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Trust

by Deniz Utlu

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Translated by Jon Cho-Polizzi

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The year I took my high school exit exams,[1] U.S. forces brought Murat Kurnaz of Bremen, Germany to Guantánamo, mistakenly believing him to be a terrorist. He's only one year older than I am. Like me, the child of parents who had immigrated from Turkey. Later, it was said that U.S. forces would have determined Kurnaz innocent and repatriated him to Germany, but Germany would simply have denied his re-entry. I took that as a message to myself, to all of us with parents from Turkey or other Muslim-majority countries: *If you're in the wrong place at the wrong time, you're on your own.*

For two years, from 2005-2007, that thought occupied me along with the rest of the editorial team at *freitext* magazine—a political-literary journal whose task became representing the reality in which we lived, a reality which at the time was not reflected in the arts and media: a Germany for the many, a Germany oriented towards empowering the marginalized. We felt alone in our engagement with the subject matter; at the time, the media still referred to Murat Kurnaz as the "Bremer Taliban." No journalist campaigned in his defense. On the contrary: The media delivered the discursive justification for the injustice committed upon him. And this, too, is a matter of trust.

I interviewed Kurnaz' lawyer, Bernhard Docke, for our magazine by phone. He dedicated so much of his time to us that I felt like I needed to apologize and justify myself to him—that we were really only a niche magazine and our reach would remain utterly insignificant vis-à-vis that of the mainstream media. But Docke waved these protests away, saying each and every bit of attention would be helpful now. The Red-Green Coalition[2] had done everything in its power to hinder Murat Kurnaz' return to Germany. The U.S. had already wanted to repatriate him back in 2002. The German Chancellery, however, had instead developed a "five-point plan" for keeping Kurnaz at a distance. It was Angela Merkel who, after assuming the office of Chancellor in 2005, finally took interest in Kurnaz and saw to it that he was back in Germany by 2006. In March 2007, Navid Kermani wrote in the *taz*:[3] "And yet it is this bearded young man with his shaggy hair whose story reveals to us the reality of what our value system truly means: We are Murat Kurnaz." I and other fellow campaigners from *freitext* were partly—even if only

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[1] *Abitur*

[2] German political parties are often represented by their associated colors (the ruling coalition at the time comprised of the Social-Democrats [SPD, red] and the Greens [green]).

[3] *Die Tageszeitung*

incrementally—relieved by this intervention. One person, a journalist, had finally said something.

It's one thing when the country in which you grew up doesn't rally behind you. It is another thing entirely, when that country and its government (the German Chancellery, the Federal Ministry of the Interior, the Federal Foreign Office, and their counterparts in the State Government of Bremen), security agencies (the Federal Office for the Protection of the Constitution and the Federal Intelligence Service), along with the press align themselves against you—fight against you. That Murat Kurnaz is a Turkish citizen, or was, during his time in Guantánamo—does not diminish this breach of trust.[4] Trust is not limited to the belief that I can depend on government agencies to fulfill their obligations. Trust, rather, is the confidence—without my own confirmation—that they would leave no possibility untried intervening on my behalf if it should ever come to that. The agencies, instead, used opportunities not for, but rather against, Murat Kurnaz.

Today, Kurnaz lives once again in Bremen, Germany. In a TV interview with Beckmann on October 16, 2006 (the year of his return), he said the following, in answer to the question of whether Germany was still his homeland [*Heimat*]: "I was born here, and I grew up here. I went to school here. I don't differentiate myself from anyone else who grew up here. I am from Germany." These are biographical circumstance and markers of his belonging wholly independent of citizenship.

Among the list of measures taken by the federal government to keep Murat Kurnaz out of Germany was the following justification: His residence permit had expired because he'd spent more than six months abroad. Structural racism: To interpret laws in such a way that their impact disadvantages particular individuals with the maximum effect although such interpretations contradict all ethical responsibilities. What was happening in Guantánamo was already known at the time. A different interpretation of the law would have been possible. Incidentally, this isn't a question of whether or not the individual civil servant who came up with this ingenious plan was racist: Someone also wanted their analysis, someone accepted their recommendation. Perhaps from among an array of other possible recommendations. Someone implemented their scheme.

The civil servant from whom the recommendation originated was none other than Hans-Georg Maaßen, then head of division for the Federal Ministry of the Interior. The same Maaßen who in late summer of 2018 initiated a crisis in the federal government when he contradicted Chancellor Merkel that racially motivated attacks [*Hetzjagd*] against people perceived of as migrants were taking place in the eastern German city of Chemnitz where for days rightwing radicals had been demonstrating on the streets. The federal government had appointed Maaßen head of the Federal Office for the Protection of the Constitution

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[4] Prior to the 2000 reform of Germany's nationality law, citizenship was not (and is still not necessarily) guaranteed by birth in Germany, but only by descent from German parents. The 2000 reform, opened a path to citizenship for many German-born residents whose families had immigrated to Germany, though this possibility remains conditional on fulfilling a number of predetermined requirements.

[*Verfassungsschutz*] back in 2012. Already at that time, after the NSU had unmasked itself in November 2011, the (post)migrant populace's trust in the German security agencies was all but non-existent. And now someone was meant to reestablish this trust who himself stood in the closest connections to the structural racism in Kurnaz' case? Whose trust was this supposed to facilitate?

The three scandals of late summer and fall 2018—first: Maaßen allegedly provided the AfD with information, second: his statements concerning the hate marches in Chemnitz, third: his farewell speech at the Federal Office for the Protection of the Constitution in which he once again underlined and emphasized his opinion that the handling of the refugee policy by Germany's federal government had been wrong. These scandals eroded trust in the security agencies. But Maaßen, here, was merely a symbol of a collapse in trust which extended far beyond himself. Trust means the security, the confidence, of knowing that there is no wrong place and no wrong time for me. Trust is greater than knowledge, it is the reassuring feeling—beyond any shadow of doubt—that those responsible in our government's agencies possess both the ability and integrity to do what is best for the people wherever they can. That everything will be alright. But this feeling is no longer there.

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The poet May Ayim wrote a poem in the early 1980s with the title "Trust." She was an important voice in the Afro-German Movement, alongside other thinkers, poets, and activists, responsible for the initial development of the term *afrodeutsch* as a self-designation for black people in Germany. I pore over her poetry collection, *blues in schwarzweiß*—the only collection published during her lifetime—for a definition of what trust could mean in Germany from a positionality of empowerment. Even if today it is the work of sociologist Niklas Luhmann from which most contemporary definitions of trust are derived, it seems pertinent to me not to concentrate solely on explicit definitions, but rather, to follow a poetic perception—particularly that of a poetry which challenges the dominant culture with great tenderness. In the fourth poem from the third cycle in her collection ("the time after"), Ayim describes what trust *could* mean:

> composed
> as a mirror
> to reveal what is
> without fear of being shattered
> by that which becomes seeable
> before it can be seen

Read on its own, this could mean trust in the family, in love or friendship, as much so as trust in society. Can I reveal myself and name or reflect those things as I perceive them, without consequences for myself? Without "being shattered"? In the cycle in which this poem is embedded, love and loss are bound together with emancipation through an invocation of both ancestors and companions. And so the

cycle ends, by way of example, after a "vision" of kissing, seeing, and understanding entrusted by the poet Audre Lorde whose poetic inheritance the lyrical I assumes:

> her work lives on
> in her works
> our visions
> carry the experience
> of her words

The poem "Trust" acquires at least two further dimensions through its embeddedness within this cycle: one which reaches into the past, perhaps into the beyond. The "mirror" also reveals ancestors, their actions and visions becoming "seeable": These do not shatter, they strengthen. The "Trust" in the poem's title is then imperative: trust your ancestors, "composed / as a mirror."

Second, the poem describes trust as the absence of fear, a fear of revealing oneself because what becomes seeable could be "shattered." Trust stands, for the lyrical I, in connection with freedom, namely the freedom to reveal oneself, the lack of compulsion to hide. "the cage has a door," the following poem written—according to the dating—six years later in 1990, ends with the lines:

> meanwhile
> i prefer
> i am excluded
> i prefer
> i am
> not contained

With the lines: "the letters are bars / the periods, beginnings" Ayim perhaps acknowledges Rilke's "Panther": "It is, to him, as though there were 1000 bars, and behind 1000 bars, no world." Rilke, too, searches for freedom despite captivity (here, that of the panther), and finds in the cage "strength around a center in which great will is numbed." That Ayim's cage has a door might be an allusion to Maya Angelou's autobiographical text, *I Know Why the Caged Bird Sings*, about the life of a young black woman in 1930s America, published in 1969, a year after the assassination of Dr. Martin Luther King, Jr. May Ayim pays homage to King in her next poem "with raised fist." In the context of the Black Civil Rights Movement—not only in the U.S., but also in Germany—the aspect of visibility in the poem "Trust" receives an additional, third dimension: the vulnerability of people impacted by racial violence. For example, with the poem "ANA," which works through the death of Ana Herrero Villamor who was active in the Initiative of Black People in Germany.[5] Directed at mainstream society, Ayim's poem poses a question: *Is trust possible; can I trust you?* Directed at the ancestors, those erstwhile

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[5] *Initiative Schwarze Menschen in Deutschland*, a Berlin-based activist group founded in 1986 of which May Ayim was a founding member.

trail blazers and forebearers of Black Emancipation, the poem frames a promise: *You can trust in me; I'll carry your vision onward.*

May Ayim wrote "Trust" before the pogroms against people perceived as migrants[6] in Germany at the beginning of the 1990s. But she published her collection in 1995, after the arson attacks in Mölln, Rostock, and Solingen. She processes the pain of this period in her poem, "germany in fall," in which she writes:

> in a newly united germany
> which so easily
> much too easily
> calls itself reunited
> here
> in this and every town
> first houses
> then people
> burned

In the same poem, one strophe earlier, she speaks of the November 1990 murder of Amadeu Antonio in Eberswalde at the hands of neo-Nazis:

> and the police
> came so late to the scene
> that it was too late
> and the papers were
> so sparing with their words
> that it was like silence
> and on television no pictures
> of the homicide

Official statistics from the federal government recognize 83 murder victims of rightwing violence since the Fall of the Wall. According to an ongoing research project by the newspapers *Tagesspiegel* and *Die Zeit*, there have actually been at least 169 deaths associated with rightwing violence since 1990.

May Ayim died in 1996, missing the rightwing terrorist murders of the National Socialist Underground, as well as the unmasking of their terror cell through the suicides of two of their members in November 2011. Her poem, "germany in fall" ends with the lines:

> so it is:
> germany in fall
> i fear the coming winter

This fear is not merely the fear of neo-Nazi violence, it is above all fear of a state which does not protect, a state whose police don't intervene when a riotous

[6] Here the author employs the neologism *migrantisiert* to describe the ascription of migrant identity.

mob sets fire to the houses of refugees or migrant workers like the Sonnenblumenhaus of Vietnamese workers in Rostock-Lichtenhagen. The fear of a lawmaker whose laws are not enacted in defense of those threatened, but to strengthen their attackers—the near abolition of the asylum paragraphs from our constitution as a reaction to the pogroms of the early 90s, approved by a 2/3 majority of elected officials from across the political spectrum. The fear is of dependence on those obligated to protect us—in a democracy, this obligation to protect lies with the state, tied to its monopoly on violence—an obligation in which those who should be protected are unable to place their trust. All those who would be protected? No. Impacted are only:

> the "dear foreign citizens"
> no question of civil rights
> the "*kanaken*" next door
> the blacks or whatever kind of hyphenated-germans
> […] those
> whom the whitewashers of history
> already overlooked yesterday
> or dis-covered
> described defined dictated

Trust first becomes possible when all people receive the promise of equal protection before the law. Even then, it would only be a *possibility*, by no means the default—for the unprotected must first unlearn what they have for centuries experienced on other terms. Racism is a system established by violence over multiple centuries of slavery and genocide, dependent on the development of a pseudoscientific common sense which has defined all worldviews—those of the marginalized, as well as those of the privileged. If that liberal promise of equality—which never applied universally because not everyone was conceived of as human—not by Voltaire, not by Hume, and not by Kant—if that promise were suddenly to apply to all, even this would not yet mean that the trust that this promise would truly be applied to all had been established.

At least not rationally, for this would imply a trust contrary to our better reason. Even the state's demand for such trust is—from the outset—discriminatory, because it ignores the experience of oppression. In any case, such an appeal for trust becomes conceivable as consolation, but real relief would need to follow those consolatory words in order to be more than empty mockery in the end.

In the long history of racism, the little more than twenty years since May Ayim's death in 1996 are only a short span of time. But in the history of our federal republic—which has itself only existed for 70 years—they are a long time. A lot has happened in the history of migration over the last few decades: in legal terms, the change to Germany's citizenship laws (from *jus sanguinis* to *jus soli*)[7] which accompanied judiciary recognition of the federal republic as a country of immigrants; in emancipatory terms, the participation of many—though proportionally still very few—migratory people and People of Color in the

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[7] That is, from a notion of citizenship based on hereditary principles to one of birthright citizenship.

economy, politics, and culture of this country. This was surely a consequence of emancipatory movements in diverse communities: the Initiative of Black People in Germany, Kanak-Attack, migrant self-organization, movements of workers not only from Turkey, but also from other 'sending countries,' particularly Italy. In culture production, the theater scene, as well as—in much smaller measure—the literary scene, have created an opening for (hi)stories of marginalization, admittedly (and unfortunately), due to a stagnation in film.

On the other hand, racism has also continued to expand its modes of operation. Not only in the years after 9/11, but particularly since then, an 'anti-Muslim racism' has developed, with its consequence being a decade of stigmatization and defamation of people who are read as Muslim. Media and state institutions suffered a bankruptcy of trust with the aforementioned unmasking of the NSU. After this rightwing terror cell could fly for ten years below the radar, murdering eight people of Turkish heritage, one man of Greek descent, and a police woman, it is unrealistic to expect those impacted by racism to trust in the security agencies of their state. Anyone who reads the autobiography of Semiya Şimşek, daughter of—according to official narratives—the first murder victim of the NSU, Enver Şimşek, can reconstruct the way in which these agencies not only failed to contribute to solving this crime, but at times directly hindered its resolution: shaming Şimşek's relatives. When, in 2006, collective victims' relatives and their supporters demonstrated under the motto: "No Tenth Victim," the media still spoke of "döner murders," while security agencies continued their smear campaign.

The Bundestag's first investigative committee—established in January 2012 with the task of investigating the failures of the security agencies in their handling of the NSU murders—uncovered a long list of evidence that these agencies had been unwilling or incompetent in their attempts to expose these crimes. They had not investigated the rightwing extremist scene, even though some victims' families had suggested doing so from the onset. The behavior of the security agencies was, at times, so absurd that it became difficult to separate fact from fiction: the Hamburg Police Department, for example, solicited an exorcist from Iran to conjure up a connection between the dead. Evidently, it seemed more plausible to the police that ghosts were involved in perpetrating these crimes than Nazis. Homeland-security agent Andreas Temme had been present just before or during the murder of Halil Yozgat in Kassel. Forensic Architecture, a research institute at the Goldsmith University in London, later reconstructed the crime scene, establishing that it would have been impossible for this agent of the State of Hesse's Office for the Protection of the Constitution not to have born witness to the murder. However, the findings of this institute were not permitted as evidence during the trial of Beate Zschäpe before the Regional Court of Appeals in Munich. At the same time, the State Office instead provided an internal report on the case, complete with a 120-year mandate of confidentiality. And then the documents expunged by the *Verfassungsschutz*. After its then president, Heinz Fromm, took early retirement in 2012, none other than Hans-Georg Maaßen ascended to this post.

These are only a few examples which demonstrate that for those people whose bodies are threatened by racism, any trust in a) state security agencies—in particular, the *Verfassungsschutz* and the police—for protection in the face of racial

violence, b) politicians who were unable to provide explanation or take responsibility, or c) the media who spoke first of "döner murders" and then later showed no interest in the subject up to the Munich trials cannot be founded in reason. State-led appeals for trust either fail to address those threatened or consider their losses—and so, also their lives—inconsequential. Or they demand a nonrational trust more appropriate for a religious context, that is: trust contrary to one's better knowledge. (Religious because trust against one's better knowledge in an answer from the theodicy is founded in a recourse to faith. The philosopher Bernhard Taureck sees in the government's appeals for trust, particularly their formulations after the global 2013 surveillance and espionage scandals, a phenomenon indicative of a systemic transformation into an "apocalyptic surveillance democracy": The government exploits a desire for sensory experience which is only plausible in the hereafter and remains outside the territory of a secular state.)

One additional aspect deserves attention here, namely, a state's trust vis-à-vis its own citizens. While the trust of the citizenry in their state—which in a democracy is legitimized through its citizens—is either present or can be developed, this question of trust in the other direction is difficult to establish. On the one hand, this lies in the asymmetrical access to information: In general, the state knows more about its citizens than they know about it. Particularly in regards to the security apparatus, it belongs to the very nature of the beast that they know more and are capable of doing more. Citizens are advised to trust, although it is impossible for them to know: to *assume* that the police protect rather than persecute them, that the intelligence services use their information for the sake of and not against the interests of the citizenry.

This doesn't work in the opposite direction. The moment in which an intelligence agency trusts because it does not or cannot know, it renders itself obsolete. (*Verfassungsschutz* to citizen: "Would you like to abolish the free and democratic constitutional order through recourse to violence?" The citizen's reply: "No, not me, I'd never do that." *Verfassungsschutz*: "How nice that we can trust one another." Citizen: "Yes, I think so, too.")

The condition of reciprocity for a (rational) trust in the relationship between the state and its citizens is fundamentally implausible. The citizens' nonrational trust—that is, trust against one's better knowledge—is religious because it is not invested in the hope for actual fulfillment, but rather, this trust is satisfied solely in the desire for sensory experience. The nonrational trust of a state in its citizens is—in the best case, a contradiction, because the all-knowing state does not rely on trust. In the worst case, it may be negligent. (A state, with negligent civil servants which contrary to its better knowledge trusts in particular citizens—like Nazis—to such an extent that it does not so much as look in their direction, would still be preferable to me over a state whose agents do not look in their direction because they sympathize or network with Nazis. The state's activities are racist in either case: Those citizens threatened by racial violence are excluded from nonrational trust in one's state.)

Negative trust is suspicion. Trust is when I cannot know whether a circumstance will occur, yet I assume that it will. When this circumstance is negative—if I would, for example, believe that someone in a cell phone shop with black hair and a hoody has stolen something without having seen him steal—this is suspicion. In the case of the NSU murders, it was not the neo-Nazis (these received the benefit of the doubt), but the victims' relatives themselves who were suspected by the security agencies (and the media). And this due to the aforementioned generalizations, the racist perceptions of the victims: Obviously Turks would kill each other. One line from the case analysis of the detective chief superintendent Udo Haßmann concerning the murders of "nine small business owners of foreign descent" from the year 2007 'determined' that the perpetrators must also come from among these migrant communities and that it was unlikely to near-impossible that (non-migrant) Germans had committed these crimes: "The murder of other human beings," according to his review, "is highly taboo within our cultural milieu." Unlike those migrant communities whose cultures encourage bashing each other's heads in.

And so, while trust in one's own state and media from those who are impacted by racism is difficult to ground in rationality, and the state's appeal for trust from these people either ignores them and their experience or else demands a quasi-religious faith, there remains—in the other direction—a general suspicion along these same racialized social divides against the very people who are impacted by racial violence. This suspicion has been propagated (at least) since the 1980s, whether it be in stories of the "gangs of Kreuzberger youth" invented by the mass media (particularly the *Spiegel*) or discussions of honor killings (not whether, but how, these would be discussed), etc.

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Discussions of social cohesion always place particular import in the "trust" of the citizenry in state institutions, as well as the "trust" between different demographic groups. Appeals to these people for trust ignores the experiences of those potentially threatened by racism—corporally through rightwing violence, verbally through representation in the mass media, or existentially through unequal allocation of resources by discriminatory markets. Trust always signifies that those who would trust must extend beyond the realm of their own knowledge or experience, but not necessarily that they should act *against* their own better knowledge. After (though certainly not beginning with) the Fall of the Wall, when the actions of the state and media have worked not in the defense of, but rather to the disadvantage of those groups impacted by racism, a rational trust that these agencies will utilize their resources to protect the people has become illogical (just as the appeal for nonrational trust is irreconcilable with our understanding of a secular, democratic state). Such trust can only arise through measures which credibly combat the structural racism reaching deep into the heart of our state's institutions. Trust in the media and between our different demographic groups remains (by definition) all but impossible, as long as the lack of knowledge

concerning the social imbalance of power is compensated for by suspicion (negative trust) rather than good will.

Trust, ultimately, serves us as a mirror. It reveals with great composure what is, reflecting back for the present day the power of those who have found paths out of their vulnerability or words of solidarity.