

Limited Tools for Emancipation? Human Rights and Border Abolition

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journals.sagepub.com/home/soc**Marco Perolini**

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Abstract

Human rights often fall short of challenging oppression because they are enmeshed with conservative institutions, such as the law and the state. Despite these shortcomings, grassroots organisations contesting border regimes in Berlin often make use of human rights in their everyday mobilisation. They engage in autonomous forms of mobilisation outside the state and construct non-legal notions of human rights that are emancipatory for racialised migrants. However, these same organisations also address demands to state authorities by using legal notions of human rights. In this article, I draw on the framework focusing on abolition and non-reformist reforms, which have been developed by activists and scholars in their resistance to policing and the Prison-Industrial Complex. I innovatively extend its use to propose a nuanced understanding of grassroots approaches to human rights. Specifically, I argue that these approaches entail the concurrent pursuit of short-term reformist reforms and border abolition.

Keywords

abolition, border regimes, emancipation, human rights, non-reformist reforms, social movements

Introduction

These days more than ever, we may feel inclined to side with sceptics on the inadequacy of human rights to challenge oppression and injustice. International humanitarian law is not sparing civilians from the ravages of the war in Ukraine. European governments can choose to protect those Ukrainian refugees who are racialised as white while deporting many others to similarly war-torn countries (Howard et al., 2022). Meanwhile, the UK government argues that sending asylum seekers to Rwanda, a country rife with human rights abuses, does not pose a moral or legal problem as Rwanda is a ‘safe country’ (Limb, 2022).

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These disheartening observations, many scholars argue, not only indicate the failure of human rights to drive emancipatory projects but also point to their instrumental use by governments to enforce draconian migration policies behind a smokescreen of humanitarianism (Cuttitta, 2018; Mezzadra, 2015). While this criticism is often valid, it falls short of considering how social actors combine multiple, actually existing approaches to human rights in their collective mobilisation against border regimes.

If non-governmental organisations (NGOs) often conceive of human rights as legal notions to hold states accountable for their wrongdoings (Nash, 2012, 2015), this is far from being the most common, let alone effective, human rights-based approach to achieving positive social change. In the last two decades, a growing interest in the construction of notions of human rights by social movements outside human rights law has emerged (Baxi, 2000, 2008; de Sousa Santos and Rodríguez-Garavito, 2005; Nash, 2015, 2019; Stammers, 2009, 2015). This scholarship and practice emphasise that non-legal notions of human rights materialise from the experiences of subaltern groups who mobilise outside state-centred dynamics (de Sousa Santos and Rodríguez-Garavito, 2005).

In this article, I contribute to the debates regarding the emancipatory potential and the limitations of human rights that criss-cross critical human rights scholarship. My contribution sits between the polarised views of those who, on one hand, argue that we should abandon human rights in the pursuit of social and economic justice (Moyn, 2018), and those who, on the other hand, propose to reinvent human rights (Goodale, 2022). By relying on ethnographic fieldwork focusing on migrant-led and pro-migrant grassroots mobilisation, I argue that a practice combining different, actually existing, approaches to human rights can be emancipatory for racialised migrants. Moreover, I analyse the human rights approaches of grassroots organisations by contextualising them within their broader relationships with the state. By arguing that these human rights approaches take shape in the context of mobilisations that are concurrently state-oriented and autonomous, I contribute to the scholarship of migrant resistances, and critical migration studies more broadly, by overcoming the dichotomy between integrationist, that is, state-oriented, and organising (Tyler and Marciniak, 2013).

While collectively mobilising, racialised migrants construct and use notions of human rights that oppose the very mechanisms of oppression embedded in border regimes. However, their human rights practice and politics are not exclusively grounded on an effort to reinvent human rights, in opposition to dominant legal approaches by NGOs. I contend that grassroots organisations do not exclusively elaborate emancipatory non-legal notions of human rights through autonomous, non-state-oriented dynamics, by dismissing legal notions of human rights given their limited capacity to achieve social change.

To capture the effect of combining actually existing approaches to human rights, I draw on the theoretical framework laying out the differences between abolition, non-reformist and reformist reforms, which has been developed in the context of activism challenging the Prison-Industrial Complex (Gilmore, 2007, 2022; Kaba and Duda, 2017) and has more recently been applied to border regimes (Bradley and de Noronha, 2022; Jeffries and Ridges, 2020; Mezzadra, 2020). I build on this framework to argue that grassroots

activists combine different notions of human rights to both achieve non-reformist reforms that weaken border regimes in the short term and to pursue a politics of freedom of movement entailing border abolition in the longer term. I argue that legal notions of human rights are not only tools for reformist reforms pursued by NGOs, which fall short of challenging border regimes to the core but can be building blocks for an emancipatory abolitionist project pursued by racialised migrants when collectively organising.

The rest of the article proceeds as follows; first, I lay out the debates regarding the limitations and the emancipatory potential of human rights. Second, I explain the methods through which I collected and analysed the data that I present in this article. Third, I provide a snapshot of grassroots activism opposing border regimes in Berlin. Fourth, I argue that grassroots activists engage in both state-oriented and autonomous forms of mobilisation, in which notions of human rights are crafted and deployed. Fifth, I present the combination of approaches to human rights that grassroots activists follow. Sixth, I introduce the idea of split temporality as a dimension of the mobilisation against border regimes that grassroots activists pursue. I then draw some conclusions by emphasising the main two contributions that this article brings to the debates regarding the emancipatory potential of human rights and migrant resistance.

Multiple Approaches to Human Rights and Their Potential for Challenging Oppression

Scholars have extensively questioned the potential of human rights for challenging the oppression of subaltern groups, including racialised migrants. They have argued that human rights fall short of challenging socio-economic relations and structural injustice and that states often use them to enable migration control (Cuttitta, 2018, 2020; Gordon et al., 2000; Mezzadra, 2015; Moyn, 2018).

This criticism takes issue with their very foundations of human rights, which are seen as legal norms taking shape in the context of European modernity (de Sousa Santos and Sena Martins, 2021). Legalistic approaches to human rights are dominant in both the scholarship of human rights and the practice of NGOs (Nash, 2015). These approaches fail to contextualise the law in broader social relations, which include unequal relations of power (Kapur, 2006), and to acknowledge the role of subaltern groups and social movements from the Global South in constructing human rights (Baxi, 2000, 2008; Stammers, 2015).

Drawing on constructivist approaches to human rights, more nuanced understandings of their potential have emerged in the last decade. On the one hand, scholars have emphasised the ambivalence of human rights, which implies that they can be used not only by dominant groups but also by subaltern communities to challenge their oppression (Nash, 2015, 2019; Perugini and Gordon, 2015; Stammers, 2015). On the other hand, as broader social justice ideals, human rights represent a resource for social movements and a language that speaks to the shared history and experiences that migrants seek to express (Dembour, 2010; McNevin, 2013; Merry et al., 2010).

Non-legal understandings of human rights are at the core of bottom-up approaches through which subaltern groups expand the notion of rights beyond the liberal idea of

individual autonomy, and incorporate solidaristic understandings of entitlements grounded on alternative forms of legal knowledge. ‘Subaltern cosmopolitan legality’, is indeed grounded on political mobilisation for the success of rights-centred strategies, through which subaltern groups elaborate emancipatory notions of human rights in the context of non-state-centred mobilisation (de Sousa Santos and Rodríguez-Garavito, 2005: 9–15). This approach is in stark contrast with global constitutionalism, through which actors such as NGOs make claims to the state (Nash, 2015).

The approaches to, and understandings of, human rights embraced by social actors are indeed associated with how they position themselves towards state institutions, including whether they see the state as the recipient of their collective demands. In the field of migrant mobilisation, scholars have conceptualised the difference between integrationist approaches, through which migrants mobilise to demand rights to the state, and autonomous approaches (Marciniak and Tyler, 2014; Tyler and Marciniak, 2013). While integrationist approaches are often geared towards achieving reforms (Kemp, 2022), they can challenge exclusionary state processes and practices, including by disrupting and reclaiming the notion of citizenship as a series of acts through which racialised migrants constitute themselves as political subjects (Ataç et al., 2016; Isin, 2008; Rygiel, 2016). In contrast, autonomous approaches view migration as a force that always exceeds the state and its legal and policy frameworks (Papadopoulos and Tsianos, 2007). On these premises, migrants collectively mobilise in spaces that dominant forces cannot reach so that they can reconfigure social relations, establish new ties of solidarity and build power within subaltern groups (Kemp, 2022; Mezzadra and Neilson, 2013; Monforte and Dufour, 2013; Zibechi, 2010, 2012).

These different approaches stem from specific collective identities and organisational structures (Monforte, 2014). Radical organisations may be more prone to engage in autonomous forms of mobilisation as they seek structural change that undermines borders and the nation-state (Heller et al., 2019; Jones, 2019). In contrast, as moderate organisations are contenders in the existing political system, they may engage in representational politics in which they demand rights and recognition from the state without challenging the core mechanisms underpinning border regimes (Fitzgerald and Rodgers, 2000).

However, the distinction between moderate and radical organisations does not explain if and how collective actors combine different approaches to human rights, while concurrently engaging in both integrationist and autonomous mobilisations. The framework conceptualising reformist reforms, non-reformist reforms and abolition, developed by activist scholars in the context of their collective organising against the police and the Prison-Industrial Complex, is more conducive to understanding those complexities. In the context of policing, scholars have emphasised that some reforms, such as those diverting resources or those establishing mechanisms for victims’ reparations, are non-reformist because, albeit not directly calling for abolition, they contribute to weakening the police. These non-reformist reforms are distinct from reformist reforms, which, on the contrary, contribute to funnelling more funds to policing and do not erode the police institutions in the longer term (Gilmore, 2007; Gorz, 1967; Kaba and Duda, 2017; Maher, 2021). If applied to border regimes, this framework enables us to distinguish between non-reformist reforms that erode border regimes and reformist reforms, which are rather cosmetic and risk reinforcing the oppressive structure of border regimes. The former include, for

example, ensuring access to services irrespective of migration status or preventing immigration authorities from accessing information held by education and health providers. In contrast, reforms such as replacing migration detention with tagging or providing more training to border officials, are rather reformist (Bradley and de Noronha, 2022).

Pursuing non-reformist reforms, including by formulating claims to state institutions, is not exclusive. Collective actors may choose to combine non-reformist reforms while concurrently pursuing an abolitionist agenda. Scholars draw on the concept of split temporality to refer to instances of temporal dissociation occurring at a given time. This concept has proven useful to explain the complexity of apparently ambiguous or contradictory processes. For example, Tazzioli (2018) refers to the split temporality of the EU asylum system, based on hastening decisions on asylum and, at the same time, using detention to slow down mobility, to argue that time is a tool that states use to control migration. Mezzadra refers to split temporality when discussing instances where, for example, activists negotiate the improvement of detention conditions for migrants with the authorities and, at the same time, mobilise for the abolition of detention (Garelli and Tazzioli, 2013). As I argue in this article, the split temporality of the grassroots mobilisation against border regimes, based on the concomitant pursuit of border abolition and non-reformist reforms, translates into combining multiple approaches to human rights, as well as engaging in both state-oriented and autonomous forms of collective action.

Data Collection and Analysis

This article is based on the ethnography of the grassroots mobilisation against border regimes that I conducted in Berlin between January and November 2018. I carried out participant observation of the daily activities of five grassroots organisations challenging border regimes, including two grassroots organisations that were led by migrant activists. I chose these five organisations by considering several sampling criteria. Specifically, I chose to reach out to two migrant-led organisations given my interest in grassroots struggles by subaltern groups. I also included both organisations directing their grievances against European migration policies and those challenging German domestic policies (see section 3, 'Berlin and the Multiplicity of Its Actors Opposing Border Regimes'). Moreover, I approached one network of organisations to study grassroots ties and alliances.

I adopted the role of active participant observer (Johnson et al., 2006) as I fully participated in the activities of the organisations that I observed. I attended regular weekly or bi-weekly meetings, ad-hoc meetings to organise protests or other events, protests, summer camps, awareness-raising initiatives such as visits to asylum shelters, as well as language exchange initiatives or courses. While my role varied across organisations, it generally involved supporting them in organising protests, drafting speeches, translating from English to French, and vice-versa, and ensuring their coordination with other organisations and networks. The practical support that I provided was useful to overcome the scepticism of many activists towards academic researchers. In some instances, my role became similar to the one assumed by the European activists who mobilised in the organisations in which I participated. However, at times, my role as a researcher and

my short-term stay in Berlin remained an obstacle to establishing rapport and trust, especially in view of the activists' previous negative experiences with extractive academic practices.

I conducted participant observation for four months by typing extensive notes shortly after each occurrence that I observed. I jotted down some written notes in meetings and other events when note-taking did not contribute to making my role as a researcher too conspicuous, for example when activists took some notes themselves. After four months of participant observation, I conducted a thematic analysis of my ethnographic notes (Braun and Clarke, 2006) to identify themes and patterns within my data. Some of the emerging themes are relevant to the topics that I address in this article; these include, for example, the frames through which activists formulated their claims against border regimes, visibility and participation in protests, and submerged layers of mobilisation. Based on this preliminary analysis, I decided to accompany participant observation with in-depth qualitative interviews to explore some themes that I had deductively identified through my analytical framework. These themes included the activists' interpretation of human rights and their views regarding the potential of human rights for eroding border regimes.

I conducted 37 in-depth qualitative interviews with 39 activists who mobilised in different social movement organisations. I considered several criteria to select my interviewees. Initially, I chose to interview a few activists who had shown particular interest in my research. Then, I interviewed both activists who mobilised in the organisations under the focus of my participant observation and those who were members of other organisations. I interviewed 22 activists who mobilised with the grassroots organisations that I had selected for participant observation and 17 activists who engaged with other organisations. I also selected interviewees by taking into account their legal status and their gender. Overall, I interviewed 13 migrant activists, 19 German activists, and seven activists from other EU countries (19 activists identified as women and 20 as men). These interviews allowed me to collect further data on collective identity processes at the group level, as well as the meanings that activists attached to human rights. Some activists requested a space in which some of my findings could be shared and discussed with them. In February 2020, in the context of a short follow-up visit to Berlin, I invited all the activists that I had interviewed to a meeting to discuss my findings. I presented my findings to 10 activists who were available to meet then. No one raised fundamental concerns or doubts regarding my findings.

I identify all the activists mentioned in this article with a pseudonym and I do not disclose information regarding the organisation(s) in which they mobilise to protect their security and privacy, and in compliance with their informed consent.

Berlin and the Multiplicity of Its Actors Opposing Border Regimes

Grassroots migrant activism had emerged in Germany already in the 1990s, when migrants started opposing their living conditions in asylum shelters across the country. However, this grassroots mobilisation remained quite invisible for a long time (Jakob, 2016; Odugbesan and Schwiertz, 2018). Between 2012 and 2014, migrant activists set up

a protest camp on Oranienplatz, a square in the neighbourhood of Kreuzberg in Berlin. Their claims for freedom of movement and the abolishment of asylum shelters attracted the attention of mainstream media and the broader society (Bhimji, 2016, 2020; Langa, 2015; Stierl, 2019). Ten years later, activists continue to frame the protest camp as an instance where racialised migrants engaged in politics and formulated grievances based on their own experiences of border regimes (Perolini, 2022c). It is the protest camp's visibility, and its unprecedented role in shaping subsequent migrant mobilisations, that characterises Berlin as a site of contention against border regimes.

Moreover, the rich interconnectedness among different struggles, including, for example, the anarchist and anti-authoritarian movements, the squatting movement, as well as Black and diaspora activism, has fostered the establishment of dense and thriving activist networks in the city (Florvil, 2020; Kuhn, 2018). These networks often provide migrant activists with support and opportunities to escape the exclusion and isolation that they face in the asylum shelters, which are often located in remote areas of Brandenburg (the state surrounding Berlin).

Berlin does not only host vibrant social movements but also represents a crucial centre for policy and decision making at the European level as the capital city of a country that has fundamentally shaped European border regimes (Lott, 2022; Reiners and Tekin, 2020). These European aspects of border regimes, including the externalisation of European borders, the European Border and Coast Guard Agency (FRONTEX), and the criminalisation of search and rescue operations in the Mediterranean Sea, are contested by grassroots migrant organisations, as well as by other civil society organisations and NGOs based in Berlin. These and other organisations also challenge aspects of German border regimes, including the compulsory residence of migrants in asylum shelters, restrictions on their freedom of movement, and deportations.

These varied migrant and pro-migrant organisations and networks in Berlin elaborate different solutions to current border regimes. While some insist on the right to seek and enjoy asylum, others claim the right to stay and unrestricted and universal freedom of movement for everyone (Perolini, 2022a). They embrace a different human rights politics, which is associated with a distinct potential for challenging border regimes and for elaborating notions of human rights that are emancipatory for migrants (Perolini, 2023). Radical organisations formulate non-legal notions of human rights, which include the right to stay. Moderate organisations elaborate claims that are premised on the right to seek and enjoy asylum, which is a human right set out by human rights law. However, as this article contends, radical organisations do not exclusively construct emancipatory notions of human rights in autonomous forms of mobilisation outside state-centred dynamics; their approach to human rights is more complex and has to be contextualised in their pursuit of both non-reformist reforms and border abolition.

Notions of Human Rights Permeate Both State-Oriented and More Autonomous Forms of Mobilisation

Grassroots organisations contesting border regimes in Berlin engage in both integrationist and autonomous forms of mobilisation. They concurrently make claims towards the state on behalf of migrants and engage in collective action that fosters ties of solidarity

and empowers migrants outside state-centric dynamics. These different dimensions are interconnected and notions of human rights permeate both. It is indeed in the context of autonomous mobilisation, by participating for example in workshops conducted by activists, that migrants become more aware of the oppression that they face under border regimes. This awareness inspires the elaboration of claims that they address towards state authorities through their participation in protests. These claims embed notions of rights, such as the right to stay and universal freedom of movement, which activists interpret as human rights (Perolini, 2023).

Grassroots activists in Berlin organise and/or participate in protests very often. Most activists view protests as important opportunities for making their claims visible to the state, and for disrupting the support for anti-migrant parties and movements. In the context of these protests, they claim the right to stay and the end of compulsory residence in asylum shelters, which they frame as ‘camps’ (Perolini, 2020). The notion of the right to stay underpins the idea of universal and restricted freedom of movement, according to which migrants should be able to move freely and make autonomous decisions regarding their place of residence. The right to stay opposes the categorisation of migrants by the state, the denial of residence rights, and deportations (Perolini, 2022b).

In protests, grassroots organisations often make use of the notion of the right to stay to address demands to state institutions such as the Minister of Interior or the Federal Office for Migration and Asylum. In 2018, they specifically formulated grievances against the new policies championed by Horst Seehofer, the then Minister of Interior, which included restrictions on family reunification and longer periods of compulsory residence in camps. For example, on 20 June 2018, three grassroots organisations staged a protest against ‘inhumane asylum politics’, which stripped refugees of their rights and worsened their living conditions.¹ They demanded freedom of movement, the right to stay and the abolishment of camps.

On the day of the protest, activists made speeches that largely blamed the Minister of Interior for proposing policies that would harden border regimes. For example, a refugee woman who spoke on behalf of a refugee women’s organisation emphasised in her speech:

The Interior and Home Minister is building Ankers [new asylum centres] and doing all in his power to ensure that as many of us as possible are deported [. . .] Seehofer has been pushing for radical [right] refugee policies for a long time and is pushing the whole country to accept his inhuman policies.² [. . .] Today we say it ‘loud and clear’! No lager [refugee camps] for women and children! Abolish all lagers! Right to come! Right to go! Right to stay!

Organising and participating in protests is only one among many collective initiatives in which grassroots activists participate. They also often engage in outreach activities to foster migrant organising by visiting asylum shelters, speaking to migrants living there and raising awareness of their rights. It is in these spaces, where migrants languish for months if not years, and where they face restrictions on their freedoms, that the notion of the right to stay emerges, as a claim intimately associated with the lived experiences of migrants. For example, the grassroots organisations that organised the protest on 20 June 2018, which I mentioned above, conducted several visits to different asylum shelters

ahead of the protest to raise awareness of the new asylum policies and to foster migrant participation in the protest. During one such visit, Guillaume, a migrant activist from Cameroun emphasised, while speaking to other migrants:

I got to know my rights because of my involvement in activism and all the people whom I've met in this context. Despite that, I am still very stressed, I have been seeing a counsellor for six months. Imagine what would have happened if I lived even more isolated and if I couldn't even get in touch with activists and the outside world.³

Activism breaks the monotony of life in asylum shelters and provides migrants, who often live in remote areas in the state surrounding Berlin (Brandenburg), with opportunities to travel to Berlin and to weave new social relations with activists. Migrant activists frame their awareness of rights, which they often develop through participation in initiatives organised by grassroots activists, as crucial to formulate demands that challenge the toll that border regimes have on their lives. For example, when I spoke with Julia, a woman from Kenya who mobilised with a grassroots organisation, she stressed the importance of the first workshop that she attended when she lived in a camp:

Activists visited us in the camp and told us more about the politics here [in Germany] and that we had rights, I didn't know that refugees had rights. They ran an empowerment workshop and taught us that we could fight for our rights, that's how I became an activist in Deutschland [Germany]. I felt there is a need to fight, especially because of the conditions we are living in.⁴

Outreach activities such as visits and awareness-raising workshops are oriented towards contesting border regimes by reconfiguring social relations, in particular by breaking the isolation of migrants and empowering them to participate in collective action. Notions of rights, such as the right to stay, are not ready-made tools available to grassroots organisations to make their claims visible to the state and society at large. Autonomous grassroots mobilisation contributes to raising migrants' awareness of the negation of their rights under border regimes; it is this awareness that empowers them to formulate demands that challenge the oppression that they experience under border regimes through notions of rights.

Integrationist and autonomous forms of mobilisation are thus interconnected. Notions of rights permeate these different dimensions; more autonomous forms of mobilisation crucially enable the emergence of demands that are directed towards the state. The interconnection between these dimensions of collective action is important to analyse the human rights approaches espoused by grassroots organisations. These approaches comprise processes through which activists engage in constructing human rights both towards the state, as demands that the state must satisfy, and outside the state, as ideals for social justice associated with abolitionist futures.

Radical Organisations Make Use of Both Non-Legal and Legal Notions of Human Rights

Grassroots organisations claim the right to stay, which embeds the idea of universal and unrestricted freedom of movement. The right to stay opposes all deportations and the

categorisation of migrants that the state enforces, including through the asylum system (Perolini, 2022b). Claiming the right to stay is associated with the idea of border abolition as it undermines some of the very key structures of the nation-states, including sovereignty, that sustain and reproduce border regimes (Bradley and de Noronha, 2022).

To formulate the notion of the right to stay, grassroots activists draw on freedom of movement, which is a legally recognised human right. However, the idea of freedom of movement that the claim to the right to stay underpins exceeds its legal meaning. Indeed, while freedom of movement, according to human rights law, entails the possibility to leave one's country, it does not establish the right for anyone to enter or reside in any country, unless for seeking asylum (Zieck, 2018).

Despite these limitations, grassroots activists do not outrightly reject legal notions of human rights; on the contrary, they rely on them to craft their claims against border regimes. In an interview, Khaled and Laura, who mobilised with a grassroots organisation, pointed out that, despite their shortcomings, legal notions of human rights could be used to challenge border regimes. Specifically, Laura referred to the legal principle of non-refoulement, which entails the prohibition for states to expose people to persecution or the risk of torture or inhuman or degrading treatment. She pointed out:

The [1951] Geneva Convention talks about refugees but also about non-refoulement. It says that somebody who is seeking safety and trying to cross borders should not be pushed back. Nobody can check [the asylum claim] in that situation; if someone is knocking at the door, saying they need safety, they need to enter. We can be critical of the distinction between migrants and refugees while still using the Geneva Convention.⁵

In their analysis, Khaled and Laura combined the criticism towards legal status categories embedded in asylum laws, specifically the distinction between migrants and refugees, with the idea that human rights law can be used to challenge border regimes. Human rights law is, in their view, ambivalent: it is the source of both exclusionary legal status categories and principles that can be used to challenge mobility restrictions.

Heiko, an activist who mobilised with another grassroots organisation, equally supported the use of human rights law to make claims against border regimes that ultimately exceeded the law. While acknowledging the limits of human rights law, he stressed:

There are gaps in these human rights conventions; for example, in some of them there is this idea of the right to leave your own country . . . it's a human right but it's half of the thing because if you leave a country you should also have the right to enter another country but this is not established by these conventions . . . the question is how you use these tools.⁶

Other grassroots activists, however, embraced different, more sceptical, views of human rights. In interviews, those activists who were more critical of the role of the state and self-identified as anarchists or Marxists raised concerns regarding integrationist approaches through which rights-based demands are made to the state. For example, Mario, a German activist emphasised:

We think that everyone on this planet has the right to stay wherever he or she wants to be. This is one of the things we demand. We don't want to make demands on a state that we don't want anyway. In the end, we want no borders, no nations, we want to get rid of states and everything.⁷

Despite the sceptical views embraced by some activists, grassroots organisations collectively draw on legal notions of human rights to address demands to the state. These demands exceed legal notions of human rights and often challenge the nation-state and border regimes to the core. Why do activists make demands to state authorities that are very unlikely to be satisfied? Why do activists engage with the state if they aim to pursue solutions against the oppression that migrants face under border regimes? In the next section, I analyse this apparent two-fold contradiction by unpacking the combination of approaches to human rights by grassroots mobilisation that is oriented towards the concurrent achievement of both non-reformist reforms and border abolition.

Radical Grassroots Organisations Aim to Achieve Both Non-Reformist Reforms and Border Abolition

As discussed in the section, 'Berlin and the Multiplicity of Its Actors Opposing Border Regimes', different types of organisations engage in the struggle against border regimes. While radical organisations advocate for unrestricted and universal freedom of movement, human rights organisations and other moderate organisations claim the right to seek and enjoy asylum. Radical organisations do not make claims premised on the right to seek and enjoy asylum because it does not challenge the state's prerogative to control mobility, categorise migrants and deport them (Perolini, 2022a). Despite these differences, radical organisations establish alliances with moderate organisations, for example in the context of the alliance for the protest *Unteilbar*, which took place in October 2018 to oppose the rise of radical right populist parties (Perolini, 2022a).

I argue that the notion of non-reformist reforms and their imbrication with border abolition is crucial to understanding these alliances, and the choice of radical organisations to make use of legally recognised human rights. These organisations indeed rely on all the tools available to them to craft demands and sustain collective action that has the potential of eroding border regimes in the shorter term. In the longer term, however, their mobilisation is oriented towards achieving a world free of border regimes. The pursuit of non-reformist reforms and border abolition takes place concurrently, including through the combination of different approaches to human rights.

In an interview with Tamara, an activist mobilising with several radical grassroots organisations, I enquired about her opinions regarding the right to asylum and the asylum system. She emphasised: 'At the moment, it [the asylum procedure] makes sense, but the goal should be freedom of movement for everyone with a real possibility to migrate wherever and whenever people want. I know it's a utopian idea.'⁸

While advocating for mobility restrictions, Tamara did not argue for the end of the asylum system because, albeit restrictive, 'the asylum procedure can save lives'. She highlighted:

[Claiming asylum] still gives many people the only opportunity to come to Europe and it benefits many people right now . . . They should use that opportunity. It's about finding the gaps and loopholes in the laws. We shouldn't exclude asylum as an idea right now but I wouldn't keep it in the utopian society that I have in mind.⁹

In the long term, claiming asylum would be redundant as everyone would enjoy universal and unrestricted freedom of movement. Everyone would be able to move without providing any justification regarding their mobility choices. However, while holding abolitionist views, radical activists believed that the right to asylum had to be protected in the short term, particularly in view of the rise of anti-migrant populist parties.

Radical activists also rely on strategic considerations in their approach to human rights when collectively mobilising. Human rights are not only legal principles or social justice ideals; despite their limitations, they can also be persuasive frames. When I asked Anne, a radical activist, why radical organisations framed their claims through the language of human rights, she emphasised:

I think the language of rights is well understood in society. I don't think that talking about rights or demanding rights is the best way because you're always demanding rights from someone, someone needs to grant a right and it's not my utopian ideal of how to live together. It's just a language that is well understood and that's why people use it.¹⁰

The mobilisation of radical grassroots organisations against border regimes shows that human rights can be deployed flexibly. Activists do not interpret human rights exclusively as natural entitlements, aspirations for social justice or mere discourse with limited emancipatory potential (Dembour, 2010). They rely also on legal notions of human rights, especially in the pursuit of non-reformist reforms, that have the potential to weaken border regimes, for example by undermining the state's capacity to restrict mobility. These non-reformist reforms are the pivot of a longer-term abolitionist agenda premised on emancipatory notions of human rights that challenge the very structures of oppression underpinning border regimes.

Conclusions

In this article, I contribute to the theoretical debates regarding the potential of human rights to challenge border regimes, the construction of emancipatory notions of human rights by racialised migrants within and outside state-centred dynamics, and the use of human rights to pursue both non-reformist reforms and border abolition. By analysing the mobilisation of radical grassroots organisations opposing border regimes in Berlin, I make two major contributions to those debates.

First, human rights are not emancipatory for racialised migrants only if constructed in autonomous spaces, outside state-centred dynamics, as argued by scholars of subaltern cosmopolitan legality (de Sousa Santos and Rodríguez-Garavito, 2005). My findings show that while grassroots organisations engage in autonomous forms of mobilisation that raise the awareness of migrants about their oppression, they also address their demands to the state. These demands precisely stem from an increased awareness of

oppression under border regimes and incorporate human rights notions, such as the right to stay, that challenge that oppression.

Grassroots organisations pursue integrationist approaches through which they formulate rights-based demands to the state; this partially explains their use of legal notions of human rights, as human rights in international law are conceived of as principles that the state must uphold. My findings show that another crucial reason why these organisations do not outrightly exclude the use of legal notions of human rights is that activists acknowledge their potential to erode border regimes, which is part of their pursuit of non-reformist reforms. The right to seek and enjoy asylum and the principle of non-refoulement, which are legal human rights notions, do not aim to achieve border abolition but are useful tools to undermine the state's attempt to restrict mobility.

This consideration leads to the second main contribution of this article. Emancipatory notions of human rights are not part of an exclusive abolitionist agenda that is pursued by grassroots radical organisations to achieve a world where everyone can enjoy universal and unrestricted freedom of movement. While pursuing border abolition, radical grassroots organisations also address demands to the state, including by drawing on limited legal notions of rights. This approach enables them to establish alliances with moderate organisations, such as large human rights organisations, which are key to countering the rise of radical right populist parties and movements (Perolini, 2022a). These organisations also rely on the language of human rights tactically, as human rights are a well-understood language, which resonates with the general population (McNevin, 2013; Merry et al., 2010).

Tactical and strategic considerations, however, are insufficient to explain the complex human rights politics embedded in grassroots organising, which combines different approaches and understandings of human rights. Grassroots radical organisations do not have to choose between achieving non-reformist reforms or border abolition, they can concurrently pursue both as they are part of a broader and complex project of emancipation of migrants. An abolitionist politics of freedom of movement is not pursued exclusively by radical organisations that mobilise autonomously from the state and are sceptical of human rights. Human rights and state-oriented claims can be part of an abolitionist agenda pursued in the context of a mobilisation that comprises several concurrent dimensions, including the pursuit of non-reformist reforms, according to split-temporality, which explains this complexity. Legal notions of human rights, albeit insufficient for challenging the mechanisms of oppression underpinning border regimes, can be useful building blocks to craft non-reformist short-term demands. These demands to the state often incorporate notions of human rights that exceed the law and that emerge in the everyday autonomous resistance to border regimes. As such, they are not only claims to access rights and/or the privileges of citizenship here and now, but they also embed abolitionist futures, which challenge the foundations of the nation-state, including its prerogative to control borders and mobility.

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Notes

1. Ethnographic notes taken in March and April in the context of my participation in the preparatory meetings for the protest of 20 June 2018.
2. Ethnographic notes taken on 21 June 2018 and audio records of the speeches.
3. Ethnographic notes taken during the visit to an asylum shelter, 11 June 2018.
4. Interview with Julia, 19 September 2018.
5. Ethnographic notes taken on 21 June 2018 and audio records of the speeches.
6. Interview with Heiko, 24 August 2018.
7. Interview with Mario, 20 August 2018.
8. Interview with Tamara, 27 August 2018.
9. Interview with Tamara, 27 August 2018.
10. Interview with Anne, 29 August 2018.

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