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Letting Die: The Spectacle of Deporting Afghans from Germany

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Abstract

Around 30,000 Afghans have been denied protection in Germany and are categorised as *ausreisepflichtig* (required to leave the country). Of these, just over 1,000 people have been removed over the four years that removals were implemented, and that at extraordinary costs. For all who are categorised as 'deportable', this was a constant source of fear and insecurity – never knowing who would be next on the list. This article outlines the German politics behind the deportation of Afghans, with a focus on the years 2016–2021. It argues that deportations have become a significant element of the 'border spectacle' (De Genova 2013), staging a drama of exclusion that affirms the national order of being. I frame the deportation spectacle as a part of German biopolitics. According to Foucault, biopolitics is about 'to make live and to let die'. Whilst biopolitical perspectives mostly focus on 'make live', I argue that deportations are part of the inevitable dark side of biopolitics pointed out by Foucault: that of letting die.

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Letting Die:
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Introduction

On 10 August 2021, the Bayerischer Flüchtlingsrat (Bavarian refugees' council), a non-governmental human rights organisation, called a rally in Munich to protest against a deportation flight that was scheduled to leave for Kabul that day. Originally, the deportation flight, organised jointly by Germany and Austria, had been planned for 3 August 2021, but it had been called off when the European Court of Human Rights found that the deportation of one of the Afghans from Austria was unlawful (Pucher 2021). Both governments insisted that the other deportations had to implemented, regardless of the rapid advance of the Taliban in Afghanistan, and so they scheduled another flight for the evening of 10 August. That evening a small crowd of activists gathered at the Gärtnerplatz, a large public square in Munich, to protest the imminent deportation flight. Speeches emphasised Afghanistan's insecurity, particularly for deportees. Young Afghan refugees spoke about their own experiences and expressed their fear of being deported to a country where they did not know anyone and would be totally on their own. Such demonstrations had become routine for activists and supporters, staging them almost every month in Munich and other cities on days scheduled for deportation flights. But the protests never had any impact on deportation policies. For years, refugee solidarity organisations had insisted that Afghanistan was not safe. A campaign with that title – *Afghanistan not safe* – had been started in April 2018 in Munich, backed by almost a hundred organisations in the city and beyond.

Yet this time the deportation flight did not take off. On the very next day, the Federal Ministry of the Interior and Community (BMI) declared a 'preliminary' suspension of deportations to Afghanistan. For the activists, this was a Pyrrhic victory as it marked that Afghanistan's security situation had deteriorated to such an extent that even the German government could no longer deny its catastrophic status. In the weeks before, the Taliban had taken over one province after the other and had rapidly advanced towards Kabul. According to the ministry's announcement, the situation in Afghanistan was now so volatile that it was no longer possibly to guarantee the security of the crew, the accompanying personnel or the deportees (BMI 2021).

This article outlines the German politics behind deporting Afghans from 2016 to 2021 and argues that deportations have become a significant element

of the 'border spectacle' (De Genova 2013), staging a drama of exclusion that affirms the national order of being. I frame the deportation spectacle as part of German biopolitics. With the phrase 'to make live and to let die', Michel Foucault (2020: 241) captures the essence of biopolitics as a mode of power, and places this in contrast to the sovereignty mode of power that 'take[s] life or let[s] live'. This article argues that deportations are part of the dark side of biopolitics – that of letting die.

The deportation spectacle

In the 1990s, the view that the nation state was in decline in the wake of globalisation (see, for example, Albrow 1996) and that national/territorial borders would lose their meaning was widespread. After the fall of the Iron Curtain and the Berlin Wall, the world appeared to be open for all. Neoliberal ideas of globalisation predicted that the nation state with its territorial borders would end, or at least lose in significance, and envisaged the free movement of capital, goods, ideas, and people across the world (Ohmae 1990). With hindsight, we know that even during the heyday of globalisation euphoria, capital and goods were much freer to move than people. In fact, borders never lost their importance and functioned as sorting mechanisms, separating people whose movement was welcome and desired – expats, executives, investors, tourists – from those who were unwelcome – in particular, refugees.

Borders have extended, shifted, and perhaps multiplied over the last few decades, and they are no longer limited to the margins of a national territory. Practices of extensive control and surveillance have resulted in *everyday bordering* (Yuval-Davis et al. 2017), and people who are racially marked often find themselves subjected to identity controls in their everyday lives. For asylum seekers, even district borders may be off limits, and any transgression can be severely punished. Nicholas De Genova points to the *border spectacle* that strongly contributes to making the border regime a 'spectacle of enforcement at "the" border, whereby migrant "illegality" is rendered spectacularly visible' (De Genova 2013: 1181). The border spectacle has two audiences: migrants are sent a message of deterrence, whilst the national citizenry receives affirmation that the state is implementing measures to protect the nation against unwelcome and dangerous migration.

Whilst De Genova focuses on the construction of *illegality* through the border spectacle, I prefer to speak more broadly of the *exclusion* that it produces and signals. The distinction between those categorised as admissible to a country and nation and those who are not is constitutive of the border spectacle. Indeed, deportation is a significant component of the border spectacle. It is the most effective and visible way to perform exclusion: to remove people from the national territory to somewhere elsewhere they are deemed

to belong. 'The Border Spectacle, therefore, sets the scene – a scene of ostensible exclusion, in which the purported naturalness and putative necessity of exclusion may be demonstrated and verified, validated and legitimated, redundantly' (De Genova 2013: 1181). The *deportation spectacle* is the actual or threatened exclusion of foreigners from a national territory that affirms the 'national order of things' (Malkki 1992). According to William Walters (2002: 288), deportation is 'a logical and necessary consequence of the international order. It is in fact quite fundamental and immanent to the modern regime of citizenship.' In the final instance, deportability (De Genova 2002) distinguishes non-citizens from citizens of a state, as citizens cannot be deported (Anderson et al. 2011; Peutz 2006: 220).

In recent decades, deportation has become an instrument of migration management considered necessary and legitimate by governments. Paoletti (2010: 8) speaks of a *deportation turn*, with the deportation of failed asylum seekers having become rather common. Nevertheless, deportations are controversial. The deportation spectacle has a complex semantic that sends different messages to different audiences. As significant as the actual deportation of people may be, the intended message of deterrence is directed both at migrants already within the country and at those considering migrating or who are already on the way. The practice always contains an element of violence, with deportees kept in detention before and shackled and 'fixated' during the flight. Even if no direct physical violence is applied, the deportation itself is an extreme violation of a person's autonomy – a forced migration, albeit the other way round (Sökefeld 2020). For many migrants without a secure right of residence, 'being deportable' is a source of constant existential uncertainty and anxiety. Shad (2021: 258) speaks of it as a paralysing *deportation fear*.

Deportations have adverse and lasting consequences. They come with a multi-year ban on re-entry, which in Germany can only be lifted if the deportee reimburses the state for the deportation costs. For many deportees, the return to their country of origin can be difficult. Often it leads to tensions with family and relatives, for instance when the migrant has not yet repaid debt incurred for the original migration or because the return means the migrant is no longer sending remittances that the family relies on. Sometimes, the country to which a migrant is deported is not the actual country of origin. This is the case, for example, for Afghans who were born and raised in Iran, to which their families had fled, but who are deported to Afghanistan where they have no relatives (Stahlmann 2019b: 81). Deportation takes place based on the logic of the nation state and formal citizenship, with no regard for actual belonging.

The threat of deportation aims at motivating people who do not have a regular right of residence to 'return voluntarily', a measure which is cheaper and easier to organise for the deporting state as it does not require special

flights or the use of extra security. 'Voluntary return' often comes with incentives like some monetary assistance for 'reintegration' in the country of return. In many cases, however, a voluntary return is the only way for a migrant to escape deportation; it is thus far from 'voluntary' in the strict sense of the term (Dünnwald 2011; Collyer 2018).[1] The deportation spectacle is a threat that always reminds deportable migrants of the insecurity of their existence.

The deportation spectacle also sends a message to national citizens. After the end of the Cold War, Germany's asylum regime underwent a radical change. Beforehand, dissidents from socialist countries had sought asylum, which in most cases they were immediately granted. Afterwards, the people arriving were fleeing the wars in fragmented Yugoslavia or in the Global South. The reasons for them escaping did not always fit the rather narrow definitions of German asylum law or the Geneva Convention. Their experiences of persecution were often questioned, and they were rarely granted asylum. The German discourse about refugees became dominated by the figure of the *Scheinasylant* (bogus asylum seeker) or the *Wirtschaftsflüchtling* (economic migrant) who came 'only' for economic reasons to exploit the German asylum system with its putative social benefits and not because of individual political persecution. The asylum policies of successive governments were mostly geared towards reducing the numbers of refugees. The acceptance rate of asylum seekers decreased in the second half of the 1990s, not because refugees were not in need of protection but because the asylum rules were changed to make protection for many legally impossible. An important instrument in this regard was the introduction of the category of 'safe countries of origin'; this meant that anyone travelling from or via such a country was not entitled to protection. De Genova's (2013: 1181) assertion that 'what asylum regimes really produce is a mass of purportedly "bogus" asylum seekers' captures the German asylum system. Governments in Germany and elsewhere follow this course especially to counter right-wing mobilisation that almost always grows following an increase in the number of refugees (Poutrus 2019). At least to some extent governments thereby give in to right-wing political demands, and, consequently, refugees are delegitimated. All of those who are not entitled to protection must leave Germany again – this has become the incessantly repeated mantra of German asylum politics, particularly since 2015. Deportations signal that the government is putting this into practice; this is the public message behind the deportation spectacle.

Yet both critics and members of the government frequently maintain that too few people are in fact deported and that the number of expulsions

1 Though Erdal and Oeppen (2017) do not explicitly refer to remigration in their critique of the highly questionable distinction of 'forced' and 'voluntary' migration, their arguments apply here, too.

must increase. Often, a *Vollzugsdefizit* (a gap in the implementation of deportations) is alleged; indeed, on a regular basis, fewer people are deported than the authorities wish to return. In 2019, for example, 22,097 people were deported from Germany but the removal of 28,944 others could not be carried out, for legal, administrative, health, or other reasons. Given that at the end of 2019 ten times as many people, namely 249,922, were *vollziehbar ausreisepflichtig* (whose requirement to leave the country could be enforced), deportation is not a very effective instrument of migration management. It is, however, an efficient device for spreading fear and insecurity.[2] A 2016 expert report by McKinsey, commissioned by the Federal Authority for Migration and Refugees (BAMF) and the BMI, predicted that in 2017 there would be 485,000 *ausreisepflichtige* people in Germany. According to the refugee support organisation Pro Asyl (2017), these were highly exaggerated figures, and any talk of the *Vollzugsdefizit* was simply scaremongering. They are, however, part of the deportation spectacle, because such exaggerations are regularly followed by demands that the authorities be issued with more power to expel more people. Indeed, asylum laws and regulations have been tightened time and again. The deportation spectacle contributes to the 'legal hyperactivity' (Hruschka and Rohmann 2021) of the government regarding asylum regulations. The hitherto last instance in this regard was the 2019 *Geordnete-Rückkehr-Gesetz* (Law of Orderly Return),[3] which, amongst other things, further facilitates deportation detention and requires failed asylum seekers to expedite their own deportation by forcing them to organise identity documents from their country of origin. A previous draft of the law intended to criminalise activists and organisations helping refugees evade their deportation. Whilst this section was dropped, the law now declares information about imminent deportations confidential: the disclosure of such information by an official can be penalised with up to five years imprisonment. Keeping such information secret prevents potential deportees taking emergency legal action or disappearing and their supporters from assisting them.

The government at the time[4] presented deportations as an indispensable part of the rule of law. When the Law of Orderly Return came into force, Horst Seehofer, then Federal Minister of Interior Affairs, said in a press statement:

2 All figures from Deutscher Bundestag (2020). Due to Covid-19 and subsequent travel restrictions, figures for 2019 are more conclusive than those for 2020.

3 The formal title of the law is 'Zweites Gesetz zur besseren Durchsetzung der Ausreisepflicht' (Second Law for the Improved Enforcement of the Obligation to Leave the Country).

4 In the period under analysis, the government was based on a coalition of the conservative CDU/CSU and the social democratic SPD. The coalition lasted for two legislative periods, from 2013 to 2021.

> *Only the consistent enforcement of the law ensures faith in the state of law and the acceptance of asylum procedure by the citizenry. Persons without a right of residence have to leave our country. The obligation to leave the country has to be followed by the actual departure. We are implementing this resolutely through the Law of Orderly Return. Thereby we ensure that we can concentrate our efforts for integration on those who are really in need of protection. (BMI 2019)*

Such discourse naturalises the laws of asylum and residence, obscuring the fact that such laws are made by the very politicians who then declare their observance an indispensable pillar of the state of law. Furthermore, the fact that law is made indicates that it can also be made differently. Such naturalisation of the law is part of the spectacle: it naturalises the boundaries and categories created by related policies, like the distinction between desirable and undesirable or deserving and undeserving migrants.

Yet governments and authorities face a dilemma as by no means all citizens, that is, voters, appreciate the deportation spectacle. Deportations are therefore mostly organised as invisibly as possible and through procedures in which locally elected politicians have no say, so that they cannot be pressurised by local resistance (Ellermann 2005, 2009). In particular after 2015, a strong civil society movement for the support of refugees developed in Germany, and many activists now fight deportations. The criminalisation of supporters that was included in the draft of the Law of Orderly Return points to this. A politician of the conservative Bavarian CSU party referred to such action as an 'anti-deportation industry' – a term that subsequently became the 'misnomer of the year' (*Unwort des Jahres*) (Spiegel 2021c). The CSU had to realise that restrictive asylum politics alienate many voters.

Thus, whilst the government and the authorities do not want to do without the deportation spectacle, they have to expend a great deal of effort to reduce the visibility of the expulsions, especially to remove the physical, psychological, and discursive violence often associated with them from view. Deportees are now picked up at night and put on specially chartered aircraft, not on scheduled flights. Deportation dates are not publicly communicated to prevent protests, and politicians use the softer term *Rückführung* (repatriation) to avoid the harsher *Abschiebung* (deportation).

The obscene side of the spectacle: letting die

According to De Genova, the public and visible *scene* of the border spectacle is accompanied by a dark, shadowy *obscene* which is publicly unacknowledged and disavowed – and which state actors in the spectacle go to great lengths to hide and deny. Focusing on the United States, he points out that the public and demonstrative exclusion of 'illegal' migrants is supplemented

by their obscene inclusion as an illegal workforce in the labour market. Apparently working illegally is their choice, but in being illegalised, they are stripped of all rights, in which case they can easily be exploited and lack any ability to defend themselves (De Genova 2013).

Such an analysis can only partly be transferred to Germany, because here immigration largely takes the route of asylum and is not necessarily 'illegal', as every person entering the country has the right to apply for asylum. In Germany, failed asylum seekers are frequently forced to work illegally; for legal work they would need a work permit and this is often withheld by the registration office. On the other hand, there are enough 'legal' options for exploiting foreign labour, for example seasonal workers in agriculture or contract workers in the meat industry, so that employers in Germany do not need to rely on asylum seekers for cheap labour. In addition, many employers lobby to employ asylum seekers, including failed ones, on a legal and continuous basis.

Regarding Germany, I thus see the *obscene* of the border spectacle less in exploitative irregular labour than in the often-brutal effects of the asylum regime and deportations, which frequently result in bodily or psychological injuries, sometimes with fatal consequences. These obscene consequences are obscured by a legal discourse which affirms the legality of deportations and are concealed by the government's repeated assurances that the respective country of deportation – in our case, Afghanistan – is safe.

The obscene side of the border spectacle represents the shady part of biopolitics, where governing a population is not about making live but letting die. Foucault (2020: 254) sees a direct link between biopolitics and racism as 'a basic mechanism of power', with racism 'the break between what must live and what must die'. Moreover, racism fragments and creates 'caesuras within the biological continuum addressed by biopower' (Foucault 2020: 255), whilst 'in a normalising society, race or racism is the precondition that makes killing acceptable. […] Once the State functions in the biopower mode, racism alone can justify the murderous function of the State' (Foucault 2020: 256). In his outline of the 'murderous state', Foucault refers primarily to the deadly racism against Jews in Nazi Germany. However, it would be premature to conclude that the issue ended with the collapse of the Nazi regime. Potentially deadly exclusion looks very different today. Strangely, the nation state hardly plays a role in Foucault's thinking, but exclusion continues through the nation state in that it *is* a machine for exclusion (Brubaker 1992; Wimmer 2002). Furthermore, the nation state draws the exclusionary boundary between those for whom the state must care (in the first instance nationals, but also non-citizens with a secure title of residence) and those for whom only limited, if any, responsibility is assumed. For this potentially deadly exclusion, racialisation in the conventional sense of the term is not necessarily required, though it certainly plays an important role.

Foucault clarifies:

> *When I say 'killing', I obviously do not mean simply murder as such, but also every form of indirect murder: the fact of exposing someone to death, increasing the risk of death for some people, or, quite simply, political death, expulsion, rejection, and so on. (Foucault 2020: 256)*

Death by neglect, by irresponsibility, by not being cared for. Those who do not belong to the nation state in one way or another, mostly refugees, do not receive governmental, biopolitical care. They either do not have the 'right to have rights' (Arendt [1951] 2017: 388) or their rights – like the right to work, the right to movement, or the right to health – are severely curbed. They can be deported, even when deportation exposes them to potential peril and death, as in Afghanistan.

Deportations to Afghanistan

Due to the disastrous situation in Afghanistan, deportations to this destination are particularly controversial. Despite the absolute insecurity there, Afghan refugees are not accorded automatic protection, as are refugees from Syria, for example. Since 2015, the protection Afghans have experienced in Germany has consistently decreased, and asylum procedures have been manipulated for the sake of the deportation spectacle and the production of failed asylum seekers.

Afghan migration to Germany started in the 1950s with carpet dealers, many of whom settled in Hamburg's Speicherstadt, a district of the city's port area (Stroux 2002). Today, Hamburg is home to the largest Afghan community in Germany. Shortly after the Soviet occupation of Afghanistan in 1979, Afghan refugees started to enter Germany, particularly members of the Western-educated elite. Later other groups arrived, and, after the Taliban lost power in 1996, members of religious or ethnic minority groups made their way to Germany. Due to these long-standing migratory links, Germany is the most important target country for Afghans in Europe (Baraulina et al. 2007: 8–9; Haque 2012). In 2015, when the Balkan route was opened and the violence and poverty in Afghanistan were increasing dramatically, many additional refugees arrived, especially unaccompanied minors and young men. As a result, the numbers of Afghan asylum seekers rose dramatically, reaching 127,012 applications in 2016 (BAMF 2017: 22).[5]

5 In 2014, 9,115 applications were filed, and in 2015, 31,328. The substantial number of Afghan asylum applications in 2016 was because many refugees who arrived in 2015 were only able to submit their asylum application in the following year. In 2017, the number of new applications decreased to 16,423 (BAMF 2018: 21).

In 2017, around 250,000 Afghan citizens lived in Germany, and the government intended to reduce this figure. Thus, whilst only 13.7% of asylum applications by Afghans were rejected in 2015, this figure rose to 36.4% in 2016 and 48.5% in 2017. The *Schutzquote* (protection quota) of Afghans fell to 47.9% in that year, and this had the significant effect that most Afghans were no longer entitled to German-language and integration courses, as these were limited to refugees with a *gute Bleibeperspektive* (good legal chance of remaining in Germany). *Gute Bleibeperspektive* required that more than 50% of refugees of a particular national origin were accorded protection by the BAMF (Flüchtlingsrat Niedersachsen 2017; see also Voigt 2016). Obviously, the decreased protection quota of Afghans was not because of any improvement in the security situation in Afghanistan – on the contrary, the situation continued to worsen – but because of changes in BAMF practices. This is confirmed by the fact that 61% of the negative decisions were subsequently overturned by administrative courts (Pro Asyl 2018). Court decisions, however, are not considered in the determination of a group's *Bleibeperspektive*. At a meeting in Brussels of all European Union ministers of the interior in November 2015, the then German minister Thomas de Maizière said: 'We are preoccupied by the large number of refugees from Afghanistan. We want Afghans to get the message: Stay there! We will return you [...] from Europe directly back to Afghanistan!' (BMI 2015).

In December 2002, one year after the beginning of NATO's intervention in Afghanistan, all German ministers of interior affairs at the federal and state level decided to halt deportations to the country because of its insecurity. Only people with a criminal record were exempted from this general ban on deportations, but even they were only rarely removed. From 2013 to 2015, there were only around ten deportations per year. Yet, because of increasing extreme right-wing mobilisation against refugees in Germany, the government set itself on a course to increase removals. The government of Bavaria took a rhetorical and practical lead in this respect. Joachim Herrmann, its minister of interior affairs, asserted that certain parts of Afghanistan were indeed safe thanks to the interventions of the German army and police (Spiegel 2016). In October 2016, the governments of Germany and Afghanistan signed the *Joint Declaration of Intention in the Field of Migration*, which regulated the readmission of rejected asylum seekers from Germany. The agreement pointed to Germany's efforts for the development and civil reconstruction of Afghanistan and its support for the strengthening of the Afghan army and police. The German government threatened to halt development aid if the Afghans did not sign the agreement (Gebauer 2016). Similarly, the EU threatened to make aid for Afghanistan 'migration-sensitive', as a leaked EU 'non-paper' about EU-Afghan cooperation asserted (European Commission and European External Action Service 2016; see also Rasmussen 2016).

On 14 December 2016, the first group deportation from Germany to Afghanistan took off. The deportation spectacle had started. Thirty-four Afghans were flown from Frankfurt to Kabul in a chartered aircraft. Originally, the deportation of fifty Afghans had been planned, but several people could not be included because of court decisions in their favour (Spiegel 2016). Until the ban of deportations in August 2021, 1,104 rejected asylum seekers were deported to Kabul on forty charter flights. Most of the deportees had been based in Bavaria.

On 31 March 2017, a devastating bomb blast hit the German embassy in Kabul, killing at least fifteen people and wounding more than 300. A deportation flight had been planned for that very day and was cancelled at short notice. But the official reason for the cancellation was not the security situation in Afghanistan but that embassy personnel were not available to receive and process the deportees because of the blast (Schmidt and Jansen 2017). The government refused to declare a complete ban on deportations but limited removals to 'Straftäter, terroristische Gefährder, and Identitätsverweigerer' (criminals, potential terrorists and persons who refused to provide their true identity)[6] (Spiegel 2017). Afghans who were put into one of these categories continued to be deported. In summer 2018, the Federal Ministry of Foreign Affairs released a new status report on Afghanistan, declaring the country 'safe', following which these restrictions to deportations were lifted. On 6 June 2018, Chancellor Angela Merkel affirmed in parliament that Afghanistan was not dangerous for deportees (Spiegel 2018c), even though the country suffered daily terrorist attacks daily. The first unrestricted deportation flight took off on 3 July 2018, which happened to be the birthday of Minister Seehofer. The following day he joked at a press conference that 69 Afghans had been deported on his 69th birthday; 51 of them had come from Bavaria (Spiegel 2018a; Süddeutsche Zeitung 2018). A few days later, one of the deportees committed suicide in Kabul. Another had been deported unlawfully, because his appeal against his negative asylum notification had not yet been decided by the court (Spiegel 2018b). And at least one of the deportees had never been to Afghanistan as he had grown up in Iran (Panorama 2018).

In contrast to the official assessment of the situation in Afghanistan by the German government, the World Health Organisation already considered Afghanistan one of the most dangerous countries in the world in 2017 (WHO 2017), with the Global Peace Index listing it second-last in its record of 163 countries (Vision of Humanity 2018). In the following years, the index listed Afghanistan as the world's most dangerous country (IEP 2020, 2021). According to the United Nations Assistance Mission in Afghanistan, the country's situation deteriorated rapidly and continuously, and the number of civil

6 Afghans are often charged with identity forgery because there is no standard transcription of Dari or Pashto to German. For instance, the name *Ahmad* can be written as *Ahmed* – and such a variation is sufficient to make a person an *Identitätsverweigerer*.

casualties in conflicts reached new heights (UNAMA 2019). In the summer of 2018, the United Nations High Commissioner for Refugees published new regulations for the protection of asylum seekers from Afghanistan, according to which there were no safe spaces in the country, not even in Kabul (UNHCR 2018: 114) – in stark contrast to the assessment by the German government.

The official German assessment that parts of Afghanistan were 'safe' rested on a specific judicial assessment of insecurity based on the concept of *Gefahrendichte* (intensity of threat). According to this, refugees cannot be sent to a place that is 'sufficiently insecure', thus, if there is a prevailing probability of suffering death or grave injury. Such a situation is present when at least 50% of the civil population is killed or severely injured. Legal expert Paul Tiedemann applied this standard to Germany during World War II and established that even during the worst nights of bombing of its cities, there had never been sufficient *Gefahrendichte* (Tiedemann 2016) – thus highlighting the disdain of this approach. Another study had shown that voluntary returnees from Norway and the United Kingdom live in permanent fear in Afghanistan, even if they have not been personally threatened, and many dare not leave their shelters (Oeppen and Majidi 2015: 3). Already in 2013, Schuster and Majidi (2013) showed that due to insecurity most returnees were planning to leave Afghanistan again as quickly as possible.

Due to the disastrous situation in Afghanistan, most German states, particularly those ruled by the SPD, continued to deport only Afghans who had committed serious crimes (Weiland 2018). But Saxony and especially Bavaria lifted all such restrictions, the latter declaring that it would even increase deportations. A press statement from 3 July 2018, for example, indicates that only five of the fifty-one Afghans deported from Bavaria on that date had a criminal record. Bavarian Minister Herrmann emphasised that twenty-one of the deportees had been in deportation detention, and he lauded the legally extended opportunities for such detention. He emphasised that Bavaria would continue to use these possibilities because a strong state had to enforce the obligation for people to leave Germany. He continued:

> *When, in lawful procedures, authorities and courts come to the conclusion that a person has no right of residence in Germany, then he has to depart. We can only ensure that our asylum system and those who have a right to stay are accepted if a strong state of law resolutely implements the obligation for exit. (Bayerisches Staatsministerium des Innern 2018)*

The minister also stressed that, according to an assessment by the federal government, removals to Afghanistan could be executed without any restrictions.

This statement is a good example of the conventional dual strategy employed to justify deportations. On the one hand, refugees who deserve pro-

tection and the right to stay are distinguished from those considered undeserving – supposing that a clear distinction between these categories is possible. On the other hand, those categorised as undeserving must leave Germany, if necessary by being deported, in order to protect the state of law. According to this reasoning, the uncompromising deportation of rejected asylum seekers is the precondition for the acceptance of the asylum system by German citizens. To mark those refugees who do not deserve a right to stay, a new vocabulary was coined; it replaced the former *Scheinasylanten* and *Wirtschaftsflüchtlinge* with *Kriminelle* (criminals), *terroristische Gefährder* (terrorist threats) and *Identitätsverweigerer* (people refusing to clarify their identity). The latter are a threat to German society and must be deported if they do not leave voluntarily. Thus, not their deportation to Afghanistan is irresponsible, but *not* deporting them would be irresponsible. This line of thought does not ask whether people who have committed some infringement deserve the right to life and protection. 'Crimes' that may lead to deportation include infringements such as not paying for public transport or having a spelling mistake in one's identity papers.[7]

The right to protection is thus not a basic human right but a condition that has to be earned and deserved. Sometimes it is argued that 'criminals' have forfeited their *Gastrecht* (right to hospitality) in Germany.[8] However, a *Gastrecht* does not exist in the German legal system. Here, the deportation spectacle refers to some archaic figure of law to justify a potential violation of the right to physical integrity because of deportation. Also, the categories 'integrated' and 'non-integrated' are not legal classifications but catchy and powerful rhetorical buzzwords.

During the debate on a new law of residence and the termination of residency in July 2015, the then Federal Minister for Interior Affairs, Thomas De Maizière, said: 'The right to stay for well-integrated and law-abiding foreigners, on the one hand, and termination of residence for those who are not in need of protection, on the other – these two messages belong together' (quoted after Schwarze 2015). Interestingly, the minister mixed up categories here. His statement could be read as if people who are not considered as being 'well integrated' are per se not in need of protection. Legally, however, the right for residence hinges on the need of protection, not on their 'integration'. 'Integration' – normally meaning that refugees learn the German language,

7 Sometimes, 'criminals' are manufactured by the authorities. In 2019, a young Afghan was sentenced to four months on probation for being in Germany without a passport. When he originally arrived in the country, he had a valid *Tazkira* (Afghan identity document), which he had to hand over to the authorities. But the authorities lost the paper. The authority's responsibility for the loss did not prevent his sentence, which made him a potential candidate for deportation (Bayerischer Flüchtlingsrat 2020).

8 Armin Laschet, the leading candidate of the conservative CDU, argued along these lines in his election campaign in August 2021 (Tagesspiegel 2021).

work, and abide by the law – is a demand used to put pressure on refugees, but it is by no means a guarantee of a right to stay. In fact, the integration demand can be seen as an instance of structural violence (Wyss and Fischer 2022). Many activists supporting refugees had to learn that the 'integration' of their mentees, whom they have often supported through many years of voluntary commitments, is no guarantee against deportation. In addition, refugees who work or undergo some form of professional training are deported too, even if their employers urgently appeal for their right to stay because their labour is important to the companies.[9] The BMI revealed the integration discourse as a spectacle, stating that working does not establish a right to residence: 'The steering function of our law for labour immigration would be undermined if every asylum seeker who has found a job could stay in the country' (Wolfrum 2017).

The Bavarian authorities in particular refuse permission to work or to receive professional training (Süddeutsche Zeitung 2017). On occasion, people are even deported from schools. The most notable case in this regard was twenty-year old Afghan Asif N., who was arrested on 31 May 2017 at a vocational training school in Nuremberg. At first, Asif did not resist his arrest and entered a police car that there to set take him away. But his classmates, realising what was happening, blocked the police car from departing. More and more students assembled, with more than 300 eventually taking part in the protest. The police used pepper spray and batons to disperse the crowd, and some of the protesters were taken into custody. The confrontations lasted several hours until Asif was driven away, but the demonstration continued. The protest then shifted to Nuremberg's foreigner registration office. Civil society organisations and opposition parties in the Bavarian parliament criticised the police for arresting Asif at his school, and a trade union accused the authorities of inhuman action (Przybilla and Sprick 2017; Töpper 2017). Asif was on the list for the deportation flight that was cancelled because of the bomb attack on the Germany embassy in Kabul. The foreigner registration office intended to keep him in a deportation detention centre until the next flight, but the court ordered his release (Süddeutsche Zeitung 2017).

The scene of the deportation spectacle – as part of the border spectacle – is utterly clear in expulsions to Afghanistan: an uncompromising discourse promulgated by politicians who declare that relentless deportations are the cornerstone of the state of law, who distinguish 'good' from 'bad' refugees, and who stain the latter with a vocabulary of menace: *Gefährder*, *Straftäter*, *Identitätsverweigerer*. Amongst the refugees, the spectacle disseminates the message of their deportability and creates existential uncertainty, whilst demands for integration that result in broken promises have a similar effect. The deportation spectacle aims to obscure the obscene backside of the unacknowledged, often brutal effects of the asylum regime and the deporta-

9 For examples of such appeals, see Tagesspiegel (2018); Hampel (2017).

tion system, which only rarely become public as in Asif's case. Effects include physical and psychological injury, sometimes with fatal consequences. They are also obfuscated by the government's assertion that Afghanistan is safe for deportees.

Let us stay with Asif N. for a moment. He had arrived in Germany in 2012 as an unaccompanied minor. In 2013, his application for asylum was rejected; as a minor, however, he received a *Duldung* (a temporary suspension of deportation). In 2016, he successfully completed a basic vocational training year and wanted to become a carpenter. This was the year that the German government signed the readmission agreement with the government in Kabul that allowed group deportations to go ahead. The authorities rejected Asif's application for permission to complete a carpentry apprenticeship, so he repeated his basic vocational training and hoped he would be issued a residence permit, because by this time he had become 'well integrated'. Instead, he was put on the list for deportation. Public solidarity with him dwindled when it transpired that, shortly before the planned deportation in 2017, he had damaged a traffic signal whilst drunk after being denied entry into a club when all his German friends were admitted. He filed a second asylum application. Again, he was offered a carpentry apprenticeship, but once more he was denied permission by the authorities (Löw 2019). By the summer 2019, Asif decided to fly to Afghanistan, on his own accord. Shortly before his departure, supporters interviewed him. In the interview, which was published after his departure, he stated that he could not bear the waiting any longer:

> *You have to wait for so long, and you are not allowed to do anything. […] Two months ago, I again received a rejection. Now I have to wait another year for the hearing, and, I don't know, perhaps another three years until I get the rejection. I cannot bear three years more without doing anything. This way, they force me to return. In the asylum camp, I have nothing, and every day is so long. What shall I do? You get up and have nothing. No Internet, no TV, you just watch the walls. Three years, this is too much, I cannot continue like that. Imagine, I have been in Germany for six years now, and I have not achieved anything.*

Asked why he wanted to return to Afghanistan, he answered:

> *It is better in Afghanistan. There I can do what I want without asking permission. I do not have to go to the authorities time and again. I am simply there. In Afghanistan, you die once, you know. In Germany, you die every day, being stressed. Many say that there is peace in Germany, in Afghanistan there is war. Yet Germany is like a cemetery for me. You are lying here and cannot do anything, you cannot move.*

But he placed a strong emphasis on the fact that his return to Afghanistan was not 'voluntary':

> *Here I am helpless, and I cannot live my life without anything; they force me. For me, this is another flight. I return to a country from which I fled at the age of thirteen; I don't know anything there. Return means that you return to your city, to your family and friends. Yet I cannot go to my family. I have never been to Kabul. This is not a voluntary return but another escape route. I am fleeing from the shit system here. (Bündnis 'Widerstand Mai 31' 2019; see also Henzler 2019)*

Asif could have stayed in Germany, waiting for his eventual deportation, but instead he balanced up the potential danger in Kabul against his situation in Germany and decided to escape from the paralysing asylum system. But Asif also said that he feared that he would be particularly at risk in Afghanistan because he had become such a well-known case there because of his failed deportation in 2017 (Süddeutsche Zeitung 2019).

I do not know what happened to Asif in Kabul. However, in a comprehensive study of Afghans who were deported from Germany between 2016 and 2020, Friederike Stahlmann (2021) established that deportees were exposed to specific threats and persecution *because* they had returned from Germany. They were regarded as defectors, as being contaminated by the West, or as enemy collaborators. They were threatened and attacked not only by the Taliban but also by people from their own social circles and by state officials. Most of them could not join their families – if they had any family left in the country – because that would also have made their families the target of threats and violence. Most tried to hide somewhere and not to expose themselves.

Stahlmann was able to analyse the experiences of 113 of the 908 people deported during the period of investigation.[10] She included only those in her survey who had stayed in Afghanistan for at least two months. This means that those who left more quickly because of threats and violence, those who had been killed, or those whom she could not trace because they were in hiding were not included. We must thus assume that the actual danger and violence suffered exceeded the results of the study. Of the deportees Stahlmann did include, 90% had suffered violent attacks, more than half of them repeatedly. Additionally, more than 50% cent suffered violence because they had been in Europe (Stahlmann 2021: 33f).

In addition to direct, specific violence, the deportees also suffered from structural violence and disastrous poverty rife throughout Afghanistan. A

10 Stahlmann (2021) used a quantitative methodology in her research because a quantitative assessment is needed in court cases to challenge deportations. See the discussion of the quantitative notion of *Gefahrendichte* earlier.

significant part of the population depends on food aid, to which deportees often do not have access. In a prior study in 2018 based on a smaller sample 2018, Stahlmann documented the hazardous situation of deportees, the results of which she presented in a comprehensive expert report that was submitted to court and subsequently published (Stahlmann 2018; see also Stahlmann 2019a, 2019b). With these findings, no one could credibly assert that Afghanistan was safe for deportees. Nevertheless, in its Afghanistan report from July 2021, which is the last report before the Taliban took power in Kabul, the Federal Foreign Office maintained that it did not know of any returnees who had become victims of violence because they had been to Europe (Auswärtiges Amt 2021: 24). One must assume that the Federal Foreign Office – and the federal government as a whole – did not want to know about or acknowledge such cases, as the obscene features of deportations were meant to remain hidden and not cast a shadow over the deportation spectacle. In July, and even in early August 2021, when the Taliban already dominated the greater part of the country, the BMI planned further group deportations. On 10 August, the governments of Germany, Austria, the Netherlands, Belgium, Denmark, and Greece urged the EU to continue deportations,[11] even though on the very same day the ambassadors of EU member states in Afghanistan, including the German ambassador, demanded the suspension of the practice because of the advance of the Taliban (Süddeutsche Zeitung 2021). On 11 August, finally, the BMI gave in to the obvious and suspended deportations – but only temporarily, as it emphasised: 'As soon as the situation permits, criminals and *Gefährder* will be deported to Afghanistan again' (Spiegel 2021a). And even in the statement declaring the suspension, the minister affirmed the logic of deportation, insisting that removals are necessary for the state of law (BMI 2021).

Conclusion: letting die

Deportations to Afghanistan do not correspond with the biopolitical claim of 'making live', as they put the lives of those who are deported in grave danger. Governments assume the responsibility of caring and making live only for their own citizenry, not for those who are rhetorically and legally excluded. The emphasis of the necessity of deportation, to maintain the state of law, means ultimately that the exclusion of those deported is a necessary condition for the care of the citizenry. Decades ago, Hannah Arendt ([1951] 2017) pointed out that, in practical terms, human rights do not apply to those without a state to defend their rights. This is how the exclusionary nation state works – despite all invocations of human rights. The only progress human rights have in fact brought is perhaps rhetorical: hardly a government will

11 The last deportation flights were organised by Frontex, the EU agency for border management.

explicitly deny human rights or openly admit letting die. But in practice, for those in need of protection, the rhetoric of human rights and the official denial of letting die do not make much of a difference.

The denial of potentially deadly dangers for those who are not cared for, that is, the denial of letting die, is part of the spectacle of exclusion. Thus, the German government continued to maintain that Afghanistan was 'safe', even though the country was quite obviously *not safe* long before the recent takeover by the Taliban. The German government's assertions did not make Afghanistan safe. The obscenity shrouding the deportation spectacle must be analysed within the frame of the larger European border and refugee regime, where the responsibility for people dying is shifted away from governments to others: to the force of nature, represented by the Mediterranean, to smugglers, to the Taliban.

Scholars have used Giorgio Agamben's (1998) terminology to argue that refugees are reduced from *bios* – social, political life – to *zoe* – bare life, bare survival. But on the obscene side of the border/deportation spectacle, on the let-die side of biopolitics, survival is by no means guaranteed. Foucault (2020: 256) referred to indirect murder by the state, to killing by 'exposing someone to death, increasing the risk of death for some people, or, quite simply, political death, expulsion, rejection, and so on'. The line between direct, active killing and killing by neglect, by refusing responsibility, by denying protection, is very delicate. The danger of being killed during migration is recruited by the EU's deterrence apparatus, intended to avert further immigration. Biopolitics thus becomes necropolitics (Mbembe 2008). Whilst killing by neglect becomes visible time and again in the Mediterranean, often provoking a public outcry, the insecure situation in Afghanistan has made the denial of responsibility and wilful ignorance very easy. Apart from a few notable exceptions such as Stahlmann's studies, little is known about the situation of deportees in the country. And participation in her study puts the deportees into additional danger, something Stahlmann had to manage with great care.

Since the Taliban came back into power in August 2021, the spectacle of deportation to Afghanistan has taken a break. Justifying the halt, Minister Seehofer said that the advance of the Taliban put the deportees but also aircraft crew and the accompanying personnel in danger (BMI 2021). In this case then, the safety of the Afghans was a side effect of the care for German citizens. It is not unimaginable, though, that after a certain time the German government will enter into talks with the Taliban government to resume deportations. In the meantime, expulsions to other countries continue unabated, even though in December 2021 a new government came to power. The spectacle of excluding and sorting out human beings goes on.

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