s normative reach.³⁹

Even more notable are the government’s efforts to block norms on citizenship sponsored by the Council. In particular, the Interior Ministry has made clear its belief that Germany should not sign the nationality convention until the provisions on dual citizenship are removed. For a period during 1995, Germany went so far as to boycott sessions of the working group that drafted the convention. Indeed, as of mid-1998, Germany had yet to sign the new agreement, primarily due to opposition from the Interior Ministry.⁴⁰

Why this behavior? Most important, key policymakers sincerely believe that such a treaty clashes with Germany’s fundamental conception of national identity. The government is worried that the treaty will be used by proponents of change to apply additional pressure on it—as several groups are already doing (see above). Despite the actions of such groups, interviewees make clear that they worry not about them; their chief concern is Bundestag deputies and people like Schmalz-Jacobsen. This finding is puzzling: the corporatist German polity should provide societal actors with institutionalized access to policymaking.⁴¹

Additional evidence from the German debate provides an answer to this puzzle: corporatist bargaining structures have failed at the federal level. The societal pressure documented above has not led to rapid or wide-ranging policy change—particularly on the issue of dual citizenship. Indeed, with the exception of some minor changes to citizenship statutes enacted in 1993 that affected children of foreigners (*Deutsches Staatsangehörigkeitsrecht*, 1993:63), the pace of change has been slow and contested, with the five most recent rounds of Bundestag debate on citizenship ending in deadlock and recrimination. While it is true that politics—in particular, the CSU’s “veto position” within the ruling coalition (Scharpf, 1997:112–15)—partly explains this stalemate, such an explanation overlooks the theoretically more important question of why CSU preferences on citizenship have remained so stubbornly fixed. And, as documented here, domestic identity norms supply an important part of the answer.⁴²

The reasons for this breakdown in bargaining structures are twofold. For one, the Federal Interior Ministry, with its deeply embedded, exclusive notions of German identity, has sought to monopolize policy on citizenship. As noted above, the Ministry has acted as a bureaucratic barrier to the diffusion of emerging CE norms

³⁹ Interviews: Ministerial officials, German Foreign Ministry, March, June 1995; Hanno Hartig, Directorate of Human Rights, CE Secretariat, June 1995; and Vera Jungewelter, German Ministry of Justice, August 1995. Also see “Germany Signs European Council Convention on Minority Rights,” *This Week in Germany*, May 19, 1995; Rose, 1995; and “Minority Protection Guaranteed,” *GermNews*, September 10, 1997.

⁴⁰ As the political and cognitive dynamics outlined above demonstrate, Germany’s formal signature on the convention is not a prerequisite for understandings it embodies to have domestic effects. Interviews: German ministerial official, March, August 1995; Horst Schade, Secretary to Committee of Experts on Nationality, CE Secretariat, June 1995, May 1996. Also see “European Convention on Nationality: Chart of Signatures and Ratifications,” Update: June 23, 1998, <http://www.coe.fr/ta/taconv/166t.htm>.

⁴¹ Interviews: As in previous note; and Barbara John, Commissioner of Foreigners’ Affairs of the Berlin Senat, May 1996.

⁴² On the Bundestag debates, see Spiros Simitis, “Zwei Paesse—warum nicht?,” *Die Zeit*, January 27, 1995; “Welcome and Stay Out,” *Economist*, May 14, 1994; “Bloody-Minded,” *Economist*, February 25, 1995; “Auslaenderrechts-Tango im Bundestag,” *Sueddeutsche Zeitung*, November 14, 1996; “Debatte zur Neuregelung des Staatsangehörigkeitsrechts am 30. Oktober 1997,” *Das Parlament* no. 46, November 7, 1997; “Germany: Dual Citizenship,” *Migration News* 5 (January 1998); and “Die Koalition lehnt die erleichterte Einbürgerung von Auslaenderkindern ab,” *Frankfurter Allgemeine Zeitung*, March 28, 1998.

on national membership. This is not just a matter of personalities or bureaucratic interests. While it is true that Kanther, the former Interior Minister, held extremely conservative views, his predecessors and the Ministry as a whole have consistently opposed liberalizing changes in German citizenship laws. Within the Ministry, institutionalized understandings on identity from the early part of this century—the 1913 statute, for example—are treated as sacrosanct; put differently, they act as taken-for-granted givens, or norms guiding behavior.⁴³

Moreover, the most likely candidate to serve as a mechanism linking state and society, the Office of the Federal Commissioner for Foreigners' Affairs, plays only a small role in national-level politics. As the name implies, it is not a ministry (being physically located within the Ministry of Labor and Social Affairs), and in reality has very little policymaking influence. There are no statutes or regulations that require other players in Bonn (Interior, say) to consult with it. One thus has the odd situation of a government agency, in effect, being on the outside looking in. This structural weakness in the Commissioner's position is yet another indication of the staying power of historically constructed domestic norms on identity. After all, why does one need a powerful and independent agency to represent the interests of foreigners and immigrants when Germany is "not a country of immigration"—a phrase repeated over and over again by CDU/CSU politicians.⁴⁴

Alternative Explanations. My argument has both a process (domestic structures) and outcomes dimension (match between regional and domestic norms); in this section, I focus on the latter. Moreover, given my constructivist orientation, the logical alternatives are materialist and interest-based approaches. The outcome, to recall, is the domestic empowerment of emerging CE norms on citizenship/nationality. I begin at the national level, considering empowerment among particular agents—that is, the motivations of individuals/groups in accepting or rejecting the prescriptions embodied in changing Council understandings. Next, I move to the regional level, asking whether the outcome, a weak empowerment of CE understandings in the Federal Republic, is better and more parsimoniously explained by a self-interested assertion of German power in Strasbourg.

Domestically, a growing public consensus favoring the incorporation of immigrants makes it difficult to explain in political survival terms the behavior of those elite decisionmakers opposing change. Moreover, opinion surveys conducted within the foreigner population suggest that an overwhelming majority (74%) have no party preference and are thus a potential pool of electoral supporters—that is, if they were allowed to vote (Diehl and Urbahn, 1997:18–19). Again, this suggests that rational, instrumentally motivated elites should be neutral or even favor integration through DC and other measures.

Perhaps, though, a broader economic calculus explains the resistance of some political elites to fundamental change in citizenship and nationality laws. After all, Germany is a social-welfare state; to include foreigners in it expands the claimants on resources. At a time of weak economic growth and high unemployment, the materialist logic of the situation is to keep these individuals permanently in their temporary guest worker status.

⁴³ "Observations of the Federal Republic of Germany" (Strasbourg: Council of Europe, Document CDCJ (87) 42, September 30, 1987); and Interviews: German ministerial official, March, August 1995; and Thomas Schneider, Deputy to the Permanent Representative of Germany to the Council of Europe, Strasbourg, April 1997. For a representative example of Minister Kanther's deeply held views on double citizenship and nationality, see "Mit der Union gibt es kein Einwanderungsgesetz," *Sueddeutsche Zeitung*, April 11, 1997.

⁴⁴ Interviews: Dr. Robin Schneider, Office of Commissioner of Foreigners' Affairs of the Berlin Senat, May 1996; and Barbara John, Commissioner of Foreigners' Affairs of the Berlin Senat, May 1996. Also see Manfred Kanther, "Germany is Not an Immigration Country," *Die Welt*, April 28, 1995, as translated in *FBIS-WEU-95-083*, May 1, 1995; and Guiraudon, 1996.

There are several difficulties with such an argument. First, even as noncitizens, foreigners, because of the generous nature of the postwar German state, enjoy many of the same social and welfare benefits as do citizens. (What they lack are full-fledged political rights.) Second, both interview and media analysis revealed very few instances when such arguments were advanced to explain opposition to the integration of the resident foreigner population (my focus). In fact, materialist reasoning of this sort is invoked only when the discussion turns toward future flows of immigrants. On the latter issue, German elites appear no different from those in many industrialized countries, where determined efforts are under way to limit future immigrant populations.⁴⁵

What about proponents of change? As already noted, within the ruling Christian Democratic Union, it is difficult to explain the behavior of the young, wild ones in interest-based terms given Chancellor Kohl's strong opposition to liberalizing changes in the citizenship statutes—especially regarding dual nationality. Rather, as argued above, a process of social learning appears to be at work. At the societal level, I found abundant evidence that emerging CE norms were successfully diffusing; however, key again is the question of agent motivations. Were these church and NGO activists simply using CE work in an instrumental sense—that is, employing it to promote their own, well-elaborated preferences on citizenship and nationality? Or were CE-sponsored understandings providing these agents with new understandings of their interests (constituting them)?

The evidence is mixed, but favors the latter, constitutive role. The church activists I interviewed had long been interested in questions of citizenship reform and integration; they saw CE work on minorities and DC as an additional tool for generating pressure on political elites in Bonn. However, the case was quite different with immigrant groups and Turkish NGOs, with much greater evidence of learning at work. The explanation is straightforward: these individuals were typically new to the game, with no fixed preferences beyond “seek integration.” They were thus more open to learning from norms. These latter results suggest an interesting hypothesis and element of cross-national variation. In countries where virtually all NGOs are newly formed, the constitutive effect of norms is likely to be greater; preliminary work on my Ukrainian study supports just such a conclusion (Checkel, 1998b:19–24).

Perhaps, though, this entire domestic focus is unnecessary. A more parsimonious explanation of the emergent norms' limited empowerment can be found at the regional level, where a self-interested assertion of German power at the Council would allow it to dominate the bargaining process and thus ensure a weak set of norms; in turn, these would have little domestic impact. Given the mismatch between more exclusive German conceptions of identity and the inclusive ones being promoted in Strasbourg, national interests would dictate that the latter be opposed. Germany should exercise its considerable power as both the richest economy in Europe and one of the largest contributors to the CE budget (15%, along with France, Great Britain, and Italy), and do so through hard-headed interstate bargaining. This is the intergovernmentalist approach to explaining European-level bargaining (Moravcsik, 1991, 1993); with its commitment to instrumental rationality and materialism, it is a close relation to realism.

Initially, as I documented earlier, there was evidence to support this view. When negotiations on the new nationality convention began, Germany forcefully stated its preference: the new agreement should maintain the strict prohibition on DC found

⁴⁵ Prominent CDU spokesperson and former Interior Minister Kanther makes precisely such a distinction when discussing integration measures (resident foreigners), as opposed to immigration policy (future foreigners). “Mit der Union gibt es kein Einwanderungsgesetz,” *Sueddeutsche Zeitung*, April 11, 1997.

in the earlier, 1963 one. Faced with an emerging consensus that the world had changed and that the prohibition should go, Germany backed off. However, to lose a battle is not to lose the war. In particular, Germany could have still exercised power where it really counted: at the ministerial level. The Council is run by a Committee of Ministers, which must ultimately approve any new CE treaties.

Yet this never happened. Why? Simply put, German power in Strasbourg is socially constructed. The country is deeply, deeply aware of why the Council, founded in 1949, exists: to prevent a repetition of the flagrant abuse of the rule of law and crimes against humanity carried out by the Nazis. German representatives to the Council and, specifically, to its ruling Committee of Ministers are under standing orders, because of this historical legacy, to never overtly assert German interests. Instead, they are instructed by the Foreign Ministry to figure out the consensus in Strasbourg and then report back to Bonn “so Germany can figure out what its interests are.” As a result, during the final endgame negotiations at the ministerial level over the new nationality convention, Germany’s material power mattered little.⁴⁶

Summary. Four points can be made. First, emerging CE-sponsored norms have had minimal constitutive effects in Germany to date. As I argued earlier, in the corporatist structure, a combination of societal pressure and elite learning will play an important role empowering such norms. However, my evidence indicates that a number of elites are not learning, primarily because their preferences are shaped by historically constructed and institutionalized domestic norms.

Second and related, the lack of cultural match between changing regional and domestic norms has hindered and slowed diffusion and constitutive impact. There is a genuine concern among many Germans that a liberalizing change in citizenship laws would dilute their Germanness. As Schmalz-Jacobsen put it when trying to explain the deep-seated resistance to change, “You are one or the other. Germany’s citizenship law is a bit like that. You have German blood or you have not.” In a similar vein, two German scholars argue that change will only occur when the country “amends its way of thinking about the Germans as a nation, about Germany as a nation state and about citizenship as access to both.”⁴⁷

Third, my German case suggests that within a polity one can have several different levels of norms (Katzenstein, 1996a:486–88)—as evidenced by the growing disjuncture I documented between elite and mass attitudes. It is not surprising that elite decisionmakers and ministerial bureaucrats were most beholden to institutionalized norms of ethnic exclusiveness inherited from the German past. More than other actors, their daily activities and rules-of-the-game are structured by understandings of German identity embedded in constitutional practice (Basic Law, court rulings) and legal codes (1913 citizenship statute).

⁴⁶ Interviews: Dr. Horst Schirmer, Ambassador and Permanent Representative of Germany to the Council of Europe, Strasbourg, April 1997; Thomas Schneider, Deputy to the Permanent Representative of Germany to the Council of Europe, April 1997; Felix Neumann, Deputy to the Permanent Representative of Germany to the Council of Europe, July 1995; Leonard Davies, Secretary to the Committee of Ministers, July 1995; and ministerial officials, German Foreign Ministry, March, July 1995. Schirmer and his two deputies are the individuals who represent Germany at meetings of the Committee of Ministers. Davies is the CE Secretariat official whose job is to provide infrastructure support to the Committee; he attends all its meetings. The two Foreign Ministry officials coordinate Bonn’s ties with Strasbourg. The quote comes from Schirmer.

Likewise, it is the absence of this particular social and historical context that explains why Germany is so much more willing to assert its material power in the European Union (EU). When the EU, at its June 1997 Amsterdam Summit, tried, via an expansion of majority voting, to move toward more common policies on immigration, it was Germany that vetoed the proposals, fearing that “too much integration could lead to solutions that would create difficulties at home.” Emma Tucker, “EU Lowers its Sights over Sensitive Goals,” *Financial Times*, June 17, 1997.

⁴⁷ Judy Dempsey, “A Change Foreign to her Nature” (interview with Schmalz-Jacobsen), *Financial Times*, February 8, 1993; and Muenz and Ulrich, 1995:37.

Finally, a good test of the argument advanced here will occur if the ruling CDU/CSU coalition is voted out of power in the September 1998 elections and replaced by a Social Democratic Party (SDP)-led government. With the CSU thus losing its veto position (see above), many commentators are predicting a liberalization of German laws on dual citizenship (“Who Should be German, Then?” *Economist*, July 4, 1998, for example). While my analysis does not preclude more substantive change of this sort, I would predict that it (1) would be limited in scope (say, granting de facto DC for a limited period to foreigners born in Germany, after which they must choose German nationality or that of their “home” country); and (2) would be accompanied by ongoing and heightened contestation over both its normative basis and broader implications for historically constructed conceptions of German identity.

Conclusions

In this last section, I assess the contribution of my analysis and its implications for current theoretical debates.

Argument. The social context of global politics has been the subject of renewed attention in recent years (Dunne, 1995; Finnemore, 1996a:ch. 1; Wendt, 1996:ch. 1). In particular, the study of international norms has been revitalized by constructivist thinking, which seeks to demonstrate their influence on state interests in ways that go well beyond neoliberal approaches. I have contributed to this work by developing an argument to explain cross-national variation in the diffusion and constitutive impact of such norms. By focusing on process and domestic agency (norm-takers), the argument improves upon the correlational and structural analysis too often found in constructivism.⁴⁸

Indeed, at present constructivism is nothing more than a method, like rational choice, that leads one to ask certain questions and make certain assumptions (Adler, 1997). The central challenge for these scholars is theory development. Having demonstrated that social construction matters, they must now address when, how, and why this occurs, clearly specifying the actors and mechanisms bringing about change, the scope conditions under which they operate, and how they vary across countries. To accomplish this task, constructivists must integrate their insights and assumptions with middle-range theory. My attempts to theorize about diffusion processes (the how of social construction—role of domestic structures) and domestic agency (the why—role of cultural matches) are one such effort in this direction.

In this article—for analytic, methodological, and practical reasons—I considered only one case: the Federal Republic. However, other constructivist research, my own work-in-progress, and theoretical logic all suggest that the results can be extended beyond this single study. On diffusion mechanisms, the essay’s third section demonstrated that the introduction of domestic structures as an intervening variable explains much of the cross-national variation evident in contemporary studies of norm diffusion. My own published work also suggests a key role for such structures (Checkel, 1997b). Consider contemporary Ukraine, a polity with a state-above-society structure. Despite a proliferating NGO community, it has been overwhelmingly a process of elite social learning that explains convergence between Ukraine’s nationality laws and changing European norms—a process consistent with my theoretical expectations.

⁴⁸ I say renewed attention because constructivism marks a return to the concerns of earlier theoretical traditions in IR—the English School and some versions of liberalism.

On the role of cultural-matches/domestic-norms in explaining the constitutive effect of systemic norms, theoretical intuition suggests their use is not simply ad hoc (see also Barnett, 1993, 1995; Legro, 1997:31–32, 57–58). Recall that it is through institutionalization that norms acquire staying power and influence. Moreover, virtually all analysts would agree that institutionalization occurs more readily and forcefully in the domestic as opposed to international arena; thus, one would a priori expect that domestic norms should exert a greater pull on agent behavior than systemic ones. If nothing else, this suggests that the process through which international norms have constitutive effects will not be frictionless, with clashes and tensions evident—precisely as seen in my German case.

In sum, my focus on domestic norms and actors is a first step toward restoring agency to its proper place in constructivism; yet modesty is in order. Indeed, the account, while explaining why domestic actors make certain choices in the presence of diffusing global norms, is ultimately still too structural. The preferences of agents are largely shaped by historically constructed identity norms.

Essentially, my design explored the relation between two structural variables: international and domestic norms. I measured the degree of fit between the two, and from this advanced predictions on the likely initial effects of systemic norms (that is, their empowerment). Missing was a longer-term perspective where, perhaps, whole new categories of domestic agents are empowered and enabled by systemic norms, or where norms gradually transform the domestic context through processes of socialization and habitualization at the agent level. While these latter questions are important, I purposely bracketed them as too much constructivist research has focused on this longer term (Sikkink, 1993a; Risse and Sikkink, 1999, for example). In return, the theoretical payoff was to explore how systemic norms actually connect to norm-takers—that is, how social construction works in the near-term here and now.

Current Theoretical Debates. My research contributes to two debates in the literature. First, recent years have seen a vigorous theoretical debate over the future of European international politics. A central focus in these discussions has been Germany. In response to predictions by neorealists that the Cold War's end would lead to aggressive behavior on Germany's part, a number of analysts now argue that German power has been tamed by the broader international institutional environment within which it operates (Katzenstein, 1993, and especially 1997; Keohane, 1993a:ch. 1).

While the present study does provide evidence for such claims (for example, the social construction of German power in Strasbourg), I would caution against making broad generalizations. My research suggests this taming of German power has not led to a similar thorough reconstruction of German identity. Indeed, on questions of national membership, the country is much more hesitant to play the role of "good European" who always abides by changing regional understandings. At a minimum, this finding suggests further research is needed, particularly by those who argue that both German power and identity have been fundamentally reconstituted by the dense network of institutions in which it is embedded.

Second, there is an emerging debate on the relation of constructivism to rationalism and rational choice. Indeed, when one reads across the literature, a number of different claims are advanced—for example, that constructivism, by endogenizing interest formation, supplements rational choice; or, more ambitiously, that it represents an alternative approach to social action, one based on a cognitive model—logics of appropriateness—different from rational choice; or, that it "seizes the middle ground" between rational choice and postmodernism (compare Adler, 1997; Checkel, 1998a; Finnemore and Sikkink, 1998).

To disentangle these claims, constructivists must pay greater theoretical attention to agency. Too often, they consider only the role of international or transnational norm-makers; on the one hand, this is understandable and important. By helping to create norms, entrepreneurial activists, international organizations, policy networks, and international NGOs are changing world politics before our eyes—witness the amazing story of individual agency in the emerging global norm to prohibit landmines.⁴⁹

Yet this emphasis comes at a cost. Empirically, difficulties arise in explaining why a norm “works” in one setting, but not in another. More important, by bracketing theoretically how norms connect with domestic norm-takers, constructivists have been unclear about the process through which norms have constitutive effects. Put more bluntly, these researchers are employing their own variant of “as if” reasoning (agents operating as if governed by logics of appropriateness), to the detriment of developing theories that capture and explain how the social constructivist world, at the unit level, really works.⁵⁰

This article, by exploring the role of social learning and cognitive micro-foundations at the level of norm-takers, helps restore agency to its rightful place in the constructivist enterprise. In so doing, it will assist these scholars in developing a distinctively constructivist theory of action and socialization, while also helping delimit more clearly their claims vis-à-vis theoretical competitors.

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⁴⁹ Raymond Bonner, “How a Group of Outsiders Moved Nations to Ban Mines,” *New York Times*, September 20, 1997. Klotz, 1995b, is a partial exception to the critique advanced here.

⁵⁰ It is the close ontological and theoretical connections between large parts of constructivism and sociological institutionalism (SI) that explain this use of “as if” reasoning. In fact, SI is built on just such an assumption, with one critic referring to this bracketing of agency as “the metaphysical pathos of institutional theory” (see Paul DiMaggio, “Interest and Agency in Institutional Theory,” in Zucker, 1988:9–11, 27; also see Strang and Chang, 1993:237–38).

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