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Historical Dilemmas of Democracy and Their Contemporary Relevance for Citizenship

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This essay discusses the dialectical relationship between the concepts of "democracy" and "citizenship," by relating to current debates which combine a transformation of the philosophical tradition and an evaluation of situations where the legal distinction between the "citizen" and the "national" is challenged. Starting with considerations on the semantic tensions of the "Greek" and "Roman" categories (politeia, dèmokratia, isonomia, ius civitatis), it discusses the aporias of "democracy" as a model or an ideology, which philosophers like Jacques Rancière and Hannah Arendt allow us to overcome by defining democracy as a process of permanent anti-oligarchic "insurrection" rather than a stable regime. It is not the spread of democracy, therefore, that constitutes the primordial object of political theory, but the "democratization of democracy" itself, especially in the form of the elimination of its internal exclusions. This theory is illustrated and further refined by referring to debates about class and race discrimination, violent struggles for recognition affecting republican institutions, "nomadic" or "diasporic" forms of citizenship, and the relationship between social and political rights.

Key Words: Borders, Citizenship, Community, Democracy, Migrants, Sovereignty

Allow me to start with some terminological considerations. As we know, the term *citizenship* in English, like its French or Italian equivalents (*citoyenneté*, *cittadinanza*), derives from Latin *civitas* but with the sense of *ius civitatis*, which I would translate more accurately as a '*droit de cité*' in French or 'citizen's right' in English. It has a variety of meanings, which the passage from one language to another allows us better to understand. When I show my passport or fill out an immigration form in France, I am asked to answer a question concerning my '*nationalité*' for which the usual American equivalent is: "which country of citizenship?" The French *nationalité* or *national* is not the same as the *citoyen* or *droit du citoyen* whereas they are largely equivalent to the U.S. *citizen, citizenship*. This may suggest that the United States "confuses" what the French distinguish: namely, the notion of membership in a certain community, practically a nation-state, and the rights and duties of the citizen as an individual who takes part in political activities. I must confess that this was for me, with my French background, kind of a problem when I started teaching and lecturing in America. But on further reflection, I realized that it could be understood

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almost in the opposite sense: it is French which in certain circumstances implicitly subjects the notion of citizenship to the possession or acquisition of nationality, which it supposes to be its natural precondition, whereas the typical U.S. question, invented in a country which has a long story, and also a myth, of assembling migrants from many origins, also means: in which country do you enjoy the rights of a citizen? This semantic dilemma remained latent in the era of the triumph of the nation-state as exclusive or quasi-exclusive form of political membership, where citizenship and nationality practically coincided in a manner that seemed indisputable, or featured the necessary outcome of history. It has acquired a growing importance in the so-called postnational constellation, a period in which the national definition of the citizen is subjected to increasing demands and criticism, in particular from the point of view of its democratic content.

"Democracy" As Origin, Model, and Ideology

The semantic problem, and its association with questions of the definition of rights and duties, can in fact be traced back to the very origins of the Western political tradition. The series of words *polity, politics, political,* derives from the Greek *politeia* which itself is a derivative of *polis,* the 'city.' In a famous article, Emile Benveniste (1974) proposed to interpret in a strong philosophical sense the opposite ways in which the Greek and Roman terminologies are formed. Whereas in Greek the name of the citizen, *politis,* and his quality or capacity, *politeia,* derive from the name of the city, *polis,* which therefore seems to preexist as a concrete reality and an individualized community, in Latin it is the opposite: the name of the city, *civitas*, with its internal constitution or system of rights, derives from the name of the citizen, *civis*. This seems to suggest that the city is the product of the common action or interaction of the citizens, and not the reverse. This is not to say simply that the Greeks were spontaneously thinking and acting in "holistic" terms, where the citizen is only an emanation of the totality that is the city, whereas the Romans would be spontaneously more "individualistic," representing the whole as a permanent result of the acting individuals, whom we might better consider as "co-citizens" or "fellow citizens," although this reversal could illuminate certain deep antitheses between their respective conceptions of patriotism and universalism. But more profoundly it displays in the translinguistic space of translation, so to speak, the tensions of the notion of citizenship, which concern the relationship between individuals, community, and space or territory. We can admit in a very classical way that the core of the notion of citizenship as "political" is formed of the interdependency of two institutional relations: the *relation of "rights" and "duties"* for the individuals or the collectives; and *the relation of the "governing" and the "governed"* (not necessarily designating a fixed distribution of roles and statuses, but a performing of functions), which means that the first are accountable before the second while the second are obligated before the first (Aristotle 1957). As a consequence, the notion of the citizen becomes barely separable from the representation of *a community of citizens,* a society formed to achieve a common good or embody a common right, as Cicero (1994) put it in his *Republic*. But the question must remain permanently open

of the kind of "space," abstract and concrete, or sensible, in which the citizens act as a community, and the extent to which the membership in the community is something that is imposed on the citizens, *ascribed* to them or simply *inherited* by them, or something that they *create* and permanently recreate through their common action, the becoming common of their action which expresses a certain right, in the "Spinozistic" sense of power as capacity or capability (Smith 1999).

Now it would seem obvious that the direction in which this constitutive tension evolves forms one of the main criteria of what we call "democracy," which we usually consider a form of constitution among others but also different from any other: not only because it would be more desirable, or maximize certain of the advantages that humans seek in forming political societies (albeit probably not all of them, or not all of them equally and simultaneously), but because it would recognize and express openly certain of the conditions and problems of the political as such—a thesis which runs throughout the history of political philosophy, from Aristotle to the contractualists, in particular Spinoza and Rousseau, to the young Marx of 1843, and that Jacques Rancière, so critical of the tradition of political philosophy, has retrieved in his own way. But in fact the name democracy covers ambiguities which are so considerable as to make its use almost impossible without declaring *in which sense* it is used, especially in a period where the most questionable actions, ethically and politically, are performed in the name of democracy (but was it ever really different?). And if it is certainly not the case that clarifying the history and functions of the name democracy by itself produces any political effect which changes the order of things in the world, it is perhaps the case, negatively, that without such a clarification no progressive politics can be waged. In order to change the world one needs to interpret it: which means interpreting its (many) languages.

The least that we can say is that, in this domain, there reigns a horrible cacophony. Take, for example, the simultaneous publication of two recent essays by great public intellectuals who are also scholars with a vast multidisciplinary expertise: *Democracy and its Global Roots,* by Amartya Sen (2005), and *Democracy in Europe: A History of an Ideology,* by Luciano Canfora (Canfora 2006).

Sen makes very interesting observations on what is different and what is analogous in the ways in which the problems of democracy are posed in the North and the South. He wrote his essay after the U.S. invasion in Iraq, whose failure he was anticipating, but this did not prevent him from suggesting that, if it was the wrong way to export a "democratic model" to the Middle East, the democratic model nevertheless did exist, and one could not deny that it had been invented by the West, in Europe and North America, even if imperfectly realized in its own space of origin. It would include parliamentary representation and the system of constitutional guarantees of the rights and liberties of individuals, and this deserved to be adopted in the whole world. But many of us have our doubts, not so much about the relationship between internal democracy and external imperialism (a story as old as ancient Athens and revolutionary France), as about the meaning of the idea of "model" applied to democracy, or the idea that having been once invented, a democratic model can be characterized by immutable institutional forms. The task then would be only to generalize it and bring it to its perfection.

In his own exactly contemporary essay (which was part of a series commissioned by the European Union in the moment of its constitutional projects, and provoked very violent reactions), Canfora connects to an inspiration that is Marxist but also in many ways Rousseauist, in the sense of the *Discourse on the Origins of Inequality* (Rousseau 1971). He would explain that "democracy" throughout history was the name of a political institution legitimizing inequalities and exclusions. This argument is not as simple as one might imagine, and in a sense it is not incompatible with the argument developed by Sen, because it also means that in the modern world, today more than ever, the only possible procedure of legitimization for a political regime lies in its reference to democracy, or democratic progress. Even if democracy is the absolute ideological form of representation and mystification, there must be some "truth" in it—if only the truth of legitimation itself. And what has to be legitimized is precisely a constitution of citizenship, a polity or *politeia,* a *civitas.*

Citizenship and democracy are not the same, but they are in a dialectical relationship. With all the limitations and perhaps the "cultural bias" that goes with this kind of etymology, it is useful again to return to the Greek. As Rancière (2007) recalls, and we could invoke many other authors, the great paradox historically is that what we want to call democracy in a positive sense is not what the Greeks meant by that name, at least initially (and Canfora who is a professional classicist returns to that initial ambiguity). For the Greeks *dèmokratia* was a pejorative term which referred to the anarchic element brought into aristocratic cities when the mass or the populace, the *demos,* was actually endowed with the power to make political decisions, or supposed to do so through its leaders, the so-called demagogues (today one would say "populists"). But the Greeks had other names, which referred to the value of equality in politics in a positive manner, the most important being *isonomia,* often translated in modern times as 'equal right' or 'equality before the law'. In fact, the best translation for this constitutional term, widely used by the Sophists, the semiofficial ideologues of classical Athens, would be 'equal liberty' or *equaliberty* in one word, as I suggested somewhat cryptically some years ago (Balibar 1994). Between both names there is a continuous signifying chain that I progressively reconstruct. The Romans indifferently use *aequum ius* or *aequa libertas* for *isonomia* (Cicero 1994; Nicolet 1976). The German "Althusserian" Frieder Otto Wolf, a former Green party member of the European Parliament who is also a philosopher with an important book on Hobbes, has commented on a Leveller's pamphlet from the English revolution which advocates "equall liberty" (Wolf 2000). And so on, until we reach contemporary philosophers like John Rawls, who bases his *Theory of Justice* on the notion of "equal liberty," only to explain that between the two concepts there should be established a "lexicographic order," meaning that liberty is a condition for equality and has absolute value, whereas equality is not an absolute condition of liberty and can therefore be relativized or limited if its implementation becomes a threat to individual and public liberties (Rawls 1999). Of course this is a partisan view, in the name of the democratic principle itself. It is also one that accounts for the impossibility of the philosophical tradition being able to treat the problem of democracy on the same footing as the problem of any other regime, at least as soon as it is preoccupied with the issue of citizenship, matching the duties of the citizens with the assertion of their rights, and making the governing

magistrates or administrators to whom they have obligations of obedience ultimately accountable before them.

Discussing Rancière's *Hatred of Democracy*

At this point we can return to the intervention of Jacques Rancière in the current debates about democracy, and the riddles of a criterion which is not a "model," or can be presented as a model only at the cost of becoming an instrument of domination, working as an ideological mask for the perpetuation of inequalities and exclusions. There are elements in Rancière's discourse (now forming an impressive body of theory and critical interventions) which I must say I find disputable. In his commitment to unmasking the conceptual detours used by political philosophers to transform the radical *isonomia* into a form of "good democracy" (i.e., a limited or controlled democracy), Rancière has a tendency, it seems to me, to substitute for the lexicographic order of the liberals an inverted lexicographic order, a preference of equality over liberty: he replaces liberalism with a form of egalitarianism, perhaps *strategically*, as if the struggles of the *demos*, the popular multitude, were mainly about inequality and exclusion, and not also about autonomy and against tyranny or authoritarianism. This is all the more paradoxical because each and every one of the political causes which he mentions as democratic issues involve both aspects. It goes along with a reluctant use of the category of the "citizen," and more generally with a neglect of the *institutional* dimension of democracy, which I believe cannot be left aside because equality also has to be written in institutions. The problem of the "*institutions républicaines*" (Saint-Just 1968) and their actual effects is the crux of the revolutionary tradition, and the democratization of institutions, including "public" institutions, should not become confused with the problem of the construction of the sovereign state.

This being said (and I admit that every word or judgment here has to be discussed), I believe that Rancière has produced a fundamental clarification in the uses of the category democracy by expanding a thesis that was already there in some uses of the expression "*true democracy*" by the young Marx (1843), himself inspired by contemporary Utopian socialists or communists, and perhaps also elsewhere—this was also, in fact, the position of Spinoza (2007): namely, the idea that *democracy,* understood in a radical manner, *is not the name of a political regime* but only the name of a process which we could call tautologically *the democratization of democracy* itself (or of what claims to represent a democratic regime), therefore the name of a struggle, a convergence of struggles for the democratization of democracy. The essential character of these struggles would be that they are necessary not only to conquer new rights or "invent" them historically (Lefort 1981), but even to *preserve* existing or established rights. In a crucial sense, democracy is never something that you *have,* that you can claim to possess (therefore "bring" or "confer"); it is only something that you collectively *create or recreate*. It is not achieved but always is coming or becoming, a proposition which strikingly converges with the idea of political theorists for whom citizenship itself is always "in the

making" (Van Gunsteren 1998). Before I give examples, allow me to quote some typical passages from Rancière's *Hatred of Democracy* (2007).

In his last chapter Rancière asks, "what is meant when it is said that we live in democracies? Strictly speaking democracy is not a form of state. It is always beneath and beyond these forms. Beneath, insofar as it is the necessary egalitarian, and necessarily forgotten, foundation of the oligarchic state." This puts an end to the debate concerning the differences of the regimes (whose classical names were aristocracy, monarchy, and democracy—but modern authors have invented others, which exceed or displace the ancient typology, such as totalitarianism). In a sense this was always an artificial, or secondary, debate. Rancière's formulation retrieves the proposition that there is no other legitimation for a political system than to refer to a democratic origin. Aristotle would already know that the *politeia* would be illegitimate if the citizens were not, at a given moment, in a position to express their acceptation of the constitution by acting as a community in which everyone has a say, but also has just one voice. But this moment of popular expression can be transitory, or it can become virtual or symbolic ("transcendental"). Hobbes, who in a sense reasons like a radical democrat, drew all the consequences by inventing a formula for the social contract which instantly reversed the absolute decision of the people into an absolute alienation of its power (and Rousseau attempted the reversal of this reversal). Such considerations are not external to an analysis of the "mixed regimes" (presidential democracies like France or the United States, combining monarchic executive power with oligarchic checks and balances) in which many of us live today. Rancière writes that "democracy is … the public activity that counteracts the tendency of every state to monopolize and depoliticize the public sphere. Every state is oligarchic … But oligarchy can give democracy more or less room; it is encroached upon by democratic activity to a greater or lesser extent; in this precise sense, the constitutional forms or practices of governments can be said to be more or less democratic." What is proposed here is a dialectical view in which the repressed or forgotten foundation can and must return into the life of the political system. This is not incompatible with Arendtian views on public agency, even if Rancière (who shares her predilection for Greek references) consistently opposes her views on the autonomy of the political with respect to the social.

In order for the political system whose legitimacy is based on democratic foundations not to become practically its opposite, it is necessary however to acknowledge certain minimal conditions "under which a representative system can be declared democratic." They are indeed quite restrictive, although Rancière writes that they are not extravagant and "in the past many thinkers and legislators, hardly moved by a rash love of the people, have carefully considered them as potential means to maintain a balance of powers, to dissociate the representation of the general will from that of particular interests, and to avoid what they considered as the worst of governments: the government of those who love power and are skilled at seizing it." Here is the list: "short and non renewable electoral mandates, which cannot be held concurrently; a monopoly of peoples' representatives over the formulation of laws; a ban on state functionaries becoming the representatives of the people; a bare minimum on campaigns and campaign costs; and the monitoring of possible interference of the economic powers in the electoral process." But he also

adds: "all one has to do today to provoke hilarity is list them. With good reason—for what we call democracy is a statist and governmental functioning that is exactly the contrary ... in a word, the monopolizing of *la chose publique,* by a solid alliance of State oligarchy and economic oligarchy." As a consequence, it has to be admitted that we do not "live in democracies," but "neither, as certain authors assert—because they think we are all subjected to a biopolitical government law of exception—do we live in 'camps.' We live in States ... where the power of the oligarchy is limited by a dual recognition of popular sovereignty and individual liberties. We know the advantages of these sorts of states as well as their limitations." (Rancière is referring in particular to Agamben 2002.)

The "Lost Tradition" of Insurgency

It is here, however, that I would like to make things a little more complicated. I agree that the essence of the political situation is a *conflict,* a shifting relationship of forces. Therefore, "democracy" is not an established reality or a constitution in the material sense of the term, but also not a mere ideal: it is rather a permanent struggle for its own democratization and against its own reversal into oligarchy and monopoly of power. I would suggest, however, that "we the people" in the symbolic sense of the term, but also much more concretely and practically "we" the citizens, "we" the public opinion, are seldom aware of the extent to which the official democracy has a reverse side, becomes practically restricted or denied to many, and involves the implementation of "laws of exception," if not the establishment of camps. I do not believe that Rancière would deny that. What he wants to avoid, and I share this concern, is a transformation of the debate into a metaphysical alternative between "true democracy" and "camps"—that is, generalized totalitarianism, or "evil," which in practice deprives the democratic *conatus* (as Spinoza would say) of its possibilities and its concrete objectives. In short, we should agree on the necessity associated symbolically with the motto of *equaliberty* to retrieve the "lost tradition of revolutions": the tradition of the first modernity which its protagonists in Europe and in North and South America called *insurgency*—albeit in completely different conditions.

I take the word "insurrection" in its widest possible sense, and in particular I do not suggest any equation of insurrection and violence, although violent forms of insurrection cannot always be avoided. In fact, there is a great likelihood that most insurrectional moves of the contemporary citizen ought to be directed against the generalization of various structures of institutional violence, both military and economic, which are part of the oligarchic fabric of contemporary states, and form an essential means to achieve the monopolization of power, the dispossession of the people. *Insurrection* in that sense would be the general name for a democratic practice which constructs universal citizenship. One can speak of a permanent struggle in the direction of democratizing existing institutions, but not exactly of a line of progress, and even less of a model, because such a struggle which experiences its advances and setbacks is never homogeneous. Its tendency cannot become reduced to one or two criteria, such as "representation" or even "participation" in

the sense of direct democracy. You cannot say that you will "measure" the more or less democratic character of a state or a political system, or a social system encompassing many states as the international order, by simply examining the extent to which they allow for representation or participation, however important these criteria can be, especially where they are denied or have become a mockery. There exists a multiplicity of criteria, which the democratic struggles themselves indicate inasmuch as they identify their objectives—that is, the points where the democratic character of citizenship becomes suspended, as it were, between the necessary and the impossible, but also calling for an expansion whose reverse would not be a simple limitation, but quite often a setback and a destruction of democracy as the institution of equaliberty.

I want now to try and examine, rather schematically, three domains in which I believe that such struggles for the democratization of democratic citizenship are present. Like many of us, I became aware of their importance through actions and debates in which I was involved. I do not claim that this list is exhaustive, and I am aware that they are not entirely separable, but continuously interfere and overlap.

Internal Exclusion

First, I want to return to the debate over "exclusion," which has been activated by conflicts in the North and the South over the past several years. This was particularly the case during the riots in the popular neighbourhoods called in French the *banlieues* in November 2005, which some have considered genuine uprisings, although in a contradictory form (Balibar 2006). At the time Robert Castel, who is arguably the major figure of French sociology on the Left today, published an article called "negative discrimination," which now has become a book with the same title in which his initial formulations are partially transformed (Castel 2007). Initially, at least, Castel would write that the category of "exclusion" was inadequate to describe the situation of jobless youngsters, mostly of migrant (i.e., African and North African) origin but also mostly with French citizenship (or *nationalité*) who fought against the police. This dovetailed with the argument of Loïc Wacquant, who argued that French *banlieues* are not exactly *ghettos* in the American sense (Wacquant 2006). Writes Castel,

> no more than the banlieue is a ghetto, the young denizen of the banlieue is "excluded," if you give the notion a precise sense: exclusion strictly means a division of the population into two separated categories, whereby the "excluded" would be external to the social game, because they enjoy none of the rights, the capacities, and the resources which are necessary to play a role in collective social life ... Youngsters in the banlieues are entitled to several prerogatives which go along with belonging to the French nation: political citizenship and social citizenship. Independent of their ethnic origins, most youngsters in the projects are French citizens, therefore granted in principle political rights and equal treatment by the laws, at least when they reach the age of franchise. Tocqueville used to say that civic rights represent the form of nobility of the people as such, and we know that

> it took centuries of struggles to obtain them. Not immediately for everyone, though. It was not before 1945 that women became full citizens in France, which trailed behind many other industrial countries in this respect.

So, following Castel's first formulation, young French citizens of immigrant origin would not be *excluded* in the strict sense, also because they partake in the rights which together form the "social citizenship" added by the welfare state to a merely "civic" type of citizenship: a protection against major social risks granted by the law. This led Castel—at the risk of misunderstanding, as he acknowledged himself—to add that, compared with the situation of starving populations in many places on the planet, theirs remained a relatively privileged situation. The young French of recent migrant descent were also not radically excluded culturally: they would rather share in a specific culture which constantly interferes with the dominant culture, albeit in a polemical manner. *In short, they are not located "outside" the system.*

This argument was not meant to underestimate the deep social roots of endemic unrest in the *banlieues*. It simply rejected loose and inflationary uses of the category of "exclusion" which suggest that the social and political situation in France today is a mere *reproduction* of the old colonial opposition between the colonizer and the colonized. However, my objection was largely based on Castel's reference to the case of women, which I took to be revealing and symbolic. Some twenty years ago, French feminist and philosopher Geneviève Fraisse published a book in which she coined the expression "exclusive" or "exclusionary democracy" (Fraisse 1995). She described a situation which could be traced back to the political and cultural conflicts of the French Revolution around the relationship of the sexes, but which concerned also the present, and not only the old times, before women were officially awarded full political citizenship. The fact that, for a very long period after the creation of republican institutions, rights were legally restricted for women (i.e., their "citizenship" remained "passive") has left a deep trace, especially in the form of a rigid distinction between the public and the domestic sphere, and a practical impossibility for women, if not to vote, at least to act as "representatives of the people" in the political institutions and to share the capacities of "government" in social life in general. It would still be the case today if it were not for a permanent struggle, which in a sense is never ended. In that sense, the category of exclusion—not an *external exclusion* but an *internal exclusion*—is legitimate and indeed necessary, because it does not describe a formal juridical status, but the concrete articulation and the combined effects of certain representations, social conditions, and political practices. Official rights do exist: but what matters in the end is the full empowerment in the sphere of public agency, debates, and conflicts.

It is in this sense that I use an extended version of Arendt's (1973) notion of the "right to have rights": we need to bypass the limitations that she imposed on her own formula, which has long since exceeded its initial use, in order to designate an active capacity to *claim rights* in the public sphere or, dialectically, *not to be excluded from the right to vindicate rights*. And I consider that even in our official "democracies" many groups find themselves precisely *on this limit*, a symbolic and material frontier between minimal rights (or "resistance") and a straight denial of rights. They could easily find themselves projected back into situations of extreme deprivation and

powerlessness, uprooted from the territories where they are granted citizens' rights, or sent back to territories where the notion of citizenship is deprived of any actual content. They sometimes find themselves actually in ''camps'' either as refugees or as suspects, or both (Mezzadra 2004). But they can also find themselves exactly *on the limit* where what is at stake is an actual capacity to speak and fight publicly for one's own rights, therefore a capacity to *exist* in the strong sense, which is the essential content of Arendt's notion of the political right to have rights; witness the case of the *sans-papiers* and the *sans-Etat* or stateless people (Caloz-Tschopp 2000).

This is, however, what becomes sometimes highly problematic, not to say impossible, unless you resort to forms of anti-institutional violence to impose recognition or to ''force the door open,'' whose result can be or perhaps inevitably becomes counterproductive in a given relationship of forces, for those groups who are subjected to the combined effects of class discrimination and race discrimination. In the case of the young rioters from the *banlieues,* both discriminations took radical forms: *class* discrimination took the form of endemic joblessness, more precisely an alienating choice between joblessness and precarious work; and *race* discrimination took the form of a ''genealogical order'' in which the sons and grandsons of migrants are eternally represented as ''foreigners'' and ''migrants'' themselves in blatant contradiction of their legal status. This becomes associated with a social imaginary of the cultural inferiority and the threat to the security of nationals represented by young Africans and Arabs, as if a stranger—who is not even a foreigner in juridical terms—were also immediately a potential enemy. Ironically, such a description of the combined effects of class and race discrimination, which I can only summarize here, perfectly illustrates what Castel himself described as effects of the dismantling of the welfare state in France (and more generally Europe) under the impact of neoliberal policies—namely, the production of a *negative individualism:* a situation in which individuals are urged to act as independent contractors who maximize their efficiency while simultaneously deprived of the social conditions which make it possible for subjects to act in an autonomous manner or follow the rules of utilitarian rationality. I suggested in addition that, just as there are forms of *negative individuality,* there also are forms of *negative community,* which emerge when the revolt against a violent exclusion takes violent forms itself, in a mimetic circularity, creating a stalemate of the struggles for recognition and political participation, which the political system can easily manipulate (Balibar 2007a). And I argued, in response to some simplistic ''postcolonial'' analyses, that even if the combined discriminations of class and race in the ''republican'' French space illustrate the lasting consequences of the colonial oppression of the non-European Other, long after he or she has become part of the European population, the category of the ''excluded'' cannot become indiscriminately generalized and, so to speak, globalized. It is a fundamentally heterogeneous category in the sense that there are global exclusions and local exclusions which are not exactly the same. But quite often, the migrants and their descendents find themselves precisely at the juncture of these different local and global forms of exclusion. Nevertheless, you can become excluded from the public sphere today because you are an object of coerced mobility, and you can be excluded because, on the contrary, you are so to speak an object of coerced immobility, which is the case of many national poor.

Diasporic Citizenship

A reflection on the articulation of local and global exclusions quite naturally leads to reflecting on the struggles for democratization which concentrate on the issue of transnational citizenship, what I tentatively called a "diasporic" (rather than "nomadic") notion of the citizen, because I believe that the phenomena of deterritorialization and new territorialization, as illustrated by the growing demands for democratic control of the policing of borders, are equally important (Balibar 2003). This is my second example. It was dramatized by the tendency of Northern states to regulate the crossing of borders by refugees and workers coming from the South in a purely repressive form, waging a "secret war" against illegal migrants under cover of border-control police operations (Dal Lago and Mezzadra 2002). This, in turn, produced a collapsing of the categories of the *stranger* and the *enemy,* whose juridical and moral distinction was one of the bases of the legitimacy of the nation-state as political institution (Balibar 2006). It also contradicts the principles of the Universal Declaration of Human Rights from 1948, which included a reciprocity of freedom of circulation and right of residency, acquiring nationality and changing nationality. Therefore it forces us to ask critical questions concerning the effective character and function of such universalistic and individualistic notions of rights.[1]

Every freedom, we can agree with liberal theorists, involves some sort of regulation. It has to be limited in order not to harm its own beneficiaries and to avoid unbearable contradictions with other rights. But the condition is also that the restrictions do not amount to a complete negation for specific categories of persons when these rights are presented as universal freedoms. If territoriality going along with national sovereignty in the end produces a genuine *exclusion from circulation* for some individuals and groups, this will internally destroy the democratic idea of universal representation and the sovereignty of the people (Rigo 2006). Such considerations support the ideal of "nomadic sovereignty" in a global space, at least as a regulative principle overcoming the repressive aspects of the territorial state. A citizenship at least partially independent from territory, which would still incorporate a complete system of subjective and objective rights, such as a right of circulation and a complementary right of settlement under "reasonable" conditions which make it feasible or manageable, would appear as a new historical moment in the progress of the idea of citizenship (Carens 1987). It would raise the progress of the citizen to the cosmopolitical level by granting a more concrete character to the Kantian idea of *hospitality* while avoiding the aporias of a world federation, or a *Weltinnenpolitik,* which still affects the "postnational constellation" in the Habermasian sense, where the distinction between internal and external space is not really "mediated" politically but is progressively neutralized and suppressed (see the discussion in Benhabib 2004).

1. The following paragraphs are borrowed from my paper "Toward a Diasporic Citizen? Internationalism to Cosmopolitics," delivered at "Cultures in Transnational Perspective," the annual conference of the Mellon Postdoctoral Fellowships in the Humanities, held at the University of California at Los Angeles, 16–8 May 2007. It was later given as a Public Lecture in the Department of Political Science, Delhi University, 17 September 2007.

Such cosmopolitical perspectives can become compatible with "republican" or "neorepublican" perspectives which are part of the civic culture of progressive movements in today's democratic oligarchies. Indeed, there are already elements of internal decomposition of the "community of citizens" which forms the ideal "people" of modern nation-states, which are not independent from globalization. In a manner that strangely recalls some considerations of Hegel in his *Philosophy of Right* on the "extreme" classes which escape the possibilities of integration in the modern state (1967, par. 244–5), we can observe that developed capitalist states today also include "extreme" groups which tendentially escape the civic conversation, albeit each in a different manner. On the one side, a new class of transnational owners and executives escapes the space of representation and conflict (while carefully preserving their "governing" influence on administrations) because they no longer have any "hegemonic" interest, in the Gramscian sense, in sharing with other citizens the practices of urban life, schooling, Medicare, culture, or entertainment. On the other side there is an underclass of a precarious workforce, much of which is alien or maintained in an alien status, therefore excluded from full participation and especially from political rights. They are left outside political representation in order to prevent their claims to rights from becoming voiced in the public sphere, thus producing an increase in social conflict which would also recreate a political agency. What makes this exclusion possible is indeed the fact that social conflict now appears unbearable for many legal citizens, not only among the wealthy but among the *poor,* who have become convinced that political competition is a zero-sum game in which rights can be granted to some only if they are withdrawn from others, or that their own "identity" would be in peril it other collective identities were recognized as legitimate components of the community.

Perspectives of the opening of citizens' rights to foreign residents, associated with a full recognition of the right of circulation and a measured institution of the right of settlement, no doubt face powerful objections. Some are practical, but others are purely ideological. It is a crucial task of political philosophy to disentangle these different aspects on the basis of a renewed reflection on the foundations of the very notion of individual participation in the polity. I agree that a complete suppression of state control of borders, far from producing a higher degree of freedom, would rather lead to what Deleuze (1990) called a "controlling society," whose practical form could be a monstrous global system of survey of individual movements and lives. If there is no institutional border, individuals may have to carry electronic bracelets and their moves become permanently monitored by some improved GPS. A broadened notion of citizenship therefore includes not only a "right to escape" (Mezzadra 2006), but also a right to anonymity, or to *incognito* and multiple personality. On the other hand, if we accept Arendt's idea that the political community lacks any preestablished ontological or naturalistic bases but is grounded in the reciprocity of rights and duties among its participants (Balibar 2007b), a new notion of citizenship can be imagined in the form of a reciprocity of rights and duties among sedentaries and migrants or nomads. Implied here is that "the people" cannot be taken as an already established notion, but consists of a permanent dialectic of *manqué* (lack) and *devenir* (becoming) or re-creation (Deleuze 1985). Part of this re-creation entails very specific claims to rights, particularly concerning democratic control of the use of

borders, involving states on a multilateral basis but also "private" associations of citizens and migrants, and international agencies of human rights.

This would explain, I hope, why, in the end, I preferred the expression diasporic citizenship to the more fashionable nomadic citizenship. In part, this is a conventional choice. What I have in mind is not a "global citizenship" or "citizenship of the world," as if it could be considered a single constituency, but rather a "citizenship in the world," or an increasing amount of civic rights and practices *in the world* as it is, the complex system of spaces and movements forming the reality of what we call "the world," for which we are trying to invent a civilization.

Social Rights, Basic Rights

I want to conclude by alluding to a *third* crucial dimension, which in a sense continues the discussion with Rancière and Arendt, concerning the issue of *social rights* and their political importance as components of democratic citizenship. What strikes me when looking retrospectively at this great debate of the twentieth century in the field of political philosophy, is the fact that the opposition between the two "camps" has been, in a sense, settled by history, but only in what we might call a negative manner. And it is from this negativity that, today, in situations which have become critical almost everywhere for the defense of social rights, we may want to draw practical conclusions.

The controversy was waged between a "socialist," but above all *evolutionary* or *progressive* conception, and a "liberal" conception which has also rallied so-called third-way theorists. On one side we had C. B. Macpherson (1973), who advocated a notion of *property* as a "right not to be excluded," and T. H. Marshall (1992), who invented the notion of "social citizenship." On the other side, we had Isaiah Berlin (1980) or, in France, Raymond Aron (1972), who coined the opposition between "rights as liberties" and "rights as claims" (*droits libertés et droits créances*). At stake was not whether social rights and protections should be incorporated into legislation, but whether they should be considered *basic rights,* or *fundamental rights,* on a par with *habeas corpus* or freedom of thought and expression: that is, become considered *normative foundations* for the political order itself, or the constitution. And therefore it was not only a debate concerning the content of specific social rights, such as Medicare, education, protection against the effects of joblessness and homelessness, birth control, and so on, but a debate concerning the emergence of what Marshall in his 1948 essay famously described as a new stage in the history of the institution of citizenship, beyond the guarantee of civil rights and the emergence of the universal franchise within national boundaries.

Marshall's conception can be called evolutionary and progressive because it suggests that the realm of "universalistic" human rights is open to new developments, so that it should be considered incomplete and open at a given historical moment. This is, formally speaking, much more compatible with a pragmatic or "material" representation of the constitution which includes the possibility of amendments than with a formal notion of the symbolic correspondence between the "rights of man" and the "rights of the citizen," embodied in a quasi-sacred originary

formulation. We should not forget, however, that Marshall's position arguing for a new figure of democratic citizenship, arising from the incorporation of a multiplicity of social rights into a single legal system, was the result of an intense political and philosophical struggle which took place in Europe, particularly in Britain, at the end of World War II. There were two antithetical positions on the issue of the protection of workers against the excesses of capitalism illustrated by the Great Depression. One relied on the traditional notion of *assistance* to the poor, with society helping its disadvantaged part; another one triumphed—perhaps provisionally—with the Beveridge Plan, and was incorporated in the principles of the social democratic parties, albeit never completely granted constitutional value, which would see social rights as personal rights of the citizen, which held for everyone, and should be considered a public obligation on the side of the state (see Sassoon 1996). Instead of a system of private or public charities to provide a minimum of shelter, food, education, and health services to the needy, this amounted to defining *the same social rights for everyone*, based on the assumption that each individual potentially partakes in social activity, so that to be a beneficiary of welfare is not an exception or stigma but a normal situation for any "working" member of the community. One could discuss some of the assumptions of Marshall's evolutionary view, in particular the idea that historically all civil rights come before the conquest of political rights (the sovereignty of the people, representative government, etc.), which in turn should be achieved before the issue of social rights and social citizenship can be raised. I tend to believe that these various aspects of the problem of basic rights are much more interdependent, which becomes clear when, in the course of the assault on social democratic systems of rights, the destruction of social citizenship also happens to threaten the conservation of basic individual or personal rights. So the historical relationship between different aspects of democratic citizenship which emerged progressively in the past becomes in practice more dialectical than a simple juxtaposition.

On the other side of the ideological divide, a liberal conception saw social rights and *a fortiori* the idea of social citizenship as not only ruinous economically because it limited the sovereign operations of the market, interrupting the "virtuous" self-regulation of competitive economic behavior, but as encroaching on individual liberty in the name of equality or the reduction of inequalities. The conclusion was not always that you should ignore social demands, but that you should absolutely distinguish social rights from the proper *political* level of the constitutional expression of human rights in general. This point of view seems now to have won a historical victory after the vicissitudes of the cold war, which gave rise to the transformation of liberalism into neoliberalism: this is why I said that history had brought a negative conclusion to the debate. But the philosophical lesson, not deprived of political consequences, is a paradoxical one. *The issue of social rights is de-essentialized, but it is also radically politicized.* This is a strange development, in a sense, of Arendt's argument concerning the relationship between the political institution of citizenship, and her politics of "human rights without a human nature" or a metaphysical essence. From her famous analyses concerning the dehumanization of refugees and stateless persons, Arendt drew the radical conclusion that if you deprive individuals and groups of the right to participate in a constituency, therefore

their right to claim rights in a general manner, you also destroy the rights of the person—in the end you destroy the individual. As we know, she was absolutely opposed to the idea that *social* rights are *political* in the strong sense of the term, and in that sense she was not only a republican but also a liberal. But the contemporary experiences of the politicization of the issue of social rights open the possibility of applying Arendt's "theorem" beyond her own personal ideology. Returning to what Castel calls negative individualism, which I read also in terms of negative community, we may develop the following idea: when the dismantling of social rights, or welfare, however limited, reaches the level of generalized "social insecurity," many individuals find themselves in a double bind situation where they are at the same time interpellated as political subjects and internally excluded from the possibility of active political participation. The political rights themselves degenerate and the substance of citizenship, particularly the reciprocal relationship between obligations for the governed and accountability of the governing, becomes virtual, if not simply denied. This, it seems to me, entirely confirms what Rancière suggests in terms of democracy being in fact a *process,* a permanent struggle for the democratization of its *own* historical institutions. It shows that there is no such thing as a consensus on democracy: actual democracy is of necessity based on conflict. It is *conflictual democracy*—even if there must be a distinction between political conflict and civil war or, as Chantal Mouffe (2005) puts it tentatively, between *agonism* and *antagonism,* the political adversary and the interior enemy.

This is also where the political function of class struggles demonstrates its extremely sensitive character, since there is a virtuality of civil war in class struggles, as there is a virtuality of civil war in religious conflicts. But history abundantly demonstrates that class struggles in the form of the development of social movements and revolutionary practices, collective "insurrections" in their many forms, have been the necessary prerequisites for the institutional recognition of collective rights and the emergence of social citizenship as a progressive moment in the history of democracy. In fact, it is extremely difficult to decide whether it was the prospect of social citizenship that opened the possibility of an organization of the class struggles, or the self-organizing capacity, or autonomy, of the class struggles that pushed citizenship beyond its "bourgeois" limits, at least in certain places, for a certain time and within certain limits. More likely, the *movement* has been created through an impulsion from both sides.

Acknowledgments

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Bertolt Brecht, "Tales of Herr Keuner" (1/2)

"Herr Keuner had little knowledge of human nature; he said, 'You only need to know human nature when it's a question of exploitation.'"

*

Adam David Morton, "Social Forces in the Struggle over Hegemony: Neo-Gramscian Perspectives in International Political Economy" (15/2)

"The state should be understood … not just as the apparatus of government operating within the 'public' sphere (government, political parties, military) but also as part of the 'private' sphere (church, media, education) through which hegemony functions."