

# Citizenship in flux: The figure of the activist citizen

**Engin F. Isin**

Politics and International Studies (POLIS), The Open University, Walton Hall,  
Milton Keynes, MK7 6AA, UK.

**Abstract** Throughout the twentieth century the figure of citizenship that has been dominant since the eighteenth and nineteenth centuries has begun to change. We have witnessed the emergence of new rights including ecological, sexual and indigenous rights as well as blurring of the boundaries between human and civil, political and social rights and the articulation of rights by (and to) cities, regions and across states. We have witnessed the birth of new 'acts of citizenship': both organized and spontaneous protests to include situationist and carnivalesque forms. We have also witnessed the emergence of 'activist' international courts (and judges), as well as new media and social networking as sites of struggles. *How subjects act to become citizens and claim citizenship has thus substantially changed.* This article interprets these developments as heralding a new figure of citizenship, and begins the important task of developing a new vocabulary by which it can be understood. *Subjectivity* (2009) 29, 367–388. doi:10.1057/sub.2009.25

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## Introduction: A New Vocabulary of Citizenship

An as yet unnamed figure is making its appearance on the stage of history. It is unnamed not because it is invisible but because we have not yet recognized it. It is inarticulable. Otherwise, it is quite visible. We have categories to describe this figure: foreigner, migrant, irregular migrant, illegal alien, immigrant, wanderer, refugee, émigré, exile, nomad, sojourner and many more that attempt to fix it (Nyers, 2003). But so far this figure resists these categories not because it has an agency as such but because it unsettles the very attempt to fix it. It is often reported that the number of people living outside their country of birth is now the highest in history. We are told that 'the stocks of foreign-born populations' have reached unprecedented levels (OECD, 2009). The terms 'stocks' and 'foreign-born' already indicate the

unsettling aspects of the figure. As Ossman says ‘... this figure challenges prevalent conceptions of the relationship between identity and appearance, belief and representation. An increasingly global economy facilitates mobility and logically works to produce more adaptable, moveable people. Yet, people with multiple national identifications challenge how we think about stability’ (Ossman, 2007, p. 1). The unnamed figure is unsettling because it belies the modern figure of the citizen with singular loyalty, identity and belonging. There are many ways in which this figure is becoming increasingly visible and slowly articulable. It is impossible to capture all its appearances in a single word but all challenge citizenship. We still only dimly understand their consequences for the ways in which these unsettling people develop their identifications and subjectivities (Ossman, 2007).

What interests me is how the emergence of this figure is implicated in the emergence of new ‘sites’, ‘scales’ and ‘acts’ through which ‘actors’ claim to transform themselves (and others) from subjects into citizens as claimants of rights. What we need to understand is how these sites, scales and acts produce new actors who enact political subjectivities and transform themselves and others into citizens by articulating ever-changing and expanding rights (Schattle, 2008). The rights (civil, political, social, sexual, ecological, cultural), sites (bodies, courts, streets, media, networks, borders), scales (urban, regional, national, transnational, international) and acts (voting, volunteering, blogging, protesting, resisting and organizing) through which subjects enact themselves (and others) as citizens need to be interpreted anew.

We need a new vocabulary of citizenship. We have witnessed the emergence of new sites of struggle and new rights as well as the blurring of boundaries between human rights and other rights, the articulation of rights by and to cities, regions and across states, and the emergence of struggles through streets, cities, courts, international non-governmental organizations and regional alliances. In order to make sense of the implications of such developments for citizenship we require new concepts rather than a recycling of old categories. What seems now obvious is that throughout the twentieth century (and accelerating towards its end) rights, sites, scales and acts of citizenship have proliferated to the extent that these have begun to change our dominant figure of citizenship. We have yet to accept this fully let alone understand it. I will call this figure ‘activist citizenship’ and its actors ‘activist citizens’ to contrast it sharply with the figure of ‘active citizenship’ that emerged during the French Revolution and that persisted for two centuries.

### **What is Called ‘Citizenship’?**

If we are to develop a fluid and dynamic conception of citizenship that is historically grounded and geographically responsive, we cannot articulate the

question as ‘what is citizenship?’ Rather, the challenge is to ask ‘what is *called* citizenship?’ that evokes all the interests and forces that are invested in making and interpreting it in one way or another. That is why current debates about whether citizenship is status or practice and whether it is a controlling or empowering institution have become rather enervated. It has been acknowledged and often stated that the debate over citizenship has focused on two distinct but related aspects: citizenship as status and citizenship as practice. The studies that focus on citizenship as status often start with the observation that citizenship is acquired by three modes: *jus sanguinis* (a child inherits citizenship via a parent), *jus soli* (a child inherits citizenship via birth regardless of parentage) or *jus domicili* (a person acquires citizenship by naturalization in a state other than his or her birth). They focus on issues of residence, naturalization, passport, immigration, alienage and deportation (Jacobson, 1996; Schuck, 1998; Aleinikoff and Klusmeyer, 2000; Hansen and Weil, 2000; Torpey, 2000; Benhabib, 2004). The studies that emphasize practice typically focus on integration, cohesion, multiculturalism, education, nationalism and transnationalism (Body-Gendrot and Martiniello, 2000; García Canclini, 2001; Ferrera, 2003; Penninx, 2004). Although most studies on either status or practice accept that status and practices of citizenship presuppose each other and also call each other into question, many studies still predominantly emphasize status or practice.

Debates have also focused on whether citizenship eases or hinders domination of one social group over another (Isin and Turner, 2002). It was the debate between Mann (1987) and Turner (1990, 1993) that brought into sharp relief the question of whether citizenship involves ruling class strategies via the state or whether it is an expression of social movements. But this discussion too has become enervated. Clearly, citizenship involves both aspects, and detailed empirical investigation is required to reveal the extent to which citizenship institutes domination of one social group over another (Isin, 2002a). Citizenship can be both domination and empowerment separately or simultaneously.

Yet another focus of interest is whether citizenship remains within the modern boundaries of the state and nation or extends beyond those boundaries. Since Soysal’s (1994) influential contribution on how post-national citizenship rights were being made available to claimants of citizenship within the authority and boundaries of nations, post-national, transnational, global or cosmopolitan forms of citizenship have generated a considerable literature (Bauböck, 1994; Linklater, 1998; Hutchings and Dannreuther, 1999; Falk, 2000; Yegenoglu, 2005; Archibugi, 2008; Schattle, 2008). These debates have invigorated our understanding of what it means to be a citizen, but nevertheless by and large almost all contributors continue to take ‘citizenship’ to mean *membership* of a state.

As debates continue over these aspects (status versus practice, domination versus empowerment, formal versus substantive, national versus transnational),

new *actors*, *sites* and *scales* of citizenship have emerged that complicate the ways in which citizenship is enacted not as only membership but also as claims (Sassen, 1996; Flores and Benmayor, 1997; Soysal, 1997; Isin and Siemiatycki, 2002; Scholtz, 2006). It is no longer adequate (if it ever was) to think of states as ‘containers’ of citizens as its members. New actors articulate claims for justice through new sites that involve multiple and overlapping scales of rights and obligations (Bigo, 2002; Huysmans, 2006; Huysmans *et al*, 2006) *The manifold acts through which new actors as claimants emerge in new sites and scales are becoming the new objects of investigation. This changes our conception of the political as well as of citizenship.*

The attempts to interpret these new developments by engaging already established approaches to political theory such as liberalism, republicanism and communitarianism have been inadequate. But equally the assumption that political theory emerges from interpreting phenomena that precede it is as problematic as the assumption that somehow political theory brings about the changes it prescribes (Tully, 2002; Freedman, 2005). The challenge for theorists of citizenship is not to develop a theory of citizenship by fitting it into already existing ‘political’ theories or revising theory to accommodate changing realities; rather it is to theorize citizenship as an institution in flux embedded in current social and political struggles that constitute it. ‘What is called citizenship?’ is itself a call to investigate how political thought is embedded in acts as claims for justice. The aim of this article is not to provide such an analysis (Isin, 2002a). Rather, it aims to provide a vocabulary that has arisen out of such an analysis, which may prove useful for others (Isin, 2005).

I have already used the central concepts of this vocabulary rather casually and without introduction: actors, sites, scales and acts. Although the rest of this article is about explaining them I will now briefly define them. The actors of citizenship are not necessarily those who hold the status of citizenship. If we understand citizenship as an instituted subject-position, it can be performed or enacted by various categories of subjects including aliens, migrants, refugees, states, courts and so on (Bassel, 2008). The political is not limited to an already constituted territory or its legal ‘subjects’: it always exceeds them. Citizenship as subjectivity enacts that conception of the political. Thus, the actors of citizenship cannot be defined in advance of the analysis of a given site and scale, which are its other central categories.

The ‘sites’ of citizenship are fields of contestation around which certain issues, interests, stakes as well as themes, concepts and objects assemble. The ‘scales’ are scopes of applicability that are appropriate to these fields of contestation. When we use already existing categories such as states, nations, cities, sexualities and ethnicities, we inevitably deploy them as ‘containers’ with fixed and given boundaries. By contrast, when we begin with ‘sites’ and ‘scales’ we refer to fluid and dynamic entities that are formed through contests and struggles, and their boundaries become a question of empirical determination.

Although sites and scales provide two constantly shifting aspects of struggles over rights, I will argue that the binding thread of investigations of these struggles should be the concept of ‘acts’ and specifically ‘acts of citizenship’. To investigate how new actors, scales and sites of citizenship shift and emerge means to investigate acts of citizenship – those deeds by which actors constitute themselves (and others) as subjects of rights.

The concept of ‘acts of citizenship’ has been introduced elsewhere (Isin, 2008). Four considerations were provided for its development. First, actors need not be conceived of in advance as to their status. They can be individuals, states, NGOs and other legal or quasi-legal entities or persons that come into being through enactment. To recognize certain acts as acts of citizenship requires the demonstration that these acts produce subjects as citizens. Time and again we see that subjects that are not citizens act *as* citizens: they constitute themselves as those with ‘the right to claim rights’. (The concept popularized by Arendt ‘the right to have rights’ sounds too passive and possessive to capture the activist figure of citizenship.) Second, acts through which claims are articulated and claimants are produced create new sites of contestation, belonging, identification and struggle. These sites are different from traditional sites of citizenship contestation such as voting, social security and military obligation though these continue to be important. Bodies, courts, streets, media, networks and borders have also become sites of contestation for citizenship. Third, acts of citizenship stretch across boundaries, frontiers and territories to involve multiple and overlapping scales of contestation, belonging, identification and struggle. Such contestations stretch across nations and towards urban, regional, transnational and international scales. The focus on acts of citizenship that produce new actors, sites and scales of citizenship is therefore vital for understanding how citizenship has changed in an age of migration and movement (Castles and Davidson, 2000). Fourth, by theorizing acts we shift focus from what people *say* (opinion, perception, attitudinal surveys) to what people *do*. This is an important supplement, and under certain circumstances, corrective, to studies that concern themselves with what people say about their citizenship and identification.

Given these preliminary considerations, we can start with the following relational definition of citizenship. Citizenship is a dynamic (political, legal, social and cultural but perhaps also sexual, aesthetic and ethical) institution of domination *and* empowerment that governs *who* citizens (insiders), subjects (strangers, outsiders) and abjects (aliens) are and *how* these actors are to govern themselves and each other in a given body politic. Citizenship is not membership. It is a relation that governs the conduct of (subject) positions that constitute it. The essential difference between citizenship and membership is that while the latter governs conduct *within* social groups, citizenship is about conduct *across* social groups all of which constitute a body politic. Being a citizen almost always means being more than an insider – it also means to be

one who has mastered modes and forms of conduct that are appropriate to being an insider. This creates an actor both in the sense of a *person* (law) but also a *persona* (norm). For subjects and abjects becoming a citizen means either adopting modes and forms of being an insider (assimilation, integration, incorporation) or challenging these modes and forms and thereby transforming them (identification, differentiation, recognition). Just what constitutes citizenship and its appropriate modes and forms of conduct are always objects of struggle among citizens, subjects and abjects through claims to citizenship as justice. It is through these claims to citizenship as justice that citizenship becomes a site of rights (and obligations). These claims and the combination of rights and obligations that define citizenship work themselves out very differently in different sites and produce different actors. Thus, *rights* (civil, political, social, sexual, cultural, ecological), *sites* (bodies, courts, borders, networks, media), scales (cities, empires, nations, states, federations, leagues), *actors* (citizens, subjects, abjects) and *acts* (voting, volunteering, blogging, protesting, resisting and organizing) are the elements that constitute a body politic. The sites and scales are not mutually exclusive and discrete but overlapping and connected. So when investigating an act it is appropriate always to consider the overlapping and connected aspects of sites and scales through which various actions actualize acts. Below I sometimes use site-scales together and sometimes sites and scales as separate attributes depending on the specific exemplification.

I will now provide a brief re-reading of the history of citizenship from the point of view of the vocabulary of citizenship developed above.

### **Sites, Scales and Actors**

The dominant reading of citizenship is one that privileges the ancient Greeks as inventing it roughly around the eighth century BCE by producing a new site-scale of politics: *polis* (Manville, 1990). Until then, god-kings, we are told, governed the city. It appears that cities in ancient kingdoms, states and empires did not develop citizenship precisely because they were ‘despotic’ regimes of government. But the ancient Greeks themselves did not see much conflict between despotic regimes of government and citizenship. The three forms of governing the city as identified by Greek thought – oligarchy, aristocracy, and democracy – already assumed the existence of the citizen. Nonetheless, what happened in that moment? The answer, ironically, has much to do with what we are struggling over right now. At that moment, it seems that a new actor entered onto the stage of history, which was male, warrior and owned property (not the least of which was the means of warfare). That actor became the dominant figure against god-kings. Those who were not male and did not own property such as women, slaves, peasants, merchants, craftsmen, sailors increasingly

found themselves as the others of the citizen – namely, as subjects and abjects. Being a citizen in this context involved the right to govern his city (belonging) and bequeath that right to his son (blood). In governing himself by the laws of his city, he also governed the strangers, outsiders and aliens of the city. We have already drawn attention to sites (masculinity, warriorship, property) that remained key sites of struggle until modernity. But these sites functioned very differently. *Polis* would remain as the originary scale and site through which citizenship was reinvented through centuries. The issues that *polis* articulated such as the relationship between citizenship and forms of government, subjects and abjects, and rights and obligations of citizenship would, time and again, be repeated albeit producing different sites, actors and rights of citizenship. It is now impossible to conceive citizenship without orienting ourselves to that originary site-scale of history, *polis* and the citizen as its historical actor.

Contrast that with the Roman citizen. When it was fully articulated, being a Roman citizen was above all being a member of an empire that was *beyond* the city (Sherwin-White, 1973). Yet, it is clear that while Romans invented a new scale *for* citizenship, it was articulated *through* the city. ‘Being Roman’ nicely captures that duality: being of Rome and its empire (Gardner, 1993). What that meant is that while being male, warrior and owning property were still the elements that constituted the Roman citizen, dominating its other actors such as strangers (women, plebeians, clients, slaves), outsiders (merchants, foreigners) and aliens (barbarians); he was still essentially Roman precisely because he was *of* Rome. Being Roman was simultaneously an imperial and civic identity, but it eventually became an imperial identity by the 212 CE *Constitutio Antoniniana*, which gave all freemen in the Roman Empire Roman citizenship (Sherwin-White, 1973, pp. 380–386). How the fall of the empire was related to this declaration in 212 CE will continue to be the subject of debate (Heater, 1990). What is noteworthy for the purpose of my argument is that although the scale of citizenship was constituted differently, masculinity, warriorship and property still remained the key sites of struggle.

The moments of the emergence of new sites and scales of citizenship after the disintegration of the Roman Empire are fascinating. Much has been written about the rebirth of the city during the eleventh and twelfth centuries in Europe. The invention of the charter as the founding instrument of the city as a body politic (and corporate) and the emergence of the new actor-citizen, who was not a warrior but a peaceful merchant and artisan of the medieval commune, has given us a new originary moment. This is not disconnected from Athens and Rome yet has a new inflection. Perhaps the new site and scale of citizenship was now best represented by Florence though, of course, there were regional differences throughout Europe (Weber, 1921b). Between the twelfth and fifteenth centuries, thousands of cities were founded as bodies politic and corporate with varied relationships of autonomy and autocephaly (administrative independence) from the ‘surrounding’ lordship, kingships and incipient

states (Reynolds, 1997). For the emerging European citizenship, its dominant site-scale was definitely the city but more through belonging than blood. The well-known residency requirement in medieval Europe of a year and a day before one could become a citizen (a burgher) is one of the telling clauses of the charter that founded the city (Frug, 1980). Just how these scattered and heterogeneous patchwork worlds of contested sovereignties, autonomies and class of burghers (hence the origins of the bourgeoisie) were transformed into the world of states remains debatable (Strayer, 1970; Poggi, 1978, 1990). But the city was undeniably still at the centre of the development of the state rather than the state being the city writ large. The transformation from the fifteenth to eighteenth century was, if you like, from Florence to Paris. If Florence represented that world of contested sovereignties, Paris embodied a new actor, a new *scale* of citizenship: the republic. Although its own self-image aspired to become even wider, behind that aspiration stood a dominant figure: the bourgeois, male and Christian citizen.

Arendt (1951) called the moment when the state was defined as the territory of a people constituted according to not just bourgeois, Christian and male properties but also according to ethno-cultural properties as the 'conquest of the state by the nation'. What Arendt meant by this conquest is that if the state was a body politic (Arendt called it an artefact) that enabled negotiation of differences among various social groups as their claims to citizenship, nationality instituted the domination of a group over others as immutable. It was then that citizenship was reconfigured as nationality (Balibar, 2004, p. 37). While the difference between citizenship and nationality ought to be as profound as that between citizen and subject or object, it rapidly became and remains still an accepted, if not given, association or identity.

The three sites of citizenship (masculinity, warriorship, property) persisted well into the modern state and nation-state. The medieval commune was perhaps a departure between the twelfth and fifteenth centuries in Europe when being a warrior was not associated with being a citizen, but rather was associated with being of the city (even if a citizen did not dwell in the city). Yet, being a citizen still involved owning property and being male. Perhaps then, the most significant divergence occurred in the late eighteenth and early nineteenth centuries when citizenship became associated with nationality and was understood as belonging to the state rather than the city. The state was seen as the city, and nation as the citizen, writ large (Black, 1984, p. 152). It was then that the principles of *jus sanguinis* (blood), *jus domicili* (residence) and *jus soli* (birth) were rearticulated through the nation-state.

What these considerations illustrate is that citizenship should always be interpreted with a focus on its fluid and dynamic elements that constitute it and its rights, sites, scales and actors. Taking any one of these elements as given or static, and taking any one of these elements in isolation significantly impoverishes our understanding of the ways in which citizenship institutes



domination and/or empowerment. Indeed, such a tendency leads us towards an approach in which citizenship becomes contained within already taken-for-granted boundaries. Similarly, if we are not attentive to significant shifts and divergences such as the transformation from ancient to modern institutions of citizenship, we assume (implicitly or explicitly) a static and unchanging view of citizenship as membership.

Yet, if each site and scale articulates a different actor and if the state constitutes a qualitatively different scale of citizenship, what explains the ostensible unity of 'citizenship' in so much as we talk about 'it' rather than different institutions or designations? The answer, in part, lies in the fact that every dominant social group in the occident reinscribed and reinvested itself in the citizen as the foundation of its symbolic and imaginary occidentality (Isin, 2002b). It also lies in the fact that the originary sites of citizenship – masculinity, warriorship and property – remained effective until the twentieth century, thus playing an important role in the on-going differentiation of citizens from subjects and objects.

It is these foundational sites of citizenship – masculinity, warriorship and property – and its 'occidental' scale that gradually disappeared in the twentieth century. We may well interpret the twentieth century as having recast the foundational elements of citizenship. It was then that property was no longer tied to citizenship, women became at least formal if not substantive claimants upon it, and the nature of war and warriorship were fundamentally altered by being fought by special kinds of mercenaries (for example, 'operatives for security contractors') and technological weaponry. Moreover, it was in that century that the universal citizen was shown to have represented the attributes of a particular occidental social group: Christian, heterosexual, male, white and adult (Young, 1989, 1990). While the figure of the universal citizen was shown as a chimera, a universal declaration heralded the figure of the human as bearer of rights. Does this mean the end of citizenship? This period is seen as consolidating the gradual expansion of civil rights in the eighteenth, political rights in the nineteenth and social rights in the twentieth century (T.H. Marshall, 1949). Could the twenty-first century mark the end of citizenship just as Roman citizenship ended at the moment of its declaration of universality in 212 CE? Judging how some scholars have come to see human rights supplant citizenship rights, we may well reach that conclusion.

Or, we may think differently. In his overview of modern citizenship since the eighteenth century, Andreas Fahrmeir (2007, p. 232) concludes, '... any prophesy about citizenship's impending demise and on what is likely to replace it will probably prove mistaken'. I agree with that assessment. However, he claims that '... citizenship is likely to prove as impermanent as class or race, and discussions of citizenship would probably do well to take more account of that fact than they have tended to do so far' (Fahrmeir, 2007, p. 232). This is too static and too reductionist a view. Citizenship cannot be reduced to class or

race since they have been the conditions and not the substance of citizenship. Moreover, citizenship has gone through significant changes but still remains an institution of domination and empowerment. The emergence of ostensibly 'universal' rights called 'human' does not eclipse social, sexual and other rights as substances of political struggles (Rancière, 2004; Žižek, 2005; Isin and Rygiel, 2007), nor should it be seen as such.

Consequently, while we have witnessed the recasting of the historic sites of citizenship (property, warriorship, masculinity), we have also observed the emergence of new actors that are constituted much less by what they possess than by what they ostensibly lack: strangers, outsiders and aliens had become claimants to citizenship (Isin and Wood, 1999). Perhaps those new historical narratives that are now being told about citizenship indicate this transformation (Isin, 2002a). These narratives interpret and institute citizenship less as a bastion of property, warriorship and masculinity, let alone occidentality or nationality, and more as about the struggles of redistribution and recognition by those who had been its strangers, outsiders and aliens (Smith, 1997). This is a transformation that has been brought out by movements mentioned earlier and whose consequences for citizenship we hardly comprehend or recognize. It is this figure of citizenship that we yet dimly perceive and that I want to name. What is then the substance of citizenship?

### **Rights: The Substance of Citizenship**

The rights of others constitute a concession on the part of our sense of power to the sense of power of those others. If our power appears to be deeply shaken and broken, our rights cease to exist; conversely, if we have grown very much more powerful, the rights of others, as we have previously conceded them, cease to exist for us. (Nietzsche, 1881, p. 67)

The substance of citizenship is 'rights'. But rights are not substances. Rights are, as Nietzsche suggests, relations. Each site and scale of citizenship configures rights appropriate to the relations of forces that constitute it. If the citizen is dominant in a given site (property, warriorship and masculinity) then the corresponding obligations of those who do not have access to these sites will be making claims to citizenship as justice, and redressing injustices to which domination gives rise. Although not a zero-sum game, rights of citizenship are relationships that reflect dominant sites and actors of citizenship. It would have been inconceivable to imagine claiming rights for 'disabled people' or 'irregular migrants' in either Greek polis or Roman civitas. Similarly, it would be inconceivable today to institute a parliament of warriors. The relationships between and among sites, scales and actors of citizenship are not zero-sum games either. These scales articulate through each other rather than eclipsing

each other (Isin, 2007). They also stretch and permeate each other. Rather than being nestled and concatenated, the scales of citizenship are tentacular and amorphous and bleed into each other. It is these intersections between different sites (and scales) that produce different actors and different rights of citizenship. The sites and scales are not mutually exclusive and discrete but are overlapping and connected. A legal court, for example, can become a site of struggles over certain rights. But it may also activate a scale by virtue of its jurisdiction, as its scope of applicability becomes the object of struggle. The European Court of Human Rights, for example, can become a site of contestation for women wearing headscarves in university campuses in Turkey, but it also flexes or stretches those struggles taking place within Turkey to a European legal case. So, when investigating an act it is appropriate always to consider the overlapping and connected aspects of sites and scales through which various actions actualize acts.

So far I have attempted to give a fluid and dynamic view of citizenship, which is constantly in flux combining various elements which I called, on the one hand, sites, scales and actors, and on the other, rights of citizenship. While we can focus on a given geographic scope and historical situation to investigate a particular combination of the fluid and dynamic elements of citizenship, this does not necessarily make us understand the conditions of its transformation. To understand how historical actors (citizens, subjects, abjects) enact themselves to claim certain rights, assume obligations and constitute themselves as citizens, we need to investigate enactments of citizenship. The unit of analysis in such enactments is acts or deeds by which and through which subjects become, or constitute themselves as, citizens.

### **Acts: Enacting Political Subjectivity**

What is an act? We need to consider this question before turning to ‘acts of citizenship’. As I have discussed this question in more detail elsewhere, a brief summary will suffice (Isin, 2008). Both as a verb and noun, the word act implies and evokes an impressive range of conduct and outcomes that are related but irreducible to action. So the most important conclusion is that acts and action are different and yet related kinds of things. Yet, while ‘action’ has long been a concern of modern social and political thought (Weber, 1921a; Parsons and Shils, 1959), the concept of ‘acts’ has never been a consistent (nor persistent) subject except when linked with performativity and speech acts (Searle, 1969; Butler, 1988). Conflation of acts and action seems widespread. When Stout (2005, p. 3), for example, says ‘Being an agent is being something that acts, something that does actions’, it sounds promising. But he continues ‘in the philosophy of action we are dealing with two types of entities: agents and actions’, and acts disappear from analysis (Bennett, 1995). Similarly, Butler

(1988) and Searle (1969) assume that acts can be called actions. The fact that acts can refer both to deeds as well as performance, to process as well as outcomes, to conduct as well as enactment, confounds attempts to develop a concept that focuses on the passage between a performance and its outcomes or between an act and its actualization.

In contemporary political thought, Robert Ware (1973) remains, as far as I know, the sole figure to have argued for a distinction between acts and action. Ware argues that while both acts and actions concern doings rather than happenings, acts are different kinds of doings than actions (Ware, 1973, p. 404). This distinction can already be found in our common use of the expressions ‘act’ and ‘action’ but Ware thinks it has been curiously neglected. By noting that many things can be called acts or actions, the fact that they cannot be substituted for each other should be taken to illustrate that these are different entities (Ware, 1973, p. 403).

Ware proposes six necessary conditions for something to be called an act. (I will express these in my own words as Ware’s specification of acts and their difference from actions is not always consistent.) First, to specify an act is to indicate a doing. Although actions also involve a doing, it is necessary that they involve movement, change, and motion of objects and bodies. ‘What is important for actions is that there be action. Actions and motions are rather alike. They both involve action or motion’ (Ware, 1973, p. 408). In contrast, the kind of doing that acts indicate does not need to involve objects and bodies. Second, acts are doings of actors. Actions can happen without actors. Thus, acts are either human or humanized (that is, acts of God or acts of nature). There are actions of non-human beings just as there are actions of human beings, but there are acts only of human beings (Ware, 1973, p. 406). Third, acts happen because of a decision to perform the act. Although acts can be either intentional or non-intentional they are always purposive. Thus, acts always involve a decision. Fourth, while acts take time and space for doing, they do not have spatiotemporal coordinates: ‘acts do not have a place or position in the world and thus cannot be seen [or observed]’ (Ware, 1973, p. 414). Fifth, acts must have completion. They involve accomplishments. ‘The accomplishing of something is not an action although it may take action to accomplish something, and doing something will usually involve action’ (Ware, 1973, p. 407). That is to say, acts exist as entities whose absence or presence can, in equal measure, specify an accomplishment. ‘Doings that go on for a period of time and that can be continued or broken off might be action or activities [routines or practices], but they are not acts’ (Ware, 1973, p. 413). Sixth, acts build upon acts. Acts involve accomplishments with start and end moments but they also have continuity within themselves. They accrete over time.

From these considerations one can suggest that an act is neither a practice, nor a habit nor an action and yet it implies all these forms of conduct. Contra Stout, when theorizing acts we are dealing with three types of entities: acts,

actions and actors. Theorizing acts is not possible without focusing on acts *themselves* that exist independently of actors but cannot be actualized without them. By this I essentially follow Reinach (1983) and Mikhail Bakhtin (1993). (For an extended discussion see Isin, 2008.) It was Reinach and Bakhtin – albeit in different ways – who argued that acts should be distinguished from action and that they should be accorded an ontological existence that is before both actors and actions.

Reinach interpreted the essence of an act as an expression of the need for being heard. He investigated various acts such as willing, promising, commanding, requesting and contemplating and concluded that for an act to be a social act it must enact (via linguistic or non-linguistic means) a need to be heard by one party to another (Reinach, 1983, p. 19). As he put it, ‘the turning to another subject and the need of being heard is absolutely essential for every social act’ (Reinach, 1983, p. 20). This made acts for Reinach inescapably dialogical or relational. It is beyond the scope of this article to discuss how he then used his concept of social acts to demonstrate the foundations of law or to show how his conception can be said to have anticipated speech act theories and can perhaps be used to critique them (Crosby, 1990; Smith, 1990; DuBois, 1995). Nevertheless, it is important to emphasize that a relational and dynamic interpretation he provided for acts is crucial for understanding citizenship as a dynamic institution. *Acts thus stand in contrast to habitus and other concepts that emphasize the relatively enduring disposition of men and women and that account for the persistence and stability of an order or the grounds of the emergence of another order.* To maintain a distinction between acts and action and acts and habitus requires recognizing acts as those that ‘create a scene’, which means both performance and disturbance. Creating a scene means to call into question the script itself. Acts are ruptures or beginnings but are not impulsive and random reactions to a scene. Acts are always purposive though not always intentional. *By theorizing acts, or attempting to constitute acts as an object of analysis, we must focus on rupture rather than order but a rupture that enables the actor (that the act creates) to create a scene rather than follow a script.* If an act is understood against habitus, practice, conduct, discipline and routine (the latter conceived of as ordered and ordering qualities of how humans conduct themselves), we can then perhaps understand why the question of acts would remain minor and fragmented within social and political thought and social sciences.

How do we understand ‘acts of citizenship’? The term immediately evokes such acts as voting, taxpaying and enlisting. But these are routinized social actions that are already instituted. By contrast, acts make a difference. We make a difference when we actualize acts with actions. We make a difference when we break routines, understandings and practices. That is why the common term ‘making a difference’ puts its emphasis on ‘difference’. That means the order of things will no longer be the way it was. Making a difference introduces a break,

a rupture. Thus, to make a difference is to act; to act is to make a difference. Arendt saw being political as the capacity to act (Arendt, 1969, p. 179). She was moved by the ancient Greek conception of act, which meant both governing and beginning (Arendt, 1958, p. 177; 2005, p. 321). To act means to begin. It is not just to begin something new, but to enact oneself as that being that makes a beginning (Arendt, 1958, p. 177). We are beings endowed with the capacity to act, or as Sartre would say, ‘to be is to act’. To act is to actualize a rupture in the given, to act always means to enact the unexpected and unpredictable (Sartre, 1957, p. 613; Arendt, 1958, p. 178). While voting, taxpaying and enlisting may make a difference under certain conditions, activist citizenship, in the sense of making a break, a rupture, a difference, is not inherent in them. If so, what are acts of citizenship? I break up this question into three questions and address each in turn with the example of the *sans-papiers* – the struggles of undocumented or irregular migrants and refugees.

In the 1990s, a group of undocumented migrants formed a movement to demand the right to stay in France (Dubois, 2000). Although the movement had been organizing through meetings and demonstrations, it was an act that not only symbolized its claims to rights, but also instigated or accelerated various other acts to actually transform it to a movement. ‘On 18 March 1996, 324 irregular migrants occupied a church in Paris, calling themselves the Sans-Papiers (literally “without papers”). Some of the Sans-Papiers were asylum seekers and some were long-term working residents of France whose status had been made irregular as a result of legislative changes. The Sans-Papiers demanded the right to stay in France and the right to regularized status’ (McNevin, 2006, p. 135). It was this claim to the right to stay that was enacted by occupying a church not with a language of human rights but political rights of subjects who did not possess these rights. So the claim was not only the right to stay but also the right to claim a right. It became increasingly the defining aspect of the movement – symbolized in that originary act in the church – that *sans-papiers* differentiated themselves from those with papers even if they were supporters (Rodríguez, 2003). The three questions that the act of citizenship the *sans-papiers* staged concerned the boundaries between exclusion and inclusion, gaps between intentions and consequences, and tensions between legality and illegality.

*Question 1.* Are acts of citizenship inherently (or always) exclusive or inclusive, homogenizing or diversifying, positive or negative? Or do these meanings that we attribute to acts only arise after the fact? Following our discussion of acts, we cannot define acts of citizenship as already inherently exclusive or inclusive, homogenizing or diversifying, or positive or negative. These qualities arise after, or, more appropriately, through the act. In fact, we as interpreters ascribe these qualities to those acts. This means that acts produce such qualities only as their effects not as their causes. Moreover, those acts that are explicitly intended for certain effects (inclusion, diversity, tolerance) may well produce their counter

effects (exclusion, homogeneity, intolerance). There are many examples, but the struggle of the *sans-papiers* (those without papers) is appropriate here. Reminiscent of the revolutionary *sans-culottes* (Isin, 2002a, pp. 193–202), the *sans-papiers* and their defenders have created series of actions as acts of citizenship that brought some fundamental injustices of republican citizenship to the fore (McNevin, 2006, p. 135). However, the significance of *sans-papiers*, those without papers and thus without ascribed identities, and their defenders, is not that they simply pointed to the injustice of their situation and sought their ‘human rights’. Rather, they enacted themselves as citizens by usurping the right to claim rights. As Balibar, 2004 says ‘... the *sans-papiers* also made their contribution to the development of active citizenship by arousing, through the forms and content of their action, an activist solidarity that has shown a remarkable long-term continuity, beyond the understandable alternations of mobilization and discouragement’ (Balibar, 2004, p. 48). But I wonder if Balibar is neglecting an important issue here by continuing to recognize *sans-papiers* as active citizens while they actually herald the emergence of a new figure of citizenship, which I call activist citizenship. It is hard to imagine *sans-papiers* acting out of an already written script. The first principle of understanding acts of citizenship is to interpret them through their grounds and consequences, which includes actors becoming *activist citizens* through scenes created. Thus, an analysis of ‘activist citizens’ over an analysis of ‘active citizens’ is critical to the framework developed here. By contrast to active citizens who act out already written scripts such as voting, taxpaying and enlisting, activist citizens engage in writing scripts and creating the scene. Rather than recognizing the radical challenge of *sans-papiers* is Balibar not interpreting their acts as an instance of ‘already-scripted’ republican citizenship?

*Question 2.* Can acts of citizenship be enacted without an explicit motive, purpose or reason? Do those actors that act as citizens, strangers, outsiders or aliens necessarily (or always) attribute reasons to their acts? Acts cannot happen without motives, purposes or reasons but those cannot be the only grounds of interpreting acts of citizenship. Although acts of citizenship involve decisions, those decisions cannot be reduced to calculability, intentionality and responsibility. But because they are irreducible to those qualities, they can be enacted without subjects being able to articulate reasons for becoming activist citizens. Acts of citizenship do not need to originate in the name of anything, though we as interpreters will always interpret how acts of citizenship orient themselves towards justice. The second principle of theorizing acts of citizenship is to recognize that acts produce actors that become *answerable to justice*. This is again evident in relation to the *sans-papiers*. As Balibar says, they did not merely make claims to rights for their own but ‘... made a contribution to the progress of the *democratization of borders* and of the freedom of movement, which states tend to treat as passive objects of a discretionary power’ (Balibar, 2004, p. 49).

*Question 3.* Can acts of citizenship happen without being founded in law or responsibility? Do those actors that act as citizens, strangers, outsiders or aliens necessarily (or always) act in the name of the law and responsibility? As the example of *sans-papiers* shows, acts of citizenship are not necessarily founded on law or responsibility. In fact, for acts of citizenship to be acts at all they must call the law into question and they may, sometimes, break it. Similarly, they must call established forms of becoming responsible into question and they may, sometimes, be irresponsible. *Those activist citizens that act are not a priori actors recognized in law, but by enacting themselves through acts they affect the law that misrecognizes them.* The third principle of theorizing acts is to recognize that acts of citizenship do not need to be founded on law or enacted in the name of the law. As Beneduce (2008) illustrates, by so doing *sans-papiers* broadened the boundaries of responsibility towards answerability and articulated questions about colonial history and its injustices. Balibar captures this aspect in speaking about the struggles of the *sans-papiers*: ‘Paradoxically the struggles of the *sans-papiers*, perceived by the government as disturbances of the public order, desperate forms of blackmail or products of conspiracy whose manipulators should be sought among “criminal networks”, have been and are privileged moments in the development of *active citizenship* (or, if you prefer, direct participation in public affairs) without which there exists no polity (*cit *), but only a state form cut off from society and petrified in its own abstraction’ (Balibar, 2004, p. 48). Yet, while Balibar almost recognizes the originality of *sans-papiers*, does he not recall active citizenship again by emphasizing their claim to participation in public affairs? In my view, it is not the claim to participate in public affairs that constitutes the originality of *sans-papiers* but their claims to justice when they did not have the legal capacity to do so. The claim of *sans-papiers* is not to become French republican citizens (as it is understood) but to transform it. As McNevin (2006) says ‘The Sans-Papiers claim a right of membership which exists prior to the formal allocation of citizenship and upon which basis they now insist on legal recognition’ (McNevin, 2006, p. 144). What the *sans-papiers* case here allows us to see is that it is through acts that citizenship is enacted, with citizenship otherwise remaining an abstract category of government.

Actors, who claim rights and obligations, enact themselves as activist citizens and, in the process, differentiate and name others as those who are not citizens (strangers, outsiders, aliens). This is another aspect of *sans-papiers*. By naming themselves with a ‘lack’ (*sans*), they differentiate and name those ‘with’ papers. As McNevin (2006) says ‘Perhaps the most powerful and distinguishing strategy [*sans-papiers*] employ is the explicit rejection of the language and image of illegality in favour of the language and image of entitlement’ (McNevin, 2006, p. 143). By so doing, *sans-papiers* expose the contingency of the categories with which politics is enacted. Acts of citizenship are those acts through which citizens, strangers, outsiders, aliens emerge not as actors already defined but as



ways of being with others. We have considered acts of citizenship as political insofar as these acts constitute constituents (actors with claims). But they can also make ethical (for example, answerable and responsible), cultural (for example, carnivalesque), sexual (for example, pleasurable) and social (for example, affiliation, solidarity, hostility) claims. *We can define acts of citizenship as those acts that transform forms (orientations, strategies, technologies) and modes (citizens, strangers, outsiders, aliens) of being political by bringing into being new actors as activist citizens (that is, claimants of rights) through creating or transforming sites and stretching scales.*

### **Conclusion: Activist Citizenship**

Citizenship is enacted through struggles for rights among various groups in their ongoing process of formation and reformation. Actors, scales and sites of citizenship emerge through these struggles. Investigating citizenship involves analysing groups whose struggles constitute it as a contingent and contested institution rather than beginning with an abstract definition. To recognize that citizenship is in flux is not to lament its fluid and dynamic structure but to theorize and to account for its instability. Citizenship understood as political subjectivity shifts our attention from fixed categories by which we have come to understand or inherit citizenship to the struggles through which these categories themselves have become stakes. It also shifts our attention from already defined actors to the acts that constitute them. Rather than asking ‘who is the citizen?’ the question becomes ‘what *makes* the citizen?’ The distinction I am making between active and activist citizen is very close to the one Balibar (2004) makes. He opposes two conceptions of citizenship: ‘One is both authorization and abstract. It can claim to advance objectives of social transformation and equality, but in the final analysis it always limits itself to the statist axiom, “the law is the law”, which presumes the omniscience of the administration and the illegitimacy of conflict’ (Balibar, 2004, pp. 49–50). In my words, active citizenship has become a script for already existing citizens to follow already existing paths. It is most often used to denote the kinds of behaviour that citizens ostensibly follow. Thus, it is always tied into governmental practices through which conduct is produced. It is the conduct of those who are already considered as citizens and whose conduct is juxtaposed against those who are not. Balibar contrasts this with another conception of citizenship that ‘attempts to form a concrete articulation of the rights of man and the rights of the citizen, of responsibility and militant commitment. It knows that the historical advances of citizenship, which have never stopped making its concept more precise, have always passed by way of struggles, that in the past it has not only been necessary to make “a part of those who have no part”, but truly to force open the gates of the city, and thus to redefine it in a dialectic of conflicts and solidarities’

(Balibar, 2004, pp. 49–50). In other words, thinking about citizenship through acts means to implicitly accept that to be a citizen *is* to make claims to justice: to break habitus and act in a way that disrupts already defined orders, practices and statuses.

The emerging figure of the activist citizen making claims to justice is the defining figure of contemporary global politics. For centuries citizenship as status and practice has been grounded in masculinity, warriorship, property within territorial boundaries that contained it. I provided a preliminary definition of citizenship as a dynamic institution of domination *and* empowerment that governs *who* citizens (insiders), subjects (strangers, outsiders) and abjects (aliens) are and *how* these actors are to govern themselves and each other in a given body politic. The emerging figure of the activist citizen calls into question the givenness of that body politic and opens its boundaries wide.

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### About the Author

Engin F. Isin holds a Chair in Citizenship and Professor of Politics in *Politics and International Studies* (POLIS) at the Faculty of Social Sciences, the Open University. He is also director of the Centre for Citizenship, Identities, Governance (CCIG) at the Faculty of Social Sciences. He is the author of *Cities Without Citizens: Modernity of the City as a Corporation* (Montreal: Black Rose Books, 1992), *Citizenship and Identity* with Patricia K. Wood (London: Sage, 1999) and *Being Political: Genealogies of Citizenship* (Minneapolis: University of Minnesota Press, 2002). He has written numerous journal articles and book chapters as well as delivering public lectures. He has co-edited with Bryan S. Turner and Peter Nyers, *Citizenship Between Past and Future* (London: Routledge, 2008) and with Greg Nielsen, *Acts of Citizenship* (London: Zed, 2008). His latest edited book *Recasting the Social in Citizenship*

(University of Toronto Press, 2008) is about bridging social and political struggles over citizenship.

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