Lana Zdravković

Desubstantialisation of the Citizenship in the Name of Radical Equality

The European Union (EU) citizenship is in itself ambivalent and exclusive concept. Regarding the Maastricht (and Lisbon) Treaty it includes only those who already possess the nationality of one of the EU-28.[1] However, in the EU legally live more than 20 million citizens of non-EU countries, and at least 10 million so called undocumented migrants.[2] These people who are living in the EU, many of them stemming from one or more generations, and who are indispensable for global prosperity, culture and civility of Europe, are *de facto* second-class citizens in the service of 'full-fledged Europeans'. Such a concept is not a political one if we accept that politics implies recognition of equal individuals in a political community, where equality is not created on the principle of exclusion/sacrifice of the minority in favour of the majority. Equality of the members of the EU therefore should be understood in juxtaposition with the inequality of non-members.

1. Concept of citizenship as a captive of the liberal ideology

The main problem is the exclusivity of the concept of citizenship as such, even though it has risen from an emancipatory idea (Declaration of the Rights of Man and of the Citizen, 1789). But, at least since Marshall's liberal triad of political, civil and social rights (Marshall, 1950), the concept of citizenship has been nationalised, so it has been loosing its political potential; it is constructed through affiliation to particular nation-state, it is applied only to its members as a set of rights, being equalised with the nationality (that has already been equalised with ethnicity and/or race). That generates the state as a national community that functions on exclusion as a rule.

That is mostly a consequence of dominance of liberal ideology that usually names itself a 'consensual, parliamentary, representative democracy', being presented as the only possible model of ensuring and exercising of political equity—in a name of belief that a rule is better than stubbornness, and a freedom is better than slavery. The fall of Berlin wall has symbolically marked the final triumph of liberal democracy, that, under the slogan 'There is no alternative', introduced imperative of the opposition democracy/totalitarianism (the last should mark the socialist regimes i.e. Marxist ideology i.e. what Badiou names the 'Idea of Communism', cf. Badiou, 2010) as an ultimate confrontation of the good and the evil. The domination of liberal democracy has made possible the victory of system of (state and supra-state) institutions, conceived in a manner that largely allows the functioning of capitalism as the only possible mode of production.

The 'democratic development' has thus become a 'civilizational' process with strictly outlined linear direction that introduces a norm to be aimed, in order to rip out of 'totalitarianisms' of non-capitalist type. Through the electoral ritual as a 'celebration of democracy', it represent itself as an ultimate carrier of political, trying to establish a monopoly over political through policy of professionalism, especially personified in Law and Economics. Thus we are facing a situation where the true politics is switched with a system of 'objective' rules and provisions that justify and legitimize the ideology of objective urgency

of exploitation for the sake of capital, that is being looked after by experts from the fields of state and civil society (shaped as a hostage of the state and its rules). Meanwhile, the concepts that camouflages those disastrous exploitations (of people, animals, nature, interpersonal relationships …) are being strengthened, i.e. concepts of human rights, humanitarianism, tolerance, compassion, care, charity, and, nevertheless, multiculturalism; they are justified as virtually based on practices of inclusion of marginalised ones, yet they never touch true reasons of inequity, but rather leave them unchanged; they actually allow permanent preservation and reproduction of *status quo*, which is the condition of inequity.

As stressed by Badiou, the liberal democracy actually means the terror of 'capital-parliamentarism' (2006: 239), i.e. 'too objectivistic pairing of market economy and electoral ritual' (ibid.), based on aestheticisation of social relations, idealisation of technocratic values and total commercialisation of living. However, the equalisation of democracy with capitalism, enabled by the rule of law, and equalisation of the rule of law with liberalism are not a guarantee for the power of the people. To mark what is being self-legitimised under the name democracy, Rancière introduces the term postdemocracy (2005: 119); it exercises as a practice of governance based on the erasure of forms of truly democratic operation, and abolishing of the phenomenon of people. The current postdemocratic regime is based on the principle of identitarian community that creates an illusion of community identical to itself; along with the abolishing of people it leads to vanishing of politics. In such a situation of matches without residue between forms of the state and the state of social relations it lead to the disappearance of the *demos*, to the abolition of the people as the basis of democracy as a principle of the rule in the name of the people, but without it. This actually means the disappearance of politics as such. (cf. Rancière, 2004: 46)

Thus we are facing the regime who's basic task is to distribute, designate and classify individuals/singularities on the basis of value that they posses for the purpose of maintenance of liberal-capitalist system and, based on that, to set who's words apply for comprehensible speaking (are important), and who's are noise (are unimportant). Rancière names that regime police. It is

> an order of bodies that defines distribution between ways of operation, ways to be, and ways of speaking and taking care that those bodies are placed on that place and determined for that task, according to their names; it is an order of visible and speakable that takes care that certain operation is visible, and the other one is not, that it is heard as a speaking, and the other one as a noise. (2005: 44)

The police is a personification of an image of community, where the citizenship is identified with the feature of individuals who are possible to define within a relation of larger or smaller closeness between their place and the place of public power. The politics, on the contrary, does not know the relation between citizens and the state. It only knows specific dispositifs and demonstrations that sometimes communicate emerging of citizenship that never belongs to individuals themselves. Sovereignty and governance, i.e. power relations, are not political, they are police-related. The politics, however, exists when there are forms and place for the meeting between two heterogenous processes, the police-related process and the process of equity, understood as an 'open plurality of practices relied on supposition of equity of any speaking being with any other speaking being, and seeking for verification of that equity'

(ibid.: 46). To achieve the politics (equity of whoever with whoever) the police (denial of equity, i.e. anti-politics) should be fought.

The state or Rancièrian police thinks in the frame of sub-multitudes, it counts (over and over), distributes and classifies various sub-multitudes (workers, women, men, children, students, employees, employers, eligible voters, population, citizens, nations, ethnicities, races, cultures and so forth), thus opposite to the true emancipatory politics, in which no sub-multitude (identity) is more important than any other; emancipatory politics knows only a multitude as universal name of anyone, as an empty name that can be spoken and used by whoever.

Against that, in a name of liberal democracy, the meaning of sovereign national state is being strengthened, even though under the cover of international networking and opening; also the importance of citizenship as an administrative category that prevents and criminalizes free movement of people (producing illegality and hierarchical inclusion); meanwhile the borders are becoming more closed, even though not so much on the very crossings between states. Consequently the power of identitarian terror and systemic state-violence is strengthening, which makes physical and financial, *legal and legalised* exploitation of certain populations, communities and individuals possible. That reinforces nationalism, ethnicism, racism (under euphemism patriotism), neoimperialism and neocolonialism.

2. Imagined identities, imagined communities

The state as nation-state with its concepts of nation and national identity—defined by ethnical, historical and cultural presumptions—loyalty, borders and sovereignty 'devour' the idea of political community. The citizenship is therefore reduced to the membership in a national community, which generates the exclusion based on separation between the 'true' and 'false' members(hip). That transforms the citizenship into a privilege, an honour, a surplus of rights. Inclusion in such privileged group is selective and arbitrary (depending on the state provisions under the principles *ius soli* and *ius sanguinis*), while the contracting rules could never be influenced by the foreigner: 'Once a migrant, always a migrant'. Such conception of citizenship is a failed attempt to establish a political community and political subject.

Étienne Balibar names this conception 'constructing of fictive ethnicity' (1991a: 96), to explain the way of generating societies and peoples to be established in a system of nation-states with a historical perspective, and, to clarify how that tendentious nationalisation of societies and peoples—hence cultures, languages and genealogies—influences its own representation and ways of giving meanings to its own 'identities', from its core. Therefore he uses the term to mark the societies constructed by the nation-state. In that manner he shows the split of the term people to two complementary terms, being marked through tradition of political philosophy by Greek word *ethos*—i.e. people as an imaginary community of loyalty and kinship—, and *démos*—people as a collective subject of representation, decision-making and rights.[3]

For that purposes the state needs specific structural and/or symbolic violence known under various names: 'assimilation', 'integration', 'naturalisation', 'adaptation', 'melting pot' … Its purpose is to equalise differences between groups in a way of adjusting 'minorities' to 'majority'. That violence which is the main mechanism for assuring and reproducing the state of 'normality' is institutionalised and spontaneous, visible and invisible, structured and unstructured at the same time.[4] It is most successfully carried out by school (and other

educational institutions) and family, but also by other Althusserian ideological apparatuses of the state (legal, political, trade-unionist, information, cultural, religious …), or, the very set of state's tools that Foucault names 'discipline'.

As history shows, two more elements are very important in that process of ultimate normalisation—i.e. reconstruction of various primary identities into one collective, universal national identity: language and race. Both express idea that the national character ('spirit' or 'substance') is inseparable from the people, that it is therefore immanent to them. Already the school traditionally produces ethnicity as linguistic community; national language is not only the official language of a country, but also the basis for an essential differentiation between persons, being appropriated as important part of an identity, especially through the idea of so called 'mother tongue' implicating internal equalisation of those speaking the same language. The symbolic core of the idea of race—the genealogical scheme by which the idea of kinship among individuals is being transferred between generations, both biologically and spiritually—is also inscribed into community known as kinship. Production of ethnicity is therefore 'racialisation of language and verbalisation of race' (Balibar, 1991a: 104).

When individuals are constructed as united fictive ethnicities against social environment of universalist representation that is inherent to every individual, and the people is separated to different ethnical groups that potentially match the same number of nations (as 'homo nationalis', cf. Balibar, 2007: 22), then the national ideology is at its peak; it is not only a specific state's strategy of population control, but also generates demands and wishes, initiatives and needs of that population—under the dictate of the 'normality' it becomes biopolitics *par excellence*. It is clear that the creation of nation, national-affiliation awareness and formation of national identity is in fact illusion, however, it is a convincing illusion, being created and sustained through national institutions and ideology, it is a fabrication. It is based on belief that the generations, following one another at the certain territory through centuries, create unchangeable essence or substance, and that that process of development, which we are a culmination of, was the only possible, was the fatal one. No single nation is based on pure ethnicity in itself, but rather: nationalised social formations through long process of institutionalisation 'ethnicises' a population, which appears as spontaneous act that generates naturally cohesive community, with its own identity and roots, culture and interests that exceed individual and social conditions and circumstances. Therefore we can conclude that, under certain conditions, only imaginary (imagined) communities are real. This is what also Benedict Anderson stresses claiming that the socially constructed character of ethnical communities lies in the foundation of the idea of the nation as imaginary political community. Anderson also analyses nationalism as a product of the phenomenon of imaginary communities and by that significantly justifies the constructivist theory of nation: 'nationalism is not the awakening of the nations and their self-esteem: nationalism rather *invents* nations at the places where they actually don't exist' (1991: 15).

Indeed, those who 'fight nationalism' within such constructed socio-political model of nation-state overlook the important fact that nationalism is a generic organic ideology of every nation-state (which does not mean that all nationalisms are state-based, neither that nation-state functions on the basis of nationalism only). Nationalism is inscribed in the core of nation being realised in a form of nation-state, which confers status of national affiliation or citizenship, based on the principle of exclusion, of visible and invisible borders, materialised in laws and regulations or constructed in our minds. Exclusion—or at least unequal treatment and limiting access to certain goods and rights according to the citizenship of a specific

nation-state or belonging to a certain group—is the essence of the national form. Even more, the very form of nation-state creates and maintains inequalities and differences that should be defended for the sake of 'national interest'.

3. Human – citizen

As Balibar stresses, current exclusion of migrants/refugees/exiles is in core of citizenship disease. Understanding the attitude toward non-citizens is therefore a key to understanding of the citizenship.

Great equalisation between citizenship and nationality, introduced in the name of sovereignty of the modern states, therefore acts against its democratic meaning. It enables permanent stigmatisation of a foreigner *as such*—a foreigner who does not want to be 'invisible' and who's presence in a particular national territory is not merely for a concession that can be withdrawn at any time. The basic problem is that not only the national affiliation (as a cultural category), but also the citizenship (as an administrative category) emerge as an individual's essence, whose content depends on state and time of birth; 'wrong' nationality or citizenship and passport can destroy many lives. After all, despite the fact that each state is a mixture of different peoples, religious, cultural, linguistic, political and other relationships, it still functions only as 'community of citizens/nationals'.

This leads to differentiation between universal human rights and social, economic, cultural, i.e. political rights in a state. On one hand, we have universal human rights defined by 'transnational' Universal Declaration of Human Rights (1948)—the successor of famous Declaration of the Rights of Man and of the Citizen (1789)—, and on the other hand limitation of it by the sovereign nation-state, as the Declaration is not an obligatory document. Contemporary concept of citizenship—that operates through institutions of sovereign nation-state that are in function of managing universal by subordinating subjects—therefore goes together with an extensive system of social exclusion, appearing as normalisation and socialisation of anthropological differences. In that way, universal human rights that include rights to education, work, health and social protection, political expression and so forth are strictly tied to national affiliation/citizenship. Universal human rights (as for instance the right to emigrate and immigrate or right of free movement), valid for all and always on a declarative level, are in fact always profiled through particular national belonging and legislation.

As humankind since French revolution onward assumes an image of 'family of nations', the image of a human being is—as consequence of that—not an individual, but rather projected image of nation; for that reason, the impossibility of realisation of 'universality' of human rights is radically revealed exactly in the cases of persons who do not have status of citizen of a sovereign (national) state, or, who have lost support and protection of their governments. As shown by Hannah Arendt, the paradox and difficulty of this concept lies in the fact that the loss of all human rights matches the very moment when a person becomes 'just' a human being, without any other political and social attributes (Arendt, 1978: 383). The loss of citizenship's rights *de facto* means the loss of human rights: 'Human rights, supposedly indefeasible, stand out as unfeasible (also in states with constitutions based on them) in all cases of appearance of people who were not citizens of any sovereign state' (373). A refugee, a migrant or a person without citizenship, the one who should be a subject of human rights *par excellence* (Agamben's *homo sacer*)[5], as they are the only ones left to refer to, in fact discloses radical crisis of that term. As stressed by Arendt, such person has no place in the

world to be, as being erased from the order of politics is as being erased from the norm of humanity.[6]

The same principle is currently applied in cases of migrants, asylum seekers, refugees (officially called 'illegal migrants') and *sans-papiers*; in Slovenia, for instance, the erased residents, who has been living without any official records for almost twenty years.[7] They are subjects of human rights, not citizen's rights. Immigrants, asylum and job seekers and *sans-papiers* are on position where citizenship and nationality diverge. The natural 'bare life' therefore appears as incompatible with legal order of nation-state: the people without state or citizenship are the people without existence.

That condition, as shown by Balibar, is the result of colonial heritage: the colonial subject is a 'citizen by birth', whilst immigrant worker is not (there is a significant word for immigrant in the Anglo-American vocabulary: *alien*); although more or less integrated in society and partly included in its system of rights and obligations, one can hardly get out from the minority status. In return for getting a job she/he can enjoy training and protection, being therefore *similar* to citizen, but just under condition of respecting provisions of 'contract' that can never be specified by her/himself, which is especially visible when it goes for issues of naturalisation or the residents right (cf. Balibar, 2007: 59). So today we are facing the process of 're-colonisation of social conditions' (ibid.) that started in the 1980's as a consequence of economic globalisation and new inequality, both on a local (national) and global level. For that transnational phenomenon of 'racism without races' Balibar introduces the term 'meta-racism' or 'neo-racism' (1991a: 17). It is characterised by two features: the first is that the place of race or biological heredity has been taken by the terms ethnicity, culture and invincibility of cultural differences; the second characteristic of that discourse is the transition from the notion of colonialism to the notion of immigration.

The first feature shows in its best in ways that nationalism—in its official, state-, institutional usage—transforms basic principles of racism into modern notions, attributing to them new ethnical or cultural verbal designations. The notion 'anti-Judaism', used to indicate a general genealogical exclusion based on 'blood purity', is in that sense modified into the opposition between cultures. Lately, the term 'immigration' primary denotes people who are coming from disrupted states and nations, or, people whose nationality (in postcolonial time) is not pure and clear (new 'dangerous class'). It is similar with the word 'immigrant' that almost certainly denotes somebody who originates from the East or the South, but definitely not from the West. Crucial generic preoccupation of racism, the obsession with the purity of blood, is therefore changed into defence against mixing of ('higher' and 'lower') cultures. Thus immigrants are not supposed to be unwelcome because of belonging to other races, but because of belonging to other (and in particular different) cultures. On the first sight, these cultures in neoliberal discourse are not inferior, but irreducible different ('different than ours'), which actually means less worthy (inferior). In such way the concept of culture acts as a mask or euphemism for the race, whilst racist arguments are hidden behind 'anthropological-cultural' (ibid.: 25) beliefs that it is all 'only' about dangers of abolition of borders and incompatibility of life styles and traditions.

The second feature is evident from the inverted process of movement in the age of 'decolonisation'. Whereas the colonial situation was generative social-historical context of the classical racism, the context of the new racism is an immigrant situation, or, 'functioning of the category of immigration as a surrogate for the category of race, and as a decomposer of

"class awareness"' (ibid.: 26). In this way migrant workers are targets of xenophobic and discriminatory violence, where the racist stereotypes play the key role. Racism is generically targeting populations of 'immigrated workers' and 'refugees', especially those from the South and the East, being excused by a sort of defence reaction of 'threatened national identity' and social security.[8]

Consequently, as stressed by Balibar, we can only achieve the practical, true humanism, if we conceptualise it as an effective antiracism. That particularly means endeavouring for trans-nationalistic politics of citizenship (anti-nationalistic ones). We need 'not supranational, but beyond-national viewing angle, a "distant view"—that is, however, within the historical movement—through which we can overcome mirror games with nationalism' (2004: 380).

4. Citizenship in the making

I believe, according to Arendt (1978), that the concept of citizenship have to be rethought as an operation in the public sphere, as *vita activa*: the citizenship refers to thinking and acting as public, not a private concern; it means acting sensitive to the world, and responsibility for future generations who will inherit its condition. In that sense the practising of the citizenship is not a private activity of maximising of happiness (already forced by the (neo)liberal principle), but an engagement based on concern for all. Ethics of citizenship therefore requires common answers to common matters, arising from sameness (alikeness) and not otherness (differences) between individuals.

As Balibar claims, to construct 'the citizenship in the world' means to enable rights and act in the world as a political community. It means to invent the concept of citizenship wherein the modes of belonging are founded on the development of it, not vice versa (Balibars's concepts *droit de cité* and 'constitution of citizenship' (*politeia*)) (cf. 2007: 66). More precisely, that means liberated, expanded right to enter and stay, also right to work, education, political engagement and so forth, in any state; i.e. the right to equal political rights for all inhabitants, regardless of their nationality, on a local, national and community level. However, Balibar stresses, that it is not about the (neo)liberal principle of 'free choice', but about the true widening and respecting of human rights, that requires actual equalising of rights of all inhabitants co-living in certain state (community), and therefore constitutes a genuine ethical request for radical political equality. The request for obtaining actual rights on local, national and post-national level, emerging in a process of people's cooperation in identifying, defining and implementing those rights, is getting an emancipatory content and potential 'the absence of which means state as a merely ideological construct, cut off from the society and captured in its own abstractness' (ibid.: 67). Such de-substantialisation of citizenship announces that the citizenship is a process, practice, activity of a citizen—not a concluded form. It is always in progress, dependent on the activity of all, a set of practices that connect both poles, the attitude toward oneself and toward others (cooperation, recognition, solidarity), and so it is a process of constant inventing. (ibid.: 159)

The concept of 'democratisation of borders' (ibid.: 132-133) should be understood in the same context, as borders are—currently and more than ever before—labels for sovereignty; they are non-democratic condition of democracy that operates mainly as a security control, social segregation, non-equal access to resources for quality life, even as institutional distribution of livelihood and death and a basis for institutional violence. The demand for democratization of borders therefore means the demand for freedom of movement of all individuals, usually treated as passive objects of arbitrariness of authorities within states. For

a rich man from a rich state—a member of 'dominant nation' (ibid.: 61), not to mention members of 'international bourgeois' (ibid.)—the crossing of a border became a formality, a place of symbolic recognition of his social status; but for a poor resident of a poor state, a member of 'inferior' or criminalised nation, asylum or job seeker, the border crossing is not a right, but rather a privilege, it is not only an obstacle hard to overcome, but also a place of repeatedly colliding, across which she/he goes again and again; after all it is a place of living: an upsetting 'space-time zone, almost a habitat' (Balibar, 2004: 406).[9] However, Balibar's demand does not mean a simple cancellation or abolition of borders, as in most cases it would certainly lead to renewed 'war of all against all' in form of wild competition between economic forces, but particularly multilateral, mediated control of their operation by inhabitants; Balibar thus demands efficient 'de-fetishisation' (2007: 133) or 'de-sacralisation' (ibid.: 137) both of visible (physical) and invisible (symbolic) borders. For him democratisation of institution of border means 'using it in favour of the people and subordinate it to their collective supervision' (ibid.: 132), as 'natural borders'—the big myth of foreign policy of nation-states—does not exist and have never existed' (ibid.).

Balibar emphasizes, that we have to recognize the real concept of human rights 'as a conflictual one, as it is always refers to postulates of democracy, but at the same time puts into question its existence' (1994: 205). Consequently, it cannot be established without internal unification of concepts of rights of 'human and citizen', which is a 'radical discursive procedure that deconstructs and reconstructs the politics' (ibid.: 212). It starts by pushing the democracy to reach its limits, where it leaves the field of institutional policy (which is an initial meaning of referring to 'human nature' or 'natural law'), but only in order to immediately show that the human rights as such are not real, and have no value if not settled as unlimited political right of all to have a citizenship.

That actually means unifying of human and citizen's rights, as citizenship should be again and again identified in dialectics of conflicts and solidarity, as a responsibility and active/activist operation. Balibar also names that demand 'cosmopolitization of human rights' (2007: 137), where citizenship and society are correlated in a completely new context. Justification of exclusive right to live on a certain territory by a number of generations who used continuously live there, or, on a principle of 'the original settlement' seems as a pretty outdated solution. Balibar, in contrast, speaks about 'citizenship of borders' (ibid.). The citizenship will either become more democratic—'social' (ibid.)—or, in the long run, it will become impossible.

5. Citizen as political subject origins at the borders of identity

Understanding the concept of citizenship as an unconditional access to the fundamental equality is crucial, as it articulates the relation between individual and collective. Balibar insists that it is enough to be a human (without attributes) in order to be a citizen (a subject of politics). The struggle against the denial of citizenship is therefore the life of emancipatory politics (2004: 15–17). This concept of radical democracy

> far beyond exceeds a simple theme of "accepting the Foreign" (not to mention levels that start with inclusion and integration, but finish with assimilation). Because *everybody*, including "indigenous", must at least symbolically pledge their citizenship's identity that was obtained or inherited from the past, and *reconstruct it in the present* along with all others: with those who currently share the same "destiny" on a strip of the Earth, regardless of where they come from, how long they at a place, and

irrespective of "legitimacy". That does not mean that the past does not exist or that it is of no use, but that it is not a heritage, that it does not provide a right of firstborn. That means that there are no "first residents" of a civic territory (Balibar, 2007: 161).

That's why the emancipatory struggle is, according to Balibar, an ultimate struggle of those who are denied citizenship. It is clear that the aim of the 'policies of immigration control' or 'migration management' is not an ending of so called illegal employment and immigration, neither of illegal labour trafficking which supplies that employment, nor the illegal conditions resulting therefrom. On the contrary, it is rather about the reproduction of illegality that indirectly justifies the urge of repressive measures. It is about producing illegality in advance to later make it the reason for existence of security apparatus that causes 'syndrome of insecurity', which affects the whole state. It is one of institutional drives of current production of racism, apartheid and maintenance of the condition where an immigrant always stays an immigrant. Consequently, the rebellions, struggles and demands for active political participation performed exactly by non-citizens themselves are, for Balibar, a paradigm of living of the emancipatory politics. That notion is confirmed by various movements[10] that demand universality of life and being through struggle for access to citizenship for all; by that they contribute to development of the notion of active citizenship, but also of activist solidarity that in the long term demonstrate surprising continuity, despite understandable fluctuations from mobilisation to hopelessness. Such thinking of citizenship is precious also in terms of encouraging the civil disobedience, which is, 'with all possible risks, a key component of citizenship that helps re-establish it during a crisis, or, when its principles are questioned' (ibid.: 67).

Emancipatory aspiration however does not happen spontaneously, but always by struggles of 'different categories' of people (individual or groups) deprived from affiliation in 'community of equal'. According to Rancière those are 'uncountable' or 'part of those who have no part' those who makes reason for the true emancipatory politics to exist.

> Politics exists when the natural order of domination is interrupted by the institution of a part of those who have no part. This institution is the whole of politics as a specific form of connection. It defines the common of the community as a political community, in other words, as divided, as based on a wrong that escapes the arithmetic of exchange and reparation. Beyond this set-up there is no politics. There is only the order of domination or the disorder of revolt. (Rancière, 2005: 27)

The impossible request of the 'uncountable' for the equality provokes the 'scandal of democracy'. By appropriating a part of the common, the 'part of those who have no part' discloses the scandalous fact that politics is based exactly on absence of any *arche*. The 'scandal of democracy' is precisely in the proclamation that it cannot be anything else than the absence of every reign. Such power is thus the political power, indicating the power of those who have no natural, self-evident justification to govern, over those who have no natural, self-evident justification to be governed. Governance of the best, the wisest ones, has no bigger importance and is not any fairer unless it is a governance of equals. 'Democracy in particular means anarchical "governance" based on nothing but the absence of anyone who would be governed' (ibid.: 41). Politics, as an assumption of equality of whoever with whomever, establishes as a declaration of 'possibility of impossible' and as negation of self-

evidence of legitimisation of 'governors of the only possible' (ibid.: 151). Politics of emancipation is, considerably, the re-politicisation of the part which is at the source of every wrong calculation: of those who are otherwise included into a community, although, precisely because they do not have any quality, they do not form any sub-multitude, but are only bare, 'whoever' singularities.

In our attempt to re-invent the citizenship we must, therefore, critically re-think the question of constitution of the subject as political subject that goes along with constitution of the community as political community. In the time of the crisis of the nation-state the question is not only that

> of *which community* should be instituted as a priority and form the overall horizon of citizenship but that of knowing *what the speculative concept of community means* and how we should understand it (Balibar, 2007: 85).

If we try to snatch from the identitarian terror that determines which identities are more and which are less important (minorities that reinforce majority, foreigners who confirm natives, non-citizens who verifies citizens, 'they' who consolidate 'us' …), we need to defend the constructing of the community not founded as an identitarian one—based on a nation as a dominant and exclusive identity—, but as a political one, hence assuming radical equality of whoever with whomever, where the identities are understood as multilayered, changeable, and ambiguous. The only possible community that is based on radical equality is therefore a community co-constructed by singularities who are not referencing to an identity, i.e. 'whoever' generic singularities deducted form any identity, any belonging to a community.

As outstandingly stressed by Rancière, the true political subjectivization, or, emancipation emerges not in a process of identification and fortification of self- (national) identity, but just opposite, in a process of symbolic relativisation of it.

> Process of subjectivization is a process of disidentification or declassification. More that construction of the identity or identification it is about crossing of identities, relying on a crossing of names: names that link the name of a group or class to the name of no group or no class, a being to a nonbeing or a not-yet-being (Rancière, 1995: 67).

It is always 'an impossible identification, an identification that cannot be embodied by he or she who utters it' (ibid.). At the same time, this is not to say that we stop being what we are, but we establish a certain distance from the signifiers that adhere to us or that are attributed to us; we develop an awareness that all identities are always transferable, changeable and ambiguous. That they are just a construct of a specific identification. Only then, when we have freed ourselves from all identity or identification restraints, can we become aware of the equality of anyone and everyone. A political subject, therefore, can only begin to exist within the split between two identities: the one we renounce and the one we symbolically appropriate. What is crucial is that neither of the two is completely 'ours'.

Thus we should build a community not committed to the question of acceptation, tolerance, and integration of non-citizens dependent on respective arbitrary good will of 'natives', but to constructing of political community as non-segregational community 'for all' or 'whoever'. In that way, not only a self-identity, particular community, and belonging/affiliation to it is being

problematised and relativized, but also *any* difference, specificness, and otherness, opening a space for 'whoever', i.e. potentially for all. That sameness breaks the communitarian, identitarian, juridical, and humanitarian logic. In that case we have to understand that the status of citizen has no political meaning nor moral sense, if it does not apply equally to all.

References

Agamben, Giorgio *1995* (1998): *Homo Sacer: Sovereign Power and Bare Life*, Stanford University Press, Stanford

Althusser, Louis and Étienne Balibar *1968* (2009): *Reading Capital*, Verso, London

Anderson, Benedict *1983* (1991): *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, Verso, London

Arendt, Hannah *1951* (1978): *The Origins of Totalitarianism*, Harcourt Brace and Co., New York

Arendt, Hannah. 1958 (1998): The human condition, The University of Chicago Press, Chicago, London

Badiou, Alain *1992* (2006): *Pogoji*, Založba ZRC, ZRC SAZU, Ljubljana

Badiou, Alain *2008* (2010): *The Communist Hypothesis*, Verso, London

Balibar, Étienne (1991): 'Citizen Subject' in *Who Comes After the Subject?*, ed. Jean-Luc Nancy, Routledge, New York, London (pp. 33–57)

Balibar, Étienne and Immanuel Wallerstein *1988* (1991a): *Race, Nation, Class: Ambiguous Identities*, Verso, London

Balibar, Étienne (1994): *Masses, Classes, Ideas: Studies on Politics and Philosophy Before and After Marx*, Routledge, New York, London

Balibar, Étienne (1995): 'Culture and Identity (Working Notes)' in *Identity in Question*, ed. John Rajchman, Routledge, New York, London (pp. 173–199)

Balibar, Étienne *2001* (2007): *Mi, državljani Evrope?: meje, država, ljudstvo/ We, the People of Europe? : Borders, state, peoplehood*, Založba Sophia, Ljubljana

Balibar, Étienne (2004): 'Is a Philosophy of Human Civic Rights Possible? New Reflections on Equaliberty', in The South Atlantic Quarterly CIII/2-3 (pp. 311–322)

Marshall, Thomas Humphrey. *Citizenship and Social Class: And Other Essays*. Cambridge: University Press, 1950.

Mezzadra, Sandro (2004): 'Državljanstvo v gibanju/ 'Citizenship in the Motion' in Časopis za kritiko znanosti, domišljijo in novo antropologijo, XXXII/217-218 (pp. 59–66)

Mezzadra, Sandro (2008): 'Border as Method, or the Multiplication of Labor', European Institute for Progressive Cultural Policies, Accessible at: http://eipcp.net/transversal/0608/mezzadraneilson/en (15. 9. 2012)

Rancière, Jacques (1995): 'Politics, Identification and Subjectivization' in Identity in Question, ed. John Rajhcman, Routledge, New York, London (pp. 63–73)

Rancière, Jacques (2004): »Demokracija kot nujen škandal«, v Maska XIX/86-87 (str. 46-51), Maska, Ljubljana

Rancière, Jacques (2004a): 'Who is the Subject of the Rights of Man?', in South Atlantic Quarterly CIII/2-3 (pp. 297–310)

Rancière, Jacques *1995* (2005): *Nerazumevanje*, Založba ZRC, ZRC SAZU, Ljubljana

Zdravković, Lana (2009): 'Paradoks koncepta človekovih pravic in boj zoper odrekanja državljanstva kot življenjske emancipacijske politike: primer Izbrisanih prebivalcev Slovenije'/ 'The Paradox of the Concepts of Human Rights and the Struggle against Citizenship Rejection as Life Emancipatory Politics: the Case of the Erased Inhabitants of Slovenia', in Časopis za kritiko znanosti, domišljijo in novo antropologijo, XXXVII/235-236 (pp. 289–294)

Zdravković, Lana (2010): The Struggle against the Denial of Citizenship as a Paradigm of Emancipatory Politics, in *The scars of the erasure: a contribution to the critical understanding of the erasure of people from the register of permanent residents of the Republic of Slovenia*, Peace Institute, Ljubljana (pp. 257–277)

Zdravković, Lana (2010a): 'Emancipatory Politics as a Process of Involving "Wrong" Names', in *The renaming machine*, Zavod P.A.R.A.S.I.T.E., Ljubljana (pp. 72–79)

Zdravković, Lana (2011): 'An Arche or Barbarism: the Responsibility of Being of/in the World', in Journal of visual arts practice X, 2 (pp. 113–123)

Zdravković, Lana (2014): 'Misliti nemogoče: onkraj predstavništva'/ 'To Think the Impossible: Beyond the Principle of Representation' in *Anarhizmem onkraj obstoječega*, Časopis za kritiko znanosti, domišljijo in novo antropologijo, XLII/257 (pp. 53–66)

Žižek, Slavoj (2007): *Nasilje/ Violence*, Društvo za teoretsko psihoanalizo, Analecta, Ljubljana

---

[1]   Article 20 of the Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union from 2012 states: 'Citizenship of the Union is hereby established. Every person holding the nationality of a Member State shall be a citizen of the Union. Citizenship of the Union shall be additional to and not replace national citizenship.'

2   Eurostat Report from 2014, Migration and migrant population statistics:
http://ec.europa.eu/eurostat/statistics-explained/index.php/Migration_and_migrant_population_statistics (accesed on 1. 8. 2015).

3   In that context Immanuel Wallerstein speaks about 'the construction of peoplehood', cf. Ibid., 71.

4   As highlighted by Slavoj Žižek (referring also to Balibar), the structural violence is one of the key elements of establishing of contemporary (national) state; it is legalised and normalised, being persistently hidden beyond subjective violence, which is prosecuted and criminalised. However, the subjective violence is actually always an answer to the systemic violence of the state, or: '[S]ubjective violence is only the most visible peak of the triangle that includes symbolic violence—the violence embodied in language that constructs our "house of being", as said by Heidegger—and systemic violence—often catastrophic implications of "smooth" functioning of our economic and political systems' (Žižek, 2007: 7). The subjective violence is usually presented as a sort of 'outburst', 'excess', 'deviation' from 'normal condition', but the state-based, objective violence is exactly the one that invisibly maintains that 'normal' condition. Actually, only the subjective violence makes the objective one visible, disclosing it throughout its brutality.

5   Agamben borrows the concept of *homo sacer* or 'the bare life' from Walter Benjamin, setting it as a crystallisation point of mutation of modern politics, that he understands as a continuation and radicalisation of Foucault's thesis on biopolitics. Developing the idea of a new character of sovereign power that puts itself on a position of deciding on life outside any law, Agamben borrows Carl Schmitt's idea of 'the state of exception' to describe the hidden intersection between *zoe* and *bios*, or, 'between juridical-institutional and biopolitical model of power' (Agamben, 1995: 14). He stresses that 'the development and victory of capitalism could not be possible without a discipline control implemented by new biopower, that by using appropriate technologies creates for itself, if we can use the words, "docile bodies" that it needs' (11). Entering of *zoe* in the sphere of *polis*, i.e. politicisation of 'the bare life' as such, is, for him, a decisive event of moderna, the one that marks radical transformation of politically-philosophical categories of critical thought. Consequently, *homo sacer* does not represent a simple exclusion, but a hierarchical inclusion, an inclusion through excluding.

6   Both Arendt and Agamben highlight the visibility of 'the bare life' in the field of politics, however, their conclusions are radically different. While Arendt stresses the classical opposition between public (political) and private life, Agamben emphasizes the situation of modern democracy, based on a mix of those two lives, more exactly on a reduction of *bios* to bare *zoe*. Although Arendt also sees a radical novelty in the intrusion of biological life into the political scene, she interprets it, unlike Agamben, as a sign of decadence of political living in modern democracies and not as a paradigm of the modern power based on a state of exception. In that sense Arendt puts the idea of democracy opposite to totalitarianism, while Agamben supposes 'an inner solidarity between democracy and totalitarianism' (19).

7   The erased residents of the Republic of Slovenia (the Erased) are the individuals who used to be citizens of the former common state of Yugoslavia that Slovenia used to be a part of, and at the same time of one of Yugoslavia's six republics, and who, for various subjective or objective reasons, did not apply for citizenship of the new state of Slovenia in 1991, on the basis of the new Act on Citizenship; or, they were refused after applying for it. These individuals consequently became subjects of the Act on Foreigners. The problem occurred when the Ministry of Interior—on its own initiative, without relevant legal basis, over the night and without any notice or warning—erased from the Registry of Permanent Residents (on 26th February 1992) individuals *who already had legally confirmed status of permanent residence* in Slovenia, even though they could not or did not want to ask for the *citizenship* of a newborn state. In short, as they did not ask for or did not obtain the citizenship of the new state of Slovenia, they were (also) deprived of the status of the permanent residence. By that act, more than 25600 persons (more than 1% of Slovenia's population in that time) lost the legal foundation of existence, as they were robbed of all the rights related to the status of permanent residence (work permit, social rights, health insurance, the right to housing etc.). Their documents, regardless of the expiration date, became invalid and in majority of cases destroyed, most often at the local administrative units, mostly by fraud: they were invited to come to solve certain issue or they had to show their personal identity document for whatever reason—it would be then taken away and perforated. Some never get any explanation about the act, while some were re-directed to the Immigration Office to arrange the status of foreigner. But for numerous Erased getting even that status was virtually impossible, as, in order to get it, they needed certain documents

from their 'home countries'; this was often non manageable due to the war conditions of that time in the area of ex-Yugoslavia. Even though the Constitution Court of Slovenia issued two decisions (in 1993 and 2003) where it clearly stated that the erasure was not in accordance with the Constitution, the legislative changes that regulate status of the Erased finally emerged in 2010; as they are restrictive, they are subject of criticism of many, at the first place of the Erased themselves; they do not return rights systematically and automatically, thus in the same manner as they were taken. Eleven Erased, with the help of activists, wrote lawsuit against the Republic of Slovenia to the European Court of Human Rights; after six years, the Court finally identified violations of the European Convention on Human Rights. During that time one of the complainants died, while the Court found violations of right in cases of only six of the ten remaining complainants. Slovenian authorities (both 'left' and 'right' oriented) have been continuously (and successfully) justifying the erasure by the hate speech and incitement to hatred and paranoia (authorities were talking about invaders, criminals and speculative opportunists, and at the same did not want to serve with the data on social structure of the Erased, i.e. sex, education, profession, criminal record, family status and so forth). There are a number of compelling publications on the subject of erasure, for instance: Jasminka Dedić, Vlasta Jalušič and Jelka Zorn, *The Erased: Organised Innocence and the Politics of Exclusion*, Peace Institute, Ljubljana, 2003; Neža Kogovšek, Jelka Zorn, Sara Pistotnik, Uršula Lipovec Čebron, Veronika Bajt, Brankica Petković and Lana Zdravković, *The Scars of the Erasure*, Peace Institute, Ljubljana, 2010; 'Once Upon an Erasure: From Citizens to Illegal Residents in the Republic of Slovenia', Časopis za kritiko znanosti, domišljijo in novo antropologijo, XXXVI/228, Študentska založba, Ljubljana, 2007; *Stories of the Erased*, ed. by Uršula Lipovec Čebron and Jelka Zorn, Sanje, Ljubljana, 2011.

[8]   If not before, today (in the middle of massive hysteria due to the migrants/refugees in the UK, France, Italy, Hungary, Greece and other countries of the EU, that overlooks the 'migration crisis' selfishly concentrating only on its own interest) we can certainly claim that the migrants are Jews of the 21st century; we can only hope that in that case the 'final solution' will not be used. However, the EU is increasingly strengthens its other name Fortress Europe, declaring the total war to migrants. Since 2004, it maintains the system of surveillance, watch, and protection of its external borders before unwanted newcomers: system Frontex (headquarters in Warsaw, Poland) with slightly less than 90 million Euro of budget in 2014. In 2013, an additional system Eurosur (European surveillance) has been established in order to control external borders by the newest technological means: drones, satellites, ships, helicopters; with the budget of 144 billion Euro till 2020. WikiLeaks has recently announced that the EU has verified two documents (on 18th May 2015) planning a military intervention against vessels on the way from Libya to Italy. The plan has been formally approved by representatives of all the 28 member states, to provide military interventions to destroy migrant/refugee transporting boats, preventing them to reach Europe. The plan of openly violent fight against migrants is masked with the fight against organised criminal, thus disclosing the extreme hypocrisy of the EU, as one of the reasons for migrants to decide to go to such dangerous trips (having in mind that can even die) is that the EU does not allow a secure and legal approach to the European territory, where asylum can be requested. Migrants/refugees who have no other options can therefore reach Europe almost only by the help of organised criminal.

[9]   The position of migrants, as exposed by Sandro Mezzadra, is a privileged observation point that allows researching of a tendency to selective breakdown of citizenship typologies; he claims that we are facing real war with a huge number of victims. According to the organisation Fortress Europe, more than 20.000 persons (mostly from Africa and Asia) has died trying to cross borders since 1988 till today, in the year 2014 alone around 4.000 persons (numbers are not precise, as they are not systematically monitored): some of them drowned in the Mediterranean Sea, others suffocated, froze to death, or died of starvation and dehydration, hidden in trucks, or, killed by border polices. So called illegal migrants from so called third countries are, if the succeed to reach Europe, subjects of special regime of limiting personal freedom without doing any crime; they are closed in detention centres, usually not much different from common prisons. Basic task of those institutions is removal of persons from a country they arrived to, and, in most cases, returning them to their so called home countries. It is a systematical and efficient constitution of inferior(ised) population, which is forced to permanently live on a border, not entirely within and not entirely outside.

[10]   The movements devoted more their attention and networking efforts to that subject in the time of global demonstrations against the governance of capitalist elites and fortifications of financial capital (IMF, World Bank, WTO), especially since Seattle 1999. Some of the key movements in this respect are *Global Project* and

Ya basta! in Italy, *No one is illegal* in various countries, *Sans-papier* in France, *Dostje!* and later *Nevidni delavci sveta* (*Invisible Workers of the World (IWW)*) in Slovenia.