

Franco Barchiesi

Citizenship as Movement. Migrations, Social Control and the Subversion of State Sovereignty.

(This is a revised version of an input delivered at the 2003 "European Social Forum", Paris)

Processes of international migration have long been analysed through the prism of mainstream academic research as determined by economic dynamics that emphasise "north-south" inequalities in ways that subsumes the subjectivity of the migrants under the explanatory power of either "push" factors linked to poverty and social decay in countries or origins, or "pull" factors related to the perceived economic opportunities in host societies. When the migrants' subjectivity is recognised, that is usually under the form of individual entrepreneurship or cross-border linkages activated as "social capital" that enforces the migrant's demand for social insertion in the country of destination. Conversely, the societies and political systems of receiving countries are never, in these views, called into question by the subjectivity of the migrants. At most, international migration is seen as a social process that tests the boundaries of social "integration" and cultural "tolerance" in rich countries.

Therefore, left movements and organisations in such countries have predominantly articulated their own responses to migration in ways primarily aimed at arguing for the elasticity and flexibility of national borders when it comes to provide socio-economic and "cultural" recognition to migrants. This view (articulated in many debates on "multiculturalism") recognises at the same time the fundamental otherness of the aliens and the objective, immutable nature of state borders and sovereignty that are called to accommodate such otherness within the rituals and collective identities of the receiving "nation". It is to be noticed how the mainstream, institutional left shares this conceptual prioritisation of the terrain of state institutionality and inherent otherness of the migrant with right-wing movements and discourses that to these very elements tend to respond with the reinforcement of borders and the definition of coercive and exclusivist mechanisms of definition of national citizenship. Both views however converge in regarding migrants as a "problem" for a concept of state sovereignty that is questioned exclusively in its capacity to "adapt" (i.e. to be more or less hospitable, to define broader or stricter migration quotas, to provide more or less cultural recognition) while maintaining a fundamentally objective and immutable meaning. In this input I would rather like to emphasize how the impact of international migrations on Western capitalist societies is

currently questioning their very capacity to define borders and regulate access to citizenship rights, to decide who are citizens and who are not, and what resources citizens can enjoy.

For much of the labour movements and parties of the European institutional Left migrants are a group of people – flows of people – who fundamentally demand more citizenship rights, more entitlements, and in debates on the future of the European Union this translates into a demand to be in one way or another included within the nascent European construction, to be recognised in the institutionalisation of the European space.

A question that can be raised in response to this approach is: do processes of international and global migrations at present demand an expanding of the existing citizenship rights on the part of existing European institutions that are supposed to grant those rights, or are migration processes social dynamics and movements that radically question and subvert the understanding of “citizenship” that institutions like the European Union are advancing? Does migrancy demand inclusion within an established juridical definition of citizenship or does it express subjectivities and needs that are fundamentally at odds with the very foundation of that juridical definition?

These questions in my view become urgent and relevant in a context marked by the emergence of a global security state characterised by repression of any form of dissent that is made akin to “terror” and by pervasive militarisation of security. These shifts dramatically question the meaning of citizenship and at the same time they emphasise and deepen the crisis of a link between citizenship and state sovereignty that has constituted a central component in the historical trajectory of the European nation-state. In particular, while that link found a translation within twentieth century liberal and social democracies in an ideology of social inclusion (i.e. state sovereignty used to expand citizenship rights) nurtured especially in the practice of the welfare states, in the current situation state sovereignty survives in the interstices of the global capitalist order on condition of becoming more exclusivist and repressive.

The fact that the exercise of state sovereignty has become increasingly militarised and based on the implementation of juridical techniques for the management of social exclusion at home and at war abroad has significantly changed the relations between the exercise of state sovereignty and access to citizenship rights by people living within state borders. The old legitimizing myth of the twentieth century capitalist democratic-representative state lied on the idea that the exercise of state sovereignty was linked to an expansion in particular of social citizenship for the national residents. The exercise of state sovereignty was linked to social citizenship in the sense that the provision of relatively decommodified social services -

such as public housing, health care, social security and so on - was also a response to working class challenges to the capitalist state through the work-society continuum. Acts of rebellion, insubordination and refusal of wage labour discipline were, in other words, linked to a grassroots demands for "commons", for a decommodified sphere of rights and resources, to be disentangled from individual's position in the labour market. Combined with state policies to promote the expansion of productive employment, the link between sovereignty and social citizenship represented the attempt on the part of state institutions to re-absorb workers' and communities' subversive demands for the commons within the ambit of wage-based entitlements and productivity deals under the pretense of expanding "social inclusion".

The past thirty years of global neo-liberalism have changed the sovereignty-citizenship nexus in ways that simultaneously delegate individual economic well-being to global market forces, increasingly commodifies what had been established as commons within social contestation at national level, and redefines the prerogatives of the state predominantly in the maintenance of mechanisms of social control that reinforce physical barriers to the movement of people while removing obstacles to the mobility of footloose financial capital. As a consequence, the purported effect of state sovereignty has changed from the extension of the borders of social inclusion towards becoming the management and the organisation in an increasingly repressive fashion of social exclusion. Social inclusion and exclusion literally become in this changed scenario two sides of the same coin, two extremes in an ideological continuum through which the nation-state defines new hierarchies for the access to social rights, with an eye to keep in a permanently vulnerable and precarious position the new multitudes that capitalist globalisation has relegated to the role of providers of cheap labour. The shift of a growing amount of resources away from the provision of social services and social welfare towards repressive functions of the state as in the police, juridical and military spheres reflects this broader reorientation.

Processes of international migration are primarily affected by these changes which, at the same time, politicise the struggles of migrants as struggles that directly question the redefinition of the mechanisms and procedures for the exercise of state sovereignty. In the specific case of the European Union, the very same security-orientated members states that are increasingly resorting to criminalisation of poverty and the police repression of social movements struggles, have tested these authoritarian methods of containment of social tensions by targeting primarily migrant populations faced in greater number with the alternative between a renewed labour discipline that reinforces their insecurity and precariousness and administrative detention with no legal protection in the dungeons of "temporary permanence centres", to use the expression employed in the Italian case.

Re-commodification and privatisation of the commons in the rising European political space means that the enjoyment of any social right comes once again to rely on having access to a job whatsoever, which for an expanding share of the active population is taking place in extremely precarious and flexible forms, with no job security, no decent wages, meagre and declining social security protections. These jobs, incidentally, are the ones where most immigrants from outside the EU are finding employment in many European countries.

Where labour discipline acquires centre stage in the juridical restructuring of rights for the majority of resident populations, in the case of immigrants this encompasses even the access to civil rights and basic personhood, which entirely come to depend on finding a job and keeping that job. In this scheme, therefore, the enjoyment of rights expires when the employment contract expires. In the Italian case that is particularly remarkably evident in the idea of the so-called *contratto di soggiorno*, or “residence contract”, which basically makes the juridical entitlement to residence-based rights dependent on the contract with which the migrant’s labour power is bought and sold. The unbreakable link between the two defined in Italy by the 2002 “Bossi-Fini” Act, but spearheaded by previous left-wing administrations, reproduces a logic that is similar to the one that had constructed “migrant labour” as a juridical-bureaucratic category in systems of “influx control” of apartheid South Africa. Also in that case, narrow residents rights in the so-called “white” urban areas were defined as essentially limited in time and dependent on African migrant workers’ capacity to find paid employment in the form of fixed-term contracts.

Increasing repressiveness in the re-imposition of wage labour discipline was in the South African case the corollary of a system that at a deeper level reflect an unsettling commonality with the economic logic of current models being adopted in the EU. In fact, in both system, “legalisation” of the migrants is necessarily a juridical status reserved to a minority lucky enough to tap the absorption capacity of receiving labour markets and fit their (usually low) skill requirements, while most of the multitudes that by migrating respond to the inequality and oppression being visited upon them by capital on a global scale are faced with permanent illegality and exclusion from juridical protection. Far from a “natural” and inherent aspect of migration flows, therefore, illegality is the direct product of a restrictive application of juridical criteria that eschews any pretension of universality of rights and make such rights dependent on the changing requirements of enterprises’ valorization, while condemning their labour force to a state of inescapable vulnerability and loss of bargaining power . It is not by accident, then, that among the most rabid proponents of anti-immigration laws and rigid quota systems in Italy are the very small-medium entrepreneurs in Northern industrial areas that are most noticeable for employing a sizeable, vulnerable, un-organised, often undocumented migrant workforce.

The question of criminalisation of migration is not just linked to the exercise of specific techniques of social control over a specific group of population. The criminalisation of migrants is becoming the normal state of affair, the ordinary way through which the state manages challenges to its borders as the last effective bastions of sovereignty. While a minority of migrants can be regularised on the basis of employment, illegalization on a mass scale remains the common minimum denominator of the experience of migrants within the unified European institutional space.

Conditions of permanent criminalisation within a state that defines its prerogatives largely in the form of repression and imposition of wage labour makes it problematic and limited to share general institutional left beliefs' that see migrants as a group of people that are simply demanding more citizenship rights within the current state and supra-state institutional framework. This understanding, moreover, eludes the fact that the current institutional framework of the EU and its member states is not designed to provide citizenship rights in ways that reflect the universalist formal elaborations that have shaped the experience of European constitutionalism in the twentieth century. Rather debates on European migration policies belie the limitations and contradictions of such universalism when it comes to demands that are not nationally-based.

Therefore the enlargement of Europe as a political-institutional space is not coincidental with the enlargement of the citizenship rights of the people who live within the underlying geographical place. A fundamental contradiction between migration processes as social processes and the idea of citizenship as a static juridical construct is at the heart of the unresolved dilemma in EU's citizenship policies. On the other hand, it is a contradiction that in my view opens up the possibility of looking at migration in a radically different way.

Migration, that is to say, becomes a real social movement whose mere existence, indeed the very action of crossing borders, implies a demand for a new generation of citizenship rights that no longer depend on the wage labour discipline, on finding and retaining a job. Migration is a social movement that defines and challenges the existing concept of rights and demands a new understanding of social rights that is clearly linked to de-commodification, the claim for new commons through which societies in receiving countries themselves can start seize back, within struggles that transcend the narrow boundaries of nation-state institutionality, what had been taken away from them in the decades of neoliberal restructuring.

The linkages between this understanding of migration and what European movements are already currently fighting for are potentially enormous because understanding migration in this way links it directly to

struggles for basic income, or for sorts of income that are enjoyed in a non-wage, de-commodified form outside the labour market for all citizens, not only for migrants.

In the expansion of a sphere of rights that is no longer dependent on the labour market and on the commodity form embodied in the contract of employment the specific struggles of the migrants carry the embryo of a new universality that challenges the increasingly discredited universalism of a liberal discourse on rights whose translation into practice is synonymous with new exclusions and selectivity.

A final question arises at this point: what if the migrants do not perceive themselves in those terms? What if the way they articulate their demands reflects predominantly a desire for greater social inclusion expressed in narrowly legalistic forms and through exclusivist, sectional forms of solidarity? This problem, however, does not emerge specifically in the context of migrants' struggles, as it has accompanied the trajectory of anti-capitalist movements and the organised working class throughout the past century. The subjectivity of the oppressed does not necessarily coincide with the forms of consciousness they elaborate, and in this regard there is not shortcut, no prescriptive recipes, no "correct" party line to advance. In the case of the migrants from non-member states in the EU, the subjectivity of significant numbers is shaped by every day expectations for a decent life that are dashed by the arbitrariness of state bureaucracies and the brutality of police forces that are often the most immediate intermediaries between them and the legal structure of the receiving state. A sense of injustice, violence and deprivation, compounded in the experience of detention centres and forced deportation, is what most usually ensues.

And yet, all this can be responded to in forms that are politically conservative, even reactionary. Narrow definitions of communities, chauvinist identities and everyday sexism are part of the ways in which communities are constructed, and they become at the same time terrains of contestation, as in the case of social movements of all kinds, and not only for migrants. The answer to the problem cannot be hypothesised in the abstract: it rather depends on whether understanding migration as a social movement vis-à-vis state sovereignty and wage labour discipline becomes a point of engagement and contestation within migrant communities themselves.