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ON MATTERS CONSTITUTIONAL

Naturalised and Muted

Freedom of Expression to All Germans and Dignity to All Peoples

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Not long ago, I was chatting with my German-born friends about belonging, identity, and citizenship. I shyly (and proudly) admitted that I had recently become a German citizen, but also wondered whether that truly makes me an equal one. A lively debate immediately flared up, and my friends charmingly convinced me that there is no such thing as "Bio-German" – that this is only a ghost from the past. With my passport, I am not only gaining some additional rights, but I am a fully equal member participating on the same terms in legal, political and social arena. I went to sleep reassured that we indeed are of the same kind.

But then a case decided by the Berlin Administrative Court forced me to revisit that conversation. When the Berlin Federal Office for Naturalisation (LEA) revoked the citizenship of Abdallah A., a stateless Palestinian who had lived in Germany since he was two months old – over two disputed Instagram posts – it shocked me. When the Administrative Court stoically confirmed that revocation in May 2026, it shocked me more. How can freedom of expression, one of the most fundamental guarantees, not protect naturalised Germans the same way as it protects those born into citizenship? Speak your mind, provoke, and disturb – and the Constitution rightfully has your back. Do the same as a naturalised German, and you may lose your passport.

The Troubling Case of Abdallah A.

Abdallah was born in Lebanon as a stateless Palestinian and moved with his family to Berlin when he was two months old, essentially living his entire life in Germany without citizenship. Finally, in September 2025, he obtained German citizenship. Two months later, LEA revoked it, arguing that he was "a sympathiser of the terror organisation Hamas".

The reason for revocation is two pictures Abdallah posted on his Instagram in April 2025, before his naturalisation – as part of a story that automatically disappears after 24 hours. The first depicts two partially masked men in military clothing, looking out to sea, with the caption "Heroes of Palestine" and a green heart. The second shows Hamas co-founder Sheikh Ahmad Yassin, together with a Palestinian flag and a red heart. The LEA concluded that Abdallah had deceived the authority regarding his commitment to the free democratic basic order. He was, in their view, "a sympathiser of the terrorist organisation Hamas and was active as part of the propaganda structure of an anti-constitutional and extremist movement".

The Court agreed: his naturalisation had been obtained through fraudulent deception, namely by submitting factually incorrect declarations. What declarations, exactly? Since 2024, amended citizenship law requires every applicant to avow commitment to Germany's special historical responsibility for the National Socialist regime of injustice and its consequences – in particular, the protection of Jewish life – as well as to the peaceful coexistence of peoples and the prohibition of waging wars of aggression. This comes on top of the already existing requirement to declare commitment to the free and democratic basic order and the German legal and values system, and to confirm that one has neither pursued nor supported efforts directed against it.

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The Court stated that admission to German citizenship does not concern only compliance with core legal norms but also the acceptance of centrally evolved historical values and moral obligations. Accordingly, these declarations must reflect the applicant's genuine inner conviction – not just a box ticked at the naturalisation office.

Under Article 16(1) of the Basic Law, no German may be deprived of citizenship. But the Law on Citizenship (§ 35(1)(3) Nationality Act) allows revocation of an unlawfully obtained naturalisation – for up to ten years – if it was obtained through fraudulent deception, coercion, bribery, or intentionally false or incomplete statements material to its issuance.

Consistency is the Hobgoblin of Little Minds

Sometimes at home, when I was arguing with my siblings, they would call me out: "but last time you said something else, last time you had a different opinion." And indeed, I did. It always bothered me to be held accountable for opinions from the past. (After all, I am not in politics). Then one day I came across Emerson, and this sentence has stayed with me ever since:

> *"A foolish consistency is the hobgoblin of little minds, adored by little statesmen and philosophers and divines. […] Speak what you think now in hard words, and tomorrow speak what tomorrow thinks in hard words again, though it contradicts everything you said today."*

How can an administrative office – or a court – penetrate anyone's mind based on two social media posts? Another day, I can be of a different mind. Another day, I can tell you a lie. Isn't it simply human sometimes to defend a position that is provocative, to say something just to hear how the other person responds? Sometimes the things we say contradict each other. Sometimes we regret them. Sometimes we stand by them. Sometimes, only later, we realise that a statement was driven by anxiety, anger, or despair. We are not machines. We are emotional and irrational.

Two Tiers

In the proceedings, Abdallah explained himself. Instagram, he said, was "a way of communicating with the world and making contact." As a Palestinian, he was "engaged daily on social media with the Palestine issue" and posted content. His solidarity, he said, is "with the Palestinian people, my people, who are suffering greatly," and he "firmly rejects violence as a means of resolving the conflict." The Palestinian flag, for him, "stands for the hope for a peaceful future with equal rights for all people in the region."

The Court was not convinced. Apparently, it had a better insight into his mind than he did. The Court wrote that his statement was "not capable of rebutting the impression that the applicant supports or sympathises with Hamas and has adopted its ideology as his own." Moreover, the applicant allegedly "made objectively incorrect declarations" and "knew that the declaration of commitment did not reflect his inner conviction."

What an omnipotent and presumptuous court, to so confidently conclude on Abdallah's precise mental

relationship to an overly broad declaration – based on two Instagram posts that vanished after 24 hours.

What is permitted to Jupiter is not permitted to the ox. Every German citizen by birth who would post two such Instagram photos would be likely covered and protected under the freedom of expression. And even if such sharing of social media content would somehow qualify as a potential violation of civil or criminal law, Abdallah should be held responsible for it, even convicted and sanctioned – but through due process, and as a German citizen.

Unfortunately, the Basic Law does not extend the same protection to the naturalised citizens. As the Court itself admitted: "even if the applicant's Instagram posts may be covered by freedom of expression under Art. 5(1) GG, it does not follow that they must be disregarded when examining the conditions for naturalisation." Consequently, through *Staatsräson*, the naturalisation process introduces different sanctions for naturalised citizens then for everyone else engaging in the same conduct.

Being myself naturalised in 2024, after a decade of living, studying, and working here, I find myself wondering: must my relationship with freedom of expression be specifically tailored for the next ten years, for as long as my citizenship can still be revoked? Should I watch and rather not say what I think about the manifestly illegal war against Iran and Lebanon, about the genocide-like revenge in Gaza? I fear for our freedom of expression. For Germans by birth, these times are still far away; for the naturalised citizens, this may be a new reality.

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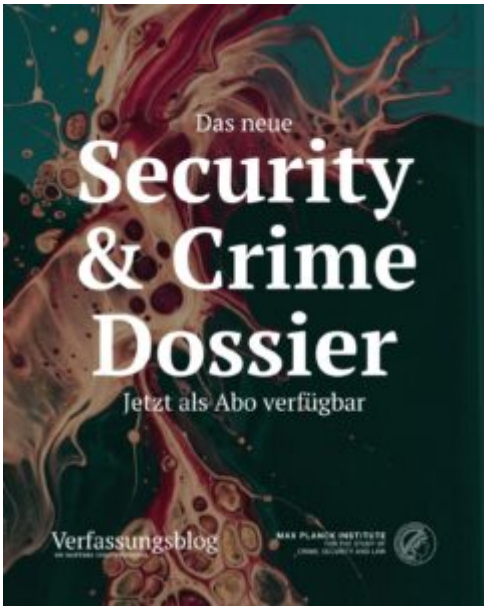

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From Misplaced Staatsräson Toward the Dignity of All Peoples

Germany's commitment to protect Jewish life is admirable and wholly understandable. The Holocaust was an unspeakable crime. But Jewish people were not its only victims. My grandfather was mobilised by the German army and was coerced to fight in both world wars. Millions of Slavic people were killed, imprisoned, or conscripted to die for another man's cause. And Roma people, and many others. If anything, the declaration should be written to protect every life – Palestinian, Iranian, Lebanese, Slavic, everyone. And it should be avowed first and foremost by *every* German (if this is really necessary), instead of suggesting that antisemitism stems primarily from elsewhere – from us, the naturalised.

Naturalisation should not be the arena for these discussions. Furthermore, including this political commitment as a legal prerequisite for naturalisation is a deeply misguided approach. What Germany's responsibility (together with every other nation) truly demands is the protection of the dignity and human rights of every individual, of all peoples. That can be the *Staatsräson*. And indeed, it is, in fact, already written in the Constitution: the protection of *everyone's* human dignity.

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Editor's Pick

by JASPER NEBEL



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The title says it all: the documentary "80 angry journalists" is about, well, 80 angry journalists. It tells the story of the former employees of the Hungarian news portal Index – at the end of the 2010s, the largest independent outlet in Orbán's Hungary. Then, in 2020, Index, too, collapsed: after the editor-in-chief was dismissed on dubious grounds, the entire editorial team resigned. But they didn't give up. Just a few months – and some clandestine meetings – later, they founded Telex, a news platform meant to carry on where Index had left off. The documentary follows this story up close – András Földes, director, protagonist, and one of those dismissed, documents the events in a kind of video diary. The film shows how Orbán's regime sought to bring the media landscape under control not (only) through outright bans, but through financial mechanisms. The person who ultimately bears responsibility for the editor-in-chief's dismissal is, in the end, just a fall guy – one you might almost feel sorry for.

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The Week on Verfassungsblog

summarised by EVA MARIA BREDLER

It took the Court of Justice of the European Union to remind Germany of its obligation to protect the dignity of all. In a judgment of 4 June 2026, the Court held that cutting **benefits for asylum seekers** whose applications fall under another member state's jurisdiction is incompatible with EU law: the subsistence minimum remains inviolable. Yet German law currently provides for precisely these cuts. CONSTANTIN HRUSCHKA, CHRISTIANA SANDEN, MARIAM CHARIF and MEHTAP ÇOLAKOĞLU (GER) survey the implications of the ruling.

With a different decision, the CJEU may itself have made **human dignity** more vulnerable. In *Valeurs de l'Union*, the Court limited Article 2 TEU to "manifest and particularly serious" breaches of the values of human dignity, equality, and respect for human rights. MERET PLUCIS (ENG) argues that this privileges majorities – and inverts the very logic of individual dignity.

Freedom of expression, too, appears to apply only to some within the EU. Since December 2025, Jacques Baud – Swiss military analyst, former colonel, and longstanding UN and NATO adviser – has appeared on an EU sanctions list aimed at countering Russian "information manipulation". His assets are frozen; his freedom of movement drastically curtailed. BERNHARD WEGENER (ENG) explains why the sanctions are not only incompatible with fundamental rights but also stupid – and symptomatic of a deeper crisis of free expression.

The twentieth sanctions package against Russia, adopted in late April, does nothing to change this. It does, however, introduce a procedural novelty: for the first time, EU law explicitly codifies a so-called **anti-suit injunction** – a court order prohibiting a party from pursuing certain proceedings abroad – as a response to Russian procedural lawfare. MAXIMA HUBBES (GER) is sceptical that the new provision will achieve its aim.

Freedom of expression is also at stake at the **FIFA World Cup**, which kicked off yesterday. Given ongoing

conflicts and geopolitical tensions, FIFA and the three host countries – Canada, Mexico, and the United States – are likely to face politically charged incidents. The international sports movement's commitment to ideological, political, and religious neutrality sits uneasily alongside the legitimate activism of players and fans. DANIEL RIETIKER (ENG) draws the lines of the pitch.

Climate neutrality, however, is not what FIFA has in mind when it speaks of neutrality. The US bid to host the 2026 World Cup invoked climate standards under the Paris Agreement – and then the US simply withdrew from it. FIFA treats this as a non-event. MARTA LIDUMA (ENG) shows that **FIFA's climate criteria** were decorative by design and calls for them to be made substantive.

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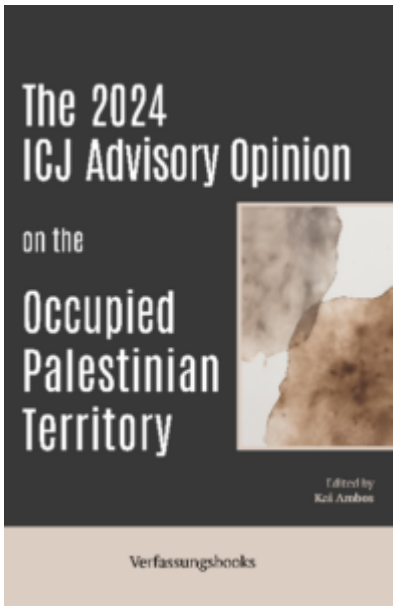

The 2024 ICJ Advisory Opinion on the Occupied Palestinian Territory

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Decorative by design also describes the **AfD**'s "government programme" in Saxony-Anhalt: the party turns to planning law and demands that public buildings must be perceived as beautiful by the majority of the population and reflect "historical identity". SAMIRA AKBARIAN (GER) explains how the AfD intends to use this to roll back social diversity.

Planning law may not be the only instrument the AfD seeks to capture in Saxony-Anhalt. Also in its sights: the power to **ban associations**. After the state elections, the AfD might control the interior ministry. JANNIK JASCHINSKI (GER) warns that an authoritarian-populist interior minister could wield the association ban as a powerful tool of repression.

Yet those who seek to reforge the tools of repression should also proceed with caution. In **Hungary**, Prime Minister Péter Magyar has called on all Orbán-appointed heads of key public offices to resign. They refused. TÍMEA DRINÓCZI (ENG) explains the two fundamental paradoxes the announced constitutional amendment removing them from office must overcome – and why it must withstand the most rigorous public justification and debate.

Big Tech should be held to equally rigorous standards. The AI industry markets itself as sustainable and environmentally friendly – despite evidence to the contrary. **Greenwashing** is illegal under EU law, and the 2024 Green Transition Directive has tightened the rules further. RACHEL GRIFFIN and BARRIE SANDER (ENG) argue that common practices in the AI industry – vague sustainability claims, net-zero pledges alongside rising emissions – could in some circumstances give claimants a strong case for violations of EU consumer protection law.

The EU also wants independence from Big Tech where its currency is concerned. The Union has been debating a "**digital euro**" – a publicly guaranteed form of digital money – for years. On 23 June, the European Parliament will finally vote on a draft regulation introducing it. CEDERIC MEIER (GER) explains why a digital euro is needed at all – and why the EU legislature must be bold.

That digital companies sometimes enjoy more protection than living beings is illustrated by the case

of "**Timmy**". The humpback whale beached off the island of Poel and within no time generated a level of media attention that few animals in Germany have ever received. The case eventually reached the Schwerin Administrative Court – via no fewer than 19 applications for interim relief. All failed on grounds of standing. Who may assert the interests of animals before a court? NINA KERSTENSTEINER and MAREIKE MITTAG (GER) address the gap between Article 20a of the Basic Law and procedural reality.

Finally, our symposium "**On Law and Politics in the Hungarian Transition**" continued this week. MARCIN SZWED (ENG) shows how the ECtHR's reasoning in the Armenian Gyulumyan case – which suggests that legitimate constitutional reforms may sometimes justify even the removal of judges – can be applied to Hungary's captured courts. Drawing on Poland's experience, ANNA WÓJCIK (ENG) maps what a swift and EU-compliant reform of Hungary's media ecosystem would require.

I like that Wójcik deliberately speaks of a "media ecosystem" rather than merely a "system". Whether we are talking about media, prime ministers, or football teams: we inhabit a vast ecosystem made up of countless smaller ones, of which we are always only a small part. We humans come from *humus*, from the earth – there is no escaping that. And yet we keep trying to set ourselves apart, slice up the rest of the ecosystem, and exploit it. If you ask me, that is precisely why *human* dignity remains incomplete. Surely we can manage to protect, at the very least, our own.

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That's it for this week. Take care and all the best!

Yours,

the Verfassungsblog Team

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