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International Journal of Bilingualism 2001 5: 259

DOI: 10.1177/13670069010050030201

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Main Articles

Naturalization language testing and its basis in ideologies of national identity and citizenship*

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*Acknowledgments**

I am indebted to Adrian Blackledge, Aneta Pavlenko, and three anonymous reviewers for their insightful comments.

Abstract

National belonging is a central facet of modern social identities. In Europe, nation-building often went hand in hand with linguistic nationalism. While the monarchical empires that preceded the modern nation had been multilingual polities (e.g., the Habsburg Empire), nations were founded on the ideology of “One Language, One Nation.” Nations are not only “Imagined Communities,” that is, systems of cultural representation whereby people come to imagine a shared experience of identification with an extended community, but also exclusionary historical and institutional practices to which access is restricted via citizenship. Linguistic restrictions to such access can be found in naturalization language testing, which usually takes place during the naturalization interview and tests the applicant’s proficiency in a country’s official and/or majority language. In this paper I examine the interrelationship of ideologies of national and linguistic identity and the ways in which they impact upon ideologies of citizenship. I describe current naturalization legislation in a number of countries and the ways in which it is based on these ideologies. The paper has a special focus on Germany where naturalization legislation changed on January 1st, 2000. I describe the linguistic tests as they are stipulated by law and as they are conducted in actual practice. Finally, I turn away from the national ideologies behind these language tests to the linguistic ideologies that (mis)inform them. The data for this analysis come mainly from legal texts pertaining to naturalization, but also from newspaper accounts and interviews with naturalization candidates. I will show that the relationship between naturalization and language requirements depends on the different national ideologies that the various countries hold. The paper ends with the conclusion that most of the practices I report on are compatible neither with a contemporary understanding of citizenship nor with recent advances in linguistic research and the study of multilingualism.

Key words

language legislation

language testing

nation

1 Introduction

Language rights have developed as a central concern in the field of multilingualism in recent years (e.g., Benson, Grundy, & Skutnabb-Kangas, 1998; Kibbee, 1998; Kontra, Phillipson, Skutnabb-Kangas, & Várady, 1999). Most of the work that has been published in this area

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deals with issues of language maintenance, bilingual services and educational matters as they affect minority languages. However, the ways in which language interrelates with citizenship have rarely been addressed from a sociolinguistic perspective (but see e.g., Marek, 1998; Wiley, 1998), and, in particular, there is little linguistic work on language testing as it is used in the naturalization processes of various countries. Inquiry into the role of language in the processes of nation-building and in the acquisition of citizenship has, by and large, been left to sociologists and political theorists (e.g., Kymlicka, 1995; Watson, 2000). This lacuna in the sociolinguistic literature on language rights is the more surprising as the right to citizenship in one's country of residence can indeed be considered a basic human right which is frequently linked to linguistic requirements. Exiles have found again and again that their very survival may be threatened without a passport (Klaus Mann, 1994, "*Der Mensch braucht einen Pass zum Leben*," 'Human beings need a passport to survive'). Even if for most migrants survival does not depend upon citizenship, their social, political, and economic rights do, because almost all countries reserve for their citizens the right to vote, access to certain forms of welfare, or the option to apply for certain jobs.

In Germany, where it is not uncommon to speak of "*Auslaender in der dritten Generation*," 'foreigners of the third generation', and where many migrants and their descendants have not been able to obtain the citizenship of their country of residence, a passionate public debate was waged in 1999 about who was to be a German citizen. The alleged failure of certain migrant groups to learn German became a central issue in the debate (along with many others such as religion, assimilation, dual citizenship, etc.). In January 2000 I was asked to participate in a panel discussion at Hamburg University and to report on the linguistic requirements that comparable countries place upon their naturalization applicants. As I prepared for that event, the paucity of research on the relationship between citizenship and naturalization language testing became apparent to me, as well as the reasons for that scarcity. The interrelationship between national identity, citizenship and language is so complex and ideologically fraught that it seems almost impossible to disentangle the various strands. I certainly do not claim to have cut this Gordian knot in the present paper. Rather, I hope to show that the complex interrelationship of ideologies of national identity, citizenship, and language is one of their very characteristics, and that they impact upon naturalization language testing as a whole. I will address this interrelationship first in a series of pairs in which I explore the relationship between national identity and language, between national identity and citizenship, and between citizenship and language. I will then go on to describe the legislation and practice of naturalization language testing in Germany, and how it can be seen as a result of national and linguistic ideologies held by legislators and naturalization officers (and shared by the public at large).

2 National identity and language

National belonging is a central form of modern social identities. The "Who-Am-I"-test, a test for determining the content of self-concepts widely used in social psychology, which was devised by Kuhn and McPartland (1954) and is also known as the "Twenty-Statements-Test," shows just how important national identity is for the concept of self: "Racial or national heritage" invariably figures among the first five words or phrases in the list people write up to describe who they are (Scott & Spencer, 1998, pp.428ff). Despite this central position which

national identity has come to occupy in the minds of people, it is an essentially modern concept, with nations and national consciousness mainly dating from the 19th century (Anderson, 1991). Anderson (1991) argues that, with the advent of “print capitalism,” people came to imagine themselves as members of a particular group who could all read the same texts. He sees nations as systems of cultural representation whereby people come to imagine a shared experience of identification with an extended community. He traces the codevelopment of identity construction through national belonging and mother tongue affiliation and describes how they depend upon each other. In this account a common language is the most central constituent in the formation of a nation and national identity. Indeed, many national projects are driven by this ideology of “one language, one nation.” Balibar (1991) or Marek (1998), for instance, describe the dissemination of Standard French as a time-honored tool for establishing a national consciousness in France. However, “one language, one nation” is not a fact but an ideology which may be used in national projects. Even within Europe, which is often described as the stronghold of monolingual national ideologies (Giddens, 1987), many examples exist that demonstrate that nations may be built on other unifying myths than the one of a common language. Belgium and Switzerland construct unified nations despite the fact that more than one official language is used within their borders. On the other hand, Austria and Germany construct different national identities for themselves despite the fact that they share a common language. On a global scale, a common language is the exception rather than the rule in nation-building (Giddens, 1987, p. 172). Indeed, the European project which has been trying to forge a “European Union identity” (García, 1997) for its citizens is a multilingual one (see below for a fuller discussion of linguistic and national ideologies in the European project).

Apart from the myth of a common language, national projects may be based upon three other ideologies (Yuval-Davis, 1997, p. 12): nations may be based upon a myth of a common origin, a common culture, or common citizenship. Of course, these prototypes are not nicely separated but usually co-occur in an ideological melange. “European Union identity,” for instance, is being built on at least four ideologies (García, 1997): first, there is the idea of common values resulting from a common heritage and shared memories. Second, there is the idea of a common culture which is not pictured as unity but as a family of related cultures with a long history of exchanges and cross-fertilization. Third, there is the political project to build unity in peace after war and to prevent Europeans from ever waging war against each other again. And fourth, European identity is an economic identity which is driven by the search for economic modernization and prosperity under democratic governance. Language as such is not accorded any leading role in the creation of European identity, and certainly not a single language. On the contrary, linguistic diversity is heralded as one of the strengths of the European Union. The European Commissioner of Social Affairs, Pádraig Flynn, for instance, proclaimed that “Europe’s strength lies in its ethnic, linguistic, and cultural diversity” (Flynn, 1993, p. 14). Despite a de facto dominance of English and French as the preferred languages of the Commission (Quell, 1998), multilingualism is officially espoused in European language policies. In educational policy, the acquisition of at least two foreign languages is promoted (Andersen, 1997, p. 33), and indeed many of the Danish and German employers Andersen (1997) interviewed expected trilingualism from their employees.

The example of the European Union might suggest that there is a real chance to overcome the “one language, one nation” myth in the 21st century: both the language part as

monolingual policies give way to multilingual ones, and the nation part as nation states give way to supranational forms of political and economic organization¹. However, linguistic nationalism is not only the baggage that the 20th century inherited from the 19th but seems destined to be handed down to the 21st century also. Coulmas (1995) points out that the continued existence of linguistic nationalism was confirmed by German unification, which demonstrated an unquestioned acceptance—on the part of Germany and its neighbors and all the political players involved in unification—of the principle that one nation with one language should be joined in one polity. Thus, to Coulmas (1995), German unification only a decade before the turn of the century is proof of the continued power of linguistic nationalism. As I will show below, it is proof of nationalism but not of linguistic nationalism as German national identity is mainly founded upon the ideology of a common origin and a common culture, which is seen as deriving from common ancestry.

In the 19th and early 20th century, nation building was typically conceived of as monolingual nation building as is well demonstrated by the language policies and ideologies of “late nations” such as Germany and Malaysia (Watson, 2000). Immigration countries have similarly felt that one of the ways to socialize immigrants into their new national identity was via teaching of the official language. In 1920, the State of Nebraska, for instance, put forward the following argument against allowing children to be educated in German, their first language:

The object of the legislation [...] was to create an enlightened American citizenship in sympathy with the principles and ideals of this country, and to prevent children reared in America from being trained and educated in foreign languages and foreign ideals before they have the opportunity to learn the English language and observe American ideals. [...] The purpose of the statute is to insure that the English language shall be the mother tongue and the language of the heart of the children reared in this country who will eventually become the citizens of this country.

(*Meyer v. Nebraska* 262 U.S. at 393–394; quoted from Kibbee, 1998a, p. 3)

Nebraska was the first, and for a long time the only, U.S. State which passed a constitutional amendment making English the only official language of that state in 1920 (Crawford, 1998, p. 120). Since then, 20 more states have adopted such measures, most of them since 1980 (Crawford, 1998, p. 120). In their campaigns and rationalizations for these measures legislators are fond of quoting Theodore Roosevelt, who linked the English language with American national identity:

We have room for but one language in this country, and that is the English language, for we intend to see that the crucible turns our people out as Americans, of American nationality, and not as dwellers in a polyglot boarding-house.

(Quoted from Crawford, 1998, p. 100)

¹ Two reviewers pointed out to me that the official multilingualism policy of the European Union does not preclude a one nation-one language ideology, where additional/second languages are seen as nonthreatening. There can be no doubt that the status of “elite bilingualism” differs significantly from that of “folk bilingualism.” While the latter tends to be seen as threatening to the unity of the nation, the former often is regarded as desirable. At the same time, Britain is probably the only EU country that has nothing to lose at all from the EU policy of official multilingualism. For all the other nations, becoming multilingual means first and foremost learning English, and there are segments in all these countries that do indeed perceive the learning of English as a threat to their national identities, as is evidenced, for instance, by the Loi Toubon in France or the campaigns of purist organizations in Germany (Piller, 2001).

Also in the U.S.A., and much more recently, a judge even denounced teaching an American child a language other than English, in this case Spanish, as child-abuse:

If she starts first grade with the other children and cannot even speak the language that the teachers and the other children speak, and she's a full-blood American citizen, you're abusing that child and relegating her to the position of a housemaid.

(Quoted from MacGregor-Mendoza, 1998, p. 65f.)

The above examples testify to conceptions of national identity that see it as essential and monolithic. However, social scientists have come to see all social identities, including national identities, as relational, cultural, historical, and contingent (Tilly, 1995). Tilly (1995, p. 5f) describes social identity as relational because identities are located “in connections among individuals and groups rather than in the minds of particular persons or of whole populations.” Social identities are cultural because they “rest on shared understandings, and their representations,” and they are historical because memories, understandings, and means of action within particular identities are path-dependent. Finally, social identity is contingent because it is “a strategic interaction liable to failure or misfiring rather than [...] a straightforward expression of an actor's attributes.” There can be no doubt that ideologies of national and linguistic identity, as most commonly expressed in linguistic nationalism, converge and that speakers of an official language are granted privileged access to the nation qua their status as “native speakers” (Piller, in press). Despite the fact that “nation” and “state” are different concepts—politically, economically and socially—they cannot be understood independently of each other as national ideologies provide the legitimation for the exclusiveness of citizenship (Faist, 1997), as I will discuss below.

3 National identity and citizenship

Although nations are imagined in the sense of Anderson (1991), they are also real in the fact that membership is restricted via citizenship. Therefore nations are not simply phantasmagoria of the mind but “historical and institutional practices through which social difference is invented and performed” (McClintock, 1993, p. 61). Citizenship is the product of the nation state which confers many rights and privileges upon its bearers. National identity and citizenship are two distinct categories. Scott and Spencer (1998, pp. 428ff) emphasize that, while “racial or national heritage” figures prominently among the first words or phrases in the “Who-am-I”-test (see above), this does not mean that people state their “current citizenship.” For instance, many of the Toronto Italian-Canadian youths whom Giampapa (this issue) interviewed described themselves as “Italian” in reference to their heritage rather than as “Canadian” in reference to their current citizenship. Whichever aspect of their identities they chose to highlight, they made a distinction between national identity as heritage and national identity as citizenship. Similarly, Blackledge (this issue) describes how Bengali immigrants in Britain explain their literacy practices with reference to their identity by saying “we are Bengali.” This perception is put forward not only by the immigrants themselves but also by the British State as it continues to define Black and Irish immigrants as dependents rather than citizens (Faulks, 1998, p. 118). Likewise, in Sweden official statistics make use of a category of “immigrants” which includes both immigrants with foreign citizenship and Swedish citizens with at least one parent born abroad (Ålund, 1999, p. 148). In my own work (Piller,

1999), I have shown that women with a partner of different nationality are oftentimes no longer perceived as full members of their native national community. In yet another example, the native Austrians interviewed in Wodak, de Cillia, Reisigl, and Liebhart (1999) did not believe that Austrian citizenship alone qualified a person for inclusion in the group of Austrians. Rather a host of other factors such as German language affiliation, Austrian ancestry, being born and bred in Austria, Catholicism, love of Austria, and so forth were considered as constitutive of “Austrianness.” Citizenship is thus a multilayered concept and nation and state need to be seen as different concepts. Sociologists describe this distinction between “full” and “peripheral” citizens with the concept of “thick” and “thin” citizenship (Tilly, 1995). Thick citizenship can be defined as “a more total relationship, inflected by identity, social positioning, cultural assumptions, institutional practices and a sense of belonging” (Werbner & Yuval-Davis, 1999, p. 4). Thin citizenship, on the other hand, entails a much more limited number of relations, transactions, rights, and obligations. On a scale from thick to thin citizenship, native-born citizens of privileged ethnicity, race, class, gender, religion and so forth would be placed at the thick end, while non-naturalized residents of discriminated against groups would be located on the very thin end. This distinction between thick and thin citizenship explains the “perpetual strangerhood” (Ålund, 1999, p. 150) of immigrants and their precarious status as “ambivalent citizens” (Werbner & Yuval-Davis, 1999, p. 18). While naturalization alone does not make for a thick relationship, it is a significant step forward on the scale from thin to thick. It is a legal classification procedure which offers or denies the significant rights and privileges that come with the technical right to be “a citizen of X.” In most countries, noncitizens are excluded from many forms of social welfare, political representation, and civil rights. As such, the identity of citizenship is one of the most drastically coconstructed forms of social identity. The naturalization applicant’s agency is only involved to the degree that they decide to apply for naturalization. However, they can only “choose” to submit their application after fulfilling the relevant criteria as they are set forth in the relevant naturalization legislation. Furthermore, their eligibility is then tested by the naturalization office, who may—or may not—decide to confer the identity of citizenship upon the applicant. The criteria upon which such decisions are based include length of residence, the absence of a criminal record, economic and educational standards, and proficiency in the official and/or majority language. In most cases, this state language is a migrant’s second language (excepting cases such as Irish migrants in Australia, Austrian migrants in Germany, French migrants in Quebec, etc.), and some form of language testing is imposed. In the following I will review some of these naturalization language testing practices in relation to ideologies of national identity and citizenship. I will only be concerned with naturalization processes in rich postindustrial countries such as Australia, Canada, Germany, Sweden, or the U.K. Citizenship in these welfare states and stable democracies based on universal liberal, civil, and political rights is of significantly different value than citizenship of African states or Eastern Europe. Therefore attaining such citizenship is of greater value to non-natives and there will be a higher price on it as natives safeguard their privileges.

4 Citizenship and language

Different countries place considerably different language requirements on persons who want to be naturalized. These may range from no language requirement at all via minimal requirements to considerable proficiency. Ireland, Israel, Italy, and Sweden, for instance, do not stipulate any language requirement at all in their respective naturalization legislation. Of these, Israel and Sweden have seen large-scale immigration, and in both countries the absence of a language requirement can be traced directly to the respective ideologies of national identity. Israel does not demand proof of knowledge of or proficiency in Hebrew because national belonging is largely based on religious and/or ethnic affiliation (Peled, 1992). Thus, where there is a dominant myth of common origin (cf. also the German case below), language becomes largely irrelevant. In Sweden, on the other hand, the absence of linguistic requirements is tied to the policies of multiculturalism, rather than an understanding of the nation as being built upon a common ethnicity or religion. Sweden conceives of the nation as a community of citizens with the same obligations and rights, and, in conjunction with the official ideology of multiculturalism, this makes a Swedish language requirement for naturalization dispensable. In the 1970s, Sweden, along with the other Scandinavian states, embraced an egalitarian, multicultural ideology and policies aimed at the inclusion of immigrants. Since the 1980s the character of the public debate has changed and migrants are now mainly discussed as a problem, in terms of their alleged criminal behavior and the cultural differences between “Us and Them” (Ålund, 1999, p. 148). These changes in public discourse have not (yet) affected naturalization legislation. In other countries that do not have a language requirement in their naturalization legislation, large-scale immigration does not exist (e.g., Ireland), or it is a comparatively recent phenomenon (e.g., Italy). Finally, some countries do not have language requirements in their naturalization legislation because immigration only occurs on paper, that is, they offer so-called “off-shore citizenships” to investors (e.g., Dominica, Grenada, Belize, St. Kitts, & Nevis). Such countries, mainly in the Caribbean, offer a Commonwealth passport in return for a substantial financial investment. Naturalization in these countries is therefore significantly different from the other countries to be discussed here. The absence of language requirements in off-shore naturalization does not necessarily mean that economic concerns override ideological ones, as off-shore citizens do not ideologically become part of the nation. However, the phenomenon of off-shore citizenship throws into relief the value of citizenship as it provides the elite of poor countries with a means to access certain rich countries, notably Britain.

Like Sweden, the classic immigration countries, Australia, Canada, and the U.S.A., define citizenship as based on rights and obligations. The *Australian Citizenship Act* (Department of Immigration & Multicultural Affairs, 1997) defines Australian citizenship as follows:

Australian citizenship represents formal membership of the community of the Commonwealth of Australia; and

Australian citizenship is a common bond, involving reciprocal rights and obligations, uniting all Australians, while respecting their diversity; and

Persons granted Australian citizenship enjoy these rights and undertake to accept these obligations by pledging their loyalty to Australia and its people, and

by sharing their democratic beliefs, and
 by respecting their rights and liberties, and
 by upholding and obeying the laws of Australia.

(Department of Immigration & Multicultural Affairs, 1997)

As a consequence of the ideology of common citizenship embraced by these countries, language testing as part of the naturalization process is minimal in these states. Language testing serves to show that the naturalization applicant has enough knowledge of the official language to be able to understand and carry out the rights and duties conferred through citizenship. In Australia, these duties are obeying the law, enrolling on the Electoral Register and voting, serving on a jury if called, and defending Australia if needed. The privileges of Australian citizenship consist of the right to vote, the right to stand in public elections, the right to carry an Australian passport, the right to claim protection from Australian diplomatic services while overseas, the eligibility to enlist in the armed forces and to apply for certain government jobs, and the right to have children registered as Australian by descent (Department of Immigration & Multicultural Affairs, 1998). In order to carry out these privileges and responsibilities, applicants have to demonstrate that they “are able to speak and understand basic English” (Department of Immigration & Multicultural Affairs, 1998). Such basic English skills are tested during an interview with an officer of the Department of Immigration and Multicultural Affairs. The main criterion is whether or not the applicant can communicate with the officer without the aid of an interpreter. The interview entails checking whether all the relevant documents are being presented, demonstrating knowledge of the responsibilities and privileges of Australian citizenship, making a choice between two different forms of citizenship pledges (an oath and an affirmation), an explanation of the further procedure after the interview, and the opportunity to ask questions of the officer. In this type of test, the purposes, the procedure, and the passing standard are clearly stated in the relevant legislation.

In the U.S.A., similarly clear guidelines exist about the purposes, procedure, and passing standards for the English language test which is administered during the naturalization interview (Immigration and Naturalization Service, no date, p. 37). However, the passing standards in the U.S.A. are higher than those in Australia, where only basic spoken English is required. In the U.S.A., all four skills are tested in one of the following ways:

- (1) **Reading.** In order to test your reading ability you may be asked:
 - to read out loud parts of the N-400 [a form detailing the rights and obligations of U.S. citizenship—IP];
 - to read a set of civics questions and then answer them; or
 - to read several simple sentences out loud.
- (2) **Writing.** In order to test your writing skills, the INS [Immigration and Naturalization Service—IP] officer will ask you to write one or two simple sentences [sample sentences are provided—IP].
- (3) **Speaking.** Your speaking ability will be tested when you answer questions about yourself and your application during your interview.

(Immigration and Naturalization Service, no date)

In Canada, where naturalization applicants may be tested in either English or French, they need to demonstrate “adequate knowledge” (Anonymous, 1978, Section 14) to pass. The *Citizenship Regulations* stipulate that the following be considered as “adequate knowledge”:

- a. the vocabulary of the person in that language is appropriate for the conduct of those of his [sic!] nonprofessional activities that reasonably can be expected to involve contact with the general public in that language;
- b. the person comprehends, in that language, simple spoken statements and questions in the past, present and future tenses; and
- c. the oral expression of the person in that language accurately conveys simple information with respect to the past, present and future situations. (Anonymous, 1978)

Immigration and, concomitantly, naturalization have always held a strong place in the national projects of Australia, Canada, and the U.S.A. This is, however, not the case for European countries where one native ethnic group is usually in a privileged relationship to a given state² and where large-scale immigration is a much more recent phenomenon. In Germany, for instance, the phrase “*Deutschland ist kein Einwanderungsland*” (“Germany is not an immigration country”) is ubiquitous in political discourse despite the fact that, since the early 1980s, Germany has consistently received more than twice as many immigrants as the U.S.A. (on a per capita basis) (Vahedi, 1996, p.9). One could therefore expect that naturalization procedures, including language requirements, might be considerably different in Europe from the ones in Australia, Canada, and the U.S.A. As will become clear in the following no single European pattern exists. Rather, the relationship between naturalization and language requirements depends upon the different national ideologies that the various countries hold. As has been pointed out above, Sweden and the other Scandinavian states embrace an official ideology of multiculturalism. As ethnicity and language is not in a legally favored relationship to the Swedish state (which of course does not say much about everyday practices; cf. Ålund, 1999), no language requirement is to be met in the naturalization process. Britain does privilege its indigenous languages as naturalizees need to demonstrate a knowledge of either English or Welsh or Scottish Gaelic³. But, as in Australia, Canada, and the U.S.A., these language skills are required so that the naturalizees can understand and carry out the obligations and privileges associated with British citizenship. The naturalization guide explicitly states this rationale:

Your knowledge of the language does not have to be perfect, but it must be sufficient for you to fulfill your duties as a citizen, and to mix easily with the people with whom you live and work. (Home Office, no date)

While an ideology of Britain as a nation based upon common citizenship can be inferred from the first part of the explanation (“must be sufficient for you to fulfill your duties as a citizen”), the second part (“to mix easily with the people with whom you live and work”) suggests that it is not only common citizenship but also some form of assimilation to the main

² “Following the old joke ‘a language is a dialect that has its own army’, a nationality is an ethnicity bearing a favored relationship to a particular state.” (Tilly, 1995, p.9)

³ I do not have any information on how many, if any, naturalization candidates do indeed choose to be tested in Welsh or Scottish Gaelic.

cultural and linguistic group that makes for a British citizen. The fact that the legal text manages to embrace two distinct ideologies of national belonging in one sentence, confirms a complex, and often contradictory, coexistence of modern concepts of citizenship and premodern ones that conflate citizenship with national identity and see it based upon some other form of commonality (language, culture, etc).

France is not torn by such conflicting ideologies. It unambiguously holds that citizenship cannot be divided from nationality. The key criterion for national belonging is language and culture. “One is French by the use of the French language, by the internalization of the culture, by the will to participate in economic and political life” (Schnapper, 1989; quoted from Smith & Wistrich, 1997, p. 239). For naturalization candidates this means that Francophones from a Francophone country do not even have to fulfill the minimum residence requirement that is present in all naturalization legislation I have looked at. Naturalization candidates whose first language is not French have to prove their assimilation in the naturalization process: “Foreigners who want to be naturalized have to prove their assimilation to the French community, in particular through a sufficient knowledge of French” (La Documentation Française, no date; my translation). Ignoring obvious divisions that exist in French society, Marek (1998), a French government official concerned with French language planning issues, claims that this conflation of national identity and citizenship is a necessary precondition to ensure equal rights for native and non-native French citizens.

Like France, Germany espouses a national ideology in which citizenship cannot be divided from national identity. However, unlike in France, national identity is not based upon language and culture but rather upon ancestry. At first sight, this suggests that language does not have any place at all in the naturalization process—indeed it almost precludes the very existence of a naturalization process. However, Germany has seen significant levels of immigration since the 1950s and naturalization has become a hotly contested issue in public debate. Some legal changes have occurred and in the following I will show how the contestations of who is to be a German citizen are played out, among many other arenas, in the German testing practices during naturalization proceedings.

5 Naturalization and language testing — The politics of exclusion

As has been pointed out above, the focus of social identity is very often the maintenance of the real or imagined boundary between “us” and “them” (Cohen, 1993; Jenkins, 1996). It can therefore be assumed that the purpose of language testing in the naturalization process is not necessarily the establishment of an objective standard of the applicant’s proficiency but rather the maintenance of the boundary between nationals and non-nationals and the safe-guarding of the privileges of the former. Language testing in these circumstances can serve to weed out undesirable applicants. A drastic example of this process can be found in the reception Egon Erwin Kisch received in Australia in 1934. When the National Socialists came to power in 1933, Kisch, a well-known journalist, a Communist and a Jew, fled Germany for France. In 1934 he traveled to Australia to attend the World Congress against War and Fascism in Melbourne. When he was prevented from leaving his ship and even setting foot on Australian soil by customs officials, he jumped ship in Sydney harbor and applied for asylum. In the process of his hearings he had to take a Gaelic language test. Kisch, a multilingual who spoke

English, French, Russian, and Spanish in addition to his native Czech and German, promptly failed, of course, and, after some more court hearings, was deported in 1935. He had to return to the precarious French exile, and finally managed to escape to Mexico in 1939 (Kisch, 1993; Nelles, 1999, p. 24). One may reasonably wonder why he had to take a Gaelic test in Australia. The answer is that under the “White Australia” policy of the day he was not welcome as a German, a Jew and a Communist. This being so, a legal condition which allowed for immigrants to be tested “in any European language” could easily be used to justify his exclusion. In the following I will show that the language testing in contemporary German naturalization law functions as an exclusionary mechanism in much the same way as the Australian language test of the 1930s did.

Smith and Wistrich (1997, p. 231) point out that “the relationship between citizen of the German State, German national, and German people is complex in the extreme”—a complexity which can be blamed on an omnipresent ideological confusion of nation and state as well as competing myths of national belonging, with “common origin” leading the list. Until January 1st, 2000 German nationality was almost exclusively acquired by descent (*ius sanguinis*). As a result, language was only accorded a very subordinate role in the naturalization process, if it was considered at all. On the one hand, ethnic Germans from Eastern Europe were naturalized once they were settled in the country even if they had no German language skills at all. All they had to demonstrate was German ancestry and “oppression” as the reason for their lack of knowledge of the German language. On the other hand, monolingual German speakers of Turkish ancestry would not have been naturalized. Rather they were (and continue to be under some circumstances) considered “foreigners in the third generation.” Thus, long-term residents, including persons born in the country, could not gain German citizenship because they did not have German ethnicity. Although naturalization procedures existed, they were very restricted and few applicants were successful (Smith & Wistrich, 1997, p. 231). For instance, 72% of the Turkish respondents in Vahedi’s (1996, p. 86) study, who were all long-term residents in Germany and in many cases born in the country, claimed they would want to be naturalized if they fulfilled the criteria. As access to social rights in Germany depends, by and large, on citizenship, residents without citizenship suffer significant disadvantages. Smith and Wistrich (1997, p. 235) contrast the housing support, help in finding employment, and learning German which is accessible to ethnic German immigrants, to conditions placed upon non-German, non-EU immigrants seeking to be unified with their spouses and families. The latter have to demonstrate adequate housing, employment that will cover expenses (on the part of the applicant), and have to accept a ban on seeking employment (on the part of the family member/s) until they have fulfilled a minimum residence period—a regulation which mainly hits Turkish women, incidentally⁴.

The coalition government of Labor and Greens which came to power in late 1998 had promised to inaugurate more contemporary legislation based on residence (*ius solis*). After an intense public debate in 1999 which saw the Conservative party organize public petitions

⁴ I mention this because this group of persons, immigrant Muslim women, are often pictured in the literature as oppressed by patriarchal traditions which prevent them from seeking employment outside the home, thereby—and in other ways—restricting their exposure to the target language. However, it tends to be conveniently ignored that these restrictions may just as well have been placed by the “liberal Western society.” It is beyond the scope of this paper to explore this issue, and the differential access of women and men both to the nation (e.g., Yuval-Davis, 1997) and to the target language (e.g., Pavlenko & Piller, 2001) any further.

against “dual citizenship” and about five million Germans sign their name to that petition, compromise legislation came into force on January 1st, 2000. The compromise nature of the new legislation is visible in the fact that “language” has come to occupy the middle ground between the former criterion of “ancestry” and the modern criterion of “residence.” Nonethnic Germans can now be naturalized into German citizenship if they have resided in the country for at least eight years (in most cases) AND pass a German language test⁵. Naturalization candidates have to prove the following level of German language competence in order to be considered for naturalization:

Sufficient knowledge of the German language is present if the naturalization candidate can cope with his⁶ daily life in his German environment, including the normal contacts with the authorities, and if a conversation that is appropriate to his age and educational level can be conducted with him⁷. This includes that the naturalization candidate is able to read and understand a German text of everyday life and that he can summarize its major contents orally. The competence to communicate orally in a simple fashion is insufficient.

(Bundesministerium des Inneren, 2000b; my translation)

According to Section 86.1.2. the naturalization authority has to test whether the German competence of the naturalization candidate conforms to the above standard. The authority may waive the language test if the candidate holds a German-language certificate (“*Zertifikat Deutsch*” or a comparable certificate), if they attended a German-medium school for a minimum of four years and achieved passing grades, if they studied at a German university or successfully passed vocational training in Germany. If the test is not waived, it is to be conducted by the naturalization officer. Naturalization officers have paralegal and administrative qualifications but their training includes no linguistic component whatsoever. As a consequence, the German language testing practices differ widely between offices. When the legislation was before parliament and finally passed in 1999, newspaper reports (e.g., Seidel, 1999) generally assumed that naturalization officers would ask candidates to read and discuss a newspaper article. Such media reports at the time of the introduction of the new law generally showed awareness that one of the problems of this practice was that the difficulty of such an exercise would vary dramatically depending on which newspaper the naturalization officer would choose as the source text. However, none of the naturalization candidates I interviewed informally about their experiences had been asked to read and discuss a newspaper article. In total I interviewed eight naturalization applicants. All of them are of Iranian background, with Farsi and/or Azeri as their first languages, have on average resided in Germany for 16 years, and hold degrees from German universities or have completed vocational training in Germany. Thus, their language tests could have been waived in accordance with the legal regulations (see above) but they were not waived in a single one of these cases. Their naturalization proceedings had on average taken six years, and five were naturalized after the new law came into effect in January 2000. Three cases are pending (as of

⁵ Of course, other conditions also apply, for example, no criminal conviction, employment, giving up one’s former citizenship, etc.

⁶ The masculine forms are used throughout the legal text.

⁷ The odd passive construction is present in the original (“und mit ihm ein seinem Alter und Bildungsstand entsprechendes Gespräch geführt werden kann”). Below I will discuss the implications of this passive construction for the nature of linguistic interaction as it is espoused in the legal text.

January 2001). Four of these proceedings took place in Bavaria and Baden-Wuerttemberg and four in Hamburg. The locale is important because, in the federal system of government, naturalization is the responsibility of the states (“*Laender*”). Therefore, if guidelines exist at all, they are likely to be issued on the state level rather than the national level. This is also important because states with Conservative governments have placed higher burdens on naturalization candidates than states with a Labor government. For instance, Baden-Wuerttemberg, Bavaria, Berlin, Saxony, and Thuringia, all with Conservative-dominated governments, routinely address an inquiry to the “*Verfassungsschutz*,” the authority which is charged with safeguarding the constitution, to clear a naturalization applicant of any terrorism charges before their application can be processed. The other states do not routinely suspect each naturalization applicant of terrorism and accordingly do not place such a clearance request (Seidel, 1999). Therefore one can assume the Labor states (e.g., Bremen, Hamburg, Lower Saxony, North-Rhine Westphalia, or Schleswig-Holstein) to be also more liberal in language matters. Those interviewees who applied for naturalization in Baden-Wuerttemberg and Bavaria had their orthography tested, usually by being given a dictation exercise. In one case, an applicant was asked to handwrite his CV. He was allowed to copy the typed CV he had brought along in the presence of the officer. It is not quite clear which linguistic level this exercise was supposed to test (presumably orthography and/or handwriting). The candidates who were tested by naturalization officers in Hamburg, a more “liberal” state with a Labor-dominated government, were asked to read a semilegal text about their future duties and obligations as German citizens. The text seems to have been the same in all cases and the interviewees recalled that it contained a lengthy passage about the fact that, after naturalization, they would no longer be allowed to engage in terrorism (of course, they had never been!). After the applicants had been allowed to read the one-page text in silence, they were asked whether they had understood it. Upon replying in the affirmative, they were informed that their language was up to standards. It is not clear whether the naturalization officers believed that simply asking whether the text had been understood was a reliable measure of comprehension, or whether these were no “real” tests and the officers just went through the motions, maybe because they judged the German competence on the basis of the applicants’ educational attainment rather than upon the reading exercise. The latter possibility is suggested by a comment made by one officer after the candidate had said that, yes, he had understood the text. The officer then commented: “Sure, YOU wouldn’t have a problem but for some of your Turkish colleagues this will be a tough one” (my translation). I take this to mean that not every “Yes, I’ve understood the text” will be accepted in this context but that acceptability will depend upon the speaker, specifically the category the speaker is placed in by the officer. In the German system with its hierarchical stereotyping of migrants, Iranians, who mainly came as political refugees and have achieved one of the highest educational levels of all immigrant groups (Statistisches Bundesamt, 1997, p. 43), rank above Turkish migrants, who mainly came as labor migrants. As predominantly Muslim groups, both rank below European immigrants, though.

6 National and linguistic ideologies

So far, I have argued that the language requirements in naturalization legislation reflect ideologies of national identity that various countries subscribe to. In the German case,

contesting ideologies are reflected as various social and political groups in contemporary Germany vie for the right to define national ideology. Since the 1970s and particularly in the 1990s it had become increasingly clear that the “*Reichs- und Staatsangehörigkeitsrecht*” (“Law about citizenship in the state and the empire”) dating from 1914 (and in turn based upon another such law dating from 1870; Bundesministerium des Inneren, 2000a) excluded too many German residents from citizenship. As it based citizenship almost exclusively upon the myth of “common blood” or common ancestry it barred an estimated seven million German residents from citizenship (based on the numbers of foreign residents who had resided in Germany for at least one year as published in Statistisches Bundesamt, 1997, p. 21)⁸. However, the modern law in which German (legal) citizenship would be based on common obligations and privileges, as it was envisaged by the new coalition government elected in 1998, met with fierce resistance on the part of more conservative segments of the (ethnic) German public. Ultimately, an ideology of national belonging as based on a common language, German, was espoused as a kind of compromise between ancestry and citizenship. However, it is not only national ideologies that find expression in such legal practices but also linguistic ideologies. In the following I will discuss two linguistic ideologies, or lay theories if you will, that are tied in with the national ideologies of current German naturalization legislation (in addition to the ideology of “one nation, one language”), and serve to further restrict access to naturalization.

First, linguistic interaction, as it takes place in the naturalization interview, is conceptualized as a one-way street. This is most notable in the phrase “*Ausreichende Kenntnisse der deutschen Sprache liegen vor, wenn [...] mit ihm ein seinem Alter und Bildungsstand entsprechendes Gespräch geführt werden kann.*” (Bundesministerium des Inneren, 2000b; “Sufficient knowledge of the German language is present if [...] a conversation that is appropriate to his age and educational level can be conducted with him”; my translation). This phrase implies a naturalizee who is a passive recipient of a German conversation. By contrast, discourse analysts have for a long time insisted that the success of a conversation is negotiated by all interactants, that meaning is negotiated and that the communicative burden needs to be shared. Gumperz (1982), for instance, describes understanding as an interactive process which is mutually constructed in the course of inferencing by all participants in an encounter. The legislative framework shifts this burden unilaterally onto the naturalization applicant while “the right to speak” and “the power to impose reception” (Peirce, 1995, p. 18, following Bourdieu, 1977) is exclusively granted to the naturalization officer (see Blackledge & Pavlenko, this issue, for a more detailed exploration of these concepts). Of course, this is not an uncommon phenomenon in interactions between native and non-native speakers (e.g., Lippi-Green, 1997 for such interactions in the U.S.A.). However, the reification of such differential access to the negotiation of meaning in a legal text testifies to the absence of any kind of discourse analytic expertise in (cross-cultural) communication that might have guided the writing of a text about language and language testing.

Second, the legal provisions as well as the testing practice in the naturalization interviews are guided by the assumption that any (monolingual) native speaker can judge the proficiency of a second language speaker. The law does not stipulate any form of linguistic

⁸ More than two million of these had resided in the country for 20 or more years, and another 1.5 million for 10–20 years. Since 1990 about 150,000 children each year have been born in Germany who were not eligible to become citizens of the country of their birth (Statistisches Bundesamt, 1997, p. 24).

training for naturalization officers nor does it provide clear easy-to-follow guidelines about the purposes, procedure, and passing standards that such an untrained officer might adhere to (as do Australia, the U.S.A., and, to a lesser degree, Canada; see above). Thus, at no point are test validity, difficulty, reliability, applicability, relevance, replicability, or interpretability accounted for (criteria which Henning, 1987 suggests for test evaluation). As differences in the rater behavior are a well-documented phenomenon in language testing research (see Bachman, 2000, p. 11 for an overview), the absence of both, training and guidelines, is likely to result in glaring injustices in this crucial test. As my interviews with naturalization applicants have shown it is not only the rating which differs between states, and, most probably, individual officers, but also the nature of the task itself. Indeed, the central role that orthography plays in the test testifies to the officer's nonexistent linguistic training and their subscription to a particular ideology of what language is (see below). Few linguists would consider orthography the most central linguistic skill, and most would consider a handwriting test ludicrous. The concern with orthography bespeaks a normative view of language that sees its essence as residing essentially in the written, rather than spoken, form. Language testing professionals have increasingly become concerned with the ethics of language testing, and they have concomitantly argued for codes of practice and professionalization (Bachman, 2000). Indeed, in their view validity and ethics are dialectically intertwined (Bachman, 2000; Chapelle & Douglas, 1993; Spolsky, 1990). Nowhere do the legal provisions specify how sure naturalization officers as language testers can or should be of their decisions, and how sure they are of their evidence—both of which are questions of validity and ethics.

7 Conclusion

Ideologies of national identity are a central facet of modern social identities and they are intricately bound up with linguistic identity. Furthermore national identity is crucially implicated in citizenship. In an age of mass migration affiliation through national identity and affiliation through citizenship may not necessarily be the same. However, if social and political rights in a country depend upon citizenship, the availability of citizenship to all residents is a democratic and social justice imperative. However, even well-established, stable Western democracies, such as Germany, may flout such a basic democratic principle (“No taxation without representation”) because of ideologies of national belonging that they hold. In this article I have shown that different national ideologies, as they are embraced by various countries, lead to strikingly different stipulations as regards knowledge of the official and/or majority language of a country. Ideologies of national identity do not only result in the absence or presence of language requirements for naturalization applicants whose first language is a language other than the state language but they also guide the specific forms the language testing takes. Another set of ideologies that may impact upon the testing practices are linguistic ideologies, as I showed for the German case.

The language testing practices as they are imposed upon naturalization applicants in Germany sadly lack both democratic and linguistic validity. They are undemocratic because they fail to make common rights and obligations the central criterion of citizenship. Indeed, the exclusionary criterion of ancestry that used to be the central criterion of German citizenship throughout the 20th century, has been supplanted by another criterion, knowledge of the German language, that may be used in similarly exclusionary ways because the tests to

ascertain that knowledge are completely arbitrary. The very arbitrariness of the language testing practices results in their lack of linguistic validity. The test as it is formulated in the law and applied in practice fails to conform even to the most basic criteria according to which the quality of language tests can be judged (validity, reliability, replicability, interpretability, etc).

While the law's failure to conform even to basic standards of language testing reflects poorly upon the expertise of legislators, it also reflects poorly upon language professionals, be they linguistic researchers or language educators, who have consistently failed to raise their voices in the public debate about naturalization, and—if they did—failed to be heard. I regard this not only as an ethical failure in the sense that any participation in knowledge making processes carries the obligation to their dissemination, but also as a research failure in the sense that language tests do not exist, and therefore cannot be understood, outside the social contexts in which they are used, and which tend to be gate-keeping contexts. In his history of modern language testing, Spolsky (1995), for instance, demonstrates that we only get half the picture if we ignore the social, political, and institutional contexts, constraints, and motivations of language testing. Or as Bachman (2000, p. 23) argues:

[...] investigating the construct validity of interpretations without also considering values and consequences is a barren exercise inside the psychometric test-tube, isolated from the real-world decisions that need to be made and the societal, political, and educational mandates that impel them.

Indeed, the failure of German language professionals to raise their voices in the debate about naturalization also testifies to the hegemonic nature of these ideologies of national belonging that motivate legislators.

On an international level, and beyond the impact that national ideologies may have on our own work, language professionals should not be too surprised that the language testing practices in the naturalization proceedings of many countries sadly lack professionalism and a code of practice. As long as internationally most professional programs, including master's or doctoral degree courses in language teaching and applied linguistics do not require any coursework or guided practice in language testing (Bachman, 2000), we should not expect naturalization legislators to lead the way.

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