



“Don’t Use the G-Word”: Criminalizing Political Protest and Critical Scholarship – and a Few Notes to the Handling of Paragraph 129a¹

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“Don't use the G-word“ is the title of a solidarity-address by an academic colleague and friend, after he learned that Andrej H., a social scientist at the Humboldt University of Berlin, was arrested in his home in the night of 31 July to 1 August 2007.³ The ‘offence’ of H.: He used in his scholarly and political texts the word “gentrification”, a word on whose practical significance he also wrote his doctoral thesis in sociology. He earned an international reputation with this work and pursued this topic in various neighbourhood initiatives and leftist groups. The problem: An association called “militante gruppe” (militant group, or mg),

¹ Translated by Harald Bauder

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³ See <http://www.policing-crowds.org/news/article/dont-use-the-g-word-criminalization-of-critical-academic-research-in-germany.html> [last access: 12 October, 2007].

currently classified as a ‘terrorist’ organization, also used the word “gentrification” in its assault-declarations and discussion papers. But one thing after another:

According to the General Prosecuting Attorney of the Federal Court of Germany (*Generalbundesanwaltschaft*, or GBA) and the Federal Criminal Police Office (*Bundeskriminalamts*, BKA) a “militant group” has operated since 2001 which organizes arson attacks against large companies, administration and police vehicles, in response to various themes such as urban development, militarism, institutional racism, forced-labour compensation, poor working conditions of employees, Hartz IV⁴, G6, etc. GBA and BKA would like to know who lies behind this group and presumably would like to get hold of them. So far, the authorities have been unsuccessful – despite multiple initiated proceedings – in gaining insight into the structure of this group.

“Gentrification” and “Political Practice”

In collaboration with the Federal Agency for Internal Security (*Bundesamt für Verfassungsschutz*, or BfV) an Internet investigation was conducted in the late summer of 2006, which matched the texts authored by ‘mg’ on the World Wide Web. This investigation fished out a text, which a political scientist published in 1998 in the journal *telegraph* on the topic of UÇK (*Ushtria Çlirimtare e Kosovës*, English: Kosovo Liberation Army) on the occasion of the war in the Kosovo. This text was compared with a paper written by ‘mg’ in 2004, with a resulting nine matching words: among them the term “draconic” (*drakonisch*), as well as “Marxist-Leninist” (*marxistisch-leninistisch*), “reproduction” (*Reproduktion*) and “political practice” (*politische Praxis*). That is sufficient for the GBA to follow the recommendation of the BKA to keep the political scientist under daily 24-hour surveillance from now on, and to accuse him, according to Paragraph 129a of the German criminal code, of membership of a “terrorist organization” – namely the “militante gruppe” (see: *Frankfurter Rundschau*, 2007).

The construct: The political scientist is the intellectual head of ‘mg’ and wrote the texts of this organization. From now on, with whom the political scientists keeps contact is also subject of investigation. Among these contacts: Andrej H. Two additional social scientists, who were linked either professionally or personally to the political scientist, got into the line of fire of the investigating agency. They were henceforth equally subjected to 24-hour surveillance: hidden observation of telephone, mobile phone, internet use, girlfriends and friends. Since September 2006, this has taken place without any incriminating evidence yielded

⁴ Translator’s note: “Hartz” describes a series of neoliberal reforms of the German labour market.

for the authorities. The responsible judge of the GBA, however, authorized the continuation of the surveillance – and is willing to follow the ‘suggestion’ of the BKA to expand the surveillance. Now the telephone lines of the girlfriends are monitored; satellite tracing with GPS is glued to the car, geographical positioning enabled through mobile-phone tracing; inspection of the neighbours – the full program. All this, although no evidence of any ‘terrorist’ activities exists; and despite the fact that the Forensic Institute (*Kriminaltechnische Institut*) of the BKA reached the conclusion in a report that there are no “meaningful consistencies (*aussagekräftigen Übereinstimmungen*)” between the *telegraph* text of 1998 and the ‘mg’ correspondence of 2004.⁵ The disappointed BKA did not even commission a comparative text analysis for Andrej H.

Yogurt Containers and a “Concrete Disarmament Initiative”

In the beginning of August 2007, however, a task force of the Berlin police arrested three men, who supposedly attempted to set fire to a truck of the German Federal Armed Forces (*Bundeswehr*). According to the investigators, yogurt containers with (fire) accelerants were supposedly used in this attempt. One of the three men, who were arrested and treated in the style of Guantánamo-prisoners (see: *Der Spiegel*, 2007), had purportedly met five months before with Andrej H. That was enough evidence for the GBA to arrest Andrej H. Since then, altogether seven persons are accused of terrorist activities based on Paragraph 129a. While Andrej H. was ‘spared’ from prison after three weeks – not least due to international protests – and released on bail, the three Antimilitarists have remained in jail. None of the allegations against the seven, accused of being members of the ‘terrorist’ organization “militante gruppe”, has been dropped.

Accordingly, the protests are not ending: Numerous well-known scientific associations, among them the American Sociological Association and the Social Science Research Center Berlin (*Wissenschaftszentrum Berlin für Sozialforschung*, or WZB), as well as 8,000 social scientists from around the globe, protested against the scandalous actions of GBA and BKA. On 30 September 2007, an audience of more than 600 people attended an event⁶ on the political dimension of these proceedings und the accusation of terrorism in the Große Haus der Volksbühne⁷ on

⁵ The legal technical term is “non liquet”, not determinable. This classification is associated with the lowest probability at a scale of one to six.

⁶ See: Press release of the “Bündniss für die Einstellung des § 129a-Verfahrens” 24 September 2007. Available at: <http://einstellung.so36.net/de/pm/339> [last accessed: 12 October 2007].

⁷ Translator’s note: The theatre’s Website (<http://www.volksbuehne-berlin.de>) describes this Berlin venue as “A Theatre of the People.”

a Sunday morning. The suggestion by one listener in the subsequent discussion that the attempted arson should rather be understood as a “concrete disarmament initiative” was met with rapturous applause from the audience.

Organizing the Everyday and Solidarity

As laughable – in light of the worldwide deployment of (outlawed) weapons of mass destruction, mass-rapes in Iraq, in Afghanistan, in the Lebanon, etc. (see: Smith, 2007) – as the term ‘terrorism’ may seem in connection with these proceedings, the assault of the state using Paragraph 129a has considerable consequences for the people involved, their family members, their friends and girlfriends, and even and especially for their defense lawyers.

In what follows, I want to illustrate these consequences through three points, limiting myself to the areas of ‘family’ (in the extended sense), (political) orientation and solidarity work:

- The special legislation (*Sondergesetzgebung*) of Paragraph 129a permits special custody (*Sonderhaftbedingungen*) and custody in the first place, even when no concrete offences are on hand. Once people are detained, questions such as the following emerge under the keyword ‘family’: how are the relatives? Will the inmates keep their jobs? Who pays the rent? How are the children, parents? Which lawyers are available, when is there contact with the prisoners? How can accused persons, who are on vacation, be reached? Where to obtain the € 500, which every prisoner who wants to buy anything in prison needs? Which relatives, friends and colleagues must be informed? Questions like these rank first – and of course continue to accompany the proceedings.
- Orientation, however, is also necessary in, let’s say, a political sense (although we think the private is the political and *vice versa*). What is the suspected person accused of? What does this legally mean, from civil rights, human rights and political perspectives? How and with whom can one communicate about and react to this situation? What do the prisoners want? How do you establish contact with people you don’t know and who don’t know you? Is it possible to build trust, and how? How do you cope with being under surveillance yourself? Questions like these require a certain orientation time, and, respectively, action in solidarity and with care. In sum, this phase is already damn tedious, nerve-wrecking and cumbersome. And you realize quickly, that no corner of your private and political life is spared when the BKA feels like it.
- Finally, the question of solidarity. Although the above-mentioned consequences may seem simpler than they actually are, one can begin to organize solidarity under such circumstances. But what does this mean,

concretely? Someone must write a text, which initially summarizes what the GBA's accusations against the suspects are. You need to call people, speak to civil rights organizations, to (academic) colleagues, to artistic, cultural and political institutions – you need to realize that knowledge about the handling of basic rights, human rights, civil rights by *our* state is, let's say, somewhat *inadequate*. One must sit together and consider what the allegations mean, from which perspective and for whom. What are the priorities concerning the next steps? Release from prison – of course! Suspension of the proceedings under Paragraph 129a – self-evidently! Repeal of the cascade of Paragraph 129, 129a, 129b – certainly.

Such proceedings demand not only energy, they also cost money. And many people ask what they can do. The GBA has announced that it will decide about a renewed imprisonment of Andrej and a continued prosecution of the seven suspects under Paragraph 129a “not before 17 October.” We want the prisoners' release. The Proceedings under Paragraph 129a must cease. The three paragraphs must simply go.

You can do many things – but certainly one thing: Donations would help us considerably.

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References

Der Spiegel. 2007. Mit aller Härte. 27. August 2007. Available at:
<http://einstellung.so36.net/de/ps/221> [last accessed: 12.10.2007]

Frankfurter Rundschau. 2007. Neun Worte – ein Terrorverdacht. 31. August 2007.
Available at: <http://einstellung.so36.net/de/ps/270> [last accessed: 12.10.2007]

Smith, Neil. 2007. Rächen und Renovieren: Vergeltung bei der Renaissance der Stadt. In, V. Eick, J. Sambale & E. Töpfer (eds.), *Kontrollierte Urbanität: Zur Neoliberalisierung städtischer Sicherheitspolitik*. Bielefeld: transcript Verlag.

Editors' Note: Andrej H. is a reviewer for *ACME*. We are worried about his and his 'family's' wellbeing and we hope that he will soon be able to continue working with us.