Radical democratic theory and migration: The Refugee Protest March as a democratic practice

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Abstract
In dominant discourses, migrants are mostly perceived as either victims or villains but rarely as political subjects and democratic constituents. Challenging this view, the aim of the article is to rethink democracy with respect to migration struggles. I argue that movements of migration are not only consistent with democracy but also provide a decisive impetus for actualizing democratic principles in the context of debates about the crisis of representation and post-democracy. Drawing on the work of Jacques Rancière, Étienne Balibar and Ernesto Laclau and Chantal Mouffe, I develop a theory of radical democracy as practice, which, starting from the proposed notion of ‘democratic difference’, goes beyond the fixation on democratic regimes and focuses on contentious practices of enacting democratic principles. I articulate these theoretical concepts by analysing how refugees in Germany have managed to break out of a marginalized position and have challenged their denial of rights through a protest march.

Keywords
Democratic theory, radical democracy, Rancière, Balibar, Laclau and Mouffe, migration

Introduction
In his much-quoted article, Jacques Rancière (2004) poses the question, ‘who is the subject of the Rights of Man?’ At first glimpse, ‘the Rights of Man turned out to be the rights of the rightless’, the rights of victims ‘who were unable to enact any rights or even any claim in their name, so that eventually their rights had to be upheld by others’
In Hannah Arendt’s reflection on the Rights of Man, these rights are either a tautology, as when men already have rights as the citizens of a state, or they are void, when these rights are not protected by any status as a citizen (Arendt 1973). In his article, however, Rancière gives this assumption a crucial twist as he writes: ‘the Rights of Man are the rights of those who have not the rights that they have and have the rights that they have not’ (2004, 302). In this sense, the subject of the Rights of Man is not a mere victim who is incapable of claiming these rights. This subject rather emerges through what Rancière calls political subjectivation, which bridges the gap between written rights that are inscribed in the existing social order and ‘the rights of those who make something of that inscription, who decide not only to “use” their rights but also to build such and such a case for the verification of the power of the inscription’ (p. 303). This understanding of a politics of rights, as the ‘active capacity to claim rights in the public sphere’ (Balibar 2008, 530), leads to the core of radical democratic theories. According to these approaches, democracy is not simply synonymous with the national institutions of representative democracy. Democracy is understood as a never-ending and always-contested process, and therefore democratization should be understood as an infinite challenge.

In this article, I challenge victimization approaches to migration by taking a perspective of radical democratic theory to analyse the struggles of migration against repressive migration regimes. How do migrants and refugees manage to organize themselves and build political movements despite their deprivation of rights in dominant regimes, and how can we conceptualize their protests using democratic theory? To respond to this question, I develop a theory of radical democracy as practice, drawing on the work of Jacques Rancière, Étienne Balibar and Ernesto Laclau and Chantal Mouffe, arguing that this enables a perspective which conceives those fighting for equality and freedom not as simply victims and objects, but as political subjects and as a demos of democracy (see also Schwiertz 2019).

However, from the standpoint of nation states and imagined national communities, migration and democracy seem to be opposed to each other (Miller 2016). Migrants are not seen as part of the democratic people: the demos as the collective subject of representation, decision-making and rights is closely identified with the ethnos, an imagined community of belonging and heritage (Balibar 2004, 8–9). This is not only obvious in the recent rise of anti-migrant movements and discourses of a so-called refugee crisis or an immigrant invasion in Europe and America. To a greater degree, migrants are principally excluded as non-citizens and framed as a problem in the hegemonic institutionalization of democracy. Because of this methodological nationalism, this othering of migration is also reproduced in research and theory (Abizadeh 2008; Anderson 2019). And indeed, in the context of established democratic regimes, migration leads to real, serious problems – particularly and above all for migrants themselves. In the context of racist and nationalist structures, the exercise of cross-border freedom of movement leads to a profound deprivation of rights. Even after years of residency, many are not approved as citizens. These forms of ‘differential inclusion’ (Mezzadra and Neilson 2013, 159–66) in the nation state are not only a problem for migrants but also contradict democratic principles of equality and freedom. But how can we think of a democracy that is compatible with migration movements?
In the following, I argue that movements of migration are not only consistent with democracy but also provide a decisive impetus for actualizing democratic principles, if we rethink democracy beyond a fixation on national democratic regimes. To this end, I develop a theoretical approach that views democracy primarily as a conflictual practice of enacting democratic principles. I argue that the reflection of the political, as radical contingency and contestability, is one building block in the foundation of radical democratic thought, but also that this reflection is not sufficient to conceptualize its specifically democratic aspect (Tambakaki 2019). Building on the concept of ‘political difference’ – which distinguishes this very contingency and contestability of the political from ordinary politics (Marchart 2007) – I propose the concept of ‘democratic difference’. With the concept of democratic difference, I distinguish established regimes of democracy from a fundamental principle of the democratical of equality and freedom for all, which can be repeatedly enacted in opposition to established regimes as well as hierarchies and domination in diverse social fields. Democratic practices are therefore central to my approach because they bring this principle of the democratical into play by articulating rights, creating publics and producing the subjectivities of a demos.

I therefore contribute to debates on variants of radical democracy (Tønder and Thomassen 2005), by proposing my approach of a theory of radical democracy as practice as an alternative to the often-criticized concepts of radical democracy as a strategy of hegemony in the sense of Laclau (Kioupkiolis 2011) or a political regime of agonism as proposed by Mouffe (Matijasevich 2019). However, I still build my approach within a framework of antagonistic social theory, developed in particular by Laclau and Mouffe (2001). In this vein, radical democracy aims at repeatedly demonstrating the contingency and contestability of any social order in concrete disputes. Yet, in my view, it can neither be reduced to an institutional order that is as open as possible, nor to a practice of questioning existing orders. Rather, democratic practices demonstrate the contingency of existing orders and challenge them by describing hierarchies and relations of oppression as such and delegitimating them by referring to democratic principles in diverse ways. While the protesting refugees do not explicitly describe their movement as democratic, their reference to humanity and rights articulates democratic principles and can therefore be understood as an actualization of democracy.

By combining this reflection of contemporary political theories of democracy with an analysis of refugee protests, I bridge the bodies of literature on radical democratic theory (Celikates 2019; Chambers 2004, 2013; Kioupkiolis and Katsambekis 2014; Schwiertz 2019; Schaap 2021; Tambakaki 2019; Tønder and Thomassen 2005; Trend 1996; Volk 2018) and migration movements (Ataç et al. 2015; Marciniak and Tyler 2014; Schwiertz 2019, Forthcoming; Steinhilper 2018; Stierl 2018; Swerts 2017). In doing so, I focus on refugee protest in Germany (Odugbesan and Schwiertz 2018) and in particular on the political manifestation of the Refugee Protest March from Bavaria to Berlin in 2012, which is insightful for the scope of this article for three reasons. First, the protest march can be seen as a paradigmatic case for highlighting key aspects of the theory of radical democracy as practice. It reveals that the democratical can be enacted despite the marginalizing mechanisms of hegemonic border and democratic regimes, and indeed challenging them. In this vein, the refugee protest demonstrates how existing laws and regimes are challenged in the name of (human) rights, how borders and boundaries are
crossed, how new public spaces and stages of dispute are created and how new subjectivities emerge that we could designate as a radical democratic *demos*. Second, this case is insightful because it reflects categories of democratic theory as well as the nexus between migration and democracy; refugees point out how we can rethink and practice democracy beyond national communities and states. Third, it gives an important competing view to current discourses on migration, which frame refugees as a threat or a burden, but above all else as anonymous masses and objects of control.¹ In this vein, the Refugee Protest March was a crucial event that has been insightful for the political subjectivity of migration struggles and that can be seen as a key moment for the emergence of a new wave of refugee protest in Germany and other European countries since 2012–2013 (Ataç et al. 2015). This political movement had great public visibility at the time, but since then has been disregarded in the context of the discourse on the ‘refugee crisis’ from 2015 onwards.² When the protests of migrants and refugees are addressed, they are often described as a fight for their rights, as a particular struggle for migrant rights. However, if we include a more comprehensive political context, this perspective can be broadened. In this vein, the Refugee Protest March demonstrates how refugees and migrants not only stand up for their rights but also for a general principle of universal rights – how they combine specific demands with more radical claims that contest existing democratic regimes by rearticulating principles of the democratical from the bottom up.

The aim of this article is to rethink democracy with respect to migration struggles. To this end, in the first section, I develop a theory of radical democracy as practice, which focuses on contentious practices of actualizing democratic principles in specific conflicts. In the second section, I outline the political context of established democratic regimes and migration regimes that assign migrants and refugees a subordinate and relatively excluded position. In the third section, I analyse how refugees manage to break out of this marginalized position by articulating insights from the Refugee Protest March using the aforementioned approach of radical democratic theory, thereby elaborating on some of its key concepts. The protesting refugees in Germany are deprived of their rights, but – in Rancière’s words – at the same time, they are acting as if they already have the rights they are fighting for.

**The democratic difference and the theory of radical democracy as practice**

To open up an alternative perspective of democracy, I use this section to develop a theory of radical democracy as practice based on the idea of ‘democratic difference’. To build this approach of radical democratic theory, I combine key concepts from Laclau and Mouffe, Rancière and Balibar. All three works contribute crucial insights that can also help to compensate for some of the shortcomings of the other approaches. First, I discuss the work of Ernesto Laclau and Chantal Mouffe, since they have significantly shaped the approach of radical democracy and have shown how an imaginary of equality constructed during democratic revolutions can remain effective in contemporary society. Laclau and Mouffe’s theoretical approach, however, focuses primarily on those political contexts and collectivities that are hegemonic or want to become hegemonic, so that there is less room for subaltern subjectivities that cannot be assigned to a hegemony
project. Second, I therefore refer to Jacques Rancière (1999, 2006), whose concept of democracy also refers to a principle of equality, but who has developed not so much a comprehensive social theory as a focused description of subjectivation in democratic practices. This focus makes Rancière’s theory particularly suitable for an analysis of migrant struggles and, in general, the enactment of political subjectivities from below. However, his approach equates ‘politics’ with ‘democracy’ and focuses especially on political moments, while I argue that it is important to analytically and normatively distinguish between politics and democracy and also to consider longer term processes.

Third, I draw on concepts of Étienne Balibar (2004, 2014), whose work is useful when examining to what extent democratic interventions enact citizenship and how they can be inscribed in institutions. While Balibar therefore offers important additional insights regarding the power relations in which democratic practices operate, his works cannot replace the systematic social–theoretical analysis by Laclau and Mouffe or the nuanced notion of political subjectivation in Rancière’s work.

That said, the next step is to introduce these concepts and then, building upon them, present my approach of radical democracy as practice, which I develop based on what I propose calling the ‘democratic difference’. However, I do not want to compile the different and in part contradictory concepts of these authors in an eclectic fashion. Following the methodological approach of articulation, further elaborated by Jason Glynos and David Howarth (2007), I rather combine these concepts by rendering them compatible based on a set of shared premises – namely the radical contingency and contestability of the political – and then reinsert them into my theoretical framework, which I outline in the second part of this section.³

Hegemony & Socialist Strategy, published in 1985 by Ernesto Laclau and Chantal Mouffe, is probably the most important book concerning radical democratic approaches. By deconstructing different kinds of Marxism, Laclau and Mouffe develop their theory of discourse and hegemony, which stresses the plurality of social conflicts beyond mere class antagonism. Constitutive for this theory is their consideration of the ‘openness of the social’ (Laclau and Mouffe 2001, 95). Identities and orders are not constituted positively, but negatively by the demarcation from an outside: by a fundamental antagonism. No society has a lasting foundation; every form of socialization is contingent and contestable. This assumption of contingency and contestability is fundamental for the post-foundational political thought of radical democratic approaches (Kioupkiolis 2011; Marchart 2007). There could always be an alternative to the established political order, although these alternatives are excluded or cannot even be comprehended in the dominant discourse.

Laclau and Mouffe describe the ‘democratic revolution’ as the most considerable struggle against dominant political orders (Laclau and Mouffe 2001, 152). Through the democratic discourse and its ‘egalitarian imaginary’, previously accepted relations of subordination could be rejected as relations of oppression and domination. This is obvious in feminist and civil rights movements, for example. These movements contested the subordination of women and people of colour – perceived as ‘natural’ and self-evident in dominant discourses – by rejecting these subordinations as relations of oppression. This practice of radical democracy is still effective in contemporary society, and we can extend this emancipatory and abolitionist perspective to current migration struggles.
Jacques Rancière’s conception of democracy also refers to this principle of equality. But contrary to Laclau and Mouffe, Rancière does not develop such a complex theory of the social. He focuses more on events and ruptures, on particular moments of democratic practice, for whose analysis his approach is particularly revealing. For Rancière’s conception of democracy, it is important to understand his distinction between politics and the police. By referring to Foucault, Rancière defines ‘the police’ as the hierarchical order of society that puts everybody in a specific place: ‘[It] is an order of the visible and the sayable that sees that a particular activity is visible and another is not, that this speech is understood as discourse and another as noise’ (Rancière 1999, 29). Hence, the purpose of ‘politics’ is to question this police order, by constructing a political stage on which a prior unseen wrong becomes visible. This political practice is what Rancière calls democracy. In addition to Laclau and Mouffe, his approach is particularly insightful for describing how democratic collectives emerge. They do not rely on essentialist identity politics, like the imaginary of a pre-existing national people, but on the transformation of established identities in the democratic process. In this vein, the demos of democracy is a non-essentialist subjectivity that is constituted only in a political antagonism.4

Key in this respect is Rancière’s concept of ‘political subjectification’ (Rancière 1992, 1999, 35–36), as an act through which ‘those who have no part’ (Rancière 1999, 30) emerge as political subjects and demonstrate that they must be counted as a part of society despite their differential exclusion. It turns hierarchized identities – for example, as workers, women or migrants – into political subjects that challenge the hierarchy. In this sense, Rancière stresses the point that any political subjectivation is a ‘disidentification’ because it challenges the socially established distribution of roles and associated ascriptions (p. 36).5 For Rancière, however, this political subjectivation is not only a negative process that depicts the contingency and contestability of the societal order (which is referred to as ‘the political’ in post-foundational thought) (Marchart 2007). Political subjectivation is actually an emancipatory practice closely linked to his concept of democracy: a political act that creates the active ‘democratic subjectivity’ (Chambers 2013, 35). Therefore, the core of Rancière’s approach to radical democracy consists of political struggle of ‘the part of those who have no part’ (Rancière 1999, 30) – this makes it particularly appropriate for analysing the democratic struggles of migration. Although his very specific conceptualization of politics is insightful, I do not follow Rancière (1999, 101) in equating politics and democracy, so that the latter remains a distinctive term with a particular normative content.

Finally, I want to broaden the radical democratic perspective using the concepts defined by Étienne Balibar. For his approach to democracy, Balibar often refers to Rancière (Balibar 2004, 2008). However, he criticizes Rancière on three points and at the same time delineates three aspects of his theory, which I have also adopted for my approach to radical democracy: First, Balibar takes issue with the fact that Rancière overestimates the principle of equality over that of liberty. Balibar, in turn, emphasizes the interrelation of equality and freedom, which he summarizes with his notion of ‘equaliberty’ (2014). Second, Balibar stresses the point that Rancière overlooks the institutional dimension of democracy (Balibar 2008, 526). Going beyond Rancière, with
Balibar, we can analyse how radical democratic interventions could be written into democratic institutions. Since political institutions, as a solidified practice, are also a product of democratic struggles, there is a continuous need for democratization. In this sense, radical democracy aims at the infinite democratization of democracy – or rather, the combinations of institutions that call themselves democracies but tend to become oligarchies (Balibar 2008, 528). This also helps us to resist the temptation of conceptualizing a pure politics that is supposedly uncontaminated by the police order, as Samuel Chambers (Chambers 2013, 75) critically comments on some interpretations of Rancière’s work. Third and closely related to the previous point, Balibar criticizes the fact that Rancière omits the relevance of citizenship.

For Balibar, migrant struggles play a crucial role in transforming citizenship: they can expand and at the same time reconstitute citizenship (Balibar 2004, 31–32; Isin 2008). On the one hand, migration is important for searching new forms of citizenship beyond the national state because the latter legitimizes itself, among other things, through institutionalized racism. The relative disenfranchisement of the other, non-citizens and migrants, shows national citizens ex negativo the importance of their rights: ‘national citizens can be persuaded that their rights do in fact exist if they see that the rights of foreigners are inferior, precarious, or conditioned on repeated manifestations of allegiance’ (Balibar 2004, 37). On the other hand, it is precisely migration as a social movement in the broader sense that challenges the forms of nationalized demoi and citizenships that are at the core of established democratic regimes. For Balibar, the struggles of the Sans Papiers in France demonstrated that citizenship is not simply granted ‘top-down’, but rather that citizenship arises from a struggle; that citizenship is constituted ‘bottom-up’ (pp. 49–50).

Drawing on, I propose integrating the concepts by Laclau and Mouffe, Rancière and Balibar described above into a theory of radical democracy as practice, which is built upon their shared post-foundational assumptions. Key to this socio-theoretical perspective is the ‘political difference’: the difference between the established order and institutions of ‘politics’ on an ontic level and the radical contingency and contestability of ‘the political’ on an ontological level (Marchart 2007; Mouffe 2005). Based on this concept of political difference between established forms of ‘politics’ and ‘the political’, I propose the concept of ‘democratic difference’, arguing that radical democracy is not limited to revealing ‘the political’ and to demonstrating that everything could be different, but beyond that articulates democratic principles of equality and freedom in practice.

The concept of ‘democratic difference’ shows how traditional ideas of democracy are split. Distinguishing between established regimes of ‘democracy’, on the one hand, and the principle of the ‘democratical’, on the other, allows us to rethink democracy as a contentious practice of actualizing equality and freedom. On the one side of this democratic difference, I define democratic regimes as the real-existing democracies established by state constitutions. They are highly ambiguous entities that institutionalize rights and modes of participation and thus preserve them beyond certain political contestations. However, they also limit and exclude the democratical, in a political order that Rancière (1999, 2006) describes as ‘post-democracy’. The democratical, on the other side, refers to a more general democratic principle of equality and freedom for all, which Balibar (2014) names ‘equaliberty’. In contrast to the political, however, the
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democratical cannot be located on an ontological level. Rather, it is based on normative principles that are themselves contingent and the result of social conflicts and a history of democratic revolutions from Paris to Haiti and back. These democratic revolutions, as described above, established an imaginary with the principles of equality, freedom and solidarity, which still serve as a reference point for struggles today (Laclau and Mouffe 2001). ‘Democratic difference’ thus describes the tension between particular democratic regimes, on the one hand, and the polemic universalism of the democratical, on the other hand: Potentially emancipatory movements arise out of this gap between real-existing institutions that call themselves democracies, and an idea of democracy that is never fully realized, but can be aspired to everywhere and at any time.6

However, I do not necessarily suggest a political strategy of hegemony based on the democratic difference, which implies a quest for an alternative hegemonic project that would constitutes a new sovereign entity (Kioupkiolis 2011). Nor do I seek to propose an alternative model of democracy, as for example, Mouffe’s (2000, 2005) concept of ‘agonism’, which would offer an approach to radical democracy that is very close to liberal regimes of democracy and that has been criticized for limiting democratic practices (Matijasevich 2019; Singh 2019). My approach rather focuses on radical democracy as practice.7 I argue in favour of going beyond a concept of democracy understood merely as a political practice that demonstrates the openness of the social or as a socio-political order that is as open as possible. In my view, democracy is more than a regime in which contingency and contestability is relatively little suppressed and is kept visible, so that diverse political projects can struggle to articulate the democratical. Instead, I understand radical democracy as a particular political practice, namely as a contentious practice that strives to enact the democratical of equality and freedom for all in diverse political spaces.

Democratic practices can actualize the democratical in conflict with democratic regimes and, in addition, can initiate democratization in potentially all fields of society. However, the democratical can never be institutionalized perfectly. Real existing democracies never fully meet principles of the democratical; they are always ‘democracies to come’ (Derrida 2005). For this reason, the actualization and institutionalization of the democratical is always potentially contested in democracies. Radical democracy aims to reignite this contestation again and again to regenerate the democratical in democracies anew. ‘In a crucial sense, democracy is never something that you have, that you can claim to possess [...] it is only something that you collectively create or recreate’ (Balibar 2008, 526). Radical democracy should be seen as a specific political practice, as a struggle for the regeneration of the democratical principle in diverse political spaces. In democratic practices, this ‘anarchic principle’ (Rancière 2006, 76) of equality and freedom is enacted by traversing the boundaries of private and public spheres, producing a public stage to depict a certain wrong. In this process, political subjects emerge as a demos that is not limited to any pre-established, ethnic form of a people as a nation.

This theoretical perspective of radical democracy as practice leads to a point of view that conceives those fighting for equality and freedom as political subjects regardless of their citizenship status. In doing so, the perspectives, demands and desires expressed in migration struggles prove to be decisive for the actualization of democracy.
Before I analyse these struggles in more detail, I briefly outline the migration regimes (i.e. the police order) against which the democratic practices of refugee protest evolve.

**Migration regimes and refugee protest in Germany**

‘Struggles of Migration’ (Ataç et al. 2015) are in an antagonistic position vis-à-vis migration regimes in the Global North and repeatedly provoke change in these regimes. In Europe, there has been a tendency to shift towards a neoliberal policy of ‘migration management’, which has emphasized the usefulness of specifically qualified migration and accordingly provides for selective immigration opportunities and limited residency rights (Geiger and Pécoud 2010). Since the turn of the 21st century, and with great delay in view of the country’s migration history, Germany has officially described itself as an immigration country. However, the precariousness of residency status and illegalization remains as the most far-reaching technologies of governing migration denying migrants their rights. Through ‘differential inclusion’ in host societies, migrants are not completely excluded but are relegated to a subordinate position and made into disenfranchised subjects (Mezzadra and Neilson 2013). Even when opportunity structures and footholds exist for (pro-)migrant movements in Germany, the society in the country is deeply marked by an anti-migrant hegemony (Kasparek et al. 2017): depriving non-citizens of their rights and deporting them is largely common sense among civil society and the state, even if rights are granted gradually. Thus, figures of ‘good’ or ‘useful’ migration appear as exceptions that prove the rule of migration as a ‘problem’. Closely linked to this are various forms of racism that permeate the entire society, which are concentrated in state institutions and are promoted by them. Migrants and refugees thus find themselves in a situation in which host societies are structurally hostile to them.

The German migration regime encompasses a broad range of laws that result in the legal denial of rights. Those who are undergoing asylum proceedings or have the status of ‘toleration’ (Duldung), which is only a temporary suspension of deportation according to the German Residence Act, must live under unbearable conditions in collective accommodation centres. They are also forbidden from leaving their assigned county or state on the basis of a residential obligation called the Residenzpflicht, which was introduced in 1982 to preserve state authorities’ access to migrants and deter their movement. The German migration regime forces asylum seekers into compulsory collective accommodation centres, prohibits them from working (which makes them dependent on food packages and vouchers), excludes them from educational opportunities and threatens them with deportations. It creates a system of isolation and hardship that encourages ‘voluntary return’, that is, the ‘self-deportation’ of refugees (Ulu 2013). The mode of the deprivation of rights and illegalization, with the ever-present threat of state sanctions, is a key governmental technology of European migration policy. In this context, migrants are perceived as victims and villains – but not as political subjects (Bojadžijev and Karakayali 2010). However, movements of migration demonstrate the opposite.

We can see this in the refugee protest movement that emerged in Germany and other European states in 2012, with protests also taking place in France, the Netherlands, Sweden, Hungary and Austria (Ataç et al. 2015; Odugbesan and Schwiertz 2018).
Starting from a hunger strike by Iranian asylum seekers in the Bavarian town of Würzburg, various local struggles joined forces to form a broad and self-organized movement that aimed to break refugees' isolation and stop the deprivation of rights. After weeks and months of permanent demonstrations in various German cities, refugees and their supporters organized a protest march from Würzburg to the German capital city Berlin, across the Federal Republic, to stop deportations, end the compulsory collective accommodation in camps and abolish the Residenzpflicht (Ulu 2013). In the following section, I analyse public statements and actions by the Refugee Protest March; therefore, the focus is on the visible politics of migration, which I describe as democratic practice.8

The democratic practices of the Refugee Protest March

From the beginning on, activists explicitly positioned themselves antagonistically to the dominant democratic and migration regime in Germany. In their call for the Refugee Protest March, the initiators stated that they ‘will NOT respect the laws that do not respect us as human beings’.9 In this vein, the refugees aimed to fight against the law in the name of fundamental rights they claimed as human beings. After a few days of marching, they reinforced this declaration by stating:

With our presence we are proving how many failures are embodied in the laws. Laws, which once drove us to escape from another geographical place and which are slowly destroying us, by neglecting our humanity. On this part of earth, where human rights are proclaimed, we by our protests are proof of the farce of this democratic system.10

By insisting on their human rights, the protesting refugees stated that their subjectivity showed a tension between inhumane laws and their humanity. On the one hand, they therefore questioned the existing democratic regime of the Federal Republic of Germany because of its institutionalized discrimination and exclusion. On the other hand, the conflict required for their humanity and equal rights can be associated with a different vision of democratic practice. With the protest march, bus tours, the squatting in public places, demonstrations and hunger strikes, the refugee protest created a different political subjectivity, as well as a stage on which they enacted a different version of democracy. Therefore, their struggles are insightful for reflecting on democracy and democratic theory. For this reason, I have analysed them from a perspective of democracy in this section, describing the formation and the course of the protest march until its arrival in Berlin.

The protest movement started with the suicide of Mohammad Rahsepar, an Iranian refugee who killed himself in his room in a refugee camp in the Bavarian town of Würzburg on 29 January 2012. For his fellow residents, it was obvious that the deplorable living conditions in the isolated camp had driven him to suicide. When they marched into the centre of Würzburg to start a permanent demonstration, it was the beginning of the longest and most radical self-organized refugee protest in Germany ever (Jakob 2016). From day one on, the refugees went on a hunger strike to demonstrate the injustice of German migration policy. In light of the forced residence in camps and the suicide of Mohammad Rahsepar, they wrote, ‘If the
German state perhaps approves of such inhumane living conditions, we will from now on prefer going to our deaths in public’. This drastic statement shows the resoluteness of the refugees and their struggle for self-determination and autonomy in the face of heteronomy, which is a key element of many migrant self-organizations. Because most of the demands had not been heard after 80 days of political struggle, two of the protesting refugees intensified the hunger strike by sewing their lips shut. Their demands were proclaimed many times, but they were not perceived in the police order of ‘the visible and the sayable’ (Rancière 1999, 29). As the protesting refugees stated, ‘We are the voice of all asylum-seekers that demand their rights. We have shouted loudly, but nobody has heard us. Now we have sewn our lips shut, because everything has been said’. With Rancière (1999), we can understand this situation as a form of ‘disagreement’ (la mésentente), in which the shouts of the refugees had probably been heard as sounds, but not understood as a message in the dominant discourse. They were ‘constrained to speak from within the discourse of immigration’ (Chambers 2013, 119), and therefore political decision makers did not perceive them as political interlocutors. However, instead of accepting this position and passively enduring their oppression by the everyday disciplinary mechanisms of the migration regime, they actively exposed themselves to the threat of repression on their own terms. Through corporeal protests of hunger strikes and lip sewing, they turned their vulnerability into a political intervention, a strategy that Butler has designates a ‘deliberate exposure to power’ (Butler 2016, 12; Rajan 2019). As Banu Bargu (2017, 128) puts it, such acts of corporeal protest are juxtaposed against the fundamental norm of self-preservation in modern subjectivity, creating a ‘counter-subjectivity’ by prioritizing the struggle for a just life over simply survival according to the status quo.

Inspired by the radical protests in Würzburg, refugees in other German cities started similar permanent demonstrations. In the following months, they joined forces and called for a protest march to Berlin. As the refugees hit the trail in Würzburg on 8 September 2012, they declared:

We are starting this journey to prove it to ourselves, to the rest of the asylum seekers, to the civilians and to the government itself that our oppressed bodies next to each other have the power of leading us to our rights.

By placing our each step on the ground, we will not only show our disrespect for a piece of paper that restricts the borders we can enter, but also by ignoring that we will remind everyone that everything that is written and passed as a law is not necessarily a good thing.

These acts of unauthorized movement can be seen as elements of democratic practice that challenge the laws of dominant democratic and migration regimes in the name of rights and principles of the democratical. With the protest march, they broke their isolation and upended the unrecognized and marginalized position of refugees by attempting to create a political stage. On this stage, they acted out the deprivation of rights they experienced and, at the same time, they constituted themselves as political subjects with rights:
It is no more possible that through isolating the asylum seekers, the crimes of the racial Apartheid system are covered up, since we have crossed the walls of the asylum seekers’ camps and we are actively taking part in the public arena and this is where the subjects, the asylum seekers, regain their subjectivity.

Through rejecting the isolated, silenced and invisibilized position of refugees forced to live in camps and by literally occupying public space, the protesting refugees ‘regain their subjectivity’. The protest march thereby induced a ‘political subjectivation’, in which a new collective subjectivity emerged out of a process of dis-identification, of escaping the marginalized social position assigned to them. This political subjectivation should be understood as a practice of radical democracy; it challenges the dominant police order that assigns the refugees to a subordinate position by collectively breaking out of this very order to some extent. Their struggle and their reminder that not every law is ‘necessarily a good thing’ can be interpreted as a reference to the radical contingency of the given social relations – that everything could be different. It could also serve as a critique of the dominant democratic and migration regimes, against which they fight for their public visibility, political subjectivity and rights and thus enacting the democratical of ‘equaliberty’ (Balibar 2014). By stressing their humanity and rights, by articulating this ‘egalitarian imaginary’, they reject their subordination as an illegitimate form of oppression (Laclau and Mouffe 2001, 152).

After 5 days of walking, the refugees crossed the internal German border from the state of Bavaria, where they had been forced to stay due to the Residenzpflicht, to the state of Thuringia. All of them conscientiously broke the Residenzpflicht law at this moment. Some of the refugees even went a step further by publicly tearing up the residence documents that contained the discriminatory rules. Then, they sent these torn documents to the Federal Office of Migration and Refugees to ‘let them correct the failures’ and give them new documents, which would not contain any deprivation of rights including residency or camp obligations, as well as prohibitions on working and reliance on food packages and vouchers. The subordinate position given by the police order of the migration regime was symbolically torn and rejected; the geographically limited space of the residency obligation was overcome. Drawing on Balibar’s work (2004), it could also be pointed out that they enact themselves as insurgent citizens despite their lack of status and, furthermore, as democratic constituents that question the detached sovereignty of the administrative state.

Five days after this political act of border crossing, the self-declared ‘coordinating committee of the striking and protesting asylum seekers in Germany’ published a statement that on the one hand expressed their concrete demands and on the other hand articulated a positioning of radical democracy:

We, the striking and protesting asylum seekers in Germany, that have been protesting for six months and are now marching for hundreds of Kilometers in order to achieve our legitimate demands announce that:
1. We will abolish the deportation law, since we believe that the location of residence of every human being is solely determined by his or her own decision and not by the political and economic relationships of powers that showcase freedom and equality in their international display windows.

2. We have broken the limited traveling range (Residenzpflicht) law and we will take any necessary step to abolish it altogether, since we believe that the freedom of movement and travel is one of the most basic rights of every human being.

3. We will abolish the obligatory lodging of the refugees in camps (Lagerpflicht) and we will completely remove the very philosophy that endorses such a horrible invention because obligation of living in camps is a clear instance of torturing and we can no longer tolerate the catastrophic consequences that ensue from such a life.

With this statement, the striking refugees rendered the wrong of migration policies visible that affected them every day, and they claimed and constituted a ‘part of those who have no part’. They demonstrated that, as a discriminated group of refugees, they were part of a de facto ‘people of inequality’ and at the same time, as human beings, part of an ideal ‘people of equality’, and out of the gap between these two peoples, they subjectified themselves as a ‘political people’, as a demos of radical democracy (Rancière 1992).

Aware of the fundamental disagreement between their claims and the dominant police order, they did not participate in the institutional processes of the established democratic regime. This was in part because of their non-citizenship status but also because of their political positionality that questions the legitimacy of these institutions. Based on their experience of disenfranchisement and of political struggles, they expected almost nothing from the government, seeking instead to find their rights on their own: ‘No this is not a request, since we are not hoping to be seen and heard by the closed eyes and ears of you politicians. These lines are instead an announcement of the strong determination of the asylum seekers who do not want to be crushed by the inhumane laws anymore’. With their declaration, the striking refugees went beyond simply addressing demands to the state. In the limited space of constitutional power of the German state, they emerged as a ‘constituent power or counterpower’ (Balibar 2014, 117; Celikates 2019). It is not only about changing the established refugee law but about establishing the rights of refugees and all migration subjects: ‘At least stay here so we can create our right, not change the right’ – one of the refugee activists shouted to his comrades upon the arrival of the protest march in Berlin. They emerged as a supplementary political subject that could not be reduced either to a marginalized identity of refugees or to an idealized subject of civil and human rights. In the words of Rancière, they therefore appeared as ‘in-between’ subjects: ‘between several names, statuses, and identities; between humanity and inhumanity, citizenship and its denial’ (Rancière 1992, 61).

After the arrival of the Refugee Protest March in Berlin, the striking refugees were still facing a long and intensive struggle in the streets and in public places. A struggle that had been both physically and mentally demanding and that had resulted in deportation for some refugees. But it had also been a struggle that empowered numerous
refugees and that made visible their subordinate position as well as their forceful demands (From the Struggles Collective 2015). Even though the protests were met with massive repression and only a small number of their goals could be achieved, a heightened awareness of the possibilities of political subjectivity and democratic practices of refugees has remained. Moreover, the refugee protest not only initiated a fight for migrant rights but also the re-enactment of democracy and citizenship from below. According to Balibar, we can learn from these struggles that ‘reactivate the idea of civil disobedience, recalling to us that, with all the risks it carries, it forms an essential component of citizenship and contributes to its refoundation in moments of crisis, when its principles have been put into question’ (2014, 49).

All in all, the Refugee Protest March can be described as a radical democratic practice, in particular with regard to three aspects: as an actualization of the democratic, as an appropriation and expansion of the public sphere and as a reclaiming and enactment of rights that consequently initiates political subjectivation. First, the refugees expressed a fundamental critique of the democratic regime and laws in Germany, while at the same time invoking principles of equality, and thus actualizing the democratic. Most explicitly, they refer to the concept of the humane, which is not a symbol for ‘bare life’ (Agamben) or an object of humanitarian aid. Instead, it is a radical democratic concept to challenge the inhumane laws and orders that could be related to the long history of abolitionist vistas of the human (Mezzadra 2020). With Balibar, we can stress the point that equaliberty means that human beings ‘emancipate themselves, that no one can be liberated by another, that the right to politics is unlimited and is exercised everywhere there is submission to an authority that claims to treat individuals or collectivities as minors’ (2014, 308). Second, the refugees moved away from the segregated space of camps and the position of invisibility assigned to them into the public sphere of cities’ centres, and finally, at the end of the march, into the public sphere of the political centre of the Federal Republic of Germany – the capital, Berlin. In this way, they transgressed the mostly invisible borders and boundaries of the migration regime in Germany in a process of enlarging the public sphere (Rancière 2006, 55), demonstrating that the reality they live is not just their own personal problem, but a political one. At the same time, their reference to city centres and the capital demonstrates that democratic practices are not developed in a vacuum, but to a certain extent relate to existing democratic regimes and their institutions. Third, the Refugee Protest March revealed democratic practice insofar as it is accompanied by political subjectivation through which a ‘radical democratic subject’ (Chambers 2013, 9) is created. The refugees dis-identify themselves from a marginalized position as recipients of aid and as followers of orders, a discriminated identity as refugees. Instead, they constitute a political subjectivity, that of protesting refugees who seek to claim a legitimate position.

Finally, I would like to point out two aspects that made the interventions of the Refugee Protest March – and especially the subsequent developments – appear in a broader social context, and which at the same time suggested a revision of theoretical approaches to radical democracy: specifically, the importance of relatively invisible politics and the relations of solidarity. First, analyses of radical democratic theory often focus on publicly visible interventions and rights-claiming, and in so doing tune out the less visible aspects. Elsewhere, I have therefore analysed case studies of long-standing
migrant self-organizations to show that visible politics of representation and rights are inextricably linked to relatively invisible policies of sociabilities and empowerment, which is why the latter must be increasingly included in theories of radical democracy (Schwiertz Forthcoming). In this article, I have likewise focused on relatively visible politics. However, even in the rather short-term Refugee Protest March, personal relationships among activists, processes of mutual learning and empowerment and the relationships between non-citizens and supporters played a major role, as the protest camp set up after the arrival in Berlin vividly showed (Ünsal 2015).

Second, the radical democratic theories’ focus on public interventions may entail that relations of solidarity, both within and beyond groups, are not sufficiently taken into account (Karaliotas and Kapsali 2020). This aspect also reveals crucial challenges of the refugee protest. On the one hand, the protest did not succeed in establishing durable cohesion as a protesting group. During the protest march, the decisive actors were able to establish strong group cohesion, starting from the common background of ongoing asylum procedures in Germany and their origins, mostly in Iran, and especially from contexts of the democratically oriented movements there. In the context of the protest camp in Berlin, however, the composition of the protest group became more heterogeneous. The resulting differences, especially with regard to residence status and gender (Langa 2015; Ünsal 2015), could not be sufficiently bridged – partly in connection with the divisive effect of dominant power structures – such that despite repeated efforts, it was impossible to create an encompassing ‘chain of equivalence’ (Laclau and Mouffe 2001) between different positions and thus establish relationships of solidarity among the refugees. On the other hand, solidarity beyond the group of refugees is also crucial for understanding what democratic practices can achieve. The refugee protest was thus not only able to work with a closer group of supporters without any history of forced migration. The solidarity of large segment of the population during the peak phase of the protest in 2012–2013 was also decisive in the protest’s impact. At the same time, this dimension of broader societal solidarity also explains the limits to the effectiveness of refugee protests. Hence, an even broader and more stable support among the population seems to be crucial to push through the fundamental demands for a stop to deportations, an end to housing in camps and the abolition of the Residenzpflicht.

**Conclusion**

The main concern of my article has been to relate migration and democracy in a different way, rather than as simply opposites. At first sight, however, the political practice of the Refugee Protest March did seem to oppose democracy, particularly in two ways: On the one hand, refugees as non-citizens are not counted as part of the democratic people of the Federal Republic of Germany but are relegated to an outsider position as foreigners; on the other hand, they positioned themselves in opposition to the established democratic institutions by fundamentally questioning their legitimacy. In this context, radical democratic theory and my proposed notion of ‘democratic difference’ open up a more complex perspective: Although the refugees opposed the democratic regime of the Federal Republic, at the same time, they actualized the democratical of equality and freedom in their struggle for rights, and thus relate themselves to democracy. In this vein,
I have intended to point out that it is important to understand migrant struggles as part of democracy and that much can be learned from them about how democracy can be renewed in the post-democratic age. In this sense, I conceptualize the Refugee Protest March not only as a protest event but also as a negotiation of democracy that is significant for the entire society.

However, in dominant discourses, the voices of migrants, the voices of the refugees in camps, have rarely been heard until now. No position for speech or self-determination has been designated for them in the democratic regime of the Federal Republic of Germany. This is true in both the formal sense, since they have no voting rights, and informally, since their demands are ‘not heard’ in the sense of Rancière’s concept of disagreement. This deprivation of rights creates a barrier to the struggles of refugees, and at the same time they have to break the law to claim their rights. The room for manoeuvre for migration movements is thereby not determined by the movement itself, but is shaped by the established democratic regimes. The protesting refugees are relatively dependent on certain liberties, which are de facto granted by democratic regimes. Furthermore, they depend on being able to articulate their claims in an already established democratic discourse to a certain extent. However, as refugees are not counted as a part of the demos in the dominant democratic regime, their struggles disrupt this counting of the police order. Through actions such as the permanent demonstrations in German downtown areas and the Refugee Protest March described in this article, refugees break out of their isolation and their ‘invisibility’ in the camps, appear in public, claim their rights vis-à-vis existing laws and generate a form of political subjectivity indicative of radical democracy. In this context, the contribution of radical democratic theory is to see migration not as a problem for democracy but to problematize and rethink the established institutions and theories of democracy based on democratic practices – in this case, those of migrant struggles. Furthermore, these struggles politicize human and civil rights. They emerge out of a specific situation, and they therefore develop particular rights claims. At the same time, migrant struggles involve a form of rights-bearing that enact a universal principle of rights. As they struggle to improve their situation by striving to become free and equal subjects, they actualize these democratic principles for all. They raise demands for specific rights as migrants, for example, regarding their asylum proceedings and the legalization of their residency status, and at the same time make a more radical claim, through their performative practice of constituting themselves as political subjects with rights.

I have highlighted this aspect by introducing the concept of ‘democratic difference’, the distinction between regimes of democracy and a principle of the democratical, which is the base of my approach of a theory of radical democracy as conflictual practice. This approach offers an alternative to concepts of radical democracy as a strategy of hegemony or a political order of agonism, in which the participation of marginalized groups like refugees remain somehow questionable, insofar they are not included in hegemonic projects or acknowledged as political interlocutors. Based on the theoretical approach of radical democracy as conflictual practice and the analyses of the Refugee Protest March, I have attempted to present an alternative understanding of democracy that could contribute to debates on how to rethink democracy and its relationship to migration. This is particularly relevant in the context of the crisis of political representation and the rise of
post-democracy, as well as the terrifying return of nationalism. While dominant discourses and the literature about migration have primarily described refugees either as threats or victims for a long time, this article has understood refugees as political subjects and constituents of radical democracy. To take such a perspective, it is necessary to question essentializing notions of the demos and citizenship. Movements of migration in particular undermine these notions. By crossing national borders and boundaries, they point to ways to create the conditions of a post-national democracy, in which the demos is not determined by nationality but by political practices of enacting ‘equaliberty’ (Balibar 2014).

These theoretical reflections of migration struggles and democracy could also be related to other spaces of contention outside the boundaries of established democratic regimes, while focusing on different issues. We could, for example, understand queer-feminist struggles as practices of radical democracy that question the patriarchal and heteronormative character of democratic regimes and the broader society. In this vein, anti-racist interventions, labour struggles, disability rights movements, right to the city alliances or school strikes against climate change and so on could all be perceived as democratic practices related to their specific emphasis. Understood in this radical manner, democracy is ‘not the name of a political regime but only the name of a process’ (Balibar 2008, 526), a struggle for equality and freedom for all, acted out first and foremost by the concerned subjects themselves.

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Notes

1. Being aware of the dichotomous categorization of refugees and migrants, I use the term ‘migrants’ in a comprehensive sense. However, I use the term ‘refugee’ when it is relevant to analyse social ascriptions or legal categories, as well as the self-designation of the protesting refugees.

2. In the following years, refugee protest marches with similar repertoires emerged in other countries (Ataç et al. 2015), and refugee activists from Germany co-organized a European protest march from Strasbourg to Brussels in 2014, building on the experience of the ‘Marche européenne des sans papiers et migrant.e.s’ in 2012 (see Swerts 2017).

3. By emphasizing the centrality of conflicts and power relations, radical democratic theory distinguishes itself from aggregative models of democracy, which, following Joseph Schumpeter, see the function of democracy in the bundling and mediation of individual interests, as well as from deliberative theories of democracy such as those of Jürgen Habermas, which strive for reasonable consensus (Mouffe 2000, 81–93).

4. From the perspective of radical democratic theory, the subject of political practices does not precede those practices but is formed in their course. Therefore, and in line with post-structuralist approaches, radical democratic theories do not refer to an essentialist, rational
and autonomous subject but to a subjectivity within social structures and processes (Schubert 2020). However, in contrast to the concept of subjectification in the works of Louis Althusser, Michel Foucault or Judith Butler, my approach of radical democracy does not stress the more or less voluntary submission to dispositives of power that form subjects and empower them to act, but rather conceptualizes the contention against dominant orders itself as political subjectivation. Nevertheless, Butler’s (1997) notion of performative practice – reproducing power relations, but with a twist – comes close to Rancière’s notion of an unconventional affirmation of democratic principles in a dispute.

5. While in Disagreement the French term subjectivation is translated as ‘subjectification’, I join Chambers (2013, 98–101) and others in using the term ‘political subjectivation’.

6. Reflecting the rightful critique of universalism, developed especially in decolonial approaches, the post-foundational concept of a polemical universal that does not disregard its particular foundations and primarily has a subversive effect (Singh 2019). Furthermore, references to migrant struggles, which in their transnational movements and histories have expressed a connection to the Global South in the North, can contribute to developing a theory of democracy beyond Eurocentrism.

7. The theory of radical democracy as practice is based on a praxeological understanding of society that is neither determined by structures nor by the actions of autonomous subjects. Rather, structure and agency are conceived of being in a reciprocal relationship via the concept of practice. In line with post-structuralist practice theory, approaches of radical democracy stress the aspect of performativity (Butler 1997), which means that every social practice reproduces and transforms the social at the same time.

8. Elsewhere I have pointed out that the relatively invisible politics of mutual aid, care and empowerment, which I cannot address in the context of this article, are an integral part of the radical democracy of migrant organizing as well (Schwiertz Forthcoming). Nadye Ünsal (2015) has discussed similar issues, focusing on the distinction between refugees and supporters within the movement and analysing the intersection of residence status, racism and gender relations; analysis by the refugee activist Napuli Langa (2015) has related divisions in the movement to imperialist power relations. Like most analyses (see Steinhilper 2018), these texts refer primarily to the protest camp on Oranienplatz and the occupation of an old school building after the arrival of the Refugee Protest March in Berlin (for more on the subsequent course of the refugee protests, including in other cities, see From the Struggles Collective 2015).

9. The following quotations are, unless otherwise stated, from the website refugeetentaction.net. The website is now offline, but the statements have been archived by the author and are available upon request.

10. Translation by the author.

11. http://gustreik.blogspot.eu/allgemein/erste-pm (Translation by the author).

12. http://gustreik.blogspot.eu/allgemein/vierundzwanzigste-pressemitteilung-der-hungerstreikenden-iranischen-fluchtinge-in-wurzburgbayern/ (Translation by the author).

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