Church Asylum – new strategies, alliances and modes of resistance

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Abstract
This article discusses the possibilities for democratic transformation in a landscape of political closure. Taking the case of Church Asylum [Kirkeasyl] as an example of new ways of resistance and participation in contemporary Denmark the articles argues that although the established political channels are characterised by closure alternatives may be formulated outside the parliamentarian system. Using contemporary perspectives on social critique and mobilization the article looks back at Church Asylum in 2009 and discuss the alliances, strategies and modes of resistance used during the event. The article draws on a framework derived from political sociology and critical theory.

Keywords: Democracy; political sociology; political opportunity structures; civil society; social movements.

Introduction

Asylum policies have been a contested policy issue in most European nation-states. Discussions about a common asylum policy and (more) burden sharing in the EU take place at the European level. At the national level there are intense debates about who is entitled to asylum, how to identify and define genuine refugees, who is deserving and who is not. The refugee is situated within questions of national membership and systems of inclusion and exclusion. Although refugees are covered by international conventions of protection they are located at the fringe of society and have to fight for the right to have rights (cf. Arendt, 1986).[1] Asylum seekers are not placed within the national model of citizenship and citizenship and rights may be out of reach (Faist, 2009). Refugees/asylum seekers are presented through different policy frames and modes of representation as vulnerable and victims, as welfare scroungers and most often without political subjectivity. The implication of the last presentation is exclusion from the broader citizenry and society.

Denmark once had one of the most liberal refugee policies in Western Europe with comprehensive coverage of protection. During the 2000s, Denmark undertook a restrictive policy turn and today has a very restrictive and exclusionary asylum regime (Brochmann & Hagelund, 2011; Jørgensen & Meret, 2010). This tendency is embedded in an overall neoliberalist political rationality underpinning the development of the asylum, immigration and integration regime, legitimizing the gaps between the entitled and non-entitled (Jørgensen,

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[1] Hannah Arendt's dictum has been discussed widely within social theory and a dominant critique is that her Aristotelian take on human rights depoliticizes them (especially Rancière, 2004; see also De Genova, 2010; Schaap, 2011).

2012). Responsibility is placed on the individual and systems of recognition and redistribution become dependent on the value the individual is presented to carry. Despite growing critique of the system from different actors in civil society, the political system in Denmark is characterized by political closure and consensus between right-wing, centre, and left-wing political parties, making policy change and transformation more or less impossible through the institutional political channels (Agustín & Jørgensen, 2011). Yet resistance *does* take place and attempts are made to challenge the political order and create a more inclusive political community.

The purpose of this article is to discuss possibilities for social transformation through civil society activism and resistance. In brief, the actors constituting Church Asylum [*Kirkeasyl*] tried to prevent the expulsion of 282 Iraqi asylum seekers, whose applications for asylum had been rejected.[2] Church Asylum has four distinct goals (Larsen et al., 2011a): resistance against the decision to return the Iraqi refugees and ultimately change the decision; present a critique of an exclusivist universalism by making the bases of exclusion visible; voice a critique of the Danish military engagement in Iraq and and failure to face up to the consequences and responsibilities; and constituting political subjectivity for the Iraqi refugees. Such contestations present a radical critique of what Diken has described as post-democracy: "politics that eliminates real dispute by assuming that everyone is already included in politics and that remaining problems can be dealt with through expert systems" (Diken, 2009:583). The article works from an explicit normative agenda, which argues that alternative forms of participation may be necessary means to sustain democracy. As an empirical example I use the case of Church Asylum, an event that took place in 2009 in Denmark. The article discusses the mobilization around the Church Asylum network in Denmark where a multitude of activists, NGOs, organizations and rejected asylum seekers joined up and undertook what Balibar (2002) would define as politics of civility through a critique and sets of practices against an exclusivist universalism. Reviving political conflict was employed as a mode to make the asylum seekers visible as politi-

[2] Church asylum is not a recent practice but goes back to medieval times (see Schuster, 2002). Its more recent uses have been derived from the original religious content and perhaps now should be regarded mainly or also as a political practice. Seeking asylum within the church has been practiced all over Europe also in recent history. Sträter has analysed 227 cases of church asylum in the period 1996 to 2000 in Germany of which 73% had successful outcome, i.e. deportation was prevented (Sträter, 2003). In France church asylum was used as a mode of resistance in 1996 when 300 African immigrants sought refuge in the Saint Barnard church in Paris. The action was part of a larger event questioning the position of 'illegal' migrants. The event spurred a debate about rights for undocumented migrants, gave immigrants a voice in French society and constituted them as political subjects. In Scandinavia church asylum has been practiced several times in Norway up through the 1990s and the 2000s. In Denmark, it was used as a political mode of action in 1991 when 143 Palestinians sought asylum in Blågårds Kirke in Copenhagen, fearing deportation. They lived in the church for five months and were supported by locals, trade unions, squatters and others. In 1992 the government passed a special law – the Palestinian Law – which gave the involved persons asylum. Consequently, the event from 2009 is connected to a longer history of similar and related practices.

cal subjects. Following Rancière's discussion with Arendt one can argue that the rejected asylum seekers enacted the right to have rights when they spoke as if they had the same rights as citizens (Rancière, 2004; Schaap, 2010). As argued by Andrew Schaap, the political is constituted when those who are not qualified to participate in politics act and speak as if they were (ibid: 35).

I will discuss how political actions like Church Asylum can be understood within the literature on critical political theory (Chantal Mouffe; Jacques Rancières; Étienne Balibar and more) and as a radical critique of representative democracy. Using contemporary perspectives on social critique and mobilization I look back at Church Asylum in 2009 and discuss the alliances, strategies and modes of resistance used during the event.

The discussion is based on different forms of empirical material. After the event, the network published a book with insider accounts of the aims, mobilisation and event (Larsen et al., 2011b). This is supplemented by interviews I did with members of the network and articles from the daily press commenting on the event. Moreover I relied on material (text messages, newsletters and emails)[3] sent out by the network during the year which I also personally received. It is important to emphasize, however, that my ambition with this article not is to provide a detailed empirical analysis of the event but to use the event as an illustration of civil society activism, which is discussed in theoretical terms in the next section.

Changing the social order – a theoretical point of departure

How are the occupy movements related to actions like Church Asylum? One answer is that they both create the spaces which can challenge the existing social order. In that sense I see parallels between events in Zuccotti Park in New York in 2011 and in Copenhagen two years previously. The heterogenic nature (consisting among others of political activists, poor, marginalized, civil society organizations and immigrants) holds the potential for democratic transformation. Hardt and Negri (2005) define such movements as multitude. Due to the heterogeneity they make use of a variety of strategies and means and represent a diversity and pluralism which make the exclusionary nature of the hegemonic social order visible. When political change is not possible through the established political channels (the political opportunity structures) – through the representative democratic system – activism becomes an alternative means to disturb and challenge the political and social consensus, which legitimizes and sustains nondemocratic practices and inequalities.

By political opportunity structures (POS) I here refer to institutional context. I follow a much used definition by Sydney Tarrow, who understands these as: "consistent – but necessary formal or permanent dimensions of the

[3] Examples of newsletters can be found at: http://www.arnehansen.net/091105kirkeasylnyhedsbrev.htm [accessed 21-02-13]; http://www.arnehansen.net/090925kirkeasylnyhed.htm [accessed 21-02-13].

political environment that provide incentives for people to undertake collective actions by affecting their expectations for success of failure" (Tarrow, 1994: 85). A defining characteristic of POS is that they constitute the more stable aspects of opportunities as they are embedded in political institutions. Institutions in other words describe the principles of order that define a society at a particular time (Clemens, 1998). Discursive opportunity structures include the public discourse and political agenda. These can be relatively open to change. Groups and movements can influence the public discourse and participate in agenda setting, they not only appropriate the discursive opportunities produced by others but can also make opportunities (Sainsbury, 2004). Political institutions definitely matter but the cultural setting and discursive context determine the extent to which political institutions will provide real opportunities for mobilisation (Guigni & Passy, 2004: 77). In the situation of closure, alternative strategies and alliances will have to be invented to mobilise for social change.

A problem with representative democracy is that not all people have equal access to participate. Participation can, for instance, be dependent on citizenship status. Democracy of direct action (of which the occupy movement is an example) becomes a possibility for participation (Razsa & Kurnik, 2012) and for challenging the distinction between included and excluded. Moreover such actions make it possible to articulate a politics of rights and the 'right to have rights' – also for subaltern people and in that sense presents an alternative democracy. Although often criticized for being utopian in nature, the social critique raised by these counter-movements facilitates a politics of becoming, pointing to new possibilities and collective identities. Maple Razsa and Andrej Kurnik describe this potential as: "the shift toward the politics of becoming-other-than-one-now-is, toward forms of open-ended subject making that are embedded in and constitutive of collective struggle" (Razsa & Kurnik, 2012: 240-1). Mouffe has argued that the discursive closure (and we could add the closure of the political opportunity structures) will result in exclusion (Mouffe, 2000). Conflicts – or social antagonism – are, in her reading, the basis of all social relations but may be hidden by consensus. Shattering consensus and revealing the contingency of the social order are therefore the key to social change. Her readings can be used to understand contemporary asylum policies as well. Liberal democratic principles and institutions should not be taken for granted; they must be fortified and defended (Mouffe, 2000: 4). Consequently Mouffe emphasizes practices as a means of democratic citizenship. Globalization serves as an excuse for the social order in the sense that exclusion becomes a normal practice: 'We cannot accept all refugees of the world'. However, this is a 'truth' which has to be challenged. One way is through direct action and making the invisible visible, e.g. what are the conditions of asylum seekers, what made them come here? Church Asylum often used proclamations like:'*Ingen flygter for sjov*' [No one flees for fun], '*Ingen lever under jorden for sjov*' [No one lives underground for fun] and '*Det handler om mennesker*' [It is about human lives]. Again, it becomes visible that citizenship is not for all.

People are not equal, nor do all people have access to citizenship, which is exclusionary in nature. Balibar introduces the notion of civility which creates a space for politics of emancipation and transformation (2002: 31). Civility is inclusion of the excluded and is characterized by openness. Civil society is important in this regard, especially in the context of critique of electoral/representative democracy. According to Cohen and Arato (1992), civil society can be seen as the terrain as well as the target of collective action. In this understanding social movements are not viewed as antithetical to the democratic political system or to a properly organised social sphere – but a key feature of a vital modern-day civil society and an important form of civic participation in public life. For that reason, social movements who work for the expansion of rights and egalitarity, for the defence of civil society and for further democratization and resistance against retrenchments of rights are both necessary and vital to keep democratic culture alive. Movements may bring new issues and values into the public sphere and they can mobilise latent support and thereby promote policy changes.

A final discussion relates to the difference between this type of participation and the political activism and participation previously undertaken by immigrant organisations. The literature on international migration and ethnic relations has increased its focus on the role of political institutions and on political opportunity structures (e.g. Favell & Geddes, 2000; Fennema & Tilie, 1999; Guigni & Passy, 1999; Ireland, 1994; Kastoryano, 1998; Koopmans & Olzak; 2004; Koopmans & Statham, 2000; 2001; Kriesi et al., 1992; McAdam et al., 1996; Mikkelsen, 2012; Soysal, 1994; Togeby, 2003). The difference between these studies and the approach outlined above, which focuses on the multitude and politics of becoming, is that the first type of studies tend to look at immigrant's collective claims-making as an isolated phenomenon mainly describing immigrants' relation to the state, whereas the latter approach opens up for identifying a radical critique of the social order and the re-imagination of a new and inclusive society for the minorities *and* majority alike. The first approach tends to look at mobilisations in terms of identity politics, but such an approach may be blind to the social struggles and activism undertaken by non-citizens, which seek to constitute the participants as subjects (Beltrán, 2009; Krause, 2008; Isin, 2009). Such a critique may obviously be utopian and although it does not necessarily lead to social change, it challenges the discursive order (or stage dissensus as Rancière would argue). Using the case of Church Asylum I will describe one such example of a radical critique.

Closure

In 2001, a new government consisting of the Liberals and the Conservative Party took over with strong support from the right-wing Danish People's Party. The Danish model of immigrant incorporation had been rather generous as it provided formal political, social and civic rights alongside a demand for –

and expectation of – acculturation and, indirectly, assimilation. Danish immigration and integration policies were tightened significantly during the 2000s. One of the first changes was to restrict access to asylum by abolishing the *de facto* refugee category.[4] These programmes are the basis of policy today, but have been amended in different – often more restrictive – ways since. The main claim is that 'we must integrate those who already reside in the country'. The argument rests on the premise that the incentives to work have disappeared or been skewed by generous social benefits, which therefore have to be changed in order to make it worthwhile to take a job. At the same time a goal is to prevent access for the unwanted and undeserving through a policy discourse seeking to change the composition of the immigrant population. The grid for the overall discussion is that integration should lead to a specific form of national identity. This trend has continued and there have been several changes since with profound consequences for the ethnic minority populations in Denmark. I 2010 alone, two new packages were introduced. The first introduced a points-based system for permanent residence permit making it easier to obtain for the few, but creating more demands for most. For some, especially less resourceful groups, it will be extremely difficult if not impossible to ever obtain permanent residence – which the agreement states clearly. Likewise, more restrictive criteria were introduced relating to family-related migration. In early November 2010 yet a new agreement, 'New Times, New Demands', introduced restrictions and demands pertaining to family-related migration, clearly prioritising a specific type of highly-skilled migrant and completely avoiding other types. The Danish People's Party – always honest – stated that the idea was to limit and completely stop migration from predominantly Muslim countries (Regeringen, 2010). The closure is visible in the changing regulations and consensus, but in addition a discursive closure taking place through a redefinition of different groups in society. Former Minister of Integration, Rikke Hvilshøj, articulated this redefinition in a parliamentary debate about deportation of asylum seekers to Iraq: "in any case we are not sending refugees back but rejected asylum-seekers" (Folketinget, 2007). "Refugee" indicates a person who has fled from danger against his/her own will, whereas "rejected asylum-seeker" indicates that a person is not a genuine refugee. This legitimises exclusion from the state and removes moral obligations.

The policy changes point to a situation where permanent hierarchies of civic stratification are being normalised – a situation with institutional and governmental acceptance of the permanent presence of people entitled to different civic, social, and political rights. How did this happen? After the 2001 election the Liberal/Conservative government had the necessary support from Danish People's Party to introduce the policy changes – most in exchange for the latter party's support in other policy domains. The area of im-

[4] The de facto refugee category gave protection and political asylum to persons who did not fulfill the criteria for asylum in the 1951 Refugee Convention and the 1967 Protocol. The de facto category was more comprehensive, implying that for instance conscientious objectors could get asylum.

migration and integration has been heavily politicised in Denmark (Goul Andersen, 2006). Indeed Denmark has experienced strong political mobilisations on the issue of immigration since the 1980s. The mobilisation continues, and most often as a reaction *against* immigration in terms of attitudes and policy developments. It has first and foremost drawn the borders for the discursive room available and secondly eradicated a general political opposition – also the Social Democrats and Socialist People's Party, which previously lost elections on this topic, support these policy changes (only the leftist Red-Green Alliance and the Social Liberal Party have consistently voiced opposition). The Social Democrats and the Socialist People's Party won the 2011 election together with the Social Liberal Party. The change of government has resulted in few policy changes: A number of reduced social benefits which were biased towards ethnic minorities have been removed; the point-based system for family formation has been revised (Udlændingestyrelsen, 2012) and asylum-seekers who have resided more than six months in the country are now allowed to live outside the camps and find a job as long as they cooperate with the authorities about their return (Justitsministeriet, 2012). It is difficult to identify major changes in this policy domain as a result of the election, however.

Church Asylum – practices and strategies

In the following sections I outline the organizational structure of Church Asylum and discuss some of its main strategies. After the discussion, I reflect on the outcome of the event and how this type of activism can be read as an alternative to promoting social change.

Background and the organization

Church Asylum took place during a time when many individuals and groups in civil society were dissatisfied with the prevailing asylum policies and attitude towards immigrants. The fact that Denmark was part of the coalition forces and the invasion of Iraq – and thereby indirectly and directly responsible for the flow of refugees – offended many civilians. This created a latent platform for political mobilization, which Church Asylum managed to activate, to change the political order and create a new political subjectivity for the involved actors. The closure of the established political opportunity structures made it necessary to transgress the political space and enlarge the political community (e.g. Schmidt-Nielsen, 2011). Many supporters did not necessarily have the requisite will or zest to actively enter and transform traditional politics (Frøslev, 2009; Kozyczarek & Ellegaard, 2010; Thomsen, 2009),[5] and the system was characterized by a feeling of inertia. Church Asylum offered a new political platform, which focused on specific topics and had a loose, flexible structure making it possible to enter the network with different levels of

[5] Rasmus Hammer's (2012) interesting qualitative study of Grandparents for Asylum, one of the groups in the network, outlines the motivations behind such activism.

engagement and resources (Rasmussen, 2009). Moreover, it was relatively cost free to be part of the network. Like other recent protest movements, Church Asylum had a large base supporting the network on social media and, compared to other events, a large support base in real life: People who spend their time and money in and outside the church. Church Asylum was estimated to have 25,000 people on the streets and it managed to collect over 240,000 Euros.

The network consisted of a variety of very different actors: Iraqi refugees, political activist from the left, squatters and 'black block activists', health personnel (doctors, nurses, midwives), lawyers, students, interest organizations (like Grandparents for Asylum), media people, priests and others. The network was built around the nightly so-called 21-meeting where all decisions were taken. A number of groups and sub-groups were established ad-hoc to deal with needs and situations. These groups consisted of professionals within the particular field (e.g. the law group and the health group). If new situations or needs arose, new groups could be established from day to day. There is little hierarchy in the organization and all groups were inclusive although they covered people's professional expertise. It is an example of direct democracy which includes subordinated persons in decision-making processes (Razsa & Kurnik, 2012). Immigrant organisations are traditionally weak in Danish society and have made little impact on the political system (Jørgensen, 2009). However, the alliance between a multitude of actors with different political experience and access points gave the network a much larger impact on the public debate and arguably long-time political discourse than had been before. The network not only gave the refugees a voice but also gave the other (Danish) participants a sense of political engagement and subjectivity. In that sense the direct actions spurred the idea of an inclusive democracy and social change. Organizing within and outside the church can be seen as the attempt to not only make claims in public space but also to actually construct a public space in space and location. Butler has argued that public assemblies should not only be seen as struggles over public space but also as a struggle "over those basic ways in which we are, as bodies, supported in the world – a struggle against disenfranchisement, effacement, and abandonment" (Butler, 2011: 1). This struggle transgresses the shorter goal of challenging the decision to deport the Iraqis and relating to a larger framework of pluralism and democracy.

Making the invisible visible – from periphery to centre

One of the strategies of the network was to make the invisible visible. A key factor here was location. Most asylum centres and detention camps are located in symbolic geo-political locations outside the centre. Most people living in Denmark have therefore never seen an asylum centre. Moving the refugees to the centre literally challenges this excluded position. It challenges the closure in different ways, e.g. periphery vis-à-vis centre/urban spaces, openness in the discursive opportunity structures, e.g. media vis-à-vis a marginalized, silenced existence in the camps. Furthermore connecting to the his-

tory of Church Asylum made the event a public matter. Not only due to the Palestinian Law from 1992 and past claims-making, but also due to – although derived from religious content – the link between the church and questions of ethics and morality. This type of action has recently been taken up again by the *Out of the Camps* campaign, which takes political action to the centre of society (see also De Genova, 2010).[6]

Civil disobedience

Church asylum is an example of civil disobedience, which was a strategy deliberately used by the network and the activists. Civil disobedience is a critique of and direct action against representative democracy to create what is understood as inclusive democracy. Like the tradition of church asylum, civil disobedience as a political strategy has a long history. Well-known historical figures like Gandhi and Martin Luther King practiced civil disobedience, and political and social rights have been won though such actions; the right to be a conscientious objector, women's suffrage, and the right to strike. It illustrates a politics of both resistance and becoming, with end-goals outside the immediate ones. In the case of church asylum, it becomes a Balibarian politics of civility as it exactly seeks to create a political and physical space for emancipation and transformation. Using conflict as a political means forces the system to take action and thereby emphasizes the questioning of asylum policies and their consequences – again making the invisible visible. In the Danish case, Church Asylum spurred a discussion about asylum seekers' rights, equality, symbolic violence and obligations and responsibilities of participating in international conflicts (see also Christensen, 2011). The conflict furthermore underlines that refugees represent a transnational phenomenon and the attempt by the state to nationalize it and constrain it within the national borders is bound to fail.

The outcome – did it work?

Church Asylum did not succeed in the primary goal: to change the decision to deport the Iraqi refugees. Danish police evacuated the church on 13 August 2009. This event in itself spurred public attention and political debates and thereby challenged the social order and formulated alternatives. The activists used only non-violent although illegal means, such as sit-downs, road blocks, attempting to make it impossible for the plane to depart from the airport (Lufthavnsgruppen, 2011). The police responded with force. The activists documented what happened and the footage was distributed rapidly. Iraqi refugees were documented with signs saying "what have we done?" and the pictures of women and children being dragged out of the church gave rise to questions about how people are treated in a welfare society (Halberg & Willumsen, 2011). The strategy can easily be seen as a type of cynical political choreography and the activists do not deny this. It served a clear purpose as it illustrated the exclusionary nature of the nation-state. It illustrated the inhu-

[6] See http://outofthecamps.dk/ [Accessed 21.02.13].

manity of government policies and it revealed that the Socialist People's Party and the Social Democrats are not willing to support policy changes despite their criticism of the Danish military engagement in Iraq. Hence it illustrated the flaws of the prevailing democracy. Making the underlying conflicts visible and intensifying these challenged the dominant consensus and politicized what had been depoliticized as a policy issue during the 2000s: that asylum policies could be changed if political actors wanted to do so. Intensifying the conflict also changed the discourse from mainly concerning decency to a focus on political practices. Church Asylum did have direct outcomes, however. One year after the evacuation, 20 of the Iraqi refugees had gained legal residence. Their cases were reviewed due to new documentation gathered while they were staying in the church and the decision to reject them was changed. A daily newspaper (*Information)* captured this in a single sentence: "it seems clear that activism worked whereas the system failed" (Information, 2010; translation MBJ). The 20 Iraqis would most likely have been deported without a review of their cases if they had not taken part in the event. On another level it shows that direct actions can help to correct, improve and fortify democracy by including social conflict as a constitutive element (cf. Mouffe).

What has changed? In the days after the evacuation, the Socialist People's Party and the Social Democrats launched their joint immigration and integration policy plan. It offered no changes for the asylum policies or conditions for asylum seekers. Yet, the public perception had changed. Different polls show that in the middle of May 2009 one out of three supported the Iraqis. Three months later the support had grown to half of the population (from Brix & Brekke, 2011: 301-2). Another survey done in late August 2009 shows that two thirds of the population were against deporting refugees to countries classified as unsafe by the UN (Larsen et al. 2011: 310). UN's position remained the same throughout the event; however, Church Asylum put this fact on the agenda, which was in stark contrast to the government's and most political parties' perception.

Conclusion

The article briefly outlined the development of the Church Asylum network in 2009 and discussed how it constituted a new alliance between groups and actors with very different positions and political experience in civil society. Church Asylum had different goals on different levels. Firstly, the network wanted to challenge the marginalized and subordinated position of asylum seekers in Danish society by creating a social space where both refugees and activists could participate. Before the action, asylum seekers were invisible, but during and after the action it became visible that asylum seekers do not have the same rights as others. Secondly, and in parallel to events in France in 1996, it constituted the refugees as political agents with political subjectivity. Thirdly, the network wanted to make the consequences of participation in military interventions visible. The network itself became an illustration of a

new type of inclusive society with low thresholds for participation and it signalled a politics of becoming: that alternative models for society could and should be imagined. It was constituted by a multitude of different actors and visualized pluralism as a political practice.

In the short run Church Asylum failed. The Iraqi refugees were evacuated and deported. However, in a slightly longer run, some of the refugees had their cases reviewed and the decisions reversed. In an even longer run I will argue that the event has helped change the attitude towards refugees and asylum policies. Although the Socialist People's Party and the Social Democrats shortly after the event reproduced the hegemonic policy discourse with their proposal for a new immigration policy plan, the same two parties in 2012 (now in government) alongside the Red-Green Alliance, the Social Liberal Party and the liberalist Liberal Alliance decided on a new asylum plan, which improves life conditions for asylum seekers on several dimensions – but does not change the regulations for obtaining asylum. There is not necessarily any causality between the event in 2009 and the new asylum plan. Nevertheless, it can be argued that modes of resistance like the one undertaken by Church Asylum can pave the way for transformation of the social order. Democracy, as Mouffe, argues has to be defended and not taken for granted.

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