

*INCLUDING AND  
EXCLUDING CITIZENS*

ROGERS BRUBAKER AND JAE EUN KIM

## *Transborder Membership Politics in Germany and Korea*

### Abstract

This paper examines changing German and Korean policies towards transborder coethnics (Germans in Eastern Europe and the former Soviet Union, and Koreans in Japan and China) during the high Cold War and post-Cold War eras. The paper contributes to the emerging literature on transborder forms of membership and belonging by highlighting and explaining the selective, variable, contingent, contested, and revocable nature of states' embrace of transborder coethnics. The explanation highlights the relationship of transborder populations to predecessor polities; changing geopolitical contexts and domestic political conjunctures; the constitutive, group-making – and group-unmaking – power of state categorization practices; and the enduring institutional legacies and unintended consequences of such practices.

*Keywords:* Citizenship; Membership; Nationalism; Transnationalism; Germany; Korea.

THE LITERATURE ON citizenship, membership, and belonging has paid increasing attention in recent years to transborder forms and dimensions of membership and identification. Two clusters of work can be distinguished. The first has addressed the *politics and policies* of membership, the second the *experience and practice* of membership and belonging. The first line of work has highlighted the efforts of nation-states to establish or sustain ties with emigrants and transborder coethnics; the new membership statuses that they have created for such transborder populations; the range of policies that grant transborder members rights and privileges in the “home-land” state; the political struggles over these statuses and policies; the economic circumstances that have led states to seek to strengthen ties with transborder populations; and the geopolitical and cultural conditions that have attenuated earlier concerns about dual loyalties

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and allowed dual citizenship and other forms of transborder membership to proliferate.<sup>1</sup>

The second cluster of work has analyzed the social, cultural, and economic structures, processes, and practices that shape the experience and practical accomplishment of membership and belonging. This line of work has brought into focus the ways in which the globalizing thrust of capitalism, the dramatic recent improvements in communication and transportation technologies, and the proliferation of transborder networks bear on identifications, loyalties, and solidarities; it has highlighted the increased salience of dual or diasporic identities; and it has analyzed the range of practices through which transborder populations sustain and re-create ties to, and participation in, their “home” societies or local communities.<sup>2</sup>

We build in this paper on the first cluster of work by analyzing transborder membership politics in Germany and Korea. We define transborder membership politics as involving political claims, institutionalized practices, and discursive representations oriented to or generated by a population that is durably situated outside the territory of a particular state, yet is represented as belonging in some way to that state or to the nation associated with that state.<sup>3</sup> We compare West Germany’s relations with Germans in Eastern Europe and the former Soviet Union to South Korea’s (and in some contexts also North Korea’s) relations with Koreans in Japan and China during the high Cold War and post-Cold War eras.

This comparison – which complements a literature built largely on case studies and thematic overviews – is prompted by a number of striking parallels. The massive migrations of ethnic unmixing that swept Europe and Asia in the aftermath of the Second World War

<sup>1</sup> This cluster of work is itself divided. The major strand, which emerged from the literature on migration, diaspora, and transnationalism, addresses states’ relations with emigrants (see illustratively FAIST (2000), ITZIGSOHN (2000), BOSNIAK (2000), BAUBÖCK (2003), LEVITT and DE LA DEHESA (2003), BARRY (2006) and FITZGERALD (2009)). A second strand, which developed from the literature on nationalism, addresses states’ relations with transborder coethnics (see illustratively BRUBAKER (1996, chapter 5), KING and MELVIN (1998), LEVY and WEISS (2002), STEWART (2003) and KANTOR *et al.* (2004)). There has been little communication or cross-fertilization between these two lines of work (though JOPPE (2005) is an impressive exception).

<sup>2</sup> See illustratively ROUSE (1991), CLIFFORD (1994), ONG and NONINI (1997), SMITH and GUARNIZO (1998), FUGLERUD (1999), ØSTERGAARD-NIELSEN (2003), VERTOVEC (2004), FOX (2005) and GLICK-SCHILLER (2005).

<sup>3</sup> We refer to “transborder” rather than “transnational” membership because cross-border membership is understood in many cases (including those we examine in this paper) as *intra-national* – that is, as linking members of the same ethnocultural or political nation – rather than as *trans-national*. For a critique of the transnationalism literature that notes the deep ambiguity of the term “transnational”, see WALDINGER and FITZGERALD (2004).

generated a massive influx of Germans into occupied Germany and of Koreans into occupied Korea. Yet these unmixings left large numbers of Germans in Eastern Europe and the former Soviet Union, and large numbers of Koreans in Japan, China, and the former Soviet Union. These transborder coethnics, represented as victims in both cases, became the focus of a transborder membership politics that was deeply intertwined with Cold War geopolitical and ideological conflict, with the imposed partition of the state, and later – as transborder Germans and Koreans migrated in large numbers to their respective “homelands” – with the politics of large-scale labor migration to West Germany and South Korea.

These parallels notwithstanding, we recognize that comparing Germany and Korea stretches the usual parameters of comparative analysis.<sup>4</sup> Comparison of transborder membership politics might seem problematic because of differing cultural and civilizational contexts, differences in pattern and timing of state-building and nationalist movements, and radically differing trajectories in the first half of the twentieth century, involving the prolonged Japanese occupation of Korea, the Nazi dictatorship in Germany, and the (in some respects) diametrically opposed experiences of Germany and Korea during the Second World War.

Yet we see the differences of context and trajectory not as an obstacle to comparison, but as an opportunity for extending and enriching comparative analysis. We seek to incorporate into our analysis such factors as the belated development of modern state institutions in Korea, the differing ways in which Germans and Koreans were caught up in vast systems of forced migration, and the institutional legacies of Nazi and Japanese imperial rule, and to demonstrate their bearing on the politics of transborder membership. Stretching the usual range of cases, we suggest, can enrich comparative analysis precisely by bringing into analytical focus these generally neglected macro-contextual factors.

<sup>4</sup> SKRENTNY *et al.* (2007) make a strong case for European-East Asian comparisons of immigration and citizenship policy. Their wide-ranging comparison includes brief discussions of Germany and Korea along with a number of other cases. They sketch a broad contrast between ethnic return migration policies in East Asia and Europe, characterizing the former as promoting economic development, and the latter as protecting

transborder coethnics or expressing symbolic ties. Their goal, however, is to establish cross-regional variation, not to explain it. Our historical institutionalist approach seeks to explain the diverging trajectories of German and Korean transborder membership politics, and places greater emphasis on regional configurations, macro-political trajectories, and institutional legacies.

The comparison of Germany and Korea enables us to address two limitations of the transborder membership literature. In the first place, the literature has tended to take the existence of transborder populations for granted. It has focused on cases in which the identification of transborder members has been relatively unproblematic, notably on cases involving states' relations with recent emigrant populations on the one hand, or with coethnic populations created by changes in frontiers on the other. As a result, while the literature has analyzed the ways in which states have sought to strengthen connections with transborder populations, and the rights and privileges they have extended to such populations, it has not been centrally concerned with the *constitution* of such populations: it has not addressed in sustained fashion the ways in which states have identified and constituted some – but not other – transborder populations as “their own”.

In the cases we address, the identification of transborder members has been deeply problematic and contested. Analyzing these cases brings out clearly what has been occluded by studies focused on transborder policies towards recent emigrants or towards coethnics separated from their original polity by a change in frontiers. It shows that the politics of transborder membership is in the first instance a *politics of identification*: transborder populations must be identified and construed as “belonging” to the state before they can become the object of state policies; and that identification is contingent, contested, variable, and revocable. The identification of such populations is an instance of the symbolic power of the state – the power to name, identify, define, and demarcate; to classify and categorize; to specify authoritatively who is who, and what is what; and thereby to help “make and unmake groups” (Bourdieu 1991, p. 221; Loveman 2005). Focusing on the formation and transformation of transborder membership categories – on their articulation and contestation, their expansion and contraction – we show that this symbolic power is not only exercised *within* the territorial ambit of the state, but can be projected *across* territorial borders and contribute to the making, remaking, and unmaking of transborder populations.<sup>5</sup>

<sup>5</sup> On the “symbolic power” of the modern state, see BOURDIEU (1991) and LOVEMAN (2005). On the group-making power of state categories, see BOURDIEU (1999), HACKING (1991), STARR (1992), ERIKSEN (1993),

BRUBAKER (1996) and SCOTT (1998). These powers are not, of course, purely symbolic; their efficacy depends on the infrastructural and coercive powers that enable states to attach consequences to categories.

Second, the transborder membership politics literature – especially the strand focused on states’ relations with transborder coethnics – tends to see transborder membership politics as driven by ethnic nationalism. Here the literature relies at least implicitly on the distinction between ethnic and “civic” or state-centered understandings of nationhood and forms of nationalism that has long served to organize the discussions of nationalism. Yet while some scholars have challenged this distinction (Yack 1996; Seymour *et al.* 1998; Brubaker 2004, chapter 6; Joppke 2005), and while the notion of civic nationalism has been widely criticized as an ideological construct that is therefore suspect as an analytical category, the notion of ethnic nationalism is itself seldom problematized.

Germany and Korea are widely considered paradigmatic exemplars of ethnic nationalism (Kohn 1944, Shin 2006), and their transborder membership politics have been seen as striking evidence of this (Hogwood 2000, Chung 1999, Ota 2004; but see Joppke and Rosenhek (2002) for an important critique).<sup>6</sup> They are therefore particularly challenging and interesting cases to examine if one wishes – as we do – to question the explanatory value of the notion of ethnic nationalism. The selective and variable embrace of transborder coethnics in Germany and Korea, we argue, cannot be explained by ethnic nationalism. Transborder membership politics in both countries have been more crucially framed and constituted by geopolitical contexts, state categorization practices, and political struggles than prevailing accounts allow.

We proceed as follows. We begin by characterizing key differences in the broad historical contexts for transborder membership politics in the two cases, as well as in the immediate postwar contexts, with their immense yet incomplete migrations of ethnic unmixing. We then address two key formative and transformative periods. The first is the high Cold War era, marked by the division of both countries into two competing, ideologically polarized, mutually de-legitimizing states, embedded in wider regional alliances. We identify and explain five major differences in Cold War transborder membership politics: the sharply differing ways in which partition and cold war ideological conflict shaped transborder membership politics; the diametrically

<sup>6</sup> Our emphasis on the limits of ethnic nationalism *tout court* in explaining the German case converges with JOPPKE and ROSENHEK (2002), who likewise highlight geopolitical factors in their account of ethnic

return migration in Germany and Israel. PARK and CHANG (2005) mention, in passing, the importance of geopolitical factors in the Korean case.

opposed ways in which transborder coethnics were construed as victims; the initial orientation of transborder membership politics to “internal” coethnics (expellees already living in Germany) in the German case and to “external” coethnics in the Korean case; the differential inclusiveness of the initial embrace of transborder coethnics; and the differential response of transborder coethnics to that embrace.

The second period we examine is the post-Cold War conjuncture, marked by German reunification (and the attenuation of mutual hostility in Korea), and by sharply increasing coethnic immigration in both cases, intertwined economically and politically with other forms of immigration. We identify and explain three major differences in post-Cold War transborder membership politics: the sharply differing terms of entry, residence, and citizenship that governed the influx of co-ethnics; the diametrically opposed ways in which transborder membership politics were intertwined with the broader politics of immigration; and the divergence between an increasingly restrictive stance towards transborder coethnics in Germany and a more expansive embrace of transborder coethnics in South Korea. In Germany, we show, the end of the Cold War marked the *closure* of an episode of transborder membership politics, while in Korea it marked the belated *beginning* of transborder membership politics vis-à-vis the long-forgotten “kin” in China.

For both periods, we give sustained attention to the *geopolitical and domestic contexts* in which transborder membership politics arose, the *state categorization practices* through which forms of transborder membership were instituted, and the *political struggles* over transborder membership statuses. Together, we argue, these help explain the differing contours and trajectories of transborder membership politics in the two cases. We conclude by drawing out the broader implications of our analysis for the study of transborder membership politics.

### Contexts

Transborder membership politics in Germany and Korea were profoundly shaped by sharply differing macropolitical configurations and trajectories. We begin therefore with a brief – and necessarily schematic – sketch of the pertinent contexts and trajectories. We focus on five themes: 1) the stability or instability of political structures and

frontiers; 2) patterns of settlement and migration; 3) timing of state-building; 4) geopolitical position and political trajectory in the first half of the twentieth century; and 5) the immediate post-war migrations of ethnic unmixing.

A first key contrast is between the long-term stability of political structures and frontiers in the Korean peninsula and their chronic instability in Central Europe. A monarchical state had ruled the Korean peninsula for centuries without serious internal or external challenges. This polity was not culturally homogeneous – or homogenizing – in the manner of a modern nation-state; its population was culturally segmented along horizontal lines, and its elite was part of a wider Sino-centric cultural world. Yet it can arguably be understood as a proto-national state, fostering among elites (and to a certain degree among the broader population) a sense of belonging to a geographically well-defined and enduring political collectivity, as well as a certain degree of cultural unity (Duncan 1998).

The political landscape of Central Europe looked nothing like this. The region has been home to a bewildering variety of political units, ranging in scale from diminutive bishoprics, principalities and self-governing towns through vast empires, and in form from loose confederations and leagues through tightly centralized modernizing polities. The boundaries of existing polities changed frequently through war and dynastic marriages; and the universe of polities itself changed frequently as new political structures were created and others ceased to exist. Political units were either much larger than what would later be conceptualized as ethnocultural nations, or much smaller; before 1870, there was no proto-national German state.

A second contrast concerns patterns of settlement and migration. The long-term stability of the Korean polity was matched by the long-term stability of its population. The cross-border movement of commoners was strictly controlled and discouraged until the mid-nineteenth century. There was neither large-scale migration into the peninsula nor substantial and enduring Korean settlement outside it, either in neighboring Japan or across the northern border in Manchuria.<sup>7</sup> The congruence of territory, polity, and population was taken for granted.

<sup>7</sup> Japan and Korea both warily sealed their coastal borders and limited commercial and cultural exchanges to official channels. See KANG (1997) and LEWIS (2003) for early

modern Korea-Japan relations. On Sino-Korean relations before the mid-nineteenth century, see SON (2001, chapter 2) and S. KIM (2007).



In this respect, too, a radically different situation prevailed in Central Europe.<sup>8</sup> Not only were political frontiers mobile; so too were populations and linguistic frontiers. Migration, conquest, and colonization pushed the frontier between Germanic- and Slavic-speaking populations substantially to the east during the high middle ages; they also blurred the previously rather sharp linguistic frontier, generating extensive zones of linguistically mixed populations (in Pomerania, Prussia, and Silesia) beyond the enlarged area of consolidated Germanic settlement, as well as numerous Germanic-speaking pockets in what are today the Baltic states, the Czech Republic, Slovakia, Hungary, Romania, and Slovenia.<sup>9</sup> And in a new wave of colonization in the eighteenth and early nineteenth centuries, German-speakers were recruited to settle in various parts of the Habsburg Empire and Russia.

This dual contrast in political and ethnocultural geography – between the long-term stability of both proto-national polity and population in the Korean peninsula and the chronic political and ethnodemographic instability of Central and Eastern Europe – powerfully shaped the form taken by the “national question” in Germany and Korea. When nationalist cultural and political idioms gained currency in Central Europe in the first half of the nineteenth century, it was by no means clear what – or where – “Germany” should be, or who was to count as “German” (Wolff 2003, p. 6). The establishment and consolidation of the *kleindeutsch*<sup>10</sup> German Reich settled the issue for two generations, but the “German question” was reopened after the German defeat and territorial losses in World War I. When nationalist idioms gained currency in East Asia in the late nineteenth century, by contrast, Korean nationalists could appeal to stable, taken-for-granted understandings of “Korea” and “Koreans”, and to a taken-for-granted normative mapping of territory, culture, and population (Schmid 2002). The notion that there had long existed a politically, geographically, and culturally unified entity – albeit one that needed to be modernized in order to survive in the Darwinian

<sup>8</sup> In English, a brief account is given in WOLFF (2003, pp 7–9). On *Ostsiedlung*, see also FRANTZIOCH (1987, pp. 19–43).

<sup>9</sup> “Colonization” in this context was not organized by the “sending state”, but by the “receiving state”: Germanic-speaking colonists were invited by rulers to settle in their territories to foster economic development, found towns, or strengthen defenses. For an account of migration and colonization in the

high middle ages in the broader European context, see BARTLETT (1993).

<sup>10</sup> The main competing nineteenth century projects for German unification are conventionally known as *kleindeutsch* (small-German) and *grossdeutsch* (large-German), the former excluding, the latter including, German-speakers in the Austrian part of the Habsburg Empire.

international environment – was deeply rooted and easily mobilized in support of nationalist claims.<sup>11</sup> This taken for granted understanding of the “entitativity” of Korea, as we will argue below, not only survived, but was even reinforced, during the prolonged Japanese occupation of Korea in the first half of the twentieth century.

A third dimension of difference concerns the trajectory and timing of state-building. Prussia and other German states were centrally involved in the distinctive European system of co-ordinating, competing, and often warring states, which served as an important matrix for the development of the core extractive and administrative capacities of what we have come to know as the modern centralized territorial state (Tilly 1975a, 1975b, 1990; Ertman 1997). Prussia and (after 1870) Germany were among the most “advanced” states in this sense, with high degrees of “infrastructural” power (Mann 1993, pp. 59-60). This involved a highly developed capacity to “grasp” or “embrace” – to identify, count, categorize, regulate, educate, and otherwise administer – the population (Torpey 2000). For our purposes, the most important aspect of this was the early development and legal codification of the institution of state-membership (*Staatsangehörigkeit*) (Grawert 1973; Brubaker 1992, pp. 64-72; Fahrmeir 2000). This enabled states to cope with cross-border migration – and with the cross-border migration of the poor in particular – by developing mutually recognized rules and procedures for specifying who belonged to which state.

In East Asia, the self-conscious drive to “modernize” what were widely understood as “archaic” polities began in the second half of the nineteenth century in response to Western imperialist pressure. Japan rapidly transformed itself into a “modern” territorial state – and launched an imperialist project of its own – but China and especially Korea lagged behind. In the last decade of the nineteenth century, drawing on modern notions of state, nation, and citizenship, which had already been circulating in Japan and China, Korean reformers belatedly embarked on the project of transforming the archaic *Choson* dynasty into a modern republic or constitutional monarchy. Most relevant for our purposes, the reformers’ blueprint included revamping the obsolete household registration system (Hwang 2004), constructing a modern system of legal citizenship, and strengthening administrative control over the border – initiatives prompted by the

<sup>11</sup> Even in pan-Asianist discourse, Asia was represented as a community whose constituent nations (China, Japan, and Korea) remained distinct even as they were united for protection against the threat from the West (SHIN 2006, chapter 1).

growing foreign population in Korea and the unprecedented increase in the cross-border migration of Koreans to contested borderland regions (eastern Manchuria (H.O. Park 2005) and the maritime regions of the Russian Empire (A. Park 2009)). However, before these reforms could bear fruit, Korea became a Japanese colony.

The starkest difference lies in the radically contrasting trajectories of Korea and Germany in the first half of the twentieth century. Unable effectively to resist Japanese, Russian, and Western pressures in an age of imperial expansion, Korea was in a position of geopolitical weakness at the turn of the century; economically and militarily dynamic Germany, by contrast, was in a position of geopolitical strength. As noted, Korea became a Japanese protectorate in 1905, was annexed by Japan in 1910, and remained part of the Japanese Empire until 1945; Germany quickly re-emerged as a major power after its defeat in the First World War and, under Nazi rule, embarked on its bid for regional and then continental hegemony.

Three aspects of the Korean experience under Japanese rule should be underscored here. First, the incorporation of Korea into the Japanese Empire set in motion a large-scale outward migration of Koreans to Japan proper, Manchuria (before and especially after the Japanese invasion of 1931), the maritime region of Russia, and Sakhalin Island (the southern half of which was ruled by Japan between 1905 and 1945). This migration, much of it directly coerced (through wartime conscription) or indirectly forced (for example through the expropriation of Korean farmers), vastly enlarged the Korean presence outside the peninsula, estimated to comprise five million, or nearly 20 percent of all Koreans, by the end of the war (D.S. Kim 1998). Second, colonial rule – its assimilationist aspects; its dissimilationist, discriminatory aspects; and the sheer experience of “alien rule” – was a powerful stimulus to a variety of nationalist claims, movements, and uprisings not only in the peninsula itself, but in Manchuria (the site of armed struggles), in China (the seat of a government in exile), and in the US (where diplomatic initiatives were pursued).<sup>12</sup> Third, the boundaries of Korea – and Koreans – were preserved. Korean territory remained an administrative unit; and the entire Korean population, including those who migrated to Japan proper and Manchuria, was defined as a distinctive subcategory of Japanese imperial subjects, whose boundary was strictly maintained

<sup>12</sup> Of course, that Japanese rule – claims of ethn racial kinship notwithstanding – was experienced *as* alien and was itself a manifestation of nationalism.

through a distinctive family registration system.<sup>13</sup> Indeed, thanks to the greater administrative capacity of the modernizing colonial state, these territorial and membership boundaries were not simply preserved, but strengthened.

While taken for granted understandings of “Korea” and “Koreans” were reinforced under Japanese rule, understandings of “Germany” and “Germans” were unsettled by the German defeat in the First World War, by the disintegration of the Habsburg Empire, and – most profoundly – by the territorial and ethnoracial restructuring of Central and Eastern Europe undertaken by the Nazi regime. The postwar territorial settlement – especially the substantial loss of territory to Poland – was universally regarded in Germany as unjust and illegitimate. And the disintegration of the Habsburg empire raised the immediate question of whether rump Austria – now overwhelmingly German-speaking – should become part of Germany as well as the longer-term question of the relation between aggrieved German minorities in nationalizing Habsburg successor states and Germany (Brubaker 1996, chapter 5). But it was of course the Nazi regime that radically transformed the “German question” – the question of what and where “Germany” was and who was to count as “German” (Wolff 2003, chapters 2 and 3). The regime began by excluding Jews from substantive citizenship and by exploiting the language of national self-determination to justify the *Anschluss* of Austria and the incorporation of the Sudetenland in 1938. Much more radical were its grandiose wartime plans for a vastly expanded, ethnoracially purified German *Lebensraum* to the east, involving the Germanization of those deemed “Germanizable” (*eindeutschungsfähig*); the deportation, and later mass murder, of others (primarily but not exclusively Jews); and the mass resettlement, under the slogan “Heim ins Reich”, of ethnic Germans from regions further afield.

The defeat of Germany and Japan triggered movements of people on a vast scale. Much of this was organized as “repatriation”: the return of forced laborers, prisoners of war, and other internationally

<sup>13</sup> Japanese imperial subjects was not an internally undifferentiated category, but comprised differing “regional” categories, including, inter alia, Japanese (narrowly defined), Taiwanese, and Korean. Movement between these categories was rigorously controlled through the system of separate family registries (CHEN 1984). A Japanese subject belonged to a certain family (a conceptual

unit rather than a real unit of cohabitation), which belonged to a certain place where his family was registered; this place was located in one of the “regions” such as Japan, Korea or Taiwan. Only by changing the family to which one belonged – through inter-regional marriage, divorce, or adoption – could one change the region to which one belonged (J. KIM forthcoming, chapters 1 and 2).

“displaced persons” to their countries of origin. Some two to three million Koreans, primarily from Japan proper and Manchuria, returned to Korea in this manner, where, in the southern occupation zone, they comprised about 15-20 percent of the total population.<sup>14</sup> This was not only bureaucratically organized but ideologically represented and culturally understood as repatriation: Koreans were understood as returning to the homeland they had been compelled to leave under Japanese rule. Just as the defeat of Japan restored Korean independence, the repatriation was portrayed as reversing the colonial-era migrations and restoring the proper state of congruence between territory and population, Korea and Koreans.

Migrations of ethnic unmixed Central and Eastern Europe as well, on an even larger scale. At war’s end, there were more than 11 million “displaced persons” in Germany, including civilian forced laborers, prisoners of war, concentration camp survivors, and others (Herbert 1985, p. 343); the great majority made their way home on their own or were repatriated by the occupation authorities, including many who were returned to the Soviet Union against their will (*ibid*, pp. 344-345). More relevant for our purposes, some 12 million Germans flooded into the Soviet and Western occupation zones of Germany, comprising nearly 20 percent of the population. Unlike the Koreans who were repatriated to Korea or the Japanese who were repatriated to Japan, these Germans – who came from the territories Germany had been obliged to cede in the east (mainly to Poland), from elsewhere in Poland, from Czechoslovakia, and from other East European countries – were not returnees; they were refugees and expellees. They were not “returning” or “repatriating” to their “homeland”; they had been forced to leave their homes and homelands, in which “German” communities – a legacy of the settlement and migration patterns described above – had existed for centuries. This forced migration, which was sanctioned by the Allies in the Potsdam Agreements, was experienced and represented not as a homecoming, but as a catastrophe.

The unmixing of both Koreans and Germans remained incomplete. More than two-thirds of the Koreans in Japan were repatriated, but some 600,000 remained. Fewer than half of the Koreans in China were repatriated, leaving some 1.3 million in Northeast China. Almost none of the 400,000 Soviet Koreans, most of whom had been deported

<sup>14</sup> On difficulties producing precise statistics from the remaining primary data, see D.S. KIM (1998).

to Central Asia in 1937, were able to repatriate. Ethnic Germans of Eastern Europe, too, were variably affected by the expulsions. Expulsions were most systematic in Poland and Czechoslovakia. Still, a substantial population of Germans – or, more precisely, of people who might in some contexts identify as Germans – remained in Poland, along with smaller German communities in Romania, Czechoslovakia, Yugoslavia, Hungary, and elsewhere. Soviet Germans, like Koreans, had been deported to Central Asia during the war, and they were not affected by the post-war expulsions. These remaining German and Korean populations would become the focus for transborder membership politics, to which we now turn.<sup>15</sup>

*Resettlers into expellees: the Cold War embrace of transborder Germans*

Two forms of transborder nationalist membership politics emerged in postwar West Germany, though both were rejected by East Germany. One was grounded in the claim to the continued legal existence of the German Reich in its boundaries of 1937, a claim that, in a single deft stroke, negated the Nazi territorial annexations, the postwar territorial losses, and the 1949 partition. Since the German Reich was considered to have become incapable of action (*handlungsunfähig*), the Federal Republic of Germany claimed to have provisionally assumed its responsibilities, and to be the sole legitimate representative or custodian of the German nation (Schwartz 1975).

This seemingly quixotic legal fiction turned out to be a spectacularly consequential social fact, providing the architecture for reunification in 1989–1990.<sup>16</sup> But it was “productive” even during the Cold War. The FRG never recognized a separate East German citizenship, and never established a separate West German citizenship. Its treatment of East Germans simply as “German citizens” induced massive east-west movements before the Berlin Wall was erected in

<sup>15</sup> Soviet and post-Soviet Koreans have remained marginal to transborder national membership politics. As noted above, most of them had been deported to Central Asia and almost none could repatriate to Korea in the aftermath of World War II. Moreover, despite official recognition as a Soviet “nationality”, many of the migrants and their descendants have assimilated culturally and

linguistically to other Russian-speaking populations in Central Asia; and this cultural loss discouraged them from “returning” to South Korea in search of better opportunities in the post-Cold War era. Accordingly, we exclude Soviet and post-Soviet Koreans from our analysis.

<sup>16</sup> For a theoretically sophisticated discussion in English, see GLAESER (2000).

1961 and again in 1989–1990, transforming Renan’s metaphor of an “everyday plebiscite” into a reality, and hastening the collapse of the GDR (Brubaker 1990).

The insistence on a single citizenship in the face of the imposed division of Germany was a powerfully generative form of transborder nationalist membership politics. But we are concerned here with a different form of transborder membership, of still wider scope, extending beyond the boundaries of the single German citizenship, and beyond the territorial frontiers of 1937. We are concerned with policies and politics towards transborder members of the German ethnocultural nation who were not, for the most part, German citizens (even on the expansive definition of citizenship to which the FRG adhered) yet on whom the right to resettle in the FRG, a legal status equivalent to that of citizens, and a range of additional privileges were conferred.

This second form of transborder membership politics emerged from the distinctive way in which ethnic German refugees and expellees were legally and politically integrated in the Western occupation zones and the FRG. The Soviet occupation zone and the GDR faced a similarly daunting task of integrating a vast – and indeed proportionally larger – influx of refugees and expellees; but a transborder membership politics *vis-à-vis* ethnic Germans remaining in Eastern Europe and the Soviet Union emerged only in the West. We begin, therefore, by comparing – in a highly compressed and necessarily schematic manner – modes of integration in West and East Germany.<sup>17</sup>

Integration policy was fundamentally assimilationist in both regions.<sup>18</sup> Occupation authorities, aware that the vast migration was irreversible, were concerned to integrate the refugees and expellees as quickly and completely as possible, so as to prevent the crystallization of a disaffected, destabilizing group, whether irredentist or (as Western occupation authorities feared) communist in orientation. At the insistence of the occupation authorities, far-reaching legal equality was quickly established in the west and the east. And substantial social and economic assistance was provided in both cases.

<sup>17</sup> There is a large literature on integration – especially on social and economic integration – in the Western zone and the FRG, and a much smaller literature on the Soviet zone and the GDR. For a comparative account in English, see THER (1996). References to the large and sophisticated literature

on integration in West Germany can be found in AHONEN (2003, p. 3).

<sup>18</sup> American authorities were particularly insistent on assimilation; see GROSSER (1993) and SCHRAUT (1994). On assimilationist impulses and language in East, see SCHWARTZ (2000, p. 141).

Yet western and eastern integration policies differed in two fundamental respects. The first concerns naming and framing. In the west, the vast unmixing came to be known as the *Vertreibung* (literally: driving out) of Germans, and those affected by it as *Vertriebene* (expellees). This term, with its biblical resonance, cast Germans as victims, and the expelling states (along with the Allies, who sanctioned the “transfer” of Germans) as perpetrators; it served to ground claims to restitution or return. In the east, the corresponding umbrella term was *Umsiedler* (resettlers), which framed the postwar forced migrations as an answer to and an outgrowth of Nazi forced migrations, for which the same term had been used.<sup>19</sup>

The second major difference concerns law and organization. “Expellee” became not only a powerful rhetorical trope but also an enduring legal status and an important focus of social and political organization in the West. Expellees were assimilated, legally, to German citizens; but they were also entitled to additional benefits. These involved more than the transitory provision of immediate relief; they were consolidated and expanded in the Burden-Sharing Law of 1952; and the category *Vertriebener* itself was formally defined and expanded in the Law on Expellees a year later. A ministry dedicated to expellee affairs existed from 1949 to 1969. After the initial prohibition on organized activity by expellees was lifted in 1948, an expellee party became active in the 1950s; and the main expellee organization was very influential in West German politics throughout the Cold War era, especially in the first two decades.<sup>20</sup>

In the east, resettlers benefited initially – indeed to a greater extent than in the west – from substantial redistributive measures (Ther 1996, 1998; Faulenbach 2002; Schwartz 1997). But in 1948, integration was peremptorily declared successfully completed, and officials were even instructed at one point to speak henceforth of “former resettlers” (Ther 1998, p. 92; Schwartz 2000, pp. 149, 158ff.). Resettlers were not permitted to establish organizations, and the central agency charged with overseeing resettler affairs was abolished in 1948 (Ther 1998, p. 232f. ; Schwartz 2000, p. 154ff.). Without being embodied in organizations, embedded in bureaucratic routines,

<sup>19</sup> On terminology, see THER (1998, pp. 88–95) and SCHWARTZ (2000). Communist leaders in eastern Germany portrayed the expulsions as understandable, and on the whole justified (SCHWARTZ 2000, p. 139).

<sup>20</sup> For a sophisticated study of expellee organizations and their influence on West German foreign policy, see AHONEN (2003).



recorded in statistics, or encoded in law, the category could not serve as a nucleus for group formation.

On the face of it, it is surprising that the integration of expellees in the west should have generated a transborder membership politics. After all, integration policies were oriented not to transborder Germans, but to expellees already *inside* Germany.<sup>21</sup> In framing policy towards expellees, little thought was given to those ethnic Germans who remained *outside* Germany, in Eastern Europe and the Soviet Union. Yet the particular mode of expellee integration unintentionally shaped and enabled the subsequent transborder membership politics.

The citizenship status of the expellees was heterogeneous and, for many, uncertain. Those from the former eastern territories of Germany were indisputably German citizens. Those from the Sudetenland and certain other territories had acquired German citizenship through Nazi territorial annexations and collective naturalizations, the validity of which was in doubt. Other expellees were indisputably citizens of other countries. To establish the legal equality of all expellees, regardless of their citizenship status, the *Grundgesetz* (Basic Law) – in effect the constitution of the FRG – designated “Germans” rather than “German citizens” as the category of persons who would enjoy the fundamental rights of citizens, and it defined “Germans” as including 1) German citizens, and 2) certain ethnic German refugees or expellees, along with their spouses or descendants.<sup>22</sup> This ensured that expellees, whatever their citizenship status, would have the same legal rights as German citizens; but it also constitutionally anchored the status of expellee.

This constitutional provision initially had no clear implications for ethnic Germans remaining in Eastern Europe and the Soviet Union. The provision was oriented to the present, not to the future; it was included among the “transitional” provisions of the *Grundgesetz* as a way of creating a secure legal status for expellees pending the clarification and regularization of their citizenship status. And, as noted above, it was oriented inward, not outward; to actual expellees,

<sup>21</sup> Although scattered expulsions continued until 1949, this vast episode of forced migration was largely over by the end of 1946.

<sup>22</sup> Grundgesetz, article 116. To avoid misunderstanding, we should emphasize that the overarching category “German” in the Grundgesetz was not an ethnic category *per se* but a legal status. Some ethnic Germans

who did not possess German citizenship, however, were included in this legal category: namely persons who had been “admitted to the territory of the German Reich within the boundaries of December 31, 1937 as a refugee or expellee of German ethnic origin or as the spouse or descendant of such person”. ([http://www.bundestag.de/htdocs\\_e/parliament/function/legal/germanbasiclaw.pdf](http://www.bundestag.de/htdocs_e/parliament/function/legal/germanbasiclaw.pdf))

not to those who had *escaped* expulsion.<sup>23</sup> Only later were these transitional provisions for expellees transformed into an open-ended invitation to transborder Germans in Eastern Europe and the Soviet Union.

The key step in this transformation was the 1953 Law on Expellees. The *Grundgesetz* had granted expellees a status identical to that of German citizens; but it had not specified who was to count as an “expellee”. The 1953 law formally defined the circle of expellees, and it did so in a remarkably expansive manner. In addition to German citizens or ethnic Germans who lost their residence in the former eastern territories of Germany or in territories outside Germany “as a result of expulsion [*Vertreibung*], especially through direct expulsion [*Ausweisung*] or flight”, the law specified several other categories of people who would count as expellees. These included spouses and children of expellees, even children born after the expulsion, making it possible to inherit membership in the category of expellee.

Most important, for our purposes, was the expansion of the expellee category to include *Aussiedler* (literally “out-settlers”), defined as persons leaving the former eastern territories of Germany, the countries of Eastern Europe, or the Soviet Union “as” German citizens or ethnic Germans “after the end of the general expulsion measures”. Throughout the Cold War era, administrative practice and court decisions interpreted this definition in a maximally inclusive manner. Since Germans in communist countries were “not recognized as an ethnonational group” and could not “preserve their cultural identity” or exercise their “fundamental human rights as Germans”, they were deemed to be suffering from a continuing “general repression”, which was interpreted as amounting to a “continuing expulsion pressure” (*Vertreibungsdruck*). As a result, it was “generally to be assumed – without special examination – that [the repression of Germans] is the essential cause for departure”.<sup>24</sup> Motives for resettlement were not examined in individual cases; in the absence of specific indications to the contrary, it was simply assumed that a person

<sup>23</sup> In debates about Article 116 of the *Grundgesetz*, the question was raised in passing of whether the provision would apply to those who might arrive in the future. (The wording referred ambiguously to an ethnic German refugee or expellee who “has been admitted to the territory”.) The committee chair indicated that it would apply in the future. It appears from the context, however – these debates occurred in December 1948, when

scattered expulsions were still occurring – that the concern was with the tail end of the expulsions, not with a future uncoerced ethnic migration. (Debate over *Grundgesetz* in the “Parlamentarischer Rat”, 20. Sitzung, December 7, 1948.)

<sup>24</sup> The quotations are from administrative guidelines, reprinted in LIESNER (1988, pp. 98-99).

seeking *Aussiedler* status had left her country of origin “as” a German (and not, for example, “as” someone seeking better conditions of life for herself or her children). This meant that almost all ethnic Germans in communist countries could qualify, in principle, as *Aussiedler*, and thereby as expellees (though they were not expellees in any substantive sense).

The constitutionally anchored privileges accorded to “ethnic German refugees or expellees” required the state to define not only who was to count as an “expellee”, but also who was an “ethnic German” – a person of German *Volkszugehörigkeit*. The Law on Expellees specified a combination of subjective and objective criteria: it was necessary to demonstrate, on the one hand, an orientation or commitment to a German ethnocultural identity and, on the other, certain “confirming qualities” (the law mentioned descent, language, education, and culture). Needless to say, both subjective and objective criteria allowed a great deal of scope for interpretation; the resulting ambiguities were regulated by administrative guidelines and judicial decisions that sought to specify, operationalize, and rank these criteria.

This process of defining and determining Germanness has been laced with ironies and paradoxes (Brubaker 1998; Joppke 2005). Apart from the obvious ironies involved in a liberal state seeking to codify ethnic membership, in continuing to certify and admit people as “expellees” decades after the actual expulsions, and in imputing “expulsion pressure” to states from which the vast majority of Germans could *not* in fact exit throughout the Cold War era, there is a further irony inherent in the attempt to define ethnocultural nationality in legal terms (Joppke 2005, p. 216). The entire legal edifice built around the *Aussiedler* category presupposed the prior existence of German ethnocultural nationality, or *Volkszugehörigkeit*. Legislation and jurisprudence could specify criteria for *recognizing* and *certifying* ethnocultural nationality; but these were not understood as criteria for *defining* or *constituting* such nationality. Yet in practice the legal definition of *Volkszugehörigkeit* did not recognize an *extra-legal fact*; it created and defined a *political and legal category*, and thereby *constituted* the transborder coethnics whose existence was *presupposed* by the constitutional privileges granted to ethnic German expellees.

The expansive definition of “expellees” in law and administrative practice transformed what was initially a transitional provision intended to grant a secure legal status to millions of ethnic Germans who had been quite literally driven out of their homes and homelands

into something quite different: an open door to immigration – under privileged conditions that guaranteed both the general rights of citizenship and the special rights accorded expellees – for ethnic German immigrants from Eastern Europe and the Soviet Union (Brubaker 1992, p. 171). Despite restrictions on exit, nearly 1.4 million *Aussiedler* resettled in the FRG between 1950 and 1987;<sup>25</sup> and the numbers soared thereafter when reform-communist and post-communist states lifted those restrictions.

The open-ended embrace of ethnic German resettlers from Eastern Europe and the Soviet Union was enabled and sustained by a combination of Cold War ideology and transborder nationalism. The relatively modest numbers of *Aussiedler* – an average of about 35,000 a year – meant that policy-making was insulated from public debate.<sup>26</sup> Within a Cold War frame, the embrace of *Aussiedler*, like that of *Übersiedler* (resettlers from the GDR), was used to highlight the opposition between openness and closure, freedom and oppression. The sufferings of transborder Germans – the expulsions themselves, of course, but now, in an ironic reversal, the restrictions on exit, and the lack of institutional support for the preservation of German culture – were recoded in universalistic language as human rights violations. Only Germans in communist countries could qualify as *Aussiedler*; Germans in Western Europe (South Tyrol, Denmark, or Alsace) could not claim this status, nor could those of German origin fleeing, say, Pinochet's Chile.<sup>27</sup> And throughout the Cold War era, as noted above, a continuing “expulsion pressure” was simply assumed, without ordinarily examining the circumstances of each individual case.

Nationalism is conventionally understood as having been discredited in Europe – and especially in Germany – by Nazism and war, and as having been displaced by the supra-national alignments and idioms of the Cold War. But the postwar expulsions and the Cold

<sup>25</sup> 62 percent were from Poland, another 15 percent from Romania, and most of the rest from the Soviet Union, Czechoslovakia, and Yugoslavia (Bundesverwaltungsamt, n.d.)

<sup>26</sup> The small numbers of *Aussiedler* allowed them to be safely exploited for Cold War purposes. Indeed the Cold War prohibition on exit could itself be exploited for propaganda purposes without worrying that it might be lifted.

<sup>27</sup> The last example is from OTTO (1990, p. 50). On the Cold War instrumentalization of *Aussiedler* more generally, see *ibid.*, pp. 46–51, DELFS (1993, p. 5), and FAULENBACH (2002, p. 46). The administrative guidelines expressly underscored the constitutive significance of communist rule for the category *Aussiedler*, noting that China was added to the list of countries of origin in the Law on Expellees, despite there being no historically rooted German community in China. See LIESNER (1988, p. 98).

War division of Germany in fact powerfully re-legitimated German nationalism. Nationalist commitments were inscribed into the constitutional architecture of the new state. These include the preambular commitment to reunification, the legal fiction of the continued existence of the German Reich, the insistence on a single German citizenship, and the treatment of expellees (and later, *Aussiedler*) as full – and indeed privileged – members of the polity. The expulsions generated a pervasive – and pervasively nationalist – discourse of victimization; in this historically foreshortened discourse, it was Germans who suffered, and they suffered simply for being German (Moeller 2001; Levy 1999). This discourse of German victimhood extended to transborder Germans who had escaped expulsion, but had otherwise suffered the consequences of the war – the Russian Germans who had been deported to Central Asia during the war, or the East European Germans who had been conscripted for labor service in the Soviet Union after the war. In a more generalized manner, and with a pronounced Cold War inflection, the discourse of victimhood came to encompass all transborder Germans in Eastern Europe and the Soviet Union, regardless of their individual fates, and thus to underwrite and justify the special privileges accorded *Aussiedler*. Throughout the Cold War, all transborder Germans in communist states were represented as being subject – as Germans – to continuing repression. It was this intertwining of Cold War and nationalist commitments that governed the expansive embrace of transborder Germans.

*Competing homelands: Korean Japanese between North and South Korea*

Like West Germany, both North and South Korea responded to the postwar partition by claiming to be the sole legitimate successor to the historic Korean polity and by claiming all “Koreans” in the peninsula as their own citizens. But unlike West Germany, North and South Korea could not simply take over the citizenship law of the predecessor state, since the pre-colonial Korean state had not formally defined the circle of its citizens. Instead, it was the legal and administrative practices of the colonial state that were used to determine who were “Koreans” and to establish legal equality between repatriates and those who had remained in the peninsula during the colonial era. As we indicated in the previous section, the Japanese colonial government had sought to register all Koreans in

a separate family registry, even when they resettled in Manchuria or in Japan; the same held for their Manchuria- or Japan-born descendants. Thus while the social, economic, and political integration of the postwar repatriates posed difficulties analogous to those posed by the integration of expellees in postwar Germany, the legal integration of repatriates did not pose particular problems: their status as Koreans, substantiated by their documentation in the colonial-era family registry, was clear. There was no need to create a special membership category for them, as West Germany had done for expellees as a means of establishing legal equality for them pending clarification of the complex tangle of questions regarding their formal citizenship.

Our analysis of transborder membership politics in Cold War Korea focuses on the struggle between North and South Korea over the allegiance and alignment of the approximately 600,000 Koreans who remained in Japan after the Second World War. This struggle did not extend to the approximately 1.3 million Koreans who remained in northeast China after the war. The Chinese Communist Party had proactively and successfully won the allegiance of Korean peasants in Manchuria by leading anti-Japanese struggles in the region, providing protection from Han Chinese nativism, distributing land, and granting Chinese citizenship along with comprehensive minority rights (Suh and Shultz 1990). As a result, Korean Chinese were incorporated relatively smoothly into the PRC. And cross-border family connections, ethnocultural commonality, geographical adjacency, and geopolitical affinity (including their massive participation in the Korean War on North Korea's side) helped them sustain ties with North Korea. The anti-communist regime in South Korea, by contrast, chose to willfully ignore them for nearly half a century, erasing them from its rhetorical practices, bureaucratic routines, and organizational structures. Nor could transborder family ties be sustained from below, for efforts to cultivate family ties that crossed this charged ideological faultline could be dangerous in both Maoist China and authoritarian South Korea.

Koreans in Japan faced an entirely different situation. Japan's striking and consistent unwillingness to grant citizenship to its former colonial subjects who remained in Japan created a legal and political vacuum that set in motion transborder membership claims and counterclaims by both Koreas. Already in 1947, Japan began to register its former colonial subjects as foreigners, who were thereby subjected to discriminatory identification measures, strict entry controls, and draconian expulsion policies. And the 1952 San Francisco

Treaty ratified their collective loss of Japanese citizenship, making stateless most Koreans then residing in Japan, including the Japan-born second generation.

Neither Korean state objected to this collective loss of Japanese citizenship. As inchoate postcolonial states seeking internal and external recognition, both rejected – as a neocolonial affront to their independence – any suggestion that these “liberated” Koreans be considered Japanese citizens. The contention instead focused on the question of *which* Korean state they belonged to. Both states sought to incorporate Korean Japanese into their respective nation-building projects, seeing this as imperative for their security and legitimacy. With its strong anti-imperialist stance and socialist profile, North Korea initially had the upper hand. Yet the South Korean state, obsessed with communist infiltration, was unwilling to leave Koreans in Japan under North Korea’s influence. And the southern origin of Korean Japanese, their family ties to South Korean citizens, and the anticipated diplomatic rapprochement with Japan made it possible for South Korea to compete for their allegiance (while they could not plausibly compete for that of Korean Chinese). The North Korean regime, for its part, alarmed by the emerging alliance of the US, Japan, and South Korea, sought to consolidate and expand its support among the Korean Japanese.<sup>28</sup> Korean Japanese themselves remained ambivalent about Japanese citizenship. Apart from their bitter memories of the colonial era, naturalization demanded complete cultural assimilation, which meant abandoning almost all ethnocultural markers including, most notably, their names (see Lie 2008, chapter 1 for a useful qualification). Their precarious status and pervasive experience of discrimination in Japan, as well as their ethnocultural ties to Korea, made them open to alignment with one or the other of the competing “homeland” states.

From as early as 1949, South Korea had defined Korean Japanese as its “citizens abroad” (*jaeoe gungmin*), and it had asked the Japanese government several times to recognize this status. This meant, *inter alia*, changing their citizenship status in Japan’s foreigner’s registry from the provisional marker *Chōsen* (the name of the former colony and of the preceding dynasty) to *Kankoku*, the Japanese transliteration

<sup>28</sup> This reflects a broader macro-regional difference between Europe and East Asia in the postwar era. Communist regimes in East Asia (North Korea, China, and Vietnam) were profoundly influenced by anti-colonial

nationalism, while the reputation of anti-communist regimes (South Korea and Taiwan) was marred by their close alliance with the US and Japan.

of the official new name for South Korea. From the perspective of South Korea, the *Chōsen* marker was doubly problematic: the term was associated both with the humiliating colonial occupation and with the North Korean state, which retained *Chōsen* as its official name. Since Japan declined to make the requested collective change, citing the absence of diplomatic relations with either Korean state, South Korea encouraged Korean Japanese to make the change individually, and also to register as South Korean citizens with the pro-South Korea organization, *Mindan*, which operated as a quasi-consular office.

Few Korean Japanese, however, were willing to take these steps. For Korean Japanese, *Chōsen* was associated in the first instance with the Korean peninsula as an ancestral homeland, not with the official name of North Korea; on the other hand, *Kankoku* was a tangible expression of the division of the homeland, which most experienced as arbitrary and traumatic. Nor was the benefit of acquiring this new legal identity clear. The violent anti-communist nation-building process in the south, crystallized in a series of civilian massacres and in the civil war, made identification with the South Korean state and subjection to its jurisdictional claims an unattractive prospect for many Korean Japanese. The existence of another homeland state with a stronger anti-imperialist profile, which also claimed Korean Japanese as its “citizens overseas” (*haeoe gongmin*), made Korean Japanese even more reluctant to align with South Korea. As a result, while more than 94 percent of Korean Japanese came originally from the southern region, about 92 percent of Koreans identified in the Foreigners Registry of 1950 remained marked under *Chōsen* (Ryang 1997).

Meanwhile, North Korea was strengthening its own claim to be the “homeland” of the Korean Japanese. Abandoning its previous insistence that ethnic minorities should commit themselves to the revolution in their “host” countries, North Korea sponsored (through financial support and ideological guidance) the development of a network of pro-North Korea organizations in Japan, including notably a nationwide school system for second-generation Korean Japanese (J. Kim forthcoming, chapter 3). And it proclaimed in 1958 that its “citizens overseas” had the right to repatriate to their developing “homeland”, and that North Korea would subsidize their repatriation.

The repatriation campaign gained broad support from Japanese and international society. The conservative ruling party of Japan,



seeing an opportunity to rid Japan of its economically destitute and politically recalcitrant Korean minority, actively aided the repatriation; leftist Japanese intellectuals pressured the government not to heed South Korea's fierce protest; and the International Red Cross supported what was perceived as a resettlement of "displaced" persons (Morris-Suzuki 2007). Despite the protests of pro-South Koreans, which condemned Japan's cooperation as the betrayal of the "free world", "the abandonment of *South Koreans* to a communist hell", and the infringement of South Korean sovereignty, about 80,000 Koreans – approximately 15 percent of Korean Japanese – chose to take this one-way trip between 1959 and 1967.

The North Korean embrace of transborder coethnics was driven by ideal, not material interests. Although the repatriates were expected to help relieve the post-civil war labor shortage, it is not clear that this benefit outweighed the cost of subsidized repatriation and settlement. The symbolic benefits, though, were considerable. North Korea was able to enhance its nationalist credentials by welcoming its "citizens overseas" and promising them a variety of benefits. In a mirror image of West German rhetoric, North Korea framed this "repatriation" through a combination of Cold War ideology and transborder nationalism, celebrating the "returnees" for voting with their feet and choosing the glorious socialist homeland over the neo-imperialist domination of Japan, the United States, and the South Korean puppet regime.<sup>29</sup> In contrast to West Germany, however, where the migration of coethnics was induced by the legal creation and bureaucratic institutionalization of the *Aussiedler* category, most of this "repatriation" preceded the enactment of North Korea's Citizenship Law in 1963, which expansively defined all who had been registered in the colonial-era Korean family registry and their descendants as North Korean citizens, in so far as they had not subsequently acquired another (extra-Korean) citizenship. This created *ex post* the legal status that had been presumed and deployed in the rhetoric and the practice of the repatriation campaign.

By the mid-1960s, as Korean Japanese became increasingly aware of the disappointing realities of life in North Korea, the initiative swung back to South Korea. As mentioned above, although South Korea's "citizens abroad" status had been in place since 1949, it carried little consequence for the lives of ordinary Korean Japanese.

<sup>29</sup> The triumphalist and paternalistic rhetoric notwithstanding, the repatriation testified less to the pull of North Korea than to the push from Japan (J. KIM forthcoming, chapter 3).

This began to change with the 1965 bilateral treaty between South Korea and Japan (Lie 2008, p. 67ff.). Japan recognized South Korea as the only lawful government in the peninsula; more importantly, the treaty granted “South Korean citizens” who had continued to reside in Japan since their colonial-era migration, and their children, the right to apply for a special permanent residence status, called Permanent Residence by Treaty (B. Kim 2006). The prospect of a secure permanent resident status now offered a clear incentive to identify as South Korean citizens, and South Korea hoped thereby to win over as many Korean Japanese as possible (including those previously aligned with North Korea).

Yet Korean Japanese were initially hesitant; just 20,000 out of over 600,000 applied for the permanent resident status in the first year. Many suspected a hidden agenda on the part of the Japanese and South Korean authorities. The pro-North Korea organization Chongryŏn’s powerful opposition campaign kindled the existing mistrust and anxiety: it argued that the promise of so-called “permanent resident status” was a shrewd gimmick of the Japanese government to deport Koreans for whatever trivial violations found during the required screening process, and that the South Korean “puppet regime” intended to expropriate the Korean Japanese and draft them into the Vietnam War once they identified themselves as South Koreans.<sup>30</sup> Faced with pervasive suspicion and distrust among Korean Japanese, and with the considerable organizational strength of Chongryŏn, the South Korean state could not take for granted its status as a homeland; it needed to work to establish that status.

In these unpropitious circumstances, South Korea launched a systematic and aggressive campaign. It negotiated with the Japanese government to minimize procedural obstacles and increase the number of people who passed the required screening. It mobilized the Mindan activists as well as consular and other government officials for household visitation, lecturing tours, and public speeches (Korean Residents Union in Japan 1976). It accused Chongryŏn of harboring a hidden agenda of its own, namely hindering Korean Japanese from establishing a more stable resident status in Japan so as to make them

<sup>30</sup> These were not entirely groundless slanders. The Park administration that had seized power after a military coup hastened to conclude the bilateral treaty precisely because the investment of Japanese capital (including that of Japanese Koreans) was essential for the take-off of the South Korean

economy. The South Korean state had been interested in drafting Koreans in Japan since 1953. It was also true that some of the post-1945 illegal migrants to Japan were indeed draft dodgers who were punished severely once they were deported back to South Korea. See J. KIM (forthcoming, chapter 3).

more susceptible to its propaganda and specifically to its repatriation scheme. Most importantly, the South Korean state assured Korean Japanese that those adopting the new status would be exempted from mandatory military service. The campaign was successful: by January 1971 (the application deadline), more than 350,000 Koreans had applied for permanent resident status by identifying their citizenship as South Korean.

The citizenship requirement for obtaining permanent resident status – *i.e.*, that applicants be South Korean citizens – did not serve to verify an already established legal identity; it encouraged Korean Japanese to constitute themselves *as* South Korean citizens by aligning with the South Korean state. It was thereby a means of transforming colonial-era migrants – and, by extension, their descendants – into South Korean citizens. That is, the goal of the South Korean state was not to *certify* those who were genuinely South Korean citizens; it was rather to *produce* South Korean citizens, *i.e.*, a group of people who registered as South Korean citizens in the consular office; whose citizenship in the Foreigners' Registry appeared as *Kankoku*, not *Chōsen*; and who obtained Permanent Residency by Treaty, a key symbol of the bearer's alignment with South Korea.

Those who aligned with South Korea came to enjoy an increasing array of benefits. Only they were able to apply for South Korean passports, visit their families and hometowns in South Korea, send remittances to their families or invite them to Japan, and obtain various tax privileges when investing in South Korea. As being a South Korean “citizen abroad” became a more attractive status, the meaning of *Chōsen* changed as well. *Chōsen* was no longer an undifferentiated default category, persisting out of inertia and evoking the historic dynasty or the Korean peninsula as a whole. Instead, it became a category of choice, closely associated with North Korea, and requiring a conscious decision to embrace or repudiate it. In this way, the aggressive and intertwined transborder nationalisms of North and South Korea neither consolidated an existing understanding of nationhood nor constructed a broad transborder community of Koreans, but rather completed the division of the homeland by projecting that division onto the transborder ethnic community.

Transborder national membership politics in the Cold War era left an enduring imprint on the rhetorical practices, bureaucratic routines, and organizational structures through which the two Korean states represented and engaged transborder Koreans. For nearly half

a century, the South Korean state virtually erased Koreans in China and the Soviet Union from representations of the transborder Korean nation in governmental statistics and reports, while North Korea prioritized its relations to these important communist allies over its relations to its coethnic populations in these states. But Korean Japanese remained throughout the period the focus of sustained and intense ideological monitoring, surveillance, and proselytism by both states (J. Kim forthcoming, chapter 3).

There were no organizations in Korea analogous to the powerful expellee organization in West Germany; postwar repatriates did not constitute an enduring organized constituency. On the other hand, the two powerful organizations of Koreans in Japan – one closely aligned with each Korean state – had no analogue among East European or Soviet Germans. The struggle for the allegiance of Korean Japanese was waged largely through these organizations, both of which assumed quasi-governmental functions as proxies of the respective homeland states.<sup>31</sup>

*Transborder membership politics in the shadow of the Cold War*

The post-World War II matrix of transborder membership politics, as noted at the outset, was in some respects strikingly similar in Germany and Korea. Yet those politics diverged in five fundamental respects. First, partition and Cold War ideological conflict interacted with transborder membership politics in differing ways in Germany and Korea, determining *which* states could plausibly adopt a “homeland” stance, and for *which* transborder populations. The territories from which Germans had been expelled after the Second World War all became part of the Soviet bloc; and by far the largest remaining populations of transborder Germans (outside of Austria) were also in communist states. As a result, although the Soviet occupation zone had accepted even more expellees, proportionately, than the Western occupation zones, the expellee issue could not serve to relegitimize nationalism or a sense of ethnonational victimization in East Germany – firmly embedded in the Soviet bloc and committed to a supra-nationalist ideology – as it did in West Germany. East Germany

<sup>31</sup> In the absence of diplomatic relations between Japan and North Korea, *Chongryŏn* continues to serve even today as the *de facto* consular office of North Korea. Perhaps more surprisingly, South Korea continued

to rely on its proxy organization *Mindan* to issue passports and certificates for “citizens abroad” until 1994 (DoH 2003; T. KIM 2000).

displayed no interest in transborder Germans remaining in Eastern European and the Soviet Union, and it consistently criticized the claims of expellee organizations and West German policy towards *Aussiedler*. The geographic scope of the West German *Aussiedler* category was expressly defined in Cold War ideological terms: *Aussiedler*, by definition, could only come from communist-ruled states. Cold War anti-communism thus became constitutive of transborder membership politics in West Germany.

Unlike transborder Germans, transborder Koreans resided both in communist states (China and the Soviet Union) and in capitalist, US-aligned Japan. The membership status of the former was not contested: North Korea, like East Germany, treated co-ethnics in allied communist states as citizens of those states, while South Korea was largely indifferent to, or even suspicious of, these co-ethnics, especially of the far more numerous Korean Chinese, who had been successfully incorporated into the communist bloc. On the other hand, both Korean states were keenly interested in the Korean Japanese. Japan's refusal to grant citizenship to its former colonial subjects created a legal and political vacuum; this induced a struggle over their allegiance and alignment. Moreover, a homeland stance towards these transborder co-ethnics, who were seen as suffering from "neocolonial" oppression and discrimination in the former metropole, allowed both Korean states to bolster their anti-colonial nationalist credentials; and anti-colonial nationalism was *the* hegemonic political discourse in postcolonial Korea, cutting across the ideological divide.

Second, while co-ethnics were represented as victims – collectively uprooted and forcibly displaced from their homelands – by West Germany and both Koreas, this victimhood was understood in nearly diametrically opposed terms. The victimization of transborder Koreans was seen as originating in Japanese imperial domination, which forced some and induced others to leave the peninsula; the postwar repatriation – as well as the later repatriation to North Korea – could therefore be seen as rectifying that victimization by bringing transborder Koreans home. Koreans who remained in Japan were seen as victimized by their discriminatory treatment in the former metropole; but those who remained in China and the Soviet Union were not represented as victims, and were largely invisible in Korean discussions, during the Cold War era.

Transborder Germans, by contrast, were understood as having been victimized by their postwar expulsion from their historic homelands *outside* Germany (as well as in the former eastern territories of Germany

that were assigned to Poland after the war). These expulsions could therefore not be represented as “return” or “repatriation”; they were seen as a catastrophic uprooting from home and homeland. Those who remained in Eastern Europe were represented – in an optique that combined Cold War supra-nationalism with transborder nationalism – as victims of regimes that prevented them from living “as Germans”, but also prevented them from emigrating.

Third, the relative importance of what one might call “internal” and “external” co-ethnics differed strikingly. The vast postwar unmixings had brought many (formerly) transborder co-ethnics inside the territory of the state in both cases, but they had left many others outside. In Germany, the decisive impetus to transborder membership politics came, paradoxically, from “internal” co-ethnics, *i.e.* from the expellees who had found refuge in occupied Germany in the final months and immediate aftermath of the war. The distinctive West German constitutional provision that created a special status of “Germans without German citizenship” for expellees who did not have German citizenship was crafted with an eye to assimilating this group legally to citizens; at the time, those co-ethnics who had escaped expulsion were on the distant margins of public attention and were scarcely brought up in discussions on the legislation. For geopolitical reasons, these “external” co-ethnics were outside the reach of the West German state. Only later did the Law on Expellees open up this status to external co-ethnics by defining “expellee” broadly to include post-expulsion resettlers (*Aussiedler*). This gave the constitutional provision a potentially powerful transborder reach that it had not originally possessed, and that was not originally intended, although the exit restrictions imposed by communist states limited the significance of this broad definition during the Cold War era. It is worth underscoring the unintended consequences of the constitutional enshrinement of the “expellee” category. Although this was expressly formulated as a “transitional” provision, oriented to expellees already in Germany, and pending clarification of their citizenship status, it eventually became the foundation for an open door to immigration and citizenship for several million transborder Germans who were not, in any substantive sense, “expellees”.

In Korea, by contrast, transborder membership politics was not oriented to internal co-ethnics. Thanks to the reliance on the family registration system of the colonial state, the postwar repatriates already counted as Korean citizens, and there was no need to create a special membership status for them. Transborder membership

politics focused from the beginning on external co-ethnics in Japan (though it ignored, for the geopolitical and ideological reasons discussed above, those in China and the Soviet Union). Unlike West Germany and North Korea, however, South Korea did not implement any policies that might have brought these transborder members back “home”. On the contrary, it was able to strengthen its standing as a homeland state, paradoxically, by conferring permanent resident status in Japan on those who identified themselves as South Korean “citizens abroad” and by claiming to serve as a *broker* that could facilitate their integration into the Japanese mainstream.

Fourth, the new membership categories that were created and institutionalized were differentially inclusive of transborder co-ethnics. The West German “expellee” category, defined and construed broadly in legislation, jurisprudence, and administrative practice, embraced virtually all ethnic Germans in Eastern Europe and the Soviet Union; and since the major transborder German communities were found in this region, no transborder co-ethnics were excluded wholesale from eligibility for this status. Differences among countries of origin, and among individual circumstances, were de-emphasized by the blanket presumption of a continuing “expulsion pressure” in all communist countries.<sup>32</sup> To be sure, it was necessary to establish individually that one was an ethnic German; but jurisprudence and administrative practice were generally inclusive in this respect as well.

The South Korean “citizens abroad” and the North Korean “citizens overseas”, by contrast, were selective categories through which the two Korean states extended membership to some but not other transborder co-ethnics. Since these categories were expressly constructed to incorporate co-ethnics regarded as stateless in their countries of residence, they did not include ethnic Koreans in China or the Soviet Union, all of whom were citizens of those states. Although both categories were open in principle to all Koreans in Japan, they were constructed as mutually exclusive, requiring an explicit choice of one postcolonial legal and political identity and a correlative rejection of the other.

Finally, transborder Koreans exhibited much more ambivalence and wariness towards their putative homeland states than did transborder Germans. Transborder Germans were not ambivalent towards the opportunities afforded by the *Aussiedler* status; the limited

<sup>32</sup> Ethnic Germans could be disqualified by their individual circumstances – but this too was related to Cold War anticommunism: they could be denied *Aussiedler* status if they were judged to have been too close to the communist regime.

number of those able to claim that status during the Cold War era simply reflected their host states' exit restrictions. Koreans, however, were hesitant about aligning themselves with one or the other homeland state, despite (or perhaps precisely because of) being intensively courted by both. North and South Korea struggled to ensure their respective offers were *perceived* as attractive: but repatriation to the North, barely recovering from the civil war, quickly lost its allure, while mistrust in the predatory and violently anticommunist South was slow to disappear, leading many Korean Japanese to keep their distance despite the lure of permanent resident status.

These basic differences in the configuration of transborder membership politics in the Cold War era suggest that the notion of ethnic nationalism has little analytical leverage in explaining the particular ways in which Germany and Korea constructed and embraced transborder co-ethnics. In both cases, geopolitical factors were fundamental in shaping the terms of that embrace. Geopolitical factors explain *which* states styled themselves as “homelands”, and *which* transborder populations they embraced; why the victimhood of transborder co-ethnics was understood in sharply differing ways; why transborder membership politics was initially oriented to “internal” co-ethnics in the German case and to “external” co-ethnics in the Korean case; why the target transborder populations were defined in such differing – and differentially inclusive – ways in the two cases; and why transborder co-ethnics were more ambivalent about the embrace of the homeland state in the Korean case.

### *The end of ethnic migration in Germany*

Throughout the Cold War era, the expansive definition of “expellees” was uncontroversial. Even as late as 1987, four decades after the end of the massive postwar expulsions, there were no public challenges to the legal fiction that construed *Aussiedler* – ethnic Germans leaving Eastern Europe and the former Soviet Union “after the end of the general expulsion measures” – as “expellees”, entitling them to full citizenship rights as well as a variety of financial privileges.<sup>33</sup> In a country of 60 million (in 1970), 35,000 *Aussiedler*

<sup>33</sup> Some administrative court rulings had expressed skepticism about the continued appropriateness of this expansive definition

of “expellees”, but there were no challenges in the broader public sphere.



per year were scarcely a blip on the screen of social statistics.<sup>34</sup> To the extent that they were visible in the public sphere at all, *Aussiedler* were represented at once as exemplary victims of communist regimes, and as exemplary Germans: denied the opportunity to maintain their German identities in their repressively assimilationist countries of origin, they had voted with their feet, a rite of transborder passage that affirmed and enacted both the transborder reach of the German nation and the anti-communist pull of the West German state (Delfs 1993, p. 5). The overwhelmingly sympathetic media representation of *Aussiedler* (Rabkov 2006) ratified the official rationale for the privileges they enjoyed.

This changed dramatically at the end of the 1980s. Beginning in 1987, and accelerating in 1988 and 1989, as restrictions on exit were loosened, the influx of *Aussiedler* took off, increasing tenfold to nearly 377,000 in 1989 and nearly 400,000 in 1990. With these soaring numbers, and the prospect of a further large influx,<sup>35</sup> *Aussiedler* suddenly became a major focus of both media attention and public debate.

But it was not simply the numbers that had changed. By the end of 1990, with the collapse of East European communist regimes and the unification of Germany, the historical and geopolitical matrix that had sustained the treatment of *Aussiedler* as “expellees” had vanished. It was not only the Cold War that had ended; it was the postwar era as well. The consequences of the Second World War – the expulsions, the subsequent repression of Germans that remained in Eastern Europe, and the division of Germany – could now be seen as having played themselves out; this chapter of history could now be seen as closed.

Previously, *Aussiedler* had been carefully insulated – discursively, legally, politically, and institutionally – from the whole complex of intensely contested issues involving the terms of entry, residence, and citizenship for migrant workers, their increasingly German-born descendants, and persons seeking political asylum. Officially, *Aussiedler* were neither immigrants nor foreigners. Their unique legal status was anchored in the *Grundgesetz* and the Law on Expellees.

<sup>34</sup> The convulsive post-war expulsions, bringing 8 million new residents to western Germany within the space of a few years, had occasioned substantial social tensions; the slow stream of *Aussiedler*, bringing just one-sixth that number over more than three and a half decades, did not. The relatively small influx of *Aussiedler* raised no concerns about

social integration, labor market competition, or fiscal burdens.

<sup>35</sup> *Aussiedler* migration from the former Soviet Union was just beginning to gather momentum in 1989 and 1990; indeed after 1990, the overwhelming majority of *Aussiedler* came from the former Soviet Union.

They were not processed administratively by the same agencies that dealt with foreign migrants and asylum-seekers. And they were represented as having been drawn to Germany not by economic considerations but by ethnocultural identity.

In the dramatically new political circumstances, this insulation began to break down, first discursively, then politically and legally. *Aussiedler* were increasingly represented in the media and public debate as “ordinary” migrants: pushed from their countries of origin not by ethnic discrimination or repressively assimilationist policies, but by wrenching economic transformations; and drawn to Germany not by the “desire to live as Germans among Germans”, as the official rationale for their privileges had it, but by the country’s fabled prosperity and its generous social welfare provisions – to say nothing of the special benefits for which they qualified as *Aussiedler*.

The integration of *Aussiedler* into the broader discursive field of “immigration” or “foreigners” occurred in a number of ways (Levy 1999, chapter 6; Joppke 2005, p. 205ff.). The media raised concerns about the lack of integration, levels of criminality, and fiscal burdens – precisely the characteristic themes in media discussions of immigration (Rabkov 2006, chapter 4). Imputing economic motives to *Aussiedler* invited comparison with asylum-seekers, whose numbers were also increasing dramatically,<sup>36</sup> and the legitimacy of whose claims was often challenged by claiming they were really just economic migrants. And the weak knowledge of German displayed by *Aussiedler* – especially by the increasing fraction of *Aussiedler* arriving from the former Soviet Union – invited comparison with the fluent German spoken by German-born children of guest-workers. Why were the children of Turkish guest-workers still overwhelmingly foreigners, despite being born and raised in Germany and speaking fluent German, while *Aussiedler* enjoyed all the rights of citizenship, and special privileges to boot, despite speaking little or no German (Rabkov 2006, pp. 189–190)? What did it mean, after all, to be “German”?

*Aussiedler* quickly lost their protected, sacrosanct status not only in the media, but also in political debates. Already in late 1988, leading social democratic politician Oskar Lafontaine had criticized the government for its “*Deuschtümelei*” – a pejorative expression implying an illegitimate attempt to exploit ethnic Germanness (Rabkov 2006, p. 204). Social Democrats challenged the privileges enjoyed by

<sup>36</sup> The number of asylum seekers rose (KORTE 2005, p. 57; VON KOPPELFELS 2001, p. 22).  
from 57,000 in 1987 to 438,000 in 1992

*Aussiedler*, highlighted the incongruity of continuing to treat *Aussiedler* as “expellees”, and sought to link the discussion of *Aussiedler* to the question of the rights of asylum-seekers and to a more general discussion about principles governing entry, residence, and citizenship in Germany.

For a time, the government sought to resist the discursive assimilation of *Aussiedler* to ordinary immigrants, as well as the implications of this assimilation for understandings of ethnocultural nationality, legal citizenship, and the relation between the two. A media campaign sponsored by the Kohl government proclaimed that “Aussiedler sind keine Ausländer” [*Aussiedler* are not foreigners]; a brochure of the Federal Office for Political Education was entitled “Aussiedler [...] deutscher als wir” [*Aussiedler* [...] more German than we are] (Levy 1999, p. 144; Korte 2005, p. 255). But these slogans – and exhortations to solidarity with “those who are German like you and me”<sup>37</sup> – were to no avail. As early as 1988, an opinion poll showed that a third of the respondents assimilated *Aussiedler* to asylum-seekers (Korte 2005, p. 56). A 1990 survey indicated that 83 percent favored restricting the immigration of *Aussiedler* (Levy 1999, p. 143n). In the early 1990s, only 31 percent agreed that *Aussiedler* were “true Germans” (Levy 1999, pp. 141–142).

Faced with strongly negative public attitudes towards *Aussiedler*, and widespread skepticism about their “Germanness”, the government sought to reframe the discussion, de-emphasizing transborder ethnonational commonality and emphasizing instead the useful contributions *Aussiedler* could make to economy and society; but as Levy (1999, pp. 137–146) has argued, this simply furthered the discursive absorption of the *Aussiedler* question into a broader immigration *problematique*. The government also began to adopt a series of restrictive measures that chipped away at the privileges enjoyed by *Aussiedler* and made the process of qualifying as an *Aussiedler* more difficult and complex.<sup>38</sup> The most important of these measures, symbolically and practically, was the *Kriegsfolgenbereinigungsgesetz* (KfbG), literally the Law on the Tidying Up of the Consequences of the War, enacted in late 1992 as part of a broader cross-party “migration compromise” (Bade 1994, p. 37) that also limited the

<sup>37</sup> Kohl, quoted by LEVY (1999, pp. 131–132); on Kohl’s 1988 appeal for solidarity with “Landsleuten aus dem Osten” [compatriots from the east], see RABKOV (2006, p. 177).

<sup>38</sup> On the series of reforms, involving legal assimilation to other forms of migration control, see also RABKOV (2006, pp. 196–204). In English, VON KOPPENFELS (2001) provides a summary of the policy changes; see also JOPPE (2005).

constitutional right to asylum and facilitated naturalization for long-resident or German-born foreigners.

The KfbG established a quota on annual *Aussiedler* entries. It specified that a continuing “expulsion pressure” would henceforth be assumed only for would-be *Aussiedler* from the former Soviet Union; all others would have to demonstrate such pressure in individual cases.<sup>39</sup> Crucially, the KfbG also specified that only those born before January 1, 1993, when the law came into effect, would be eligible for *Aussiedler* status. The category was no longer temporally open-ended; potential membership in the category was restricted to those already born. From this point on, *Aussiedler* migration would be in effect a residual phenomenon.

The KfbG and subsequent measures also altered and tightened the criteria for determining who was to count as an “ethnic German”. The revised criteria assigned increased weight to language, education and culture, and less to German descent per se. During the Cold War era, lack of language competence had been understood as an indicator of discrimination against Germans; language was therefore disregarded or downplayed in determinations of Germanness. Now language knowledge was seen as indispensable for public acceptance of *Aussiedler*, and for their successful integration; it was therefore made a condition of access to the status.<sup>40</sup> These sharp changes in legal criteria and administrative practice highlight the essentially political nature of legal definitions of Germanness. They bring into sharp focus the symbolic power of the state, its power to make, remake, and unmake groups through authoritative categorization practices. Being an ethnic German was not a pre-political condition; it was a political and legal construct.

These measures were intended to reduce the numbers of *Aussiedler*. At this they succeeded spectacularly well; and a stream of communiqués issued by successive governments has trumpeted this success. From the 1990 peak of nearly 400,000, the numbers dropped

<sup>39</sup> As a result, since 1993 more than 95 percent of *Aussiedler* – and since 2000 more than 99 percent – have come from the former Soviet Union. (Calculated from *Bundesverwaltungsamt*, n.d.)

<sup>40</sup> It was not enough, however, for a prospective *Aussiedler* to go out and enroll in a German class. Although the German government pointed with pride to sponsoring and financing such classes, the “objective confirming qualities” such as language, cul-

ture, and education had to be acquired in the family – and not, for example, by taking a language course – in order for them to support a claim to German *Volkszugehörigkeit*. Ethnic Germanness was only “real” if transmitted in the family; it could not be opportunistically acquired by someone wishing to migrate to Germany. See RABKOV (2006, pp. 205–211) and JOPPKE (2005).

by nearly half in 1991; after hovering just over 200,000 for several years, they began to drop again in 1996, hovered again around 100,000 until 2002, and have since been in continuous and irreversible decline, down to fewer than 8,000 in 2006. Although the *Aussiedler* category is formally still on the books, it has been set on a trajectory towards expiration, and is dwindling rapidly towards insignificance. Germany's transborder embrace of ethnic Germans in Eastern Europe is now history.

*The belated homeland: the refiguration of Korean Chinese  
as transborder "kin"*

The demise of the Cold War in East Asia, the increasing isolation of North Korea, and the gradual democratization of South Korea transformed the context of transborder membership politics. Though the reunification of Korea remained a distant hope, South Korea's "Nordpolitik" led to the re-establishment of diplomatic relations with the Soviet Union (1991) and China (1992). Economic deterioration and increasing isolation from the global economic and political orders kept North Korea from participating actively in transborder membership politics as it had done at the height of the Cold War. And the slow but steady democratization in South Korea undermined the regime's monopoly of nationalist discourse – a monopoly that, ironically, had reproduced and reinforced division and hostility between the two Koreas in the name of nationalism. These transformations destabilized the established South Korean stance, which had selectively embraced some Korean Japanese, rejected others on ideological grounds, and ignored the more than two million transborder Koreans who had settled in China and the Soviet Union.

The proximate impetus for the reframing of transborder nationalism came from the Korean Chinese, who took advantage of the relaxation of exit controls, the rapprochement between China and South Korea, a campaign for family reunification, and the booming South Korean economy to visit, work, and resettle in South Korea from the mid-1980s on. Unlike Korean Japanese or Soviet Koreans, most of whom were culturally assimilated to their host societies, Korean Chinese had managed to maintain their ethnocultural traits for decades, in part because of China's distinctive minority policies (most importantly, the establishment of the Yanbian Korean Autonomous Prefecture), and in part because of its restrictions on internal

and international migration, which tied most of the Korean minority to their ethnic enclave in northeast China. When they reappeared in the South Korean public sphere in the mid-1980s, the combination of forced or politically induced colonial-era migration, the isolation from their “homeland” for forty years, and their relatively well-preserved ethnocultural practices made these Koreans a paradigmatic and evocative symbol of the Korean nation as a whole, a nation represented as having been dispersed by the colonial occupation and oppressed under an alien regime, but now on the way to being reunited in primordial oneness.<sup>41</sup>

The South Korean state also responded – and contributed – to the new visibility of these co-ethnics. The new civilian leadership, bolstered by rapid economic development and its new democratic credentials, vowed that South Korea’s commitment to the Korean nation *in toto* transcended differences of ideology. Korean Chinese came to be represented as an essential part – indeed, the largest part – of the transborder Korean nation in the rhetorical practices of the high-ranking officials, in the annual statistics issued by the Ministry of Foreign Affairs, and in various official reports on the “Korean diaspora” or the “Korean network”.

In this process, the legal category “citizens abroad” – applicable only to those who had been able to register abroad as South Korean citizens – was now too limiting as a way of conceiving transborder co-ethnics. Instead, the vernacular category *Dongpo* (co-ethnics) reemerged as a term that could embrace all transborder Koreans. Literally meaning “brethren”, *Dongpo* had come into wide use during the colonial period, denoting Koreans as a community of descent, history, and destiny that had survived the extinction of “its own” state and that transcended the territorial boundary of the colony (Kwon 2005; Schmid 2002; J. Kim 2009). However, during the Cold War period, *Dongpo* became less widely used in both official and vernacular discourse; it was often replaced by the alternative terms *Gyomin* or *Gyopo*, the connotations of which emphasized the emigration context.<sup>42</sup> The reemergence of

<sup>41</sup> One illustrative example is the discursive representation of the marriages between Korean Chinese women and Korean men, mostly farmers, in the early 1990s. These marriages were initially celebrated by media and officials as a symbol of “national reunification in the offspring” (HONG 2000).

<sup>42</sup> While the Chinese character 同 (dong) in *Dongpo* emphasizes common origin, the Chinese character 僑 (gyo) in *Gyopo* empha-

sizes the context of migration, mostly understood as a short-term sojourning. For a slightly different usage of the same character in *Huaqiao* (often translated as “overseas Chinese”), see WANG (1981, p. 119). It is also notable that “overseas” often qualified *Gyopo*, excluding Koreans in China and the Soviet Union who are not actually overseas, but including those in Japan, the US, and other countries.

*Dongpo* indexed the expansion in the imagined scope of the Korean nation, which had contracted during the Cold War era.<sup>43</sup>

However, the mutual rediscovery between the Korean Chinese and the South Korean state soon yielded to mutual disillusionment. After an initial period of uncertainty, the South Korean state began to treat Korean Chinese simply as foreigners in the realm of border control and immigration, if not in the realm of political rhetoric.<sup>44</sup> Yet geographical proximity, phenotypical and ethnocultural similarity, and reactivated or newly established family ties gave Korean Chinese advantages over other foreign workers in gaining access to the territory and the labor market of South Korea.<sup>45</sup> Korean Chinese rapidly filled up the secondary labor market, working in mines, construction sites, sweatshops, and urban service jobs: by 1999, more than 260,000 (nearly 20 percent of the total Korean Chinese population) had reportedly been to South Korea since the early 1990s, and about 70,000 were residing in South Korea, comprising roughly 20 percent of the entire foreign resident population (C.S. Kim 2000). In this context, restrictions on legal entry simply led to the proliferation of counterfeit documents, the increased activity of brokers and human traffickers, and an increased tendency to overstay visa limits.

By the mid-1990s, the control of illegal labor migrants had become an alternative master-frame for representing Korean Chinese in state and media discourse, which focused increasingly on counterfeit documents, the smuggling of undocumented workers, fraudulent marriages, labor market competition, and criminality (Jiang 2005). Such treatment disillusioned the Korean Chinese as well. They were not spared the exploitation, discrimination, stigma, and legal vulnerability suffered by most other migrant workers; and their sense of

<sup>43</sup> Changes in an annual report of the Ministry of Foreign Affairs illustrate the shift in the official understanding and representation of the transborder nation. The title was changed from “Report on the Current Conditions of Citizens Abroad (*jaeoe gungmin*)” to “Report on the Current Conditions on Overseas Coethnics (*haeoe dongpo*)” in 1991. The new report included figures for Koreans in China and the former Soviet Union, doubling the size of the transborder nation in a single year.

<sup>44</sup> The formal citizenship status of Koreans from China and the former Soviet Union remained ambiguous throughout the Cold War period. It was not clear that the unilateral grant of Chinese and Soviet citizenship

entailed the automatic dissolution of their legal ties to Korea. Neither the Constitution, nor citizenship law and jurisprudence, nor belated bilateral treaties with China and the Soviet Union definitively settled this long suspended question. It was only in 1997, a decade after the “return” migration began, that the Ministry of Justice explicitly defined Korean Chinese as foreigners.

<sup>45</sup> Familial connections to South Korean citizens were a distinctive resource of Korean Chinese, rarely available to other foreigners. Moreover, many Korean Chinese women chose to marry South Korean men in order to obtain South Korean citizenship and serve as a bridgehead for the ensuing chain migration (J. KIM 2011).

entitlement as co-ethnics made these hardships seem all the more unjust.<sup>46</sup>

The Immigration and Legal Status of Coethnics Abroad Act of 1999 (hereafter Coethnics Abroad Act) provided a stage on which these inconsistencies, contradictions, and resentments were highlighted, clarified, and politicized. Initially designed in the aftermath of the financial crisis of 1998 to strengthen economic ties between investment-seeking South Korea and its overseas emigrants in North America,<sup>47</sup> this Act entitled “co-ethnics abroad” (*Jaeoe Dongpo*) to preferential treatment in admission to the territory, employment, economic transactions, and investment in South Korea. “Co-ethnics abroad” thus became a legal status, which expressly included the subcategory of “co-ethnics with foreign citizenship”. Though there were voices opposed to granting a membership status to *any* co-ethnics with foreign citizenship, the most vociferous controversy focused on *which* co-ethnics should be eligible for the new status.

The Act made “the former possession of South Korean citizenship” by the applicant, a parent, or a grandparent a prerequisite for the acquisition of the “co-ethnics with foreign citizenship” status. But how could the “former possession of South Korean citizenship” be established by colonial-era migrants who, strictly speaking, had not been South Korean citizens when they left the peninsula? The enforcement ordinance stipulated only one way of doing this: by having registered as South Korean “citizens abroad” in the consular office (or with a designated organization) *before* they obtained the citizenship of their

<sup>46</sup> The initial conception of South Korea as a rediscovered “homeland” changed as a result. For the shift to a negative tone in which the mainstream Korean Chinese newspapers reported on the experience of Korean Chinese in South Korea, see G. KIM (2000). Legal and social discrimination against coethnics from China has been dubbed “hierarchical nationhood” by SEOL and SKRENTNY (2009). In a broader comparative perspective, ethnic return migration regularly entails lack of recognition from and disenchantment with the “homeland” (BRUBAKER 1998; THRÄNHARDT 2001). This has been the case, for example, for Transylvanian Hungarians, who found themselves seen and treated as “Romanians”

by their “brethren” in Hungary (FOX 2003; BRUBAKER *et al.* 2006); for ethnic Japanese migrants from Brazil to Japan (TSUDA 2003); for Spanish-descent migrants from Argentina to Spain (COOK-MARTIN and VILADRICH 2009); and for Middle Eastern and Soviet Jewish immigrants in Israel.

<sup>47</sup> Since the Overseas Emigration Act was enacted in 1962, large numbers of South Koreans have emigrated (about 2.5 million by 1999). These emigrants, and especially those in the US, have been increasingly active in calling for more protection and support from, and more rights and participation in, their homeland state.



host states. Yet while this had been possible for Korean Japanese – and, as discussed above, such registration had indeed been strongly urged by the South Korean state – it had been virtually impossible for colonial-era migrants who had settled in China.<sup>48</sup>

Government officials defended this exclusion, arguing that including the Korean Chinese would have entailed protests from China, loss of labor market control, and security risks. The Korean Chinese, however, were able to wage a powerful protest campaign, mobilizing their extensive and cohesive networks as well as a broad coalition of NGOs, policy makers, and scholars. The protesters could draw on rich symbolic resources as well. Their exclusion was at odds with the emotionally resonant and normatively charged vernacular understanding of the term “co-ethnics,” which had been revived during the previous ten years precisely to embrace Korean Chinese as rediscovered “brethren”. The exclusion was also at odds with the recent discursive and institutional practices of the South Korean state, which had begun to incorporate these previously forgotten transborder coethnics in its own representations of the transborder Korean nation.

Most fundamentally, by making 1948 (the year in which South Korea was established) the baseline for determining the initial boundaries of the citizenry, this exclusion was at odds with the founding myth of the postcolonial South Korean state, namely its constitutional self-definition as the sole legitimate successor of the historic Korean polity and the sole representative and custodian of the Korean nation. Colonial-era migrants’ ties to the South Korean state were not collectively acknowledged, but had to be individually documented; and this was nearly impossible for colonial-era migrants who were now citizens of China. This contradiction was the focus of a 2001 Constitutional Court ruling that the Act violated the Constitution by discriminating against “co-ethnics abroad” who migrated before 1948 (Constitutional Court 2001). The tautological element in the ruling is worth underscoring: the judgment on the legitimacy of the specific definition of “co-ethnics abroad” was made on the assumption that there already existed a clearly bounded group of “co-ethnics abroad”, among whom it was not permissible to discriminate. In other words, the court ruling was not merely recognizing

<sup>48</sup> Making former registration as “citizens abroad” a criterion of this status also excluded those Korean Japanese who had registered under the *Chōsen* marker in the Japanese Foreigners’ Registry and later naturalized as Japanese.

a preexisting group, but participating in the post-Cold War construction of “co-ethnics abroad”, indeed in a most powerful, definitive, and binding way.<sup>49</sup>

In response to this ruling, the Coethnics Abroad Act was revised in 2004. The initial definition of “co-ethnics with foreign citizenship” did not change: they were still defined as persons who had been citizens of South Korea and subsequently obtained foreign citizenship. But the revised enforcement ordinance no longer predicated the proof of “the former possession of South Korean citizenship” on registration as citizens abroad, but instead on documentation (of the applicant herself, a parent, or a grandparent) in the colonial-era family registry. As a result, colonial-era migrants in their entirety were *stipulated* to have possessed South Korean citizenship and thereby to be eligible in principle (along with their children and grandchildren) for this membership status. Many Korean Chinese found the new documentary requirement still too onerous (J. Kim 2011). Nevertheless, being consistent with the self-definition of the South Korean state as the successor of the historic Korean polity and with established ways of officially identifying “Koreans”, this new requirement was less vulnerable to constitutional or political challenge.

Beginning with this Act, “co-ethnics abroad” has become the central category around which South Korean transborder membership policies and practices have been reorganized. Various policies have granted “co-ethnics abroad” preferential treatment in access to the territory, labor market, and citizenship. And this official recognition of co-ethnics abroad has found organizational expression in various governmental, semi-governmental, and civil society organizations. Now equipped with a legal status, a sizable naturalized population, ample opportunities for chain migration, and windows for appeal, negotiation, and protest, Korean Chinese are likely to continue to be the focus of transborder membership politics for years to come.

### *Diverging trajectories*

As in the Cold War era, changing macro-regional contexts exhibited certain striking parallels in post-Cold War Germany and Korea. The

<sup>49</sup> This was achieved through a legal narrative which was embroidered with the historical and cultural idioms of Korean nationhood. Koreans from China and the

former Soviet Union were cast in the typical template of victimization, dispersion, and nationalist struggle under an alien regime (Constitutional Court 2001).

relaxation of geopolitical tension permitted German reunification (on West German terms) and promoted new South Korean initiatives towards North Korea, China, and the Soviet Union. The loosening of exit controls in Eastern Europe, the Soviet Union and its successor states, and China generated a large influx of ethnic Germans into Germany and ethnic Koreans into South Korea. And the newly booming South Korean and prosperous German economies were powerfully attractive for other migrants as well. These macro-transformations problematized established membership policies and practices in both cases, triggering political contestations and institutional reconfigurations. But the processes and outcomes of post-Cold War transborder national membership politics again diverged in two key respects.

First, the terms of entry, residence, and citizenship that governed the influx of co-ethnics differed radically, reflecting diverging transborder membership politics during the Cold War era. Thanks to the geopolitically conditioned expansive definition and administration of the “expellee” category in Cold War Germany, ethnic Germans from Eastern Europe and the former Soviet Union entered Germany not as foreigners but as *Aussiedler*, and therefore, legally, as “expellees”, a status that entitled them to all the rights of citizenship, and to a variety of special benefits as well. Ethnic Koreans from China, however, entered South Korea as foreigners, legally assimilated to other foreign workers.

This diverging legacy of Cold War transborder membership policies shaped the contours of post-Cold War membership politics. In Germany, challenges to the exceptional privileges enjoyed by *Aussiedler* took the form of *assimilating* them discursively, legally, and institutionally to “ordinary” immigrants and their descendants. Given the radically changed political circumstances in Eastern Europe, the case for giving ethnic Germans automatic rights of entry (and thereby privileging them over asylum-seekers) or full legal rights of citizenship (and thereby privileging them over the German-born children of guest-workers) was substantially weakened. In South Korea, challenges to the prevailing transborder membership policies took the diametrically opposed form of calls to *differentiate* Korean Chinese from other foreign workers. Given the widely shared understanding of Korean Chinese as long-forgotten transborder kin, their legal status and bureaucratic treatment as foreigners were vulnerable to criticism.

Second, these diverging trajectories of contestation reflected a fundamental geopolitical *asynchronicity* between the cases – an asynchronicity partly concealed by the temporal labels we have used

to organize our argument. The very notion of a post-Cold War conjuncture fits the German much better than the Korean case; the Cold War, after all, has not ended in the Korean peninsula.<sup>50</sup> The point is not simply that German unification and the collapse of the Eastern European and Soviet communist regimes have no close parallel in East Asia. There is also a deeper asynchronicity. German unification was part of a broader geopolitical process involving the end not only of the Cold War but also of the postwar era. This undermined the rationale for the continued privileging of *Aussiedler*. The category “expellee” had been constructed and justified with respect to a single catastrophic event: the vast wave of expulsions that had occurred during the final stages and immediate aftermath of the Second World War (Joppke 2005, chapter 4). During the Cold War, the temporal boundary of that event had been “stretched” in law and administrative practice (by positing a continuing “expulsion pressure” in communist countries); and the category “expellees” had been stretched to include *Aussiedler*. But with the end of the Cold War and the post-war era, the expulsions were now finally seen as over. The historical and geopolitical matrix that had sustained the treatment of *Aussiedler* as “expellees” had dissolved, and the *Aussiedler* category was set on a trajectory towards expiration.

In Korea (and East Asia more broadly), the consequences of the war – and, more fundamentally, in the Korean case, of Japanese imperial domination – are not seen as having played themselves out. This is not simply a matter of the continued division of Korea. It is also a matter of the ways in which ethnic Koreans in China and the former Soviet Union are understood as continuing to suffer from the consequences of Japanese imperial domination, the Pacific War, and the Cold War.<sup>51</sup> Unlike ethnic Germans in Eastern Europe and the Soviet Union, Koreans in China and the Soviet Union enjoyed no special status in, or recognition from, South Korea during the Cold War era. While Eastern European and Soviet Germans had been represented in West Germany throughout the Cold War era as exemplary victims – of Nazi crimes, host state retaliation, and

<sup>50</sup> South Korean initiatives towards rapprochement with the north (appositely called “Nordpolitik”) correspond more closely to the West German *Ostpolitik* of the late 1960s and 1970s than they do to the post-Cold War conjuncture in Germany.

<sup>51</sup> World War II per se – as distinguished from the Pacific War – does not figure conspicuously in the political discourses and

national historiographies of East Asian countries. It was Japan’s territorial expansion into Manchuria and China in the mid-1930s, and its fatal involvement in the Pacific War in the early 1940s, that have constituted key sites of national memory in postwar Japan, China, and Korea, though of course in differing ways (FUJITANI *et al.* 2001).

communist tyranny – Koreans in China and the Soviet Union had been largely invisible in the South Korean public sphere.

When Korean Chinese suddenly and massively reappeared in the early 1990s, their status as exemplary victims was now finally thematized. They were represented as victims of forced or semi-forced migration under Japanese rule, of closed borders, of a communist dictatorship, of long-standing South Korean neglect, and now of the added humiliation of being treated as foreigners in their homeland. While transborder Germans could no longer plausibly be represented as victims in the post-Cold War geopolitical context, Korean Chinese could now quite plausibly be represented as exemplary victims. In Germany, the end of the Cold War marked the *closure* of an episode of transborder membership politics; in Korea, it marked the belated *beginning* of transborder membership politics *vis-à-vis* the long-forgotten “kin” in China. The basic dynamic of political contestation was therefore expansive rather than – as in the German case – restrictive.

### *Conclusion*

The emerging literature on transborder forms of membership and belonging has usefully highlighted the novel ways in which nation-states have sought to establish or sustain ties with emigrants and transborder co-ethnics, the laws and policies that grant such populations rights and privileges in the “homeland” state, and the practices and networks through which emigrants or transborder co-ethnics, for their part, sustain cross-border ties with their “home” societies. But this literature has seldom problematized the possessive pronoun that links nation-states with “their” transborder populations. It has tended to take the existence of such populations for granted, and has not been centrally concerned with the social and political processes through which states identify and constitute some – but not other – transborder populations as “their own”, as populations for whom they have a special responsibility, on whose loyalties and resources they may have particular claims, and for whom they may make available certain rights and privileges. It has not been centrally concerned, that is, with the political construction and legal institutionalization of that possessive pronoun.

If the literature on transborder membership politics has tended to take the existence of transborder populations for granted, this is because it has focused on two configurations in which their identification has been

relatively unproblematic. One is generated by the movement of people over borders, the other by the movement of borders over people. The first configuration includes the relations between emigrant-sending states and their transborder emigrant populations; the second involves the relations between territorially restructured, “downsized” states and their transborder co-ethnics. In both configurations, the possessive pronoun – *their* emigrants, *their* co-ethnics – is relatively unambiguous,<sup>52</sup> in part because the transborder populations in question are not simply emigrants or co-ethnics: they are also either citizens or former citizens of the “homeland” state in question, or the descendants of such persons.<sup>53</sup>

In the cases we have examined here, the identification of transborder populations has been much more complicated and problematic. Migration and changes in frontiers have figured centrally, of course, in the historical processes that engendered transborder national membership politics in these cases, as they have in more familiar cases on which the literature has focused. But neither the German nor the Korean case has involved an unambiguous or unproblematic relation between a state and “its” emigrants or “its” transborder co-ethnics; the possessive pronoun has been much more ambiguous and contested in both cases.

In the German case, the medieval- and early modern-era migrations that created the vast dispersion of German-speaking settlers across Central and Eastern Europe were not migrations from “Germany”, which did not exist as a unified state until 1870.<sup>54</sup> And

<sup>52</sup> We do not suggest that the possessive pronoun is *entirely* unambiguous in such cases; and it becomes more ambiguous when sending states seek to maintain relations not only with persons who have themselves emigrated, but also with their descendants. Moreover, the relatively clear delineation of the transborder population does not, of course, mean that what – if anything – ought to follow from such transborder belonging is unambiguous or uncontested

<sup>53</sup> The transborder population targeted by the Mexican state (FITZGERALD 2006) – an example of the first configuration – includes emigrants from Mexico and their children, most of whom are current or former Mexican citizens or the children of such citizens. This is a relatively well-bounded population. The transborder target population for the Hungarian state (KANTOR *et al.* 2004) – an example of the second configuration – was generated by the radical downsizing of Hungary after the First World War, which left some three million ethnocultural Hungarians

(who had also been citizens of Hungary) on the “wrong” side of new state borders, as residents and citizens of what are today Romania, Slovakia, Ukraine, Serbia, and Austria. Since 90 years have passed since this movement of borders over people, the target population of contemporary Hungary’s transborder membership politics is less clearly delineated than that of contemporary Mexico. But it is *conceptually* clear: it comprises those residents and citizens of neighboring states who continue to identify their ethnocultural nationality as Hungarian, the great majority of them descendants of persons who were, before 1920, citizens of Hungary.

<sup>54</sup> While people who *were* actually emigrants from late nineteenth century Germany – as well as mid-nineteenth century emigrants from the states that united to become Germany – were the object of some public debate, they did not become the focus of a sustained transborder membership politics.

even after the founding of the German nation-state, these widely scattered German-speaking populations neither understood themselves, nor were represented by the German state or German public opinion, as “belonging” to Germany. It was only a complex chain of events that generated the circumstances in which the postwar West German (though not the East German) state defined some (but not all) of these populations as “its” transborder co-ethnics. And the end of the Cold War, the reunification of Germany, and the formal closure of the post-war era rendered this definition contestable and, eventually, obsolete. Transborder Germans were thus only *contingently* and *temporarily* defined as belonging to Germany.<sup>55</sup> The postwar West German state *created* “its” transborder coethnics in particular historical circumstances; in the new circumstances of the post-Cold War era, the reunified German state redefined this transborder population, gradually attenuating, and prospectively ending, its privileged connection to Germany.

The source of ambiguity and contestation in the Korean case was different. The migrations that generated substantial extra-peninsular Korean populations were relatively recent, beginning in the late nineteenth century and continuing throughout the colonial period. These migrants were clearly considered Koreans in vernacular understandings, and the Japanese government reinforced this understanding by defining and administering their colonial subjects in separate family registries, one of which was for Koreans regardless of where they resided. However, the end of the Japanese Empire and the division of Korea newly problematized the question of belonging. Because of the belated development of modern state institutions in Korea, colonial-era migrants had never held Korean citizenship in the modern sense of the term; their connection to the two postcolonial states was therefore legally ambiguous. And competition between North and South Korea politicized the question of which of the two states could validate and enforce its claim to be the “homeland” state for transborder Koreans. In the Cold War era, the South Korean state selectively embraced some Korean Japanese as “its” transborder co-ethnics, but rejected others, and neglected transborder Koreans in the Soviet Union and China. The demise of the Cold War, however, rendered this neglect morally and politically untenable, and the long-forgotten transborder “kin” in China and the Soviet Union came belatedly, though contestedly, to be defined as belonging to South Korea.

<sup>55</sup> For an exploration of the notion of “contingent citizenship”, see CHUNG (2009).

In the literature, both Germany and Korea are often considered classic exemplars of ethnic nationalism; and their transborder membership politics have been cited – especially in the German case – as particularly clear, indeed blatant expressions of this.<sup>56</sup> The literature, that is, has interpreted the possessive pronoun in ethnic terms: the transborder populations of Germany and Korea are seen as “theirs” by virtue of shared ethnicity or ethnocultural nationality. But the complex and contested issues involved in the identification of transborder co-ethnics in both cases should caution us against any simple characterization of these forms of transborder membership politics as examples of ethnic nationalism. Rights and privileges – including immigration rights and citizenship itself – were extended to transborder populations in both cases not in recognition of the claims of ethnonational kinship per se, but in recognition of special ties between specific transborder populations and the preceding German and Korean *politics*.

The insistence of the West German state on a single German citizenship, for example, did not reflect an ethnic understanding of nationhood; the parameters of the single German citizenry corresponded not to the frontiers of an imagined ethnocultural German nation, but to the 1937 borders of the German state.<sup>57</sup> More importantly in the present context, transborder Germans never enjoyed immigration or citizenship privileges by virtue of their ethnocultural nationality alone. The constitutional provision that opened the door to transborder membership was valid only for “expellees”, and the privileges granted ethnic German expellees were constitutively tied to the history of the German state. East European and Soviet Germans, brought into a close relationship with the German state by Nazi discourse, practice, and conquest, were exposed as a result to mass expulsion and retaliation after the war.<sup>58</sup> Occupied Germany – both Western and Soviet zones – accepted responsibility

<sup>56</sup> This literature includes, in the German case, earlier work by the first author of this paper (BRUBAKER 1992). Although the characterization of the German “tradition of nationhood” (and the brief discussion of German transborder membership politics) offered in that work were qualified and relatively nuanced, the author would no longer attribute as much importance to distinctive German or French “idioms of nationhood”. The author agrees with the critique of “straight-line” ethnic nationalist accounts made by JOPPKE and ROSENHEK

(2002), though not with their characterization of his own earlier work (see also BRUBAKER (1998)) as instances of such a “straight-line” account.

<sup>57</sup> The significance of 1937 was that this was the year preceding the first Nazi territorial annexations.

<sup>58</sup> Of course, many transborder Germans welcomed Nazi conquests and actively collaborated with the Nazis; the postwar expulsions, however, were collective, as were many other forms of retribution; they did not spare those Germans who had not collaborated.



for integrating the expellees and granting them fully equal rights as well as special privileges; this was done not out of ethnic solidarity – there was considerable popular resentment of the expellees and their privileges – but for the sake of sociopolitical stability, and under strong Allied pressure.

The privileges subsequently extended to *Aussiedler* by West (though not East) Germany were indeed centrally dependent on formal recognition of German ethnicity; and the legal fiction that treated resettlers as if they were themselves expellees amounted to an open door to immigration and citizenship for transborder ethnic Germans. But even this expansive definition of “expellees” was limited by Cold War politics to ethnic Germans in communist states. It was not simply an expression of an ethnic understanding of nationhood, as much of the literature has assumed, but was driven by a specific combination of transborder nationalism and Cold War anticommunism. Moreover, the legal codification of ethnic membership in Germany was prompted not by ethnic nationalism, but rather by the distinctive manner in which expellees were constitutionally assimilated to citizens in the Basic Law of West Germany. Since “ethnic German refugees or expellees” – for legal-technical and conjunctural political reasons that had little to do with ethnic nationalism – were granted a constitutional status identical to that of German citizens, and since the expellee status was later broadly construed to include ethnic German resettlers from communist countries, it was necessary to define in law and determine in administrative practice who was an ethnic German.

The state figured even more centrally in the Korean case. Neither the Cold War “citizens abroad” category nor the more comprehensive and nominally “ethnic” post-Cold War “co-ethnics abroad” category made reference to ethnocultural characteristics. The target population in both cases was defined by legal characteristics: by registration as a South Korean citizen (in the former case), and by past possession (or parental or grandparental possession) of Korean citizenship, a status retrospectively ascribed to all colonial-era migrants (in the latter). Descent mattered in the latter case: but what mattered was descent from a member of the polity, not ethnic descent per se. Thus while Shin (2006) is correct to underscore the widespread, deeply entrenched and quasi-primordial belief in Korean ethnic nationhood, it was the *political genealogy* of the South Korean state, not the *ethnic genealogy* of transborder population, that grounded the extension of rights and privileges to these transborder “kin”.

Unlike West Germany, South Korea never sought to codify ethnocultural nationality in law or determine it in administrative practice. Ethnocultural nationality was understood as tantamount to and coextensive with membership in the historic Korean polity. This assumption was possible and plausible because of the exceptional political and ethnodemographic stability of the Korean peninsula for nearly a millennium. When large-scale migrations from the peninsula did occur from the late nineteenth century throughout the colonial period, the connection to the historic Korean polity was preserved by the distinctive population registration system adopted by the Japanese Empire. Accordingly, there was no need for specific procedures for ascertaining ethnocultural nationality; it was sufficient to ascertain the legal ties of transborder populations or their immediate ancestors to the present or past Korean polity.

The notion of ethnic nationalism, in short, is too blunt a conceptual instrument to explain the selective and variable ways in which Germany and Korea have embraced transborder co-ethnics. Our analysis has focused instead on the state. In seeking to explain the diverging (and historically changing) contours and trajectories of transborder membership politics, we have highlighted 1) the relationship of transborder populations to predecessor polities; 2) the changing geopolitical contexts and domestic political conjunctures in which transborder membership politics are enacted, contested, and transformed; 3) the constitutive, group-making – and group-unmaking – power of state categorization practices; and 4) the enduring institutional legacies and unintended consequences of such practices.

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### Résumé

L'étude porte sur les changements de politique, pendant et après la guerre froide, de l'Allemagne et de la Corée à l'endroit de membres de leur communauté ethnique, retenus, pour les Allemands en Europe de l'Est et en URSS, pour la Corée, en Chine et au Japon. L'article met en évidence le caractère sélectif, variable, contingent, contesté et révoquant que présente la revendication d'un état vis-à-vis de ses « coethniques ». L'explication met au premier plan les relations des minorités transfrontalières avec les régimes politiques précédents, les changements géopolitiques, la conjoncture intérieure, la constitution, ou non, de catégories par le pouvoir d'état et, enfin, le poids des legs institutionnels et des conséquences inattendues de toutes ces pratiques.

*Mots clés:* Citoyenneté ; Appartenance ; Nationalisme ; Transnationalism ; Allemagne ; Corée.

### Zusammenfassung

Dieser Aufsatz untersucht die sich wandelnden Politiken gegenüber koethnischen Minderheiten jenseits von Staatsgrenzen (Deutsche in Osteuropa und der ehemaligen Sowjet-Union sowie Koreaner in Japan und China) während der Hochzeit des kalten Krieges sowie in der Epoche danach. Der Aufsatz trägt zur sich entwickelnden Diskussion über grenzüberschreitende Formen von Mitgliedschaft und Zugehörigkeit bei, indem er die selektive, variable, kontingente, umstrittene, und widerrufbare Art und Weise heraushebt, in der Staaten koethnische Minderheiten jenseits ihrer Grenzen miteinbeziehen. Dies geschieht in Abhängigkeit der Beziehungen zwischen Vorgängerstaaten und diesen Minderheiten; sich verändernden geopolitischen Kontexten und binnenpolitischen Umständen; der konstitutiven, gruppenbildenden – und gruppenauflösenden—Macht staatlicher Kategorisierungspraktiken; dem dauerhaften institutionellen Erbe und den nicht-intendierten Folgen solcher Praktiken.

*Schlagwörter:* Staatsbürgerschaft; Zugehörigkeit; Nationalismus; Transnationalismus; Deutschland; Korea.