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Mobilising (Global) Democracy: A Political Reading of Mobility between Universal Rights and the Mob[1]

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Abstract

This article argues that a political reading of mobility is instrumental for understanding the role of democracy within globalised structures of power. Relegated to a socio-economic background that prompts new engagements with democracy, mobility has been neglected as a condition of possibility and as a form of political democratic practice. Drawing on Georg Simmel's sociology of money, we show that practices of mobility become democratic moments in relation to structures of power that are constituted across the territorial circumscription of national states. Understood as a particular form of sociality, mobility can work upon structures of power through universal rights and the politics of the 'mob'. In this sense, practices of mobility are also democratic inscriptions of equality.

Keywords: democracy, mobility, rights, mass politics, Simmel, migration

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At a time when the borders of nation-states appear to have become increasingly porous and democracy is often entangled with imperial and neoliberal projects, there has been a resurgence of interest in the concept. From cosmopolitan democracy that aims at trans-nationalising liberal decision-making to communicative democracy that rethinks the public sphere under global conditions, and from democracy as governance to radical democracy, the adequacy of the concept of democracy for the international is increasingly under scrutiny.

In particular two developments are at the heart of the resurgence of democracy debates in International Relations. First, the continuing intensification of the contradiction between structures of power, which operate on a global or international scale, and structures of democratic representation, accountability and legitimacy, which operate mainly within and through state institutions.[2] This contradiction grounds the question of 'what democracy can possibly be given to the structures of world politics'?[3] The second development is that democracy functions as a global concept attached to an increasingly wide variety of practices. With the demise of the Cold War, Western notions of democracy lost their 'others', variously named as communism, dictatorship, tyranny, or totalitarianism.[4] In both democratic theory and politics, this raised the question of what are democracy's functional, territorial and/or temporal limits which facilitate judgements of what counts and does not count as democratic practice. These two problematiques are closely interrelated. The creation of democratic practices in the globalised structures of power implies defining the nature of those political practices as democratic, thus leading to the question of what are the limits of democracy. For the purposes of this article, democracy is not considered as a particular political regime or as a 'model' of representation or participation, but a practice that disturbs the status quo, the given political order.[5] Starting from this understanding of democracy, the article argues that mobility, has been historically a democratic practice and that it can also give democracy to global structures of power. Its lead question is: *how do practices of mobility constitute a democratic moment?* The question leads us to explore the distributions of and claims to freedom and equality through practices of mobility which are constitutive of global power structures.

To this purpose, we proceed in three stages. First, we contend that a political reading of mobility is needed to understand its function as democratic practice working upon structures of power. Much of the globalised structuration of power bears a relation to mobility that transgresses national boundaries and the spatial logic through which they are constituted. Nonetheless, the potential of mobility remains underexplored in much of the literature on global democracy. Thus, secondly, we propose to start from a particular historical development of mobility and theorise it as political, as democratic practice. Rather than starting from the opposition of territorialisation/deterritorialisation, bordered/fluid, immobile/nomadic which informs much of the research on global democracy and mobility today, we draw on Georg Simmel's sociology of money to analyse mobility as a condition of possibility and

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[2] R. B. J. Walker, *Inside/Outside: International relations as political theory* (Cambridge: Cambridge University Press, 1993), 143.

[3] Ibid., 142.

[4] Jacques Rancière, *Disagreement. Politics and Philosophy*, trans. Julie Rose (Minneapolis: University of Minnesota Press, 1999).

[5] Ibid.

practice of democracy. We reconceptualise mobility as a form of sociality with the stranger that leads to the creation of spheres of rights and mass mobilisation. We argue specifically that universal rights and 'the mob' represent two different traditions of democracy. While the former is fairly well developed in studies of post-national citizenship and human rights, the connection between mobility, mass politics and democracy is much less present in studies of global and transnational democracy. Finally, we show that the democratic quality of practices of mobility functions through the inscription of equality, both through the articulation of equal rights and through the egalitarian force of the 'mob' or mass politics. This inscription of equality brought about by mobility through rights and the 'mob' can make mobility do democratic work directly in the global realm.

Global democracy and mobility

The main traditions of thought where we would expect to find a theorisation of the connection between transnational mobility and democracy beyond the nation-state largely ignore the intimate connection between mobility and democracy. Mobility remains a relatively marginal issue in the literature on global democracy. This literature focuses on questions of institutional accountability and transparency in a globalising world as well as the institutional question of how to constitute democratic institutions and transnational public spheres on a global scale.[6] The alternative literature on global mobility and transnational flows seems to largely ignore the political and democratic nature of mobilities. It focuses on the constitution of socio-economic networks and societal flows across states, thereby separating a political democratic reading of mobility from its socio-economic significance.[7]

The absence of linkage between these two approaches is not simply the result of disciplinary divides (between sociology and political science, between a political and a more socio-economic theorising of the international, etc.). Rather, one of the main reasons is that politics is primarily interpreted as a question of the formation and exercise of democratic authority formulated in terms of representative institutions, political accountability and a public sphere where opinions can circulate and be negotiated. Although the need to renegotiate democratic authority can follow changes in transnational socio-economic mobility, mobility itself is not seen as a political practice, let alone a democratic political one. For example, migrants crossing the Mediterranean – the figure *par excellence* of the globalised word – are not understood as making a political claim but are represented as destitute and frustrated people driven by economic and/or humanitarian needs in an increasingly globalised 'society'.

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[6] For example: John S. Dryzek, 'Transnational Democracy', *The Journal of Political Philosophy* 7, no. 1 (1999): 30-51; Jürgen Habermas, *The Postnational Constellation. Political Essays*, trans. Max Pensky (Cambridge: Polity, 2001); David Held, *Democracy and the Global Order. From the Modern State to Cosmopolitan Governance* (Cambridge: Polity, 1995); Daniele Archibugi, David Held, and Martin Köhler (eds) *Re-Imagining Political Community. Studies in Cosmopolitan Democracy.* (Cambridge: Polity, 1998); Barry Holden, ed. *Global Democracy. Key Debates.* (London: Routledge, 2000).

[7] For example: Weert Canzler, Vincent Kaufmann and Sven Kesselring, eds., *Tracing Mobilities. Towards a Cosmopolitan Perspective* (Hampshire: Ashgate, 2008). John Urry's and Saskia Sassen's work contains discussions of political dimensions through the notion of citizenship. But the question of what makes mobility a democratic political practice remains largely absent. John Urry, *Mobilities* (Cambridge: Polity, 2007); Saskia Sassen, *Territory, Authority, Rights. From Medieval to Global Assemblages* (Princeton: Princeton University Press, 2006).

Waves of Would-Be Immigrants Target EU Shores
06/24/2008 Spiegel Online
…
The immigrants arrive in Libya from central Africa and from there are ferried to European shores, often by organized crime groups, in rickety, overcrowded boats. Most are trying to escape dire poverty at home. Many give up everything for the journey (…) in the hopes that, once they arrive in Europe, they will be able to support their families from afar.[8]

Their mobility seems to remain largely apolitical in the sense that they do not intentionally seek to renegotiate the structures of power and authority through their mobility. Migrants are represented as simply driven by individual desires and economically needs. In addition, they are often rendered as a disorderly mass of people made up of individuals frustrated with living conditions and seeking to cross territory and water. As this quote indicated, the organisational aspect of their mobility is the responsibility of criminal groups, which reinforces the difficulty to read transnational mobility as political. Criminalisation has historically been a key instrument of keeping social problems and developments out of the political.

In this reading, mobility is part of global societal and economic developments that cannot be contained by territorial boundaries. They set the socio-economic conditions against which questions of governance and authority beyond the nation-state emerge. In line with functionalist,[9] regional integration[10] and transnational politics[11] approaches, cross-border mobility and circulation require forms of governing that move beyond the nation-state. Since they cannot be contained within the territorial state, they present a challenge to national governments. Migration, for example, interlocks different societies – the society of origin, the societies through which one travels, and the society of destination. One of the political responses to this cross-national societal interlocking is to increase cooperation between states and/or to set up either regional or global political authorities. For example, the European integration project is often legitimised in these terms. Further integration in the Area of Freedom, Security and Justice is justified through the increased need for a common migration policy so as to deal more effectively with immigration.

In these accounts, democracy emerges as a problem of the legitimacy of these regional and global governing authorities. The central issues concern the transnational or global constitution of a public sphere, the institutionalisation of representation and accountability mechanisms, and public participation. The questions and the models that drive these debates do not really differ in whether they are applied to state, regional or global authority structures. Global and regional democracy is a matter of

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[8] Der Spiegel, *Waves of Would-Be Immigrants Target EU Shores* (2008 [cited 1 October 2008]); available from http://www.spiegel.de/international/europe/0,1518,561711,00.html.

[9] David Mitrany, 'The functional approach to world organization', *International Affairs* 24 (1948): 350-363, David Mitrany, *A Working Peace System* (Chicago: Quadrangle Press, 1966).

[10] Karl Deutsch et al., *Political Community and the North Atlantic Area* (Princeton: Princeton University Press, 1957), Ernst B. Haas, *The Uniting of Europe: Political, Social and Economic Forces 1950-1957* (Stanford: Stanford University Press, 1968), C. Pentland, *International Theory and European Integration* (New York: Free Press, 1973).

[11] Karl Kaiser, 'Transnationale Politik. Zu einer Theorie der multinationalen Politik', in *Die anachronistische Souveränität*, ed. Ernst-Otto Czempiel (Köln: Westdeutscher Verlag, 1969).

whether or not and how it is possible to scale up national institutional mechanisms to transnational, regional and global institutions.[12] The two main approaches here are cosmopolitan democracy and communicative democracy.

Cosmopolitan democracy builds upon the structures of global governance with the added requirements of public participation and public accountability. These democratic injunctions can be achieved either by means of reforming international institutions and the processes of global governance to integrate democratic criteria with the technocratic ones of efficiency or by the mobilisation of global civil society as a democratic global actor.[13] In these approaches, cosmopolitan democracy is seen as achievable either in a 'top-down' or 'bottom-up' fashion. David Held's work typifies a top-down reform of the international system, ranging from a more inclusive UN Security Council to ultimately cosmopolitan law, a global legal system and a global parliament. Internationally, democratic practices reiterate the role of civil society in the domestic polity and propose to create new institutions that would reinforce the rights of the global citizen.

Unlike cosmopolitan democracy, communicative democracy considers the discursive sources of governance transnationally and not just the institutional ones.[14] It tries to solve the condition of the territorially and nationally bounded democracy by downplaying it – if communication or deliberation are the defining features of democracy, then democratic outcomes can be achieved independent of territorial and national borders. For Habermas, democracy emerges by means of discursive procedures through which individuals attempt to build grounds for the legitimacy of their claims.[15] Nonetheless, communicative democracy also ultimately attempts to 'scale up' processes of discursive legitimation and negotiation that take place within the nation-state and does not solve the problem of borders and boundaries that remain necessary for the possibility of global communicative processes.

In both approaches, mobility, if considered at all, operates in the background as socio-economic flows which create a need for scaling up democratic structures of accountability or discursive legitimation. Therefore, by locking mobility into the socio-economic reading, these debates do not touch on how mobility itself can be a political democratic practice. The cosmopolitan and communicative democracy approaches cannot think democracy in relation to the practices of mobility themselves. Rather, they focus on how regional or global governance can move from a community of states and a politics of inter-state bargaining to a community of individuals and a politics of rights. Democracy is fundamentally a question of building an institutional political structure and a regional or global demos. These need to guarantee that mobility can be governed through democratic processes and that the demos does not become the 'mob' or a conflictual crowd, but is an ordered audience, public or electorate. From this perspective, the structures of political power act upon the immigrants' mobility as an issue of security, economics, or humanitarianism. But

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[12] Habermas, *The Postnational Constellation. Political Essays.*

[13] On the former, see David Held, 'Democracy and Globalization', *Global Governance* 3, no. 3 (1997): 1-28 and Henry Teune, 'Global Democracy', *The ANNALS of the American Academy of Political and Social Science* 581, no. 1 (2002): 22-34 and on the latter, Jan Aart Scholte, 'Civil Society and Democracy in Global Governance', *Global Governance* 8, no. 3 (2002): 281-304.

[14] John S. Dryzek, , 'Transnational Democracy'.

[15] Habermas, *The Postnational Constellation. Political Essays.*

their mobility itself is not read politically: the immigrants crossing the Mediterranean remain destitute, abused, needy individuals constituting a flow that needs to be administered, preferably through democratic institutions.

Similarly, the other body of literature that theorises mobility, the 'mobility turn' in sociology and geography, does not consider democracy in relation to mobility. The lack of engagement with democracy is firstly underpinned by a similar socio-economic reading of mobility. The literature on mobility is mainly concerned with the governance of mobility, the increase in flows and the acceleration of mobility rather than its political (or democratic) nature.[16] Even when mobility is directly considered in relation to the constitution of mobile and immobile subjects, social exclusion and citizenship, mobility as a condition of possibility of democracy and democratic practice is not analysed.[17]

Thus, the literatures that we would expect to engage with the relationship between mobility and democracy mostly ignore how mobility has historically created a condition of possibility of democracy by the mix of enlarging the possibility for a universalising equality and freedom and making practices of mass movement politically forceful. The remainder of the article seeks to recover this specific political reading of mobility for the purpose of demonstrating that practices of mobility are not just flows or networks upon which democratic institutions act but that they are an immanent part of democratic politics; in other words, mobility can function as a political democratic practice through the inscription of equality. Introducing this point of view into the question of transnational, regional or global democracy will allow us to see that democracy can be brought to global structures of power through practices of mobility.

Mobility, money and strangers

Rather than a new development brought about by globalisation and to which different theories of democracy attempt to find a palliative, a political reading of mobility reveals a more intimate connection between practices of mobility and democracy. We argue that the understanding of democracy as practice, as a particular process is historically connected with a particular development in modernity.[18] Drawing on Simmel's sociology of money, we show how mobility became entwined with democracy through a double inscription of equality via rights and mass mobilisation.[19]

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[16] For example: Hannam, Kevin, Sheller, Mimi, Urry, John (2006), 'Editorial: Mobilities, Immobilities and Moorings', *Mobilities* 1, no. 1: 1-22; Weert Canzler, Vincent Kaufmann, and Sven Kesselring, *Tracing Mobilities. Towards a Cosmopolitan Perspective.*

[17] For example: John Urry, *Mobilities*; John Urry, *Sociology Beyond Societies. Mobilities for the Twenty-First Century* (London: Routledge, 2000).

[18] We differ here from Jacques Rancière's reading of democracy which locates its origins in ancient Athens. The democratic practice privileged here is not simply an-anarche (anarchic disruption of order) but a particular inscription of equality which the circulation of money has made possible in modernity. Jacques Rancière, *Disagreement, Politics and Philosophy.*

[19] Although Simmel's sociology of money has inspired a growing literature on mobility, cities and the transformation of money in late modernity, his work has not been linked to political questions of democracy, rights and mass mobilisation. For Simmel's influence on the mobility literature, see Urry, *Mobilities;* on cities, Ole Jensen, '"Facework", flow and the city: Simmel, Gofmann and mobility in the contemporary city', *Mobilities* 1 no. 2 (2006): 143-165; on money, John Allen and Michael Pryke,

Simmel connects the role of mobility in modern societies with the circulation of money in the mature money economies and processes of exchange. Circulation, Simmel has argued, was an 'original form and function of social life'.[20] It is the most developed form of social interaction and social interactions generally need to be thought on the model of the exchange. Through exchange, society became an 'inner bond between men [sic]' rather than a 'simple collection of individuals'.[21] Money made possible a particular form of social interaction and the transformation of society by rendering everything quantifiable according to a single measure and allows for comparisons among previously incommensurable objects. Money 'commensurates incommensurabilities' and creates a particular form of egalitarianism and equivalence.[22] As Simmel puts it, 'The essence of all money… is its unconditional interchangeability, the internal uniformity that makes each piece exchangeable for another…'.[23] This interchangeable and abstract commensurability creates new relationships between elements that would otherwise have no connection. Money, Simmel argues, 'has provided us with the sole possibility for uniting people while excluding everything personal and specific'.[24]

Simmel's reading of money takes up a historical materialist analysis according to which capitalist money and exchange entail particular social effects: money creates a form of *sociality* that is based on equivalence, reciprocity and the rejection of traditional family and communitarian values.[25] From this perspective, it is important to understand mobility not simply as a form of disconnectedness, fluidity or nomadism, but as a particular form of sociality and interaction brought about by money and exchange.[26] Money therefore appears as a social force that unmakes traditional social relations and replaces them with new forms of social interactions. As a form of sociality, mobility becomes a threat to entrenched hierarchical social relations and close-knit communities. This is particularly evident in the way societies experience the stranger who, according to Simmel, is the paradigmatic form of interaction brought about by mobility. The stranger is defined by a paradoxical relation to community. It is a form of mobility that fixes people to a specific community – strangers live in a community – but that simultaneously frees them from any specific ties to fixed communities – they do not belong to the community in an organic way. Money makes it possible to be in close-knit contact with other people without being organically or territorially bound to them. Money enables being within a community but not of community.

'Monetized Cultures after Georg Simmel: mobility, movement and identity', *Environment and Planning D* 17 no. 1 (1999): 51-68.

[20] Georg Simmel, *The Philosophy of Money* (London: Routledge & Kegan Paul, 1978), 100.

[21] Ibid., 265.

[22] Bill Maurer, 'The Anthropology of Money', *Annual Review of Anthropology* 35 (2006): 16.

[23] Simmel, *The Philosophy of Money,* 427.

[24] Ibid., 345.

[25] Simmel defined sociality as 'the form (realized in innumerably different ways) in which individuals grow together into a unity and within which their interests are realized.' Georg Simmel, 'The problem of sociology', in *Georg Simmel on Individuality and Social Forms*, ed. Donald N. Levine (Chicago: The University of Chicago Press, 1971), 24.

[26] Practices of mobility simultaneously summon mobility and immobility, fixity and fluidity and the dichotomy between fixity and nomadism is not adequate for understanding the ways in which practices of mobility constitute the social. For a pertinent criticism of mobility as nomadism, see Tim Cresswell, *On the Move. Mobility in Modern Western World* (London: Routledge, 2006).

By socialising people as strangers, money places them in different types of relationships where hierarchies, differences between nobility and the lower orders become dangerously unstable. Money, Simmel argues, 'becomes the centre of interest and the proper domain of individuals and classes who, because of their social position, are excluded from many kinds of personal and specific goals'.[27] While the circulation of money unravels traditional community relations, money also threatens to unravel social hierarchies by offering those who had nothing, who were excluded from the possibility of achieving full membership in a community, access to the community and to social status. Even in the early stages of monetary transactions, in Rome or Greece for example, it was the emancipated slaves who were predisposed towards monetary transactions.[28] Later on, monetary and financial transactions become associated with the Jews, while traders have generally been strangers. The 'power of money', concludes Simmel, 'contributes positively to the attainment of positions, influence and enjoyments wherever people are excluded from achieving, by certain direct means, social rank and fulfilment as officials or in professions from which they are barred'.[29] Thus, money becomes in one sense a social equaliser, the means for those who are excluded from social status to attain some form of membership in society. By generalising a means of equivalence, the circulation of money inscribes equalitarian ideals and relations to the stranger at the heart of society. In what follows, we show how these social effects can become political through claims to human rights and mass or 'mob' mobilisation.

Political mobility 1: universal rights

Money introduces relations between strangers as relations mediated by abstract principles: '…with the stranger one has only certain more general qualities in common, whereas the relation to more organically connected persons is based on the commonness of specific differences from merely general features'.[30] The peculiar generality and abstractness of relations to the stranger characterises them not through their individuality but rather through something that they have in common with other strangers. The relation between strangers is one of universals:

> … that which is common to two is perhaps never common *only* to them but belongs to a general conception which includes much else (…) similarity, harmony, and closeness are accompanied by the feeling that they are actually not the exclusive property of this particular relation, but stem from a more general one – a relation that potentially includes us and an indeterminate number of others, and therefore prevents that relation (…) from having an inner and exclusive necessity.[31]

The connection between money and mobility is central for creating the conditions of possibility of a less organic and more abstract form of sociality that is at the same time a condition of possibility for extending freedom and equality beyond the

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[27] Simmel, *The Philosophy of Money*, 221.
[28] Ibid.
[29] Ibid., 223.
[30] Georg Simmel, 'The Stranger', in *The Sociology of Georg Simmel*, ed. Kurt H. Wolff (New York: The Free Press, 1964), 402-408.
[31] Ibid., 148. Marx has made similar observations on the role of money and the role of universality in the creation of civil society.

confines of close-knit community relations. Yet, this condition remains enacted through economic and social practices.[32] Thus, although Simmel shows us how mobility as a particular form of sociality opens serious political questions about forms of allegiance, freedom, and equality, they remain locked within the socio-economic as a possibility. Mobility remains a social practice that is not necessarily political, but has a capacity to be so.

How does one take these practices of mobility into a democratic political terrain? Through the generalisation of equivalence and exchange, mobility ensured the possibility for excluded social groups to enter the political process and accede to equality. Money created the conditions of possibility for sociality mediated through abstraction and equality of exchange rather than, say, hierarchy. The introduction of an abstract measure in the mediation of things – money and exchange value in the mature money economies – has as its correlate the introduction of an abstract measure – universal rights – in the mediation of conflict among social groups.[33] The equivalence that money introduces between different objects is correlated with the equivalence between subjects. By exchanging equivalent for equivalent, subjects of exchange place themselves in positions of equality and inter-act through an abstract and universalisable duty. Thus, the central vehicle for the move of mobility from a form of sociality into a democratic practice is universal rights. As Simmel discusses in his analysis of the right of assistance to the poor, rights shifted assistance from the subjective arbitrariness of charity to an objective claim that the poor can make upon others. Rights did the double work of transforming the poor from an object into a subject who can act upon other subjects, and society more generally, and of connecting their claims to an abstract notion of humanity.[34]

From this perspective, migrants traversing territories and seas to arrive in Europe can at least in principle claim at least minimal human rights. In doing so, they change a set of social and economic connections into claims that connect them to a political terrain, as long as the political authorities recognise the status of humanity in the form of a legal or quasi-legal system of rights. Human rights are in contemporary politics a central vehicle through which transversal mobilities work themselves into the political field, as noted in the idea of post-national citizenship.[35] Money-strangers-rights are a continuum made possible by the introduction of an abstract measure within modern societies.

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[32] Anthropologists have noted that money does not necessarily abolish close-knit community relations. Mobility has the potential to change social practices, yet it does not mean it abolishes them. Capitalist modernity itself is not reducible to exchange and abstraction, but is also constituted by relations of production and consumption and inscribed upon pre-capitalist social relations. Unpacking this is, however, beyond the scope of this article.

[33] The importance of the sphere of circulation for rights and equality had also been noted by the critical theorists of the Frankfurt School. See, for example, Theodor Adorno and Max Horkheimer, *Dialectic of Enlightenment* (London: Verson, 1997) and Franz Neumann, *Behemoth*: *The Structure and Process of National Socialism 1933-1944* (New York: Harper, 1966).

[34] Georg Simmel, 'The Poor', in *Georg Simmel on Individuality and Social Forms*, ed. Donald N. Levine (Chicago: The University of Chicago Press, 1971), 150-178.

[35] Saskia Sassen, *Territory, Authority, Rights. From Medieval to Global Assemblages.;* Y.N, Yasemin Soysal, *Limits of Citizenship. Migrants and Postnational Membership in Europe* (Chicago: University of Chicago Press, 1994).

The democratic political terrain that mobility enters by 'mobilising' a rights status is defined through the relation between legally codified rights and public institutions. Mobility can function as a political democratic practice when it activates a legal status that can be mobilised within an institutional structure. In relation to transnational mobilities, this can imply either that mobile people deploy universal rights within democratic states or that mobile people claim rights against national and transnational structures of power.

Therefore, mobile people work upon structures of power by claiming rights upon public and private authorities. Judicial systems are the institutional sites where these politics of mobility take place. In the end, transforming mobility from social into political (democratic) practice through universal rights appears to lead us back to the question posed by the global democracy literature on the nature of political institutions within which these rights can be legitimately claimed. So, are we back where we started? Is the problem ultimately that of scaling up democratic institutions that have been developed within the nation-state? Claiming rights through mobility has actually worked slightly differently. On the one hand, universal rights are carried by mobile people into national institutional arenas, as argued by the post-national citizenship literature. While the institutional structure is territorially bound to the nation-state, the people making rights claims within them do not belong to the state in the same sense as national citizens. They are strangers drawing on more abstract universal rights. As Soysal has remarked about the proliferation of transnational arrangement and human rights instruments, 'by setting norms, framing discourses, and engineering legal categories and legitimate models, they enjoin obligations on nation-states to take actions'.[36]

On the other hand, contemporary politics also witnesses the rise of supra-national and transnational legal and quasi-legal institutions. Here, the political terrain is defined in terms of a constitutive tension between legal and political authority. However, legal authorities work on a wider scale than political authorities, which remain very much enclosed within the nation-state. This process of legalising transnational and international politics thus consists in a differential scaling up of democracy. The legal and quasi-legal institutions work beyond the nation-state seeking to constrain the national political authorities whose democratic legitimacy is constituted within the national states. The European Union and its European Court of Justice are particularly interesting cases here, given the multi-level political nature of the EU.[37]

Nonetheless, the transformation of mobility into a political democratic practice through the mediation of the rights of strangers has important limitations. First, it works through an individualising process turning subject into rights holders who then also need access to the judicial (and administrative) systems where they can claim

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[36] Soysal, *Limits of Citizenship. Migrants and Postnational Membership in Europe*, 149.
[37] Didier Bigo, 'Frontier Controls in the European Union: Who is in control?' in *Controlling Frontiers. Free movement into and within Europe*, ed. Didier Bigo and Elspeth Guild (Aldershort: Ashgate, 2005), 49-99, Elspeth Guild, 'Exceptionalism and transnationalism: UK juridical control of detention of foreign 'international terrorists'', *Alternatives* 28, no. 4 (2003): 491-515, Elspeth Guild, *The Legal Elements of European Identity. EU Citizenship and Migration Law* (The Hague: Kluwer Law, 2004). The transnational and international legalisation of politics also seeks to work more directly on the global structures of power, thereby enacting a legal constraint upon the authorities, which can be both public and private, operating within these structures. See Sassen, *Territory, Authority, Rights. From Medieval to Global Assemblages.* A discussion of these is, however, beyond the scope of this article.

their rights. Second, law entails a double process of particularisation.[38] In its explicit form, particularising the universal can deny rights to categories of the population, based on racial, gender or class grounds. In its implicit form, it can restrict democracy and citizenship to particular institutions, agents, problems and procedures. The notion of rights therefore reproduces within democratic politics a distinction between masses and citizens.[39] The masses refer here to the group of the people whose access to the rights status is severely limited, either by being denied rights or by their limited capacity to effectively claim rights. This distinction not only operates within a state but also in the state system.

The immigrants seeking to traverse the Mediterranean fall within the category of the masses rather than of post-national citizens. Their capacity to access the institutions in which they can enact their already very limited rights claims is severely curtailed by means of an elaborate detention regime among others. Moreover, their access to democratic practices and democratic political institutions is restricted in terms of agents and procedures. Their access to rights is mediated through the legal field and legal agents. This is particularly problematic as law neutralises the stakes in a conflict by converting a struggle between parties into a dialogue between mediators.[40] Law publicly represents social conflicts while distancing itself from them and offering an 'impartial' and reasoned solution to social problems. Moreover, the recourse to law can be limited by exceptional decisions in situations of emergency or crisis. Given these limitations of how rights are inscribed politically through the mediation of law, it is important to see universal rights as only one aspect of the political reading of mobility. The other aspect is mass politics, political action by the mob, which challenges both the limitations of law and its possible suspension by exceptional decisions.[41]

Therefore, it is important to retain the category of the mob as immanent to rather than excluded from democratic practice. In democracy the people have traditionally been a split category. The reason for recovering the 'mob' as a category of democracy rather than as its outside, is not simply that enacting as well as challenging the split between the mob and the people has been constitutive of democracy.[42] Looking more closely into this connection opens up the terrain of democratic politics that mobilities enact in relation to power structures as different from, but not unrelated to the terrain of rights.

Political mobility 2: mobilisation and the political mob

Let's first return to Simmel. Through its power of equalisation, equivalence and reciprocity, money not only threatens hierarchical social relations but creates possibilities of new social relations beyond the limited confined of the pre-modern

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[38] Jacques Rancière, 'Does democracy mean something?' in *Adieu Derrida*, ed. Costas Douzinas (Basingstoke: Palgrave, 2007), 84-100.

[39] Etienne Balibar, *La crainte des masses. Politique et philosophie avant et après Marx* (Paris: Galilée, 1997), 106 ff.

[40] Pierre Bourdieu, 'The Force of Law: Towards a Sociology of the Juridical Field', *The Hastings Law Journal* 38 (1987): 831.

[41] William E. Scheuerman, *Between the Norm and the Exception. The Frankfurt School and the rule of law* (Massachusetts: MIT Press, 1994); Jef Huysmans, 'Minding Exceptions: Politics of Insecurity and Liberal Democracy', *Contemporary Political Theory* 3, no. 3 (2004): 321-341.

[42] Balibar, *La crainte des masses. Politique et philosophie avant et après Marx.*

associations – especially the guilds and feudal power relations. As Simmel has argued, in modernity groups are no longer formed based on similarity or proximity but through free choice. By making possible new form of sociality between strangers, money also makes possible the modern constitution of the masses or the 'mob'. The strangers become numbers on the move dislocating and dislocated from the feudal and guild structures. Simmel's writings explicitly link the phenomenon of mass culture and the emergence of large groups with the development of mature money economies, the metropolis and waged labour. The solidarity of wage labour and the solidarity of the mercantile class lead to large group affiliations that are radically different from the medieval concentric groups.[43]

In this context, the double etymological meaning of mobility is hardly surprising. Mobility and its truncation, 'the mob', is a 17th century coinage by the Earl of Shaftesbury to refer to the *mobile vulgus*, the citizens-discontents marshalled by the Whigs for political processions and rallies.[44] The term was introduced into English language to replace the more passive term 'rabble' and included, according to the novelist Henry Fielding, not just the rioters, but everyone in London's lower classes who was present in the streets.[45] The mob refers to politically motivated groups who are represented as numerous, mobile and an urban phenomenon. Metropolis, mobility and money are closely entwined, as Simmel has observed: 'The modern city, however, is supplied almost exclusively by production for the market, that is, for entirely unknown purchasers who never appear in the actual field of vision of the producers themselves'.[46] If rights are the political correlate of abstraction that money brings about, the 'mob' – i.e. mobile masses – can be seen as the political correlate of mass culture. Simmel was positively inclined towards the phenomenon of large groups, arguing that '[o]nly as a member of the whole can he [the individual] contribute his part towards the realization of an idea'[47]. Yet, he interpreted groups dominantly sociologically rather than politically and did not develop the relationship between masses, movement and democracy. This political and democratic quality of the masses as 'the mob' is however of central importance for recapturing an extra-legal political reading of mobility.

Although the *mobile vulgus* or the fickle multitude had long been the object of contempt, from Roman and Greek writings until Shakespeare's *Coriolanus,* starting from the 17th century the mob is seen to acquire 'a tremendously real and symbolic force in society'.[48] Increasingly, the mob is seen as a problem for democracy. The mob appeared as a disorderly force, whose actions are depoliticised either as economically determined – e.g. by hunger – or as socially irrational. While the people as the demos was perceived as the orderly force that democracies needed to foster and to sustain, the mob was the antinomy of the demos, the excess and unrest that could only be perceived as threatening for democratic forces.

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[43] Simmel, Georg (1955). 'The Web of Group-Affiliations' in Wolff, Kurt ed. *Conflict* (London: Collier-Macmillan), 125-195.

[44] Michael A. Seidel, 'The Restoration Mob: Drones and Dregs', *Studies in English Literature, 1500-1900* 12, no. 3 (1972).

[45] Robert B. Shoemaker, *The London Mob: Violence and Disorder in Eighteenth-Century England* (London: Continuum, 2004), xi.

[46] Georg Simmel, 'Metropolis and Mental Life', in *The Sociology of Georg Simmel*, ed. Kurt H. Wolff (New York: The Free Press, 1950 [1903]).

[47] Simmel, *The Web of Group-Affiliations,* 125.

[48] Seidel, 'The Restoration Mob: Drones and Dregs', 430.

The 'mob' or the mass has been theorised both as a problem for and as a constitutive force of democracy. Democratic theory has worked this terrain by decomposing and recomposing the notion of people in various ways. Many of theories of democracy contain a separation of the mob as *vulgus* from citizens.[49] This 'sanitising' or 'rationalising' of the category of the political people through the notion of citizens left the mob outside of democracy as the undisciplined part of the people.[50]

Nonetheless, more recently, the democratic political potential of the 'mob' has been revitalised through an engagement with Spinoza's writing. As Etienne Balibar has argued, by taking mass movement seriously as an object of investigation in its own right – that is, without immediately reducing it to the question of the constitution of the state – Spinoza articulated a fundamental paradox in democracy.[51] Masses can be both destructive and creative of democratic practice. Thus, Spinoza oscillated between a series of terms to name the 'masses', most of which had pejorative meanings. The term which acquires a positive connotation represents numbers most directly – the *multitude*.

As numbers, the *multitude* has the power to impose limits on the rulers. For Spinoza, there is a political connection that emerges not from an abstract representation of the masses but from their historical reality that consists in the capacity of the masses to turn numbers into a movement. This has different implications for democracy than universal rights. Democracy is grounded in the realisation that the masses needed to be included into the political entity through the representation of a double unity: a unity of the masses – as a people – and a unity between the masses and the rulers grounded in the latter representing the unity of all into a single figure of political rule. But how can this be done without turning the natural existence of the mass movement and its capacity for political action into an empty category – into something that disappears from view as an historical act and becomes an abstract idea of a people represented by the rulers? Spinoza makes clear that the masses as a real political force cannot be historically eliminated from democratic theory through representational politics; they remain a mobile numerical force that can physically move against political order.[52]

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[49] This is most apparent with Tocqueville. See Corey Robin's discussion of Tocqueville: Corey Robin, *Fear. The History of a Political Idea* (Oxford: Oxford University Press, 2004). The literature on crowd psychology in the 19th and early 20th century can also be read in this light. For example, in Gustave Le Bon's widely influential account of the psychology of the crowd, the force of the mob was lying in their unconscious and instinctual make-up. Yet, the crowds that Le Bon fears are actually revealed to be the 'popular classes' which were organising themselves in syndicates and trade unions and whose claims for transforming social order Le Bon associated with that 'primitive communism which was the normal condition of all human groups before the dawn of civilisation'. Gustave Le Bon, 'The Crowd. A Study of the Popular Mind' (Virginia: University of Virginia Library Electronic Text Center, 1995 [1896]). Le Bon's theory of the crowds shared ideas with two other main works on the crowd psychology by Sighele, *La Foule criminelle. Essai de psychologie collective* and Gabriel Tarde, *L'Opinion et la foule*, 1st edition ed. (Paris: Presses Universitaires de France, 1901 [1989]). For Sighele, the crowds are prone to criminal behaviour, while for Tarde the crowds are 'excrescences, malign eruptions of the public' (p. 12).

[50] Balibar, *La crainte des masses. Politique et philosophie avant et après Marx.*

[51] *Ibid.,* 57-99.

[52] *Ibid.*, 73-80.

The legal constitution of this unity in contract theory tries to reduce the masses to an individualistic entity and to the problem of rights. Spinoza retains the historical reality of the masses in developing a numerical constitutional construction.[53] While for Hobbes the *multitude* is a fragmented and individualistic entity that needs to be overcome to found a political unity, for Spinoza the masses are a historical physical force that *is* political because of its numbers. That means that for Spinoza the relation between ruler and masses is not mediated through distributing rights and obligations but by the management and mobilisation of numbers. The existing *multitude* is decomposed and then rationally recomposed in function of certain conditions (e.g. cultural conditions or economic conditions). The recompositions work on the one hand as a form of governing populations through statistical techniques (mapping categories of population and administering them in light of various policy objectives). On the other, masses of individuals are united into various bodies identified by a common idea (e.g. the hungry, the disenfranchised, the proletariat) and capable of moving 'onto the street' to challenge rulers, conditions of life, and political order.[54]

Important for us here is that the democratic political terrain is opened up differently from the one in which mobility is constituted as a political practice through rights. This terrain is that of the representation of unity of rulers and masses as well as of a balancing of the relation of force between them. This terrain fundamentally depends on the real historical capacity of the masses to mobilise numbers into a political force that can threaten the ruling state of affairs. This political terrain is not defined by a distribution of rights but by a calculus of force depending on the capacity to physically move in numbers against others. In our understanding, this is what mobility as the mobilisation of the mob does. It introduces a different method of being democratic through being mobile. Thus, mobility as democratic practice of 'the mob' introduces a numerical calculus of force into a political terrain that tends to be dominated by the primacy of legal reasoning.

The migrants crossing the Mediterranean are then not represented as iterations of the abstract notion of a state of nature made concrete at the territorial border, which justifies the use of violence to protect the already 'contracted' citizens of the European Union and the differentiation between those who can be part of the contract and those who have to remain outside because they embody the violence or chaos associated with the state of nature. From the perspective of mobility developed here, they present collective acts of mobility that bring a range of claims and projects to bear upon the European Union and its citizens. The collective dimension is at first instance purely numerical but it also opens a political terrain at the territorial and citizenry boundaries of Europe where mobility as a form of sociality negotiates the globalising economic and social structures of power. On the one hand, the migrants' mobility appears to 'embody' the effects of globalisation. On the other hand, growing numbers of moving people also open a political terrain where the effects of global power structures need to be renegotiated.

This understanding of the political dimensions of mobility leads to a different reading of the metaphors of flood, which are so often used in anti-immigration discourse, for example. In anti-immigration discourse, they are used to summon the spectre of the

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[53] *Ibid.*, 82.
[54] *Ibid.*

state of nature and the limit of the political contract, thus replacing the complexity of claims and projects the immigrants' mobility brings to bear upon the European Union with the abstractions of contract theory. But metaphors of flood also bring into play the sheer physical power of numbers of people on the move and the opening of a political terrain that is defined through a calculus of force rather than through institutionalised rights claims.[55] These representations open politics towards violence against immigrants but simultaneously invite the mobilisation of political action that depends not on mobilising a rights status but on a movement that has a capacity to dislodge the state of affairs.

In commenting upon Spinoza's introduction of the mass within democratic political theory, Warren Montag has argued that the multitude is irreducible to the antinomies of liberal thought as individual versus collective: 'Neither a mere juxtaposition of separate individuals nor a collective entity that draws its legitimacy and function from its source in the voluntary consent of such individuals, the multitude precisely has no juridical determination or political form'.[56] Mobility as mass, mob, multitude, or crowd is simultaneously excessive to individual rights and the collectivist people. This also implies that the limit of democracy is not totalitarianism because the masses can never be reduced to a collective unity, their movement is naturally one of decomposing and recomposing. The question of the limit of democratic mobilisation can also not be thought in terms of exceptionalism, which would place the mob outside of democratic politics because it destroys the predictability and rationality of the law.[57] The mob is both opposed to law understood as decisionist and to its mediating role in social conflicts. The central question that arises here is what gives this political terrain that is defined through a calculus of force and the movement of numbers of people its democratic quality? As we will argue in the next section, similarly – but not identically – to universal rights the political democratic content of mass politics follows from its mobilisation of equality.

Mobility as a democratic practice of equality

Our political reading of mobility has started from the conditions of possibility of the circulation of money and has unpacked its political potential as universal rights and mass politics. We have argued that both rights and the force of the mob are two forms of political practice brought about by the particular constitution of mobility as abstract sociality with the stranger in modernity. Through the emergence of abstraction and sociality with the stranger, the abstract principle of equality enters the political terrain. Yet, equality does not simply inform the particular understanding of mobility in modernity, but also defines its content as democratic practice.[58] The notion of equality

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[55] Metaphors of mobs as the sea and the resulting imaginary of storms, floods and fury has been a long-standing topos from Spinoza to Sighele. On the use of the metaphor in Spinoza, see Montag, *Bodies, Masses, Power.*and Scipio Sighele, *La Foule criminelle. Essai de psychologie collective* (Paris: Félix Alcan, 1901), 32.

[56] Warren Montag, 'Who's Afraid of the Multitude? Between the Individual and the State', *The South Atlantic Quarterly* 104, no. 4 (2005): 663.
[57] Huysmans, 'Minding Exceptions: Politics of Insecurity and Liberal Democracy'.
[58] While agonistic and pluralistic theories of democracy have also integrated the masses in their conceptualisation of democracy, we differ by our conceptualisation of equality as giving content to democratic practice. Mobility, equality and democracy are intrinsically connected. William Connolly,

makes rights different from the privileging of a particular category of European white male and democratic mobilisation different from nationalist anti-immigration mobilisation. Contra the reformulations of rights as those of a suffering and traumatised subject in need for protection, mobility as instantiated in the circulation of money allows us to capture rights as formulas for equality in claim-making rather than being limited to assistance reception.

In its double instantiation as universal rights and mass politics, mobility brings out the content-giving role of equality. As democratic practices, universal rights and mass politics are informed by the principle of equality. On the one hand, equality ensures that law does not become either exceptional, verging onto dictatorship or a form of mediation that reinforces the power of the state or the anthropological assumptions about the 'civilised' subject of human rights. On the other hand, equality is fundamental to ensuring that democracy as expressed in the 'mob' does not amount to chaos and simply violence but to a reworking of relations between the citizens and the 'vulgus' in reference to claims for assistance, redistribution, or access to the political field. How does equality give content to mobility as a democratic practice?

In the case of universal rights, equality can be thought of as a point of destination that is institutionally actualised in the foundational principle of formal equality before the law. Law processes social inequalities and discriminations in order to achieve a more just social order in conformity with the universal principles enshrined in it. Nonetheless, the processing of social wrongs in the judicial field is limited inasmuch as law offers to replace a system of institutional power which is found to be oppressive (dictatorship) with another system of institutional power (rule of law) which is less oppressive. Social inequalities are processed in light of this attainable equality. But as argued in the section on universal rights, drawing on law and rights significantly limits the way in which equality can be politically wielded. The judicial field is both institutionally and sociologically immanent to the system of governance through which the existing stratifications within the people and between the people and the *vulgus* are sanctioned.[59] Entry in the judicial field takes place as an individual rights holder which instantiates often a double limitation: it re-iterates the distinction between those with rights and those without and it individualises and thus tends to particularise collective demands.

While the enactment of equality through rights and law entails limitations, the politics of the mob is the supplement of collective power to the individualising aspect of human rights. Unlike the judicial realm, the politics of the mob takes equality as a maxim of *action* and not as a formal foundational principle or a goal to be achieved.[60] The politics of the mob claims equality through actual mobilisation from outside the law precisely for and by those who are excluded from the formal principle of legal equality because they do not have a status; those who are excluded by the

Pluralism (Durham, NC: Duke University Press, 2005), Chantal Mouffe, 'Deliberative Democracy or Agonistic Pluralism?' *Social Research* 66 (1999): 745-758.
[59] Roberto Mangabeira Unger, 'The critical legal studies movement', *Harvard Law Review* 96, no. 3 (1983): 561–675.
[60] The distinction between these two functions of equality has been made by Jacques Rancière, Solange Guénoun and James H. Kavanagh, 'Literature, Politics, Aesthetics. Approaches to Democratic Disagreement', *SubStance* 29, no. 2 (2000): 3. For the implications of this distinction for politics, see Claudia Aradau, *Rethinking Trafficking in Women. Politics out of Security* (Basingstoke: Palgrave Macmillan, 2008).

particularisation of universal rights can enter the political field through collective movement. Thus, while some immigrants can have access to law if they can make a claim to asylum, have been victims of trafficking, have joined the country for family reunification or, for example, have been discriminated against, other categories of immigrants fall out of the purview of the law. The judicial system can only minimally address undocumented migrants – even in situations when they are subjected to exploitation and abuse, they are not directly a party in the social conflict, but it is rather the state and the abuser (be those smugglers or employers) whose conflicts are mediated by law. Undocumented migrants in detention camps can, for example, trigger the mechanism of law by starting hunger strikes. Nonetheless, the mechanism of the hunger strike is often responded to in charitable and biopolitical terms rather than from the standpoint of achievable equality. Hence, undocumented migrants have been involved in numerous protests, strikes, demonstrations and solidarity movements with trade unions.[61]

The recourse to rights and law and the recourse to the force of the mob are both democratic practices that supplement each other and supplement their mutual limitations. As Rancière has pointed out in relation to a tailors' strike in 1833, claims of equality are possible given the 'inscription of equality, as it appears in the founding texts, from the Declaration of the Rights of Man to the preamble of the Charter'.[62] As equality is enshrined in legal and political texts, it can be subsequently translated, displaced and maximised in everyday life.[63] Equality cannot be specified a priori, but *happens* through the mobilisation of the mob against the limits of the judicial system. The politics of the 'mob' functions both as a 'check' upon the democratic practices of rights (by challenging who is a subject of rights and which agents and institutions are allowed to be rights mediators) and an 'invention' of democratic practice.[64]

Conclusion

This paper has argued for a political reading of mobility to rethink the conditions of possibility of democracy and democratic practice in the contemporary structures of world politics. Realising that the societal and economic dynamics are now seriously beyond the grip of democratic decision-making within a national state has often led to a demand for scaling up democratic institutions to a global scale. Regional scaling up can be seen to be a half-way step because it is meant to increase the leverage political

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[61] There is a growing literature that discusses the collective politics and agency of undocumented migrants. For a few excellent examples, see Sandro Mezzadra, *Diritto di fuga. Migrazioni, cittadinanza, globalizzazione* (Verona: Ombre Corte, 2006), Peter Nyers, 'Taking rights, mediating wrongs: disagreements over the political agency of non-status refugees', in *The Politics of Protection. Sites of insecurity and political agency*, ed. Jef Huysmans, Andrew Dobson and Raia Prokhovnik (London: Routledge, 2006), 48-67.

[62] Jacques Rancière, *On the Shores of Politics* (London: Verso, 1995), 48.

[63] Ibid.

[64] The politics of the mob discussed here is different from the concept of populism promoted by Ernesto Laclau, *On Populist Reason* (London: Verso, 2005). Although Laclau also recaptures the split within the people, he sees the formation of the people as a question of 'group identity'. Both mobility as a condition of possibility of the politics of the 'mob' and 'mobility' as a democratic practice of equality are absent from his work. The political reading of mobility is also different from Urry's citizenship of flow that is mainly defined by rights associated with mobility and thus reproduces the limits of opening the political terrain through judicial traditions, largely ignoring the democratic capacity of mobility as 'mob'. Urry, *Mobilities*.

authority can have upon globalising socio-economic practices while nevertheless reproducing the problem that it locks democracy into territorially circumscribed institutions while the societal structures of power work across it.

While mobility is simply read as a socio-economic practice in this literature, we have tried to rethink mobility as a political democratic practice. How do practices of mobility constitute democratic moments in relation to global structures of power? To answer this, we started from the historical relationship between mobility and democracy. The circulation of money creates a particular form of sociality with and between strangers, who are present in or move through territorially and organically defined communities but do not specifically belong to them. Universal rights are often taken to be the main vehicle through which the stranger's mobility can be politically articulated in a democratic way. Although universal rights are vital for the political rendition of the abstract relations between strangers that emerge within the money economy, they also have a series of limitations. The individualising focus on rights holders, the often conservative sociological nature of the legal field, and the separation between those deemed worthy of legal status and those not produce inequalities in terms of a differential capacity of the mobile to enter the political field through rights claims. The democratic line running from mobility to the mobilisation of the mob makes visible an extra-legal tradition of collective democratic practice. While creating a terrain for democracy, this form of mobility contains the possibility of the continuous transformation and recomposition of the people as citizens through the figure of the mob. Therefore, the mob is not outside of the democratic political terrain but is immanent to it.

Starting from this historical reconstruction of mobility as a condition of possibility and form of political (democratic) practice, it is possible to conceive of mobility as acting upon global structures of power. We have illustrated the possibilities of such a democratic reworking of the people and of the distribution of rights that the globalising structures of power constitute through migration. It is at the interstice between the mob and universal rights that transnational mobility can constitute global democratic practices bearing upon the globalised structures of world politics. When mobility as a particular form of sociality leads to claims of equality expressed through rights and the mobilisation of numbers of people, it constitutes a political terrain where power comes within the remit of democracy. In this reading, mobility is not simply a socio-economic flow that sparks questions about how to reconfigure democracy in a globalising world. Rather, it is a democratic political practice that is constitutive of and immanent to the world political terrain.