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Introduction: subjects of citizenship

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In a peculiar paradox, citizenship has resurfaced as a central format of struggles for justice and social well-being today. That is, social and political struggles of individuals and social groups are often expressed in the form of claims on the state with reference to rights entailed in citizenship regimes. This is paradoxical because it occurs at a time when states' aspirations to sovereignty and their presumption of responsibility seem to have been abandoned to some degree. This is not to say that the state has disappeared, as so many in the 1990s predicted would happen (e.g. Strange 1996, Altvater and Mahnkopf 1997, Friedman 1999, Schmidt 1999). Rather, the state remains a central site of sovereignty, and despite the increased academic and political attention to alternative, competing or complementary sites of sovereignty (cf. Ong 2000, p. 57, Schlichte and Wilke 2000, Schlichte and Migdal 2005, p. 16, Hansen and Stepputat 2006), states have, in general, not lost out to these alternatives but have established or continued long-standing plural constellations of governing (Eckert 2004, Zürcher and Köhler 2004, von Benda-Beckmann *et al.* 2009). What has changed, however, is, first, the ideological underpinnings of this relationship between states and their citizen-subjects. The reconceptualisation of the state in terms of 'good governance', which started in the late 1990s, was followed by a refashioning of state sovereignty in the face of the institutionalisation of a global human rights regime. This was fundamentally shaped by geo-political relations that were informed by various security concerns structuring the global geographies of culpability (cf. Sundar 2004, Clarke 2009). Second, and in a dialectic relation to the changing ideological underpinnings of state/citizen relations, the balance between regulatory, productive, distributive and controlling functions is in a constant state of flux, with states advancing in some of these functions and abandoning others (Eckert *et al.* 2003, von Benda-Beckmann *et al.* 2009). Of course, at no point in history did actual states conform to a single idea of the relationship between citizens and the state, neither in practice nor in theory; differential citizenship has always been the norm (e.g. Inda 2005, Holston 2006, Nuijten and Lorenzo 2009), and the actual forms of stateness continue to be highly diverse (Schlichte and Migdal 2005, p. 16). The aspirations of high modernism for the state to take responsibility for creating some sort of commonwealth, however, have increasingly been abandoned or redistributed.

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What we are witnessing is the diminishment of state accountability, particularly in terms of the social rights of citizens. Although we have an ever expanding institutional apparatus to hold states accountable in terms of the criminal liability of individuals or groups acting in the name of the state (e.g. the International Criminal Court), ever larger fields of productive and distributive processes are removed from the political process. All over the world, under the recent conditions of globalisation, we face a proliferation of privatised and hybrid governance practices, ad hoc or institutionalised, such as the so-called public–private partnerships in which a variety of agents cooperate and which give rise to the emergence of new constellations of rules authorising and organising governance. The pluralisation of governance and the dividing up of tasks among different governing actors also have an effect on legal responsibilities. Outsourcing, sub-contracting, devolving, delegating, cooperation, competition and usurpation: the chains of command and the alliances and linkages of governance extend in capillary fashion; responsibility is dispersed and compartmentalised, if not diffused altogether. The contradictions, overlaps and gaps inherent in most plural governance constellations make it possible for governing bodies to shift responsibility from one to the other, hide behind each other or deny liability (Randeria 2007, Sidakis 2009). Thus the claims of states on some of their citizens have been 'flexibilised' (Ong 1998), whereas at the same time the possibilities of claims of citizens on their states have become fuzzy. And perhaps this very fuzziness is precisely the reason for the recent rise of citizenship claims in social and political struggles.

Against this background, we observe an increasing juridification of social and political protest worldwide. Ideas of citizenship carry not only their specific criteria of belonging and exclusion, but also their ideas of responsibility and accountability. 'Citizenship' goes along with particular imaginations of rights and duties, of what political authorities are supposed to do and what they are allowed to do. The Weberian ideal type of the modern state has become hegemonic and underlies many such images as the reference point for expectations, hopes, fears and disappointments.

The heightened awareness of the forces of globalisation and their effects on the practices of states, as well as the realisation of ideological projects such as neo-liberalism, have spurred the negotiations about what the state is and what it ought to be. More importantly, despite the hegemonic nature of states (or perhaps precisely as part of the hegemonising process), the visions of what the state ought to be are continuously negotiated through interactions between people and various authorities of governance.

The terms of the struggles over social well-being have thus been transformed. Paramount in this transformation seem to be, first, the effects of global capitalism on the remodelling of states, especially in terms of their distributive role; and second, the redefinition of citizenship through transnational legal norms. These two processes occur concomitantly, interdependently and are usually seen as two sides of the same coin. However, they stand in a more complex relationship than is apparent at first glance, often producing not mutually reinforcing but contradictory dynamics with regard to the restructuring of citizenship. We suggest that despite the enormous disparities in the particulars of different geographical, social and political locations, certain common trajectories of these contradictory dynamics can be identified. These are, first, the new connotations of membership; second, the fragmentation of legal responsibilities and the dislocation of rights into new forums and third, the rights discourse and its connection to an international moral economy and its institutions.

Thinking about citizenship

In the recent literature, we can discern three main themes in thinking about citizenship. The analysis of the workings of power in a world of states has guided attention towards the bio-politics of subjecthood. A central theme in the thinking about citizenship is thus that of the étatisation of minds and bodies (Mitchell 1999), the effect of state categories and classifications on subjectivities (e.g. Collier *et al.* 1995), the mimetic elements (Gupta and Sharma 2006) and the governmentalities articulated in citizenship (Rose 1999, Rose and Osborne 2000, Rose and Novas 2004). Second, the attention to increased mobility has spurred analyses of the new legal regimes governing membership and the exclusion from it, as well as of questions of collective identity and its construction between various collectivities. The production of concepts of membership, their legalisation and, currently, their so-called flexibilisation (Soysal 1994, Ong 1998) and renegotiation (Glick Schiller and Fouron 2001) have been the paramount themes in recent analyses of the changing nature of citizenship. Its 'flexibilisation' relates to both membership practices and the legal regimes differentiating the allocation of rights (and duties) according to criteria other than those of territoriality, such as economic profit or 'blood' (Glick Schiller 2005). The twentieth-century delineation of citizenship had been predominantly territorial (despite some pockets where the *jus sanguinis* prevailed, such as in Germany). Citizenship has always entailed aspirations to equality; in fact, citizenship was defined by equality of status, and the integration of social groups into this status meant their formal equality before the law and before the state. Of course, such formal equality was seldom realised; moreover, most states differentiated citizenship in the allocation of rights and resources. Although some of these differentiations ostensibly attempted to achieve equality through affirmative action, historically differentiations have most often added privilege to privilege (Holston 2008, in this volume). However, the territorial principle contained the aspiration to equality as embedded in the *dominant* differentiation between entitled insiders and de-privileged outsiders. As such it forced inegalitarian citizenship regimes to go to great lengths to justify their continuation, and provided in its own ideological foundations the legitimations for the struggle against various forms of inequality.

The territorial principle of citizenship was undermined by recent practices that can be subsumed under the umbrella term 'flexible citizenship' and the impact of new official legal plurality that came along with the 1990s' neo-liberal globalisation processes. By introducing new criteria of legitimate membership and refashioning state policies of the selection of wanted and unwanted citizens, these processes also eroded the aspiration to equality and legitimised new differentiations of citizenship that aim at difference rather than equality.[1]

Subjects of citizenship

A third theme in thinking about citizenship, which is in many ways the most old-fashioned one and encompasses the other two, is that of rights. In many ways, citizenship is all about rights because it is rights that were wrenched from the ruling powers when the duties levied on subjects needed to be counterbalanced (Tilly 1990). Rights in this manner entail of course both ideas of membership (who has rights to the state) and the étatisation of the understanding of one's relation to authority (which needs constitute rights and who is responsible for them). Rights are, however, in a peculiar manner also the grounds for, or rather the conceptual horizon of, specific practices and actions. In this, they direct our attention to the interpretations that occur in practices of citizenship, the translations of one's projects, needs and desires into claims on the state. The subjection to specific

categories of membership and to particular conceptions of rights and duties, thus, also creates the acting subjects who express norms and claim and negotiate responsibilities.

Although recent discussions of citizenship have focussed on changing forms of membership and on the étatisation of minds and bodies, in this collection of articles we want to take the rights focus on citizenship further. We feel that it is at the heart of myriad contemporary struggles over competing visions of the 'good order'. Although these visions bear witness to the influence that existing models of state rule and existing regimes of citizenship have had on what is thought to be good and what is perceived to be possible, they also speak of the transformations that ensue when people conceptualise themselves as fundamentally equal rights-bearing persons. The struggles over citizenship which we observe, the various everyday practices of claiming one's due from the state, express an insistence on 'having rights' and are indicative of particular conceptualisations of oneself in relation to those bodies that officially govern us, of specific ideas about the responsibilities of those governing bodies and of the strong normative underpinnings of these conceptions.

What are we to make of the étatisation of claims in a situation in which the relationship between states and their subjects/citizens is being reconfigured in the ways sketched out above, made fuzzy and 'illegible' to use Veena Das' term (2004), but at the same time is being made subject to the everyday acts of citizenship which try to define that relationship in a particular manner? How precisely are the relations of states and citizens reconfigured within these negotiations? How does the 'format' of citizenship affect the struggles for social justice in their aims and means, their scope and their subject? In all practices of citizenship contending images of the world are implied. Interactions between citizens and state bodies are shaped by expectations grounded in past experience, by the myths and rumours (Hansen and Stepputat 2006, p. 296) about the state as well as by normative assumptions about what ought to be and how governing authority ought to conduct its rule. Normative and experience-based expectations often run counter to each other. The experience of the state and the vision of the world constituted in one's very experience of it will be shaped by one's position within it (Bourdieu 1985, p. 728, Corbridge *et al.* 2005, cf. Gupta and Sharma 2006, p. 280). The normative image of what the state ought to be might accord with hegemonic ideologies; however, it is often also informed by the models of authority 'known' in other ways, relating to alternative normative orders, be they from another historical time (e.g. socialism or some idea of a golden age of order, peace and affluence), another political space (e.g. a neighbouring, more democratic country or one more responsive to its citizens' needs) or another moral background (e.g. customary norms of regulating authority). These normative expectations structure the experience of the operation of the state towards its citizens.

We should, therefore, think about two images of the state which shape the practices that make it: the image that is made by experience and that which defines how the state ought to be. Thus the norms are both in the sense of the 'normal', the way things are perceived to be and in the sense of what is 'good', how things should be. What is interesting about the relationship between the image and the factual experience of the state are the practices that result from the perception of their difference and from the tension experienced by all agents between their empirical and their normative images of the world. These shape strategies and action. Our approach to citizenship thus addresses the dynamics that are born from the tensions between state idea and state practices. We pay particular attention to the practices, strategies and tactics that relate to this tension and the structuring processes that such responses produce (Schlichte and Migdal 2005, p. 19).

Attention to the practices of citizenship leads us to explore interactions in which subjects constitute themselves as citizens. Such 'acts of citizenship' (Isin and Nielsen

2008) are 'committed' not only in the extraordinary (as is implied by Isin 2008); they are, although thoroughly social in their ways of understanding, not found only in the collective action of social movements (Thompson and Tapscott 2010). We contend that they are committed and expressed, as Veena Das stresses in her contribution to this special issue, in the everyday forms of life. Das asserts that you do not 'have' rights or 'not have' them, but rather that rights wax and wane as they are continuously negotiated, instantiated, practised and claimed by everyday acts of citizenship. Thus she pays particular attention to the incremental and material creation of rights through mundane state and citizen practices such as installing an electricity metre, providing water or issuing ration cards. Citizenship, although articulated not necessarily collectively, is nonetheless fundamentally social: the understanding of rights and the perception of oneself as a rights-bearing subject emerge in social relations, collectively *with* others or by comparison *to* others, and by recognising the similarities in forms of subjection and in the needs of life.

The attention to the subject aspects of citizenship raises several questions that the articles in this issue explore. First is the question of how people come to imagine themselves as legal persons and what exactly this means to them. As noted above, Veena Das explores the ways in which persons are created as legal subjects by the minute administrative practices and classifications of everyday urban life. She demonstrates how concepts of life, both biological and political, bind the state (agents) and citizens to each other. In contrast to Agamben's notion of 'the state of exception', for Das the 'exception' is the space wherein new rules are created, not that in which the rules are set solely by the sovereign or no rules are valid. Rules in her conceptualisation are convincingly shown to be fundamentally social and negotiated. Rules relate to life, and to a social conceptualisation of life that is the ground for the negotiation between the state and citizens.

Like Veena Das, James Holston shows how insurgent conceptualisations of citizenship emerged in the everyday struggles of making a home, building a house and of living in the city. The immediate needs of marginalised urban residents gave rise first to claims to urban rights and subsequently to a new understanding of residents as rights-bearing persons and to a more expansive idea of citizenship. Housing is the base for a minimum of dignity, reminiscent of the idea of 'life' in Veena Das' contribution (cf. Baghdasaryan's article in this issue). Connected to the urban origin of people's self-understanding as rights-bearing persons is a transformation of the grounds for rights: 'contributor rights' is what Holston calls that particular legitimation of claims based on the labour and consumption of everyday existence that creates the city in all its circumstance. Contributor rights are grounded in the awareness of having built and continuing to make with one's own labour what is now the city. These legitimations are not mere justifications. They indicate a fundamental transformation of one's own status from a person who might be granted rights as a favour to someone who has the right to have rights, a transformation, in Holston's words, from special treatment rights to a more generalised and egalitarian notion of rights.

These cases address a number of central questions. What legitimations for claims to citizenship undergird these struggles? Where do the models for such notions of citizenship come from? What is the social and historical context of the legitimation for the claims of people? Historical experiences form the ideas of one's rights in a body politic, and the visions of the commonwealth that underlie them. Rarely is it mere formal membership that people refer to when assuming rights towards a state? Rather, in all the negotiations, practices and struggles observed in the cases gathered in this volume, we see different grounds of legitimation at play and different ways of reasoning as to why one is owed rights by the state. As mentioned above, James Holston shows the fundamental

transformation from special treatment rights to an idea of contributor rights (aided by references to text-based rights, i.e. law) that emerged among urban Brazilians working their urban existence. Florian Mühlfried points to notions of loyalty which constitute citizen's understanding of reciprocity with the state. He explores the engagement of Tushetians with the Georgian state in different historical phases and emphasises the identification of Tushetians with the state and their various attempts to act in the name of the state or, as he puts it, to act 'as a state'. However, he argues that the active Tushetian commitment to 'manage' the border of the Georgian state led to diminishing entitlements for the Tushetians, their expectations and ideas of their Georgian citizenship being undermined by the political strategies of various ruling bodies.

Zerrin Özlem Biner shows how Turkish Assyrian–Syriac Christians' historical experience of mass atrocity (*Seyfo*) has become the grounds for claims – but only when other contexts are invoked for comparative purposes. This involves the comparison of the laws and regulations of various nation-states in which Assyrian–Syriacs are migrant minority communities with those of Turkey. Assyrian–Syriacs, furthermore, compare their own experience of state violence with that of their neighbours, the Turkish Kurds. Comparison of legal systems, as well as of oneself with another group deemed to be somehow comparable, is then central to opening up new self-understandings and directing new strategies of action and aspirations to justice. Again, the inextricably social character of citizenship – despite its individualistic conceptualisation – becomes evident here as in other contributions.

Formal citizenship as a ground for rights is of a severely ambiguous nature, as is apparent in Heike Drohtbohm's case. The Cape Verdeans she describes are subjected to the alienness of the place of their legal belonging, Cape Verde, when deported from their place of social belonging, the USA. The constitution of a sense of citizenship in the experience of belonging to a 'society' rather than a state relates to Veena Das' suggestion that 'life' is living in a community; citizenship is not an individual relationship of one person to the state. On the other hand it highlights the contradictions and tensions between the communitarian grounds of citizenship and the legal constructions of it. Formal legal citizenship and social belonging are not entirely disconnected, as also becomes apparent in Drohtbohm's article: exclusion from US citizenship is accompanied by forced exclusion (and expulsion) from society. Juridical belonging does not necessarily lead to social belonging, but social belonging is made impossible if juridical belonging is lacking. For the Cape Verdean deportees, 'corridors of abandonment' open up in the gaps between the two aspects of citizenship in which these people move towards the status of denizens.

People thus might refer to their labour, their suffering, their traditions or a fundamental notion of life and survival when they claim certain dues. Drohtbohm recounts how the Cape Verdean citizens deported from the USA justified their claims to membership in US society: 'I have also been working, I am a tax payer, I still have my bank account over there.' This reminds us of the material creation of rights that Veena Das refers to and which Drohtbohm, citing Yngvesson and Bibler Coutin (2006), calls the 'materialisation of existence'.[2] This materiality of existence and the rights assumed thereby is also detectable in a different, seemingly more existential vein, in Brian Donahoe's and Nandini Sundar's cases in which this materiality relates to land. It points further to the materiality of life and its intricate connection to rights that come out in many contributions as fundamental to citizenship. Most explicitly we see this connection between the materiality of life and rights in James Holston's analysis of the labour invested in making an urban existence that lays at the base of the transformation of urban residents' understandings of themselves as rights-bearing persons, and in Veena Das' exploration of the minute

everyday productions of rights in the interaction between state agents and residents of urban slums.

But the question arises: what claims do these notions of citizenship in turn preclude and exclude? This refers to both the possible exclusions that alternative visions of entitlement and rights entail and the ways these visions are restricted by existing regimes of citizenship. New exclusions might more often than not be part of these transformations, with people suggesting criteria of entitlement which privilege them against others, as is evident in Holston's ethnographic examples. Brian Donahoe, on the other hand, shows the possibly limiting nature of rule-setting in his example of the rights of the Soiot, an officially recognised indigenous group in the Russian Federation. Here, the question of how people come to understand themselves as rights-bearing persons demonstrates the essentialising character of particular rights regimes. Donahoe shows how the history of Russian and Soviet classifications and understandings of citizenship was highly differentiated, entangled in a hierarchy of state-defined markers of identity that privileged ethnic affiliation. The negotiations through which the Soiot try to secure their rights to land lead to their 'incarceration' in a subject position of indigeneity. The very creation of such subject positions within these negotiations and within the process of becoming rights-bearing citizens leads Donahoe to conclude that in this case people inadvertently relinquish their citizenship for a status as indigenous subjects.

In a similar vein, Nandini Sundar's contribution illustrates how law structures the range of possibilities of claims making by creating the classifications and categories by which people come to understand themselves as legal persons. Sundar shows the direct line from the colonial conception of the rule of law, with its vision of an 'eminent domain' and the greater common good, to current conceptions of public purpose. She concedes that 'subalterns are bound by state categories', and that 'insisting on historical claims and particular identities is the only recourse people have in the face of systems which disenfranchise them'. Sundar explores how existing laws shape ideas of citizenship and structure the strategies that lead to the articulation of one or the other idea of entitlement. She also, however, examines the alternatives within a particular legal system, all of which come with their costs but also provide room to manoeuvre. The historical and cultural framing of understandings of citizenship must thus be seen in a context of legal pluralism: those rights and laws that are particularly central to specific ways of being full citizens might derive from alternative legal orders and might influence the way in which operative law is used and interpreted.

Thus, law matters. Law makes a difference, and not only in illegalising people, as in Drohtbohm's case, in which formal legal status overrides all other forms of belonging. Particularly in Sundar's and Das' papers, law is also shown to provide possibilities by its very content – but only if the content is there. In both Indian cases, as well as in Brazil, the constitution plays an important role in this regard. In the case described by Biner, the availability of EU law formed the political horizon of citizenship struggles within Turkey.

But law matters also in another, paradoxical manner. It is particularly the experience of the constant violation of the law that gives birth to citizenship struggles, as becomes evident in several papers, particularly in the cases described by Sundar. Thus law matters even when violated by those in power; it is the grounds upon which to name the violation and the alternative.

This brings us to the final questions. How are these struggles over citizenship transformative of given regimes of citizenship? In what way and to what degree do people in these struggles manage to appropriate the power of definition? Holston suggests that 'insurgent citizenship' overcomes the formulation of rights as privilege and duty as favour

that are entailed in special-treatment regimes of citizenship by reconceptualising the grounds for claims and locating them in one's own contributions to the city (and the world). Nandini Sundar suggests that it is in these citizenship struggles that the rule of law is actually infused with substantive (rather than merely procedural) meaning, referring to the needs that 'life' entails. This points to the conceptualisation of 'life' that Veena Das refers to, contextually specific in its needs, but in its fundamental neediness in principle egalitarian and universal, that is at the base of these struggles for citizenship.

Notes

1. This has been given a further aspect in many countries by recent national security discourses. Many security practices rely on a differentiation between categorically legitimate and categorically suspect subjects, taking up the themes and constructions of membership prevalent in dominant political discourses, but transforming them from ideology into technologies of knowledge and power. Connected to the categories and classifications of security measures, a new focus on national homogeneity has re-emerged. Related to this, conceptualisations of different 'degrees of legitimate membership' in polities have gained a new salience, re-emphasising aspects of 'culture' and 'heritage'.
2. It is of course a context-specific materialisation, relating to the standards of full membership in US society: 'I have a bank account there'.

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