Beginners and equals: political subjectivity in Arendt and Rancière

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This article explores the idea of political subjectivity in Hannah Arendt and Jacques Rancière, both of whom I see as thinkers of ruptural and inaugurative politics with a particularly spatial conceptualisation of politics. I start by distinguishing between three strands of thinking about the nature of political subjectification, and I situate Arendt and Rancière’s conceptualisations in relation to these. After an examination of their idea of political subjectivity, I offer an interpretation of the movement of sans papiers as it relates to political subjectification. This interpretation also brings out the similarities and differences between Arendt’s and Rancière’s understanding of politics.

Key words politics; subjectivity; equality; sans papiers; Arendt; Rancière

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Introduction

In the centre of Paris there is a square called Place du Châtelet. Below it is the largest underground station of the whole regional network, above ground are crowds of passers-by and tourists. On Saturday afternoons, for a long time there also used to be a gathering of foreigners whose purposes were anything but touristic. These were unregistered immigrants, from a number of countries, demonstrating as part of a larger movement known as the movement of sans papiers (literally, ‘without papers’, meaning they have no official documents allowing or recognising their presence in France). Officially, these people demonstrating at the heart of the French capital did not exist.

But they did exist – in the spaces of the city. The sans papiers are not citizens of France in the formal sense, but they are formulating claims on the basis of being in and of the city. They take part in all major political demonstrations throughout France, and not only ones concerning their own situation. The sans papiers use urban space to pronounce their presence and active participation in the life of the city. They constitute themselves as political subjects in and through space; they are acting in space, constructing themselves as political subjects in space, but they are also making space as there is no place for them in the established order of things, in the city where they lead their everyday lives. Their actions are ruptural and inaugurative; they disrupt the established order of things by opening up political spaces through processes of political subjectification.

In this paper, I consider three strands of politics that I see as ruptural and inaugurative – politics that comes as a disruption, starting something new, opening up new spaces. I engage with the works of Chantal Mouffe, Hannah Arendt and Jacques Rancière to distinguish between three threads in politics, which may be called the antagonistic, beginner and equality strands. My focus, however, is largely on the last two, with an attempt to explore the idea of political subjectivity in Arendt and Rancière. I focus on these two thinkers because each, in their own particular way, offers resources for spatially thinking politics and political action in a way that is neither state- nor subject-centred. What they both emphasise are the doings rather than the beings of political actors, and they are particularly useful when thinking about a case like the sans papiers, who were not established political interlocutors but managed to establish a novel form of political subjectivity through their actions in and through space. This implies that both Arendt and Rancière share a commitment to avoid an understanding of politics around given identities, and this commitment is a common point between them and Mouffe. Unlike Mouffe, however, they do not make antagonism central to their conceptualisation of politics.

There is as yet little geographical literature on Arendt and Rancière. A brief introduction to Arendt’s work was provided by Cloke (2002, 595–7), who pointed to her idea of the capacity for action and her recasting of the political as a potentially important perspective for geographers. In an earlier engagement, Howell observed the ‘spatial language that pervades her writings’ (1993, 314), and saw in it resources for interpreting historical geographies of modernity. Her work on political action, however, has generally been rather neglected by geographers, and
it is this aspect of her political thought that I focus on in this paper.

Rancière has found a more favourable reception in geography, and there is now an emerging geographical literature inspired by or on his work (Dikeç 2005 2007 2012; Dixon 2009; Oosterlynck and Swyngedouw 2010; Swyngedouw 2009). A dominant theme in this literature is the idea of the suppression of politics (the ‘post-politics’ thesis) by established orders of governance (what Rancière calls ‘the police’). This paper shifts the emphasis from this aspect of Rancière’s work, and focuses on the idea of political subjectification. It focuses, in other words, on the constitution of spaces of and for politics. This focus, together with Arendt’s understanding of political action, provides elements for thinking politics as a world-building activity rather than as a matter of given identities and interests. To make arguments more concrete, I use the political mobilisation of sans papiers as an illustrative example rather than a ‘case study’, and re-visit it at the end of the paper for a re-consideration in the light of lessons learned from Arendt and Rancière’s understandings of politics.

Politics for antagonists

Both Hannah Arendt and Carl Schmitt used the metaphor of miracle in their theorisations, the former in association with politics and action, the latter with the state of exception. Arendt’s miracle, as we will see, differs, unsurprisingly, from Schmitt’s in many ways. While Schmitt (1985) uses the metaphor of the miracle as part of his political theology to theorise the state of exception, Arendt uses it to theorise a ‘post-theological politics’, as Honig (2009) puts it. Furthermore, Arendt associates the miracle with rupture and emphasises immanence rather than transcendance, what Schmitt’s state of exception implies:

In what might well have been a deliberate effort to counter Schmitt, Arendt in The Human Condition associates the miracle with rupture, but specifically with the ruptural power of a form of political action that is immanent not transcendent. Hers is a nonsovereign rupture that inaugurates a new limitedly sovereign order rather than suspending an existing order in a way that delineates or exhibits decisive sovereign power. (Honig 2009, 92)

Arendt and Schmitt have more similarities than one would expect. Kateb argues that both were devoted to the dignity of politics; to restore it, in Arendt’s case, after the experience of world war and totalitarian horrors; and to maintain it in a time of despondency after German defeat and humiliation in the First World War, with [Schmitt]. (2006, 131)

They also shared a similar concern with the centrality of the public domain in the formation of political identities or agents. Schmitt’s enemy ‘is not a private adversary’, and ‘the political aspect of the friend/enemy distinction emerges only in the public domain’ (Bull 2005, 676). We will see below how Arendtian plurality, action and politics also unfold in the public realm by the constitution of a common ‘space of appearance’.

But the similarities end here. Apart from a common recourse to the metaphor of miracle, a commitment to the dignity of politics and an emphasis on the public realm, Arendt and Schmitt belonged to two opposite strands of political thought. In Marchart’s (2007) terms, while Arendt emphasised association through political action (by acting in concert), Schmitt did the opposite and emphasised a dissociative moment in politics where the political identity of the enemy is opposed to that of friend. In Schmitt’s framework, there can be no association of strangers, only the association of friends and the dissociation of enemies, and no indetermination of ends, only the determination of death. (Bull 2005, 675)

While Arendt emphasised plurality as a political relation, Schmitt emphasised antagonism. While miracles opened up spaces for new beginnings for Arendt, Schmitt’s miracle delineated space to affirm the sovereign’s decisive power.

This idea of antagonism as foundational to politics has been a central premise of the political conceptualisations of Laclau and Mouffe (1985) and Mouffe (1993 2005). In Mouffe’s case, however, the debt to Schmitt (2007) is more explicit. The antagonistic creation of political identities is central to her understanding of ‘radical democracy’ and politics. Politics, for her, is not about pre-constituted identities, but about the very constitution of identities. There are no pure, given identities in politics; identities are processes, not things. They are constant relationships, multiple, shifting, situated and always in the making.

But these identities are always created negatively, in opposition to an other, which, in the political language of Schmitt, is the enemy. In other words, ‘the “they” represents the condition of possibility of the “we”, its “constitutive outside”, [and] this means that the constitution of a specific “we” always depends on the type of “they” from which it is differentiated’ (Mouffe 2005, 18–9).

The ‘we/they’ of Mouffe, however, are not in the same space in any kind of relation: they are antagonistic, the friend and the enemy, situated in opposing camps. This derives from Mouffe’s commitment – already present in Laclau and Mouffe (1985) – to an understanding of ‘the political’ as ‘the dimension of antagonism which [is] constitutive of human societies’ (2005, 9). This centrality of antagonism in founding...
politics seriously limits the scope of political subjectification because it leaves no room for thinking forms of politics based on cooperation, friendship and solidarity (Featherstone 2008; Massey 2005). But there is, in my view, another implication of this commitment. For both Laclau and Mouffe, the political has to do with antagonism, and their thinking is premised on the idea that social relations are potentially antagonistic. This means that the political is likely to be found in all spheres of social life. Indeed, Mouffe writes that ‘every order is political’ (2005, 18). But then, is everything political (which comes down to saying that nothing is)?

I take Mouffe’s remark to imply not that everything is political, but that every issue in a given order can be turned into an object of contestation, into a matter of politics. Indeed, one of the key contributions of Laclau and Mouffe has been, as Featherstone observes, their insistence on the constitution of political identities through political activity ‘rather than seeing the political as an arena defined by negotiations between actors with already constituted identities and interests’ (2008, 5–6). Although this conceptualisation of politics is significant in that it eschews an essentialist understanding of identity, it tends to turn conflict into the foundational characteristic of politics. Political identities are constituted only negatively against a political enemy (the ‘constitutive outside’), and negativity becomes ‘the deciding factor in the constitution of political identities’ (Featherstone 2008, 6).

Although Mouffe resists conceiving politics around given identities, her conceptualisation of politics is nevertheless based on claims – and clashes – of identity. Below I engage with two thinkers of politics – Arendt and Ranciére – whose understanding of politics is based, rather than on a confrontation of (antagonistic) identities, on the creation and confrontation of worlds. They share with Mouffe the conviction that politics is not about already given identities and interests, and they define, in their own ways, politics as a specific activity rather than subscribing to a view that everything is political. In what follows, I focus, in particular, on the idea of political subjectification in their understanding of politics. I then re-visit the movement of sans papiers, and argue that Laclau and Mouffe’s antagonistic model is less helpful in interpreting this movement, which resonates strongly with the key themes of freedom (Arendt) and equality (Ranciére).

Politics for beginners

The miracle of freedom is inherent in this ability to make a beginning, which itself is inherent in the fact that every human being, simply by being born into a world that was there before him [sic] and will be there after him, is himself a new beginning. (Arendt 2005, 113)³

Arendt is a theorist of beginnings. Human natality and the miracle of beginnings are central themes in Arendt’s conceptualisation of action and politics, especially in The human condition. ‘[S]ince action is the political activity par excellence’, she writes, ‘nlatality, and not mortality, may be the central category of political, as distinguished from metaphysical, thought’ (1998, 9). As Jonas observed, with ‘nlatality’, Arendt ‘not only coined a new word but introduced a new category into the philosophical doctrine of man [sic]’ (1977, 30).

Arendt’s interest in natality, however, is not philosophical but political. She sees ‘action as beginning’ as ‘the actualization of the human condition of natality’ (1998, 178):

With the creation of man, the principle of beginning came into the world . . . It is in the nature of beginning that something new is started which cannot be expected from whatever may have happened before. This character of startling unexpectedness is inherent in all beginnings and in all origins. (1998, 177–8)

Acting sets ‘something into motion’ (1998, 177), resulting in something new, something ‘unexpected, unpredictable, and ultimately causally inexplicable – just like a miracle’ (2005, 111–2). This unexpectedness, she maintains, is characteristic of all beginnings:

The new always happens against the overwhelming odds of statistical laws and their probability, which for all practical, everyday purposes amounts to certainty; the new therefore always appears in the guise of a miracle. The fact that man is capable of action means that the unexpected can be expected from him, that he is able to perform what is infinitely improbable. And this again is possible only because each man is unique, so that with each birth something uniquely new comes into the world. (1998, 178)

New beginnings that Arendt associates with natality become her way of emphasising the distinctiveness and capacity – capacity for action, for new initiatives, for beginning something new – of each human being. In contrast to Heidegger’s emphasis on human mortality, Arendt focuses on natality precisely because she wants to emphasise this human capacity for action:

If left to themselves, human affairs can only follow the law of mortality . . . It is the faculty of action that interferes with this law because it interrupts the inexorable automatic course of daily life . . . The life span of man running toward death would inevitably carry everything human to ruin and destruction if it were not for the faculty of interrupting it and beginning something new, a faculty which is inherent in action like an ever-present reminder that men, though they must die, are not born in order to die but in order to begin . . . Action is, in fact, the one miracle-working faculty of man. (Arendt 1998, 246)

So this is the miracle of Arendt. Action is not only originary, unexpected and full of surprises, it is also emancipatory. ‘Men are free’, Arendt writes, ‘as long
as they act, neither before nor after; for to be free and to act are the same’ (2006a, 151). But this is not at all the kind of freedom enjoyed individually, such as the liberal notion of the individual enjoying, say, freedom of choice among alternatives. Freedom for Arendt is an activity that consists in acting in the presence of others, in human plurality. ‘We first become aware of freedom or its opposite in our intercourse with others, not in the intercourse with ourselves’ (2006a, 147). And without freedom, ‘political life as such would be meaningless. The raison d’être of politics is freedom, and its field of experience is action’ (2006a, 145).

Arendt constantly emphasised action in the public realm. For her, realisation of a fully human life is only possible through action and speech in the public realm; that is, within the plurality of others. ‘Action’, she writes, ‘corresponds to the human condition of plurality, and its field of experience is action’ (2006a, 145).

Plurality is the condition of human action because we are all the same, that is, human, in such a way that nobody is ever the same as anyone else who ever lived, lives, or will live. (Arendt 1998, 8)

Arendtian plurality, therefore, is not a mere numerical matter; ‘plurality means that who we are is unique, [that] we are both undeniably distinctive, and inescapably more-than-one’ (Bickford 1995, 316). In another one of her many distinctions, Arendt differentiates between who somebody is – the specific uniqueness of each – and what somebody is – qualities, talents, shortcomings etc.; that is, any predicative quality that may be used to describe and categorise people. One’s ‘who-ness’, however, is only disclosed in action and speech in the public realm, in the plurality of others.

This public disclosure of who someone is leads Honig to argue that Arendt offers significant resources to those who are critical of identity-based politics as

she theorizes a democratic politics built not on already existing identities or shared experiences but on contingent sites of principled coalescence and shared practices of citizenship. (1995a, 3)

Even though such contingent sites may arise from shared experience, in each instance a political relationship is established rather than trying to turn already given relationships or predicates into a political identity. The promise and significance of political action does not derive from the identity of the actor, but from their actions. This is what Arendt shares with Rancière, as we will see later on.

Moreover, this plurality is a space-making plurality, constituting a space of appearance. Space of appearance is ephemeral and contingent, not a given. It is in this space of appearance that the acting subject reveals to themself and others their unique distinctness – ‘who’ they are. In other words, the ‘who’ of an individual finds its expression only in plurality, only in acting in the presence of others, whereas ‘what’ someone is does not require plurality. We can, therefore, say that her understanding of political action is individuating in the sense that it is through action in the public space that actors disclose and discover who they are. However, this is not an individualistic or subject-centred account since Arendt’s emphasis is on acting ‘in concert’ and it has nothing to do with the given attributes of the actor; the actor is constituted in the act of acting, not prior to it. In Honig’s words:

Prior to or apart from action, the self is fragmented, discontinuous, indistinct, and most certainly uninteresting. A life-sustaining, psychologically determined, trivial, and imitable biological creature in the private realm, this self attains identity – becomes a ‘who’ – by acting in the public realm in concert with others. In so doing, it forsares ‘what’ it is, the roles and features that define (and even determine) it in the private realm. (1993, 79–80)

Political action in the presence of others – in plurality – is the basis of Arendt’s political subject revealing their ‘who-ness’. It is only in the presence of others, in action and speech, that they at once establish a political relation with the others and affirms their distinctiveness from them. What provides human beings that ‘mysterious talent for working miracles’ (2005, 113) is the capacity for action, which is both ruptural and inaugural for Arendt, working miracles in opening up spaces that at once relate and separate individuals.

Politics for equals

[W]here Foucault thinks in terms of limits, closure and exclusion, I think in terms of internal division and transgression. L’Histoire de la folie was about locking up ‘madmen’ as an external structuring condition of classical reason. In La nuit des prolétaires, I was interested in the way workers appropriated a time of writing and thought that they ‘could not’ have. Here we are in a polemical arena rather than an archaeological one. And thus it’s the question of equality – which for Foucault had no theoretical pertinence – that makes the difference between us. (Rancière 2000, 13)

In the same interview, Rancière described his debt to Foucault as well:

The idea of the partition of the sensible is no doubt my own way of translating and appropriating for my own account the genealogical thought of Foucault – his way of
systemizing how things can be visible, utterable, and capable of being thought. (2000, 13)

The partition of the sensible (le partage du sensible) refers to the way a given community is ordered, both symbolically and materially as symbolic forms of order are also present as sensible givens. It is, however, not only about objects, but about sense-making practices as well: what is understood as voice or noise, what is seen and heard, what is possible or impossible, thinkable or unthinkable. It is a spatial term Rancière uses to refer to forms and modes of configuring a sensible order that makes a certain perception of the world possible and sensible by relating what is given to the senses to ways of sense-making.

The word ‘partage’ is almost oxymoronic as it means both ‘partition’ and ‘sharing’. Rancière uses it deliberately to refer to both what is shared in common and what is separated in a given community. The word also implies to be endowed with something (‘en partage’), usually positive such as talent. So another connotation of the partition (partage) of the sensible would be to be already given, or to have inherited, certain forms of sensible and sense-making practices; that is, of perceiving and making sense of things. All these considered together, the term partition of the sensible has the implication of routinised perception and interpretation. Politics is about disrupting these routinised sensible and sense-making practices by re-configuring the partition of the sensible.5

Such partitioning has a policing effect, and Rancière uses the term ‘the police’ (la police) to refer to orders of governance. The essence of the police is not repression but distribution – the distribution, or partitioning, of the sensible, of what is made available to the senses and what is made to make sense. Whereas Foucault treats the police as a historical phenomenon, Rancière uses it to refer to various ordering regimes. It is a governmental logic rather than a historical phenomenon, though it obviously has diverse historical concretisations and manifestations. There are various police orders; we do not have a single police order that is complete and immutable, produced by an intentional project. We are not, in other words, in the domain of totalitarianism. Policing effects can be produced as much by intentional state apparatus as by spontaneous social relations. Any hierarchical structure that seeks to allocate and keep places, people, names, functions, authorities, activities and so on in their ‘proper’ place in a seemingly natural order of things may be considered a ‘police’, a sensible order with policing effects. Rancière’s politics is concerned with situations when such effects wrong equality.

Rancière’s political thought rests on two premises: radical contingency and radical equality. Radical contingency means that the given of any established order are always polemical and never objective; there is no reason why we should necessarily accept things as being in their ‘proper place’. The main concern of Rancière’s politics, therefore, is to ‘resist the givenness of place’ (Dikeç 2007, 17) – that is, not to take as natural the distributions or partitionings of established orders.

We have seen that politics remains a permanent possibility because all human beings share an equal capacity for new beginnings – according to Arendt – and because all social relations are marked with antagonism – according to Laclau and Mouffe. What makes politics a permanent possibility for Rancière is the coupling of this radical contingency – resisting the givenness of place – with radical equality – the equality of anyone with anyone.

This idea of equality, however, is axiomatic. Equality is not a goal to be achieved or something to be granted by higher powers; it is a presupposition to be verified and enacted by opening up stages of equality. Rancière’s debt here is to a nineteenth-century French schoolteacher exiled in the Netherlands, Joseph Jacotot. Jacotot, who did not know Flemish, applied a quite revolutionary pedagogical principle when teaching his Flemish students, who did not know French: all people have equal intelligence. As Rancière showed in The ignorant schoolmaster, equality for Jacotot was not an end, but a principle; not something that had to be tested or measured, but something to be taken as a given. Of course, it would be empirically wrong to claim that all intelligence is equal, but the ‘problem isn’t proving that all intelligence is equal. It’s seeing what can be done under that supposition’ (Rancière 1991, 46; emphasis added). What happens when any human being judges herself equal to everyone else and judges everyone else equal to them? That was the pedagogical question that interested Jacotot. It is the political question that interests Rancière and marks a major divergence from Arendt’s understanding of politics, similarities notwithstanding.

Politics for anyone

For Arendt, politics is not a means to an end, but an end in itself. As Canovan put it, ‘[p]olitics is not simply a way of promoting welfare any more than ballet is simply a way of keeping fit: it is a world in itself’ (1985, 636). What unites people when they act together is not a general will but … a common world, so that there is room for disagreement and public debate amongst them on what the interests of that world actually are. (1985, 639)

Zerilli offers a similar interpretation and argues that Arendt conceives politics
neither as a subject question nor as a social question but as a world question, or, more precisely, as a world-building activity, for which the pursuit of interests may be enabling or corrupting but is, either way, certainly secondary to the practice of freedom. . . . Political are not the interests as such but the world-building practice of publicly articulating matters of common concern. (Zerilli 2005, 22)

As Arendt writes,

interests constitute, in the word’s most literal significance, something which inter-est, which lies between people and therefore can relate and bind them together. Most action and speech is concerned with this in-between, which varies with each group of people, so that most words and deeds are about some worldly objective reality in addition to being a disclosure of the acting and speaking agent. Since this disclosure of the subject is an integral part of all, even the most ‘objective’ intercourse, the physical, worldly in-between along with its inter-ests is overlaid and, as it were, overgrown with an altogether different in-between which consists of deeds and words and owes its origin exclusively to men’s acting and speaking directly to one another. This second, subjective in-between is not tangible, since there are no tangible objects into which it could solidify; the process of acting and speaking can leave behind no such results and end products. But for all its intangibility, this in-between is no less real than the world of things we visibly have in common. We call this reality the ‘web’ of human relationships, indicating by the metaphor its somewhat intangible quality. (1998, 182–3)

There are parallels here to Rancière’s politics. In fact, reading Arendt and Rancière together enables one to go beyond a subject-centred understanding of politics as neither postulates given identities as inherently political ones. Their politics emphasises the construction of space – for acting with others, for Arendt, and for setting a stage for the manifestation of dissensus, for Rancière. For both thinkers, politics is a world-building activity. As Rancière formulates it, politics is ‘not a world of competing interests or values but a world of competing worlds’ (2003b, 7). Politics manifests dissensus ‘as the presence of two worlds in one’ (2001, Thesis 8) where equality and its absence are held together so that a wrong can be handled and equality be demonstrated. This is what he means when he says that political subjectification ‘consists in putting a world within another’ and invents a form of political relation based on the denial and affirmation of equality rather than on given identities (2009, 242).

‘Politics is not made up of power relationships; it is made up of relationships between worlds’ (1999, 42).

But when we consider how this understanding of politics as world-building informs political subjectification, differences between Arendt and Rancière become more pronounced. Arendt’s world-building politics brings individuals together around a common world: there is a common concern – inter-est – and a public coming together – inter-being. The political subjects of Arendt are inter-ested (in something common to them) and inter-related (in public through action and speech). The ‘in-betweenness’ that she emphasises, therefore, shows a commitment to intersubjectivity.

The ‘in-between’, however, takes on a different meaning in Rancière. It is not about being interested in the same thing or being inter-related in the public realm. ‘Political being-together’, he writes, ‘is a being-between: between identities, between worlds’ (1999, 137). But the ‘between’ here does not tend towards intersubjectivity as it does for Arendt. ‘This between is not primarily between subjects. It is between the identities and the roles that they hold, between the places they are assigned to and the ones they transgressively occupy’ (Rancière 2009, 315). This is what he calls ‘intervals of subjectification’, opened up between given identities and places.

Although Rancière (2003a) admittedly shares Arendt’s understanding of politics as a matter of appearance based on the constitution of common scenes rather than the negotiation of common interests, the disagreements outweigh the agreements. It is Arendt’s implicit commitment to political capacity as a given quality or destination that Rancière finds most problematic. At the heart of this commitment lies Arendt’s distinction between the social and the political. For Rancière, Arendt is guilty of delineation and making it the basis of particular ways of life; more precisely, making a distinction between the social and the political, and defining a way of life specific to the latter. There is, in Arendt’s conceptualisation of politics, a realm of political life that is different and distinct from a realm of private life or the realm of economic and social necessity. This commitment to an idea of ‘pure politics’ not to be contaminated by private or social life is, for Rancière, only another form of policing politics, which is precisely about such delineations and designations aimed at defining the proper place of things and specific ways of life (Rancière 2001 2004).

Arendt’s position is perhaps best illustrated by her interpretation of the failure of the French Revolution. The problem, as she saw it, was that social matters had ‘intruded’ into the public – that is to say, political – realm, rather than staying within the private realm where they belonged. ‘Since the revolution had opened the gates of the political realm to the poor, this realm had indeed become “social”’. This intrusion overwhelmed and ruined the political realm, overcame the revolutionaries (Arendt writes about ‘the ocean of suffering around’ and ‘the turbulent sea of emotion within’ Robespierre) and first turned their compassion into pity, and then pity into violence and despotism. The boundlessness of the people, of the social ‘burst upon the political domain’. The people’s ‘need was violent, and, as it were, prepolitical; it
seemed that only violence could be strong and swift enough to help them’ (Arendt 2006b, 80–1).

Another example that marks the difference between Arendt and Rancière is the former’s remarks on ‘the poor’. Again in On revolution, Arendt quotes the remarks of John Adams on the misfortunes of the poor:

The poor man’s conscience is clear; yet he is ashamed ... He feels himself out of the sight of others, groping in the dark. Mankind takes no notice of him [...] In the midst of a crowd, at church, in the market ... he is in as much obscurity as he would be in a garret or a cellar. He is not disapproved, censured, or reproached; he is only not seen ... To be wholly overlooked, and to know it, are intolerable. (2006b, 59)

For Arendt this is simply wrong: Adams’s ‘insight into the crippling consequences of obscurity ... could hardly be shared by the poor themselves’ (2006b, 59).

But why not? Because even if the poor managed to transcend necessity – an essential condition of political freedom for Arendt – they would either give in ‘to the boredom of vacant time’ or ‘throw open their private houses in “conspicuous consumption”’ rather than trying to excel through public actions (2006b, 60).

For Rancière, these two examples testify to Arendt’s commitment to a certain prejudice based on an opposition between two forms of life: one that is capable of politics, and the other doomed to reproducion and nothing else. The modern name for the latter is ‘proletarian’, which originally (proletarit) referred to ‘people who make children, who merely live and reproduce without a name, without being counted as part of the symbolic order of the city’ (Rancière 1995a, 67). It was precisely when they claimed visibility and demonstrated political capacity that the term became a political name:

The emancipation of the workers is not a matter of making labour the founding principle of the new society, but rather of the workers emerging from their minority status and proving that they truly belong to the society, that they truly communicate with all in a common space; that they are not merely creatures of need, of complaint and protest, but creatures of discourse and reason, that they are capable of opposing reason with reason and of giving their action a demonstrative form. (Rancière 1995b, 48)

Arendt, according to Rancière,

remains a prisoner of the tautology by which those who ‘cannot’ think a thing do not think it. As I understand it, though, politics begins exactly when those who ‘cannot’ do something show that in fact they can. (2003a, 202)

‘Sans papiers’ as a political name

Although the mobilisation of sans papiers in France has a longer history going back to the 1970s (Cissé 1999; Siméant 1998), it was the occupation of Saint-Ambroise church in Paris in March 1996 that brought the issue to the attention of a broader public. The majority of the occupiers were from west Africa (Mali, in particular, but also from Senegal, Mauritania and Guinea), all former French colonies, part of French West Africa. The occupation took place in a context of increased mobilisation by native rights and anti-racist associations in the mid-1990s (Nicholls 2011) in response to the increasingly restrictive and repressive measures against immigrants, marked by the passing of the second ‘Pasqua law’ in 1993 (the first Pasqua law dates from 1986). Named after the then-Minister of the Interior, this law restricted entry and residence rights of foreigners with a stated aim of ‘zero immigration’.

The undocumented immigrants were particularly hard hit by this law, which not only made their ‘regularisation’ harder and their expulsion easier, but also deprived them of basic social protection, thus leaving them in an extremely precarious situation. As Cissé (1999) explains, many undocumented immigrants initially enter France through regular channels, work, pay taxes and make their social security contributions, but find themselves sans papiers when their request for the renewal of their residency permit is refused.7 What the second Pasqua law did was to make social protection dependent on the ‘regularity’ of stay; even though they paid taxes and made social security contributions for years, they were deprived of social protection once they lost their ‘papers’.

The occupation of Saint-Ambroise ‘gave birth’, as Panagia puts it, ‘to a new genre of political subjectivity throughout Europe: the sans papiers’ (2006, 120). In this sense, the mobilisation of sans papiers seems to support the idea that political identities are contingently constituted rather than already given – an idea shared by Arendt, Rancière, Laclau and Mouffe. In the case of Arendt, however, which Arendt best accounts for the actions of the sans papiers – Arendt the theorist of statelessness, or Arendt the theorist of ‘agonistic and performative politics’, as Honig (1995b, 136) refers to her?

Krause (2008) goes the first way, and ends up, in my view, in a political dead end. Her interpretation of undocumented immigrants in Western Europe through Arendt’s notion of ‘statelessness’ carries two political difficulties: it not only re-inscribes the juridical situation of sans papiers, but it also fails to account for their political mobilisation in a context where their official presence was denied, making them vulnerable and defenceless in many spheres of social life, most prominently through exploitation in the labour market. So, rather than a reiteration of their situation, I favour an interpretation that recognises their capacity for (political) action, thus
following a central thread in Arendt’s various writings. ‘Sans papiers’ is not a description of a juridical state, but a political name – or became so through the actions of those who do not officially exist.

Beltrán (2009), on the other hand, follows Arendt the theorist of agonistic and performative politics. She focuses on the spring 2006 demonstrations against anti-immigrant legislation and for immigrant rights in the United States for a reconsideration of the ‘undocumented’. The sheer magnitude of the protests – millions of immigrants and their supporters in hundreds of events across the United States – was significant. What made the demonstrations even more significant was that many of the participants were ‘illegal’ immigrants. Beltrán’s argument is about what constitutes the ‘success’ of the 2006 demonstrations, ‘success’ not understood as concrete returns but as the demonstration of a political capacity by laying claim to the public realm by undocumented and non-citizens.

These two different approaches point, in my view, to two political problems in interpreting the actions of the undocumented. The first of these is related to the figure of the undocumented as it is commonly perceived, and the other to the consequences of their actions. The commonly perceived figure of the undocumented is partly a product of the ‘regime of enforced invisibility’ they need to abide by, which links them to deprivation. This creates a ‘tendency to portray the undocumented as the personification of poverty’ (Beltrán 2009, 599). Although this may be true in many cases, and could be used as a tool for mobilisation and articulation of claims, this dominant figure of the undocumented has a perverse political consequence in that their political actions and aspirations get ‘conflated with questions of economic survival, material need, and bodily necessity’ (Beltrán 2009, 599). These, to be sure, are undeniably essential issues to be addressed. The problem arises when issues of need and necessity start to overshadow their political capacity (or capacity for action, in Arendt’s terms), when the undocumented are seen as people ‘to be taken care of’ and nothing more.

As Cissé’s account suggests, a main concern – and source of pride – for the occupiers of Saint-Ambroise and, later, Saint-Bernard was to take matters into their hands rather than relying on the help of associations or expecting the government to change policies. True, there was always an aim, or hope, to obtain ‘regularisation’, but the sans papiers were also determined to express their capacity for political action as equals, even though this capacity was denied at times, not only by the government who initially refused to see them as legitimate interlocutors, but also various public figures. Monseigneur Lustiger, archbishop of Paris, for example, publicly expressed his surprise at seeing 300 Africans, who hardly read or spoke French, in a church. He was convinced, as was the then-president of the anti-racist association SOS-Racisme, that they were ‘manipulated’ by associations and extreme left organisations (Cissé 1999, 55; emphasis added). The sans papiers, however, did not see themselves as naïve victims liable to manipulation; they were claiming ‘equality’ in terms of rights, and they were imposing themselves as ‘interlocutors’:

The ‘clandestines’, as they were called, no longer wanted to wait, chased, harassed, relegated to the sidelines. They were there, physically present, clearly visible, and determined to take their destiny into their own hands, to fight to change their situation. (Cissé 1999, 79 and 12)

The political challenge here is to affirm the political capacity of the undocumented as equals without neglecting questions of need and survival. The challenge, in other words, is to institute and retain a political name. As Rancière argues with reference to increased racism and xenophobic reactions towards immigrants in France (responding to the same context of the mid-1990s), part of the problem lies in the loss of a name – the immigrant’s other, political name when they were workers or proletarians:

The immigrant is first and foremost a worker who has lost his [sic] name, a worker who is no longer perceptible as such. Instead of the worker or proletarian who is the object of an acknowledged wrong and a subject who vents his grievance in struggle and disputation, the immigrant appears as at once the perpetrator of an inexpiable wrong and the cause of a problem calling for the round-table treatment. Alternately problematised and hated, the immigrant is caught in a circle, one might even say a spiral: the spiral of lost political otherness. (Rancière 1995b, 105)

The second political problem in interpreting the actions of the undocumented relates to the consequences of their actions, when the idea of concrete gains start to overshadow the political nature of such events. Beltrán, for example, is critical of the way debates over legalisation and low-wage labour overshadowed what she calls, following Arendt, ‘the profound surprise’ of the actions of the demonstrators in the 2006 protests in the United States. Although everyday material benefits of these for the involved cannot be denied, Beltrán’s argument deserves attention in that it points to the profoundly political nature of these events, which she interprets by following Arendt:

Measuring the success of immigrant action in terms of future participation in the electoral process, xenophobic backlash, replicability (i.e., the ability to recapture and recreate previous demonstrations), or immediate legislative ‘results’ limits our understanding of the significance of the demonstrations. Such circumscribed analysis misses much of what was democratically distinctive and politically
the United States, a ‘day without immigrants’ (March 2010, inspired by the 2006 demonstration in ability, calculable contributions. But calculation of economic value, drifting away from politics to the police. This is a logic that constructs subjects – rather than political subjectivities – on the basis of quantifi-

capacity for political action seems to me not only a bad idea’ (2009, 611). Invoking economic utility rather than political subjectivity, emphasising a capacity to make an economic contribution rather than a capacity for political action seems to me not only a ‘bad’ idea – for it contributes to the loss of the political name of the immigrant – but a dangerous one as well for it replaces a logic of equality with a logic of economic value, drifting away from politics to the police. This is a logic that constructs subjects – rather than political subjectivities – on the basis of quantifiable, calculable contributions. But calculation of economic utility requires calculation of costs. On 1 March 2010, inspired by the 2006 demonstration in the United States, a ‘day without immigrants’ (‘journée sans immigrés’) was organised in France, which consisted in immigrants ‘withdrawing’ from economic activity to show their contribution.8 The mobilisations and the following debates – when there were any – were modest. A few weeks after this demonstration, Eric Besson, the then-Minister of Immigration, Integration and National Identity, announced an audit to calculate the cost of sans papiers, including the cost of their accommodation, health care, schooling and the legal assistance they receive in retention centres (Le Canard enchâéié 2010). This is the logical extreme of focusing on economic utility that points to the perils of following a logic that seems characteristic more of governing orders than of democratic action, which could be quite detrimental to the cause of the undocumented in the long term. As Beltrán helpfully clarifies the point criticising political actions organised merely around a narrative of the efficacy of labour is not to neglect or dismiss the work of activists, but to emphasise that the undocumented are much more than their labour. Like all human beings living in conditions of plurality, the undocumented are men, women, and children who have ideas, intelligences, judgements, insights, perceptions, wit, personalities, opinions, political beliefs, and civic capacities. They are so much more than the work that they do. (2010, 882)

Actors, Arendt maintained, have the freedom and power for new beginnings, for bringing ‘something into being which did not exist before’ by acting with others in the public realm. It is in this sense that she saw political action as establishing new relations and creating new realities – new worlds (2006a, 150; 1998). The movement of the sans papiers was a new beginning in an Arendtian sense: individuals acting in freedom,

the freedom to call something into being, which did not exist before, which was not given, not even as an object of cognition or imagination, and which therefore, strictly speaking, could not be known. (Arendt 2006a, 150)

This is the Arendtian dimension of the emergence of this new political subjectivity, which was created through the actions of individuals who did not officially exist, who, nevertheless, were present in a ‘space of appearance’. Space of appearance, then, is not only a space where subjectivity is disclosed, but also one where political subjectivity is produced.

But here a conceptual problem emerges within the Arendtian scheme. In The origins of totalitarianism, Arendt famously discusses ‘rightlessness’ and the ‘perplexities’ of human rights. The first loss of the rightless is the loss of home, which means ‘the loss of the entire social texture into which they were born and in which they established for themselves a distinct place in the world’ (1968, 293). This is quite significant politically; as Arendt goes on to explain, being deprived of rights is ‘first and above all [being deprived] of a place in the world that makes opinions significant and actions effective’ (1968, 296). That means those who are deprived of their rights ‘are deprived, not of the right to freedom, but of the right to action; not of the right to think whatever they please, but of the right to opinion’, losing, therefore, their distinct place in the world where ‘one is judged by one’s actions and opinions’ (1968, 296–7; emphasis added). This would have dramatic effects for Arendtian politics – indeed, in a case of ‘rightlessness’, as she defines it, there would be no Arendtian politics for action, opinion and speech are the core elements of political life for her. We have already seen this above; realisation of a fully human life is only possible through action and speech in the public realm, which makes freedom and political life possible: ‘Men are free … as long as they act, neither before nor after; for to be free and to act are the same […] The raison d’être of politics is freedom, and its field of experience is action’ (2006a, 151 and 145). Rightlessness equals deprivation from politics – from speech, action and appearance in the public realm. How then do we account for the actions and political claims of the sans papiers? Or, in Schaap’s apt formulation,

[if] statelessness corresponds not only to a situation of rightlessness but also to a life deprived of public appearance, how could those excluded from politics publicly claim the right to have rights, the right to politics? (2011, 33)

According to Rancière (2001), the way Arendt identifies politics with a specific way of life turns out to be
a ‘vicious circle’, produced, in Schaap’s words, by her ‘ontological assumptions’:

whereas Arendt views ‘the human’ in human rights ontologically as a life deprived of politics, Rancière views ‘the human’ polemically as the dismissal of any difference between those who are qualified to participate in politics and those who are not. (2011, 23; see also Schaap 2012)

As we have seen, Arendt seems to privilege only certain modes and spheres of action as properly ‘political’, instilling, therefore, a fundamental division, which for Rancière is precisely what politics is about. This is why he takes issue with Aristotle’s definition of the political animal as a speaking animal – a commonly shared human capacity of speech and discussion in distinction from an animal capacity to make noises that can merely express pain or pleasure. But even this allegedly ‘common’ capacity, Rancière argues, is ‘split up from the very beginning’:

Aristotle tells us that slaves understand language but don’t possess it. This is what dissensus means. There is politics because speaking is not the same as speaking, because there is not even agreement on what a sense means. Political dissensus is not a discussion between speaking people who would confront their interests and values. It is a conflict about who speaks and who does not speak, about what has to be heard as the voice of pain and what has to be heard as an argument on justice. (2003b, 1–2)

While this fundamental division Aristotle establishes negates speaking as a common human capacity, it affirms another commonality for there is a ‘primary contradiction’ here: slaves must be able to understand their orders and they must also be able to understand that they must obey them. ‘And to do that, you must already be the equal of the person who is ordering you. It is this equality that gnaws away at any natural order’ (Rancière 1999, 16). Politics, therefore, exists not because we are distinct in our faculty of speech, but because those who are not counted as capable of speech make themselves count as speaking beings by enactments of equality. It is not about a specific way of life; politics is the affair of anyone and no one in particular. ‘[T]here is no political life’, he insists, ‘but a political stage’ (2003b, 3). Even those deprived of rights, those who are indeed unrepresentable, are then capable of opening up political spaces for enactments and verifications of equality.

And this is precisely what the sans papiers did: not only did they manifest their equality as political subjects, they did so in a context of inequality, thus demonstrating how the established order ‘wronged’ this equality. They wanted to demonstrate the process of becoming sans papiers, rather than simply being one, through administrative regulations and procedures. On reflecting back on the use of the term ‘sans papiers’, Cissé (2007) recalls that their aim was to invent a term (although it was not entirely novel) that made clear that their situation was produced by the administration’s denial of their rights. This was, in Rancière’s terms, putting two worlds in one where the equality and inequality of sans papiers existed together:

Our claims were highly political. Our visibility in demonstrations, meetings, occupations, the debates we organised, made them uncomfortable. For ‘illégaux’ or ‘clandestins’ to occupy a significant part of the public stage was, for the government, more than troubling, a lengthy disturbance of political life, it gave too ‘uncivilised’ an image of social life. For French people to claim rights, that was acceptable, only just! But for foreigners to do so, and above all ‘sans papiers’ to do so, that was too much. (Cissé 1999, 81)

The sans papiers, in this account, attempted to close the processes through which an established order of governance denied them equality, which they were showing they were capable of enacting. The constitution of sans papiers’ political subjection was not decided by negativity, defined strictly against a constitutive outside (which, of course, does not mean that there was no antagonism). A will to take matters in hand as equal political actors was a generative factor, and in this sense the constitution of sans papiers’ political subjection resonates more strongly with the Arendtian understanding of political action as realisation of freedom and Rancière’s emphasis on the verification of equality, rather than the antagonistic model of Laclau and Mouffe.

Conclusions

Both Arendt and Rancière offer, in their particular ways, a conceptualisation of politics as a specific mode of activity in order to avoid the trap of its dissolution in abundance (‘everything is political’). It is true that defining politics as a specific form of activity rules out many things that routinely go on under the name of politics (municipal politics, associations, local lobby groups), but it does not deny them. It just points out that as long as such processes have already defined institutional settings and procedures, as long as the interlocutors are already identified and recognised, we are no longer in the domain of politics – not that any such domain exists in advance – but in the places of the police, to use Rancière’s term. How can we think about politics and political subjection when one has no place in such orderings of the community? When, in other words, one does not count as part of it? An attempt to think politics in its specificity, in my view, has the merit of broadening our imagination for political action and political subjectification, stretching it more than a ‘politics as usual’ thinking could possibly do.
But there is, in such an attempt, also the risk of going to the other extreme of ‘purity of politics’, an understanding of politics as something that should have its own specific realm, not to be contaminated by social or private matters. Arendt, as we have seen, goes this way. She is particularly concerned with politics ‘done in the right spirit’, as Kateb (2001 2006) calls it; that is, when done for its own sake, when done as display or performance, when done at the behest of a ‘principle’, when done for the sheer exhilaration of acting, of starting something new or adventuring on something unprecedented. (Kateb 2001, 126)

Arendt’s politics expresses freedom rather than a given identity; it is a medium of freedom as individuals are freed from ‘what’ they are through political action, which makes them discover and disclose ‘who’ they are. The political realm, writes Arendt, is ‘the only realm where men can be truly free’ (2006b, 104). But this freedom comes with too many qualifiers. As McGowan puts it:

> Political freedom is not just freedom from necessity, freedom from being ruled over by others (within the polis or ring-wall all are equal), and freedom from violence. Political freedom begins when these basic freedoms are made possible by conditions of abundance. (1997, 273)

But even in conditions of abundance, when, that is, freed from necessity, the poor, as Arendt saw them, did not really engage in public and political matters, for they were absorbed by private consumption or they were simply getting bored. There is, therefore, in Arendt a major partitioning of the polis, distinguishing between those who are capable of engaging in politics and making public appearances, and those who are not. There is a political life different and distinct from social life. This partitioning, however, is at odds with her much more promising account of action. As Honig observes, Arendt’s confinement of action to certain permissible sites and objects conflicts with her own theorisation of action. Action is, after all, boundless, excessive, uncontrollable, unpredictable, and self-surprising … If action is boundless and excessive, why should it respect a public–private distinction that seeks, like a law of laws, to regulate and contain it without ever allowing itself to be engaged or contested by it? (1993, 119)

For Rancière, politics is precisely about such partitions. Like Arendt, Rancière also refuses to conceive politics around already given identities. A political subjection for him is a disidentification, removal from the naturalness of a place, the opening up of a subject space where anyone can be counted since it is the space where those of no account are counted, where a connection is made between having a part and having no part. (1999, 36)

This means that political subjects are not created ex nihilo, and that politics, rather than taking place in specific realms, is in fact a space-making action that blurs – rather than abides by – divisions. Rancière’s politics is excessive; political subjects are excessive subjects that come as a surplus to an order that does not count them. But this excess is not numerical. They are excessive in their subjectification, in their constitution of themselves as political subjects.

Reading Arendt and Rancière together provides different ways of thinking about politics and political action that is not subject-centred. Their understanding of politics does not postulate any given identities. What they emphasise as central to politics – freedom and capacity for action, for Arendt, and equality, for Rancière – has to do with actions rather than the given identity of the actors. Freedom is realised in action, when acting with others and beginning something new; equality is taken as a given to be verified in actual instances of staging it.

The sans papiers who occupied the churches in the spring of 1996 were beginners and equals. If there is one message of hope that may be taken from both Arendt and Rancière, it is that politics eludes and defies bureaucratised subjectivities. More stretching of the political imagination may be necessary, but as the recent political mobilisations throughout the world demonstrate, the spaces of the thinkable and possible are not exhausted.

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Notes

1 Arendt is usually taken to criticise social concerns and favour heroic action. Although she does make a distinction between ‘the social’ and ‘the political’, she does not blindly suggest action for action’s sake as inherently political and preferable. As Canovan (1998) reminds us, one of the main concerns of Arendt in The human condition is the dangers of action; once initiated, once set in motion, new processes can lead to consequences that are beyond the actors’ control. Simply put, action and politics are unpredictable (though we can always begin something new to interrupt [...them]). As Cooper put it, ‘human affairs initiated by beginners within a plurality of others are subject to the calamities that arise out of the unpredictability, boundlessness, and irreversibility of action’ (1976, 161).

2 That said, it also must be noted that some of Arendt’s own writings seemed to deny equal capacity and
legitimacy for political action to certain groups, Africans and African Americans in particular. This is a depressing and embarrassing aspect of some of her writings. As Norton wrote:

Arendt’s easy dismissal of African history, African literatures, African languages; her readiness to ascribe academic inferiority to black students, and squalor, crime, and ignorance to the black community, are innocent of evidence. They evince an uncharacteristic, and profound, indifference to the historical record and to the literature available on these subjects in her time. They represent so dramatic a departure from the scholary and civil character of her work as a whole that one might read them as an aberration, and pass over them in silence. (1995, 248)

Norton’s point is precisely not to pass over those in silence, and her chapter provides an excellent critical overview of the kind of racial politics expressed in Arendt’s writings.

Villa (2001) argues that Arendt’s definition of political action as acting together in concert does not necessarily imply that she is advocating a solidaristic model of political action, not simply because Arendt was highly sceptical of such models herself, but also because this would neglect one of the central notions of her understanding of political life: worldliness.

For an account of the aesthetic implications of this disruption, see Dikeç (2012).

Marchart offers another interpretation, and attributes Arendt’s derogatory remarks of ‘the social’ to her ‘anti-foundationalist’ stance. From this perspective, Arendt excluded categories of the social from her conceptualisation of politics because these were figures of foundation. This is understandable from an ‘anti-foundationalist’ perspective, because politics ‘cannot be grounded in anything outside itself’ (2007, 46).

Madjiugène Cissé was part of the group that occupied Saint-Ambroise, and then Saint-Bernard churches. She was one of the spokespersons for the Saint-Bernard collective.


Arendt uses gendered language throughout her work when intending to refer to humanity in general. This will not be explicitly marked up in all cases, but should be taken as reflecting Arendt’s original usage.

References

Arendt H 1968 The origins of totalitarianism new edition Harcourt, Orlando FL


Beltrán C 2009 Going public: Hannah Arendt, immigrant action, and the space of appearance Political Theory 37 595–622

Beltrán C 2010 Everyday acts of greatness: reply to Boyte Political Theory 38 877–83

Bickford S 1995 In the presence of others: Arendt and Anzaldúa on the paradox of public appearance in Honig B ed Feminist Interpretations of Hannah Arendt Pennsylvania State University Press, University Park PA 313–35

Bull M 2005 The social and the political The South Atlantic Quarterly 104 675–92

Canovan M 1985 Politics as culture: Hannah Arendt and the public realm History of Political Thought VI 617–42


Cissé M 1999 Parole de sans-papiers La Dispute, Paris


Cooper L 1976 Hannah Arendt’s political philosophy: an interpretation The Review of Politics 38 145–76

Dikeç M 2005 Space, politics, and the political Environment and Planning D: Society and Space 23 171–88


Dikeç M 2012 Politics is sublime Environment and Planning D: Society and Space forthcoming

Dixon D 2009 Creating the semi-living: on politics, aesthetics and the more-than-human Transactions of the Institute of British Geographers 34 411–25


Honig B 1993 Political theory and the displacement of politics Cornell University Press, Ithaca NY

Honig B 1995a Introduction: the Arendt question in feminism in Honig B ed Feminist interpretations of Hannah Arendt Pennsylvania State University Press, University Park PA 1–16


Jonas H 1977 Acting, knowing, thinking: gleanings from Hannah Arendt’s philosophical work Social Research 44 25–43

Kateb G 2001 The judgement of Arendt in Beiner R and Nedelsky J eds Judgment, imagination, and politics: themes