

# From Radical Democracy to Radical Citizenship: Etienne Balibar and Jacques Rancière on the Windrush Scandal and Emancipatory Struggles

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## Introduction

In the present, the relationship between citizenship and emancipation appears decidedly ambiguous. On the one hand, contemporary forms of citizenship (e.g., those of Western states) represent achievements of emancipatory movements and struggles from the past; on the other hand, current forms of citizenship may reflect serious inequalities among social groups and seriously thwart further emancipatory efforts. For example, the system of citizenship rights that constitutes the crystallization of two centuries of class struggle and emancipatory movements in Western European countries has come to engender the exclusion of large groups of people from these rights, such as asylum seekers trying to make their way to Europe.

In this respect, I was shocked upon being informed of the Windrush Scandal in the United Kingdom, which clearly brings out this ambiguity inherent to citizenship and its relation to the established order. In this article, I will investigate and develop an interpretation of the Windrush Scandal in the United Kingdom, which was exposed by British media in early 2018. As uncovered by these media, hundreds or thousands of British residents with a foreign background ended up illegitimately excluded from citizenship rights. The Windrush Scandal shows that *citizenship* – far from merely referring to an arrangement of rights accorded by states – is intimately connected to the political agency of individuals, and a continuous site of political and emancipatory conflict between individuals and the established order.

In order to develop this interpretation, I will mobilize the thought of two contemporary political theorists: Jacques Rancière (1940-) and Etienne Balibar (1942-). Rancière and Balibar are leading thinkers in the tradition of *radical democratic* (or post-Marxist) political theory.<sup>1</sup> Most theorists working in this tradition highlight the emancipatory potential of democracy and have developed theories or models of democracy that are attentive to problems of marginalization and oppression. However, the meaning of citizenship and its relation to emancipation have remained underexplored topics of discussion in the field of radical democratic thought.<sup>2</sup> In view of the central position of struggles for citizenship rights in the history of emancipatory struggles (which frequently also involved demands for ‘more democracy’), I take this to be an unfortunate omission. Accordingly, by setting up a critical comparison between the thought of Balibar and Rancière about the relation between

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<sup>1</sup> For the uninitiated, the current of *radical democracy* predominantly consists of philosophers who a) started off their philosophical careers as Marxists, b) came to take progressive distance from viewpoints central to Marxism (e.g., its economical determinism, its conception of a world revolution, and its exclusive emphasis on class struggle), and c) have turned to the notion of democracy for developing an account of emancipation in the present. Theorists that can be brought under this header are Ernesto Laclau, Chantal Mouffe, Jacques Rancière, Benjamin Ardit, Miguel Abensour, and Etienne Balibar.

<sup>2</sup> Notably, this does not mean that radical democrats are *as a rule* not interested in the notion, as will become apparent in my discussion of the thought of Etienne Balibar, whose thought constitutes a notable exception to the lack of attention of radical democratic thinkers to the notion of citizenship.

emancipation and citizenship, I hope to provide a fruitful starting point for a debate about citizenship in post-Marxist political philosophy.

This article is structured in the following manner. In the first part, I will provide a short overview of the Windrush Scandal in the United Kingdom (and what led up to it), in order to set the stage for the rest of my article. In the second part, I will concisely explain Rancière's political thought and apply it to the Windrush Scandal, in order to examine whether – and if so, how – Rancière's account of emancipatory politics can be used to spell out the implications of the scandal for citizenship and emancipation. I will argue that Rancière's thought (in spite of its strengths) is not able to do justice to several important dimensions of the Windrush Affair. Notably, the inattentiveness of Rancière's thought to two of these features can be traced back to Rancière's lack of an emancipatory concept of citizenship. In the third part, I will apply Balibar's thought to the Windrush Scandal, and argue that Balibar's dynamic and emancipatory conception of citizenship allows him to develop a firm grasp on those dimensions of the scandal that Rancière's political thought would fail to notice or could only leave unaddressed.

## 1. Who are the children of the Windrush Generation?

In 2012, the Government of the United Kingdom instated a new immigration policy, aimed at toughening living conditions for migrants without residency status to such an extent that they would be encouraged to leave the country.<sup>3</sup> As a result, thousands of British residents – children of migrants from the British Commonwealth who had arrived in the country in the 1950s and 1960s – were wrongfully treated as illegal aliens and lost their citizenship rights. As such, they suddenly found themselves denied medical treatment, losing access to their bank accounts, having to sleep on the streets for the lack of a right to rent an apartment, and getting fired from their jobs. In some cases, they even ended up being forcibly deported to the countries of the British commonwealth (i.e., former British colonies) from which they and their parents had migrated in the postwar years.<sup>4</sup> The affair was to become known as the 'Windrush Scandal', and was gradually brought to light by British media in early 2018.<sup>5</sup> Its exposure was met with widespread outrage and consternation, and forced Amber Rudd, Home Secretary of the Cabinet, to resign in April of the same year.<sup>6</sup>

According to most commentators, it ultimately came down to institutional discrimination and inordinate demands for documentary proof. In keeping with the lenient migration climate in the United Kingdom of the late 1940s until the mid-1970s, migrants from (former) British colonies who arrived in

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<sup>3</sup> Quite ominously, these policies officially went by the name of the 'Hostile Environment Policies'.

<sup>4</sup> And frequently invited to come over by the British Government through extensive advertizing campaigns in their home countries, in view of its need for extra labor forces during the postwar reconstruction of the United Kingdom.

<sup>5</sup> Katherine Viner, 'The Windrush Scandal shows how we must hold Power to Account,' *The Guardian*, April 30, 2018, URL = <https://www.theguardian.com/membership/2018/apr/30/how-the-windrush-scandal-showed-the-guardian-holding-power-to-account-katharine-viner>; For some accounts of individuals that were afflicted by the scandal, see Amelia Gentleman, 'The Children of Windrush: 'I'm here legally, but they are asking me to prove I'm British,' *The Guardian*, April 15, 2018, URL = <https://www.theguardian.com/uk-news/2018/apr/15/why-the-children-of-windrush-demand-an-immigration-amnesty>.

<sup>6</sup> Heather Stewart, 'Amber Rudd resigns Hours after Guardian publishes Deportation Targets Letter,' *The Guardian*, April 30, 2018, URL = <https://www.theguardian.com/politics/2018/apr/29/amber-rudd-resigns-as-home-secretary-after-windrush-scandal>.

this period were not provided official documents of lawful residence upon arrival, nor ever required to obtain these in order to extend their stay. Moreover, as part of the 1973 Migration Act, people who had already migrated to the UK from its former colonies were automatically granted permanent residency status, without the need for individuals to acquire a formal residency document that could serve as official proof. Under the new circumstances, with the government clamping down on individuals who could not prove long-term residency, inability to produce such documents was tantamount to becoming a non-person and being stripped of rights.

## 2. The Windrush Scandal and Rancière: A Dissatisfying Encounter

To what extent could Rancière's account of emancipation be helpful for interpreting the Windrush Scandal? And conversely, what does the Windrush Scandal say about the applicability of Rancière's account of emancipation to political issues of the present? I will develop an answer to these questions in this section. For this, I will first present a succinct overview of Rancière's account of emancipation, giving special attention to two books that occupy a central position in his political thought: *Disagreement* (1999) and *Hatred of Democracy* (2006). Then, I will apply Rancière's account of emancipation and democracy to the Windrush Scandal, showing that he can illuminate some of its features, but falls short in others.

### 2.1 Rancière's Philosophy: Political Struggle and the Exclusion from Speech

If the Windrush Scandal concerns emancipation and exclusion, how does Rancière conceptualize these notions? In the political theory that Rancière develops in *Disagreement* and *Hatred of Democracy*, the relationship between political equality and the social order takes center stage. According to Rancière, society is inherently hierarchical, although the unequal distributions of wealth and power within it are grounded on the very equality of the individuals that compose it: by his account, any person is capable of killing another one (and is hence comparable in power) and everybody needs to 'authorize' authority before it is exercised over him or her. Given this characterization, equality can be said to function both as the ground of inequality and as a check on it.<sup>7</sup>

Importantly, these hierarchies in society should not be interpreted as purely material, but are just as much symbolic. In particular, Rancière advances the assertion that the social order works by means of a logic of titles and *counts*, in which groups are framed as deserving a share of the common lot proportional to what they are perceived to contribute to maintaining the social order.<sup>8</sup> Accordingly, experts are assessed as having a higher value than 'non-experts', nationals as being worth more than foreigners, and the rich as taking precedence over the poor. Rancière is quick to point out that this procedure – i.e., of stipulating parts and wholes, and assigning determinate functions to groups in

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<sup>7</sup> Jacques Rancière, *Hatred of Democracy*, trans. Scott Concoran (London & New York: Verso, 2007), 46. See also Jean-Philippe Deranty, 'Rancière's Contribution to the Ethics of Recognition,' *Political Theory* 31, No.1 (2003): 143-144.

<sup>8</sup> Jacques Rancière, *Disagreement: Politics and Philosophy*, trans. Julie Rose (Minneapolis: University of Minnesota Press, 1999), 6-7.

society based on the respective strengths and capacities of each of these groups – comes with a significant upshot. It institutes a rigid social hierarchy, based on positing a clear-cut distinction between those who are allowed to speak (i.e., the leaders, thinkers, and rulers, portrayed as having their capacities to lead by nature) and those who should obey.<sup>9</sup>

Faced with this symbolic order of oppression (which Rancière calls a ‘partition of the sensible’), can marginalized groups ever establish themselves as legitimate conversation partners of the established order? After all, they are not only disadvantaged materially, but also portrayed as lacking the capacity and competences to speak.<sup>10</sup> Rancière answers this question in the affirmative.<sup>11</sup> For this, Rancière develops an account of emancipation and emancipatory struggles, which he conceives as struggles by marginalized groups (e.g., women, laborers, migrants) to achieve recognition by the established order as equals.<sup>12</sup> In order to draw out the specifics of both ‘emancipation’ and the counteracting tendency of the social order to reinstate and defend its hierarchies, Rancière introduces the following theoretical distinction. In view of the egalitarianism of emancipation and its inherent thrust towards creating a political dialogue and conversation, Rancière proposes to reserve for emancipation (i.e., the efforts of marginalized groups to contest their subordinate position) the term ‘politics’. For the tendency of the social order to reduce the scope of democratic conflict and thereby reassert its hierarchies, Rancière proposes to reserve the term ‘police’.<sup>13</sup>

Concerning this last term, some clarifications are in order. First of all, Rancière supposes it to cover everything usually associated with the word ‘politics’, thus engaging in a redefinition. As Rancière puts it himself in *Disagreement*:

‘Politics is generally seen as the set of procedures whereby the aggregation and consent of collectivities is achieved, the organization of powers, the distribution of places and roles, and the systems for legitimizing this distribution. I propose to give this system of distribution and legitimation another name. I propose to call it the police.’<sup>14</sup>

Rancière acknowledges that his idiosyncratic definition of the term *police* could give rise to a misunderstanding, as the word *police* in the present primarily denotes the ‘petty police’ supposed to maintain law and order, with its firearms and truncheon blows. However, he asserts that his use of the notion explicitly ties in with the broader sense that the word ‘police’ had in the 17th and 18th century, in which writers used it to refer to the aggregate of policies and general management of a

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<sup>9</sup> Rancière, *Disagreement*, 22. Importantly, this means that the equality of individuals (in capacities of speech and understanding), which according to Rancière lies at the basis of the social order, is invariably denied and obscured by its logic of ordering and assigning roles. For a description of how this works, see Rancière, *Disagreement*, 16-17.

<sup>10</sup> This is a very important point for Rancière. In his thought, emancipation is the struggle of the marginalized for recognition as speaking beings, as domination works through portraying groups as lacking the capacity to speak. For a proper explanation of this, see Ayten Gündoğdu, ‘Disagreeing with Rancière: Speech, Violence, and the Ambiguous Subject of Politics,’ *Polity* 49, No.2 (2017): 197-198; and Michael Feola, ‘Speaking Subjects and Democratic Space: Rancière and the Politics of Speech,’ *Polity* 46, No.4 (2014): 506-509.

<sup>11</sup> For Rancière’s characterization of the protracted character of emancipatory struggles, and the paradox that emancipatory groups face in it (they have to convince the establishment that they are a legitimate conversation partner, although their words are not recognized by it as meaningful), see especially the third chapter of *Disagreement*. Rancière, *Disagreement*, 43-60.

<sup>12</sup> Instead of relations between those who command and those who obey.

<sup>13</sup> Rancière, *Disagreement*, 28-32.

<sup>14</sup> Rancière, *Disagreement*, 28.

state/society. Although these definitions of 'politics' and the 'police order' may seem somewhat bewildering at first, they can be explained.<sup>15</sup> A pertinent underlying motivation of Rancière for his concept of the 'police-order' is his intuition that the established political institutions in a country are in permanent collusion with the hierarchical order of society, and shore up its relations of domination and control. For Rancière, a case in point are the parliamentary systems of modern 'liberal-democracies'. On the one hand, there is universal suffrage, wrested from the police order by previous emancipatory struggles, engaged in by marginalized groups<sup>16</sup> over the right to vote. On the other hand, however, such electoral systems also institute a rigid separation between the rulers (a group of politicians) and the ruled (those that may only be represented), with the decision-making-process undergoing considerable influence from lobbies.<sup>17</sup>

In light of this move of conceptual redefinition, the dynamic between 'emancipation' and the 'social order' in Rancière's terminology thus becomes the confrontation between *politics* and the order of the *police*. In view of the preceding paragraphs, the dynamics between both can be characterized accordingly. The police-order tries to transform *public* matters into *private* ones, in which unquestioned relations of authority hold. Conversely, 'politics' consists in the efforts of marginalized groups to transform private relations of authority into matters of common dialogue and decision between conversation partners recognizing each other as equals.<sup>18</sup> In his books, Rancière offers several examples of *private* affairs that were made *public* through emancipatory struggles, such as the transformation of wage relations into a matter of common decision and debate through the struggles of the workers movements of the 19<sup>th</sup> century.<sup>19</sup> Hence, relations of authority were called into question that were previously taken for granted.

As a final note, it should be emphasized that the manner in which Rancière characterizes the confrontation between emancipatory movements and the established order is notably dualistic. After all, Rancière characterizes 'politics' and the 'police order' as being marked out by two different principles – or logics – that are directly at odds with each other. To wit, *equality* (politics) and *inequality*, or hierarchy (police-order).<sup>20</sup>

## 2.2 The Windrush Scandal in Rancière's Perspective

Given this characterization of Rancière's philosophy, how can Rancière help us with interpreting the Windrush Scandal? In order to answer this question, the relations between citizenship, emancipation and exclusion that figure in the affair deserve close examination. In particular, I will contend the following. Although there are two characteristics of the scandal that Rancière can explain through his

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<sup>15</sup> As we will see, this does not mean that Rancière's distinction cannot be criticized.

<sup>16</sup> E.g., the labor class, women.

<sup>17</sup> Rancière, *Hatred of Democracy*, 54-55. Thus, for Rancière, politics is always a break with the hierarchical 'order of society', bearing in mind that he does not postulate a strict distinction between 'society' and 'political institutions' (such as the parliaments of 'liberal-democratic states').

<sup>18</sup> For more information on Rancière's conception of 'public' and 'private', see Rancière, *Disagreement*, 40-41; and Rancière, *Hatred of Democracy*, 55-57.

<sup>19</sup> Rancière, *Disagreement*, 30; and Rancière, *Hatred of Democracy*, 56-57. At that time, wage relations were conceived as a strictly private affair between an employer and an employee.

<sup>20</sup> Rancière, *Hatred of Democracy*, 46-47; Andrew Schaap, 'Enacting the Right to Have Rights: Jacques Rancière's Critique of Hannah Arendt,' *European Journal of Political Theory* 10, No.1 (2011): 35.

theory, there are three dimensions of it – including very important ones – that his political thought leaves underexposed or cannot account for. In turn, this suggests that Rancière’s theory lacks a secure footing in the present.

I will first discuss the dimensions of the scandal that Rancière could illuminate without difficulty. In view of his characterization of the social order (in his terms: ‘police-order’) as hierarchical, and based on the drawing and maintaining of distinctions in status and standing among social groups, one aspect of the scandal that he can bring into focus exceedingly well is the following. The insecure or unstable position of all migrant groups in the social order, especially in terms of their entitlement (or non-entitlement) to rights. After all, in Rancière’s account of the social order, the extent of rights possessed by groups is proportional to their status in the symbolical order of society. In view of anti-migrant perceptions and attitudes in countries of North America and Western Europe (which have arguably become more vocal over the previous thirty years), Rancière can deftly explain that rights of migrants have become progressively restricted and conditional, especially when it comes to the rights of the settled ones.<sup>21</sup>

It does not require much effort to show how the treatment of the Windrush Generation by the Home Office ties in with this dynamic. At the start of the 21<sup>st</sup> century, anti-migrant attitudes in British society had led to the explicit avowals of its leading politicians to reduce the number of (illegal) migrants residing in the United Kingdom.<sup>22</sup> For this purpose, the ‘Hostile Environment Policies’ were developed and introduced by the Home Office in 2012. These policies may not have explicitly intended to strip individuals of the Windrush Generation of their livelihood and render them outlaws to society. However, the marginal status of migrants in British society<sup>23</sup> certainly facilitated the intransigence and disregard of the case-workers of the Home Office when they also – and wrongfully – ended up cutting off Windrush individuals from social services. No special consideration was given to this group (and its difficult legal situation, in view of the lack of documents of Windrush individuals) when the policies were being negotiated and designed in 2012, but also and especially when evidence started to come in that these policies resulted in a large-scale flouting of rights.<sup>24</sup>

In sum, as the Hostile Environment Policies effectively devalued the rights of Windrush migrants (virtually leading to the statelessness of individuals), the Windrush Scandal seems a good illustration of Rancière’s standpoint that rights are entangled in social hierarchies: if the status of a particular group in the social order is insignificant and of little concern, their rights may be disregarded in proportion to this. As such, in the Windrush Scandal, the concerns of Windrush migrants were simply dismissed as *collateral damage* in the clampdown on illegal migrants,<sup>25</sup> and the difference between ‘legal’ and ‘illegal’ migrants became markedly blurred.

There is also another aspect of the scandal that Rancière’s theory can help bringing into view. According to Rancière’s characterization of the social order (‘police-order’), social and political identities are bound up with the performance of roles. What this can capture is the staggering fact that the Hostile Environment Policies widely enlisted and coopted civil society actors in its system of migration control, making the exclusion of the Windrush migrants primarily the work of *British citizens*.

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<sup>21</sup> I.e., those with a formal residency status.

<sup>22</sup> Wendy Williams, *Windrush: Lessons Learned* (London: House of Commons, 2020), 66.

<sup>23</sup> Also in terms of the perception of the value of migrants within society and their entitlement (or non-entitlement) to stay in the country.

<sup>24</sup> Williams, *Windrush: Lessons Learned*, 36-42.

<sup>25</sup> Amelia Gentleman, *The Windrush Betrayal: Exposing the Hostile Environment* (London: Faber & Faber, 2019), 13-14.

As part of measures introduced during this period, landlords, medical authorities, and banks were required to rigorously check the identity documents and residency papers of individuals that made use of their services, and cut off the access of individuals to these services if they could not prove lawful residency. A similar duty of examination held for companies, who were expected to terminate the employment of 'illegal' employees, with non-compliant employers being penalized with heavy fines.<sup>26</sup> Rancière could well account for this cooptation of citizens by the Home Office in its system of migration control, as he views social and political identities as accorded and distributed by the social order, and attached to specific responsibilities for maintaining it.<sup>27</sup> As the social order itself is hierarchical, these duties can bear on maintaining exclusion as well.

At this point, I have established that Rancière can bring two features of the scandal into view. However, that does not keep his political theory from glossing over certain dimensions of the scandal, suggesting that Rancière would fail to grasp and illuminate what is really at stake in the Windrush Affair. All of my reservations bear on the interrelations between exclusion, emancipation, and citizenship, as they figure in the present and can be identified in the Windrush case. My first consideration is the following. It seems persuasive that the mistreatment of Windrush migrants was an indirect outcome of anti-migrant sentiments and anxieties in the United Kingdom (partly stoked up by political parties), inducing its leading politicians to clamp down on migration by introducing rushed and careless policies. However, if this is true, Rancière's thought is able to offer only scant considerations as to where these anti-migrant attitudes stem from.

In particular, since Rancière grants only cursory attention to the manners in which emancipatory movements of the previous two centuries have exercised impact on – and even prompted successive transformations of – the established order in his theoretical works, he is unable to grasp how the contemporary exclusion of Windrush migrants ties in with the achievements of emancipatory movements of the past. As can be gleaned from the history of emancipatory struggles (e.g., of labor movements, the civil rights movement in the United States, women), such transformations typically took the form of the institution of new rights by the established order or the extension of citizenship status to groups that had hitherto been excluded from it. One of these achievements seems obviously relevant in the Windrush case: the welfare state, that was developed by governments of Western European countries in the mid-20<sup>th</sup> century, and its attribution of universal social rights.

This welfare state seems to be an accomplishment of struggles for equality, but also a potential threat to the emancipatory tradition. As anti-immigrant parties in Western European countries (including the UK Independence Party) have steadily stressed the pernicious effect of immigrants on the social security system of their respective states,<sup>28</sup> it seems evident that anti-migrant sentiments in Western Europe cannot be perceived in isolation from it. However, as Rancière refuses to thematize the institutional ramifications and effects of emancipatory struggles, he divests himself of the tools to investigate what is behind the negative perceptions and anxieties leading up to the Windrush Scandal. To add some precision to this statement: Rancière's thought may well recognize that these anti-migrant perceptions and sentiments are there, and tie them to the marginalization of migrants in the social order (through the notion of 'the partition of the sensible'). However, it lacks the tools to explain

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<sup>26</sup> Gentleman, *The Windrush Betrayal*, 11-12.

<sup>27</sup> For an example of how this can go: 'those with science and education should occupy positions in government, proletarians should perform menial labor, women should stay at home and care for the children'.

<sup>28</sup> Suvi Keskinen, 'From Welfare Nationalism to Welfare Chauvinism: Economic Rhetoric, the Welfare State and changing Asylum Policies in Finland,' *Critical Social Policy* 36, No.3 (2016): 53.

what makes these perceptions specifically rampant in the political and ideological circumstances of Western European countries in the present.

My second reservation is the following one. It seems evident that the Windrush Scandal constitutes a regression for emancipation in the present. After all, the Home Office suspended the rights of a large group of lawful residents *with a foreign background*, and made a tentative step towards installing a second-class citizenship status for ethnic minorities (as residents of these minorities may effectively be suddenly outlawed, with no institutional warrants to protect them). However, if the Windrush Scandal indeed poses a decisive setback to emancipation, Rancière's thought could not adequately recognize it as such. In what sense? On the one hand, Rancière occasionally seems to acknowledge in his philosophical writings that emancipatory movements formulated their claims in terms of citizenship rights, and that citizenship rights constitute achievements of emancipatory struggles.<sup>29</sup> As such, citizenship rights in his thought at least tacitly come to appear as a horizon of struggles for recognition of the marginalized and repressed.

On the other hand, Rancière refuses to take this insight to its logical conclusion in his philosophy of emancipation, as Rancière lacks an emancipatory conception of 'citizenship'. In fact, he has no concept of citizenship at all, due to his suspicion that any form of citizenship is ultimately conferred by the police-order and therefore fully complicit in its hierarchies. As such, in the accounts of politics and democracy developed in respectively *Hatred of Democracy* (2006) and *Disagreement* (1999), Rancière only rarely invokes the term 'citizenship' to refer to a substantial social and political identity. Moreover, on the sparse occasions that Rancière does use the notion to refer to an identity, the term takes on a clearly negative meaning.<sup>30</sup> In light of this tension, we end up with the strange paradox that Rancière seems to endorse citizenship and citizenship rights as an aspiration of emancipatory movements, but neglects citizenship altogether when it comes to being a legal and political status molded by these very same emancipatory struggles (for example, of labor movements, women, ethnic minorities).

Although Rancière's neglect of citizenship within his account of emancipation may appear unproblematic when discussing his theory in the abstract, it negatively affects the ability of this theory to do justice to political practice. In particular, when it comes to the Windrush Scandal, Rancière's disregard of the notions of citizenship and citizenship rights in his account of emancipation comes at a price. Although thousands of residents with a foreign background were illegalized by the government of the United Kingdom and driven into conditions of precarity, Rancière could not unequivocally frame this as a setback to the 'emancipatory tradition'.

Prior to introducing Balibar, I would like to raise a third and final point of criticism of Rancière's thought vis-à-vis the Windrush Affair, bearing on Rancière's conception of 'political agency'. In order to provide adequate context for my criticism, I will briefly address the unfolding of the scandal in the period of November 2017 to April 2018. Starting from November of 2017, *The Guardian* published a stream of articles about Windrush individuals that had been stripped of their rights and driven into destitution. The attention that the newspaper accorded to the issue (which came to resemble an outright media campaign in April of 2018) was of decisive importance in placing the issue on the political agenda, as the issue was at first poorly understood and the Home Office initially refused to investigate and acknowledge the harmful effects of its policies. As the British public gradually became

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<sup>29</sup> Jacques Rancière, *Dissensus: On Politics and Aesthetics*, trans. Steven Corcoran (London & New York: Continuum, 2010), 56-57; Rancière, *Dissensus*, 68-69; Rancière, *Disagreement*, 40-41; and Rancière, *Hatred of Democracy*, 55-57.

<sup>30</sup> For example, see Rancière, *Disagreement*, 114.

aware of the treatment of Windrush residents by the Home Office, parliamentarians and various civil society organizations voiced criticism of the Hostile Environment Policies and called for compensation of the victims. The widespread mobilization against the government was an active factor in the resignation of the Home Secretary in April of 2018, forcing the British government to announce a compensation scheme and to reassess its policies.

As the Windrush case shows, the government of the United Kingdom was in the end called to account by its own citizens, who did so by exercising their political rights. However, Rancière's political theory could never give this role of citizens its due, with special emphasis on their part in the struggle against practices of exclusion. After all, in view of his distinction between 'politics' and the police-order, Rancière forces a scission between *political agency* (e.g., the possibility to contest government policies) and 'having political rights'. On the one hand, Rancière characterizes the 'police order' (his term for the social order and its institutions) as based on a logic of inequality. As such, it secures the allocation of roles, positions, places, and functions in a social order on the basis of a set of assumptions about the competencies and qualifications of individuals and groups.<sup>31</sup> On account of having been conferred by the social order and its institutions, any determinate identity and status in society (including 'citizenship') also belongs to this category. As the police-order functions by managing hierarchies and securing consensus among social groups, Rancière may be taken to downplay – or even deny – the internal possibilities that it offers for contestation.

By contrast, Rancière seems to reserve 'political agency' for marginalized actors that *break with* the social order, and its logic of functions and roles.<sup>32</sup> In Rancière's thought, the capacity to dissent from and contest state-policies accordingly seems to be the preserve of such marginalized groups (which Rancière calls 'the part of no part'). Although this distinction between 'politics' and the 'police-order' has some merits, what it seems to discount – or at least force into the background of Rancière's thought – is the (not too distant) possibility that the state may offer its own citizens the means to dissent from and contest its own policies, pre-eminently through conferring political and civil rights. Accordingly, although the treatment of the Windrush migrants was thoroughly objectionable, if it had happened in other countries, newspapers might have been pre-empted from publishing about it in the first place.

In sum, the encounter between Rancière's political thought and the Windrush case has yielded disappointing results. Although the former has some merits when applied to the Windrush case, it shows significant shortcomings 1) in accounting for its context, 2) in its meaning for 'emancipation', and 3) in explaining how the 'Windrush Policies' ended up being contested in British politics and society. Accordingly, the confrontation between Rancière's thought and the Windrush Affair seems unfruitful and dissatisfactory.

Can the problems of Rancière's account vis-à-vis the Windrush Scandal be avoided, if we were to analyze the Windrush Scandal through another theoretical lens? In the following section, I will discuss the political thought of Balibar, and argue that his account of politics and emancipation can serve as a solution to the three issues faced by Rancière's. More specifically, I will argue that Balibar's account is able to steer clear of the blind spots of Rancière's political thought due to Balibar's sustained attention to the notion of citizenship, and its connection to emancipatory struggles.

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<sup>31</sup> Gündoğdu, 'Disagreeing with Rancière,' 193-194.

<sup>32</sup> Jacques Rancière, 'Politics, Identification, Subjectivization,' *October* 61 (1992): 61-62.

### 3. Balibar and the Windrush Scandal: Citizenship and Emancipatory Struggles

Balibar's foregrounding of citizenship in his account of emancipation may render his thought more useful for interpreting the Windrush Case. After all, as shown in the previous section, Rancière's thought is kept from adequately grasping the Windrush Affair through its lack of attention to rights (i.e., citizenship), the possibility of contestation and political agency *within* the established order (i.e., *active* citizenship), and the role of institutions in engendering and maintaining exclusion.

Prior to applying Balibar's philosophy to the Windrush Affair, and showing how it can circumvent the complications that the account of the scandal provided by Rancière's theory runs into, I will first present an outline of Balibar's account of politics and emancipatory struggles.

#### 3.1 Balibar's Political Thought: Citizens against the State

Central to Balibar's characterization of emancipation and emancipatory struggles is his conception of a 'politics of human rights', which he most comprehensively defends and develops in his essay 'The Proposition of Equaliberty' (originally written in 1989). In this essay, Balibar goes to considerable lengths to argue that human rights are part and parcel of the tradition of emancipatory struggles which is still ongoing in the present. As a core tenet of this conception, Balibar holds that human rights can never be definitively appropriated by the established order, with the declaration's central values being able to set off and justify new emancipatory struggles in cases when these values end up being denied to individuals and groups.

Balibar develops this argument through a novel reading of the 'Declaration of the Rights of Man and Citizen', which was drafted in the inaugural phase of the French Revolution and proclaimed in 1789. Specifically, he takes issue with readings of the document that cast the human rights of this declaration as 'natural rights', which each person would possess by virtue of his or her humanity (i.e., springing forth from a notion of human nature) and which would as such remain meaningful outside of any political community. Balibar's main point of criticism of these readings is the following: by assimilating the Declaration of the Rights of Man and of the Citizen (1789) into the natural rights tradition existing prior to it, these readings disavow the radical break that this declaration introduced in our conception of rights.

Balibar argues for this supposition of a radical break by means of the following argumentative steps. First of all, he contends that the Declaration postulates a strict identity between 'man' and 'citizen', which means that there is no distinction between 'pre-political man' and 'the citizen' as a member of a political society.<sup>33</sup> Given that the natural rights tradition maintains this distinction as one of its fundamental presuppositions, this appears as a very fundamental objection to the interpretations of the Declaration that Balibar has singled out for criticism. In order to make the contention that the Declaration forges an identity between 'man' and 'citizen' persuasive, he argues that the Declaration ascribes the same rights to man and citizen, and that it moreover defines both 'man' and 'citizen'

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<sup>33</sup> Etienne Balibar, 'The Proposition of Equaliberty,' in *Equaliberty: Political Essays*, trans. James Ingram (Durham: Duke University Press, 2014), 38.

purely in matters of the rights accorded to them.<sup>34</sup> What makes this identification properly revolutionary is that it entails that the category of ‘citizenship’ (in the sense of ‘enjoying a precisely delimited set of rights’) can no longer be limited to a restricted group based on some anthropological characteristics, such as in the ancient Greek polis (i.e., ‘adult men who are no slaves’), in the Ancien Régime, or in Medieval cities. Hence, due to the introduction of this indeterminacy, the boundaries of ‘citizenship’ – who is to classify as a citizen, and what set of rights ‘citizenship’ entails – become subject to a process of permanent contestation and revision.

Effectively, then, the Declaration functioned as a game-changer, at once prefiguring and giving rise to the emancipatory movements of the 19th and 20th century, by means of the indeterminacy introduced by its central identification between ‘man’ and ‘citizen’.<sup>35</sup> Balibar goes one step further, however, by arguing that the Declaration shores up this particular identification by means of a second one. Specifically, Balibar contends that the document portrays the values of ‘equality’ and ‘liberty’ as strictly identical.<sup>36</sup> He holds that this identification rests on a negative truth, that should be construed as an empirical discovery: each time that the value of either liberty or equality has been historically denied to any set of people (i.e., regardless of the historical circumstances holding for the situation), the other value was denied together.<sup>37</sup> That is, liberty and equality are contradicted in exactly the same conditions.

Importantly, for Balibar, the observation that liberty and equality are always mutually denied does not entail that it is clear under what circumstances these values can be realized together. In particular, he asserts that both values are in need of an additional principle of mediation in order to be institutionalized in a stable manner, with those principles giving further content to the universal values of liberty and equality, at the prize of bounding them and restricting their scope.<sup>38</sup> This argumentative step is in keeping with an important tenet of Balibar’s wider political thought, which is that universal values are categorically indefinable, as any definition or specification of those values has a particular element to it that entails a denial of their universality.<sup>39</sup> After all, the person offering the definition is part of a particular culture and adheres to a contingent worldview. Moreover, each definition of these values will invariably specify a set of institutions that realize them and thereby result in the denial of these values to certain persons or groups, which is at odds with their universal character.

By now, we have seen that Balibar perceives the central function of the Declaration of 1789 as having enabled emancipatory politics and ushered in two centuries of emancipatory movements, which he portrays as appealing to the central values of the Declaration to demand citizenship rights and contest the denials of their equality and freedom. Balibar’s conception of these emancipatory struggles is intimately tied up with his notion of citizenship. More specifically, it finds its focal point in

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<sup>34</sup> Balibar, ‘Equaliberty,’ 44.

<sup>35</sup> See also Ayten Gündođdu’s commentary on Balibar’s Equaliberty essay, ‘A Revolution in Rights: Reflections on the Democratic Invention of the Rights of Man,’ *Law, Culture, and the Humanities* 10, No.3 (2014): 376.

<sup>36</sup> Balibar, ‘Equaliberty,’ 46.

<sup>37</sup> Balibar, ‘Equaliberty,’ 49.

<sup>38</sup> Etienne Balibar, ‘Equaliberty,’ 52.

<sup>39</sup> For example, see Balibar, ‘Ambiguous Universality,’ in *Politics and the Other Scene*, trans. Christine Jones (London & New York: Verso, 2002), 155-176; Balibar, ‘Racism as Universalism,’ in *Masses, Classes, Ideas: Studies on Politics and Philosophy before and after Marx*, trans. James Swenson (London & New York: Routledge, 1944), 191-204; and James Ingram, ‘Democracy and its Conditions: Etienne Balibar and the Contribution of Marxism to Radical Democracy,’ in *Thinking Radical Democracy*, ed. Martin Breugh et al. (Toronto: University of Toronto Press, 2015), 222.

a central idea, which occupies a position of decisive importance in Balibar's work. Although the Declaration of 1789 opened up the possibility of demanding citizenship rights *to everyone* by virtue of its central identification between man and citizen, marginalized groups still had to wrest these rights from the political establishment. After all, those dominant in the order of politics and society were mostly reluctant to confer them on account of drawing benefit from the social hierarchies that these groups called into question.<sup>40</sup> Hence, as all rights now possessed by individuals once had to be conquered through struggles between the established order and emancipatory groups (with the latter laying claim to citizenship rights in the name of the emancipatory values of the Declaration), Balibar characterizes citizenship as a dialectic between 'insurrection' and 'constitution'.<sup>41</sup>

Importantly, in view of the tight connection that Balibar stipulates to hold between both terms ('no rights without struggle'), he conceptualizes 'citizenship' not merely as a legal status conferred to individuals by modern states, but also as a collective practice frequently at odds with the state, with groups engaging in contestation with the established order in a struggle for equality, liberty and recognition. Saliently, the social and political arrangement that results from a successful emancipatory struggle may be termed an imperfect realization of *Equaliberty* (including new groups in the established order, and displacing the sites of exclusion from old areas to new ones), which will – by virtue of its imperfections – indubitably prompt the formulation of new emancipatory claims in the future.<sup>42</sup>

### 3.2 The Windrush Scandal from Balibar's Point of View

Based on the preceding outline of Balibar's accounts of emancipation and citizenship, we can already make out some features of his thought that render Balibar's political theory highly capable for grasping the Windrush Affair. Most significant among these is Balibar's fully developed account of citizenship, which is at once dynamic, open-ended, and bound up with emancipatory struggles. Crucial to Balibar's conception of citizenship is that it involves a unity of opposites. As such, citizenship is both a status accorded by the established order ('citizenship as constitution') *and* the emancipatory forces opposing the arrangements of the established order in their struggle for rights ('citizenship as insurrection'). I will now apply Balibar's philosophy to the Windrush Scandal, discussing on a point-by-point basis how it avoids the shortcomings of Rancière's account in interpreting the destitution and rightlessness of Windrush individuals engendered by the Hostile Environment Policies.

In the previous section, I had observed that the capacity of Rancière's political thought to interpret the Windrush Affair is hampered by its lack of attention to the role of institutions – especially

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<sup>40</sup> Etienne Balibar, *Citizenship*, trans. Thomas Scott-Railton (Cambridge: Polity Press, 2015), 32.

<sup>41</sup> For example, see Balibar, *Citizenship*, 37; Balibar, 'Equaliberty,' 53; Robin Celikates, 'Die Demokratisierung der Demokratie: Etienne Balibar über die Dialektik von Konstituierender und Konstituierter Macht,' in *Das Politische Denken: Zeitgenössische Positionen*, ed. Ulrich Bröckling et al. (Bielefeld: Transcript Verlag, 2010), 63. Saliently, in Balibar's usage of the term 'dialectics', the dynamics at play does not lead to a determinate end point, setting his use of the notion apart from its meaning in, for example, the philosophy of Hegel. The main thrust of the notion in Balibar's thought is the following circular movement: each constitution can – and often: will – lead to a new insurrection by virtue of its hierarchies and exclusions, and each insurrection (if successful) in turn institutes a new constitution.

<sup>42</sup> This realization of liberty and equality by the established order can be read as a process of *definition*, in which the established order delimits the scope of the values in order to give them an institutional form. Saliently, this means that every realization of Equaliberty is a denial of it as well.

those shaped by previous emancipatory struggles – in engendering domination and exclusion. Balibar’s account of emancipation does not face this objection when applied to the Windrush Scandal, because Balibar is highly attentive to the institutional dimensions of marginalization and emancipatory struggles. I will briefly explain how this works. The different receptiveness of Balibar and Rancière to the role of institutions can be traced back to an important methodological contrast between both thinkers. Whereas Rancière *criticizes* the social sciences in his writings and consistently refrains from drawing on the works of social scientists in developing his political theory,<sup>43</sup> Balibar is receptive towards theories from social sciences and does not reject sociology or social scientific explanations in his writings on emancipation and democracy.

This methodological contrast between Balibar and Rancière is of great importance for the respective capacity of both of making sense of the Windrush Case. In light of Rancière’s dismissal of social scientific approaches or explanations, Rancière generally shows himself unwilling to investigate where practices of exclusion or discriminatory attitudes (for example, negative perceptions of migrants) stem from, in the sense of situating them in the context of the institutional and political circumstances of the present. Hence, although Rancière’s thought can explain the marginalization of Windrush migrants once it assumes that the negative attitudes towards and perceptions of migrants are there, it leaves us empty-handed in our efforts to interpret or contextualize the anti-migrant attitudes in the United Kingdom, with these attitudes being a driving force behind the adoption of the Hostile Environment Policies.

Rancière’s resistance towards social-scientific explanations contrasts sharply with Balibar’s approach, as Balibar has comprehensively investigated how exclusion can be related to specific institutions (and discourses) in his philosophical works. In the context of my argument, of principal importance among these are Balibar’s investigations into the institution of social citizenship, which took shape with the formation of the welfare state in the mid-20<sup>th</sup> century across countries in Western Europe. Although Balibar explicitly interprets its formation as a success of labor movements and class struggles, he does not cease to interrogate its ambivalent effects.<sup>44</sup> More specifically, although Balibar underlines that the welfare state<sup>45</sup> was an achievement of the labor struggle of the 19<sup>th</sup> and 20<sup>th</sup> centuries on account of instituting *social rights accorded to all citizens*, he also stresses that it led to new forms of racism and nationalism by tightening the links of citizens to their nationality (which came to serve as the symbolic basis of these newfound rights). As a corollary to the latter, migrants became increasingly perceived as intruders and profiteers of the national social security system, on account of drawing benefit from income supplements and pensions.

According to Balibar, these exclusionary tendencies have become aggravated under the political and ideological circumstances of the last 30 years, as globalization and neoliberalism have come to put increasing pressure on – and erode – the social arrangements of welfare states. As citizens feel increasingly threatened by the dismantling of the welfare state (and with it the erosion of their rights), calls become more vocal to reassert the power and authority of the state, for example by

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<sup>43</sup> For an interesting (if somewhat imprecise) explanation of this tenet of Rancière’s thought, see Alberto Toscano, ‘Anti-Sociology and its Limits,’ in *Reading Rancière: Critical Dissensus*, ed. Paul Bowman et al. (New York: Continuum, 2011), 217-237.

<sup>44</sup> Balibar, *Citizenship*, 55-58. See also Mattias Lievens, ‘De Democratisering van de Grens. Etienne Balibar over Transnationaal Burgerschap,’ *Ethische Perspectieven* 18, no. 2 (2008): 244-248.

<sup>45</sup> Balibar actually prefers the neologism ‘national-social state’, on account of the fact that it highlights the tension between the universalistic and nationalistic dimensions of its arrangement of social rights.

tightening control of its own borders.<sup>46</sup> Bringing Balibar's interrogation of the ties between the welfare state and exclusion to bear on the analysis of the Windrush Scandal, I feel compelled to draw the following conclusion. Although I do not have the space in this article to provide an exhaustive analysis of the anti-migrant attitudes and perceptions 'behind' the Windrush Scandal from the lens of Balibar's thought, Balibar's philosophy seems well equipped for interpreting these anti-migrant attitudes and tracing them back to contemporary discourses and institutions, such as the welfare state. In light of our objective to interpret the Windrush Scandal, this may count as an advantage of Balibar's political thought.

My second reservation against the ability of Rancière's political theory to interpret the Windrush Affair concerned Rancière's inability to frame the Windrush Scandal as a setback to emancipation in the present. After all, as I had observed in the previous section of my article, Rancière's characterization of the relationship between emancipation and citizenship is strongly equivocal, to the point of lapsing into a contradiction. Balibar's thought would deftly avoid this objection if applied to the Windrush Case, in view of Balibar's dynamic and open-ended conception of citizenship. Why? Since Rancière tends to assimilate citizenship fully to a status and identity conferred by the established order (in his terms: the 'police-order'), he looks at the notion with deep-seated suspicion. After all, as a status of the police-order, citizenship is incessantly monopolized by it and coopted into its hierarchies, with the institution *itself* offering no guarantee against this cooptation.<sup>47</sup> Yet since Rancière occasionally acknowledges in his philosophical writings that emancipatory movements formulated their claims in terms of citizenship rights, and that citizenship rights constitute achievements of emancipatory struggles, there is a significant equivocity in his position concerning the relation between emancipation and citizenship.<sup>48</sup>

By contrast, as Balibar characterizes citizenship as both emancipatory actor ('citizenship as insurrection') and as the project or horizon of emancipatory struggles, he is able to maintain that citizenship can never be fully assimilated to the established order but always be played out against it. Hence, Balibar can uphold citizenship as an emancipatory identity, without losing from sight that *any* consolidated status (including the institutional and legal arrangements of citizenship in modern states) is complicit in hierarchies and exclusions. In short, Balibar lacks Rancière's reason for interminably suspecting the notion, because he characterizes citizenship as never fully reducible to the established order. Most importantly, in view of Balibar's position, citizenship becomes open to setbacks and regressions, as is the case with the Hostile Environment Policies, which were the start of the Windrush Affair.

Given this short characterization of Balibar's philosophy, how would Balibar, then, analyze the fact that hundreds (or even thousands) of residents of the Windrush Generation in the United Kingdom lost their rights and ended up being illegalized? In the post-war years, residents of the UK's colonies in the Caribbean were encouraged to come over to the 'Mother Country', experiencing no problems with traveling on account of having a passport of 'the United Kingdom and Colonies'. As hinted at by the name of this passport ('UK and Colonies'), there was no differentiation in legal status at that time

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<sup>46</sup> Balibar, *Politics and the Other Scene*, 47-49; Balibar, *We, the People of Europe? Reflections on Transnational Citizenship*, trans. James Swenson (Princeton: Princeton University Press, 2004), 36.

<sup>47</sup> NB. This reasoning should not be read as fully explaining Rancière's disregard of the notion of citizenship in his political thought. In particular, it is conceivable that Rancière could have accorded a positive and emancipatory role to citizenship (however limited), in spite of conceptualizing citizenship as an identity conferred by the police-order. However, I am not Rancière's psychologist, and cannot render all of his choices fully insightful.

<sup>48</sup> See the previous section of my article for a full explanation of how this works.

between residents of Metropolitan Britain and the empire's colonial subjects. Moreover, due to the British education that immigrants had received in the schools of their colonies, most of them actually felt that they had been born British.<sup>49</sup>

Although Caribbean immigrants who had arrived in the UK during the period of 1948-1973 lived in the country without significant legal problems and enjoyed full residency rights for decades, this situation reversed from 2012 onwards. Why would this revocation of rights constitute a setback to emancipation according to Balibar? Since Balibar asserts that emancipatory struggles were made possible by and appeal to the ideal of universal citizenship introduced by the *Declaration of the Rights of Man and Citizen* (1789), he holds that the reference to citizenship's underlying emancipatory values is essential to struggles for equality and recognition of marginalized groups.<sup>50</sup> In view of Balibar's characterization of (modern) citizenship as an emancipatory project, the illegalization and loss of rights of residents of the Windrush Generation are *delegitimized* by citizenship's underlying values. As this shows that citizenship is never merely the preserve of the state alone, the residents of the Windrush Generation would be fully justified in opposing and contesting the restrictions that the government suddenly imposes on their rights.

This brings me to the final point that I would like to broach in this section: Rancière's incapacity versus Balibar's capacity to acknowledge the role played by citizens in holding the government to account for its violation of the rights of Windrush residents, during and following the exposure of the scandal in late 2017 and early 2018. As I had argued in the previous section of my article, Rancière forces the political agency of citizens (including their ability to dissent from and contest government policies) into the background of his theory, in view of his distinction between 'politics' and the 'police-order'. More specifically, through this distinction, Rancière dissociates *political agency* (e.g., the possibility to contest government policies) from 'having political rights'. His political theory is therefore ill-suited for recognizing the following two features of how the targeting and illegalization of Windrush residents by the Home Office was contested in practice. For one, a leading role in exposing the misconduct of the British government was played by two journalists writing for *The Guardian*. Secondly, spurred on by a gradual stream of media revelations, members of UK-parliament, organizations in British civil society (for example, the Church of England, and trade unions), and diplomats from Caribbean countries exerted ample pressure on the Home Office to change its policies and take measures to redress harm caused to the victims.<sup>51</sup>

In contrast to this blind spot of Rancière's political thought, Balibar *is* able to do justice to this role of citizens (whether members of parliament, journalists, leaders of labor unions, affected residents, or deacons of the Anglican church) in the Windrush Affair. After all, in view of Balibar's characterization of citizenship as an active and emancipatory force, he postulates a continuum

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<sup>49</sup> Gentleman, *The Windrush Betrayal*, 81.

<sup>50</sup> More specifically, these struggles are fully legitimized by the fact that the values of liberty and equality (Equaliberty) introduced by the revolutionary Declaration *are universal* and invalidate any form of social, legal, and political exclusion.

<sup>51</sup> Nadia Khomani, 'How the Windrush Scandal led to the Fall of Amber Rudd – A Timeline,' *The Guardian*, April 30, 2018, URL= <https://www.theguardian.com/uk-news/2018/apr/30/how-windrush-scandal-fall-amber-rudd-timeline>; Harriet Sherwood, 'Church of England Bishops want Immigration Amnesty for 'Windrush Generation',' *The Guardian*, April 13, 2018, URL= <https://www.theguardian.com/uk-news/2018/apr/13/bishops-immigration-amnesty-windrush-generation-caribbean>; About the mobilization of the trade unions, see Wilf Sullivan, 'Apologies, Empty Promises, and No Change – The Windrush Immigration Fiasco Continues,' *Trades Union Congress*, April 27, 2018, URL=<https://www.tuc.org.uk/blogs/apologies-empty-promises-and-no-change-windrush-immigration-fiasco-continues>.

between emancipatory agency and having political rights. As such, rightless individuals and groups engaging in a struggle with the established order for recognition are an embodiment of ‘citizenship as insurrection’, but so are individuals who use the (political) rights that they already have to stand up against oppression and speak out in favor of the demands of marginalized groups. Significantly, this characterization of citizenship does justice to the intuition that struggles for emancipation take place *within* the established order, and that rights can be just as much instruments of oppression as footholds for further emancipatory struggles.

In sum, by virtue of his attention to citizenship and its connection to dissent and contestation, Balibar has a more dynamic conception of emancipation and its relation to the established order than Rancière, who characterizes emancipatory politics as involving a *break with* society (i.e., the police-order). As we have seen in the discussion of the Windrush Affair, Rancière thereby illegitimately downplays both the possibility of dissent *within* the established order and the manners in which the established order can actually make contestation possible.<sup>52</sup>

#### 4. Conclusion

How should we interpret the confrontation between Balibar and Rancière staged in this paper? It may be clarifying to place the term ‘confrontation’ into perspective. After all, the accounts of democracy and emancipation presented by both theorists resemble each other in ample respects, reflecting an underlying proximity in the presuppositions of both thinkers and in their viewpoints on what ‘proper political theory’ should accomplish. Most notably, as *radical democrats*, both theorists emphasize the enduring inequalities of the established order, hold that democracy exceeds the boundaries of institutions and sometimes turns against them (in view of their exclusionary character), accord a prominent role in their thought to the political agency of marginalized groups, and underline that politics revolves around struggle and contestation. As such, Balibar occasionally cites Rancière in his books and draws on some of his terms (most notably the notion of a ‘part of no part’) in developing his own positions,<sup>53</sup> indicating that he takes Rancière seriously as a conversation partner who has something to say about the present.<sup>54</sup>

However, when it comes to the meaning of citizenship and its role in emancipatory struggles, there *is* a confrontation between Balibar and Rancière. In this article, I have focused on this disagreement between both thinkers, by bringing the thought of both philosophers to bear on the example of the Windrush Scandal. More specifically, I have argued that Balibar is correct in framing citizenship as an emancipatory identity, as opposed to Rancière’s marginalization of the notion in his thought. For one, Balibar’s attention to citizenship allows him to do more justice to the inherent dynamics of emancipatory struggles. After all, since Balibar postulates a continuum between political

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<sup>52</sup> For example, through conferring political rights.

<sup>53</sup> For example, see Balibar, *Citizenship*, 17; *Ibid.*, 31-32; Balibar, ‘Three Concepts of Politics: Emancipation, Transformation, Civility,’ in *Politics and the Other Scene*, 5-6.

<sup>54</sup> It should be noted, however, that this engagement with Rancière’s work is frequently inextensive, as Balibar often does not discuss Rancière’s theory into detail and sometimes merely mentions him in passing. Additionally, the reverse does not hold, as Rancière does not engage with Balibar’s writings in his works in the field of political theory.

agency and having rights, he can acknowledge that citizens can put the resources of the established order to use (i.e., make use of their already acquired rights) in calling the state to account and furthering emancipatory struggle.

Secondly, the role that Balibar accords to citizenship in his conception of emancipatory struggles allows him to frame the latter as both purposive and cumulative, by characterizing them as oriented towards the extension and deepening of citizenship rights. Hence, in contrast to Rancière, Balibar can acknowledge that the Windrush Scandal constitutes a regression for emancipation in the present. Finally, Balibar's conception of citizenship as cumulative and enabling political agency makes his thought substantially more engaged with the present. After all, it allows him to conceptualize contemporary developments or events (such as the yellow vests) as representing *crossroads* for the development of emancipation.<sup>55</sup> By consequence, only Balibar is able to do justice to the fact that modern politics is filled with choices in which something definite is at stake.

This is not to say that Balibar's thought cannot be criticized, or that Rancière has nothing to add to Balibar's conceptions of emancipation and oppression. In my view, both thinkers are valuable for coming to grips with the complex relationships between 'democracy', 'emancipation', and 'equality', and for theorizing how emancipatory goals and demands can be realized in concrete situations. For instance, I find it highly valuable that Rancière analyses society and its hierarchies as an *order of representations*. By these 'representations', I mean the dominant portrayal and perception within a society of the function, role and value of any given social group in maintaining the social order. As these representations are inegalitarian and portray some groups as having the qualities and capacities to rule *by nature* (e.g., the rich, the highly educated, men), whereas denying other groups the right to speak (e.g., women, the labor class, foreigners), they end up justifying existing hierarchies in society. By focusing on the role of these representations, Rancière sheds new light on an important topic in political theory: how domination is justified in any given society ('know your place') and is able to gain widespread consent. Hence, he provides a fruitful building block for developing a theory of emancipation in the present.<sup>56</sup>

As the defining and perhaps most urgent message of his work, Balibar stresses the exigency of individuals to think critically in their capacity of active citizens, and not be afraid to mobilize against the state and the established order if this is necessary to defend citizenship's underlying values.<sup>57</sup> Balibar's emphasis on the insurrectionary side of citizenship should not come as a surprise, given the provenance of the ideal of 'universal citizenship' in the French Revolution, and the era of emancipatory struggles that this notion ushered in and gave rise to. Bringing this insight to bear on the Windrush Affair, we can take note of the following. The Hostile Environment Policies depriving hundreds of British residents with a foreign background from rights and recognition would never have come to light without the activism and unwavering (intellectual) efforts of two journalists to expose the destructive

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<sup>55</sup> I.e., by analyzing these developments and events as representing dangers and chances for the 'emancipatory project' in the present.

<sup>56</sup> Although Balibar does pay attention to the role of representations in his account of marginalization, his characterization of this relation is not as fully developed as in the works of Rancière. Whether this could be developed into a criticism of Balibar's philosophy from the perspective of Rancière's thought would carry too far to explore within the scope of this article, but could be the topic of a following investigation. For the moment, I can only point at Balibar's explorations on the role of 'anthropological differences' (white skin-colored, man-woman, Muslim-Christian) in generating exclusion, which he has developed most notably in his book *Citizen Subject: Foundations for Philosophical Anthropology* (2017).

<sup>57</sup> Balibar, 'Citizen Subject,' in *Who Comes After the Subject?* ed. Eduardo Cadava et al. (New York: Routledge, 1991): 40; Balibar, 'Citizen Subject,' 52-54; Balibar, *Citizenship*, 124.

impact of these policies.<sup>58</sup> By giving precedence to citizenship's underlying values over obedience to state power, they did not only stop a government from carrying out its dehumanizing procedures, but also showed the enduring vitality of active citizenship in the present.

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<sup>58</sup> Namely Amelia Gentleman and Gary Younge.

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