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Making Undocumented Immigrants into a Legitimate Political Subject: Theoretical Observations from the United States and France

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Abstract

Over the last 20 years, the global North has witnessed the growing prominence of immigrant rights movements. This article examines how this highly stigmatized population has achieved a certain degree of legitimacy in hostile political environments. The central claim of the article is that this kind of legitimacy is initially achieved through the efforts of activists to represent undocumented immigrants in ways that resonate with the normative values of the nation. The author examines how activist networks are formed to present their cases within national political fields and the effects of this process on the political identities of immigrants and their respective citizenship regimes. The process of gaining legitimacy is contradictory. It contributes to nationalizing the political identities of foreigners and reproducing the exclusionary logic of national citizenship regimes. But in doing this, it encourages those who cannot conform to national values to embrace more radical and universal conceptions of rights. The generation of competing discourses and notions of rights (national versus universal) therefore arises through struggles to make undocumented immigrants into legitimate political subjects.

Keywords

citizenship, immigrants, national identities, rights

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Introduction

Strong anti-immigrant movements, parties, and discourses have become normal features of politics in the global North. Immigrants have been portrayed as an existential threat to the nation-state because they are said to degrade its economic, social, and cultural foundations. Undocumented immigrants are viewed as the most problematic because their very existence violates national sovereignty, the rule of law, and the value of citizenship (Berezin, 2009; Chavez, 2008). The stigma attached to these immigrants has led many nationals to question whether undocumented immigrants have even the 'right to have rights' in these countries (Arendt, 1973). It is argued that even the most basic right granted to the most innocent immigrant provides an anchor for the whole population to spread like a viral contagion. Denying recognition to all undocumented immigrants as rights-bearing human beings ('right to have rights') is necessary to immunize the national community against this imminent threat. The undocumented immigrant must be cast out of the community of national citizens and denied the legitimacy to make even the most elementary claim to rights in the country.

Facing these powerful discursive barriers, one would expect undocumented immigrants to avoid the public sphere and eke out an existence in the shadows of receiving countries. They would occupy a similar position as the slave during the Roman Republic, cast out of the world of truly free and truly 'human' beings and sealed into the nether world of the private arena (Arendt, 1958: 50). They would in other words confine themselves to the private arena, attend to the satisfaction of their basic physical needs, and avoid the public sphere where free and equal citizens debate the direction of the nation. However, contrary to expectations, recent studies have shown that undocumented immigrants have done the opposite in countries as diverse as the United States, France, Germany, Great Britain, and the Netherlands (Anderson, 2010; Barron et al., 2011; Cissé, 1999; Iskander, 2007; Laubenthal, 2007; Nicholls, 2011; Siméant, 1998; Voss and Bloemraad, 2011). In spite of differences in the politics and cultures of these countries, some undocumented immigrants have not only resisted being relegated to the margins of national citizenship but have taken an active role in engaging in public debates over citizenship, rights, and nationhood.

The aim of this article is to identify the processes of making highly stigmatized immigrants into political subjects with sufficient levels of legitimacy to sustain their rights claims in the public sphere. It develops a series of general theoretical propositions based on observations of mobilizations in the United States and France. The mobilization in the United States (primarily during the 2000s) has called for the legalization of undocumented youths attending universities. In France (primarily during the 1990s), the mobilization was largely spearheaded by

undocumented parents of French-born nationals (the *sans papiers*).¹ Each mobilization was constituted by very different people, embedded in different cultural and political contexts, and claimed different kinds of rights for different kinds of immigrants. In spite of the important differences between these examples, *we can identify a remarkably similar process in transforming undocumented immigrants from stigmatized outcasts into legitimate political subjects*. The objective of the article is to reveal this process.

Most importantly, the intense hostility facing immigrants in recent years has made it difficult if not impossible to justify rights claims on the basis of universalistic arguments (all human beings possess inalienable rights in spite of immigration status and cultural differences). Increasingly xenophobic environments limit the range of discursive options available to rights claimants. If they are to gain recognition as legitimate 'voices' and avoid being dismissed as impossible 'noises' (Dikeç, 2004), they must construct representations of immigrants and their cause in ways that cohere with the core normative and moral values of the nation. Demonstrating *national identification* has therefore become the means by which this 'other' reveals its humanity to the native. Once natives recognize the immigrant other as human, they are more likely to recognize that the group has been wronged because it has been denied certain 'inalienable' and 'human' rights. This does not necessarily mean that rights will automatically be granted to the claimants but it makes this issue a legitimate subject of public debate. Although this discursive strategy provides a route to inclusion and recognition for outcasts, pursuing the strategy comes at a cost because it reinforces the notion that basic rights should only be granted to those who conform to national codes, cultures, and morals. As a consequence, those immigrants lacking the attributes needed to demonstrate their conformity with national norms find themselves excluded from basic rights in these countries.

In contrast to arguments suggesting that immigrant rights movements can serve as a force to 'universalize' human rights by taking rights struggles beyond the nation-state (Benhabib, 2004; Raissiguier, 2010; Soysal, 1994), this article maintains that these movements often play the opposite role by disciplining *transnational* immigrants to *nationalize* their claims for basic human rights. Instead of serving as agents for universalizing rights, they help reinforce national belonging as a principal criterion for determining the distribution of 'inalienable' rights. Although this article identifies the mechanisms that favor the nationalization of rights claims, it also stresses the dynamic and contingent nature of this process.

First, undocumented immigrants in both cases pursued these strategies in response to growing anti-immigration sentiment and policies in the United States and France (Berezin, 2009; Chavez, 2008; Raissiguier, 2010). Their margins for maneuver have been narrowed by these

inhospitable environments, closing down alternative discursive options such as universalism (Soysal, 1994) or dis-identification strategies (Rancière, 1992, 1993). The more hostile the environment, the more undocumented immigrants need to stress their identification with national cultures and moralities. However, activists mobilizing in more hospitable environments may enjoy more options to make their rights claims in the public sphere. The argument developed in this article is not that the national strategy is the *only* strategy available to undocumented immigrants all the time and in all places. Rather, the national strategy assumes greater prominence under conditions of greater hostility and the degrees of hostility change with time and place. The last 20 years, however, have been marked by growing hostility in both countries, resulting in the prominence of national discursive strategies in immigrant rights movements.

Second, certain immigrants can present themselves as conforming to national norms, but others (i.e. unemployed, non-integrated, etc.) lack the attributes needed to justify their rights claims in this way. As this latter group finds its own opportunities diminishing because of its irreducible otherness, it may call upon the immigrant rights movement to pursue alternative ways to make rights claims (universal rights, dis-identification). The exclusionary effects of the national discursive strategy trigger internal disagreements over the most appropriate discursive strategies available to the immigrant rights movement. These disagreements contribute to fragmenting the movement but they also introduce alternative visions of rights, nationhood, and citizenship. Although continued anti-immigration hostility in a country may marginalize more universal arguments, the emergence of these arguments provides activists with an alternative discursive repertoire that could be deployed more forcefully if a more favorable environment were to emerge. Thus, rather than suggest that there is a binary between national and universal rights claims (or identification and dis-identification strategies), this article maintains that these claims are entangled in complicated and dialectically interlinked ways. Disagreements over discursive strategies emerge directly from the internal contradictions of the movement, with the degree of hostility in a national context shaping which discourse becomes more prominent than the other.

The article addresses these issues by developing a series of theoretical propositions to map out the perilous route from outcast to legitimate political subject. It identifies specificities and singularities of the two cases, but the core focus is to unravel the generic processes that transcend particularities. The sections below lay out the core theoretical propositions of the article. The first part examines the inherently exclusionary character of national citizenship regimes and the growing barriers facing undocumented immigrants attempting to gain access to basic rights. The second part maintains that undocumented immigrants employ a

representational strategy of 'identification' to gain legitimacy within the public sphere. They must cleanse themselves of negative stigma and assert their conformity to national values and mores. Third, penetrating the public sphere and producing compelling representations of themselves and their cause requires complex alliances between undocumented immigrants and professional immigrant and human rights associations. The cultural and symbolic capital of the latter allows them to assume control over how representations of immigrants are constructed and articulated in the public sphere. The fourth part maintains that leaders must not only produce a message that resonates with national values but also a way of delivering this message in a disciplined and convincing way. Lastly, the complex alliance that produces the undocumented immigrant as a legitimate political subject is also prone to divisions and splits, opening possibilities for alternative visions and discourses of citizenship. In this sense, the elements that make the political subject viable also plant the seed of its change and transformation.

I National Citizenship and the Immigrant as Impossible Outcast

National citizenship can be conceived as a system of rules that function to distribute rights to members of national communities. This system of solidarity is sustained by foundational principles and values expressed through symbols and discourses (Alexander, 2006). These values are enacted through public rituals, sustained through national institutions, and disseminated through the media. Key discourses and symbols concerning freedom, love of family, hard work, solidarity, etc., provide the national community with sacred principles that reaffirm an individual's commitment to a large and abstract group. Members of this community are not only considered to be virtuous but their virtues are expressed materially in their conduct, dispositions, mannerisms, and even in their physiognomy (Elias, 1994). They talk the right way, work hard, possess the right kinds of families, are familiar with community traditions, eat the appropriate foods in the appropriate way, and respect basic rules of conduct. Possession of these attributes marks a person as a 'true' member of the national community and deserving of equal rights in the country.

While cultural commonalities provide national citizens with a sense of who they are, the construction of the 'other' helps bring these commonalities into relief and marks the boundaries that make the national community sacred (Alexander, 2006; Elias, 1994). The social and political construction of the other is therefore necessary for creating a community of national citizens (Isin, 2000: 47). Even if those others are conceived as dangerous social classes, immoral sexual minorities, threatening immigrants, subversive ideologies, and so on, they all play an instrumental role in building the community of national citizens by demarcating the

boundaries between self and other. Othering not only *differentiates* the members of the national community from outsiders, but also attributes stigmas that make outsiders a threat. These others are said to possess beliefs, values, needs, manners, languages, ways of talking, etc., that are polluting and pose a moral and material threat to the viability of the national community (Alexander, 2006; Isin, 2000). The threatening character of others makes it impossible for nationals to recognize them as possible rights-bearing members of their community. The other must be held at a distance, denied the 'right to have rights' in order to ensure the viability of the national community (Arendt, 1973). Producing a sustainable and just community of equals (national citizens) therefore requires nationals to deny the other the recognition of being rights-bearing human beings.

Like the 'dangerous' working class of the 19th century, immigrants have been viewed as *lacking* the core attributes needed to be recognized as possible rights-bearing members of national communities (Chavez, 2008; Ngai, 2004; Raissiguier, 2010; Rancière, 1992; Wahnich, 1997). Such views have become more prominent over the last 20 years. Immigrants may owe allegiance to foreign governments, ideologies, and beliefs; possess economic values and work ethics that turn them into free-riders of social welfare systems; resist participation in national cultures and traditions; practice rituals and beliefs that conflict with national traditions; and so on. Immigrants are polluting agents who cannot fulfill the obligations of the good citizen (i.e. work, pay taxes, engage in public debate, behave in a civil manner, love their country, etc.). It is impossible for nationals to recognize the right of this menacing other and they must deny them the right to even the most basic legal-judicial rights in the country. Raissiguier (2010: 4) maintains:

I use the concept of impossibility to conjure up the complex mechanisms (both material and discursive) that establish impossible subject positions within the French nation. These mechanisms include discursive practices that turn certain immigrants into unthinkable members of the national body as well as material/legal practices that locate them in spaces of impossibility.

The growth of large populations of undocumented immigrants has occurred at a time of heightened xenophobia and deepening anxiety over the abilities of the nation-state to assert its sovereignty and protect its borders (Berezin, 2009). This has intensified the stigmatization of undocumented populations as existential threats to the country. For example, anti-immigration advocates in the United States have argued that by granting citizenship rights to seemingly innocent children (so-called 'anchor babies'), millions of immigrant family members would gain a foothold to expand their own rights in the country. Each

immigrant, no matter how innocent, is conceived as a virus that threatens to contaminate the nation. This has made anti-immigrant forces particularly concerned about the reproduction, fertility, and sexuality of the immigrant. Samuel Huntington expressed this concern in a 2004 article in *Foreign Policy*:

In this new era, the single most immediate and most serious challenge to America's traditional identity comes from the immense and continuing immigration from Latin America, especially from Mexico, and the fertility of those immigrants compared to black and white American natives. (quoted in Chavez, 2008: 22)

In response to this threat, denying all immigrants the most basic rights serves as a preventive measure to block such a contagion. While nationals may sympathize with the stories of some individual immigrants, they must remain strong in the face of the current threat and deny all immigrants the right to live and exist in the country, no matter how innocent the immigrant or how basic the right. Framed in this zero-sum way, denying immigrants recognition as rights-bearing human beings is not only necessary but just and fair.

II Representing Undocumented Immigrants as Legitimate Political Subjects

A central contradiction of modern citizenship is that the promise of equality for all co-exists with the reality of social, political, and spatial exclusion of others. Citizenship recognizes that all members (citizens) have equal rights but the survival of the community of citizens requires the exclusion of those others who threaten to pollute it. This contradiction (the promise of equal rights coupled with the necessity of exclusion) has been an important driver of resistance against exclusionary character citizenship. When outsiders make claims to equality, they disturb the normalized order by opening up questions of who should be granted and denied rights. The act of African Americans crossing color lines in the US South and the act of undocumented migrants making claims to equal rights disturb the system because the hidden lines of exclusion are brought out into the open and people are compelled to openly take a stand on whether the existing order is just or not (Rancière, 2007: 560). These *disturbances* are breaches in cultural and discursive systems, and open up opportunities for a broad, spontaneous, and contingent rethinking of the existing order of things.

Undocumented immigrants in France and the United States have struggled for the promise of rights in the face of harsh exclusionary regimes. Stepping out of the shadows and breaking into the public sphere has prompted migrants to embark on bold actions including

civil disobedience, hunger strikes, and the occupation of public buildings (Barron et al., 2011; Nicholls, 2011; Siméant, 1998; Voss and Bloemraad, 2011). 'Coming out' through these very public occupations of urban space reflects the first efforts of immigrants to express their existence as rights-bearing human beings in the country. They are disturbances because undocumented immigrants refuse to stay in their designated place in the private arena and instead make very abrupt and public claims to equality.

Whereas disturbances breach the order of things, whether immigrant mobilizations are recognized as legitimate 'voices' or illegitimate 'noises' depends on how they represent themselves in the public sphere (Dikeç, 2004). Jacques Rancière (2007: 561) maintains that outcasts employ a strategy of 'dis-identification' to turn them into new and powerful subjects in the public sphere: 'A process of dis-identification is what creates a political subject. A political subject is a being that arrives as supplement to the social distribution, since it cannot be identified as a part of the police order.' He provides an example of this process of dis-identification in a discussion of the term 'proletariat':

Let me rephrase this: a subject is an outsider or, more, an in-between. Proletarian was the name given to people who are together inasmuch as they are between: between several names, statuses, and identities; between humanity and inhumanity, citizenship and its denial; between the status of a man of tools and the status of a speaking and thinking being. Political subjectivization is the enactment of equality – or the handling of a wronged-by people who are together to the extent that they are between. It is a crossing of identities, relying on a crossing of names: names that link the name of a group or class to the name of no group or no class, a being to a nonbeing or a not-yet-being. (Rancière, 1992: 61)

Making a political subject in this instance is intricately bound to the process of dis-identification, whereby the outcast publicly asserts his or her non-place and indeterminacy in the existing order of things. 'By changing the relations between names, identities and places, it created a space of indeterminate possibilities for unknown competencies' (Rancière, 2007: 561). Staking out a site of indeterminacy or what he calls an 'un-space', the outcast becomes 'dissensus':

There is dissensus when there is something wrong in the picture, when something is not at the right place. There is dissensus when we don't know how to designate what we see, when a name no longer suits the thing or the character that it names, etc. (p. 559)

Like the proletariat of the 19th century, Rancière asserts that labels such as '*sans papiers*' and 'undocumented' are employed precisely in this fashion, with their public presence resulting in quandaries over their fit within a well-policed community of citizens.

Although Rancière lays out a persuasive hypothesis for how outcasts become political subjects (i.e. dis-identification), this article takes a different view. When the outcast is considered an existential threat to the national community (as is the case in recent years), the strategy of dis-identification would at best be ignored as a 'noise' from the margins (instead of a compelling voice) or at worst be considered as justification for the rollback of rights to undocumented immigrants. For example, participants of massive immigrant rights demonstrations in California in 1994 proudly waved flags from different parts of the world (see Chavez, 2008). Their dis-identification with any particular nation-state was used by anti-immigrant forces to reinforce their argument that immigrants were irreducibly foreign and bent on 'reconquering' America. Rather than opening up the public sphere to this emergent political subject, the strategy of dis-identification sealed the door shut. This was followed by the introduction of new measures to reinforce border controls and the further rollback of rights in the 1990s. Dis-identification and dissensus did not result in legitimating this political subject's rights to make rights claims in public but the exact opposite: it reinforced the perception of this group as a threatening and polluting foreigner that needed to be cast out of the country.

Making undocumented immigrants into a legitimate subject therefore does not result from dis-identification but *identification*. In contexts of heightened anti-immigration hostility, the road to recognition as people deserving rights depends on the ability of undocumented immigrants to publicly demonstrate identification with the national community. If immigrants seek out recognition as legitimate claimants to equal rights (truly 'human' beings), they must represent themselves and their cause in a way that conforms to the dominant moralities and values of the country. Through public discourses and performances, these immigrants cleanse themselves of the polluting stigmas attributed to them (de-stigmatize) and assert that they are important contributors to the nation. For example, immigrant rights activists in the United States have learned from the failure of the dis-identification strategy of the 1990s and now employ a strategy of national identification. They have constructed a discourse and performances to demonstrate that they are not foreign and irreducibly different from nationals. They no longer have attachments to their native countries and cultures, and their tastes, values, aspirations, and commitments align with those of nationals. 'Maybe our parents feel like immigrants, but we feel like Americans because we have been raised here on American values' (Carlos Saavedra in Preston, 2009). This leading activist does not stake a claim for equality by stressing the in-between status of undocumented students

(between America and their native countries) but by emphasizing the group's strong allegiance to America and its distance from countries of origin. Representations of conformity cleanse these immigrants of the stigmas that made them threats to the national community. Not only do they possess attributes that make them non-threatening, but they also possess attributes that make them important contributors to the country. Their hard work ethic, love of family, and civic engagement build upon core national values and reinvigorate the moral and economic life of the country (Honig, 2006). In the French example, undocumented immigrants stressed their identification with the nation through the names of undocumented associations (Right to Live in a *French Family*; Foreign Parents of *French Children*).² The immigrants also expressed the injustice of denying immigrants with strong social and cultural ties to the country the right to raise their families and live with their loved ones. 'The government has made it impossible for us to live in the same country as our children. We are here to stay and contribute to France and raise our children and provide them with a secure and stable life' (Political Tract, 1 January 1995). As in the example of the United States, immigrant rights discourse in France stressed a direct tie to the country, discussed immigrants' goals and aspirations in ways that resonated with national values, and framed them as contributors to the national community. Thus, immigrants in both cases have forged their subjecthood not by dis-identification and dissensus but by identification, and asserting their valid place in the national consensus on citizenship.

Once these powerful discourses have been constructed and articulated in the public sphere, denying recognition to the rights claims of 'good' immigrants (i.e. those who identify and conform to national values) can be portrayed as unjust. Having demonstrated their 'humanity' by identifying with national values and norms, continuing to deny immigrants 'inalienable' rights becomes increasingly viewed as a wrong inflicted on this population. Moreover, by focusing on the attributes that transform some immigrants into good ones, it becomes more difficult to justify the denial of rights claims on the basis that they represent a threat to the country. As the threatening other evaporates into representations of conformity and similarity, the moral grounds for denying rights evaporates (i.e. protect the national community). If, for example, I demonstrate that I am like you, it becomes difficult for you to justify the denial of rights to me on the grounds that I represent a threat to your community. Demonstrating the way they fit into the country and identify with national values transforms immigrants from foreign and threatening outcasts into acceptable and sympathetic newcomers. Facing these discursive moves, anti-immigrant advocates must either cede ground or embrace morally less convincing arguments to sustain their positions in public debate. The national public and politicians have greater difficulty

justifying policies that deny recognition of rights and equality to people who are considered to be fully 'human' beings.

In contexts of increased hostility, recognizing the possible equality of the other as a subject with legitimate claims to basic rights can only be achieved when that other is made to conform to national categories and understandings of a good and moral person. However, in pursuing this discursive strategy, immigrant activists and their supporters actively reproduce the 'national' basis of citizenship in receiving countries. Certain people deserve equal rights not because they are human (universal claim) but because they possess cultural attributes that resonate with nationals. In this way, gaining inclusion in hostile citizenship regimes requires that immigrants reproduce the national discourses and ideas that make such regimes exclusionary.

III Producing the Subject: The Importance of Alliances

Compelling discourses that establish identification between nationals and foreign others are necessary conditions for making a legitimate political subject. However, a discourse in itself is by no means sufficient. Complex alliances between activists and their organizations are also needed to produce and circulate effective representations. This section argues that these alliances play two functions: first, they generate large numbers of protesting immigrants who disturb the order of things; and second, they generate the levels of cultural and symbolic capital needed to cleanse stigma attached to foreigners and transform them into sympathetic and rights-deserving beings.

The social movement literature has shown that outcasts stand a better chance of being heard when they can generate large and sustainable numbers to disturb the order of things (Piven and Cloward, 1979; Tilly, 2004). Grievances can produce large numbers but grievances by themselves cannot sustain numbers in the face of enormous risks. Sustaining numbers requires trust in one's comrades and in the possibility that the system is capable of responding to demands (Diani, 2004; Diani and Bison, 2004; Gould, 1995; Nicholls, 2008; Tilly, 2005). Mobilizations of undocumented immigrants in France and the United States involve forms of civil disobedience and the occupation of public buildings (Nicholls, 2011; Siméant, 1998). Involvement in these disturbances places participants at a direct risk of deportation, which would inflict enormous cost and pain on them and their families. In the case of immigrant activists in France, the close family and friendship ties of West African immigrants in Paris helped reinforce feelings of trust, solidarity, and mutual obligation to the community and their struggle (Péchu, 2004; Siméant, 1998). Undocumented activists participated in sustained forms of civil disobedience because they trusted their fellow activists, and they felt a sense of moral obligation to continue in spite of

obvious risks. In the mobilizations in the United States, undocumented students drew upon networks developed either through campus-based organizations or the community organizations they were active in. Thus, networking is important for fostering feelings of trust and mutual obligations among immigrant activists, enabling them to embark on extremely risky and disruptive actions in the public arena.

Strength of numbers is important for creating a breach in the existing order of things but not sufficient to turn 'dangerous' outcasts into legitimate, rights-bearing subjects. The process of representing a group of outcasts as possible equals requires high levels of cultural and symbolic capital (Bourdieu, 1994; Wacquant, 2005). Activists must have an intimate knowledge of the political culture of the country and understand how to pitch messages in ways that resonate with nationals at intellectual, moral, and emotional levels (Jasper, 1998). They must also possess enough symbolic capital to ensure that the discourses they articulate are considered legitimate by the national public. Lastly, they must possess connections with media gatekeepers who can assist in transmitting their frames, messages, and talking points to the public.

These forms of 'capital' are absolutely necessary to construct effective discourses and articulate them in the public sphere but are by no means equally distributed across the immigrant rights movement. Newly arrived undocumented migrants are unlikely to possess such capital. The nationally specific nature of cultural and symbolic capital means that even the most sophisticated newcomers will have difficulty representing their demands and concerns in the most appropriate ways. The relative poverty of recent immigrants (in terms of cultural capital) requires them to develop working relations with well-established organizations in possession of these scarce resources (i.e. professional immigrant rights associations, labor unions, religious organizations, etc.) (Cordero-Guzmán et al., 2008; Milkman, 2006; Nicholls, 2011; Péchu, 2004; Voss and Bloemraad, 2011). These 'support' organizations provide crucial resources for immigrant activists including legal knowledge, intimate knowledge of national political cultures and institutions, and communication expertise. These supporters possess the knowledge and culture needed to translate immigrant claims into powerful mobilizing frames that resonate with the norms of the national political field. Thus, the cultural and symbolic resources needed to construct and articulate effective discourses are unevenly distributed to the different activists of immigrant rights movements, with well-established support organizations enjoying a near monopoly over the means of representation, at least at the outset of a campaign.

The asymmetric distribution of these forms of capital places support organizations (and rights associations in particular) in a strong position for representing the cases of undocumented immigrants. They draw up the legal arguments that justify immigrant claims for more rights,

they build representations of immigrants that resonate with the norms and moralities of the country, and they represent immigrants through the media, alliance networks, and negotiations with public officials. In this sense, the role of support organizations is to gain recognition for undocumented immigrants as a legitimate political subject through the production and articulation of compelling representations of this group and their cause. Thus, by fulfilling these representational functions, well-established organizations play a crucial role in expressing the voice of undocumented immigrants in the public sphere.

In both France and the United States, national rights associations have played instrumental roles in ensuring the effective representation of immigrants. During the 1990s in France, leading rights associations³ formed a coalition called the *Groupe de 10* to assume this representational role. This handful of associations made up primarily of French, middle-class, and highly educated native citizens met regularly between 1994–1997 to formulate strategies for representing undocumented immigrants and their struggle for legal rights. They recognized that long-term immigrants with families possessed the strongest moral and legal chances of legalization. The leading associations forged a discourse to stress the attributes that made this particular group uniquely deserving of legalization. Similarly in the United States, a handful of highly professionalized and national immigrant rights associations have assumed a central representational role in the country's immigrant rights movement. In the mid-2000s, prominent rights associations such as the National Immigration Law Center, Center for Community Change, and Center for Human Immigrant Rights of Los Angeles, among others, formed a coalition to support a measure that would grant undocumented students the right to stay in the country. The members of the 'United We Dream Coalition' made use of weekly conference calls to discuss the political and discursive strategies of the campaign. Like their counterparts in France, the rights associations took a leading role in constructing a discourse that represented undocumented youths in a way that would gain broad public support for their cause. The more the campaign sought to convince conservatives in hostile areas of the country, the greater the need to produce a clear, simple, and sympathetic representation of these youths and their cause. Thus, in both cases, well-established organizations with high concentrations of capital played a crucial role in producing and articulating discourses that would be used to gain recognition for the plight of the undocumented immigrant and the just nature of their cause.

IV Disciplining the Subject: Becoming the 'Good' Immigrant

The transformation of outcast immigrants into a legitimate political subject depends on creating a compelling representation of them and their

cause but, equally, it depends on ensuring consistency in the ways in which thousands of diverse activists and advocates talk about immigrants and their cause in the public sphere. Poorly disciplined activists produce statements and utterances that veer away from the core message of the campaign, resulting in 'noise' instead of a compelling and powerful 'voice' (Dikec, 2004). Producing a subject with a 'voice' therefore depends as much on producing a strong message as it does on producing disciplined people who can deliver the message into the public sphere. This has required leading rights associations to build an infrastructure to control and discipline how thousands of activists across a country talk and represent immigrants and their struggle in the public sphere. The infrastructure enables the leading associations to produce controlled discourses, diffuse these discourses downwards to local activists across a national network, train activists in different sites to deploy these discourses in a disciplined and controlled fashion, and police the lines between acceptable and unacceptable discourses (Mann, 1986; Ong, 1999). Through this process, undocumented activists internalize the dominant discourse of the movement and become a real political subject. The activist becomes capable not only of repeating talking points in the public sphere but of feeling and believing those talking points as well. They learn, in other words, to become the 'good' immigrant that the campaign purports them to be.

Structuring the discourse according to common cues and themes (talking points) provides diffused activists with a common template to draw on. Leading associations in possession of cultural and symbolic capital assume a central role in crafting the discourse and associated talking points. For example, in France, the coalition supporting the mobilization (*Groupe de 10*) assumed a central role in both framing the claims of the immigrants and articulating these talking points in public. Similarly, the United We Dream Coalition in the United States became a critical site where rights associations worked together to produce core messages. Communication experts within the rights associations had extensive experience of creating compelling messages that resonate with politicians, the public, and the media. They knew how to tap core values, how to convey values through convincing frames, identify strategic targets, and construct arguments for different audiences in different parts of the country. Thus, generating discourse structured through consistent and simple talking points enables leading associations to provide a common discursive template for the thousands of activists and associations constituting a dispersed movement network.

Centralizing the production of discourse ensures control over its actual output but leading associations must also diffuse the discourse downward through the multiple peripheries of the national network. Diffusion is achieved when central associations encourage branch organizations and allies to employ common talking points when they represent immigrants in the public sphere. For instance in the French example, the

national offices of one prominent association provided branch offices throughout the country with discourses that represented the struggles of undocumented immigrants:

You can, if you wish, employ the texts emanating from the intellectuals and writers that affirm, 'The procedures of expulsion are unjust and render hardworking families into clandestine criminals ...'. You can even take up a pen to write something along these lines. (M-FASTI [*Fédération des Associations de Solidarité avec les Travailleurs Immigrés*], 27 April 1996)

While a similar process can be found in the United States, immigrant rights advocates in this context have also made extensive use of social media (e.g. Facebook, Twitter, etc.). The diffusion and circulation of discourses throughout the network forms a common discursive space whereby thousands of different activists are equipped with the language and symbols needed to speak with a single voice in public.

Exerting control over the production and dissemination of discourse is important but thousands of diverse activists making up a network must deliver the discourse in a disciplined fashion. Producing compelling discourses is therefore just as important as producing disciplined messengers. The techniques for producing disciplined messengers from the activist rabble vary considerably but they all involve intensive training. Training unfolds through informal exchanges between experienced and less experienced activists and formal sessions carried out through workshops, seminars, and consultations. These training programmes consist of tutoring individuals to effectively employ discourses in their interventions with the media, demonstrations, public forums, and the political field. The aim is to repeat talking points but also to deliver these points in a way that produces emotional and moral resonance in the public sphere. For example in the United States, United We Dream and its allies have introduced retreats and regular workshops to train new recruits to become disciplined and effective messengers. A morally compelling story has been viewed as the most effective method for delivering their message to the general public.

A good story has depended on a person's abilities to tell his or her own life history through the generic discourse of the movement. For newcomers to the movement, telling an effective story has by no means been a natural process. Personal tangents and peculiarities tempt most new undocumented activists to veer 'off-message' or to personalize their stories too much. This requires intensive and emotional training. The emotionally intensive character of these training programmes helps new activists to internalize the generic discourse and infuse it with personal meaning. Training has therefore allowed undocumented activists to *learn* and *feel* the movement discourses. *Feeling* the discourse enhances

the abilities of activists to deliver the discourse in a way that produces stronger emotional resonance with the public (Jasper, 1998). Through this training, individuals encounter the movement discourse, internalize its meanings, and learn how to employ them effectively in different publics. Thus, training programmes are pivotal spaces where the very public and formal discourses of the movement interact with the private worlds of undocumented immigrants, helping to transform individual immigrants into a common political subject with its own identity, goals, and ways of knowing and feeling the world (Cruikshank, 1999; Foucault, 1982; Ong, 1996).

The methods outlined above have been employed to produce an exceptionally good 'front stage' persona for undocumented immigrants (Goffman, 1959). Ensuring this front stage persona has required advocates to silence backstage realities that could interact negatively with the central message. The complicated backstage realities and identities of immigrants, their complex national loyalties, sexualities, conduct, etc., cannot be allowed to seep into public knowledge because such complications might raise doubts about the immigrants' innocence, loyalty, and belonging to the nation. The process of transmitting appropriate representations therefore involves policing the boundaries between acceptable and unacceptable expressions and silencing utterances that may conflict with the accepted discourses of the movement. Radicals, poorly disciplined activists, and excessively stigmatized groups may produce utterances or performances that deviate from the established script. For example, direct-action anarchists have largely been viewed as a thorn in the side of immigrant activists in the United States. Rather than reinforce the message that protesters are law-abiding and hardworking residents in search of a better life, they associate immigrant protesters with radicals who want to end capitalism and the 'American way of life'.

Facing this threat, movement leaders struggle to silence these deviants through persuasive and coercive means. In the French example, the leadership of the movement has actively shunned Muslim clergy while simultaneously cultivating ties with a range of Protestant and Catholic organizations. Inviting the participation of Muslim clergy would highlight the stigmatized religion of undocumented immigrants and accentuate their irreducible otherness. By contrast, gaining the support of Catholic clergy has been an important way of bolstering the moral authority of these immigrants and establishing their cultural continuity with the values of the French public. Thus, the construction of a legitimate political subject requires active efforts to police the boundary between acceptable and unacceptable discourses, performances, and utterances – harnessing what are deemed to be good discourses and silencing those considered negative and damaging to the immigrant's public image.

Gaining legitimacy in a hostile public sphere requires leadership that can construct a political subject that is consistent with the norms and values of the nation through the methods described above. *In this instance, it is not the state that compels new immigrants to conform to national codes and categories through the technologies of coercive citizenship but the leadership of the movement that ensures such conformity.* They play the active role of making immigrants accept and internalize established values and codes of the country through the disciplining techniques described above (Ong, 1996: 739). They construct and designate appropriate discourses, disseminate these discourses throughout the immigrant community, give activists intensive training to internalize these discourses, and silence transgressions and deviations from the 'party line'. These social movements place immigrants in information flows, rituals, and disciplinary processes that assist the internalization of national norms and codes. Immigrant rights movements may develop transnational alliances to achieve national goals but these movements remain strongly rooted in their national political fields. Rather than immigrant movements creating a new transnational consciousness as predicted by some scholars (Guarnizo and Smith, 1998; Soysal, 1994), the rules of the national citizenship game compel them to do the opposite: they help inscribe national norms and values into the everyday political dispositions and instincts of real immigrants. Participation in social movement networks therefore becomes a means to nationalize and normalize the foreigner.

V The Conflicted Political Subject

Converting undocumented immigrants into a legitimate political subject is a collective affair and involves a wide range of actors with different cultural, material, and social resources. While this constellation of actors provides the power to stake out a place in public, the particular nature of their relations to one another also introduces divisions between them. These conflicts reflect deep-seated differences concerning how immigrants are represented, who should represent them in the public sphere, and what kinds of rights the immigrant rights movement should fight for. These internal debates and conflicts are generative moments for producing new ideas, discourses, and claims of citizenship. While associational leaders of the movement struggle to produce a disciplined and unitary political subject (see previous section), internal conflicts unleash a range of discordant and contradictory discourses that make such a unified subject impossible in spite of all disciplining efforts.

Conflicting visions of rights: Nation-centered versus universal rights

As large numbers of immigrants enter the political field, they encounter a highly stratified legal and discursive landscape that attributes certain

categories of immigrants with greater opportunities of legalization than others (Bosniak, 2006; Menjívar, 2006). Some groups of undocumented immigrants have stronger legal and normative grounds to make their cases for legalization than others (i.e. families, parents with children born in the country, university students, long-term residents, etc.). Immigrant rights advocates prioritize battles by focusing on groups of immigrants who stand the strongest chance of success (e.g. children, certain refugees, parents of citizens, well-integrated students, etc.) rather than invest scarce resources in the improbable goal of legalizing all undocumented immigrants at the same time. Immigrant activists and their associational supporters put forward compelling arguments that stress the exceptional qualities of these particularly deserving immigrants.

For example, in the 1990s, immigrant parents of French-born children enjoyed important normative and legal opportunities (Siméant, 1998). This niche opening prompted activists to respond by stressing the moral and cultural attributes that made this group particularly deserving of the legal right to stay in the country. When immigrants were successful in legalizing their situation, their attributes were accepted as a benchmark for assessing the merits of all other claims. Those possessing these attributes (well-established parents of French children) soon saw the door to legal rights open while those lacking such attributes (e.g. single men, workers, recent migrants) saw the door to legal rights close (Nicholls, 2011). The cultural and moral arguments that proved extremely successful for facilitating the inclusion of families were therefore codified into rules of acceptable and unacceptable foreigners, opening the door for some but slamming the door shut to others. Thus, while well-placed immigrants and their supporters (parents in the case of France and university students in the case of the United States) are encouraged to pursue a strategy that represents certain groups as particularly deserving of legalization, this strategy necessarily produces divisions with those immigrants who see their own opportunities fade.

Those immigrants facing fewer opportunities are less likely to embrace narrow mobilizing frames based on the particular advantages of certain groups (i.e. parents, students, etc.). The exclusive nature of these mobilizing frames encourages them to embrace discourses and claims that stress the inherent equality and rights of all people, irrespective of their cultural attributes and national backgrounds. Their inability to cleanse themselves of their own stigmas encourage them to embrace the argument that they deserve rights not because they conform to national values but because they are human beings with universal and inalienable rights. They have few options but to argue that all immigrants are rights-bearing human beings and, as such, national states are obliged to recognize their fundamental rights to work, raise families, and live fruitful lives in the country. The calls for a more radical, universal, and post-national

citizenship are nurtured by the immigrant rights movement, with those failing to 'fit' categories of the good and deserving immigrant more likely to embrace and fuel post-national claims.

Thus, the struggle to transform the undocumented immigrant into a legitimate political subject introduces conflicting visions of rights within the immigrant rights movement. The reduced number of political openings motivates immigrant rights associations to prioritize battles with higher chances of success and produce compelling representations of how these well-placed immigrants fit national norms. By making a public argument that some immigrants are deserving of rights because they fit into national norms, cultures, and moralities, activists reinforce the idea that rights should be distributed only to those who look, sound, and feel like the national 'us'. Those immigrants who cannot easily shed their stigma and lack strategic attributes (the less integrated, the poor, recent arrivals, etc.) fall outside these normative boxes and find their own chances of gaining rights reduced. They are compelled to produce an alternative discourse on rights, one based less on fitting into national norms and more on stressing the universal rights of all human beings. These competing visions of rights and citizenship therefore emerge from different factions embracing contrasting visions of rights and citizenship.

Conflicting visions of representations: Who has the right to represent whom?

Giving 'voice' to the claims of undocumented immigrants requires the possession of cultural knowledge of the intricacies of the national public sphere. An important characteristic of immigrant rights movements is that the distribution of cultural and symbolic capital is heavily skewed. Supportive organizations like immigrant rights associations exercise extraordinary control over cultural capital and media connections within these movements. While these arrangements provide undocumented immigrants with a voice in the public sphere, they also introduce powerful disagreements over who has the right to represent whom within these movements.

As rights associations assume central roles in representing undocumented immigrants to the media and political leaders, their notoriety grows – as does their status and power. Speaking on behalf of these populations, rights associations become the privileged interlocutors between undocumented immigrants and the media and political leaders, providing these institutions with privileged access to important but difficult to access segments of the population. Increased political and media notoriety of rights associations can result in important returns, including large public and private grants, political support from key government players, expanded media reach and, in certain instances, access to high-profile government jobs. In formal terms, the leading rights associations

leverage their cultural and symbolic capital to accumulate political and economic capital within the field of immigration politics. These associations gain from their role, but the gains are not always distributed evenly to the undocumented activists who participate in campaigns. Undocumented 'foot soldiers' often take the most risks in public actions (the risk of deportation) and their high-risk behaviour (civil disobedience) attracts media coverage. While undocumented immigrants take the enormous risks that draw political and media attention, the immediate fruits of the actions are reaped primarily by the rights associations. This opens up conflicts within immigrant rights movements over 'who benefits' most from their collective efforts.

These conflicts can open a Pandora's Box as undocumented activists go on to question 'who has the right to represent whom' in the immigrant rights movement. The feeling of not being taken seriously by immigrant rights associations, of not having their real interests and demands represented, leads some undocumented activists to question the legitimacy of rights associations to represent them in the public sphere. They may begin to view their struggle as extending beyond the goal of gaining legal-judicial rights to stay in the country. The struggle is about gaining recognition for themselves as legitimate political subjects capable of making rights claims on their own behalf (Arendt, 1958). Equality means gaining recognition (from the public, politicians, immigrant rights associations) that they have the right to express their own voice in the public sphere. The struggle for equality is as much about gaining legal rights as it is about demanding recognition as political equals in a community of citizens. For example, after conflicts emerged between associations and undocumented activists in the United States, the slogans 'I Exist!' and 'Undocumented and Unafraid' appeared in the messaging of the undocumented students. These slogans were not making claims to legal-judicial rights but claims to recognition in the public sphere.

This drive for recognition compels some undocumented activists to criticize not only the government for its exclusionary policies, but also the immigrant rights associations for maintaining their monopoly over the means of representation. It is argued that this monopoly blocks the ability of undocumented activists to represent their own voices in the public sphere and restricts them from gaining recognition as equal, rights-bearing political subjects. These deeper representational cleavages are captured in an op-ed article in *Dissent Magazine* by undocumented student activists in the United States. The article was written by some of the more prominent activists in the movement and questioned the legitimacy of traditional rights associations to represent undocumented immigrants, 'We are tired of our third-class status, and we are tired of the *social justice elite dictating what we can and cannot do, all the while speaking on our behalf and pretending they represent our interests*' (Perez et al.,

2010, emphasis added). The more associations or the 'social justice elite' seek to control the discourse of immigrants and discipline the messenger, the more immigrants are alienated from the means to speak and assert equality in the public arena. While the leading associations correctly believe that the rules of the game require disciplined representations of immigrants and their struggle, complying with these rules denies actual undocumented immigrants the means to establish their own voice in public. This results in powerful conflicts between these different actors.

Representational conflicts therefore do not simply express the distributional differences over who benefits from representing immigrants. More profoundly, these conflicts reflect very different ideas concerning the stakes of immigrant rights struggles. Immigrant and human rights associations are more likely to view these campaigns as struggles for legal-judicial rights of undocumented immigrants. Conceived in this way, representing immigrants is viewed as a *means* to achieve the ends of gaining legal status for migrants. If the associations possess the resources and skills to produce effective representations, then their representational role in the movement is legitimate. In contrast, more politicized undocumented activists come to believe that the struggle is indeed about gaining legal-judicial rights but it is also about gaining recognition as equals within the political community (i.e. 'right to have rights'). Because speaking, arguing, and performing in the public arena is a precondition for gaining recognition for themselves as equals, the practice of representing immigrants is not simply a *means* to an end but an *end* in its own right. Undocumented immigrants can only achieve true recognition for themselves as equal political subjects when they speak for themselves in the public sphere. The continued prominence of leading associations is therefore passionately criticized because it blocks them from speaking for themselves and becoming truly equal beings in the country.

As diverse actors are pulled together into the collective project of giving voice to the undocumented immigrant, differences, conflicts, and divisions necessarily emerge between them. These conflicts serve as generative moments of producing alternative ideas and discourses concerning rights within these movements, with different factions embracing different visions of citizenship for modern nation-states. Thus, rather than the immigrants emerging as a unified and consistent group, they form a highly discordant and conflicted subject as it evolves over time and space.

Concluding Statement

How is it that highly stigmatized immigrants in countries such as France, the United States and elsewhere become legitimate political subjects? This article suggests that immigrant rights activists must create

representations of immigrants that resonate with legal, cultural, and moral values of the nation. Achieving legitimacy within a national political field requires activists to produce a subject that conforms to national legal and moral principles. This process ultimately contributes to the reproduction of *national* citizenship regimes. In particular, making a subject a 'legitimate' claimant of rights contributes to legitimating the exclusionary principles at the heart of national citizenship regimes. Their inclusion depends on their abilities to demonstrate that they possess the distinctive normative and cultural attributes needed to be considered equals within these regimes. They stress that their rights must be recognized because they have strong ties to the country, hold the same values as nationals, and are well integrated in national cultures and traditions. Rather than argue that all people are equal irrespective of their attributes, the argument is ultimately that *nationally-specific attributes* are indeed the keys to equality. As these attributes are recognized as legitimate by all actors in the field (states and challengers alike), it becomes impossible for those not possessing such attributes (e.g. jobless, single males, non-integrated, etc.) to make similar claims for equality and rights. Their 'impossible' status is not sealed by the stigmatizing discourse of native citizens but by other rights activists who make claims to equality on the basis of attributes that others simply lack. Thus, the inclusion of some immigrants is facilitated when they represent themselves as conforming to national norms and expectations, but this particular strategy reinforces the exclusionary rules of national citizenship regimes.

The contradictory nature of transforming the outcast immigrant into a legitimate and acceptable political subject introduces countless conflicts between the actors involved. For outcasts to gain a voice in hostile citizenship regimes, they *must* forge representations that resonate with national norms and they *must* depend on actors (rights associations) who possess the capital needed to create such representations. The outcasts must comply with the rules of the game if they want to gain a voice in the public sphere and not be dismissed as a mere noise. Compliance with these rules results in conflicts between different categories of immigrants and between some immigrants and leading rights associations. The factions embrace different visions of rights and citizenship within the country, forcefully advancing their different visions alongside and against one another. The diverse actors involved in these movements are therefore embedded in forces that both pull them together and tear them apart. In spite of the need to maintain disciplined unity (or because of it), the emergent subject of the immigrant becomes profoundly conflicted as the struggle advances with time.

Although this article has focused on the case of undocumented immigrants, many of the processes identified here can be applied to other outcast populations as well (Wacquant, 2007). The combination of

neoliberal hegemony and growing xenophobia has resulted in greater efforts to stigmatize a wide variety of various others, paving the way for the rollback of rights and privileges within contemporary nation-states (Berezin, 2009). Minorities, the urban poor, squatters, etc., have been targeted as groups that lack the basic competencies necessary for full engagement in social and political life, and are subsequently cast out from citizenship regimes. This article demonstrates that the ability for these types of outcasts to reposition themselves in the public sphere depends on their abilities to demonstrate how easily they can fit into the moral and cultural worlds of national citizenship. The case of undocumented immigrants shows that even the greatest outcasts operating in the most hostile of environments can achieve legitimacy and have their rights recognized. However, mounting a campaign to show that ‘we’ are just like ‘you’ is dependent on the attributes that qualify people as ‘fully human’, thereby making it more difficult for those lacking these competencies to gain recognition for themselves and their cause.

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Notes

1. ‘Sans papiers’ was the name given to undocumented immigrants by supportive activists. The literal translation of the term is ‘without papers’.
2. *Droit de Vivre en Famille Française* and *Parents Etrangers d’Enfants Français*, respectively.
3. *Fédération des Associations de Solidarité avec les Travailleurs Immigrés* (Federation of Associations in Solidarity with Immigrant Workers), *Ligue des Droits de l’Homme* (Human Rights League), *Groupe d’Information et de Soutien des Immigrés* (Group for Information and Support of Immigrants), and *Mouvement contre le Racisme et pour l’Amitié entre les Peuples* (Movement against Racism and for Friendship between People), SOS Racisme.

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