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Introducing a Performative Perspective to the Debates on the Linguistic Rights of Turkish Speakers in Germany

Almanya'daki Türkçe Konuşanların Dil Hakları Konusundaki Tartışmalara Performatif Bir Bakış Açısı Getirmek

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ÖZ

Almanya'daki Türkçe konuşan nüfusun dil hakları, Türkçe konuşan bireylerin hem Türk kültürüyle olan bağları hem de Almanya toplumundaki konumları hakkındaki tartışmaların merkezinde yer almaktadır. Akademisyenler, dil haklarını, insan hakları ve kültürel haklar bağlamlarında kavramsallaştırarak bu tür tartışmaların anlaşılmasına katkıda bulunmuşlardır. Bu kavramsallaştırmalar, yasal eşitsizlikleri açığa vurma ve bu eşitsizliklerin üstesinden gelme çabalarına katkıda bulunmuştur. Bu makalede bu yazından yararlanmakla birlikte tartışmanın odak noktasını Türklerin dil haklarından onların hak arama pratiklerine çevirmeyi teşvik etmekteyim. Bunun için de feminist siyaset bilimci Karen Zivi'nin haklar konusundaki performatif (gerçekleştirici) yaklaşımını Almanya'daki Türkçe konuşan nüfusun dil hakları konusundaki tartışmalara dahil ediyorum. Bu performatif bakış açısı, sıklıkla kullanılan uyum, ayrımcılık, insan hakları ve kültürel haklar çerçevelerine bir alternatif sunar. Bu yaklaşım, Almanya'daki Türkçe konuşan bireylerin toplumlarındaki yerlerini dil haklarını talep etme yoluyla müzakere ettiklerini ortaya koyar. Aynı zamanda bu makale, hem bu tartışmalardaki odak noktasını Almanya Devleti'nden uzaklaştırıp Türkçe konuşan nüfusa çevirmeyi hem de Almanya'daki Türkçe konuşan bireyleri eylemliliği olan siyasi aktörler, onların hak iddia etme pratiklerini de Almanya toplumunda anlaşılma biçimlerini yeniden şekillendirme girişimleri olarak kurmayı önerir.

ABSTRACT

Turkish speakers' linguistic rights in Germany have been central to the debates about their ties to Turkish culture as well as their place in the German society. Scholars have contributed to understandings of such debates by conceptualizing linguistic rights as human rights and as cultural rights. These conceptualizations have contributed to efforts in revealing and overcoming legal inequalities. In this article, I build on this literature, but I encourage shifting the focus from Turks' linguistic rights to their rights claiming practices. For this, I introduce feminist political scientist Karen Zivi's performative approach to rights into the discussion on Turkish speakers' linguistic rights in Germany. This performative perspective provides an alternative to the widely used frameworks of integration, discrimination, human rights and cultural rights. This approach demonstrates that Turkish speakers in Germany negotiate their place in their society by claiming their linguistic rights. This article also suggests shifting the focus in these discussions away from the German state and to Turkish speakers themselves as well as establishing Turkish speakers in Germany as political actors with agency and their rights claiming practices as attempts to reshape the way they are understood in the German society.

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GENİŞLETİLMİŞ ÖZET

Almanya'daki Türkçe konuşan bireylerin dil hakları, onların hem Türk kültürüyle olan bağlarını koruyup korumadıkları hem de Almanya toplumuna uyum sağlayıp sağlayamadıkları konusundaki tartışmaların merkezinde yer almaktadır. Türkçe konuşan bireylerin farklı diller konuşan kişilerin bir araya geldikleri okul ve iş yerleri gibi mekanlarda anadillerini kullanışları uzun süredir bir tartışma konusudur. Bu tartışmalar, dünya genelinde dil haklarıyla ilgili süregelen tartışmaların bir örneğidir. Bir yandan ana dil kullanımı, dil azınlıklarının kültürlerini sürdürmeleri için temel bir gereklilik olarak görülürken, diğer yandan, göçmenlerin ev sahibi ülkenin dilini kullanmaları kültürel uyumun önemli bir göstergesi olarak algılanmaktadır. Bu makale, çeşitli araştırmacıların dil hakları konusunu nasıl incelediklerini, Almanya'daki Türkçe konuşan nüfusun dil hakları konusundaki tartışmaları ve feminist siyaset kuramının dil hakları konusunun anlaşılmasına nasıl katkı sağlayabileceğini ele alır.

Araştırmacılar, kültürel azınlıkların dil haklarını, insan hakları ve kültürel haklar bağlamlarında kavramsallaştırarak bu tür tartışmaları anlamamıza yardımcı olmuşlardır. Bazı araştırmacılar, dil haklarını, temel birer insan hakkı olarak ortaya koyarken, başka araştırmacılar, dil haklarını, çok kültürlü toplumlarda azınlıkların sahip olduğu kültürel haklardan biri olarak kavramlaştırır. Bu kavramlaştırmalar, yasal ve toplumsal eşitsizlikleri göz önüne sermiştir. Böylece bu eşitsizliklerin üstesinden gelmenin yollarının aramasına katkı sağlamışlardır. Bu makalede, bu yazından yararlanmakla ve yasal olarak garanti altına alınmış hakların önemini vurgulamakla birlikte akademik tartışmanın odak noktasını uyum ve asimilasyon tartışmalarından, Almanya Devleti'nin Türklerin dil haklarıyla ilgili politikalarından ve yasalardan uzaklaştırmayı öneriyorum. Bu yazı, ana dili Türkçe olan ve Almanya'da yaşayan bireylerin dil haklarını talep ediş pratiklerini yeni araştırmalarda bir odak noktası haline getirmeyi teşvik eder. Bu pratikler, Türkçe konuşan kişilerin dil haklarının engellenmesi üzerine çeşitli kurumlara yaptıkları başvurulardan farklı iletişim araçları yoluyla söylem üretmelerine kadar her türlü eylemliliği kapsayabilir. Bu bakış açısı, Almanya'daki Türkçe konuşan bireylerin hak arama çabaları aracılığıyla Almanya toplumundaki yerlerini nasıl müzakere ettiklerini göstermesi bağlamında önem taşır. Bu yeni odak noktası, tartışma eksenini genişleterek yazına katkıda bulunabilir. Ayrıca bu pratiklerin yasal düzlemde henüz sonuç alıp almamış olmasından bağımsız olarak bu pratiklerin toplumsal sonuçlarını ortaya koymayı sağlayabilir.

Bu yeni odak noktasını oluşturmayı teşvik etmek için bu makale, feminist siyaset bilimci Karen Zivi'nin kadınların hak arama pratikleri hakkındaki performatif (gerçekleştirici) yaklaşımını yöntem olarak kullanır ve bu yaklaşımı Almanya'daki Türkçe konuşan nüfusun dil hakları konusundaki süregelen tartışmalara katar. Karen Zivi, toplumsal cinsiyet kuramcısı Judith Butler'ın haklar konusundaki tartışmalarına dayanarak (2005, pp. 392-395) ve Butler'ın kullanımını yaygınlaştırdığı performativite kavramından yararlanarak hak aramanın performatif bir pratik olarak değerlendirilebileceğini ortaya koyar (2005, pp. 386 n. 8, 393). Zivi'nin de gösterdiği üzere, haklar, sadece hakların kendisi üzerinden değil hak iddia etme eylemlerinin sonuçları üzerinden de tartışılabilir. Böylece, kişilerin ve toplulukların hak arama süreçleri, onların toplumdaki yerlerini dönüştürmelerine sağladığı katkı çerçevesinde araştırılabilir. Zivi, hak arayanların bu pratikler sayesinde kendilerini ve toplumsal konumlarını yeniden şekillendirebileceklerine dikkat çeker. Zivi, böylece, hak arama pratiklerinin dönüştürücü bir etkiye sahip olabileceğini gösterir.

Zivi'nin feminist siyaset kuramı içinde ortaya koyduğu bu çerçeve, Almanya'daki Türkçe konuşan nüfusun dil haklarını kavramsallaştırmak için yararlı bir kaynak oluşturabilir. Bu uygulama, feminist kuramın etkisinin kadınların sorunlarına çözüm üretmekle sınırlı kalmadığını gösterir. Feminist kuramın, farklı topluluklar arasındaki güç eşitsizlikleri gibi göçmenler için merkezi öneme sahip konuları kavramsallaştırmak için de kullanılabilir araçlar sunarlar. Zivi'nin hak arama pratikleri konusundaki feminist yaklaşımı da bu araçlardan biridir.

Makale, bu yaklaşımın Almanya'nın Türkçe konuşan nüfusunun dil hakları üzerine yapılacak araştırmalarda kullanılabilirliğini göstermek için Almanya'nın Bavyera eyaletinde gerçekleştiği iddia edilen bir Türkçe yasağı ile ilgili haber dergisi Der Spiegel'de yayımlanan bir haberi örnek olarak verir. Haberde otomobil üreticisi Bayerische Motoren Werke AG (BMW)'nin bir bölümünde Türkçe konuşmanın yasaklandığıyla ilgili iddialara yer verilmiştir (Lill, 2009). Yazıda BMW'de çalışan bir Türk işçiden alıntı yapılmaktadır. Türk işçi, Türkçeyi işyerinde konuşabilme hakkını ortaya koyarken, "Burada kendimi evimde hissediyorum. Çocuklarım Almanca büyütüldü" ifadelerini kullanıyor (Lill, 2019). Türk işçi, bu ifadeyle Almanya'da yaşayıp Türkçe konuşan bir kişi olarak kimliğini koruduğunu fakat bu dil farklılığının onun bu ülkenin bir parçası olduğu ve Almanya'yı evi olarak benimsediği gerçeğiyle çelişmediğini gösteriyor. Dahası, "çocuklarının büyütüldüğü" (Lill, 2019) dilin göçmen karıştlarının varsayacağı gibi Türkçe değil, Almanca olduğunu da ortaya koyuyor. Böylece, alıntılanan Türk işçi, bir yandan anadilini konuşma hakkının engellenmesine karşı çıkarken diğer yandan kimliğiyle ilgili varsayımları da tartışmaya açıyor. Böylece, Almanya'da kendini evinde hissetmekle ve çocuklarını Almanca dilinde büyütebilecek ölçüde Almanya toplumuna uyum sağlamış olmakla çelişmeyen bir Türk kimliği kuruyor. Türk işçinin alıntılanan bu sözleri kimliğindeki bu dönüştürücü etkisi dolayısıyla performatif olarak değerlendirilebilir.

Bu örnekte olduğu gibi, Almanya'daki Türkçe konuşan bireylerin hak arama uygulamalarının feminist siyaset bilimci Karen Zivi'nin (2005) hakları performatif olarak kavramsallaştıran yaklaşımı aracılığı ile çözümlenmesi, hak arama pratiklerinin toplumsal sonuçlarını daha iyi anlamamıza sağlayabilir. Feminist siyaset kuramının dil haklarıyla ilgili yazınla bütünleşen bu bakış açısı, Türkçe konuşan bireylerin Almanya toplumundaki kimliklerinin dönüşümünü anlamamıza da yardımcı olacaktır. Bu çerçevede ana dili Türkçe olan ve dil haklarını arayan bireyler, Almanya toplumundaki algılanma biçimlerini dönüştürme potansiyeline sahip siyasi aktörler olarak anlaşılabilir.

Introduction

In March 2019, the German newspaper *Bild* published an article suggesting that a foreman in a department within the automobile manufacturer *Bayerischen Motoren Weaken* (BMW) in the Bavarian city of Garching prohibited Turkish employees from speaking Turkish at work as well as at the social spaces inside the company (Bachner, 2019). As the article in *Bild* reports, the workers objected to this requirement. Jochen Frey, a spokesperson for the company, stated that employees spoke in German when at work so that everyone understood work related utterances but “the firm [did] not decide for its workers in which language they [spoke] privately”¹ (Bachner, 2019). This incident once again sparked the heated debate regarding language, integration and racism in Germany. Previously, a similar debate had started, this time in the German capital of Berlin, when a school forbade its students to speak in a language other than German during recess. The Turkish Union in Berlin-Brandenburg took issue with this decision; Safer Cinar from the Turkish Union stated that this “German-obligation” was “discriminatory” (Bruns, 2016).

This re-occurring unresolved debate regarding Turkish speakers’ native language use at work and at schools in Germany—two places where individuals with different native languages come together daily—exemplifies worldwide discussions regarding rights of linguistic minorities. It also shows the complexity of the problem. On the one hand, native tongue use is considered as a fundamental necessity for minorities to maintain their cultures. The Universal Declaration of Linguistic Rights proposes that “all language communities have the right to use, maintain and foster their language in all forms of cultural expression” (United Nations Educational, Scientific and Cultural Organization, 1996, p. 13). At the same time, speaking the language of the host nation is perceived as a major indicator of integration as well as of assimilation.

Scholars such as Skutnabb-Kangas and Phillipson (1998) have contributed greatly to our understanding of these effects by discussing linguistic rights as unalienable human rights. Others such as Baubock (1996) have elaborated on migrants’ cultural rights including their native language use. In this article, I build on this rich literature and acknowledge the importance of rights. Yet, I shift the focus from considerations of integration, discrimination and state policies to how minorities negotiate their place in their societies through claiming their linguistic rights. Thus, I shift the focus away from the discussion about allowing or forbidding native tongue use in public spaces. Rather, the objective of this article is to elaborate on how scholars have assessed rights claiming practices and how this literature can help researchers analyze the debates on Turkish speakers’ linguistic rights in Germany. I suggest that analyzing these rights claiming practices through the perspective of feminist political scientist Karen Zivi’s performative approach, which she builds on Judith Butler’s work (Butler 1997a, 1997b, 2004 as cited in Zivi 2005, p. 386 n. 8), would enhance our understanding of the consequences of Turks’ rights claiming in Germany and their place in the German society.

For this, firstly, I examine how linguistic rights are discussed in the literature. I identify two important trends in the scholarship, namely, considering linguistic rights as fundamental human rights and as cultural rights. Secondly, I discuss the feminist political theory on rights and argue that this scholarship can help analyze linguistic rights. I suggest that this literature can help reframe questions related to the rights claiming practices of Turkish speakers in Germany. Introducing political scientist Karen Zivi’s conceptualization of performative rights claiming to the scholarship on Turkish speakers’ linguistic rights claims in Germany, I suggest that analyzing Turks’ rights claiming practices as a political practice can help conceptualize

¹ All translations are mine.

these practices as going beyond a desire to obtain rights and one that helps reshape Turks' identities and place in the German society. Within this framework, diverse activities ranging from applying to different institutions regarding the extortion of language rights to producing discourses through various kinds of media could be considered as rights claiming.

I examine how Zivi's conceptualization of rights claiming as performative can contribute to the scholarship on the language use debate in Germany. The scholarship on the debate on linguistic rights tends to focus, firstly, on whether Turks have the right to use their mother tongue or not, and secondly, on the construction of Germany as a monolingual country. Therefore, rather than concentrating on the political practice of rights claiming by Turkish speakers, the literature tends to focus on the agency of the German state in shaping the linguistic landscape of Germany. Integrating the feminist theory of performative rights claiming into this scholarship, I will advocate for an understanding of Turkish speakers' linguistic rights claiming as a performative act that has the potential to transform the identities of the people who claim rights and the way they are perceived in their societies. This approach can help unearth the agency of minorities and note how rights claiming can reshape the social conditions under which minority and migrants' identities are constructed. Applying Karen Zivi's perspective to Turkish speakers' rights claiming in Germany would also reveal that rights-claiming can challenge the way Turkish rights-claimers are understood in Germany.

Background: Turkish Speakers in Germany

Turkish speakers started migrating from Turkey to Germany in large numbers in 1961 when Turkey and the Federal Republic of Germany signed a labor agreement. Many of the first so-called guest workers (*gastarbeiter*) from Turkey in Germany worked in heavy industries such as coal mining, which declined in the last decades. In the 1970s, there were about 605,000 Turkish guest workers in Germany; this meant that 23 percent of all non-Germans in Germany were Turkish (Göktürk, Gramling, & Kaes, 2007, p. 11). The West German State ended the guest worker program following the oil crisis of 1973. Nevertheless, the Turkish speaking population in Germany grew with family reunification, migration of marriage partners from Turkey, the birth of Turkish children in Germany, and migration of students and asylum seekers. Thus, the demographic characteristics of the Turkish community in Germany diversified. This diversity is enhanced today with recent highly skilled migration from Turkey to Germany (Yanasmayan, 2019) and necessitates a multilayered analysis to comprehend the Turkish migrant experience in Germany.

The national language of Germany is German; however, the population in the country is increasingly multilingual (Adler & Beyer 2018, p. 221). The German law does not, in general, regulate the use of the German language in the country (Adler & Beyer, 2018, pp. 225–226). There are certain “regulations” in place to protect indigenous languages in the country (Adler & Beyer, 2018, p. 226); however, Turkish is not considered as one of those regional or minority languages, which include Danish, Frisian, Sorbian, Romani and Low German (Adler & Beyer, 2018, p. 223).

Many Turks in Germany speak both Turkish and German, code-switching as needed. The frequency with which Turks use German and Turkish depends on various factors. For example, Sakın states that Turkish men tend to speak Turkish more frequently than Turkish women in Germany (2018, p. 8). Likewise, individuals with Turkish citizenship and those who earn a lower income speak Turkish more often (Sakın, 2018, p. 8). Even though Turkish language use persists among the population, scholars also suggest that many Turkish speakers use “Almanya Türkçesi” (German Turkish) (Koçak, 2012). Koçak states that this form of Turkish is marked by grammar and pronunciation mistakes and mixing German and Turkish words (Koçak, 2012, p. 308–312).

Literature Review

Language Use as a Human Right

A tendency in the literature on migrants, minorities and indigenous communities' language use is to posit the right to speak one's native tongue as a universal human right and state that this right should be protected with the same attention just as other human rights are protected. To illustrate, Skutnabb-Kangas and Phillipson (1998) suggest that linguistic diversity is decreasing and language rights, especially those of communities who speak "endangered languages," should be protected. They propose that protecting "linguistic human rights" is crucial to sustaining "linguistic diversity" (Skutnabb-Kangas & Phillipson, 1998, p. 27). They assess the recent developments in linguistic rights put forward by the United Nations and argue that recognized minorities have a number of educational and linguistic rights protected under international law whereas minorities with a migration background possess very few of these linguistic rights (Skutnabb-Kangas & Phillipson, 1998, p. 35). They point out that migrants' linguistic human rights are not protected as they should be (Skutnabb-Kangas & Phillipson, 1998, p. 35).

Scholars have analyzed the challenges migrants face regarding native tongue use pointed out by Skutnabb-Kangas and Phillipson (1998). For example, in "'Speak German or Sweep the Schoolyard': Linguistic Human Rights in Germany," Lucinda Martin (2008) elaborates on whether the school system in Germany enables migrants to exercise their linguistic human rights. Martin (2008) analyzes Germany's language policies in relation to understandings of identity and citizenship in the country. Martin states that the German education system has been widely criticized for hindering migrants from exercising their human rights; this problem became evident when a United Nations (UN) investigator laid out the troubling picture in their report to the UN (Martin, 2008, p. 140). According to Martin (2008), the current school system in Germany provides migrants with neither adequate possibilities for social mobility nor sufficient ways to exercise their rights to properly learn German or their native languages.

Framing linguistic rights as human rights in this way appears to be promising because human rights are considered to be universal and, therefore, appear as rights that every human being can claim. The human rights discourse asserts that human rights come naturally to all humans. Moreover, supra-national institutions such as the European Court of Human Rights (ECtHR) make it possible for individuals to proceed against nation states for restricting their freedom. Therefore, scholars such as Yasemin Soysal (1994) have suggested that supra-national human rights institutions benefit migrants because migrants can use these channels to claim their rights even if they might not be granted full citizenship rights in their host countries.

Other scholars have challenged this approach towards the concept of human rights and supra-national human rights institutions established to protect universal rights. For example, researchers have shown that individuals' ability to claim these seemingly universal rights varies in relation to rights claimers' position in social hierarchies (Dahre, 2010; Woodiwiss, 2002). Scholars have also demonstrated that nation states continue to be the primary point of reference for migrants' rights claiming practices (Koopmans & Statham, 1999). Moreover, a research on California voters' attitudes towards citizens' and noncitizens' rights claims found out that many Californians were against providing help for noncitizens even in issues they perceived to be human rights violations (Voss, Silva, & Bloemraad, 2020, p. 791). This finding suggests that national identities continue to be more important than universal human rights in shaping individuals' understandings of others' rights.

Even though the human rights discourse intends to establish equality for all humans before the law, the problems with the realization of these rights and citizens' perception of who

should be aided in achieving them necessitate a reframing of the issue to avoid conceptualizations of human rights as neutral. Moreover, as legal scholar Xabier Arzoz argues, conceptualizing language rights as human rights can be problematic since there is no universal agreement on what constitutes language rights and these rights are “local, historically-rooted claims, not fixed universals” (2007, p. 31). A framework that theorizes practices of rights claiming not as attempts to earn neutral rights but as parts of a political struggle to redefine one’s place in a society can help overcome these problems. As I will suggest later in this paper, this calls for moving away from the framework of human rights to a framework of performative rights claiming (Zivi, 2005) in the context of language rights.

Multiculturalism and Language Use as a Right to Culture

In addition to the framework positing the universality of linguistic rights (via the human rights discourse), another approach to linguistic rights focuses on the cultural rights of communities demanding linguistic rights. This framework concentrates on the existence of multiple cultures and languages in a specific country and posits minorities, migrants and indigenous communities’ language use as a right to their culture. For example, in his article supporting “liberal multiculturalism” (Baubock, 1996, p. 204), political theorist Rainer Baubock, posits “language instruction” as possibly “the most important cultural demand that immigrants address to public authorities” (1996, p. 242).

Other scholars have discussed whether multiculturalist policies such as offering migrants education in their native language enhance migrants’ integration. In “Trade-Offs between Equality and Difference,” for example, Koopmans (2010) provides a cross national analysis of the relationship between welfare benefits, multiculturalist policies and integration. Koopmans suggests that immigrants get better integrated in countries like Germany, where naturalization regimes are stricter and non-nationals are provided with fewer multiculturalist aids in comparison to countries like the Netherlands and Sweden where there is more “state support and protection for their languages, cultures and ethnic organizations and institutions” (Koopmans, 2010, p. 20).

In the context of Turkish speakers in Germany, linguistic rights have been examined in relation to Turkish migrants and their descendants’ cultural ties to Turkey and their relationship to the rest of the German society. To illustrate, Yusuf Adıgüzel (2011) argues that the Turkish language is a major point of “cultural conflict” between Turks and the German state. The ongoing “struggle for mother tongue [use] among Turks of Germany” involves strategies to sustain Turkish use among third and fourth generations through establishing Turkish language courses at schools and increasing the incentive to learn Turkish among schoolchildren (Adıgüzel, 2011, p. 244–250). Adıgüzel proposes that whereas speaking Turkish is a necessity for Turkish speakers to sustain their cultural ties to each other, the German state perceives Turks’ speaking their mother tongue as an obstacle to proper integration (2011, p. 250).

Scholars have tied these discussions regarding Turkish speakers’ mother tongue use in schools to debates about multiculturalism in Germany. For instance, Núria Garcia (2014) suggests that there is more to the debates regarding Turks’ “language-of-origin classes” in Germany than meets the eye. For Garcia, these discussions reflect the disagreement in Germany regarding whether the German society is “mono-cultural or multicultural” (2014, p.1). Eric Beck (1999), likewise, situates the debates regarding Turkish children’s language use within the linguistic politics in Germany and the European Union (EU). According to Beck, members of the EU developed policies to hinder a possible decline of the use of languages spoken by small European communities in case a specific language came to dominate communication in the EU (1999, p. 11). Within this political discourse establishing the need to protect all European languages, the EU appears as multicultural and multilingual and “all languages” were

stated to have “inherent and equal value” (Beck, 1999, p. 11). However, these “equal” languages only included the languages of EU member nations; Turkish was not considered as one of them since Turkey is not a member of the union (Beck, 1999, p. 11).

Thus, Beck’s discussion (1999) shows, the multiculturalist framework runs the risk of providing linguistic rights for some communities but not for others. In a similar vein, legal scholar Jovanović argues for conceptualizing minority rights as collective rights even as he points out possible problems this framework might generate including the “imposition of collective identities” onto individuals and conceptualization of “communities and cultures” as “static” (Jovanović, 2005, p. 651). Thus, even if the literature promotes linguistic rights for communities, scholars also point out the problems with these rights’ realization. Moreover, the debate continues to use the much-criticized language of integration and assimilation. In what follows, I lay out discussions in feminist political theory regarding rights claiming, which can help avoid these problems associated with discussing linguistic rights as communities’ rights to their culture.

Theoretical Framework: Feminist Political Theory on Rights Claiming

The literature I have presented above illustrates discussions regarding Turkish speakers’ linguistic rights in Germany as well as minorities’ language rights in many other places. This scholarship tends to concentrate on linguistic rights themselves rather than rights claiming practices. The literature elaborates on minorities and migrants’ desire to hold the right to speak their mother tongue as well as the barriers to realizing this desire. This approach concentrating on whether individuals and groups have linguistic rights helps us consider all citizens of European countries, including individuals with migration histories, as equal and seek ways to help them gain these rights. However, the realization of these rights does not always conform to this ideal.

In this section, I lay out some of the discussions in the feminist political theory on rights claiming, which can help conceptualize Turks’ rights claiming practices in Germany. I suggest that integrating a performative approach that focuses on Turkish speakers’ rights claiming practices into discussions regarding their linguistic rights would help us understand the outcomes of rights claiming even when those rights are not achieved. This reformulated focus can enable us to conceptualize how these political acts can transform the identities of Turkish speaking rights claimers and their place in the society they live in. I propose that the debates in feminist political theory on rights will help shift the focus on whether the German state grants Turkish speakers their linguistic rights to a performative understanding of rights claiming among Turks in Germany and thus highlight their agency. Feminist political theory is a well-equipped aid to reformulate minorities and migrants’ linguistic rights because feminist theory contemplates on issues central not only to women’s concerns but also to those of migrants such as identity based politics and power inequalities between different groups.

The feminist debate on rights is situated in larger discussions regarding identity, power and state institutions. Political and legal theorists have debated whether women should claim their rights from the state or if rights claiming from state institutions would end up in strengthening the state as a patriarchal institution. Another point of contention has been whether women should claim rights through identity politics or if this practice would reify the category of womanhood, hiding different experiences of gender inequality. Feminists have also elaborated on how to conceptualize and claim rights and whether rights should be formulated as related to universals or to individuals’ particular identities.

To illustrate, Black feminist legal scholar Patricia Williams evaluates the political and practical consequences of identity based rights claiming in *The Alchemy of Race and Rights* (1991). Williams criticizes scholars’ tendency to focus primarily on whether rights exist or not

and the assumption that rights are exercised properly once they are earned (1991, p. 158). Bringing in the perspective of critical race theory, Williams states that the focus of feminist politics should not be obtaining rights but their realization: "This country's worst historical moments have not been attributable to rights assertion but to a failure of rights commitment" (Williams, 1991, p. 159). Even as Williams is critical of focusing solely on the existence of rights, she still perceives rights to be potentially empowering. Williams argues that the "reconfiguration of rights" to include people who were initially excluded from these rights does give those individuals a "voice" and, thus, "empower[s]" them (1991, p. 160).

On the other hand, in *States of Injury: Power and Freedom in Late Modernity* (1995), feminist political scientist Wendy Brown points out the dangers of claiming rights through identity politics. For Brown (1995), identity politics holds onto "injuries" that happened in the past and thus is not capable of generating a politics of the future. Brown warns against referring to innate identities when claiming rights: "Politicized identity thus enunciates itself, makes claims for itself, only by entrenching, restating, dramatizing, and inscribing its pain in politics; it can hold out no future-for itself or others-that triumphs over this pain" (Brown, 1995, p. 74). In order to overcome the problems she observes in identity based rights claiming, Brown advocates for replacing the language of "I am" in claims making which refers to a "fixed" identity with the dynamic language of "I want this for us," which refers to a desire for "a political or collective good" (1995, p. 75).

In "Feminism and the Politics of Rights: A Qualified Defense of Identity-Based Rights Claiming," political scientist Karen Zivi elaborates on this "move from" ontologically based rights to political rights claiming in Brown's argument (Zivi, 2005, p. 379). Zivi (2005) acknowledges that Brown's work emphasizes crucial dilemmas about feminist rights claiming. For example, Brown rightfully points out that feminist rights claiming runs the risk of placing women into categories of "injury" (Zivi, 2005, p. 377-378). Both the discourse of universal rights and rights claiming through identity politics hide how the law governs women (Zivi, 2005, p. 378). Therefore, both identity based and universalist rights claims run the risk of perpetuating women's disadvantaged position in patriarchal societies regardless of the legal losses and gains they initiate (Zivi, 2005, p. 378). In this sense, as Zivi explains, for Brown, neither of these existing forms of rights claiming truly contributes to women's "efforts to build sustained democratic practices" (Zivi, 2005, p. 378). Zivi (2005) states that Brown advocates for a kind of feminist politics aiming at achieving "'political universal(s)' and democratic participation" to overcome the problems with identity based rights claiming but without clearly laying out what this new form of politics would look like on the ground (2000a, as cited in Zivi, 2005, p. 379).

Even as many feminists like Wendy Brown are skeptical towards rights claiming from the state and point out that the law might oppress women, feminist political theorists still see rights claiming as valuable, especially because women's existing rights are under threat (Zivi, 2005, p. 378). Zivi gives Seyla Benhabib and Sonia Kruks as examples of feminist scholars who propose that feminists should switch their attention from their identities to their political action in order to overcome the problems Brown introduced (Benhabib, 2002 & Kruks, 2001, as cited in Zivi, 2005, p. 378).

However, for Zivi (2005), a politically formulated rights claiming (instead of an ontologically expressed one) does not necessitate abandoning considerations of identity. Objecting to Brown's suggestion that identity based rights claiming is necessarily tied to past injuries in a reactionary way, Zivi (2005) argues that identity based rights claiming can indeed provide a framework suitable for making claims about the future. Building on shared identities can go beyond holding onto past injuries and transform these identities (Zivi, 2005, p. 379). As Zivi argues: "...an understanding of rights as political claims should include an appreciation of

the importance of identity and injury, for rights can function as a political practice through which identity is contested and reconfigured, rather than simply reified” (2005, p. 379). By building on while also criticizing Brown’s work, Zivi advocates for a future oriented rights claiming practice, which would be tied to who we were “in the past” as well as “who we are” today (Zivi, 2005, p. 380). For Zivi, this temporal aspect can shift identity based rights from ontological claims to political ones (2005, p. 380).

To establish this idea, Zivi introduces Hannah Arendt’s speech accepting the Lessing Prize of the Free City of Hamburg in 1959, where she emphasizes her Jewish identity, as an example of political identity claims that are related both to past injuries and imaginations about the future (Zivi, 2005, pp. 389-392). For Zivi, Arendt stresses her Jewishness because “possibilities for living differently in the future depend on the recognition, rather than erasure, of past injustice” (Zivi, 2005, p. 390). This understanding of identity acknowledges “our unique and distinct places in the world” (Zivi, 2005, p. 390). As Zivi suggests, Arendt’s acknowledgement of her Jewishness makes it possible for her to redefine the “meaning” of this identity (2005, p. 391).

In addition to this temporal quality, the performative aspect of rights claiming—the idea that the practice of rights claiming can have a transformative effect such as the reshaping of identities—is crucial to Zivi’s argument. Bringing together Wendy Brown, Michel Foucault, Hannah Arendt and Judith Butler, Zivi (2005) puts forward a performative understanding of rights claiming. According to Zivi, for Butler, rights have the potential to operate as “performative speech acts, as political rather than ontological claims” (Zivi, 2005, p. 393). As Zivi suggests, Butler’s work in *Undoing Gender* (2004) shows that identity based rights claiming can help reshape the framework through which this identity is perceived by others and help it be recognized as a political reality—making this identity “intelligible” (Zivi, 2005, p. 394). Therefore, as Zivi (2005) argues, claiming rights by recognizing past injuries through which our identities are established and understood will make it possible to challenge these definitions. In other words, acknowledging shared injuries can help transform the future of communities. Accordingly, building on Butler, Zivi points out a potential of “resistance and resignification” in rights claiming as a performative act (Zivi, 2005, p. 395). Thus, Zivi overcomes the problems Brown points out regarding rights claims based on identities.

This approach can be helpful especially for conceptualizing rights claims by individuals with non-normative identities as in the case of migrants. That is because those individuals are frequently expected to choose between the identity of the majority and their “traditional” identities, which tend to be associated with the past. In the next section, I will discuss how it will be helpful for us to integrate the feminist political theory that considers rights claiming as performative to the scholarship on Turkish speakers’ linguistic rights in Germany.

Performativity and Turkish Speakers’ Linguistic Rights Claiming in Germany

People of Turkish origin in Germany who mostly speak German tend to be seen as having integrated into their “host” country but also as having lost their “authentic” identities. Individuals in Germany who predominantly speak Turkish, on the other hand, are frequently perceived as stuck in their “home” cultures. Within this tense political context where Turkish speakers’ ties both to their culture and Germany are questioned, Turks’ linguistic rights lie at the center of the debates about their identities and place in Germany. Whereas the literature provides great insight into Turkish speakers’ linguistic rights as well as the racism and discrimination they face in Germany, focusing on Turks’ rights claims as performative acts will unearth how they try to reshape the way they are understood in Germany.

Applying this approach to Turkish speakers’ linguistic rights claiming can also shift the conversation from questions regarding whether Turks should have the right to speak their native

language in different areas of life or not, to how the Turkish identity is understood in Germany and the ways through which rights claims transform Turkish speakers' place in the German society. Through this perspective, Turkish speakers' linguistic rights claims can be conceptualized as political demands and Turkish rights claimers as political subjects with agency.

To illustrate, an article in the German news magazine *Der Spiegel* (Lill, 2019) quotes one of the Turkish workers who felt discriminated against following a reported Turkish ban at a department of the automobile manufacturer BMW in Garching, Bavaria, which is also mentioned at the beginning of this article. As the Turkish worker puts forward his demand to speak Turkish at work and to not be discriminated against based on his linguistic difference, he maintains: "I feel at home here. My children were brought up in German" (Lill, 2019). This statement shows that whereas the worker holds onto his identity as a Turkish speaker in Germany, he also proposes that his identity does not indicate that he is not part of Germany. On the contrary, he suggests that the German state of Bavaria is indeed where he feels at home. Moreover, he declares, his "children were brought up" (Lill, 2019) not in Turkish, just as many migration opponents would have presumed, but in the German language. Thus, he makes a claim to his right to speak his native tongue while challenging the assumptions associated with his Turkish identity. In this way, he constructs a Turkish identity that does not conflict with feeling at home in Germany and with being culturally integrated to the extent that one's children could grow up in German.

Analyzing Turks' claims to speak their mother tongue in Germany not only in terms of rights to be obtained but also as part of a political struggle for recognition demonstrates the fluidity of identities. That is to say, there is not a stable culture of origin that Turks refer to when they claim their rights. Rather, their cultures and identities are always under construction. The Turkish worker mentioned above, for example, builds his identity bringing together his right to speak Turkish, his feeling at home in Bavaria and his children's embeddedness in the German language. He demands to be recognized in this way, which demonstrates the coming together of cultural features that otherwise are not associated with each other.

Turkish speakers in Germany claim their linguistic rights within a social environment where their identities are non-normative. Linguistic difference makes noticeable the non-normativeness of the Turkish identity in Germany. Nevertheless, as the example of the Turkish worker shows, even if their identities are constituted as non-normative, many Turkish speakers in Germany still adopt this identity while claiming rights. Through this practice, Turkish speakers can challenge the way they are seen and try and include characteristics that are not conventionally associated with being Turkish such as raising their children in German as in the case of the Turkish worker quoted in the *Der Spiegel* article (Lill, 2019) cited above. Thus, they can reshape the way they are seen in Germany even if they might not be granted the right to speak their native tongue at work. They, in fact, challenge the norms associated with Turkishness as well as Germanness by acknowledging their identity and "making these norms visible" (Zivi, 2015, p. 394). Thus, the Turkish worker "resignif[ies] rather than simply reify[ing]" his "identity" (Zivi, 2015, p. 394).

This performative approach to Turkish speakers' rights claiming practices can help us understand identities as dynamic and malleable instead of rigidly bound and fixed. Through this approach, the consequences of Turks' rights claiming practices in Germany can be evaluated even if these rights might not be realized. Therefore, I argue, feminist political theory on rights claiming as a performative act can bring a fruitful approach to the debate on Turkish speakers' linguistic rights in Germany.

Conclusion

In this paper, I presented some of the current works on individuals' rights to speak their native tongues as well as the literature on Turkish speakers' language use in Germany. I introduced some of the patterns that emerge in this scholarship, i.e., the assessment of linguistic rights as universal human rights and as rights to culture. Whereas these approaches successfully demonstrate the inequalities before the law and propose strategies to improve the rights of disadvantaged communities, I suggest that future research can also elaborate on Turkish speakers' rights claiming as a performative, political act (Zivi, 2015) since this focus will help us examine how Turkish speakers reshape their identities through rights claiming.

This addition to the scholarship on the debate on Turks' linguistic rights is fruitful since there seems to be very little conversation between feminist political theory and the scholarship on migrants and minorities' linguistic rights claiming. The scholarship on Turkish speakers' linguistic rights tends to engage with the framework that employs binaries such as integrated/unintegrated and Turkish/German. Integrating a performative approach to conceptualizations of identity and rights claiming can show that the boundaries between the two sides of these binaries can be flexible. Moreover, this perspective helps recognize Turkish speakers' linguistic rights claiming as part of a struggle to transform these individuals' identities as "foreigners" in Germany. By claiming the right to speak a language other than German, they assert their difference from the rest of the German society but they also suggest that they belong to the country.

By bringing in this performative perspective into the analysis of Turkish speakers' linguistic rights in Germany, this article not only shifts the focus from rights themselves to the political practice of rights claiming, it also turns our attention away from the German state and to linguistic minorities in Germany. This approach enables us to examine migrants and minorities as important political actors with agency. Also, in this framework, Turks' attempts to reshape their social environments—even when they do not succeed in obtaining linguistic rights—becomes evident.

Future research could evaluate under which conditions Turkish speakers successfully obtain linguistic rights. Such analysis would necessarily employ an intersectional understanding of rights claiming since the political acts of migrants are deeply embedded in various forms of power relations and inequalities. Moreover, scholars could analyze the transnational connections between Turkish speakers and how these connections influence linguistic rights claiming practices in different contexts. This body of scholarship would contribute to our understanding not only of Turkish speech communities but also of transnationalism, linguistic rights and rights claiming.

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