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Non-Citizens Protests in Germany since the 1980s

Abstract

This article focuses on three specific episodes of non-citizen protests in the Federal Republic of Germany. The common characteristic of these protests, fought out by different groups in different contexts and at different times, was a "claim to the political," which were made visible through a demonstration of a precarious civil rights status. Embedded in a long history of racial knowledge about the German and its *Other*, these migrant protests indicate how essential "performative forms of power" are for individuals and groups without the specific political rights that remain the prerogative of nation-bound citizens. Special attention is paid to transgressions that delegitimized these non-citizen protests even in the eyes of some of their supporters and to actions that are considered illegal by established law, and are thus classified as unwelcome. Instead of providing a closed narrative or recounting the history of migrant protests, the goal here is to add more pieces to the unwritten history of the (ongoing) migrant civil rights movement in Germany.

Keywords: *Migration history, migrant agency, racism, political rights, migrant protest, civil rights movement; Germany; twentieth century; twenty-first century*

Surveying an Uncharted Field

Migrants as protesters are rare figures in the German historiography. They mostly appear as participants in union strikes or as perpetrators of unauthorized strike actions and even then, mostly as a special group within the workforce. Aside from a few specialized studies, migrant agency, subjectivity and even their overall contribution to the respective incidents are rarely examined. At the same time, some of those specialized studies, such as Simon Goeke's recent "We are all foreign workers!," have demonstrated just how pivotal the struggles of *guest workers* were for labour conflicts in West Germany in the 1960s and 1970s and how they impregnated the overall political culture of the time.[1] In parallel, Quinn Slobodian's work has illuminated the triggering and

1 Simon Goeke: "Wir sind alle Fremdarbeiter!": Gewerkschaften, migrantische Kämpfe und soziale Bewegungen in Westdeutschland 1960–1980, Paderborn 2020.

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formative role of so-called third world activism on the German student protest movement since the 1960s, upending the established "all-Western" narrative.[2]

In short, migrant workers' struggles and the public actions of emigrees are the only issues that evoke at least some interest in the German historiography.[3] Conversely, German ethnographers and sociologists have widened the field with contributions on the protests by refugees that peaked in 2012.[4] Many understood themselves as scholar-activists accompanying the protest movement that spread from Germany to other European countries, as it took on a new urgency during the "Sommer der Migration" (the "summer of migration 2015"), and the "March of Hopes," the autonomous movement of refugees along the Balkan Routes to the "Global North of the EU"—as they were coined by these scholars, in clear distinction to the mainstream term "Flüchtlingskrise" (refugee crisis).

These relatively recent protests centred around basic rights in their interconnection to spatiality: the right to move, the right to be present, the right to an opinion and to express it in the specific locality one wishes to cohabitate with others. From a historical perspective, the question arises as to how novel these migrant protests really were. Their visibility in academic accounts surely is a consequence of their intensity and new organizational strength, enhanced by the widespread use of both the internet, including blogs and ad hoc websites announcing protest actions and releasing statements, and mobile phones, securing communication between protesters mostly

2 Quinn Slobodian: Foreign Front: Third World Politics in Sixties West Germany, Durham 2012.

3 Or in the historiography on Germany, at least in terms of the political activity of migrants. See, for example: Alexander Clarkson: Fragmented Fatherland: Immigration and Cold War Conflict in the Federal Republic of Germany, 1945–1980, New York 2015. Other English language literature displaying (work) migrants' overall agency outside of protest: Christopher A. Molnar: Memory, Politics, and Yugoslav Migrations to Postwar Germany. Bloomington 2018; Miller, Jennifer A.: Turkish Guest Workers in Germany: Hidden Lives and Contested Borders 1960s to 1980s, Toronto 2018.

4 There are several works that deal with these protests. A selection: Maurice Stierl: Migrant Resistance in Contemporary Europe, New York 2019; Daniel Bendix: Jenseits von Externalisierung und Integration—Refugee-Aktivismus und postkoloniale Dezentrierung der Kritik globaler Ungleichheit. Working Paper der DFG-Kollegforscher_innengruppe Postwachstumsgesellschaften, Nr. 3/2018, Jena 2018; Helge Schwiertz/Abimbola Odugbesan: 'We Are Here to Stay'—Refugee Struggles in Germany Between Unity and Division, in: Sieglinde Rosenberger/Verena Stern/Nina Merhaut (eds.): Protest Movements in Asylum and Deportation, 2018, pp. 185–203, at: https://doi.org/10.1007/978-3-319-74696-8 (accessed on 14 September 2020); Helge Schwiertz: 'Für uns existiert kein Blatt im Gesetzbuch.' Migrantische Kämpfe und der Einsatz der radikalen Demokratie, in: Stefan Rother/ Uwe Hunger/Roswitha Pioch (eds.): Migration und Demokratie, Wiesbaden 2016, pp. 229–254; Christian Jakob: Die Bleibenden. Flüchtlinge verändern Deutschland, in: Aus Politik und Zeitgeschichte 14-15 (2016), pp. 9–14.

living in transitional situations. Furthermore, the fact that these protests were widely noted at the time and continue to be remembered is also a result of the growing solidarity and activism of supporters, the broad media coverage, and the aforementioned interest of outspoken scholar-activists. These factors promoted public awareness and increased political pressure, reinforced by the protesters themselves. Nonetheless, the issues, the form, and even the radicality of these migrant protests were not unprecedented, but part of a longer history developing around the question of the migrant and their rights.

Two immigrant women, Hannah Arendt and Seyla Benhabib, coined the phrases—and normative imperatives—the "right to have rights" and the "rights of the others" in order to elevate the issue of the political rights of migrants to one of the essential moral, philosophical and political theory-problems of the twentieth and the beginning of the twenty-first century.[5] This holds particularly true for the stateless and refugees who potentially have no (political) rights anywhere, and are, as Arendt herself experienced it, "worldless."[6] But it also applies to other migrants, who—temporarily, enduringly or even for their entire lives—do not enjoy full civil rights despite permanently residing in a democratic state. Arendt called citizenship the "grand leveller," the tool that transforms all individuals—who are per se different and unequal—into equals: According to Arendt, in 1949, we need a group to grant us the right to be equal. Without citizenship and consequently without the right of opinion and action in a given place on earth, we lack this equality. Arendt therefore considered this—being part of a political community as a kind of a "non-national citizenship"—to be the sole human right.[7] In other words, every individual should have "an equal claim to political activity," or as Seyla Benhabib has called it (following Étienne Balibar): a claim to "*equaliberty*—that is, the equality of speech partners and their equal freedom to say 'yes' or 'nay.'"[8] In her own work, Benhabib postulates "the right to membership and citizenship as a human right."[9]

Even belonging to the sovereign in a democracy, the "people"—an entity continuously in the process of being named and renamed—is no guarantee for being able to access power and thus having full rights. Various groups in a society struggle within social movements to expand what is meant "when we say 'we,'" (as per Judith Butler), so as to obtain sufficient power to grant or secure their own rights. Butler

5 Hannah Arendt: Es gibt nur ein einziges Menschenrecht, in: Die Wandlung 4 (1949), pp. 754–770; Seyla Benhabib: The Rights of Others: Aliens, Residents and Citizens, New York 2004.

6 Seyla Benhabib: From the 'Right to have Rights' to the 'Critique of Humanitarian Reason,' in: Seyla Benhabib: Exile, Statelessness, and Migration, Princeton 2018, p. 110.

7 Hannah Arendt: Es gibt nur ein einziges Menschenrecht, p. 765.

8 Seyla Benhabib: Exile, Statelessness, and Migration, p. 108.

9 Ibid, p. 112.

splits Arendt's "right to have rights" into "plural rights" that de facto must be enacted for the sake of a liveable life for all groups contending to be part of this "we."[10] In Butler's view, public assembly is one way to at least try to do so. Public assembly is a "performative form of power," not necessarily consisting of speech acts, but of bodily enactment. Going out in the streets, demonstrating, occupying places and spaces are embodied forms of action that enact "a claim to the political."[11] This holds especially true for those living precarious lives, as public protests offer them "ways of expressing and demonstrating precarity."[12]

Non-citizens are precarious in various respects, and they are, by definition, outside of the "we." In this article, I will focus on three specific episodes of migrant protest in the Federal Republic of Germany that can be understood—or in the first case were even self-named—as non-citizen protests claiming the political by expressing publicly the precarious civil rights status of the respective group. Embedded in a long history of racial knowledge about the German and its *Other*, the *Ausländer*, the divide between citizens and non-citizens in the German migration regime, as well as these seemingly neutral legal definitions are far from innocent. Instead, their binary relationship is the foundation of a system structured along a hierarchy of origins mirrored in the legal status and social situation of the various groups in question. Non-citizen protests in the German context are thus manifestations of the entangled histories of migration, racism and democracy in Germany.

In this article, I will pay special attention to those transgressions that delegitimize non-citizen protests even in the eyes of their supporters or being, according to established law, illegal and in consequence unwelcome. In looking into these cases I do not claim to provide a closed narrative or to recount the history of migrant protests in Germany. Therefore, even prominent—though individual—radical protest actions as those of Semra Ertan and Cemal Kemal Altun are not included. This article also does not discuss the complex interdisciplinary issue of citizenship/non-citizenship. It is rather an attempt to add new facets to the yet to be written history of the migrant civil rights movement in Germany.

10 Judith Butler: Notes Toward a Performative Theory of Assembly, Cambridge 2015, p. 66.
11 Ibid, p. 6, p. 18.
12 Ibid, p. 10.

Non-Citizens 2012/13

"With their presence alone, many participants are breaking current law," reported a digital journal in March 2013 about the "Refugee Struggle Congress" in Munich, where 300 activists had come together at the peak of the refugee protests.[13] In February, Houmer Hedayadzadeh, representative of one of the leading protest groups that had emerged approximately a year earlier, pointed out, in a feature on Nurnberg community radio, that this congress was self-organized by refugees from eleven German cities, who had been cooperating since the protest march to Berlin in the summer of 2012, which was followed by an ongoing occupation of Oranienburger Platz, a public square in Berlin, as well as various other locations in the city. Hedayadzadeh represented the "Independent Committee of Non-Citizens," a group of mainly Iranian refugees that split from the "O-Platz" protest camp. In October, they went on hunger strike by sewing their lips together and sitting in the vicinity of the Brandenburg Gate in midst of throngs of tourists, literally in the centre of the German capital. Their radicality played a decisive role in the successes achieved by the protest movement—the most significant of which was the partial abolition of the *Residenzpflicht* (residential obligation) in 2014—a regulation that was nonetheless re-instated for certain refugee groups who arrived in 2015 and later—but also in creating a target for the delegitimization of the movement as a whole.

The *Residenzpflicht*, a provision unique in Europe, forbade asylum seekers from leaving their arbitrarily assigned place of residence without a permit, meaning that they were not allowed to leave the *Landkreis* (district) or, in the most generous cases, the *Bundesland* (state) depending on the respective state regulations, without permission. In consequence, many refugees whose asylum claims were still pending and nonetheless attended the congress in March 2013 without being residents of Munich, were committing a criminal offence simply by being there. Some of the refugee protesters, mostly spokespeople or leading figures known to the media, paid the price for their public breach of law, which for some included marching the 600 kilometres from Würzburg to Berlin or, in some instances, demonstratively tearing their identification papers apart in front of the cameras. Patras Bwansi, a Ugandan asylum seeker who played a prominent role in the Berlin protests and was assigned to live in Passau, was one of the many activists who was either threatened with jail time or was actually detained for disregarding the *Residenzpflicht*.[14] The issue of the *Residenzpflicht* was just

13 Stefan Aigner: Der Gemeinsame Schmerz der Nichtbürger, in: regensburg-digital, 4 March 2013, at: www.regensburg-digital.de/der-schmerz-der-nichtburger/04032013/ (accessed on 3 September 2020).

14 Christian Jacob: Auf Konfrontationskurs. Der "Refugee Strike" geht weiter, doch innerhalb

one, albeit very substantial, difference between the various groups of protesters in the refugee movement—a sharp line dividing citizens from non-citizens, refugees from supporters. It also prompted the most radical group, which had sparked the protests in the first place, to declare the relationship between non-citizens and citizens as the main issue of the Munich gathering, as Hedayadzadeh emphasized in his radio interview.[15]

The protests had been motivated by the suicide of Mohammad Rashepar, an Iranian asylum seeker, in January 2012 in an Würzburg *Asylantenheim* (refugee centre), housed in a former military barrack once named the "Adolf-Hitler-Kaserne."[16] Rashepar ended his life out of despair in response to the terrible living conditions in the "Lager" (camp), as well as the uncertainty and interminability of the asylum process. His was a situation confronting thousands of asylum seekers in Germany, which was continually highlighted during the German wide refugee protests following of this suicide. In 2012, the number of asylum claims was relatively low—approximately 80.000—since Germany was, beginning with the establishment of so-called "Asylum Compromise" in 1993, effectively surrounded by a cordon sanitaire that made it nearly impossible for refugees even to reach German territory. Living conditions and the duration of the asylum process have been a major element of organized refugee protests since 1994, when a group of asylum seekers mainly from Africa formed The Voice, the first self-organization of refugees in Germany in a camp in Mühlhausen in Thuringia, near Jena. As their current iteration, The Voice Refugee Forum, states:

> We have been organizing in protest against criminalisation, racial profiling, police brutality (campaign for Oury Jalloh), discriminatory laws and social exclusion and we defend ourselves against institutional and societal racism. Central to our political activity have always been the protest against deportation, for the abolition of Residenzpflicht and for the closure of refugee isolation camps in Germany.[17]

der Bewegung gibt es Kritik, in: Jungle.World 13 (2013), 28 March 2013, at: https://jungle.world/artikel/2013/13/47409.html (accessed on 3 September 2020).

15 Refugee Struggle Congress: Feature in Stoffwechsel-Magazin, 6 February 2013, Radio Z Nürnberg, at: http://radio-z.net/de/radioprogramm/gesellschaft-%C2%ADbeitraege/topic/138345-%C2%ADrefugee-%C2%ADstruggle-%C2%ADcongress.html?%20lang=de (accessed on 3 September 2020).

16 Christian Jacob: Auf Konfrontationskurs. According to the WürzburgWiki, the complex has been used since 1992 as refugee camp; prior to that, the U. S. military used it as a barracks for its soldiers, at: https://wuerzburgwiki.de/wiki/Emery_Barracks (accessed on 3 September 2020).

17 The VOICE Refugee Forum—A Network of Refugee Community Initiatives in Germany, 13 July 2016, at: http://thevoiceforum.org/node/4201 (accessed on 8 September 2020). For a description of the Oury Jalloh case, see: Death of asylum-seeker Oury Jalloh: German

The "Lager system" produced precarious existences within one of the wealthiest countries on earth, although asylum seekers mainly were housed in the outskirts and preferably out of sight of the population. Asylum seekers themselves experienced this discrepancy, living in terrible conditions, with little to do (and barred from working), worrying about families left behind and even forbidden from trying to decorate their meagre spaces (by rescuing a chair from the bulk trash on the sidewalk, for example) or receiving a visitor.[18] In many cases, these living situations lasted for several years because of the complexities of the asylum process, as well as the ever-present dichotomy between the letter of the law and the political and societal will to actually apply it. This deliberately created precarity was part of a system inherent to the German asylum and refugee regime.

The actual application of its legal foundation, the asylum paragraph in the German Basic Law and the Geneva Convention, was more or less imposed on the new Federal Republic of Germany by the Allied High Command in 1951 after the near-complete repatriation and resettlement of Displaced Persons as a prerequisite for retaining sovereignty over its foreigners policy (Ausländerpolitik). As the number of so-called "Afro-Asians" or "non-European refugees" grew steadily in the 1970s and non-Europeans began to request asylum alongside the refugees from Eastern European and other communist countries, they were quickly framed as "Scheinasylanten" (bogus asylum seekers). The German asylum system has been restricted ever since, through legal measures such as the implementation of strict visa requirements and the definition of so-called "safe states of origin" (whereby an asylum claim can be more easily categorized as unfounded), as well as a restriction of the benefits available to asylum seekers, such as restrictions on the right to work and the replacement of cash benefit payments with support in kind. Simultaneously, certain refugee groups have been singled out as humanitarian quota refugees to be given preferential treatment.[19] The precarity of this system has its own long history, although each new arrival certainly experiences it individually again and again and possibly at various scales, depending on their respective context.

After the suicide of their friend in 2012, ten Iranian asylum seekers came together to form the core of the protest movement, announcing a hunger strike at a protest camp in the city-centre of Würzburg on their blog "GUstreik." They demanded their

investigators slam police, courts and politicians, at: https://www.dw.com/en/germany-asylum-seeker-dessau-oury-jalloh/a-54727651 (accessed on 26 August 2021).

18 Author's Interview with 'Mohammed' (pseudonym) from Somalia, as part of the Oral History Project "Alle Wege führen nach Mannheim," 10 July 2012, Transcript, p. 14, in: MARCHIVUM, Zug. 9/2014, Nr. 15.

19 Maria Alexopoulou: Zweierlei Übergang. Wohnen für "volksdeutsche" Aussiedler*innen und "asylsuchende Außereuropäer" in den 1970er Jahren, in: Werkstatt Geschichte 81 (2020), pp. 85–99; Patrice Poutrus: Umkämpftes Asyl. Vom Nachkriegsdeutschland bis in die Gegenwart, Berlin 2020.

immediate recognition as political refugees and the betterment of living conditions for all asylum seekers in Bavaria and in Germany through the dissolution of the communal accommodations they compared to prisons: "If a German state [i. e. Bavaria] approves such inhuman living conditions" — like the ones that led to Rashepar's suicide — "then we choose to go on the path to our deaths publicly."[20]

27 March 2012 marked the beginning of a long succession of alternating phases of hunger strikes, "dry" hunger strikes, and the sewing of lips by a growing group of asylum seekers, including an Iranian woman at the end, and negotiations with city officials and other political representatives, appeals to the courts to maintain the protest camp in the pedestrian mall and the fast-tracking and eventual granting of asylum to most of the protesters. At the same time, quite contradictory statements and interpretations of the events were disseminated by strikers, decisionmakers, and the mainstream and alternative leftist media. While the refugees understood their activities as the beginning of a struggle, the authorities assumed that when the core of the protesters had reached their goal, *Bleiberecht* (the right of residence), the protests would end.[21] After the protests intensified despite asylum decisions in favour of the protesting individuals, mainstream media increasingly painted a picture of a small group of extremists gambling away any sympathy the public might have had for the refugees and their cause.[22]

As the days and weeks passed, an ever-growing solidarity campaign evolved around the Würzburg protest camp, bringing together additional ad hoc protest groups, pre-existing refugee initiatives and local union, political party, and NGO branches. The number of demands also increased: An announcement for one of the many demonstrations in support of the protest camp in mid-May already listed ten points, including the call to end the *Residenzpflicht* and the allotment of food packages (instead of cash support), just to name a few.[23]

On 13 June, ten days after seven of the hunger strikers had sown their lips together, they explained their motivation in their twenty-seventh press release on the eighty-eighth day of the protest camp:

20 Erste Pressemitteilung seitens iranischer Asylbewerber der Stadt Würzburg (Bayern, Deutschland), 27 March 2012, at: http://gustreik.blogsport.eu/page/12/ (accessed on 3 September 2020), translated by the author.

21 Stefan Aigner: Würzburg: Falsche Eindrücke und dubiose Rathaus-Deals/ UPDATE: Stadt widerspricht Aussagen der Flüchtlinge, in: regensburg-digital, 25 July 2012, at: www.regensburg-digital.de/wurzburg-falsche-eindrucke-und-dubiose-rathaus-deals/25072012/ (accessed on 7 September 2020).

22 Olaf Przybilla: Asylbewerber nähen sich die Lippen zu, in: Süddeutsche Zeitung, 4 June 2012, at: www.sueddeutsche.de/bayern/spektakulaerer-protest-in-wuerzburg-asylbewerber-naehen-sich-die-lippen-zu-1.1374149 (accessed on 5 September 2020).

23 Demo am 12.5.12 in Würzburg, 7 May 2012, at: http://gustreik.blogsport.eu/page/7/ (accessed on 3 September 2020).

> We are no masochists. Our movement cannot be easily dismissed as a folly. In stopping our protest alone, the problems inherent to the German asylum system will not be resolved. […] The government and the public must know that we are individuals, who struggled for freedom in our homeland. We will do so here and now, too. Political activity is no drug that we can give up, and freedom is something that we cannot forget. We will continue our protest—as announced.[24]

A few days later, their e-petition to the German *Bundestag* stating their demands was posted online.[25] Meanwhile, refugees in other locations also went on hunger strike, and in some communal accommodations, refugees refused to consume their food packages. Regensburg, Aub, Berlin and Düsseldorf were some of the new hotspots of refugee protest.[26] On 9 August, the blog announced a "Refugee Protest March from Würzburg to Berlin" coordinated in Frankfurt representatives of several ad hoc groups and organizations like the Caravan and The Voice to begin September 2012:

> We are organizing to break the isolation on a nationwide mobilizzation [sic] against deportation and Lager protest to close down the refugee camps and to break the Residenzpflicht restriction […] all over Germany.[27]

The various actions in Berlin, where the march arrived in October, attracted unprecedented media attention and led to the formation of novel self-organizations like the "International Women Space"[28] and continued until 2014. The original core group—that did not always consist of the same individuals, as several of them were granted political asylum during the protests—after their hunger strike at Pariser Platz, the square facing the Brandenburg Gate, subsequently focused on the next step: their congress in Munich. They wanted to discuss their new self-designation as non-citizens, a term they came up after their year-long experiences of massive, intense, illegal and often life-threatening protests alongside citizen-supporters.

24 27. Pressemitteilung der hungerstreikenden iranischen Flüchtlinge in Würzburg, 13 June 2012, at: http://gustreik.blogsport.eu/page/5/ (accessed on 3 September 2020).

25 28. Pressemitteilung seitens der hungerstreikenden iranischen Asylwerber in Würzburg, 18 June 2012, at: http://gustreik.blogsport.eu/page/4/ (accessed on 3 September 2020).

26 See, as example, the website of the Düsseldorf Protest: No Border Camp 2012, at: http://noborder.antira.info/de (accessed on 10 September 2020).

27 Press Release—Refugee Protest March from Würzburg to Berlin!, 9 August 2012, at: http://gustreik.blogsport.eu/ (accessed on 3 September 2020).

28 This self-organization consisting solely of women was founded during the occupation of the Gerhard-Hauptmann-Schule in Berlin, where women had claimed a whole floor as their own secure space. The organization still exists and has also published a number of books, including: International Women Space (ed.): We Exist, we Are Here. Refugee Women in Germany tell their Stories, Berlin 2018.

This congress was particular insofar as the organizers attempted to apply their concept of citizen/non-citizens during the proceedings themselves: on the third day, the plenum was divided in a section assigned to citizens—everyone with a residence permit or German citizenship—and a section assigned to non-citizens—refugees waiting on ongoing asylum claims or rejected refugees with a *Duldung* (a temporary suspension of an ostensibly legal deportation). This arrangement raised the ire and disgust of some citizen-supporters and caused disappointment in others. These critics were obviously unwilling to recognize either the method or the theory the organizers had chosen in their efforts to challenge the inherent problem in the relationship between supporter and supported: the often discussed and problematized imbalance of power between benevolent—and usually privileged—members of the majority and the marginalized minority they hope to support.[29] Especially those who had long been active in the migrant rights movement in Germany, among them also other immigrants, should have known better—far better than the newly arrived non-citizens—that a distinguishing feature of migrant political activity in Germany had always been the internal struggle against the paternalistic practices of non-migrant supporters. Since the 1970s, the *Ausländerfreunde* (friends of foreigners), and later the "*Multikulti*"-enthusiasts (multi-culturalism), often spoke for and decided for migrants, while churches and welfare organizations cared for them, and social-democratic institutions let them at least partly participate from the second row. As a whole, supporters were not prone to sharing privileges and power with those they hoped to support—an issue not confined to Germany. Correspondingly, The Voice's homepage cites aboriginal activist Lilla Watson's self-presentation of her political work: "If you've come to help me, you're wasting your time. But if you've come because your liberation is bound up with mine, then let us work together."[30]

Over the course of the year 2012, the non-citizens learned the hard way that even anti-racist and radical-left supporters were not immune to these paternalistic habits. Accordingly, they explicitly asked journalists on the first page of the congress's press kit to focus on the activities of the refugees and to mainly interview refugees instead of their supporters.[31] The paternalistic stance of certain supporters was eventually illustrated in various unfavourable reactions. In an article published in the alternative journal *Jungle.World*, two well-known scholars embedded in the academic German anti-racism discourse suggested that, through their dichotomization of citizen/

29 Maurice Stierl: Migrant Resistance in Contemporary Europe, pp. 41–45. Stierl was present at the conference and also cites from his notes.

30 The VOICE Refugee Forum—A Network of Refugee Community Initiatives in Germany (accessed on 8 September 2020).

31 Informationen für die Presse. Let's Push it Forward! Struggle! Unity! Resistance!, at: https://refugeecongress.files.wordpress.com/2013/01/pressemappe-kongress.pdf (accessed on 7 September 2020).

non-citizen, the non-citizens were simply reproducing the categories inherent to the German foreigners law. They thus did nor grasp the different categories of race, class and gender or understand the German history of antisemitism and colonialism—allegations that traditionally have the power to silence debate, as the authors should have been well aware of, in Germany.[32] Full of academic tropes and theory-laden innuendos, this critique was not only an altogether inappropriate answer, but also did not address the embodied form of action engaged in by this group, who as individuals had gone so far as to use their own bodies as weapons, having assessed them as the only political instruments at their disposal for enacting *their* "claim to the political" and for acquiring the right "to say yes or nay." In addition, the non-citizens were not concerned with racism; they acknowledged that all groups "not from here," even those who were German citizens—still "second class citizens"—or in possession of a residence permit as recognized asylum seekers, suffered from racist discrimination.[33] Their protest targeted the fact that, as non-citizens, they were restrained from entering the "space of rights" although they were already bodily present in that space and wanted to cohabitate it.

A further rupture occurred as the statements and phraseology of the non-citizens increasingly took on a clearly anticapitalistic and communist tone—leaving behind or even openly renouncing classic anti-racist stances—as their exegesis was mainly based on class. Many initiatives used the slogan "We are here, because you destroy our countries."[34] While non-citizens shared this belief, they emphasized the role of capitalism as the driving force behind colonialism and neo-colonialism, instead of racism as other self-organizations and supporters did.[35] In enacting *their* "claim to the political" they formed their own theorical foundations, applied their own ideological beliefs, and asked "citizens [to] respect the agency of non-citizens and the principles of self-organization."[36] In the end however, their protest was delegitimized altogether by the consequent enactment of this claim.

Before that point arrived, the non-citizens began their most controversial action in June 2013: a dry hunger strike with sewed lips, with many individuals transported by ambulance to hospital after they collapsed. The protest was staged at the *Rindermarkt*

32 Vassilis Tsianos/Bernd Kasparek: Too much love. Von "Non-Citizens" und ihren "Supportern." Über problematische neue Begriffe im deutschen antirassistischen Diskurs, in: Jungle. World 30 (2013), at: https://jungle.world/artikel/2013/30/too-much-love (accessed on 5 September 2020).

33 On the Position of "Asylum Seekers" and Asylum-Seekers' Struggles in Modern Societies, 18 March 2013, at: https://refugeecongress.wordpress.com/ (accessed on 5 September 2020).

34 Daniel Bendix: Jenseits von Externalisierung und Integration, p. 1.

35 Struggle Collective: Lessons from the Struggles. A Collage, in: movements. Journal für kritische Migrations- und Grenzregimeforschung 1:1 (2015), pp. 1–23.

36 On the Position of "Asylum Seekers" and Asylum-Seekers' Struggles in Modern Societies (accessed on 7 September 2020).

in Munich, one of Germany's most affluent and chic cities, and displayed in public the extent to which non-citizens felt subjected to their "civil rights precarity" by using their bodies as political means. In announcing that they were ready to use their bodies like Holger Meins (the Red Army Faction member who died in a hunger strike in 1974), they sided with a political tradition West German society had more or less renounced.

Accordingly, after the police evicted the protesters' tent, the liberal *Zeit Online*—to cite but one example—portrayed one of the group's speakers, Ashkan Khorasani (by then a "citizen" as his asylum claim had been recognized, and who was in Munich supporting the non-citizens), as a fanatic. The article asked whether activists of the extreme left had instrumentalized the refugees for their abstract political aims. Many observers were surprised or even disgusted by the radicality displayed during the hunger strike. Anne Hahn, "an engaged refugee-helper from Passau, who for years had successfully fought for the residency rights of her fosterling, the young Afghan Ismail Afzali," was quoted as saying, "I am truly on the side of refugees in many instances. But the demands of this leader overstep the mark. More freedom for the asylum seekers and a higher quality of living are justified claims—but not through such radical conduct."[37] In an article published by the conservative *Frankfurter Allgemeine Zeitung*, the protest was portrayed as the actions of a radicalized communist.[38] After another occupation in Munich—this time in the offices of the *Deutscher Gewerkschaftsbund* (German Federation of Trade Unions), the group was denounced as five radical Iranian activists who used other refugees for their sinister plans.[39]

Mainstream media did not discuss, and mainstream society possibly did not understand or simply ignored, the kind of precarity and the claim to the political these young people displayed publicly. In *Jungle.World*, Ashkan Khorasani stated: "In Munich, refugees coined the term non-citizen. Why? Non-citizens chose a designation for themselves that they want to be referred to as. This was the first step toward self-empowerment."[40]

37 Georg Etscheit: Radikaler als die Polizei erlaubt, in: Zeit Online, 30 June 2013, at: www.zeit.de/gesellschaft/zeitgeschehen/2013-06/muenchen-fluechtlinge-protest (accessed on 6 September 2020), translated by the author.

38 Albert Schäffer: "Der Rechtsstaat lässt sich nicht erpressen," in: Frankfurter Allgemeine Zeitung (FAZ), 2 July 2013, at: www.faz.net/aktuell/politik/inland/hungerstreikende-asylbewerber-der-rechtsstaat-laesst-sich-nicht-erpressen-12268491.html (accessed on 11 September 2020).

39 Justus Bender: Maximalprotest im Partykeller, in: Frankfurter Allgemeine Zeitung (FAZ), 11 September 2013, at: www.faz.net/aktuell/politik/inland/asylbewerber-maximalprotest-im-partykeller-12569339-p2.html (accessed on 11 September 2020).

40 Sebastian Loschert: "Ein Hungerstreik ist kein Scherz." Ashkan Khorasani im Gespräch über den Hungerstreik der Flüchtlinge in München, in: Jungle.World 28 (2013), 11 July

An online proclamation of the group—which most likely no longer exists as a group—reads like a manifesto for this self-designation:

> We are those asylum seekers who, within the capitalist societies of European countries, position ourselves as non-citizens. Non-citizens who live in inequality to citizens, who live somewhere outside of Europe's citizen-based societies. Citizens, who because of their citizen-position and nothing else, enjoy all the basic rights, such as the right to work, the right to education, to freedom of movement, and the right to choose one's place of residence freely. We, non-citizens, are deprived of these fundamental rights, and hollow claims to upholding 'human rights' and slogans by the so-called 'democratic' governments of Europe don't hold true for us. They are non-existent for us because we are not citizens who fit into the ridiculous 'human rights' discourse, as fellow people who 'belong.' In order to transform our survival into actual living, in order to become 'human' and have the same rights as other humans, we must move from the position of non-citizens and become citizens.[41]

In this case however, "willing the impossible," as Judith Butler suggested at about the same time in another context,[42] was not only unsuccessful, but also proscribed.

"Save the election" 1998

The satirical protest action organized by a migrant self-organization in Mannheim in 1998 was nowhere near as tabooed or a product of "willing the impossible" as the actions of the non-citizens in 2012—although it was a criminal offence, and it was embedded in the divide between citizen and non-citizen. The vast majority of the former *guest workers* who had made Germany their permanent home were not German citizens by 1998. Instead of being accepted as immigrants (*Einwanderer*) since the 1980s, they were fixed as foreigners (*Ausländer*) and as a new, permanent societal group with a lesser civil rights status called *ausländische Mitbürger* (alien fellow-citizens) at least by well-meaning members of the majority society. This was also the case for their children, the "second generation," who had been born as *Ausländer* in Germany (as this status was hereditary) or had immigrated via a family reunification scheme. Im-

2013, at: https://jungle.world/artikel/2013/28/ein-hungerstreik-ist-kein-scherz (accessed on 6 September 2020).

41 Non-Citizens' big Demonstration: I rebel, therefore I exist, 31 May 2013, at: https://refugeecongress.wordpress.com (accessed on 5 September 2020).

42 Ray Filar: Willing the impossible: an interview with Judith Butler, in: openDemocracy, 23 July 2013, at: www.opendemocracy.net/en/transformation/willing-impossible-interview-with-judith-butler/ (accessed on 6 September 2020).

migrants and their offspring, partly including a third generation, often felt or referred to themselves as second-class citizens, although they were not citizens of Germany to begin with. While it was possible to acquire German citizenship, as some immigrants had done, the German government's active denial of its own reality as a "country of immigration" with all its attendant side-effects had created an anti-naturalization discourse and restrictive administrative practices that were often difficult to overcome. Accordingly, naturalization quotas were extremely low in Germany compared to other Western industrial nations with higher immigration rates.[43]

In 1992, a group of young migrants of various origins, several of them university students, established a self-organization to challenge the political reality of Germany's immigration society that caused a sensation with its simultaneously satirical and highly political actions. In two consecutive years, 1994 and 1995, they successfully conducted a "Feast of the German *Mitbürger*" (fellow-citizen) with German marching music, Bavarian dances and *Sauerkraut*.[44] In so doing, they caricatured the "feast of the foreign fellow-citizen," which had taken place annually since 1980, organized by churches, welfare organizations, municipalities and other professionals dealing with *Ausländer* in cooperation with migrant associations. The *Unmündigen*, the nonage (sometimes translated as the immature, since "unmündig" refers to the inability to legally speak and decide for oneself due to age or disability),[45] as the group called itself, disapproved of these events, as they cemented cultural essentialism and functioned as a distraction from the real problems of the German immigration society, namely racism and the denial of full civil rights. In particular, the *Unmündigen* criticized the *Ausländerfreunde* (friends of foreigners)—all those supportive groups, initiatives, institutions and professionals—who spoke and decided in a paternalistic manner on behalf of the *Ausländer*, instead of sharing power and rights.[46]

The group first gained attention and a mention in a local newspaper—which referred to them as "some young Turks"—with an action organized as part of a demonstration against racism. The demonstration had been called by a coalition of immi-

43 Maria Alexopoulou: "Wir sind auch das Volk!" Das deutsche Volk in der Transformation der Bundesrepublik zur Einwanderungsgesellschaft, in: Jahrbuch für Antisemitismusforschung 28 (2019), pp. 225–254. Generally on German migration history and systemic racism, see: Maria Alexopoulou: Deutschland und die Migration. Geschichte einer Einwanderungsgesellschaft wider Willen, Ditzingen 2020.

44 Flyer, 14 June 1994; Mannheimer Morgen: Fest für die deutschen Mitbürger, 22. June 1994, in: Private Archive of the *Unmündige*n (in possession of the author).

45 For the meaning of *Unmündige* as intended by the group: Maria Alexopoulou: Producing Ignorance: Racial Knowledge and Immigration in Germany, 25 July 2018, at: https://historyofknowledge.net/2018/07/25/producing-ignorance-racial-knowledge-and-immigration-in-germany/ (accessed on 6 September 2020).

46 Various documents, for example an invitation letter to a panel organized by the group, 20 October 1993, in: Private Archive of the *Unmündigen* (in possession of the author).

grant groups and politically interested German youths in Mannheim in June 1993 after the events in Solingen—a racist arson attack on a house inhabited by Turkish immigrants in which five people perished. Some of the prospective *Unmündige* wore sheets marked with "I am inflammable."[47] In addition to the satirical/sarcastic forms of protest, the group also developed a wide range of political actions, such as organizing lectures and panel discussions, collecting signatures, circulating petitions and even encouraging a member who had acquired German citizenship to run for the city council elections.[48] Moreover, they created a safe space, where they could speak for themselves and develop an identity away from the othering denomination as *Ausländer*, free from cultural attributions or the assertion of being caught between two worlds. The first step in defining themselves was choosing a name for the organization: When the initiative was registered as a charitable association in 1995, they declared: "We are no longer Ausländer, we are the Unmündigen."[49] This designation was in itself a sarcastic comment on their status as politically active non-citizens and a critique of a migration regime that deliberately discouraged or even prevented them from becoming full citizens.

The *Unmündige* also engaged in a continuous process of (re)defining the character of their migrant self-organization. In a protocol of an internal meeting in May 1996, they summarized their position by stating that their membership would be made up exclusively by *Ausländer* who renounced their status as an act of empowerment; as no one chooses the location they are born in, it was legitimate not to include members of the majority society, i. e. Germans: "There are plenty paternalistic (Christian and Ausländer-friendly leftist) examples deterring us from doing so." Yet, in the meantime, some of the members had been naturalized: "We—until now—'we' was the nonaged citizens, those not in possession of a German passport. But what of Aynur, who is a German citizen now?" The overall question became: "What's the difference between Theresa and Natalie? Or what ties the Unmündige together?" Natalie was German; she was a member by virtue of being friends with the others and she therefore should be an exception. Theresa, who was of Spanish origin, could pass for German—more so, if she got married and took on the surname Müller: "But Theresa has experienced the reality of being a Gastarbeiterkind (a guest worker child)." This constellation was at the core of her own experiences with racism—experiences Engin, a German citizen of Turkish descent and potentially a successful manager at a large company, will continue to have due to his name and physical appearance, "even if he had five German passports."[50] At the centre were issues of identity, rights, racial discrimination and their

47 Mannheimer Morgen: Die Trauer dämpfte die Wut, 7 June 1993.

48 According to various internal documents, flyers, posters and press clippings, in: Private Archive of the Unmündigen (in possession of the author).

49 Stadtmagazin Meier: Die Unmündigen, March 1995, p. 32.

50 Überlegung zur Sitzung, 14 May 1996, in: Private Archive of the *Unmündigen*.

interconnections that also highlighted other facets of the citizen/non-citizen divide that remain complicated for naturalized yet still othered immigrants. This ambiguity was also one of the main reasons that the *Unmündige* eventually chose not join *Kanak Attak* after several meetings between the two groups from 1997 to 1999. *Kanak Attak* later achieved national prominence through its cultural-political events and interventions and the fame of certain members, such as the writer Feridun Zaimoğlu and the film director Fatih Akın. That group not only did not differentiate between citizens/Germans and non-citizens/*Ausländer*—Germans were welcome to participate in the initiative –, but they also remained uninterested in actions that addressed the question of German citizenship or the absence of political rights.[51]

In 1998, the Social Democratic Party (SPD) won the German federal election, formed a coalition with the Green party, and finally reformed the 1913 German citizenship law. Since 2000, the children of permanent resident foreigners are born German citizens. Among immigrants to Germany, the vast majority did not gain citizenship through these reforms and are thus still unable to vote in German elections, cementing the continued relevance of the satirical protest staged by the *Unmündige* in 1998. That year, "Rettet die Wahl" (Save the election) ultimately became one of the last satirical protest actions of the group on the issue of citizenship. The action was not organized under the banner of the *Unmündige*, but by the "Action Committee by and for Citizens Without Voting Rights." There were also no names on the declaration, although three members posed on a fake election poster with an inverted SPD symbol and the inscription: "We are ready. Apply for a mail-in ballot and enable your favourite *Ausländer* to vote." This was quite dangerous, as it was an appeal to engage in election fraud, which can be punished with up to five years imprisonment.

> You can literally feel it: Germany is preparing to vote. Migrants dominate the German Stammtisch and the media debates as at no other time. Not because they actively have an impact on the formation of opinions, but in so far as the role of the "black Alis" is bestowed upon them, responsible for all kinds of social wrongs. […] As long as migrants' civil rights are denied, migrants will be at the disposal of political parties as scapegoats for failed economic and social policies. […] So, we also want to seize the opportunity to abuse the election for our purposes. We want to motivate German citizens to take part in a new form of solidarity, that also allows the alien population to experience the authentic feeling of democracy. […] Everybody is talking about who is going to win the election, […] but the fact that 8 % of the permanent population is not allowed to vote is barely mentioned. We want to appeal publicly to eligible voters to protest against this undemocratic

51 Manifest Kanak Attak, November 1998, at: www.kanak-attak.de/ka/down/pdf/manifest_d.pdf (accessed on 10 September 2020).

state of affairs. Eligible voters are prompted to apply for a mail-in ballot and let a non-eligible voter to fill out the ballot.

At the end of the declaration, the group even acknowledged that probably a majority might feel provoked by this action, but they did not mind.[52] On another flyer, they proposed that eligible voters go for a walk or have a barbecue on election day and let the *Ausländer* complete the task for them.[53] Indeed, a local paper reacted with a wagging finger, pointing out that it was not only undemocratic to call on people to commit election fraud, but that this action was simultaneously an open call to commit a crime. This action was beyond satire according to the head of the legal division of the city of Mannheim, who indirectly threatened to turn the case over to the public prosecutor.[54] Conversely, in an article published in the *Frankfurter Rundschau*, one political analyst argued that the action was a clear act of political satire and commended it for its authenticity and credibility.[55]

While the *Unmündige* did not engage in bodily forms of protest or risk their lives in exposing the precarity of their civil rights status as *Ausländer*, they did use transgressive actions to create awareness around essential aspects of the citizen/non-citizen divide. They also demonstrated in quite creative ways what missing political rights—the right to say yay or nay in their space of cohabitation—meant for adult individuals in full possession of their minds: a self-imposed immaturity.

"Gelem Gelem"—the Long March 1989/1993

In 1973, the shooting of the Sintu Anton Lehmann by a policeman in Heidelberg sparked the civil rights movement of German Sinti that eventually led, with the vigorous support of the German Society of Endangered People, to the creation of the Central Council of German Sinti and Roma, and to the official recognition of the German responsibility for the persecution of Sinti and Roma during the Holocaust by Chancellor Helmut Schmidt in 1982.[56] The Heidelberg based group *Verband Deutscher Sinti* had previously organized and attracted attention with

52 Rettet die Wahl, in: Private Archive of the *Unmündigen*, translated by the author.
53 Rettet die Wahl (short version), in: ibid, translated by the author.
54 Rheinpfalz: Geht über Satire hinaus, 19 August 1998.
55 Gabor Papp: Klare Worte reichen nicht, in: Frankfurter Rundschau, 25 September 1998.
56 Daniela Gress: Sinti und Roma in der Bundesrepublik Deutschland, at: www.romarchive.eu/de/roma-civil-rights-movement/sinti-and-roma-federal-republic-germany/ (accessed on 4 September 2020); Sebastian Lotto-Kusche: Spannungsfelder im Vorfeld der Anerkennung des Völkermords an den Sinti und Roma. Das Gespräch zwischen dem Zentralrat Deutscher

> public demonstrations such as the rally in Bergen-Belsen in 1979 or the hunger strike in Dachau in 1980. Here, the symbolism of sites of former concentration camps was for the first time exploited in order to address, in a deliberately provocative manner, the continuity of repression and discrimination. It thus challenged the self-image of the Federal Republic as a state and society which claimed to have broken with its Nazi past.[57]

Between 1989 and 1993, the Neuengamme concentration camp on the outskirts of Hamburg also turned into a site of Roma protests. There, Southeastern European Roma protested against the rejection of their asylum claims, which they believed unjustified in view of Germany's historical responsibility for the *Porajmos*—the Romani term for the Holocaust committed on German and non-German Roma—which had dispersed their families all over Europe. Many found themselves without papers and stateless after the war, mostly in communist countries that were now collapsing around them, exposing this most vulnerable minority to new waves of discrimination and persecution.

The German mainstream, in contrast, for the most part perceived these protests—especially when organized inside of concentration camps (including Dachau in 1993)—as a transgression. The claim of Roma to be victims of German genocidal practices during the Second World War was either ignored or, even if accepted in principle, remained unacknowledged as a reason to grant them *Bleiberecht*, residency rights. Quite the contrary: The massive access of Roma to Germany via the asylum regime was one of the decisive factors in the final phase of the German "asylum debate" that led to the so-called "asylum compromise" mentioned above in 1993, when the respective paragraph was changed in the German constitution. At that time, Roma embodied the *Scheinasylant*, the bogus asylum seeker, who ostensibly came to Germany only to receive social security benefits, unwilling to work for a living.[58] This aspect of the "asylum debate" unveils another rupture in the symbolic master narrative on the genesis and purpose of asylum rights in Germany as "learning from the Nazi past." When the Parliamentary Council formulated the asylum paragraph, they did not have refugee groups in mind, let alone Roma victims of the Holocaust. The case of Roma refugees and the German dealings with the *Porajmos* demonstrate that the moralistic superstructure that has been discursively constructed around the asylum paragraph since the 1970s in West Germany was not only hypocritical but a charade,

Sinti und Roma und der Bundesregierung am 17. März 1982, in: Marco Brenneisen et al. (eds.): Stigmatisierung. Marginalisierung. Verfolgung, Berlin 2015, pp. 224–243.

57 Yaron Matras: Development of the Romani Civil Rights Movement in Germany 1945–1996, in: Susan Tebbutt (ed.): Sinti and Roma: Gypsies in German-Speaking Society and Literature, New York 1998, pp. 49–63, pp. 54f.

58 Der Spiegel: Alle hassen die Zigeuner, 36 (1990), pp. 34–57.

since neither the German right to asylum that applies only to individuals, nor the Geneva Convention fit the situation of the Roma as a persecuted European Minority.[59] Nonetheless, this crack in the migration and refugee system did not dominate the public discourse in Germany. Instead, the discourse fuelled processes of othering and racializing that cemented the figure of "the Roma" as an anti-social, criminal and illegitimate figure and (re)produced racial knowledge that had survived the "zero hour" ever since 1945.

In February 1989, members of the Hamburg based "Rom and Cinti Union" began a hunger strike in the documentary centre of Neuengamme, as approximately 1500 Roma, mainly from Yugoslavia, faced imminent deportation after their asylum claims had been rejected. In a photograph, men wrapped in blankets sit on mats in front of a large picture of internees in the concentration camp, with real barbed wire behind them to which they had affixed a banner, "No detention! Right of asylum!"[60] Their spokesperson, Rudko Kawczynski, explained the location of the protest by pointing out that a concentration camp was the only place where "Z***"—a term he used as a provocation—were obviously welcome.[61] Kawczynski's family had immigrated to West Germany in the late 1950s from Poland, but his ancestors were from all over Europe, as he emphasized in several public statements; his own legal status was stateless. Kawczynski used his own biography as an illustration of the reality of Roma as literally stateless and homeless. Besides, most of the big families had ties all over Europe: "We Roma are Europeans, and it seems, we are the only Europeans."[62]

59 For certain aspects of the political struggle surrounding asylum in the 1980s, also pertaining to the Roma, but discussed in the context of other refugee groups and the German protest movement in favour of asylum rights, see: Juliane Kleinschmidt: Streit um das 'kleine Asyl.' 'De-Facto-Flüchtlinge' und Proteste gegen Abschiebungen als gesellschaftspolitische Herausforderung für Bund und Länder während der 1980er Jahre, in: Alexandra Jaeger/ Julia Kleinschmidt/David Templin (eds.): Den Protest regieren. Staatliches Handeln, neue soziale Bewegungen und linke Organisationen in den 1970er und 1980er Jahren, Essen 2018, pp. 231–258.

60 KZ-Gedenkstätte Neuengamme: Die Gedenkstätte als Ort gesellschaftlicher Auseinandersetzungen, Hamburg n. d., p. 25, at: http://media.offenes-archiv.de/ha10_4_3_klb_1175.pdf (accessed on 28 September 2021).

61 I do not use the Z-Word aside from titles (as in footnote 58). See: Gianni Jovanovic: "Das Z-Wort macht Menschen zu Untermenschen," at: https://www.deutschlandfunknova.de/beitrag/rassismusdebatte-warum-wir-das-z-wort-nicht-mehr-benutzen-sollten (accessed on 24 October 2021); Jean-Philipp Baeck/Kathrin Herold: Ein langer Weg, in: Die Tageszeitung (taz), 18 July 2015, at: https://taz.de/!5213352/ (accessed on 4 September 2020).

62 Zeitung antirassistischer Gruppen 16 (1996): Roma können nicht nach Jugoslawien zurückkehren, weil es Jugoslawien nicht mehr gibt. Interview mit Rudko Kawczynski, p. 22, at: https://anti-ziganismus.de/artikel/roma-koennen-nicht-nach-jugoslawien-zurueckkehren/ (accessed on 11 September 2020).

The Hamburg based "Rom and Cinti Union," Kawczynski initiated in the 1970s and cofounded in 1981, took on a diametrically different stance from the *Zentralrat der Deutschen Sinti und Roma* (Central Council of German Sinti and Roma), which stressed that Sinti, in particular, were an ancient German minority. Their aim was recognition by the German state and German society of both the Holocaust committed against to them as Germans and their position as an indigenous minority group. Conversely, Kawczynski and other members of the Roma protest also claimed the impact of the *Porajmos* in Eastern and Southeastern Europe on non-German Roma families, and demanded that the Federal Republic assume responsibility. Hamburg state authorities had the chance to do so for those Roma who were currently present in Germany since the mid 1980s, when the situation started to worsen for them in the Eastern Block-countries, particularly in Yugoslavia, and not send them back, as Kawczynski argued in a printed verbal dispute with the Senator of the Interior Werner Hackmann (SPD) in November 1989.[63]

Although Hamburg-based Rudko Kawczynski was the most visible figure of the Roma strikes, the centre of the movement was North-Rhine Westphalia (NRW), which witnessed such remarkable protest actions as the occupation of the Cologne Cathedral in January 1991 by 400 Roma— which, as with most actions during that period, was not confined to young and middle aged men, but included women, older people, families with small children, newborns and pregnant women. Other actions were the *Bettelmarsch* (begging march) from January to February 1991—during which approximately 1700 participants marched from Cologne to Düsseldorf to protest in front of the offices of NRW Ministry of the Interior—and the Roma camp under a bridge in front of that same ministry, which, according to the Roma magazine *Jekh Čhib*, was the longest "strike" in the history of NRW, running from June to December 1991.[64] The *Bettelmarsch* attained a partial success when Minister of the Interior Herbert Schnoor (SPD) offered a solution for those who could prove they were "de facto refugees"—a status that was used to grant asylum to groups not covered by existing legal provisions. When Schnoor did not keep his promise, the protest march continued. The protests had also spread to Baden Württemberg and Bavaria, which had the most restrictive state regulations for Roma asylum seekers. The marches and occupations reached the Dutch border, where Roma led by Kawczynski claimed asylum, but were prevented from crossing the border; in November 1990 Roma protested at the Swiss border at Weil am Rhein and demanded to be received by the High Commissioner for Refugees in Geneva. They handed in their petition without success.[65]

63 Der Spiegel 46 (1989): Sie haben mich reingelegt, 12 November 1989, pp. 82–98.

64 See particularly the text of Fatima Hartmann, one of the protesters, (without title) and other texts on the topic, in: Jekh Čhib 2 (1994), pp. 34–38.

65 Jekh Čhib 2 (1994): Chronologie des Bleiberechtkampfes, pp. 30–32; Rudzdija Sejdovic: Der Bettelmarsch und die illegalen Roma-Familien, p. 33; Monika Hielscher/Matthias

This latter action and the further course of the "Roma strike" demonstrate how these protests intended to encompass much more than the German *Bleiberecht*. On the organizational level, there were some accomplishments, such as the establishment of the Romani National Council (RNC), presided by Kawczynski, followed by the founding of the European Roma and Travellers Forum in Strasbourg in 2004, which serves as a link to the European Commission and other international bodies.[66] The overall problem nonetheless still remains: In response to the "refugee crisis" in 2015, Roma from Serbia, Kosovo and Macedonia were hit with new restrictions as surplus refugees, who were not supposed to be in Germany since they were from "safe countries."[67]

As the documentary film *Gelem Gelem* that accompanied the Roma strike on a part of their long way during this protest movement vividly demonstrates, Kawczynski was very well-informed, articulate and rhetorically skilled, despite his lack of formal education.[68] He consequently became a classic target for public attacks and allegations of radicalism. He was also accused by the Hamburg Senator for Internal Affairs of instrumentalizing the Roma by convincing them to embark on actions such as the second occupation of Neuengamme in August 1989 in order to deliberately produce images of policemen tearing down Roma men, women and children as a means of portraying West Germany as the successor-state of the *Third Reich*.[69] The *Zentralrat Deutscher Sinti and Roma*, among others, asserted that he was only promoting himself and his career, an accusation sparked by Kawczynski's announcement in 1989 that he was running as a Green Party candidate for the European Parliament— a purely symbolic action as Kawczynski's status as a stateless *Ausländer* meant he was ineligible to vote, let alone stand for election, everywhere. With this action he had hoped to

Heeder (script and direction): Gelem Gelem—Wir gehen einen langen Weg, 1989/91, 84 min, the documentary is on YouTube (rhizomfilm), at: www.youtube.com/watch?v=Hr4gx-lIvXn0 (accessed on 5 September 2020); Britta Grell: Celem Celem. Heimatlose Roma kämpfen um ein Bleiberecht in der Bundesrepublik, in: ZGA 8 (1993), p. 19, at: https://anti-ziganismus.de/artikel/celem-celem/ (accessed on 14 September 2020).

66 Council of Europe (eds.): Institutionalisation and Emancipation, in: Information Fact Sheets on Roma History 6.2, Strasbourg, at: https://rm.coe.int/institutionalisation-and-emancipation-factsheets-on-romani-history/16808b1c61 (accessed on 13 September 2020).

67 Federal Office for Migration and Refugees: Safe countries of origin, 28 November 2018, at: www.bamf.de/EN/Themen/AsylFluechtlingsschutz/Sonderverfahren/SichereHerkunftsstaaten/sichereherkunftsstaaten-node.html;jsessionid=A705942F291B039E7AB69F7826ED6385.internet531 (accessed on 14 September 2020).

68 Gelem Gelem—Wir gehen einen langen Weg; Daniela Gress: Biographical note on Rudko Kawczynski, at: www.romarchive.eu/de/collection/p/rudko-kawczynski/ (accessed on 13 September 2020).

69 Der Spiegel 46 (1989): Sie haben mich reingelegt, 12 November 1989, pp. 82–98, p. 95.

prompt other Sinti and Roma to apply for German citizenship as he had done and to enter politics.[70]

The dividing line between Kawczynski and Romani Rose, head of the *Zentralrat* since 1982, who was and still is the face of the German Sinti and Roma movement, was simultaneously the dividing line between the protests they led. Here too, the citizen/non-citizen divide had its own facets, as Sinti and Roma irrespective of whether they felt German or were German citizen, were still perceived as *Ausländer*, a term that traditionally embodied a racial knowledge about the German and its Other.[71] In the case of the Sinti and Roma, this designation was even more present, as they had been othered for centuries and had never been considered German (even if naturalized), except when they passed as German, broke with the traditions of their families, or concealed their heritage. This was still true in the Federal Republic of Germany, as many Sinti and Roma kept their families and family histories of genocide secret, while others fought for decades to be re-naturalized after they had lost their citizenship during the *Third Reich*. This concealing and hiding was an experience they shared with foreign Roma in Germany: many *guest workers* from Yugoslavia and some from Greece were also Roma, who never made their heritage public, or waited many years to do so.[72] The image of the group deteriorated further in the 1980s, as Eastern European Roma (first from Poland, then Yugoslavia and later Romania) began to arrive in West Germany as asylum seekers. This influx was possibly also why the officially recognized representatives of German Sinti and Roma decided not to speak up and stand behind the foreign Roma in West Germany at that time.[73]

As "worldless" people, these "illegal" Eastern European Roma—as they were most often framed—represented the non-citizens par excellence. Aside a few individual parishes that granted them church asylum or certain anti-racist initiatives, enacting a "claim to the political" for the Roma was to its core a display of precarity, which motivated the radicality of their protests and their willingness to use their own bodies and even the bodies of their children in an excessive way in kilometre-long marches, even during winter, in occupations of concentration camps under police surveillance, monthlong occupations of outdoor spaces and sit-ins at border stations. During these events, they often refused the food, water and blankets offered by charities or state representatives as they *wanted* to display how precarious and desperate their situation

70 Der Spiegel 23 (1989): Braun, rot oder grün, 4 June 1989, p. 35.

71 Maria Alexopoulou: 'Ausländer'—A Racialized Concept? 'Race' as an Analytical Concept in Contemporary German Immigration History, in: Mahmoud Arghavan et.al. (eds.): Who Can Speak and Who is Heard/Hurt?—Facing Problems of Race, Racism and Ethnic Diversity in the Humanities in Germany, Bielefeld 2019, pp. 45–67.

72 Phone Interview with Jovica Arvanitelli, counselor at the RomnoKher advice centre, Mannheim, on 31 May 2016.

73 Yaron Matras: Development of the Romani Civil Rights Movement in Germany, p. 57.

was. They were determined to find a place to live, a cohabitation that granted them membership and rights. For this, they were prepared to suffer illness for themselves and their children—as the documentary *Gelem Gelem* depicted quite authentically by letting the protesters speak for themselves and through Kawczynski, their main spokesman.

One of the editors of *Jekh Čhib*, Fatima Hartmann, who took part in several protest actions, described the Roma struggle for rights and the form of their protest as "a hard political fight, not in an aggressive, but in a human way in trying to draw attention to our situation. We did not want to fall in illegality alone. We wanted to face illegality together." In describing the Roma camp in Düsseldorf, she recounted:

> We had many illegals there at the camp. For many families this place was the last possibility to avoid detention. […] The fear of the police coming to clear the camp was there all the time. And the fear of right-wing extremists. We had guards walking around all night and watching out. But still, the morale, the solidarity, the commonality, talking to each other, gave us strength and we said, we can do it together. They cannot be so blind. Some day they will understand that they are not treating us as human beings.[74]

She also referred to the German supporters, as did a protester in *Gelem Gelem*, who pointed out that many of them were helping Roma as an act of therapy for themselves. While Hartmann appreciated the help, she simultaneously highlighted that some of these supporters, particularly the social workers, were paying their rent by dealing with the misery of the Roma. All the more, she was offended by demands from supporters not to expose their children to the cold and adverse conditions of these protests: "we had to use our kids for politics. But how perverse is this, that the same people want to expel us and force us to live this life forever, are the people we are demonstrating before right now. When I told them so, they went away, they closed their eyes and their ears." According to Hartmann, the Germans "tried to explain to the Roma families again and again, how inhumane this was" for the children, and that they should return to the *Asylantenheim*, were it was warm, just to be directly deported to a life (such as Sutka, a Roma slum in Skopje), that was as precarious—but out of sight of those people whose greatest worry was "not if they had bread to eat, but if they had a sausage to put on their buttered bread."[75]

In light of the determination and outspokenness of the protesters and taking into account the blatantly racist discourse about asylum and asylum seekers that surround-

74 Fatima Hartmann: Text (without title), in: Jekh Čhib 2 (1994), pp. 34–38, p. 35, 38, translated by the author.

75 Ibid, pp. 37f.

ed discussions of Roma during this period, Kawczynski's sharp rhetoric does not seem misguided in retrospect; his preferred Hamburg protest location, the Neuengamme concentration camp, was also well suited for his purposes: to draw as much attention as possible to the fate of the Roma by connecting their situation to German history—a deeply real connection. While Yaron Matras interprets Kawczynski's approach as Romani nationalism,[76] the right to have rights, the right to have the status of a 'non-national' citizen seems to be the prevailing aim. The writers of *Jekh Čhib* mostly spoke of the political struggle of the Roma. Indeed, this stateless and rightless group used their precarity—their precarity today (1989/93) and the Roma precarity of the Nazi past—in order to engage in an embodied, visible protest by displaying their precarity. The question remains if they even had access to any alternative "form of power" as embodiments of the 'non-citizen.'

Migrant Protests and (Democratic) Rights

Interestingly, the group of protesters who split from the Oranienburger Platz protest camp to go on hunger strike near the Brandenburg Gate on 24 October 2012 had planned a solidarity rally at the opening event for the nearby Memorial to the Murdered Sinti and Roma of Europe as a kick-off for their new protest site.[77] Although the police prevented the direct confluence of these two 'non-citizens' groups, in reality, they are part of one story—the entangled histories of racism, democracy and migration connecting the Global North and the Global South, and—in line with Walter Mignolo—the dominant heart of Europe with its colonialized peripheral parts. This story continues to be publicly displayed today, including the 'Drama of Mória' at the end of the 2020 pandemic summer, as the largest refugee camp in Europe on Lesbos, Greece, was burned to the ground possibly in protest against the horrific conditions there.

The examples of migrant protests discussed here give a hint of how essential "performative forms of power" are for individuals without those political rights that are still the prerogative of nation-bound citizens. In addition, these migrant protests help us to understand that even the citizen/non-citizen divide is not as clear as it may seem. These examples also show how migrant protests, in their respective ways, trigger discussions about rights and pose new issues into the debate. Migrant protests thus not only prompt democracy as a system by contributing more voices and greater political activity, but also contribute to democratic theory by urgently posing new (and old)

76 Yaron Matras: Development of the Romani Civil Rights Movement in Germany, p. 60.

77 Nikolai Schreiter: Sie beißen die Zähne zusammen, in: taz, 24 October 2012, at: https://taz.de/Protest/!5081028/ (accessed on 5 September 2020).

questions in need of being answered quickly and directly—depending on how radically the claim to the political is enacted. In spite of the precarity of these "claims to the political," stemming also from the fact that these actions were mostly proscribed or illegal, they had an avant-gardist touch. However, as Rudko Kawczynski pointed out in an interview in 1994, the authorities decry every act of resistance as illegal.[78] As long as Butler's dictum, "to be here means you have a right to be here"[79] is not reality and Arendt's "right to have rights" is not even true for those "others" living in Western democratic societies that still perceive themselves as models for the "Rest," proscribed and "illegal" migrant protests will be "part of the deal" either inside or outside the borders of Europe or generally the "West."

At the same time, these instances of "claiming the political" recounted in this article are part of an ongoing (migrant) civil rights movement in Germany. Even if not connected to each other and fought by different groups in different contexts, these cases expose the systemic flaw of the German democratic state and society, still dividing, ordering and hierarchizing political rights on the grounds of origin. The long duration and the persistence of this flaw—this in-built and yet ignored systemic racism of most modern Western democracies—proves that these kinds of migrant protest are not just contingent reactions, but necessary forces of change.

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78 Jekh Čhib 2 (1994): 'Was wir brauchen, sind keine Keller zum Verstecken…' (interview with Rudko Kawczynski), pp. 44–49, p. 44.

79 Ray Filar: Willing the impossible: An Interview with Judith Butler, in: openDemocracy, 23 July 2013, at: www.opendemocracy.net/en/transformation/willing-impossible-interview-with-judith-butler/ (accessed on 6 September 2020).