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By Camille Barbagallo & Nic Beuret

In light of Strangers into Citizens' campaign for an amnesty for 'illegals' in the UK, Camille Barbagallo & Nic Beuret consider how such an act of 'generosity' on the part of the state would also reaffirm its power as the giver – as well as denier – of rights

On 7 May 2007 several thousand 'migrants' (some with papers, some without) mobilised and took part in an ongoing campaign, coordinated in the main by religious groups and community organisations, for an amnesty for 'illegals' currently living in the UK. While rough surveys amongst the crowd showed that most people were there to support the idea of an amnesty – an amnesty without limitations – that was not the point of the rally, nor the mass held beforehand. In fact the rally was organised as part of a campaign for managed migration, made on behalf of migrants without papers by a group called Strangers into Citizens (SiC):

Strangers into Citizens is a campaign by the Citizen Organising Foundation (COF), an alliance of faith and community organizations across London and in Birmingham.[1]

To explore the question of 'organising' with and amongst people without papers, we wish to use as our departure point those 'illegals' the SiC amnesty supposedly speaks for. That is, not those people who work illegally, without national insurance numbers, those who avoid paying tax, or work in illegal industries, but those who are in the UK without visas or papers that would give them the legal right to remain. In making such a distinction, we are not claiming that the work they do or their 'illegality' is essentially different to other people who labour and/or live illegally; rather we believe that there exists a continuum along which labour and life enter into a problematic with legality (or 'become illegal'). And though it would be interesting to see how much of life and labour in the UK is always already 'becoming illegal' (and concretely how people seek to 'go illegal' as a survival strategy), we will stay with those 'strangers' that SiC want to help become citizens. Both because of the specifics of the SiC campaign and because of the problematic posed by migrants without papers. We also need to be clear that there is no singular migrant subjectivity or category: the migrant is defined at best as a particular kind of 'temporary' subjectivity or social relation – temporary, even if it lasts for a lifetime, because of its transitory nature. Positing and organising migrants as though they were homogeneous or in possession of a singular subjectivity with specifically 'migrant' characteristics is in many ways the first step to policing and controlling them.

We believe that those who have been here for four or more years should be admitted to a two-year pathway to full legal rights ('leave to remain') during which they work legally and demonstrate their contribution to UK economy and society.

Regularization will help to expose these undesirables, enabling authorities to concentrate resources on removing them – and not the honest, hard-working people who are making Britain great.[2]

What is important here is not the glaring contradiction between a faith based group effectively asking of their object of charity ‘what’s in it for us’ (as if charity was ever anything other than self-serving) or the vile nationalism of church-led nation building. It is important rather to focus on the struggle such a discourse obscures. On the one hand state and capital attempt to organise a body of people to both profit from them and to reproduce capital and the nation through them. On the other hand, that same body of people struggle for access to institutions, social wealth and the potential to live ‘free’ from certain kinds of arbitrary violence (whether it be the violence of the state or capital). Here we need to focus on the discourse of rights and citizenship, their interrelation and limits, and how, in reality, the SiC’s proposal for amnesty is not so far from the UN ‘ideal’ of a fully implemented and binding international charter on human rights.

[IMAGE]

Image: Lee Galpin, *Home Counties*

Amnesties, Citizens & the People

The conception of human rights based upon the assumed existence of a human being as such, broke down at the very moment when those who professed to believe in it were for the first time confronted with people who had indeed lost all other qualities and specific relationships – except that they were still human. The world found nothing sacred in the abstract nakedness of the human being.[3]

One grants rights – just like one welcomes strangers. It’s a gift that can’t be reciprocated – a gesture of power, of ownership and an assertion of the primary right. I have the right to give you rights, to grant you asylum, to welcome you into ‘my’ territory and all on my terms. It is a gift that one must be grateful for, but not one that was necessarily asked for. That one has to have arrived first is a matter of course for the most part (though not always). One arrives, and then applies for a visa, asylum, etc. The process of welcoming or granting reverses this moment, re-inscribes the primacy of the state and/or ‘native’ citizen with relation to the stranger without papers or rights, erasing the fact that the ‘stranger’ arrived without asking permission, and stayed without leave. Which, of course, is exactly the problem: the arrival and claim without prior permission or ‘right’ threatens the entire system, puts it into jeopardy. They are an ‘invading horde’ until they have been realised as victims or ‘good-intentioned hard-working people’ not too dissimilar from us (though not the same of course, so we have to be ‘tolerant’). An amnesty then, is an attempt to neutralise a threat – the threat of those without a specific status who usurp the primacy of the state and its native population.

The assertion of primacy posits a body of people that exist with certain rights with regards to each other and the territory they inhabit: the citizenry and their rights. The SiC amnesty not only manages migrant bodies insofar as it orders them as bodies and manages their unruly moment of uninvited and unmanaged movement – it also reproduces the citizen and the native. It reproduces ‘the people’. We the ‘British’, as good fair people who have a tradition of generosity and fairness, who are not only capable of granting these poor people amnesty but welcoming them into our society, as long as they

subscribe to our values. This is the discourse produced by the SiC amnesty. A racist discourse (in the sense of producing a race of people with values, histories, and certain ‘powers’, not to mention the assumed white skin colour...). The amnesty produces ‘the people’ as much as it homogenises the migrant – it sets up a twin moment of re/production, hinging on a notion of tolerance. Little wonder then that its corollary is a crude racism. The other is made in the same moment as ‘the native’, producing both tolerance and racism (as if they were really that distinct).

Of course, the racism produced by such moments also has a directly productive role with regards to capital. Race is one of the key differentials in the wage and labour hierarchy. Amnesties generally serve as momentary corrections to national labour markets, serving the needs of capital in a crude, safety valve kind of way. Of course it is not that illegality does not also serve the needs of capital, but it does so in a different fashion. In the economic instance, an amnesty serves to bring into the formal economy (for reasons of taxation and management) those people working outside of it. To be sure there are markets and economies that benefit significantly from illegality, but nonetheless this illegality needs to be constantly managed and when it is not necessary, the illegal must be brought into the legal. This movement back and forth, between legal and illegal is by no means a smooth space and while illegality benefits the interests of certain sections of capital, it is also worth noting it is not always the view of the state managers of the national economy that illegality is of benefit.

But amnesties are not just economic corrections. Amnesties rarely come without conditions – the SiC proposal is not unusual in that it requires that to receive papers under the amnesty one needs to fulfil certain conditions – the conditions of a limited citizenship based on the performance of the willing and worthy applicant: hard working, family orientated, etc., exactly the sort of person that could and should be accepted into the social body. It not only reproduces the people through the moment of racialised antagonism, but produces them anew from the migrant population.

[IMAGE]

Image: Lee Galpin, *Invisible Workforce*

Rights & Social Wealth

It’s no longer novel or indeed that useful to argue the obvious fact that rights and rights discourse are not something that humans as a species ‘have’, or could be said to have: they are in fact citizen’s rights, insofar as they are conventions, ethical and moral dictates, laws and legislations by a particular state for its citizens. That there has been a degree of harmonisation via such supra-governmental bodies as the UN and through the construction of an international human rights discourse enacted by humanitarian missions and NGOs, does not fundamentally detract from the point that bereft of a state and of citizenship, human rights lack an agent to assure them. Without the state’s violence, it does not make sense to speak of rights that are protected or assured.

Rights are fundamentally modes of being in relation to the nation state (and the international system of nation-states, as well as the canon of western liberal thought and the transnational organisation of governance), protected to varying degrees by that same state. One could say (following Foucault) that human rights are a milieu created by the never-resolved relation between a state and the bodies it governs in order to manage the circulation of struggles, relations and properties within it (security and

rights being both part of a biopolitical regime). That they have been internationalised does not mean they are any less localised in a particular state. And as Giorgio Agamben has shown, it is through such a production that life is inscribed in the nation-state (both judicially and through the production of a 'people' with 'rights' – and presumably 'obligations').

However, this is not to say that rights do not exist, or that they are not without use: rights are largely the result of struggle and a counter-violence against the state. The fact that they represent the re-inscription of life in the nation-state, and the management of labour and life for capital, does not mean they do not also represent real gains and victories. It is never all or nothing. There is nothing predetermined or linear about the process of decoding/recoding, de-institutionalisation/re-institutionalisation. And more importantly, while rights are a discourse of citizens and states, this does not mean that therefore rights and the discourse of rights are useless or meaningless for those who find themselves without papers or stateless. The citizen and the state are not smooth spaces: the citizen is always partial and contested, quite often by those bodies that are not even considered human, let alone members of a political community.

In the final instance, both the citizen and the state require outsides – the citizen requires the non-citizen, and the state requires the border to define it and its limits (we could also say the nation requires both the people and those that exist contrary to the spirit of the people...). The figure of the refugee, the migrant and the foreign criminal play important roles in the maintenance and re/construction of them all. There is a necessary outside. But this necessary outside must be constantly in the process of breaching the boundaries and coming inside. The maintenance of the figures and spaces of the state, nation, citizen and people are not guaranteed merely by the existence of an outside but by the constant threat of contamination and exchange. The boundaries and borders must be crossed and threatened for the categories to have meaning. This shows the deeper state-building significance of an amnesty – it is a state-led and managed moment of controlling and organising the tension and threat in a productive way for both the state and capital. An amnesty might represent a real and substantial gain for migrant communities and a limited number of individuals, but at the cost of the re-inscription of life into the state and the legitimisation of the state's role in managing the tension between, and circulation across, borders and boundaries.

The aim of the SiC campaign was for an amnesty that resulted in managed migration: however, the aim of the campaign for the participating migrants was not necessarily citizenship, but rather to gain papers that would create some certainties, access to social wealth and legal working conditions within the UK. Papers do not necessarily mean citizenship: quite often people don't want citizenship, but prefer to keep a pre-existing one. Citizenship – on paper or in the sense of a relation to the state – is always incomplete however. Part of the management of the circulation of bodies within the space of citizenship – from one end of the axis to the other – is organising the space of rights and obligations of citizens. For the state, rights and obligations are not merely means to organise the behaviour and economic performances of its population, but a means to create a particular kind of people through the production of a national milieu or discourse over what citizens do and don't do, what kinds of people belong to the state, and ultimately what this state 'is' and means with regards to forms of life. But from the point of view of the migrant, rights codify a certain kind of access to social wealth – institutional and waged. From medical care to minimum wages, they codify access (or the potential for access).

Pushing Up Against the Limits

There are obvious limits to the amnesty – more often than not it merely serves the processes of managed migration and does little to ensure stability or security for migrants. Moreover, it recreates the nation and the people and re-institutionalises the very moments of the stratification of citizenship (via race, gender, language, education, class, etc.). It is also obvious that the amnesty does little for those migrants who have no wish to be ‘visible’ for whatever reason (working in stigmatised industries, working in illegal or untaxed industries, being undesirable from the point of view of the state and capital, etc.). It needs to be noted that quite often the push for an amnesty comes after a cycle of struggles, strikes, riots and refusals and so serves as a channel towards legitimate institutional processes and procedures and away from potentially more radical and threatening modes of resistance (though it should be added that there is nothing inherently radical or progressive about riots or non-institutional political events – obviously their character depends on the forms of social organisation from which they emerge).

But the amnesty too can also produce a new set of subjects able to access social wealth and engage in the process of destabilising and contesting the existing ‘social contract’ and class relations from a stronger position of power. The re-inscription of life into the law and the reproduction of the state and capital are not without threats of their own. Perhaps one of the most powerful examples of the threatening aspect of the pursuit of rights was the slave revolts of Haiti that brought the Napoleonic regime to its knees and shook the foundations of Europe, all under the guise of the slaves’ pursuit of the ‘rights of man’.

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Footnotes

[1] <http://www.strangersintocitizens.org.uk>

[2] Ibid.

[3] Hannah Arendt, ‘The Decline of the Nation-State and the End of the Rights of Man’, in *The Origins of Totalitarianism*, New York: Harvest, 1976, 267-302.