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Gerson Liebl Makes his Case: Citizenship and (Post-)Colonial Forgetting in Germany¹

BY

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ABSTRACT

Shortly before World War I, the Law on German Citizenship—which is still largely in place today—was adopted. At the same time, a debate about “family politics” and “mixed races” was sparked in Togo, a German colony at the time, where Jean Johann Liebl, the child of a German colonial doctor and the Togolese daughter of a chieftain, had just been born. Around eighty years later, in 1991, his son Gerson Liebl would migrate from Togo to Germany, (unsuccessfully) claiming his right to German citizenship based on descentance. But people like Gerson Liebl—descendants of Germans living in colonial territories at the time—have no legal place in the German bureaucratic judicial system. This article will argue that in fact they have been and still are forgotten by the German national public. The collective forgetting in place as well as its accompanying silence will be laid out in respect to Aleida Assmann’s theories on remembrance culture. Both the close retracing of Gerson Liebl’s case and the examination of the legal history of German citizenship provide evidence of how the German state has silenced and continues to silence its colonial past as well as postcolonial present.

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INTRODUCTION

During the final drafting of this paper, on 28 May 2021, the news that Germany officially recognised the genocide of the Herero and Nama peoples between 1904 and 1908 on what is now Namibian territory travelled through the international press. It marks one of several political measures taken recently that touch upon the German colonial past or aim to ‘compensate’ for it. However, both the delay and the implementation of these measures—whether in the context of the recognition of a colonial genocide, the renaming of streets, or the restitution of stolen cultural artifacts—are being criticised by the affected parties. According to them, the respectively planned legal consequences are insufficient, with public and international economic relations forming a greater concern to the German government than a proper engagement with the colonial past.²

Related but seemingly individual matters, such as legal disputes over German citizenship, oftentimes receive less media attention. In 1991, citizenship activist Gerson Liebl, the grandchild of a German colonial doctor and the Togolese daughter of a chieftain, migrated from Togo to Germany. Ever since then he has been fighting (unsuccessfully) for his right to German citizenship. Although descending from a German, Liebl has been and still is excluded by a law that came into being more than a century ago, when his ancestor’s home was still German colonial territory. In this paper, an introductory overview of the history of said law, the Law on German Citizenship, will show how it was designed to exclude and define who is a German citizen by who is not. Subsequently, the case of Gerson Liebl will be traced back in a close examination of sources, such as (colonial) legal documents and political speeches. The last chapter of this paper will look at collective forgetting, referring mostly to Aleida Assmann’s respective theories,³ and the (current) state of post-colonialism in Germany. This will lead to an understanding of how Liebl’s case represents (the consequences of) colonial remembrance in Germany, whose mainstream society meets this chapter of its transnational past with a defensive, complicit, and comparative silence—⁴ manifested in the Law on Citizenship that is purposely unable to remember and face its continuing follow-ups. Therefore, people like Gerson Liebl continue to lack legal recognition in the German bureaucratic judicial system: they have been and still are forgotten.

1. DESIGNED TO EXCLUDE: A BRIEF HISTORY OF GERMAN CITIZENSHIP

During the German national movement of the mid-nineteenth century, nationality as an institution, namely the development of a procedure for obtaining an early form of citizenship and therefore being part of the nation, provoked existential debates around belonging and foreignness. The importance of a differentiation between one nation(ality) and the other grew and hence appeared to call for further definitions. Those with agency within the movement believed that a cultural and ethnic “entirety of Germans” categorically existed, which, for example, included Austria.⁵

In 1871, German nationality became a concrete instrument of inclusion and exclusion. While it was used as the core element in integrating inhabitants of the newly annexed Alsace-Lorraine, it simultaneously instigated the severe sentiments against and rejection of Poles and (above all) Jews on state territory.⁶ As the procedure established its bureaucratic character and people became components of meticulous statistics, the discrimination towards specific social groups was formalised. These people were either fully excluded from attaining citizenship or had to prove their assimilation through various special regulations.⁷ The so-called *Abwehr der Polen* (defence against the Poles) helped to significantly increase the sense of belonging within mainstream society and can be seen as the decisive starting point of defining who is *in* by who is *out*. Through the Initiative of 1894/5 it became harder for foreigners to become Germans, while those perceived as Germans living abroad, such as *Wolgadeutsche* (Volga Germans), had an easier time getting or retaining their citizenship.

In 1913, when the Law on Citizenship was passed, descentance became the sole pillar of German nationality, making it *ius sanguinis* (of the blood) and not *ius soli* (of the soil), thereby legally manifesting the racial unity of the German people.⁸ As Dominik Nagl, who has studied the linkage between colonialism, racism, and citizenship, argues, “the principle of a discriminatory bipolar colonial jurisdiction and the exclusion of the colonial subject from the legal community of citizens characterises modern colonialism overall”.⁹ Separate legal, political, and economic systems were crucial in creating and maintaining asymmetrical colonial governance. Thus, although both British and French law, for instance, differed from the German version—as they were partly territorial (*ius soli*) and far more nuanced—equal citizenship rights for colonised subjects were neither reached, let alone pursued in their pre-World War I territories. Keeping colonial subjects from obtaining German citizenship with both the privileges and duties it entailed was thus important for two reasons: first, to be able to continually exploit colonial territories and people, and second, to successfully evocate a national community at home based on pseudo-scientific, racist, anti-Semitic, and xenophobic concepts.

The small number of individuals from African, Asian, and Pacific overseas territories who (temporarily) lived in Germany during colonial times were mostly either male children of noble families who were sent there to study or (forced) participants of the racist, exoticised spectacles known as *Völkerschauen*.¹⁰ Their legal status was not comparable to other migrants or tourists; they did not receive proper visas, and were forced to rely entirely on personal guaranties by colonial officials, missionaries, or employers. When they or their descendants married white women after World War I, these women would lose their German citizenship (which corresponded with the rules of many European countries at the time).¹¹

Despite the evidential racial discrimination across Europe, there was never a decided *Rasserecht* (race law) established anywhere on the continent until the Third

Reich. During their twelve years in power, the Nazis built a large system of racially discriminatory citizenship regulations¹² which were later abolished during the Allied occupation after World War II. Almost the entire pre-1933 judiciary was re-introduced in this context, including the 1913 Law on German Citizenship, which was distinctly “provisory and retrograde”.¹³

As was the rest of the 1949 German constitution (*Grundgesetz*), the Law on Citizenship was contradictory in its endeavour. On the one hand, it simply re-adopted pre-1933 regulations, but on the other, it attempted to not only revoke but balance out Nazi directives and their horrid consequences. The former colonies—which never went through a process of decolonisation but were lost to other empires during World War I—were excluded from any reflections in the process and rendered fully invisible in the context of nationality and post-national socialist Germanness.

In the following decades, the discourse that Germany, unlike other European colonisers, was subsequently ‘no country of immigration’ was “strategically re-activated” and “meant rather prescriptively than descriptively”,¹⁴ as Jean-Pierre Félix-Eyoum and Florian Wagner point out. The German government was determined not to treat those considering moving abroad from former overseas territories differently to other non-Westerners willing to immigrate. Furthermore, no efforts were made to explicitly recruit people from these countries as *Gastarbeiter*innen*—as was done in the UK with the invitation to the Windrush generation between 1948 and 1971 (which of course later resulted in its own scandal around citizenship).¹⁵ A statistic category for post-colonial immigrants was not established either, whether they were descendants of German citizens or not. Up to this point, they hardly play any part in reference books about migration and/or legal history in Germany.

In the 1990s, alongside Gerson Liebl, half a million Togolese citizens fled from Togo’s repressive regime, but due to the asylum regulations of 1993 they very rarely received asylum in Germany, despite the shared history of the two countries. However, some individuals from former German overseas territories (and elsewhere) were able to become German citizens unsystematically or in summary proceedings, due to economic necessities. Félix-Eyoum himself, for instance, is from Cameroon originally, and became a German citizen in 1980 ‘simply because’ he was a trained special education teacher and members of this profession were needed in Bavaria at the time.¹⁶

In 1999, Jürgen Habermas commented on the debate on national belonging, stating that normative terms alone cannot explain the entity of a legal national community.¹⁷ He went on to claim that the juristic construct of the constitutional state therefore leaves a hole which triggers its filling with a “naturalistische[m] Begriff des Volkes”¹⁸ (naturalist concept of a people). One year after these lines were published, the Social Democratic-Green coalition of the German government issued the first and, as of now, only reform of the almost 100-year-old law, at that point still called the *Reichs- und Staatsangehörigkeitsgesetz*.¹⁹ Once again, the reform provided no regulations for people

from areas that had been under German colonial rule. In general, it did adopt territorial elements (*ius soli*) and was supposed to simplify the (second and third generation) migration to Germany. Nevertheless, it was and continues to be criticised for not effectively reaching that goal in practice.²⁰ In reality, it did not pick up on claims like Gerson Liebl’s—which will be discussed shortly—in any way.

Generally speaking, citizenship in itself remains an infinite negotiation process. In the German case, it continues to be defined by factors of exclusion up to this day. It is oblivious of historic global entanglements, and is shaped—or rather kept unchanged—by mainstream actors only. Instead of igniting an extensive revision of nationalist-socialist thought and its roots, the German Federal Republic’s preferred handling of its legal history can be labelled forgetful at best and a deliberately negligent continuation of racial hatred at worst.

2. A DESCENDANT CLAIMS THE RIGHT TO A HOMELAND: A CASE STUDY²¹

On 12 October 1909, the government doctor Friedrich Karl Georg Liebl²² appeared in front of the assessor of the Imperial District Office, Dr. Asmus, in Lomé, Togo, to financially settle the future of his unborn child. In his statement, he noted that he had “lived together” with the “native Kokoè Aite Ayaron” during the last years of his stay in Togo, which had been a German *Schutzgebiet* for more than two decades. Liebl further reported that “the Kokoe” was expecting a child due in January 1910, and that for raising this child he would store 1000 Mark in her name, of which she was allowed to withdraw smaller amounts in a precisely defined frequency within two years—that is, if the baby would turn out to be a “Mulattenkind” (*mulatto child*). If it were to be a Black child, Liebl stated, she would only be entitled to 200 Mark after the birth, and the rest was then to be sent back to him. At the time of this statement, Kokoè was supposedly staying with her brother Emanuel, who was a nurse, so she could spend her pregnancy in his care.²³

In February 1910, said brother, Emanuel Ajavon,²⁴ appeared to confirm that his sister had given birth to a child of mixed race on 26 January. The respective report filed by a secretary of the Imperial District Office shows that he was consequently given 50 Mark for expenses related to the birth plus 10 Mark of alimonies each for the months of January and February, as had been laid out by Fritz Liebl. Moreover, two small notes—the last one dated 31 March of the same year—read that on the first account another 70 and on the second “100 Mark have been paid to Kokoè”.²⁵ Below this, the document does not state what happened to the remaining sum which Liebl had saved as sustenance for the mother and child.



FIGURES 1 AND 2: Edith Kokoè Ajavon with her son Jean Johann Liebl in Anecho, Togo, in 1912 (left), Dr. Fritz Liebl, date and place unknown (right).

In German and under German law, the colloquial term for relationships like the one between Fritz Liebl and his child, who was given the name Jean Johann Liebl, was—and as of today still is—*Zahlvaterschaft* (payment paternity). In pre-World War I Germany and its colonies, a *Zahlvater* was usually someone who did not wish to acknowledge their illegitimate child but was still willing to, partially, pay for its upbringing. It is this particular legal construct which would become crucial in the life of Jean Johann Liebl’s son Gerson, and which will re-emerge when reaching the circumstances of his ongoing struggle.²⁶

2.1 “WE ARE GERMANS, WE ARE WHITE, AND WE WANT TO REMAIN WHITE”²⁷

Around the time of Jean Johann Liebl’s birth, a public debate about *Mischehen* (mixed race marriages) as well as *Mulattenkinder* took place amongst German colonial politicians, which eventually reached the colonial metropole of Berlin.²⁸ Politicians of all parties generally agreed that a legal reform of family politics in the colonies was necessary since there were next to no detailed regulations. However, most who were either employed in the colonies or by the Reichskolonialamt strongly opposed the legalisation of marriages between Togolese women and German men. At that point, these marriages were forbidden on the base of racial arguments. According to Adolf Friedrich, Duke of Mecklenburg, who assumed office as Colonial Governor in Togo in 1912, allowing *Mischehen* would have endangered “the strong sentiment of race, which we absolutely need”.²⁹ Next to his ostensible concerns about protecting the “status of white women” and the inseparability of marriage—which, according to him, could not be guaranteed in these cases due to “climatic reasons”—he was mainly driven by Social Darwinist and white supremacist thought, which he summed up under a “position of knowledge policy”.³⁰ Dr. Asmus, the assessor of the Imperial District Office in Lomé who was not only in charge of the guardianship for Jean Johann Liebl but dozens of children of Togolese mothers and

German fathers, furthermore emphasized the crucial importance of the ban on carrying the father's surname. He imagined that in a future without this ban, it would become severely difficult to tell "African" and "European" individuals apart. Asmus believed that descent was mainly determined by the family name—especially once racial lines started to blur—and could therefore, with all that it entailed, be legally claimed by people whom he believed were not entitled to it. In order to prevent children like Jean Johann Liebl and their descendants from ever becoming German and including themselves into the society of their colonisers, he proposed a Regulation in 1909 which ensured that the children in question were named after their mothers—or in fact, after their parents of colour.³¹

While it certainly was an act of political rebellion against this racist and misanthropic world view, the illegal bearing (and later also the subsequent passing on) of Jean Johann Liebl's paternal name initially lost its immediate relevance in 1914. After World War I broke out, Germany was quickly unable to hold its overseas territories. In the case of Togo, British troops rapidly seized the country in 1914. Due to this rather abrupt end of the "German Empire", the entire debate around family politics in the colonies appeared to be forfeited. Thus, one colonial governance superseded the other and brought along its own legislation.

2.2 INTERGENERATIONALLY IN BETWEEN

Roughly a century later, a man camped in front of the Berlin Town Hall, demanding travel documents, a residence visa, and recognition as the grandchild of the German government doctor Fritz Liebl. The hunger strike of the stateless Gerson Liebl in November 2019 marked the climax of almost 30 years of citizenship activism.



FIGURE 3: Still from the short film and 2021 Berlinale entry "Zahlvaterschaft" (Germany 2021, directed by Moritz Siebert), showing Gerson Liebl during his hunger strike in Berlin (2019).

In 1991, the trained goldsmith moved from Togo to the German state of Rheinland-Pfalz and directly applied for asylum as well as for German citizenship on the basis of being the grandchild of a German—both of which were rejected. Liebl claimed that his grandparents were in fact married and eventually provided documents to prove it: the ceremony was held according to Indigenous traditions around Aného, Togo, by chieftain Kwakou Kponton in 1908, and at the time represented the only form of marriage possible to the couple since colonial law forbade *Mischehen*. But the German state neither recognized the marriage then, as it was not legally valid under German law (unlike Fritz Liebl’s second marriage to a German woman in Germany a few years thereafter) —nor did it do so upon Gerson Liebl’s petition. Based on the German Law on Citizenship of 1913, different German courts ruled against Liebl over the years, claiming that legal lineages were only formed by marriage and legitimate children and that he was therefore Togolese and not German. All the while, the Togolese state actually deprived him of his papers by claiming the exact opposite, namely that he lived in Germany and was (of) German (heritage), which in the end made him a stateless person—intergenerationally in between. Ironically, his brother Rodolf Dovi Liebl received a German passport in 1996 when filing for it in Lomé. However, it was withdrawn from him again a mere six months later.³³

In 2003, when Gerson Liebl petitioned for “Wiedergutmachung staatsangehörigkeitsrechtlichen Unrechts“ (reparation of legal citizenship wrongdoing) during colonial times of the German Reich, the official refusal of his claim stated the following: “The Federal Republic of Germany is ‘aware of its colonial past’ since the German Minister of Foreign Affairs has condemned colonialism as a crime against humanity and apologised for it on behalf of the country at the World Conference against Racism two years prior to the petition”.³⁴ Six years later, shortly after moving from Straubing, his grandfather’s hometown, to Berlin, Liebl was then detained and deported to Togo after 18 years of living in Germany, leaving behind his wife and child. Only in 2017, after his son became a German citizen, was he allowed to return to the country due to family reunification. Not giving up on his demands, he went on a hunger strike—one form of protest he had not yet turned to, but which would also prove itself to be mostly powerless against the German state’s determination to deny his claims. Although immigration authorities offered him a temporary leave to remain after he had been taken to the hospital on the tenth day of his strike, the City’s House of Representatives held on to prior decisions and commented that even if the Federal State were to adopt a reform concerning German descendants from former colonies, it would not include Gerson Liebl “because the form of acknowledgement of paternity described by the petitioner was regarded as a so-called *Zahlvaterschaft* until 30 June 1970, which did not result in any kinship relations”.³⁵

Gerson Liebl faced a great many resolutions and denials by the German state (as well as the Togolese state) over the years, which were often contradictory and characterised by the concurrent dissociation and perseverance of (past) colonial realities. To attempt an unravelling, or at least a deeper understanding of the case’s context

beyond the legal level alone, this article will proceed by looking at memory politics of forgetting.

3. COLLECTIVE FORGETTING AND ITS DEFINING CONSEQUENCES

Forgetting and remembering are often seen as binaries with opposite connotations and valuations. However, a more enmeshed understanding of them is crucial. Both exist in an active and a passive version within cultural memory. Here, active entails that there are not only various strategies to remember, but also to forget.³⁶

Regarding the case of the German Law on Citizenship and its connection to colonial times, it can be argued that the German nation state has only passively remembered its colonial past. This means that its artefacts and relics have been gathered in the collective archive, but never made it to the canon.³⁷ According to Aleida Assmann, in the archive cultural memories are stored, available to historians at best but remote from the present society, continuously waiting for resurrection. What becomes part of the canon, however, is actively admired, shapes the collective self-perception, and forms the connection between remembered past and imagined future.³⁸

Concurrent with this passive colonial remembrance, there is an active form of forgetting at work: the silence. Assmann determines that when silent, a certain element is banned from the collective communication without being deleted. Institutions like courthouses and parliaments, which could be dealing with said element's legacy and actively shape its public status, remain silent instead. Therefore, what is silenced is simultaneously conserved in a state of latency without being processed.³⁹ Following Assmann's theories further, longer-term silence is never random, but rather follows certain patterns in which stories and memories remain unheard as long as there is no memory frame—cultivated by the collective—in place for them.⁴⁰

In the event of trauma, such a defensive and complicit silence generally protects those causing the trauma as a result. Not only are they not being prosecuted in any way, but they for the most part do not pass on their trauma intergenerationally, which affected victims, on the contrary, tend to do. However, even later generations of victims are not able to claim their rights, get media attention and therefore be heard doing so, if a silence in the name of their perpetrators and the mainstream society (both of which overlap in the German case) continues.⁴¹ In fact, Gerson Liebl migrated 'solely' as a historically affected person rather than as the descendant of a victim. After his migration, however, when making said distinction a subject of discussion, the German legal system did not recognise him and therefore victimised him, too. His case is representative of a struggle that is purposely created and nourished by the collective defensive and complicit silence towards the colonial past in Germany.

Finally, this case of silence is characterised by one additional accompaniment: comparison. By constituting cultural memory like individual memory -as something which only provides so much room for storage—the silence appears to legitimise itself through asymmetrical comparisons to other times and places. Those times and places are awarded a more legitimate claim to the ‘limited space’ full of dedicated remembrance—which makes it impossible to address concrete legal reparations and is designed to play victims against each other. One effect of what I will now call comparative silence (as an addition to Assmann’s theories) seems to be that the time span between past and present is enlarged, since through comparative silence past events become compressed, minimised, and are supposed to yet are unlikely to ever fully disappear. On the other hand, the very same time span is shortened, for no revision or cultural reaction has taken place in the meantime and certain hard structures, such as the Law on Citizenship, remain to this day.

But which steps have been taken to address and eventually break the silence in recent times, and by whom? Who constitutes the collective now? According to Oliver Dimbath, Anja Kinzler, and Katinka Meyer, collective identity is not a shared conscious but the “mythologised narrative of a group that means to cause social cohesion”.⁴² It is therefore important to have a look at the current state of German collective identity and attempt an evaluation of whether certain present measures break the silence or rather manifest it long-term.

3.1 BREAKING THE SILENCE? A SNAPSHOT OF POSTCOLONIAL GERMANY

Andreas Eckert, in his latest article that bears the question of “Postkoloniale Zeitgeschichte?”, writes that Germany could have been considered the first postcolonial nation of the twentieth century.⁴³ However, postcolonial practice was not visible in German society for a long time. Postcolonial theories—which were heavily discussed in the Anglo-Saxon world at the beginning of the 1990s—did not swiftly reach the young (West-)German contemporary historians who, at that point, were fully occupied with securing the abundance of GDR archival material after the two countries had been reunited.

In 1991, sociologist and famous participant of the debate on postcolonialism Stuart Hall wrote, “[n]ow, that Europe has consolidated and approximated itself, similar efforts have been made in order to reinforce the borders to its ‘Others’ in the Third World. The two most popular discursive markers at work at the moment are ‘refugees’ and ‘fundamentalism’”.⁴⁴ At this exact time, when Gerson Liebl first came to Germany and German lawmakers began to prepare the reform of the *Reichs- und Staatsangehörigkeitsgesetz*, the migration of Europeans within Europe became increasingly relaxed. All the while, hospitable legal regulations were never extended to non-Western nationals.

In the 1990s, Germany—a country which had sought to compensate its national-socialist guilt with an expansive but rather self-important remembrance culture⁴⁵ but which was still silencing its colonial era—was about to gulp up its post-socialist Eastern part. Hito Steyerl describes the specific historic background in place in Germany as “coined by rifts and fractures just as much as it is by transitions and continuities. Meaning that we are confronted with a historical palimpsest which is structured partly by dense and loose sequences of difference and repetition”.⁴⁶ From this historic palimpsest, a diverse German society has developed despite the legal and cultural obstacles which continue to exclude them. In the late 1990s, the number of people from places that once were German colonial territories increased, and by 2004 around 12,000 Togolese and 14,000 Cameroonian people were living in Germany.⁴⁷ It is also their fight against racist and othering⁴⁸ positions that eventually made postcolonial thought more popular.

Of course, activism could and can mostly be pursued by people who are legally allowed to stay and therefore able to gain societal agency.⁴⁹ That this remained a privilege in the new millennium and that the colonial silence continued with the majority of German society is not only evident when individual stories that remain fairly hidden, like Gerson Liebl’s, were concerned, but also when it came to public events. Following Germany’s first official apology for the atrocities committed against the Herero and Nama people in 2004, for instance, conservative parts of the national press responded in an agitated way. In fact, the tabloid BILD labelled the (female) German Minister for Economic Cooperation and Development who had delivered the apology a traitor and employed ‘othering rhetoric’ to an extreme, asking on their front page: “What will be the cost of the minister’s tears?”—a casual cocktail of colonial silence and patriarchal sexism.⁵⁰

“What we aim to forget and have forgotten collectively constitutes the foundation of national identity”⁵¹—although said in 1882 Paris, Ernest Renan’s quote remains applicable today. Based on prior analysis, however, we can generally suspect that the more inclusive and pluralistic *the we* is, the more heterogenous the cultural memory. Ultimately, the settlement on long-term forgetting will not be indispensable in order to constitute belonging anymore. Apart from a growing number of recent literature about German colonial as well as postcolonial history, which applies a more intersectional methodological framework, the sources—especially once we look at non-white and non-male sources⁵² show us that German colonial practices never went unchallenged, neither then nor now, and that there are still many (micro) global histories to write and many foundations of national identity to shake.

CONCLUSION

Despite a growing number of people who were willing to migrate to Germany, the German Federal Republic self-labelled itself a no-immigrant country over the course of the second half of the twentieth century. While European neighbours and former empires crumbled over their respective decolonisation processes, the German societal majority as well as political and legal decision makers looked upon Germany's colonial period—which was longer than the timespan between the construction and the eradication of the Berlin Wall—as a marginal phase. Therefore, it appeared perfectly sensible that those European neighbours, unlike Germany, were subsequently becoming immigrant countries.

Those with legal and political agency felt no immediate pressure to reform the Law on Citizenship, which still existed in its form from 1913. In fact, it continued to reflect the ideas of how nationality is formed and forms itself: a nationality which was based on the exclusion of othered individuals and simultaneously stimulated the remembrance of a pre-1933 national unity which was not yet tied to national-socialist atrocities. And even as the 2000 reform was passed, it did not fundamentally change those elements. Although territorial legislation was put in place which for the first time would allow people to become citizens if they were born in the country and met certain requirements, descentance remained the main pillar of the German Law on Citizenship—for some, that is.

Gerson Liebl, whose second generation descentance from the German colonial doctor Fritz Liebl can be proven, remains excluded from the *ius sanguinis*. For almost thirty years, authorities have told him that the two major legal obstacles in his pursuit of German citizenship were that his grandparents were not married and that Fritz Liebl was only the *Zahlvater* of Jean Johann Liebl, which would not establish paternity. In 2000, the legal administration failed to tackle any of these complications in its reform and thereby revise its colonial past. After all, the Law on Citizenship was established when Germany was a colonial power. It was passed in a time when marriage under Colonial Law was illegal for Fritz Liebl and Kokoè Ajavon and when raising a mixed child was thereby rendered impossible.

One could carve out that the handling of Liebl's case and the circumstances he has been forced to live under for several decades now are part of a colonial continuity which is kept in place by a defensive, complicit, and comparative silence. This active version of collective forgetting is defensive of as well as complicit with its national collective that has been the offender of colonial trauma. Constitutively, the silence legitimizes itself through comparative strategies that thrive on decreasing the importance of colonial memory even further.

Though the silence can be and has been long-term, it conserves itself permanently and will—through a transforming collective—eventually transform itself. The national collective it has been nourished by and protective of starts to be challenged and entangled in a postcolonial negotiation process. Although kept remote from civil power, people like Gerson Liebl have developed agency, shaped their own fates, and shaped German history and nationality.

NOTES

¹ A different and significantly shorter version of this paper has been published as an in-depth film review and part of a dossier on the Berlin Film Festival 2021 in the *Zeitgeschichte Online*: Sophie Genske, “Zahlvaterschaft: A Brief History of Gerson Liebl’s Case, the German Law on Citizenship, and Colonial Forgetting”, *Zeitgeschichte-Online* (June 2021), www.zeitgeschichte-online.de/film/zahlvaterschaft.

² See for example Reinhart Kössler and Henning Melber, “Namibian genocide: Why Germany’s bid to make amends isn’t enough”, *The Conversation* (June 2021), www.theconversation.com/namibian-genocide-why-germanys-bid-to-make-amends-isnt-enough-161820.

³ Aleida Assmann, *Formen des Vergessens* (Göttingen: Wallstein Verlag, 2016).

⁴ Assmann, *Formen des Vergessens*, 22-23, 53-57.

⁵ Dieter Gosewinkel, “Einbürgern und Ausschließen: Staatsangehörigkeit und Bürgerrecht in Deutschland während des 19. und 20. Jahrhunderts”, *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte*, Germanistische Abteilung 137, no. 1 (2020): 373, <https://doi.org/10.1515/zrgg-2020-0006>.

⁶ See Gosewinkel, “Einbürgern und Ausschließen”, 376-377.

⁷ For detailed information and numbers see Hans-Ulrich Wehler, *Deutsche Gesellschaftsgeschichte*, Bd. III: 1849-1914 (München: C.H. Beck Verlag, 1995), 961-965.

⁸ See Julia Angster, “Staatsbürgerschaft und die Nationalisierung von Staat und Gesellschaft”, in *Staatsbürgerschaft Im 19. Und 20. Jahrhundert*, ed. Dieter Gosewinkel and Christoph Guys (Tübingen: Mohr Siebeck Verlag, 2019), 125-144.

⁹ Dominik Nagl, “Unterordnung und Trennung. Die rechtliche Stellung von Europäern und Indigenen in den europäischen Kolonialreichen”, *Fremd und rechtlos? Zugehörigkeitsrechte Fremder von der Antike bis zur Gegenwart. Ein Handbuch*, ed. Altay Coskun and Lutz Raphael (Köln: Böhlau Verlag, 2014), 292.

¹⁰ Völkerschauen were zoo-like mass events in which colonial subjects were „exhibited“ during the late nineteenth/early twentieth century. See Anne Dreesbach, *Gezähmte Wilde. Die Zurschaustellung „exotischer“ Menschen in Deutschland 1870-1940* (Frankfurt am Main: Campus Verlag, 2005).

¹¹ See Jean-Pierre Félix-Eyoum and Florian Wagner, “Das verdrängte Politikum. (Post-)Koloniale Migration nach Deutschland,” *Zeitgeschichte-Online* (February 2021), <https://zeitgeschichte-online.de/themen/das-verdraengte-politikum>.

¹² It would extend the framework of this paper to further describe these regulations. Since the focus is set both on the colonial and the reunified period of Germany (when Gerson Liebl migrated), the time in between can only be touched upon superficially when immediately relevant. Also, I will not be able to discuss regulations in the GDR since they did not prevail within German law after the fall of the Berlin Wall and are therefore not directly linked to this case.

¹³ Gosewinkel, “Einbürgern und Ausschließen”, 385.

¹⁴ Félix-Eyoum and Wagner, “Das verdrängte Politikum”.

¹⁵ See for example Huon Wardle and Laura Obermuller, “The Windrush Generation”, *Anthropology Today* 34, no. 4 (2018): 3-4, www.doi.org/10.1111/1467-8322.12445.

¹⁶ See Félix-Eyoum and Wagner, “Das verdrängte Politikum”.

¹⁷ Jürgen Habermas, “Der europäische Nationalstaat - Zur Vergangenheit und Zukunft von Souveränität und Staatsbürgerschaft”, *Die Einbeziehung des Anderen. Studien zur politischen Theorie*, ed. Jürgen Habermas (Frankfurt am Main: Suhrkamp Verlag, 1999), 139-140.

¹⁸ Habermas, “Der europäische Nationalstaat”, 140.

¹⁹ The German Law on Citizenship (StAG), via Bundesamt für Justiz, www.gesetze-im-internet.de/stag/BJNR005830913.html.

²⁰ See Henning Storz and Bernhard Wilmes, “Die Reform des Staatsangehörigkeitsrechts und das neue Einbürgerungsrecht”, *Bundeszentrale für politische Bildung* (May 2007), www.bpb.de/gesellschaft/migration/dossier-migration-ALT/56483/einbuengerung?p=0.

²¹ All images in this chapter are reproduced with the kind permission of filmmaker Moritz Siebert.

²² Referred to as Fritz Liebl, which he was often called, below.

²³ See Statement of Dr. Liebl, *Fürsorge für uneheliche Mulattenkinder deutscher Väter 1905-1914, Lomé, 12.10.1910*, German Federal Archive Berlin R150/1170. Quotes are taken from pages 1-2.

²⁴ In the source material, both Kokoè’s and Emanuel’s names are spelt differently at times. I have used and will use the spelling which Gerson Liebl uses in his statements—unless, of course, it is part of a direct quote.

²⁵ See Statement of Kokoè’s brother, *Fürsorge für uneheliche Mulattenkinder deutscher Väter*, 1.

²⁶ See *Concluding Statement of the Petitions Committee*, Berlin House of Representatives (November 2019).

²⁷ “Speech Dr. Heinrich Solf”, *Reichstag Protocols*, Meeting 53, May 2nd, 1912, Berlin.

²⁸ See “Speech Dr. Heinrich Solf”, *Mischlings- und Mischehenfrage: Diskussion eines Verordnungsentwurfs durch den Gouvernementsrat (Sitzungsniederschrift vom 18. Sept. 1912)*, German Federal Archive Berlin R150/412; *Rapport de Dr. Asmus sur le port de noms allemands par les enfants métis*, Archives Nationales du Togo (ANT) - FA3/185, 143-147.

²⁹ *Mischlings- und Mischehenfrage*, 2-3.

³⁰ *Ibid.*

³¹ See *Rapport de Dr. Asmus sur le port de noms allemands*.

³² *Bescheinigung der traditionellen Eheschließung zwischen Friedrich Karl Georg Liebl und Edith Kokoè Ajavon* (issued by chieftain Nana Quam-Dessou XIV of Aného/Togo on April 4th, 1997), private collection.

³³ About the entire paragraph and for a detailed account, see interviews with and articles about Gerson Liebl, such as: Bernhard Hübner interviewing Eckart Dietzfelbinger, „Das ist rassistisch”, *taz* (February 2009), www.taz.de/Abschiebung-von-Gerson-Liebl/!5167547/; Susanne Mermarnia, “Gerson Liebl’s letzter Trumpf”, *taz* (May 2021), www.taz.de/Deutscher-Kolonialismus/!5592254/; “Schatten der Kolonialzeit,” *DW* (November 2019), www.dw.com/de/schatten-der-kolonialzeit/av-51458018; Gerson Liebl’s website: www.give-me-the-hand.de/Deutsch/Gerson/gerson.html; in addition, see *Concluding Statement of the Petition’s Committee*, Berlin House of Representatives (2019).

- ³⁴ *Concluding Statement of the Petition's Committee*, German Parliament (2003), 24.
- ³⁵ *Concluding Statement of the Petition's Committee*, Berlin House of Representatives (2019), 5-6.
- ³⁶ See Assmann, *Formen des Vergessens*, 12-19.
- ³⁷ Regarding both terms, see *Ibid*, 36-38.
- ³⁸ See *Ibid*, 37-38.
- ³⁹ Assmann, 22-24.
- ⁴⁰ Paul Connerton, "Seven Types of Forgetting", *Memory Studies* 1, no. 1 (2008): 59-71, <https://doi.org/10.1177/1750698007083889>.
- ⁴¹ See Assmann, *Formen des Vergessens*, 55-57.
- ⁴² Oliver Dimbath, Katinka Meyer, and Anja Kinzler, "Einleitung und Überblick", in *Vergangene Vertrautheit: Soziale Gedächtnisse des Ankommens, Aufnehmens Und Abweisens*, ed. Oliver Dimbath, Katinka Meyer, and Anja Kinzler (Wiesbaden: Springer Verlag, 2019), 6.
- ⁴³ Andreas Eckert, "Postkoloniale Zeitgeschichte?" *Studies in Contemporary History*, no. 17/3 (2020), www.zeithistorische-forschungen.de/3-2020/5881.
- ⁴⁴ Stuart Hall, *Europe's Other Self [1991]*, trans. Wilhelm Werthern, ed. Kölnischer Kunstverein (Köln: Verlag Walther and Franz König, 2005), 804.
- ⁴⁵ For more on the debate about the so-called "Gedenkweltmeisterei", see Alexandra Klei, Katrin Stoll, and Annika Wienert, "Der 8. Mai, ein staatlicher Feiertag? Kritische Anmerkungen zum Begriff der Befreiung im Kontext der deutschen Gedenkkultur", *Zeitgeschichte-Online* (May 2020), <https://zeitgeschichte-online.de/themen/der-8-mai-ein-staatlicher-feiertag>.
- ⁴⁶ Hito Steyerl, "Postkolonialismus und Biopolitik. Probleme der Übertragung postkolonialer Ansätze in den deutschen Kontext", in *Spricht die Subalterne deutsch?* ed. Hito Steyerl and Encarnación Gutiérrez Rodríguez (Münster: Unrast Verlag, 2018), 41.
- ⁴⁷ See Félix-Eyoum and Wagner, "Das verdrängte Politikum".
- ⁴⁸ Apt to what we have established so far, othering as a term means that the mythical self-description gets expanded to include other social markers of difference (culture, religion, race, sexuality, etc.), which are intended to distinguish the 'other' from the ingroup as well as—and this is particularly important—from power. From the difference to othered individuals and groups, one's own identity is established. See Dimbath, Meyer, and Kinzler, "Einleitung und Überblick", 6-7. They refer to the thought of Stuart Hall, Edward Said, and Homi Bhabha.
- ⁴⁹ See Félix-Eyoum and Wagner, "Das verdrängte Politikum".
- ⁵⁰ See Michael Perraudin and Jürgen Zimmerer, "Introduction", in *German Colonialism and National Identity*, ed. Michael Perraudin and Jürgen Zimmerer (New York: Routledge Editorial, 2010), 1-6.
- ⁵¹ Ernest Renan, "'Was ist eine Nation?' Lecture, given at Sorbonne 11 March 1882", *Was ist eine Nation? Und andere politische Schriften*, ed. Walter Euchner and Silvio Lanaro (Wien/Bozen: Folio Verlag, 1995), 44.
- ⁵² See for example A Native of Aneho, "The Germans in Togoland. The Mixed Marriage Question", *The Gold Coast Leader* (January 1914); Quashie, "Gold Coast and German Togoland. Togo-Germans and Immoralism and its Effect on the Gold Coast", *The Gold Coast Leader* (July 1912).