

# 10

## ENACTING INTERNATIONAL CITIZENSHIP

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### Introduction

There exists an international citizenship that has its rights and its duties, and that obliges one to speak out against every abuse of power, whoever its author, whoever its victims. After all, we are all members of the community of the governed, and thereby obliged to show mutual solidarity.

*Michel Foucault*

What kind of subject does international citizenship call for? It may not appear as a compelling or even a significant question. After all, wouldn't it be more appealing to ask about the authority or authorities that consecrate rights and impose duties on the legal subject called 'international citizen'? Wouldn't it be more revealing to reflect on institutions such as international law or on arrangements such as the European Union or even the United Nations to consider the rights, duties and obligations of the international citizen? I don't mean to ignore at all that there exists today complex international laws ranging from human rights to international legal principles or international arrangements under which it is possible, if necessary, to act as international citizens. But I want to focus in this chapter on how the subject called the international citizen comes into being through performative acts. To ask what institutions give and arrangements provide people to act as international citizens is to ignore the task of understanding what people take for (and to be) their rights and obligations as international citizens. Often this is exactly what performative acts accomplish: without prior authorization or intention performative acts bring into being subjects who articulate what rights and obligations to assume. A performative approach to the subject international citizenship calls for would begin with acts – things that people do as international citizens regardless of whether they are authorized to do so or following existing arrangements.<sup>1</sup> To put it differently, in this chapter I explore how a performative international sociology

would address that subject called ‘international citizens.’ I argue that this is a contribution that international political sociology can make: to understand the kind of subject international citizenship calls for requires a sociological analysis of political claims that work, cross or traverse borders. I aim to illustrate how international political sociology might constitute international citizenship as its object of investigation.

## Making rights claims

Before we consider how a performative international political sociology may study international citizenship, I need to briefly consider basic principles of studying citizenship as performance. This is easier said than done as I feel that the research programme we began almost a decade ago under ‘acts of citizenship’ has taken on a life of its own. I myself have given ever-changing, evolving, and expanding descriptions of its principles at various stages using descriptives such as ‘doing’, ‘enacting’, or ‘performing’ citizens. In other words, at the centre of analysis of doing, enacting, or performing citizenship – or more precisely that subject called the citizen – is making rights claims. How does making rights claims bring subjects into being? This is not necessarily a question explicitly addressed by J. L. Austin but a generation of scholarship following him from Derrida to Butler has nonetheless done so.<sup>2</sup> What I need to do here is to illustrate that for Austin thinking about performative utterances required various classes of acts and that he left out perhaps the most important from the point of view of subjects of rights: claims. So let me briefly state in my own words the key intervention of Austin that informs understanding performative acts, his classes of acts, and why it is important to add a new class called claims to his classes.

Those who are familiar with Austin or Derrida or, for that matter, Butler, will find the following brief discussion familiar. But I do think that considering claims as a different class of speech acts is, as far as I am aware, unconventional so I do suggest following me on this. It is well known that Austin considers a speech act as involving doing things with words. It is also well known that he critiques the (then and perhaps still) dominant view that sees a speech act as a description. Austin designates this descriptive element of speech acts as constatives. When we use statements such as ‘there exists’, I appear to be describing something. It is often assumed that this statement performs a constative speech act. It is constative in the sense that it describes a state of affairs; it is a statement in the sense that it describes something; and it can be verified or falsified. As a constative, a speech act is a statement that signifies a meaning about something. Perhaps that’s all there is in language. Yet Austin was not happy to stop there and accept that this is all there is to say about a speech act: that it describes a state of affairs. He noticed that when a statement either warns about something or urges someone to do something, it moves from being a statement to a being an utterance. Why? It is because it accomplishes an act by its *force* rather than merely providing a meaning. Austin says that there are many verbs in the English language that can be classified according to these effects of *meaning* or *force*. Austin uses three connectives to classify speech acts:

‘of’, ‘in’, and ‘by’. For ‘of’ Austin says: the act *of* saying something is a locutionary act. This is a speech act whose *meaning* calls forth a truth versus false distinction and provokes verification or falsification. It describes a state of affairs and submits itself to verification on whether its description is true or false about a state of affairs. The effect of a locutionary act – what we termed above as a constative – is to succeed or fail to produce a meaningful description of a state of affairs. For ‘in’, as *in* saying something we may be doing something, Austin says it produces an illocutionary act. This is a speech act whose *force* creates a *potential* effect in a state of affairs that it seeks to describe. What it invokes is not verification or falsification but whether there is an uptake. To put it another way, whether an utterance is successful (felicitous) or unsuccessful (infelicitous) can be determined by whether it has produced a force.<sup>3</sup> For example, in saying that ‘there exists an international citizenship’ I may be indicating something that is not readily recognized but it ought to be. Although my speech act places me under an obligation I haven’t done anything yet. In saying something I have brought forth – performative – conditions for something to happen. Even though it may not accomplish anything I can determine whether it has had any force by the effects it produces. Did the utterance ‘there exists an international citizenship’ produce any force? Finally, doing something *by* saying something is a perlocutionary act. This is a speech act that must have an effect to be actualized. Like an illocutionary act, a perlocutionary act invokes an evaluation along felicitous or infelicitous lines rather than true or false. By saying that ‘there exists an international citizenship that has its rights and its duties, and that obliges one to speak out against every abuse of power,’ I am now making a claim that performatively imposes an obligation on you to *speak out* against abuse of power. If you are not mobilized to speak out against an abuse of power which you find intolerable, my speech act will not have its performative force actualized. This speech is not only describing a state of affairs but in and by making claims it is also bringing a state of affairs into being. By saying something I have accomplished something; I have brought something into being. So for Austin, to recap, of saying something has *meaning* (locutionary acts) whereas in or by saying something has *force* (illocutionary and perlocutionary acts).

The crucial if revolutionary insight of Austin is that these distinctions between meaning and force, between statement and utterance, and between constative and performative are key to understanding how speech acts; and this is different from speech that describes. What often trips up Austin’s readers is that ‘speech acts’ has a double meaning: that there are speech acts and that there is speech that acts. Austin gives examples of illocutionary acts such as betting, bequeathing, warning, promising, and so on and examples of the perlocutionary acts such as persuading, annoying, thrilling, bullying, frightening, wounding, and so on.<sup>4</sup> By advancing the idea that speech is not only a description (constative) but also an act (performative) Austin ushers in a radically different way of thinking about not only speaking and writing but also doing things in or by speaking and writing words.

This much is I think is familiar though I probably muddled it by condensing it into a brief space. Yet, I still have to demonstrate specifically how the citizen

subject as a speaking subject is called upon to make rights claims. (Or, how making rights claims calls forth a subject of rights.) To do this I need to continue with Austin a bit more and then show how his classes of speech acts require expansion to understand citizen subjects making rights claims in or by saying and doing something. Consider five classes of speech acts that Austin thinks have performative force: these are judgments, decisions, commitments, acknowledgements and clarifications. (1) Judgments include acts such as acquitting, convicting, measuring, characterizing, ranking, calculating, or placing. These are typified by giving a verdict about something. I would separate legal judgements from practical judgements and value judgements but the effect for Austin would be the same. (2) Decisions are such acts as appointing, excommunicating, sentencing, nominating, resigning, bequeathing, pleading, and pardoning. These are typified by the exercising of power, influence, or authority. (3) Commitments include acts such as guaranteeing, pledging, consenting, espousing, embracing, and proposing. Promising or undertaking to commit to doing something typifies these. These also include declarations or announcements of intention. (4) Acknowledgements are acts such as apologizing, congratulating, commending, cursing, and challenging. They are typified by action that involves socially oriented and evaluated expression. (5) Finally, clarifications involve acts such as conceding, illustrating, assuming, postulating, or replying. They are typified by declarations such as ‘I argue’, ‘I postulate’.

These classes of speech that acts are clearly useful for developing a view on doing, enacting, or performing acts. But Austin (and his interlocutors) have not paid enough, if any, attention to the subject who says ‘I, we, or they, have a right to’ and does, enacts or performs citizenship. This subject is not a subject of grammar but a subject of language and since language is social it is a social subject. This is where we begin to experience limits to Austin. What kinds of acts are those that make rights claims? They are not judgements, decisions, commitments, acknowledgements or clarifications. They are claims. When Karen Zivi argues for a performative approach to understanding rights she suggests that ‘it means asking questions about what we are doing together when we say we have rights, about the realities we create and the relationships we engender through the making of rights claims, and about the effects that our utterances may have, intended or otherwise, on both ourselves and others.’<sup>5</sup> This, in turn, for Zivi, requires ‘appreciating the extent to which our claims both reference and reiterate social conventions and norms, and yet have forces and effects that exceed them.’<sup>6</sup> Thus, she argues ‘... that we treat claims such as “I have a right to privacy” or “We have a right to health care” as performative utterances, asking not just whether the particular claim corresponds to law or morality as if it were simply a constative utterance but also what it is a speaker does in or by making a particular claim. We need to analyze making rights claims, in other words, as an illocutionary and a perlocutionary activity.’<sup>7</sup> I would add that when we are considering claims as speech acts we are not only considering illocutionary or perlocutionary activity but language as a social activity. Austin is perhaps aware of the limits of remaining at the first person but when we consider claims as social we need to transgress these limits. So

the fact that claiming as a class of speech acts is not on Austin's list is perhaps related to Austin's limits to considering language as social.

We have elsewhere suggested that the class of acts that involves 'making rights claims' can be added as a new class of acts to Austin's: claims. Making rights claims in or by saying and doing 'I, we, they, have a right to' people perform or enact themselves as citizen subjects. But here I would like to go a step further and suggest that in or by saying and doing 'I, we, or they, have a right to' produces a citizen as a social subject that brings all persons (I, we, they) into relationship with each other.

How does 'I, we, or they, have a right to' function as a claim? There are two registers to its functioning. First, it places the citizen subject under *social* conventions that constitute callings on her. Making rights claims in or by saying 'I, we, or they, have a right to' the citizen subject recognizes – explicitly or tacitly, consciously or unconsciously – that she acts under certain social conventions. Saying 'I have a right to' is only possible within a social convention from which it derives its force.<sup>8</sup> Bourdieu, critiquing Austin, emphatically argues that the speaking subject is a social subject.<sup>9</sup>

Second, the claim 'I, we, or they, have a right to' also places demands on the other to act in a particular way. This can activate the force of the law, for example, when citizen subjects claim that a right is being violated. Or, it can mobilize a performative force in or by breaking a social convention. Or, it can invoke an imaginary force by appealing to a convention that is out of place or time.<sup>10</sup> This is the sense in which the rights of a subject are obligations on others and the rights of others function as obligations on us. Again, Bourdieu expresses this by arguing that all speech acts are social acts.<sup>11</sup> By virtue of the legal, performative, or imaginary forces 'I, we, or they, have a right to' can open many possibilities. For this reason I think making rights claims are heterogeneous and transformative acts that bring subjects into being by their performative force. Whether their effects are submissive to existing practices or subversive of them cannot be determined in advance but only through the effects of these acts. Moreover, the conversion between submission and subversion can be instantaneous. In or by saying and doing something and making a rights claim as a speaking citizen subject may have aimed at subversion of a convention and yet it may well have functioned, as a misfire, as an act of submission to that convention. Or an act of obedience for that matter. How an act functions in making rights claims and how a citizen subject is produced through these are ultimately matters of empirical research and cannot be elaborated *only* theoretically.

## **There exists an international citizenship**

Now I turn to Foucault's speech act that clearly takes the form of an 'I, we, they have a right' to claim. I want to read Foucault's speech act as making a rights claim about the existence of international citizenship. I suggest that this is not *only* a constative (that brings evidence before us to describe existing practices) but also a

performative speech act (that assembles this evidence to imagine how we might think differently). When he says that there exists an international citizenship, he is performing an act that creates rights and duties for traversing borders.<sup>12</sup> This speech is not only sharp in its brevity and clarity but also condenses Foucault's conception of how one does – or ought to – perform as a subject, in this case as an international citizen.<sup>13</sup> It was delivered in front of the UN in Geneva in 1981 to declare solidarity with what was then an influx of refugees from Vietnam. The situation was not so dissimilar to the question of refugees from Syria in 2015.<sup>14</sup>

Foucault first highlights that those who gathered on that occasion share nothing but a difficulty of enduring what is taking place. Foucault states it as a matter of fact that we cannot know why some women and men would rather leave their country than live in it. At first this claim may appear paradoxical. If we don't know the reasons for an act how can we declare solidarity with it? But I think Foucault was bypassing an injunction that always accompanies understanding the motives of refugees: are they political, economic, or cultural? Are they legitimate or illegitimate? Are they fake or authentic? Foucault's speech act is a performative claim in the sense that in an interview on 17 August 1979 he had already argued that migration and refugee claims were major 21st century political problems.<sup>15</sup> Foucault is clearly aware of the broader context in which people are forced to leave their countries. Foucault's gesture is a refusal to distinguish between those who deserve to be refugees and those who are faking it, between legal and illegal, and between legitimate and illegitimate. Foucault makes no such distinctions because he claims that we don't need to and aren't even able to know why some men and women leave their country. In my view, he implies that understanding motives or reasons is not the question. If that's the case, what unites this group of people with a shared difficulty of enduring what is taking place is not that they are appointed by an authority to make demands on their behalf. Not at all. Foucault is making a rights claim on the basis that nobody has authorized them to do so (thus breaking a convention) and what precisely constitutes the right of these people to speak is that they find their experience of witnessing the suffering of the other intolerable. Then he lays out three principles that grounds making rights claims as international citizens.<sup>16</sup>

First, 'there exists an international citizenship that has its rights and its duties, and that obliges one to speak out against every abuse of power, whoever its author, whoever its victims. After all, we are all members of the community of the governed, and thereby obliged to show mutual solidarity.'<sup>17</sup> As I suggested earlier, 'there exists' has a performative force by virtue of being claimed by those who have taken the right to speak or declared 'I, we, they have a right to.' The force of this performative is to identify that performing international citizenship involves rights and duties but these rights and duties arise from the obligation to speak against the abuse of power regardless the identity of its authors or victims. The reasons for this are rather simple: we belong to the international community of the governed and we are obliged to show solidarity for the well being of each other. So for Foucault solidarity across borders is our obligation as members of the

international community of the governed.<sup>18</sup> And that we find witnessing the suffering of the other intolerable is not a moral injunction but arises from our solidarity with the subjects of abuse of power.

Second, while governments claim that they are concerned with the welfare of societies, they keep themselves immune from the misery they cause. For Foucault 'it is a duty of this international citizenship to always bring the testimony of people's suffering to the eyes and ears of governments, sufferings for which it's untrue that they are not responsible.'<sup>19</sup> To bring the testimony of people's suffering to the government is not about moralizing this suffering but confronting governments with conditions for which they are responsible. This is to expose the workings of power where governments claim that they are only responsible for actions in their territories over which they command sovereignty and yet routinely perform acts that violate this containment. The suffering of the other grounds the right to speak not for those who are allegedly victims but to those who exercise this power.

Third, international citizenship obliges its subjects to act, or, rather, obliges men and women to take the authority to act with the 'I, we, they, have a right to' claim. This is because performing international citizenship means to reject the dichotomy that governments act and citizens talk. Foucault says that governments appreciate the indignation of the governed but, when it comes to acting, especially across borders, doing something must remain the domain of governments. What Foucault sees instead is the creation of a new right to act in the sphere of international strategy and policy. It is with this right that the monopoly of governments must be wrested from them if slowly and little by little.

So it could be said that for Foucault solidarity, confrontation, and acting were three principles through which international citizenship would be performed. The subject that comes into being by making the rights claim 'I, we, they, have a right to' is the subject of the international and it is this subject that shows solidarity, risks confrontation, and acts through traversing borders.

There is, of course, a danger of rarifying this speech as a singular act. Yet, it is important to recall that Foucault along with Bourdieu in this period showed considerable commitment to politics across borders. Together, they drafted a petition, for example, about the suppression of Poland's *Solidarnosc* movement in which they warned the French Government that 'it must not let it be believed that the establishment of a military dictatorship in Poland is an internal matter'.<sup>20</sup> When asked about 'human rights' Foucault later elaborated this thought by arguing that 'if governments make human rights the structure and the very framework of their political action, that is well and good. But human rights are, above all, that which one confronts governments with. They are the limits that one places on all possible governments.'<sup>21</sup> Foucault also grounded his actions in Iran in similar terms when he wrote to the Iranian president that 'It is good when a person, no matter who, even someone at the other end of the world, can speak up because he or she cannot bear to see another person tortured or condemned. It does not constitute interference with a state's internal affairs.'<sup>22</sup> Similarly, Foucault came to the defence of Klaus Croissant, who was the attorney for a German terrorist group, when his

application for asylum was rejected by the French government and he was deported to Germany.<sup>23</sup> There are other examples from Foucault's and Bourdieu's writings and actions in this period where the 'international' was not a concern with the 'outside' but was in fact related to the 'inside'.<sup>24</sup>

I do think, however, that Foucault's speech acts were more than a random or necessary intervention in politics; they represent a broader commitment to exploring what it means to be a speaking subject. As Philippe Artières recently illustrated, the posthumous publication of his works and lectures revealed a Foucault who experimented with various genres of speech.<sup>25</sup> It is true that as an engaged thinker Foucault constantly invented ways of speaking in public and this new portrait of an author for many whom had come to know him through his books was revelatory. Although Artières calls this portrait a 'parallel Foucault' arguably for Foucault these experiences were just as important sources for thought as his work in the archives. As Artières astutely observes the genres of speech Foucault experimented with were performances that interrogated what it means to be a speaking subject. These performances were not only specific interventions as speech acts but Foucault, as it became clear with the publication of his lectures on parrhesia and avowal, also considered speech acts as objects of investigation.<sup>26</sup>

I think a performative international political sociology for understanding the kind of subject international citizenship brings about would investigate making rights claims that show solidarity with others, bring the suffering of others to bear witness to confront governments, and act across borders in and by performing 'I, we, they, have a right to'. That today making such rights claims is a prevalent aspect of politics would not surprise many students of international political sociology. But performing international citizenship by making rights claims is hardly a recognized description of many acts of international citizenship.

## Performing international citizenship today

There are a number of fields of practice in which 'I, we, they, have a right to' claims are being made today that not only traverse borders but also ground their authority in their ability to act. Although there are considerable overlaps between these fields in how acts iterate, repeat and signify similar actions, there are also distinct and irreducible aspects that rupture existing routines and practices in each field. I will briefly illustrate these from sex workers' rights (working borders), migrants' rights (inverting borders), and cyberspace rights (traversing borders). As Bigo and Walker argued 'the boundaries that encourage us to think about both the problem of the international and the promises of political sociology express a broader understanding of boundaries that need to be examined in part through a systematic refusal of the ways in which we are supposed to think about boundaries.'<sup>27</sup> They have also argued that democratic citizenship 'is all too easily understood in terms of clearly bounded communities requiring clear distinctions between the domestic and the foreign, or the leap to a *demos* that is somehow global rather than as a practice that is centrally concerned with struggles over boundaries and



rearticulations of the *demos* in multiple sites.<sup>28</sup> Bringing these thoughts together against the background of Foucault's speech act calling forth an international citizen into being and shifting our focus of analysis from always-already defined territories to acts that reconfigure borders, I want to illustrate how doing, enacting, or performing citizenship in and by working, crossing, and traversing borders brings about an international citizenship.

### **Working borders**

The very idea of the rights for sex workers already traverses several boundaries.<sup>29</sup> Few would have foreseen in 1975 how the occupation of a church in Lyon by sex workers would have transformed the idea of sex workers' rights into an international rights movement.<sup>30</sup> As the Sex Worker Open University collective declares '... the occupation of the church of St Nizier in Lyon, France [on 2 June 1975 was an] historical event when 100s of prostitutes occupied a church to protest against police violence and corruption [and] is regarded as the symbolical birth of the sex workers' rights movement.' Although the collective recognizes that '... many protests and actions had taken place in the years and decades before that in many part of the world, many of them unrecorded and forgotten' I would argue that St Nizier was a speech act that inaugurated a new right. The 40-year period until 2015, when Amnesty International's decision to decriminalize sex work brought international attention to it, marks a significant transformation in this new right.<sup>31</sup> Judging from the political reaction to it, the act of approving a policy of decriminalizing sex trade nearly had the performative effect of passing a legislation.

Of course, the debate over sex workers' rights is complex but a basic point that I want to make here is not only to draw attention to the two acts that inaugurate a new right in the manner Foucault argued but also show how this new right for sex workers as international citizens has become a target for security and migration discourse. It shows that how performing international citizenship can gather performative force by making rights claims 'I, we, they have a right to' for and by sex workers and how it can become a target of disciplinary power. So the intersections between struggles over labour, security and migration became condensed into sex workers' rights and opened up an international field of action. To illustrate this I can do no better than briefly looking at a concept that more than any other has come to symbolize the transversal aspect of sex workers rights: 'trafficking'. Consider how it at once constitutes sex work as transversal and transgressive. As Anderson and Andrijasevic have shown the concept trafficking embodies layers of strategic containment of and by sovereignty through implicating sex work in legality and illegality binary from a security rather than labour rights perspective.<sup>32</sup> The discourse on trafficking has effectively constituted sex workers as victims (rather than workers with rights to claim rights) by practically moving them into non-citizen subject positions. By using the term trafficking to frame a problem, state authorities have mobilized a multilateral agreement that provides tools for border controls and security but not human rights.<sup>33</sup> This way sex work is moved

from labour rights, a domain of politics, into protection, a domain of routinized and technical security practice. Anderson and Andrijasevic state this point with exceptional clarity:

Feminists who adopt what might be termed a ‘sex workers’ rights’ perspective reject the idea that all prostitution is forced and intrinsically degrading. They view sex work as a service sector job, and see state actions that criminalise or otherwise penalise those who make an individual choice to enter prostitution as a denial of human rights to self determination. They also strongly challenge the simple equation by feminist abolitionists of the demand for trafficking and the demand for prostitution. From this standpoint, it is the lack of protection for workers in the sex industry, whether migrant or not, rather than the existence of a market for commercial sex in itself, that leaves room for extremes of exploitation, including trafficking. The solution to the problem thus lies in bringing the sex sector above ground, and regulating it in the same way that other employment sectors are regulated.

There will be disagreements over this statement. Yet, this is precisely where the struggle for sex workers’ rights by those who constitute themselves with ‘I, we, they have a right to’ becomes effective: its aim becomes moving sex workers’ rights into a domain of politics and of international citizenship. It is in this sense that I see struggles over sex workers’ rights as ‘working borders’: what we learn from these struggles is that they imaginatively and performatively transform where and how borders of legality and illegality are drawn and where and how they can be transformed and that is perhaps the reason why they become targets of disciplinary power.

There are numerous struggles in contemporary politics in which the three principles of international citizenship – solidarity, confronting, and acting – can be found. Whether these involve occupations, demonstrations, resistance, protests, petitions, or legislation struggles over sex workers’ rights perform international citizenship through working borders by creating new rights and new political subjectivities.

### ***Inverting borders***

I would like to consider another domain of practices in which ‘I, we, they have a right to’ is performed without prior authorization; this is where the rights of migrants including refugees and asylum seekers are claimed. Iker Barbero provides a poignant example. ‘On 20 January 2001, approximately 350 people, mainly undocumented immigrants from Pakistan, Bangladesh, India, Morocco, Eastern Europe and sub-Saharan Africa, gathered in the Catalunya Square in Barcelona, demanding “papeles para todos” (papers or documents for all)’.<sup>34</sup> Barbero demonstrates how this act eventually led to a renegotiation of the rights of migrants. There have been similar acts that mobilized a movement for sans papiers.<sup>35</sup> Again, of course, the debates over migrants and refugees are a vast literature but I want especially to focus on the sanctuary practices as these poignantly illustrate all three

principles Foucault set out for performing international citizenship: solidarity, confronting, and acting across borders. Since the 1980s, across the world a heterogeneous yet persistent development of networks, movements, and campaigns emerged that established solidarity between those who already have the right to stay and those who don't in a given territory. These include No One Is Illegal, Open Borders, autonomous migration and the rights of non-citizens.<sup>36</sup> Of these, the movements or campaigns that came to be known as 'sanctuary' is where performing international citizenship in solidarity with non-citizens accomplished numerous acts that cumulatively resignified borders of not only who can and cannot perform citizenship but also borders of where citizenship begins and ends. Some have argued that these sanctuary practices have sometimes achieved radical effects and sometimes have been incorporated into regimes of governing population movements and enacting sovereignty of the state. Jennifer Bagelman, for example, has shown with an ethnographic research on Glasgow's City of Sanctuary, how sanctuary activism can produce adverse effects by creating a false sense of ease and security.<sup>37</sup> The effects of the sanctuary practices are, however, as heterogeneous as the practices themselves and cumulatively they may well have disrupted the functioning of sovereignty regimes. Agnes Czajka makes a significant intervention by emphasizing the importance of investigating the critical and transformative potential of sanctuary practices rather than seeing them merely as elements of the state apparatus – replicating the distinction between legitimate and illegitimate asylum seekers.<sup>38</sup> Czajka argues that 'the potential of sanctuary derives at least in part from the heterogeneity, multiplicity, fluidity, and indeterminateness of acts of sanctuary, and their related capacity to challenge the state's attempt to monopolize territorial sovereignty and govern the political.'<sup>39</sup> She examines this potential with acts '... that not only usurp state sovereignty, but also challenge the state's definition of who and what counts as political, and who deserves or has the right to have rights.'<sup>40</sup> Czajka singles out acts such as City of Sanctuary and Don't Ask Don't Tell.

In a similar vein, Jonathan Darling and Vicki Squire reframe 'the right to the city' approach as the right to have rights of refugees in the UK by focusing on the City of Sanctuary movement.<sup>41</sup> They note that while both the US and Canada have had long histories of the sanctuary, the UK City of Sanctuary movement only recently revealed how solidarity across borders has developed strongly there too. Their focus on Sheffield shows a widespread support for it becoming a city of sanctuary with the City Council and many local organizations.<sup>42</sup> Sheffield was the first city in the UK to have been declared an official city of sanctuary. Subsequently, Bristol and Swansea have joined Sheffield.<sup>43</sup> Recognizing the tensions within the movement, such as its co-optation by hospitality and tolerance politics, Darling and Squire nonetheless bypass these tensions and draw out what they call 'the disruptive potential of everyday enactment of sanctuary.'<sup>44</sup> They illustrate, for example, how those who take to sanctuary bring with them strong claims to presence and justice.<sup>45</sup> These claims severely disrupt already accepted privileges or, rather, a system of allocating privileges. They also argue that these claims over time

gain traction in the sense that they acquire resilient qualities for repetition, resignification, and iteration. This enables the formation of relatively enduring networks of solidarity. Finally, they note an affirmative politics of ‘taking’ rights in these claims rather than waiting to receive them.<sup>46</sup> This resonates with the cautionary point Bagelman makes about how social activism can unwittingly participate in cultivating subjects as those waiting to receive rights.<sup>47</sup>

By especially focusing on the network ‘No Borders’ Naomi Millner demonstrates the emergence of an ethic of solidarity in acts of sanctuary associated with refugees and asylum seekers in France. She provides a reading of Sangatte and Calais as spaces of resistance, solidarity, and activist collaboration.<sup>48</sup> Millner illustrates historical acts from post-war France in waves that began building a *sans frontières* or no borders politics. It is a *sans frontières* politics not because it dreams of a world without borders (though that desire sometimes enters into the imaginary) but because it interrogates the arbitrariness of borders in sorting people into various abject categories. By providing this reversal in reading of acts of not only migrants and refugees but also of those who declare solidarity with them Millner draws an affirmative scene of enactment in refugee and migration politics. She illustrates, for example, how *sans-papiers* became connected with *sans-frontières* through previously disconnected politics of feminist and anti-racist movements, migrant-led campaigns, and trade unions.<sup>49</sup> Her conclusion is that ‘acknowledging migration as a creative and political act’ illustrates how international citizenship is performed by reframing borders and showing up what they include, exclude, and separate and combine.<sup>50</sup>

What I find in these studies focusing on sanctuary practices is precisely the performative force of international citizenship. With its rights and obligations in everyday yet disruptive enactment of rights, this force effectively reveals how sovereignty of the state is itself performative by showing up where and how it is performed. We can consider the struggles over migrant and refugee rights, especially those that advocate sanctuary, as an inversion of borders: these struggles invert inside and outside in ways that make it difficult to maintain the myth of the borders of the state as a homogenous contained space. If the UK government brings the UK border to airports, the international community of the governed dissolves UK borders within UK cities.

### **Traversing borders**

Following the three principles that call for international citizenship, it is easy to illustrate acts of solidarity across borders in cyberspace or on the Internet. I could discuss the battles over encryption to illustrate how digital activists have made possible political communication across borders. I could discuss WikiLeaks as a cross-border platform for political whistleblowing. Or I could discuss Edward Snowden and his revelations as an act of international citizenship.<sup>51</sup> The Internet has clearly created spaces by enabling people to traverse borders with their digital acts. But one that I find tantalizingly complex yet a provocatively potent act of

international citizenship is the creation of Bitcoin. Yes, it will be difficult to argue for a currency to be performing international citizenship but its effects, or at least some of them, enabling such performance requires the attention of international political sociology. In 2009, a person with the pseudonym Satoshi Nakamoto announced a new convention by which person-to-person payments at a distance could now eliminate the third party such as a bank or institutions such as PayPal from a financial transaction. Any person could pay any other without a financial institution involved. Nakamoto called this convention Bitcoin. I consider Nakamoto's online and anonymous paper as an exemplary act of international citizenship. Although immediately defined as a 'digital currency' Bitcoin is a radically different convention. Nakamoto also posted the details of this convention in a brilliant 8-page document.<sup>52</sup> Nakamoto defines his proposal as '... a system for electronic transactions without relying on trust.'<sup>53</sup> What Nakamoto meant by 'trust' is the absence of a third party in a financial transaction. Clearly, for any digital transaction to be possible between two parties there has to be a third party which two parties trust and which underwrites the transaction. This usually means a financial institution. For Nakamoto what was needed was 'a purely peer-to-peer version of electronic cash [that] would allow online payments to be sent directly from one party to another without going through a financial institution.'<sup>54</sup> I don't technically understand how Nakamoto achieved this but I think that the performative effects of this convention are radical. Arguably, if there was a way to bypass existing financial institutions and transact person-to-person payments, it would be as radical an invention as money itself. Bitcoin ruptures the existing monopoly of financial institutions over transactions by traversing borders with anonymity. The interesting aspect of the system is that it requires keeping all transactions on a public ledger since this is the only way to maintain proof of its work. Yet, although all transactions are public the parties in these transactions remain anonymous and represented only by public encryption keys.

The political significance of Bitcoin for international citizenship becomes clear when we consider WikiLeaks' release of Iraq war documents in 2010, which led to international financial institutions freezing its accounts and all donations to it.<sup>55</sup> This action was later interpreted as an instance of how international financial institutions can collude with national state authorities to charge as guilty any party before proven innocent. Through a convention such as Bitcoin not only WikiLeaks but other bodies can bypass such collusion. There is of course concern that not only 'legal' but also 'illegal' transactions of payments will happen through Bitcoin. As some scholars say 'in the world of Bitcoin, there are goldbugs, hippies, anarchists, cyberpunks, cryptographers, payment systems experts, currency activists, commodity traders, and the curious.'<sup>56</sup> There is also concern about misuses of the system that will seek to defraud it. But its 'practical materialism' or what Nakamoto calls its 'unstructured simplicity' depends on more honest nodes in the system than dishonest ones.<sup>57</sup> The real interest in this convention, whether it is Bitcoin or any other digital currency, is what, once again, it demonstrates: that on the Internet there is an inexhaustible ingenuity and people are willing to contribute to its

expansion and maintenance of a language of politics. To do so, they are resignifying conventions using open source software and with these conventions they are inviting others to transform cyberspace as a space for traversing political action as acts of international citizenship.

### Conclusion: Doing, Performing, Enacting

What makes these acts that I have discussed in domains of labour, life, and language, as it were, acts of international citizenship? Is making rights claims 'I, we, they have a right to' the only common aspect of performing international citizenship across different domains of social practice? To be sure, sanctuary movement for refugee rights, sex workers rights, and rights for anonymous financial transactions are hotly debated today; but by bringing them together as illustrations of making rights claims as international citizens I am resignifying them collectively. I am raising questions such as to what extent are we justified to consider them acts of international citizenship as objects of international political sociology? Since I argue that a performative international political sociology can make a major contribution to resignifying international citizenship, I will conclude this chapter with a reference to Ian Hacking's idea of historical ontology.<sup>58</sup> Hacking was deliberate in using this seemingly contradictory phrase as ontology usually refers to domains of things and thinking about such things as historical is unconventional to say the least. Hacking takes his inspiration from Foucault where Foucault describes his own work as a historical ontology of ourselves.<sup>59</sup> A key to unpacking this phrase, Hacking says, is that 'what is curious about human action is that by and large what I am deliberately doing depends on the possibilities of description.'<sup>60</sup> All our actions happen under a description and as descriptions change so do the possibilities of acting. These descriptions are not merely constative but also performative descriptions precisely because '... numerous kinds of human beings and human acts come into being hand in hand with our invention of the ways to name them.'<sup>61</sup> Hacking says for humans to act 'there have to be descriptions. If we can show that descriptions change, some dropping in, some dropping out, then there simply is a change in what we can (as a matter of logic) do or not do. One can reread many of Foucault's books as in part stories about the connection between certain kinds of description coming into being or going out of existence, and certain kinds of people coming into being or going out of existence.'<sup>62</sup>

What constitutes an act will always be contested as a description because a speech act is always a social act. An act does not exist as such. It exists in *social* actions, events, and performances as fragments. It is a description that brings an act into being. This description will arise from various social practices of naming, analysing, and interpreting actions through legal, ethical, and social conventions. The description changes as actions, events, and performances that come under that description or are done in its name are constantly added or removed from its repertoires. Thus, acts always involve interpretation. Which actions should come under which forms, repertoires and descriptions always remains contested.

It is in this sense of historical ontology that a performative international sociology can constitute ‘acts of international citizenship’ as objects of analysis. The descriptions under which subjects are doing, enacting, or performing international citizenship will not only change but by bringing a range of various actions, events and performances as a description under which we, as researchers and interpreters, can act should be the aim of a performative international sociology. The repertoire of actions that can come under the description ‘international citizenship’ is numerous but a performative international sociology would give an account of why it would consider some acts under ‘international citizenship’ and why it would leave others out.

So identifying certain actions in order to consider whether they should come under the description ‘acts of citizenship’ is not about classifying those actions in the abstract but about investigating the grounds on which they involve claims or demands and their consequences.

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I am grateful to Colin Gordon for drawing my attention to a small literature that grew around Foucault’s lecture and to various other lectures that Foucault gave on migration, refugees and international organizations. He has also read and generously commented on many aspects of this chapter from which I greatly benefited. I am also grateful to Leticia Sabsay for drawing my attention to the literature on the rights of sex workers. I am sincerely indebted to Didier Bigo who has not only read and provided insightful comments but also took his time to discuss them with me. James Tully provided beautifully weighed and perceptive comments that allowed me to tweak a few crucial things and provided new openings.

## Notes

- 1 This thought draws from the collective work on ‘enacting citizenship’ and ‘acts of citizenship’. See Engin F. Isin and Evelyn S. Ruppert, *Being Digital Citizens* (London: Rowman & Littlefield International, 2015); Engin F. Isin and Michael Seward, eds, *Enacting European Citizenship* (Cambridge: Cambridge University Press, 2013); Engin F. Isin, *Citizens without Frontiers* (London: Bloomsbury, 2012); Engin F. Isin and Greg M. Nielsen, eds, *Acts of Citizenship* (London: Zed Books, 2008).
- 2 J. L. Austin, *How to Do Things with Words* (Oxford: Oxford University Press, 1962); J. L. Austin, ‘Performative Utterances,’ in *Philosophical Papers*, ed. J. O. Urmson and G. J. Warnock (Oxford: Oxford University Press, 1970). The debate over performativity and speech acts is considerable. See James Loxley, *Performativity* (London: Routledge, 2007). In international relations there has been considerable debate over speech acts. See Barry Buzan, Ole Wæver, and Jaap de Wilde, *Security: A New Framework for Analysis* (Boulder, CO: Lynne Rienner, 1998). My approach to performativity draws on Judith Butler, *Excitable Speech: A Politics of the Performative* (London: Routledge, 1997); Adolf Reinach, *The Apriori Foundations of the Civil Law* (Aletheia, 1983); Jacques Derrida, *Limited Inc*, trans. G. Graff (Evanston, Illinois: Northwestern University Press, 1988); Mikhail Bakhtin, *Toward a Philosophy of Act*, ed. M. Holquist (Austin: University of Texas Press, 1993).

- 3 As Shoshana Felman writes ‘since...to speak is to act, performative utterances, inasmuch as they produce actions, and constitute operations, cannot be logically true or false, but only successful or unsuccessful, “felicitous” or “infelicitous.” ’ Shoshana Felman, *The Scandal of the Speaking Body: Don Juan with J. L. Austin, or Seduction in Two Languages* (Stanford, CA: Stanford University Press, 2003). 15. Also see Vikki Bell, *Culture and Performance: The Challenge of Ethics, Politics, and Feminist Theory* (Oxford: Berg, 2007). 115.
- 4 Stanley Cavell, *A Pitch of Philosophy: Autobiographical Exercises* (Cambridge, MA: Harvard University Press, 1994). 81.
- 5 Karen Zivi, *Making Rights Claims: A Practice of Democratic Citizenship* (Oxford: Oxford University Press, 2012). 19.
- 6 Ibid.
- 7 Ibid., 15.
- 8 Let us note that an act of submission is also a creative act despite its negative connotation. That’s why it is more nuanced to think of power being exercised through three inseparable modes of obedience, submission and subversion.
- 9 Pierre Bourdieu, *Language and Symbolic Power* (Cambridge, MA: Harvard University Press, 1993). 107.
- 10 For the distinction between legal, performative, and imaginary forces see Isin and Rupert, *Being Digital Citizens*: ch. 2 and ch. 3.
- 11 Bourdieu, *Language and Symbolic Power*: 111.
- 12 Michel Foucault, ‘Confronting Governments: Human Rights,’ in *Power*, ed. James D. Faubion, *Essential Works of Foucault, 1954–1984* (New York: New Press, 2000). This text was published in *Libération* in June 1984 and it is based on a speech Foucault gave at the UN in Geneva on humanitarian intervention in 1981. Foucault was working with Bernard Kouchner (then head of *Médecins sans Frontières/Médecins du Monde*, and, later, France’s Foreign Minister) who is credited with playing a central role in the development of the norm of humanitarian intervention. See Jessica Whyte, ‘Human Rights: Confronting Governments?: Michel Foucault and the Right to Intervene,’ in *New Critical Legal Thinking*, ed. Matthew Stone, Illan rua Wall, and Costas Douzinas (London: Routledge, 2012).
- 13 There’s been a limited but important literature on interpreting this speech. Both Ben Golder and Jessica Whyte have written about the importance of this speech within a genealogy of humanist intervention. Ben Golder, ‘Foucault and the Unfinished Human of Rights,’ *Law, Culture and the Humanities* 6, no. 3 (2010); Whyte, ‘Human Rights: Confronting Governments?’
- 14 Foucault made a prescient and poignant declaration that movement of peoples would become the problem of the twenty-first century when he said: ‘I fear that what is happening in Vietnam is not only a sequel of the past, but this is a harbinger of the future.’ Michel Foucault, *Dits Et Écrits: 1954–1988*, ed. Daniel Defert and Francois Ewald, 4 vols. (Paris: Gallimard, 1994).
- 15 Ibid. It is in this interview that Foucault connects migration and refugee issues not only to changing European labour markets and their demands but also previously colonized territories and their interconnections with Europe. I am grateful to Colin Gordon for drawing my attention to this interview and providing its URL.
- 16 Colin Gordon, ‘Introduction,’ in *Power*, ed. James D Faubion, *Essential Works of Foucault, 1954–1984* (New York: New Press, 2000), xxxvii–xxxviii.
- 17 Foucault, ‘Confronting Governments: Human Rights,’ 474.
- 18 Note here how Foucault’s formulation resignifies if subverts what is commonly understood by the term ‘international community’, which often means the alliance or coalition of states and not citizens.
- 19 Foucault, ‘Confronting Governments: Human Rights,’ 474–75.
- 20 Quoted in Whyte, ‘Human Rights: Confronting Governments?’, 22.
- 21 Michel Foucault, ‘Letter to Certain Leaders of the Left,’ in *Power: Essential Works of Foucault, 1954–1984*, ed. J. D. Faubion (New York: The New Press, 2000), 471.



- 22 Michel Foucault, 'Open Letter to Mehdi Bazargan,' in *Power: Essential Works of Foucault, 1954–1984*, ed. J. D. Faubion (New York: The New Press, 2000), 441.
- 23 Foucault, 'Letter to Certain Leaders of the Left.'
- 24 Didier Bigo, 'Pierre Bourdieu and International Relations: Power of Practices, Practices of Power,' *International Political Sociology* 5, no. 3 (2011); Whyte, 'Human Rights: Confronting Governments?'
- 25 Philippe Artières, 'Introduction: Foucault and Audiography,' in *Speech Begins after Death: In Conversation with Claude Bonnefoy*, ed. Philippe Artières (Minneapolis: University of Minnesota Press, 2013).
- 26 Michel Foucault, *The Courage of the Truth (the Government of Self and Others II): Lectures at the Collège de France, 1983–1984* (Basingstoke: Palgrave Macmillan, 2011); Michel Foucault, *Wrong-Doing, Truth-Telling: The Function of Avowal in Justice*, ed. Fabienne Brion and Bernard E. Harcourt, trans. Stephen W. Sawyer (Chicago: University of Chicago Press, 2014).
- 27 Didier Bigo and R. B. J. Walker, 'Political Sociology and the Problem of the International,' *Millennium: Journal of International Studies* 35 (2007): 738.
- 28 Ibid.
- 29 Rutvica Andrijasevic, 'Sex on the Move: Gender, Subjectivity and Differential Inclusion,' *Subjectivity* 29, no. 1 (2009).
- 30 SWOU, "Sex Worker Poster Project" (updated 27 May), <<http://goo.gl/9pS4ZM>&gt;; accessed 10 August 2015.
- 31 Jessica Elgot, 'Amnesty Approves Policy to Decriminalise Sex Trade', (updated 11 August) <<http://goo.gl/aCjcH5>&gt;; accessed 15 August 2015.
- 32 Bridget Anderson and Rutvica Andrijasevic, 'Sex, Slaves and Citizens: The Politics of Anti-Trafficking,' *Soundings* 40 (2008): 135.
- 33 Anderson and Andrijasevic note that 'the emphasis is on intercepting traffickers and smugglers and on punishing and prosecuting them. While states are encouraged to offer protection to trafficked persons, in particular to consider providing victims of trafficking with the possibility of remaining, temporarily or permanently, on their territory, actual obligations are minimal and the protection provisions are weak.' Ibid., 136.
- 34 Iker Barbero, 'Expanding Acts of Citizenship: The Struggles of Sinapeles Migrants,' *Social & Legal Studies* (2012): 2.
- 35 Anne McNevin, 'Political Belonging in a Neoliberal Era: The Struggle of the San-Papiers,' *Citizenship Studies* 10, no. 2 (2006).
- 36 Peter Nyers, 'No One Is Illegal between City and Nation,' *Studies in Social Justice* 4 (2011); Anne McNevin, *Contesting Citizenship: Irregular Migrants and New Frontiers of the Political* (New York: Columbia University Press, 2011).
- 37 Jennifer Bagelman, 'Sanctuary: A Politics of Ease?,' *International Political Sociology* 38, no. 1 (2013).
- 38 Agnes Czajka, 'The Potential of Sanctuary: Acts of Sanctuary through the Lens of the Camp,' in *Sanctuary Practices in International Perspectives: Migration, Citizenship and Social Movements*, ed. Randy K. Lippert and Sean Rehaag (London: Routledge, 2013), 43.
- 39 Ibid., 48.
- 40 Ibid., 52.
- 41 Jonathan Darling and Vicki Squire, 'Everyday Enactments of Sanctuary: The UK City of Sanctuary Movement,' in *Sanctuary Practices in International Perspectives: Migration, Citizenship and Social Movements*, ed. Randy K. Lippert and Sean Rehaag (London: Routledge, 2013).
- 42 Ibid., 192.
- 43 Ibid., 192–93.
- 44 Ibid., 195.
- 45 Ibid., 196.
- 46 Ibid., 197.
- 47 Bagelman, 'Sanctuary: A Politics of Ease?,' 50.

- 48 Naomi Millner, 'From "Refugee" to "Migrant" in Calais Solidarity Activism: Re-Staging Undocumented Migration for a Future Politics of Asylum,' *Political Geography* 30, no. 6 (2011); Naomi Millner, 'Sanctuary *Sans Frontières*: Social Movements and Solidarity in Post-War Northern France,' in *Sanctuary Practices in International Perspectives: Migration, Citizenship and Social Movements*, ed. Randy K. Lippert and Sean Rehaag (London: Routledge, 2013), 58.
- 49 Millner, "Sanctuary *Sans Frontières*", 66.
- 50 *Ibid.*, 66–67.
- 51 Isin and Ruppert, *Being Digital Citizens*: ch. 6.
- 52 Satoshi Nakamoto, 'Bitcoin: A Peer-to-Peer Electronic Cash System', <https://bitcoin.org/bitcoin.pdf>, accessed 18 August 2014. Nakamoto's identity has been the subject of international speculation. The fact that it is anonymous makes it more interesting for retelling this story as the invention of a convention.
- 53 *Ibid.*, 8.
- 54 *Ibid.*, 1.
- 55 B. Maurer, T. C. Nelms, and L. Swartz, '“When Perhaps the Real Problem Is Money Itself”: The Practical Materiality of Bitcoin,' *Social Semiotics* 23, no. 2 (2013): 266.
- 56 *Ibid.*, 262.
- 57 *Ibid.*, 262–63. The term 'practical materialism' to describe the workings of Bitcoin is from *Ibid.*, 262–66.
- 58 Ian Hacking, *Historical Ontology* (Cambridge, MA: Harvard University Press, 2002).
- 59 Hacking says 'Ontology has been dry and dusty, but I lift my title from an author whom none consider arid, even if he has now fallen from grace—in some quarters, into a mire of unkind refutations. In his remarkable essay "What Is Enlightenment?" Michel Foucault twice referred to "the historical ontology of ourselves." This could be the name of a study, he said, that was concerned with "truth through which we constitute ourselves as objects of knowledge"; with "power through which we constitute ourselves as subjects acting on others"; and with "ethics through which we constitute ourselves as moral agents." He calls these the axes of knowledge, power, and ethics.' *Ibid.*, 2.
- 60 *Ibid.*, 108.
- 61 *Ibid.*, 113.
- 62 *Ibid.*, 48.

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