The takings and re-takings of citizenship and equality in the Refugee Protest Camp Vienna

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Introduction

Over the last 30 years political protests by illegal immigrants, sans-papiers or refugees have become a common occurrence across the globe. From the occupation of the Saint-Bernard church in Paris by sans-papiers in 1996, the hunger strikes in the reception camps on Nauru in 2003, the Gran Paro Estadounidense (“Great American Boycott) in the USA in 2006, the European March of Sans-Papiers and Migrants in 2012, to the Refugee strikes and protest camps in Germany and Austria in 2012,¹ these groups that have been denied representation in political discourses have engaged in protests as a form of political acts of self-representation. This paper will thereby focus on one particular event amongst these countless protests – the Refugee Protest Camp Vienna which started in November 2012 with a 35km march of over 100 refugees and asylum seekers from the reception centre in Traiskirchen to the Votivpark in Vienna, where the protest camp was initially established. Refugees and asylum seekers engaging in acts of citizenship such as the protests in Vienna is a fruitful case study to look into since those groups are actually excluded from voicing their demands in political discourses through either being constructed as voiceless victims under a humanitarian umbrella (whereby others, such as humanitarian organizations speak on their behalf thereby excluding them through representation) or as potential security threats within a discourse focussing on securitization within which those constructed as a threat need to be silenced and excluded from the speech community. The paradox of the refugee discourses thus is that through subsuming the refugee under the umbrellas of humanitarianism or securitization they have no place for the very subject of the discourses – the refugee.²

Incidences of refugee protests interrupt the logics of the refugee discourses by those who are supposed to be excluded from political representation appearing as agents on the stage of politics. Such incidences have over the time been approached and theorized from many perspectives, such as for example as a form of acts of citizenship as suggested by

¹Andreas Oberprantacher, ‘Radical Democratic Disobedience: ‘Illegals’ as a Litigious Political Subject’, 315
²Soguk, 1999; Katrin Kremmel and Brunilda Pali, ‘Refugee Protests and Political Agency: Framing Dissensus through Precarity’, 297
amongst others Engin Isin, or as a form of taking rights from below – based on amongst others the conceptualization of Bonnie Honig on taking rights and privileges (instead of waiting for them to be distributed) as a (radical) democratic practice. Another strand of literature that has been relied upon to analyse these forms of protests are the reflections and conceptualizations on those who are excluded from political discourses but still appear as agents in moments of disruption of the status quo by Jacques Rancière, something that he calls the subjectification of the part who has no part. Those excluded from the scene of politics in accordance to Rancière through voicing their dissensus over the distribution of the sensible (the distribution of ways of being, doing and saying – the apportionment of positions in a particular discourse) of the status quo manifest a wrong in between the inequality of a particular social hierarchy and a presupposition of equality of speaking beings upon which his notion of politics is built. Through manifesting this wrong, the part who had not part before (the supernumerary count – the count of the uncounted), appears on the scene of politics as a collective subject fit to exercise agency and make its voice heard. Rancière, thus, provides a framework which can be used and has been used many times to conceptualize and reflect upon political moments such as is the case with the Vienna Refugee Protest Camp in this paper. And Rancière`s conceptualizations have been used many times in the past to critically analyse protest movements by sans-papiers and refugees. These analyses have in the opinion of the author, however, often perpetuated one of the shortcomings of Ranciere`s idea of politics as dissensus. They often, as much as Rancière`s theoretical reflections, tend to put too much focus on the disruptive event while not putting enough attention onto how a certain political order, a certain distribution of the sensible, rearranges itself in the aftermath of the disruptive event through which the “wrong” was manifested. What namely often takes place in the aftermath of the disruption is what Peter Nyers has coined “sovereignty’s retakings”, actions by for example the state apparatus through which the momentum of the event is lost and the emerging collective subjects are being put into their (voiceless) place – or at least assigned a place which is co-determined by the same unchanged state apparatus and structure which wronged them in

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3 Bonnie Honig, *Democracy and the Foreigner*, 98ff
4 There are also academical analyses oft he Refugee Protest Camp Vienna to a certain applying Rancières framework. See e.g. Katrin Kremmel and Brunilda Pali, ‘Refugee Protests and Political Agency: Framing Dissensus through Precarity’; Ilker Ataç, ‘Refugee Protest Camp Vienna: making citizens through locations of the protest movement’
5 Peter Nyers, ‘Abject Cosmopolitanism: the politics of protection in the anti-deportation movement’, 1087
the first place. (you have to be careful that it does not just remain empty criticism). Thus this paper will try to provide a more comprehensive picture of the Refugee Protest Camp Vienna of as an act of political self-representation. It will not only try to conceptualize the disruptive political event while relying on Rancière’s reflections, but will also try to manifest the “sovereignty’s retakings” by the state through which many of the changes in the distribution of the sensible hoped for by the refugees and supporting activists have been blocked and the discourse of asylum was once reassigned around the bipolar framework of humanitarian victimhood and securitization of refugees and asylum seekers. This will be also complemented by some reflections upon the role supporting activists have played and can play in political protests staged by refugees.

But before delving into the analysis on the basis of the case study of the Refugee Protest Camp Vienna, first, a slightly more detailed overview of Rancière’s reflections on politics and the concept of subjectification as a form of taking rights by those who are not formally entitled to do so will be provided.

**Rancière’s concept of taking rights through subjectification**

Rancière in his reflections differentiates in between two notions: police and politics. Police is thereby being defined as *le partage du sensible*, the distribution of the sensible, in the sense of an allocation “of the ways of doing, ways of being, and ways of seeing” within a particular political community. It ascertains that every subject and group is being assigned a particular place and task within a particular community. Thus, it is thereby what probably in everyday discourse would usually be described as politics but Rancière uses the term police in its broader, historical sense, as something to what Hegel used to refer to as *Polizei*. Furthermore, questions of distributive justice, as perceived in classical liberal political theory, would fall squarely into the sphere of the police order in Rancière’s account.

He uses the term police as politics is for him something completely different, namely a challenging of such a particular distribution of the sensible by parts who had no part in the initial distribution of places and now under the presupposition of equality try to claim their place and re-inscribe themselves into the police order. This process is also being referred to

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6 Jacques Rancière, *Disagreement*, 29
7 Todd May, ‘Contemporary Political Movements and the Thought of Jacques Rancière’, 10
8 This is my reading of Rancière. Others, as for example Todd May, see politics and police as concepts standing in strong opposition to each other.
as subjectification, the showing of dissensus towards a particular distribution of the sensible, a process taking place due to the wrong in between the presupposed equality of all human beings and their unequal consideration in the process of distribution in the particular police order. Contrary to many other political theories, equality in Rancière’s conceptualization is created by people, through processes of subjectification, rather than given to them from above.\(^9\) Rights cannot be distributed from above by the state – they have to be claimed by the part who has no part in a process of emancipatory politics. In Rancière’s understanding, human subjects namely exist in both, a reality of equality as being capable of articulating themselves as being equal with others, and a reality of inequality determined by inclusions and exclusions, which structure a particular political community.\(^10\) He thereby regards the reality of inequality as a mere representation as the whole of the community is never identical with its parts - there are always parts who have no part in a particular representation, a count of the uncounted. Rancière thereby very often uses one particular example to demonstrate the workings of his presupposition of equality, which can be articulated if a part who has no part in a particular count of a social order demands its subjectification while invoking its fundamental equality with the other parts. It is the story of the protest of the plebeians of Rome who in protest against the social domination of the patricians fled to the Aventine Hills and refused to continue to do their part in the society on the basis that the social order was discriminatory towards them and denied them their part in societal representation. The patricians thereby sent Menenius Agrippa to stop this outrage, who then tried to explain to the plebs that they are only the stupid members of a city whose soul are its patricians. But to teach them their place this way he had to assume that they understand what he is saying and thus presume their equality as speaking beings, what would put the way the police order has assigned them their roles in the city as those who were not seen fit to participate in political life in question.\(^11\)

Thus, the presupposition of equality as speaking beings can always be invoked to contest the discrepancy of the equality of the logos and the inequality created by social hierarchy - the wrong, which is the denial of one’s existence as a political subject thus becomes visible.

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\(^9\) Todd May, ‘Wrong, disagreement, subjectification’, 70
\(^10\) Jonna Pettersson, ‘Rethinking political subjectification: equality beyond a community of sameness’, 265
\(^11\) Jacques Rancière, *Disagreement*, 33-34
The process of subjectification, as the inscription of the part who has no part as a political subject in a particular police order, has thereby three main characteristics, which all to some extent can be found in the many activities that have taken place during the Refugee Protest Camp in Vienna. A first one thereby is an argumentative demonstration, whereby logical arguments referring to an already existent inscription of equality can be used. An example thereof is for example the struggle of the early French feminist Olympe de Gouges who in order to help to inscribe women as an equal political subject in the societal order argued that if women are equal if it comes to the scaffold they should be also equal in regard to going to the ballots. Such an argumentative demonstration might for example also refer to an earlier inscription of equality and rights in the form of e.g. a formal human rights declaration. That means that Rancière does not generally regard legal inscriptions of human rights in form of declarations as devoid of meaning (they could thus for example be used as a basis of an argumentative demonstration whereby an actor shows that she is lacking the rights she would formally be required to have) – but he nevertheless stresses that they can over the time become ossified which would then require their actualizations through new inscriptions based on some part who has no part demonstrating its wrong.

Another aspect of political subjectification is what can be called a theatrical dramatization. A good example for such a theatrical dramatization of equality were the sit-ins by civil rights activists at the counters of whites-only cafés in the US. Although they were not perceived as equal by the police order at that particular time they acted as if they were, and thus were able to demonstrate the wrong in between their capacities as equal speaking beings and the space assigned to them in the social hierarchy. With their protest, they were not waiting for the police order to give them equality in a process of distributive justice, but instead acted as if they were already equal and demanded their equality to be subjectified within a changed police order. Through insisting on subjectification of their presupposed equality they rejected any possible identity offered to them by the police order and that brings us to the third aspect of Rancière’s conceptualization of the process of subjectification – heterological disidentification. An important aspect of Rancière’s concept of subjectification is its opposition to identity politics. The names inscribed into a given

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12 Oliver Davis, Key Contemporary Thinkers – Jacques Rancière, 84
13 Contrary to e.g. early critics of human rights instruments such as e.g Marx or Burke.
15 Paul Patton, ‘Rancières Utopian Poltics’, 139
16 Jacques Rancière, Disagreement, 37
police order through processes of subjectification are namely supposed to reject the places offered to them by the present police order itself. A good example for such a heterological disidentification were thereby the struggles of the Action Committee for non-status Algerians in Canada who rejected an effort by the Canadian Government to legalize them as migrants, thus rejecting an identity assigned by the police order, by demonstrating and claiming that they were refugees and thus should be treated this way.  

Rancière’s reflections on politics as dissensus and processes of subjectification thus provide a wide set of conceptual tools with which political protests of those who are supposed to have no part in the distribution of the sensible of a political community, those who are not supposed to have a political identity and agency (such as e.g. refugees or sans-papiers), can be analysed. Thus it contests the historical idea that political agency is limited to those with a formal citizenship status by looking at citizenship as a process, a process of taking those rights through subjectification.

The blindspot of Rancière’s reflections is, however, the fact that he does not engage well enough with the processes of a reconstitution of a police order after a process of disruption through dissensus whereby a wrong has been manifested. As he emphasizes himself:

> Politics does not stem from a place outside of the police. I agree on this point with some of my contraditors [...] There is no place outside of the police. But there are conflicting ways of doing things with the ‘places’ that it allocates: of relocating, reshaping or redoubling them. 

But he does not delve himself into a reflection on how those processes of reshaping, relocating or redoubling parts within the police order go about after a moment of disensus, and thus does not for example conceptualize the risks stemming from processes of “sovereignty’s retakings” through a police order that just has been questioned through the political event. He remains to focussed on the disruptive moment of the political event while not conceptualizing enough what happens next. In his focus on the subjectification of the part who has no part as a political event he forgets that the police order ‘is never simply a positive order: to function at all, it has to cheat, to misname, and so on—*in short, to

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17 Peter Nyers, ‘Abject cosmopolitanism: the politics of protection in the anti-deportation movement’, 1087
18 For the benefits of approaching citizenship as a process, rather than a status or habitus see e.g. the reflections on acts of citizenship by Engin Isin, *Citizens without frontiers*, 109ff.
engage in politics, to do what its subversive opponents are supposed to do\textsuperscript{20} – thus it can apply a variety of strategies in order to achieve non-democratic retakings of the political spaces that have been created through the subjectification of a part that previously had no part.\textsuperscript{21}

The following case study analysis will therefore look at how the refugees in the protest camp in Vienna engaged in processes of subjectification in accordance to Rancière’s terminology, through e.g. taking the rights they do not formally have (political rights) to show that they do not enjoy the rights they would be supposed to enjoy (basic human rights), but will also focus on the efforts of “sovereignty’s retakings” through the government agents and institutions throughout as well as in the aftermath of the political protests by the refugees. It will thereby try to assess how, given the different strategies both sides of the political disputes were engaged in, the police order (i.e. laws and practices regulating asylum and immigration in this case) reconstituted itself and whether it really resulted in the subjectification of a new part that had no part before or whether the protests remained at the level of critique and rhetoric without any tangible influence on the factual reconstitution of the police order.

**The Refugee Protest Camp Vienna, Dissensus and Sovereignty’s Retakings**

The Refugee Protest Camp Vienna has been the most visible protest organized mainly by asylum seekers from the reception facility in Traiskirchen. They, however, from the very beginning called themselves “refugees” in order to demonstrate that they deny the name ascribed to them by the police order. On 24 November 2012, as has been already mentioned in the introduction, they decided to march for 35km to the city centre of Vienna in order to demonstrate against and make visible the degrading conditions and limitations of agency they had to endure in their reception centre. They thus engaged in an act of self-representation which is different from the rather regular demonstrations by refugee activists that take place in the city (but they have been logistically supported by refugee rights activists). Upon arrival in the city and many rounds of debates they decided to establish a camp in the Votivpark in Vienna, a very central and visible part of the city, in order to continue making visible their plight to everybody and thus escaped the invisibility they have been condoned to by the police order which through daily controls in Traiskirchen (and the loss of services in case of

\textsuperscript{20} Slavoj Žižek, *The Ticklish Subject: The Absent Centre of Political Ontology*, 235

\textsuperscript{21} Peter Nyers, ‘Abject cosmopolitanism: the politics of protection in the anti-deportation movement’, 1087
absence) tried to exclude them from participating in the life of the city. A large part of the protesters in the Votivpark were Pakistani, Afghani, Iraqi and Sudanese but over time many Northern African protection seekers joined as well, as well as many supporters coming from all different strata of society. The police order, as manifested by the petty police, from the very beginning was trying to make the life for those in the protest camp very difficult through e.g. frequent random controls. But the refugees and their supporters did their best to keep the protest visible through frequent press conferences and manifestations in the city through which they were trying to manifest the gap, the wrong, in between their equality as human beings and the treatment they would deserve as such (as laid down in Austrian, European and international legislation) and their actual treatment in the reception centres as well as brutality in their interactions with the police. They frequently published lists of demands of their protest, the right to work and the stopping of all deportations being thereby the mostly recalled ones, through which they engaged in forms of argumentative demonstration of the wrong they were in their opinion confronted with, as the following quote from the demands on 25 November 2012 manifests: ‘We need a work permission. We want to be self-sustainable, we don’t want to depend on the State. We reclaim back our dignity as human beings.’

On 18 December, given the frequent police controls and fears that the camp in the Votivpark might be dissolved by the police, the refugees decided to move the protests to the adjacent Votivchurch as a place of sanctuary (rather than occupying the church). Due to these changes, the visibility of the protests suffered since security forces employed by church officials limited the possibility for entry into the church numerically (to 63 refugees and 5 supporters) and temporally (the church was closed daily as of 10pm). On 21 December they met with government officials who told them that they cannot do anything and out of frustration the protesters entered into a hunger strike the day after – an effort to raise some ethical sentiment from the population in the city given their limited visibility due to the spatio-temporal limitations – the police order due to its interventions thus managed to limit the visibility of the wrong (and the tabloid media did their best to frame the protesters as...

In the beginning of the protest there were large fluctuations in the numbers of the protesters since many of them went back to Traiskirchen regularly in order to report to the reception centre authorities and not to lose the scarce services they were receiving – but after some time a core group has formed which has been staying in the Votivpark permanently. A march to the Marcus Omufuma monument in Vienna, an asylum seeker who suffocated to death on a deportation flight due to police brutality, was thereby for example a means to make visible this violence and bring it to the public sphere. Available at: https://refugeecampvienna.noblogs.org/post/2012/11/25/urgent-demands/ (last accessed: 9 August 2017)
criminals and just put them back into the place assigned to them in the bipolar humanitarianism-securitization discourse). In the meantime, on 28 December 2012 the Viennese police destroyed the camp in the Votivpark based on provisions of the so called “Kampierverbot”, a city law prohibiting public camping - a rather very dubiously creative legal basis from within the police order aiming to justify these actions. This police act caused solidarity demonstrations of about 1000 supporters in Vienna, as well as solidarity protests in several other cities (Berlin, Linz, Munich, Salzburg). In the following weeks, however, while many events were still being organized, the general visibility of the protests further decreased (possibly with the exception of an incident on 10 February 2013 whereby right wing provocateurs stormed the church, but left a few hours later due to the freezing conditions in the church). After long negotiations with church authorities and humanitarian associations close to the church, such as the Caritas, the refugee protesters agreed to move to the Serviten Abbey where they would be taken care of by the Caritas. The refugees and supporting activists tried to keep up the momentum but the visibility of the wrong manifested by the initial actions was fading. The police order engaged in acts of “sovereignty’s retakings” and things were taking their course – several activists were deported to Pakistan in July 2013 (two have been already deported in February) while deportation orders have been issued for a total of 27 protesters. But the pick of putting them into their place in the police order was reached on 30 July when several refugees (three of whom were living at the Serviten Abbey at the time) were arrested due to human trafficking charges. In the end 8 refugees/asylum seekers were charged with human trafficking charges and the court proceedings in this case started in March 2014. In between several solidary acts of disobedience (protests, attempted occupations) were performed by the remaining refugee protesters, but this time the police was intervening much more quickly and manifesting the full force of the state apparatus.

Soon after the beginning of the court proceedings the accused refugees have been left out of custody due to several formal and material errors in the process leading up to their arrest. On 4 December 2014 seven of the eight refugees accused, nevertheless were found guilty of human trafficking, although even the prosecution services admitted severe mistakes in the legal proceedings (amongst others severe translation mistakes of the phone transcripts in the conversations of the accused whereby for example the Pashtu word for “money” was translated with “trafficking remuneration” amongst others) and were based on
a rather very thin layer of evidence. Most of those found guilty were charged with a 28 months prison sentence, 7 months of which they would have had to spend in prison. None of them, however, in the end had to go to prison since they already served the seven months in investigative custody preceding the trial. But this is not the point – since while they did not have to go to prison they were brandmarked as criminals, a security risk, and thus put back into their place as envisioned by the police order - a good example of sovereignty’s retakings. And of course having a prison sentence has a severe influence on the outcomes of their asylum/immigration procedures. The legal process was accompanied by a hate campaign in the Austrian tabloids whereby those who dared to act out their agency and demonstrate the gap, the wrong, in between the standards promised by universal human rights and refugee law documents, and the inequality they face in the particular social order in Austria, in their reception centres and due to their exclusion from the public sphere as speaking beings and not just moaning humanitarian subjects, were put back into their place – by depicting them as criminals and a security risk.

Conclusions

The Refugee Protest Camp Vienna was a significant political event whereby those who were supposed to have no part in the police order through argumentative and theatrical demonstrations engaged in dissensus towards the logics of the police order, and manifested the wrong happening to them. In the end, however, the police order through sovereign retakings managed to put them back into their place as those deprived of a voice, and especially the dubious trafficking process re-established them as criminal elements within a securitization discourse. Although there were no considerable changes in the police order effected through the process – one can still not limit its effects to purely a rhetoric of critique as there have also been tangible outcomes from the protest – such as the generally higher recognition rate for Pakistani protection seekers from among the group of the protesters.

One can still, however, ask the question of how such forms of protest of those who are excluded from having a voice in the police order can be supported in the future in order

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25Parts of the legalistically very thin legal reasoning leading up to the verdict can be retraced in the appeal lodged at the Supreme Court (and decided recently – rejected on the basis of formal mistakes of the appeal), available at: https://www.ris.bka.gv.at/Dokument.wxe?Abfrage=Justiz&Dokumentnummer=JJT_20170228_OGH0002_0140050130_16Y0000_000 (last accessed: 10 August 2017)
to prevent such radical sovereign retakings of the police order which cancel out any positive changes in the process of its reconfiguration. An important step will be thereby the rethinking of the role of (citizen) supporters (or activists) within such protests. One will need to consider how they can engage in heterological disidentifications from the identity assigned to them by the discriminatory police order in order to support the struggles of those who have no part (also given the fact that they as a group of “already-citizens” cannot be policed back as easily through sovereignty’s retakings). One will need to look at how they can move from a too intrusive humanitarian discourse whereby they exclude refugees through their own representations (whereby activists for example use refugees to voice their own demands) to a solidarity discourse, whereby they support the self-representation of protesting refugees in a spirit of solidarity.