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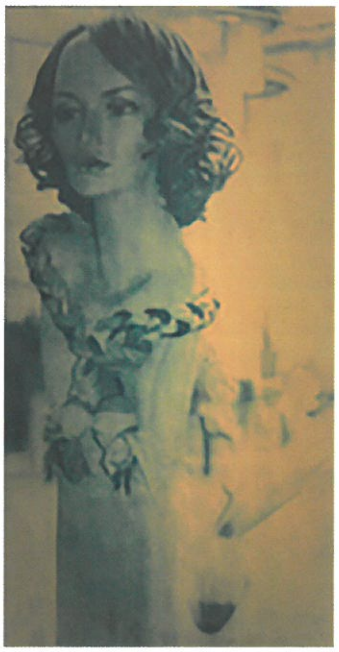

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ALAIN BADIOU AND THE *SANS-PAPIERS*

introduction

At the turn of the century there were more migrants than ever before in recorded history.[1] Today, there are over 1 billion migrants.[2] Each decade the percentage of migrants as a share of total population continues to rise and in the next twenty-five years the rate of migration is predicted to be higher than the last twenty-five years.[3] More than ever it is becoming necessary for people to migrate due to environmental, economic, and political instability. What is more, the percentage of total migrants who are non-status or undocumented is also increasing.[4] This phenomenon poses a unique problem for political philosophy. A continually increasing population of migrants, with partial or no status, who are subject to a permanent structural inequality (the lack of voting and labor rights, possible deportation, and other deprivations depending on the degree of status) is difficult to reconcile with almost any political theory of equality, universality, or liberty.[5] Accordingly, the struggles of non-status migrants today are becoming increasingly significant. It is thus surprising that there is so little written by philosophers on the political philosophy of these struggles.[6]

Alain Badiou, however, is an exception. Very few contemporary philosophers have been as committed to the political centrality of undocumented migrants as Alain Badiou. Not only are the *sans-papiers* (migrants without papers) the single most cited example of a contemporary political event in Badiou's works, but Badiou had also been an active militant in the political struggles of the *sans-papiers* in Paris well before their first public demonstrations in 1996. "The intimate link between politics and the question of foreigners," Badiou insists, "[is] absolutely central today."[7] "The objectives of thousands of foreigners in our countries," he argues, "define[s] what is most important in politics today."[8] With such strong statements like these from such an important political philosopher, it is also surprising that there is not a single scholarly article dedicated solely to the analysis of Badiou's work with the *sans-papiers*.[9]

This essay argues that if we want to understand the political philosophy of non-status migrant justice today, the contributions of Alain Badiou, his militant group L'Organisation politique (OP), and the struggle of the *sans-papiers* movement in France are absolutely crucial. This is the case because, as I will argue, Badiou, the OP, and the *sans-papiers*

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created a new kind of migrant justice struggle in the mid-1990s that in many ways remains at the practical and theoretical roots of much of non-status migrant organizing today. That said, this essay also argues that Badiou's theoretical and political work with the *sans-papiers* needs to be revised in light of contemporary developments in migrant justice struggles.

The novel political form and relation first established in the mid-1990s by the OP and the *sans-papiers* in France is two-fold. Firstly, the *sans-papiers* movement in France was the first national political movement to be organized primarily by undocumented immigrants. They showed that it was possible for migrants who had been entirely denied political status, voting rights, and representation to take autonomous political action on their own behalf – and win. In this way, they created a new form of migrant justice movement independent of party politics. Secondly, the OP was one of the first political organizations to support the *sans-papiers* movement without trying to absorb it ideologically (like some groups and non-governmental organizations (NGOs)) or represent it politically (like the party and state tried to). Unlike many political groups at the time, the OP was neither a movement nor a party – both of which often used the *sans-papiers* to support their own agenda. The OP, however, had no other agenda than to concretely support the movement and to universalize its demands. It did not try to speak for the *sans-papiers*. In this way, the OP created a new form of non-party, non-movement political organization in the domain of migrant justice. Together, the new form of political movement created by the *sans-papiers* and political organization created by the OP established a new kind of political relationship in migrant justice that continues to inform much of non-status organizing today: support without representation.

Part one of this essay thus demonstrates more precisely what it is that Badiou, the OP, and the *sans-papiers* have contributed historically, practically, and theoretically to contemporary non-status organizing. In particular, part one pays special attention to the OP's untranslated journal *La Distance politique* (DP), for two reasons. Firstly, DP offers a unique contribution to understanding Badiou's political work with the *sans-papiers* – since, as a collective member, more is written about the *sans-papiers* under his name in this document than in all of his solo works combined.[10] Secondly, as one of the earliest political documents to engage the *sans-papiers* movement in both theory and practice, DP offers a unique insight into the roots of the non-status movement and its organizations that spread from France across Europe, the United Kingdom, and to North America under the name No One is Illegal (NOII).

Part two of this essay then evaluates the effect that these contributions have had on contemporary non-status migrant justice struggles (particularly in North America) and what revisions to Badiou's theory are required in light of these newest struggles. My concluding thesis in this second part is two-fold. On the one hand, the political form and relation established between the OP and the *sans-papiers* continues to be a relevant organizing model. In particular, non-status organizing in North America continues to embrace the *form* of autonomous, egalitarian, non-party collective action found in the original *sans-papiers* movement and in the OP's organization, as well as the *relationship* of political support without representation. On the other hand, some of Badiou's and the OP's ideas have been revised and extended. For example, many contemporary migrant justice struggles have demonstrated successfully that it is possible to reclaim the figure of the *migrant*, as a political subject instead of replacing it with the figure of the *worker*, as Badiou and the OP had advocated. Further, contemporary migrant struggles have also demonstrated that migrant justice can and ought to struggle simultaneously in arrival countries, at the borders, and in sending counties, and not deal with each site separately, one at a time, as Badiou argued was necessary.

part one: badiou, l'organisation politique, and the *sans-papiers*

Alain Badiou has written about the struggle of the *sans-papiers* in almost every book he has

published. Rarely, however, does he write any more than two pages at a time about it – and almost never does he discuss the details of his personal involvement in the struggle.[11] Thus, if we want to understand Badiou's relationship to the *sans-papiers*' struggle and what effects it has had on contemporary non-status organizing, we need to add to the brief references found in his solo writings, his collective writings, and actions with his militant group (the OP) alongside the political-historical actions of the *sans-papiers* movement.

The OP was founded by Badiou and two close comrades, Sylvain Lazarus and Natacha Michel, in 1983 as a non-party-political organization. The group was small: composed, Badiou says, of a few dozen "genuine militants capable of leading a political process."[12] The purpose of the organization was both theoretical and practical: to intervene within local struggles and to draw out their larger political consequences.

From 1983 to 1991 the OP published its political writings in a journal called *Le Perroquet*.[13] From 1992 to 1999 the OP published its political writings in DP. The issues of these journals are written and published collectively without any attribution to single authors. However, as a collective, all the writings in DP claim to be consistent with and approved by the whole collective. So although Badiou is not the sole author, as a collective member he has consented to a general agreement with what is written in the issues as well as the actions that are taken by the organization. Furthermore, nothing in Badiou's solo writings on the *sans-papiers* differs significantly or contradicts the positions expressed in DP.[14] The journal's issues include the details and announcements of demonstrations, interviews with workers, criticisms of governmental laws, political slogans that crystallize the demands of the movements, suggestions on what should be done, and conceptual analysis of the situation. Among all the political issues addressed in DP, "the struggle of the *sans-papiers*, for many years now," the OP says, "continues to be one of the most important questions in French politics."[15] Accordingly, approximately half of all the issues of DP deal directly with the *sans-papiers*' struggle.[16]

Part one of this essay is thus divided into four thematic sections, each of which examines several key political concepts as articulated concretely in the struggle of the *sans-papiers* and the writings of Badiou and the OP: "Party and State," "Movement and Organization," "Political Figure," and "Site and Borders."[17]

party and state

state and territory

For Badiou and the OP, the existence and persecution of the *sans-papiers* cannot be understood without an analysis of the discriminatory role of the party and the state. The role of the state, according to the OP, ought

> to take into account the multiplicity of people and situations, and transcend this multiplicity in order to aid the emergence of new categories: this means that it proposes several concepts that we could call abstract, because they are not derived from social being (cultural, linguistic, religious, professional, etc.). "Citizen" used to be one of these terms, but today it is no longer adequate.[18]

The figure of the citizen is no longer adequate because it has become a "separating word" or "partition" between "the French" and "foreigners," and is used to justify laws that apply only to part of the people living in the country.[19] This is a key starting point for understanding Badiou and the OP's whole analysis of the *sans-papiers*' struggle. Essentially, what has occurred is that the state has separated itself from the country – the bounded territory where people live. As Badiou writes, "[t]he living proof that our societies are obviously inhuman is today the foreign undocumented worker," who has been separated from "the French." "To treat the foreign proletarian," Badiou continues, "as though he came from another world, that is indeed the specific task of the 'home office' [ministère de l'identité nationale]."[20]

Nowhere is this clearer than in the brutal eviction of the *sans-papiers* from Saint Ambroise church on 18 March 1996. While immigrant struggles in France began much further back with the 1972 hunger strikes and before,[21] the *sans-papiers* movement in particular began in Paris in 1996, as a response to Pasqua's anti-immigrant Laws.[22] On 18 March of that year, 324 Africans, including 80 women and 100 children, occupied the church of Saint Ambroise and demanded the regularization of their immigration status, which they had been denied. However, sheltering an unauthorized immigrant in France was prohibited by a law passed on 27 December 1994 by socialist President François Mitterrand and right-wing Prime Minister Edouard Balladur. In this case, status not only divided the people from one another, as Badiou and the OP say, but it also criminalized any mutual aid between them. Thus, after the *sans-papiers* publicized their rejection of this division by occupying Saint Ambroise, they were evicted from the church by the police after four days.

Of these events the OP writes:[23]

> the families rounded up with their children, the men taken to the detention center, the government's words of condemnation, the cowardice of the Church, all that transpired on March 22nd and 23rd in Paris shows us where this country is at with respect to the immigrant part of its own population.[24]

What made this roundup possible, they say, is precisely "the special statute laws that place part of the people outside ordinary legislation," and did not allow them to obtain papers.

The response to this statist division of the people into "citizens" and "*clandestins*" (illegals), for the OP, can only be the regularization of everyone. The only way to confront the politics of statist division is thus a massive public demonstration of the people's unity and power. Accordingly, soon after the eviction from Saint Ambroise, there were two large public demonstrations in Paris in support of the *sans-papiers* – and in June the government regularized twenty-two of the original Saint Ambroise demonstrators. Because of their self-organization, clear public support, and the success of their partial regularization, the Saint Ambroise *sans-papiers*' struggle ignited the creation of more than twenty-five *sans-papiers* collectives in France (similar to what the OP had advocated early on).[25]

What follows politically from this demand is the creation of one of the most central and frequently repeated prescriptions made by the OP: "quiconque vit ici est d'ici" (whoever lives here, is from here).[26] In the words of the OP:

> France is a country, among others, this country is composed of different people who live here and, among these people who live here, many come, or came here, from all over. It must be affirmed that this is their country.[27]

The maxim that the state is not separate from the territory is not new by any means. In fact, it is, word for word, the medieval principle of territorial sovereignty that made foreigners subject to the laws of the country where they resided: "quid est in territorio est de territorio."[28] However, in the context of the modern nation-state this statement has much more radical consequences – as the OP shows.

nation and law

By introducing a difference between certain people who are French and others who are not, according to the OP, the state also introduces a division between nationality and the law.[29] At the same time as the state claims to speak for all through the creation of laws, which apply to all, it also creates a division of nationality where some laws apply only to some people and not others. Just as the OP rejects the division of state and country, so it also rejects the division of nationality and law. A divided "nationality is a strictly juridical category," the OP says. "In this case, the juridical is discriminatory, and is [thus] in contradiction with a conception of the law that should apply to all."[30] Law, by definition, for the OP, is that which applies to all and unifies them as part of the territorial nation-state. Thus, a partial law

is a contradiction. As Badiou writes years earlier in *Theory of the Subject* (1982), "The immigrant workers, for example, though empirically internal to this essential component of the whole that is the productive class, remain those without-rights in the national multiple […] [they] are the inexistent proper to the national totality."[31] Similarly, the OP argues, "It is evident that the laws regarding foreigners are laws in exception from the general idea of law, since it does not apply to all the people."[32] Thus, in response to this exception, the OP claims that "it is extremely important to insist on this point: the difference French/foreigner is a difference that only exists as a point of law."[33]

For Badiou and the OP, the rejection of this juridical division is most strikingly demonstrated in the *sans-papiers*' occupation of Saint Bernard church in Paris. On 28 June 1996, 300 undocumented Africans occupied the church and demanded regularization. Ten men went on hunger strike in the church for fifty days, and set up the first Sans-Papiers National Coordinating Committee (Coordination Nationale des Sans-Papiers). Saint Bernard church was occupied from 28 June until 23 August 1996 until riot police violently broke down the church doors with axes, using tear gas on mothers and babies, and dragged everyone out.[34] In issue 17 of DP,[35] the OP denounces the Saint Bernard roundup and highlights the central political claim of the occupation:

> For us, the great importance of the Saint-Bernard movement is that it rejects the designation "illegal" [*clandestin*]: the *sans-papiers* are not illegal, this is what the movement makes intelligible. They are people who live here and who do not have papers. This is the fault of the government and the laws that prevent them from obtaining them.[36]

The Saint Bernard occupation, hunger strike, and violent eviction publicized both the imposed "illegality" of the *sans-papiers* and the criminality of those who would harbor them. In response, sixty-six filmmakers called for a massive civil disobedience protest against the Debré laws.[37] Soon after, daily newspapers published lists of writers, artists, scientists, university teachers, journalists, doctors, lawyers, all offering to accommodate foreigners without asking for papers. Thus, in order to counter a juridical division the people acted in criminal solidarity. Additionally, 100,000 people demonstrated in Paris against Debré in February 1997. Afterward, similar actions took place all over France. The OP even helped the Saint Bernard campaign to organize a series of major Paris rallies on 15 and 22 November 1997, 6 December 1997, and 7 February 1998.

Thus, for the OP, the division publicized by the Saint Bernard movement is not a political one, since politics refers to the collective will of the people as a whole. The division is a legal one. What is strictly political about the *sans-papiers* is that they reject their illegality. In the eyes of the OP, the nation should not be conceived of as a merely legal, sociological, demographic, cultural, or religious entity based on divisions: it should be understood "ultimately [as] a political capacity. It is, when it exists, a collective political subjectivity."[38] Similarly, for the OP, democracy has nothing to do with parties or voting. Rather,

> the principle of democracy is that each counts for one. This is what we call the State for all. To maintain, for foreigners who live in France, a legal apparatus [*un dispositif*] whose foundation is expulsion and their radical exclusion is a democratic breakdown [*décompte*] […] [Thus], it is necessary to work to reduce the difference between the rights of the French and those of foreigners.[39]

the party

The state is not the only apparatus responsible for the persecution of the *sans-papiers*. Political parties play a crucial role by crushing the political force and meaning of the *sans-papiers* movement. For the OP, "Political parties are state organizations." "They are within the State and take place entirely within its ends."[40] "When parliamentary parties and their diverse and numerous partisans, associations, or unions try to serve movements who are looking for their help, they completely disfigure them, they

transform support for the movement into mass support for oppositional parties."[41] Instead of allowing the *sans-papiers* to speak for themselves, and unify the people under the slogan "Regularisation pour tous!," political parties make the *sans-papiers*' struggle into an exemplification of why their party should be elected and why the other party should not. Political parties, like the state, create internal divisions within the people and transform their unique statements into polarized and oppositional electoral decisions. "When movements deploy their own statements," the OP says, "they are considered [by political parties] as unusable and dangerous. [Political parties] thus liquidate the movement by putting it into service against the opposition within the parliamentary framework, that is, ultimately in the framework of an electoral relation of forces."[42]

This is precisely what occurred as the result of the pre-election civil disobedience against the Debré laws and the large (100,000 people) rally in Paris supporting the *sans-papiers* on 22 February 1997, before elections in June. The right had created these laws and the left sought to capitalize on the amount of public outrage against the laws. The left was able to turn popular support for the *sans-papiers* into a partisan electoral issue immediately before the election. Thus, on 1 June 1997, the left won the election with the promise of regularization (contra the Debré laws). Although (left) Prime Minister Jospin did regularize many of the *sans-papiers* of Saint Bernard, he refused to declare a moratorium on deportations. Promptly, on 17 June, Gary Moussa, a member of the Saint Bernard collective, and many others, were deported. The lesson learned from the *sans-papiers*' struggle is that the party is a partisan organization of the state that cannot unite the people, but rather relies on division and expulsion.

Again in 1997, under the premise of reforming immigration policy, Jean-Pierre Chevènement, the Interior Minister in the socialist government of Lionel Jospin, issued a decree inviting applications for regularization. Although claiming to aim at regularization, the laws, in practice, functioned more like a trap for non-status migrants; 150,000 immigrants applied, and 75,000 were granted papers for only one or two years. The other 63,000 migrants who had already been living in France for many years and were turned down were given deportation orders. Now that all the failed claimants had provided their names and addresses they became at higher risk for deportation. Thus, by dividing people based on their status and using the *sans-papiers* movements for regularization to advance their own electoral agenda, political parties as state organizations actually end up *increasing* deportations.

movement and organization

movement

If the existence and persecution of the *sans-papiers* cannot be understood without an analysis of the divisive role of the party and the state, the political meaning of the *sans-papiers* cannot be understood without an analysis of the unifying role of the movement and the organization. A political "movement," according to the OP, is the local presentation of a series of popular statements made by the people. As a series of statements, however, movements are always multiple. "Accordingly," for the OP,

> our thesis is the following: a movement presents many politics; there is a conflict proper to each movement on two sides, on one side between two opposing parties (*sans-papiers*/State, strikers/bosses); and on the other side, within the movement itself, because that is the nature of conflict and its resolution, many politics are always presented.[43]

For the OP, the first defining feature of a movement is that "movements refuse the politics of the State, presented by the government, and propose another, formulated by the people themselves."[44] According to the OP, this first feature is articulated in the *sans-papiers* movement in the following way. The

> political quality of the [*sans-papiers*] movement was to rupture the consensus, that,

> for 15 years, juxtaposed the denunciatory ideas of the National Front,[45] and the general consent of a repressive, policing, and persecutory politics, under a single name, common to Le Pen and all parties: the supposed "immigrant problem."[46]

The *sans-papiers* thus locate a political split between the equality of all and the state's discrimination of immigrants.

While the first defining feature of the *sans-papiers* movement is to identify a conflictual rupture between the current state of the situation, as state/party consensus, and a new possibility of equality, the second feature is that this is accomplished through the *presentation* of itself via popular *statements*. "A movement," the OP says,

> is animated by the question of the transformation of the situation, of its resolution, of the feasibility of its statements, of the possibility of winning. A movement aims to sway the State to its side. All movements therefore make use of political organizations, including parliamentary parties and unions.[47]

Movements are thus composed of a plurality of presentations (demonstrations) and statements about the situation that directly oppose and seek to transform the current situation legislated by the state. The 20,000 people who took to the streets on 23 August 1996 after the *sans-papiers* eviction from Saint Bernard, and all the other public protests in support of their struggles, produced a multiplicity of statements.

But statements are not the same as prescriptions. "A movement," according to the OP, "does not prescribe anything. Its relation with politics is not one of prescription, but rather one of presentation. Let us say therefore that a movement presents one, of many politics, without, for all this, formulating a prescription."[48] Movements, by the very presentation of their existence and descriptive statements about their situation, expose the split created between the state, the nation, the territory, and the law. We can see this self-presenting characteristic in the *sans-papiers* movement's manifesto, published in *Libération* on 25 February 1997:

> We the Sans-Papiers of France, in signing this appeal, have decided to come out of the shadows. From now on, in spite of the dangers, it is not only our faces but also our names which will be known. We declare: Like all others without papers, we are people like everyone else. Most of us have been living among you for years […] We demand papers so that we are no longer victims of arbitrary treatment by the authorities, employers and landlords. We demand papers so that we are no longer vulnerable to informants and blackmailers. We demand papers so that we no longer suffer the humiliation of controls based on our skin, detentions, deportations, the break-up of our families, the constant fear.[49]

First and foremost the *sans-papiers present themselves* by "declaring" their existence. They come out of the shadows in a country that refuses to recognize them politically. They "declare" that they are people like everyone else, but who have not been acknowledged as such (and therefore abused). This act of presentation is political precisely because it reveals that the state, which claims to count everyone, has demonstrably failed to do so. Secondly, the *sans-papiers* movement *presents itself* in "demands," which are particular to their uncounted existence – the demand for papers, for example. But demands are different from prescriptions because demands bear only on a particular group of people and not on everyone as a whole. Prescription is the role of the organization.

But movements, like those of the *sans-papiers*, have a third defining feature: they not only declare their own existence through statements, but the way they do so aims to demonstrate the strength and political power of those statements directly against the state (without mediation). The *sans-papiers* movement thus "reflects, discusses, decides, acts, and shows the political capacity of workers without papers to engage in battle and to position itself directly against the government without intermediaries, without negotiators."[50] Accordingly,

movements should always be on guard against support committees, unions, parties, or any other organization which undermines the autonomy and power of the movement itself:

> The movement, precisely because it is not a political organization, should be particularly attentive and vigilant to identify the politics of all organizations, support committees or others, who claim to be on their side. The movement should judge people on the effectiveness of their political capacity.[51]

The important point for the OP is thus not to reject all support committees and unions, but never to give the self-presenting power of the movement over to these groups. The goal of the OP, as an organization, is thus to protect the self-presentation of the movement while also drawing out its larger consequences.

organization

The movement is the necessary starting point for the presentation of new political statements and possibilities. However, given the multiple external and internal conflicts, movements require political organizations to discern the consistency of their statements through political prescriptions made at a distance from the state. According to the OP, these are the three key characteristics of political organizations. Let us look at each one in turn: consistency, prescription, and distance.

The OP identifies three consistent statements of a group of immigrants resisting eviction from their hostels, for example: "The workers' hostels, they're good!"; "The people of Nouvelle-France are workers, they are not rich, the hostels are preferable to them!"; and "We want to live a hundred years in Montreuil, white hair in Montreuil!"[52] For movements to maintain their autonomy and capacity for creating new statements, organizations must respect the autonomous consistency of the movement's political statements.

This procedure is described in detail in DP.[53] For example, in 1995, the OP supported the establishment of resident committees in the Nouvelle-France hostels to discuss their situation and aims, and meet regularly with the organizations who declare themselves in support of the movement: Associations for Civil Peace and Harmony between Families (ACPHF). In these associations, the residents tell the organizations what they have decided and ask the organizations how they can help. "The organizations who have propositions or advice to give to the movement communicate this publicly to them in the framework of these meetings open to all."[54] The importance of this structure is to make sure that organizations do not dictate, mislead, or appropriate the autonomy and consistency of the movement.

Organizations do not speak for the movement. "Each organization," according to the OP, "is free on their side to write what they think and to do what they think; [but] the organization is held accountable to the residents, and the movement is free to approve or disapprove."[55] The aim here is to avoid any sort of vanguardist appropriations or representations of the movement. Organizations must derive their prescriptions directly from the consistency of statements made by the movement itself and remain accountable to the movement. "Movements present, organizations prescribe!," as the OP says. Thus, when the OP organized weekly Friday rallies from 6 to 7 pm at Montreuil city hall to publicly denounce the current treatment of the *sans-papiers* and to demand that the government regularize everyone without papers, rescind the Pasqua and Debré laws, and rebuild the workers' hostels, they did so precisely in coordination *with* the residents themselves and not "in their name."

The second characteristic of political organizations is thus to create prescriptions that are drawn directly from the autonomy of the movement and its situation. The role of the organization is thus "not to prescribe the conjuncture, but to decide on the field of relevant questions within which, first and foremost, it seems necessary to prepare a political line, that is to say: prescriptions."[56] The role of organizations is thus not to know in advance what the essentially determining type of struggle will be, but to decide where, within the political field, there is an emergence of new political statements ("we are not illegal," for example).

From these local statements, organizations then extrapolate universal political prescriptions that bear upon everyone. But a political "prescription," for the OP, is not a normative claim derived from metaphysical absolutes. For example, the normative statement "all humans ought to be free because it is in their nature to be so" appeals to an ahistorical humanism. For the OP, on the other hand, a prescription is entirely immanent to a given political field and always emerges from a specific site of struggle. Thus, a prescription has no other transcendent or necessary force than the concrete fidelity of the militants of that prescription to bring about the unity of the excluded site with the rest of the political field. The prescription is thus not an appeal to morality, humanism, or naturalism. Rather, it is what Badiou calls the process of "forcing": the immanent transformation of the situation to include its excluded element.[57] Or, "to put it another way," Badiou writes, "the universality of the practical statement 'a country's illegal immigrant workers must have their rights recognized by that country' resides in all sorts of militant effectuations through which political subjectivity is actively constituted,"[58] and not in any abstract ahistorical principles. The statement has no force outside of its concrete effectuations. Finally, since the state is the entity that claims to count all as one, but fails to do so in some important instances, it is the target of these political prescriptions.

Thus the formal structure of the prescription is the "one for one": a youth, a student, a worker, a stranger, etc. all count as the same: one.[59] For example, the political field in France between 1996 and 1999 is filled with several different sorts of statements on the *sans-papiers*: the Prime Minister says that "everything is the fault of illegal immigrants," others say that "[citizens] should not be made into informers [legally required to report *sans-papiers*]," Le Pen says "France for the true French," and the *sans-papiers* say, "Juppé, give us our papers." None of these statements are political prescriptions because they all assume a split or difference between immigrants and everyone else: their statements remain particular. For the OP, however, "the only valuable prescription is: 'les gens qui sont ici sont d'ici' [the people who are here, are from here]."[60] This is a prescription because it moves beyond the local demands of distinct groups – for papers, against papers, for surveillance, against surveillance, etc. "A prescription should not be aimed at a particular population,"[61] the OP says. Similarly, Badiou writes, after the dissolution of the OP, in *The Meaning of Sarkozy*: "the central political question today is indeed that of the world, the existence of [...] a single world,"[62] in which foreigners and natives "count as one" and live together as "people of the same world."[63] Thus, for Badiou, politics is not about particular identities but about the existence of a politically unified, single world in which everyone is included.

The political prescription, Badiou says in his own work, is also defined by a "decision about an undecidable." Badiou asks: "Are those workers who do not have proper papers but who are working here, in France, part of this country"?

> Do they belong here? "Probably, since they live and work here." Or: "No, since they don't have the necessary papers to show that they are French, or living here legally". The term "illegal immigrant" [*clandestin*] designates the uncertainty of valence, or the nonvalence of valence: it designates people who are living here, but don't really belong here, and hence people who can be thrown out of the country, people who can be exposed to the nonvalence of the valence of their presence here as workers [...] This was the case, for example, when illegal immigrant workers occupied the church of St. Bernard in Paris: they publicly declared the existence and valence of what had been without valence, thereby deciding that those who are here belong here and enjoining people to drop the expression "illegal immigrant" [*clandestin*].[64]

The prescription "the people who are here, are from here" thus affirms a decision regarding an uncertain political valence within the word "*clandestin*." The affirmation of the "valence" of the *clandestins* is the affirmation of their

power or capacity to enter into political combination or unity with existing French society. The denial of this valence negates such a unity. Thus, the decision to either affirm this valence (the political capacity of the workers) or to deny it is not only the condition of political prescriptions but also of political struggle *tout court*.

The third characteristic of political organizations is that they operate at a distance from the state. Political organizations do not vote, legislate, lobby, represent movements, or rally votes for political parties. Their distance also means that they have no political ideology or vanguard program. Accordingly, their demands are not internal to the state but rather prescribe the inclusion of whatever the state counts as "outside" it, or "counts as nothing." The OP, the Assembly of Workers Without Papers in the Hostels, and the Associations for Civil Peace and Friendship between Families are thus all political organizations in this respect. "Considering the fate of the sans-papiers in this country," Badiou writes,

> a first orientation might have been: they should revolt against the state. Today we would say that the singular form of their struggle is, rather, to create the conditions in which the state is led to change this or that thing concerning them, to repeal the laws that should be appealed, to take the measures of naturalization [*regularization*] that should be taken, and so on. This is what we mean by prescriptions against the state. This is not to say that we participate in the state. We remain outside the electoral system, outside any party representation. But we include the state within our political field, to the extent that, on a number of essential points, we have to work more through prescriptions against the state than in any radical exteriority to the state.[65]

For Badiou and the OP, political organizations operate at a distance from the state: neither within it as a party, nor entirely external to it as a separatist organization:

> For this reason, we [the OP] say that our politics, which emerges from the thought of the people, is a politics without party. We dedicate ourselves to singular political situations where our discipline is to that of the political process, and where each, for their own, speaks in their own name, and challenges every divided political situation.[66]

The OP thus contrasts the distance of political organizations not only with parties, which are internal to the state, but also with other groups such as NGOs, which trail behind movements, when they exist:

> NGOs on one hand share the state's statements regarding its right to control immigration and encourage integration, while on the other hand brandish pseudo-prescriptions (like the abolition of borders, the free circulation of people like merchandise) in order to create the impression of an extreme ideological distance from the state.[67]

In contrast, political organizations do not condone state immigration control, nor do they propose lofty solutions like the abolition of borders without first grounding such statements in the concrete movements of the excluded at a given site.

political figure

A political figure, for Badiou and the OP, is the proper name of the subjective commitment to a new political truth. In other words, the figure is the generic name for the people who believe in the consistency of statements created by a movement and the prescriptions created by its organizations. According to the OP, the proper name of the subjective commitment to the *sans-papiers* movement is the *figure-ouvrière* (the figure of the worker). But the figure of the worker, according to the OP, should not be understood as a sociological or economic figure. "It is essential to prescribe today another figure of the worker, free from its classist reference," it says.[68] The *ouvrier* is different from the "*travailleur*." "A doctor, a lawyer, a journalist work. They are workers. But the '*ouvrier*' is a figure of work bound up with manual labor and its places like factories, construction sites, buildings, workshops, and

the necessities of maintenance, catering, cleaning, etc."[69] The figure of the worker is the one that demands the equal treatment of all workers: the laboring backbone of the country.

The name "immigrant," or "illegal immigrant," or the phrase "immigration problem" was first mobilized by parliamentary parties (both left and right) in France in the 1980s, according to the OP, in order to fragment workers into two groups: foreign workers and French workers.[70] Their goal was to abolish the united figure of the worker. The way they did this was to create anti-immigrant laws which made some workers *clandestins*. As Badiou explains:

> The category Immigrant has been systematically substituted for the category "worker", only to be supplanted in its turn by the category of the "clandestin" or illegal alien. First workers, then immigrants, finally illegal aliens. If we insist that we are actually talking about workers – and whether they have worked, are working, or no longer work, doesn't represent a subjective difference – it is to struggle against this unceasing effort to erase any political reference to the figure of the worker.[71]

For the OP this first discriminating division "paves the way for all the others that follow, for the permanent possibility of designating some people as not counting for anything."[72] Accordingly, the *sans-papiers* can more appropriately be called *les ouvriers sans-papiers*. If the goal of political organizations is to create universal prescriptions which do not refer to class or certain sociological populations (internal divisions within the people), then the political figure who makes these prescriptions and is committed to them must also be a universal figure. Since the word "immigrant" is the name used by the state to divide the workers, it cannot be the universal name of the people who stand undivided against it – but "the worker" can.

site and borders

Movements are singular presentations organized into universal prescriptions by political organizations. As singular, movements always emerge at some particular location. According to the OP, it is the task of the political organization to locate this new site and rally the people around it. In contrast to the divided place of the French state, the *sans-papiers* locate, "with the occupation of Saint Bernard church, a truly new political place: the Assembly of Workers Without Papers in the Hostels."[73] Just as the figure of the worker does not refer to a sociological type of person, neither does the site refer to some geographical place in particular: like Saint Bernard church. Rather, the site is the common place that defines the political figure and can be multiple: the workers' hostels, churches, and the factory. These are not simply spatial locations, they are the occupied sites of political contestation. Since the work of "immigrants," the work of the *sans-papiers*, is essentially work (*travail ouvrier*) in the factories or construction sites, the site of their political struggle is also the site of the factory, for the OP: the place of production.

Political organization cannot begin without a site. If it does, it risks becoming simply ideological or programmatic. Political organizations must start with the real existing situation where it is at, and expand from there. This is why the question of the abolition of borders and regularization of the *sans-papiers* are, for the OP, "two distinct problems."[74] The first problem is a question actually bearing on foreigners across the border. However, once they have crossed that border into French territory, the OP says "the word 'immigrant' should stay at the border."[75] Once people enter France, the problem becomes an interior one that bears equally on everyone who is here. In a 1997 interview, Badiou says that while he is absolutely for the abolition of borders and the withering away of the state he also thinks that this position can yield no

> active political principle in the situation. In reality, politics must always find its point of departure in the concrete situation [a movement, a figure, a site] […] We should first tackle the question of how, concretely, we treat the people who are here; then, how we deal with those who would like to be here;

> and finally, what it is about the situation of their original countries that makes them want to leave. All three questions must be addressed, but in that order. To proclaim the slogan "An end to frontiers" defines no real policy, because no one knows exactly what it means. Whereas by addressing the questions of how we treat the people who are here, who want to be here, or who find themselves obliged to leave their homes, we can initiate a genuine political process.[76]

part two: non-status migrant justice today

Now that we have examined the contributions made by Badiou, the OP, and the *sans-papiers* to early non-status organizing, we can see what impact they continue to have on more recent organizing – and what revisions more recent organizing has made to these original influences.

party and state

The OP's analysis of the state's role in the creation of non-status persons still remains at the heart of contemporary non-status movements. *Status continues to be perceived as a form of legal and political discrimination*. In its most basic form this critique has been around in several variations since Hannah Arendt first made it in 1951.[77] As the OP says, "the laws regarding foreigners are laws in exception from the general idea of law, since it does not apply to all the people."[78] This structural critique of the territorial nation-state itself is adopted not only in the work of North American migration theorists such as Linda Bosniak[79] and Catherine Dauvergne[80] but also by migrant justice organizations such as NOII, Toronto, which says: "We believe that granting citizenship to a privileged few is a part of racist immigration and border policies designed to exploit and marginalize migrants."[81] "Sanctuary/Solidarity City," it says, "is about bypassing the ideas behind nation-states and centralized governments."[82] Thus, NOII organizations around the world remain one of the few but faithful militants to the universal prescription "Status for All!": the application of legal status to everyone. NOII believes that the demand for partial amnesty will not resolve the problem precisely because of its theoretical commitment that non-status persons are a structural form of discrimination that can only be resolved through the creation of universal laws which do not divide the people from one another.

Another point of continuity that remains between the OP and recent radical migrant justice movements is their critique of political parties. The OP's two-fold critique of political parties, as both dividing the people into oppositional groups and "disfiguring" the causes of movements to advance their own electoral agenda, also continues to be used by North American non-status movements. For example, Barak Obama was elected President in 2008 on a platform that promised immigration reform. After winning the election with the support of the many migrant justice movements and the Latino vote (67% of Latinos voted for him) Obama did nothing to reform immigration policy over the next four years.[83] However, in order to gain their vote again in 2012, Obama gave an executive order in election season to suspend the deportation of hundreds of thousands of young non-status migrants by means of the "Deferred Action for Childhood Arrivals" program. The political consequences of this decision followed precisely the OP's two-fold analysis of the party.

Firstly, the statements of many US migrant justice movements in support of the regularization of *all* undocumented migrants were "considered as unusable and dangerous," by the Democratic Party. So the party had to "transform support for the movement into mass support for oppositional parties,"[84] i.e., for the Democratic Party's reelection in 2012. Not only were the people divided into the oppositional groups of Democrat and Republican, but undocumented immigrants themselves were further subdivided into "worthy" and "unworthy" immigrants. By restricting applications for "Deferred Action for Childhood Arrivals" by age, criminal convictions, residence, education, and many other criteria, tens of thousands of "unworthy" undocumented youth could now be located (by their application

information) and deported. This is precisely the kind of critical analysis that was offered by US migrant justice groups such as the Immigrant Youth Justice League at the time.[85]

Just as the Chevènement regularization laws (1997) critiqued by the OP ended up increasing deportations in France, so the Deferred Action for Childhood Arrivals laws (2012) did the same in the United States,[86] and the Adjustment of Status Program (1973) did in Canada earlier.[87] Thus, by dividing and disfiguring migrant justice movements for regularization to advance their own agenda, "political parties [as] state organizations" actually end up *increasing* deportations. In fact, "regularization programs," as Peter Nyers writes, "always budget for significant increases in resources for monitoring, apprehending, and deporting failed applicants."[88] Thus, following precisely the OP's analysis, groups such as the Immigrant Youth Justice League and NOII made explicit that political parties have demonstrated a structural conviction to divide and disfigure non-status movements for their own electoral agendas.

movement and organization

Another important contribution of Badiou, the OP, and the *sans-papiers* is that they emphasize the political form of autonomy and non-representation. Rather than responding in the fashion typical of vanguard groups, unions, parties, or other support committees by speaking for or trying to direct the s*ans-papiers* movement, the OP helped to invent a new form of political organization that could respond to the self-presentation of the movement without representing it. In this way the *sans-papiers* and the OP were some of the first to bring this form of organizing to non-status struggles.[89]

This is an important political intervention because the *sans-papiers* movement and its allies – as one of the first nationally organized non-status migrant movements in the world – laid much of the strategic groundwork for today's non-status migrant struggles. For example, the German movement "Kein mensch ist illegal" (No One is Illegal) began in 1997 as a post-party, non-representational non-status organization at the height of the *sans-papiers* movement in France – and was directly inspired by France's success. NOII groups have now emerged across Europe and North America based on the same political form: in the United Kingdom in 2003, then in Spain (Ninguna Persona Es Ilegal), Sweden (Ingen Manniska Ar Illegal), Poland (Zaden Czlowiek Nie Jest Nielegalny), Holland (Geen Mens Is Illegaal), and across Canada. In 1999 the European No Borders Network also emerged under a similar political form as a series of protest camps/occupations of high immigrant traffic border sites in Europe: in Strasbourg (2002), Calais, France (2002/2007), Frassanito, Italy (2003), Gatwick Airport, UK (2007), Patras, Greece (2009), Brussels (2010), and Siva Reka, Bulgaria (2011).

The key political idea of the OP that is now shared by subsequent non-status migrant justice organizations such as NOII and the No Borders Network is the idea of respecting the autonomy and self-presentation of non-status movements, while also universalizing their statements in the form of prescriptions. One of the defining and novel features of the *sans-papiers* movement is precisely its capacity to speak in its own name and announce its own existence. Thus, the OP and subsequently influenced movements have all aimed to create political organizations that do not direct, mediate, or co-opt the goals of the movement so that they do not rob the movement of the very capacity that defines it: the self-presentation of the political existence of the inexistent.

While the demands of movements are often local, the organizations' aims are universal. For example, the Comité d'action des sans-statut algeriens (Action Committee for Non-Status Algerians) in Montreal, in 2000, initiated a successful campaign to fight the deportations of approximately 1,000 Algerians impacted by Canada's economically motivated decision to lift the ban on deportation to Algeria. The role of the migrant justice organization NOII, Canada, like the OP, was not to co-opt or speak for the Algerian movement but to provide support in whatever way was asked of them by the Committee: legal support, transportation, funding, public demonstrations, etc. NOII,

Canada, as an organization, also expanded the local demands of the movement into universal prescriptions such as: "An End to All Deportations!"; "Personne n'est Illegal"; and "Status for All!"

In Arizona, to take another example, the Bring the Rukus Collective (2001–12), a political organization that worked very closely with the migrant justice group the Repeal Coalition, describes its relationship with movements in a manner similar to the OP as "neither the vanguard nor the network." A political "organization, for the 21st century," it says,

> needs to forge a path between the Leninist vanguard party favored by traditional Marxist parties and the loose "network" model of organizing favored by many anarchists and activists today […] [the] organization does not seek to control any organization or movement, it aims to help lead it by providing it with a radical perspective and committed members dedicated to developing its autonomous revolutionary potential.[90]

Both the Repeal Coalition and the OP define themselves in contrast to anarchist insurrections and the traditional Leninist vanguard. Instead, the Repeal Coalition and the OP define themselves by their external support for, and radical universalization of, existing movements.

However, North American non-status migrant justice organizations have also revised two of the OP's strategies concerning the role of the political organization: prescription and distance. For example, non-status migrant justice movements such as NOII, Canada, explicitly *do no limit* themselves to making universal prescriptions on the state – since the state often ignores such prescriptions. "This is the primary reason for our success," NOII says, "we don't wait for our strategies to be approved or recognized by the government before we go ahead and try to implement in on the ground."[91] This is not a wholesale rejection of the OP's strategy of prescription, since NOII also remains committed to remaining at a distance from the state and to making universalistic prescriptions. However, in addition to these, NOII also engages in a certain amount of casework and legal struggles pertaining to particular individuals – and has had some success in doing so. The theoretical revision to Badiou and the OP here is two-fold. On the one hand, NOII rejects the idea that the political organization should remain "purely at a distance," while migrants suffer unjust deportation without legal support or counsel. On the other, NOII's strategy also rejects the idea that the political organization, in remaining at a distance, should also remain dependent on the state's final concession to political pressure. Thus NOII opts for both universal prescription *and* particular casework. There is no contradiction here for NOII, only different dimensions of the same struggle (universal and particular).

Furthermore, NOII has also proposed the addition of a more prefigurative strategy to complement the OP's one of distance. For example, NOII's political strategy takes place not only at a distance but also prefiguratively insofar as it aims to organize a "solidarity city" where all the services and institutions of the city (women's shelters, schools, food banks, workplaces, etc.) would collectively agree to serve and protect everyone regardless of status. Prefiguration, according to NOII, "delegitimizes the role of the state" since it does "not wait for the government to change."[92] The aim of this strategy is to mobilize the city in collective civil disobedience against the Canadian government's immigration policies: effectively building the city that they would like to see without waiting for the state to respond to their prescriptions. This marks a significant strategic revision of Badiou and the OP's ideas, but also a more immediately practical and beneficial one for those migrants who do not have the leisure to wait for the state to concede to organizational prescriptions. Thus, a general strategy of prescription and distance, for NOII, also requires revision and supplementation in response to the concrete situation to be effective for those who need it and cannot wait.

Furthermore, NOII, Toronto, has had significant success with this model that the OP would have been unable to attain because the OP arbitrarily limited itself to addressing only the state

and hoping for its transformation (or withering away). In contrast, NOII works directly with the Toronto District School Board to create new bylaws against the deportation of non-status students. This has stopped countless student deportations and made a direct impact on the cultural perception of non-status students in Toronto. In other examples, NOII's lawyers work with Migrante Ontario and other community groups to stop the deportation of individual migrants from Toronto. NOII has also successfully used such casework events to publicize the larger discrimination of migrants in Canada. In some cases NOII wins legislative battles. In other cases these issues become rallying points for enormous rallies and universal prescriptions against the state. But if migrant justice is limited to universal prescriptions against the state *alone*, then migrant justice organizations risk abandoning *actual* migrants in favor of universal *ideals* for purity and distance. Thus, NOII's more effective revision here is to offer a combination of both: it provides community support for migrants in addition to, and not in place of, their distance from and prescriptions against the state.

the political figure

Another important revision of the OP's analysis made by organizations in North America is the politicization of the migrant. For the OP the word "immigrant" is the word used by the state to divide the people, so the word "worker" must be used to reunite the political subjectivity of the people. Many migrant justice movements today, however, have chosen instead to universalize the figure of the migrant with the slogan "We Are All Immigrants!" against the government's discriminatory usage of the term. Given the history of colonialism, record levels of global migration, and unemployment, many migrant justice groups now believe that politicizing the figure of the migrant may be more radical and unifying than the figure of the worker. NOII, Canada, in particular, emphasizes the relationship between state immigration policy and the history of Canadian colonialism. "Our work," they say, "is premised on the fact that this is colonized land and that migrants are often from places recently colonized or facing capitalist exploitation."[93] The state claims territorial sovereignty and legal universality only on the condition of being migrants themselves who forced the indigenous peoples off their land and into migration. Colonialism thus relies on a double migration and therefore may provide a basis for a new universal politics based on migrancy in a way that the term "worker" may be too historically exhausted to offer (especially given its link with the history of the name "communism," and its historical baggage).

But "the figure of the migrant," for the OP, is politically reactionary because it is negatively defined by colonialism, and not by the people themselves. In response, however, one might argue, this is also the case for the worker under capitalism. The major difference between these two terms is simply that the political history of the worker has already been positively re-theorized as labor (most notably by Marx). Although the figure of the migrant has not yet received this same positive re-figuration, it seems clear that such re-figuration is certainly underway today, just as it was for the worker in the nineteenth century. This is the case because the term "migrant" has potential both in fact (all humans literally are migrants, historically), and in subjective force (as a result of colonialism, globalization, transportation, etc. more people feel both the freedom and oppression of migrancy, temporary labor, and precarity). Thus, the figure of the migrant refers both to a sociological identity and a universal political subject – just like the figure of the worker.

If anything, the simple fact that the term "migrant" currently holds such an important political force in North America, evidenced by the ubiquity of the slogan "We Are All Immigrants!" that can be found on placards at almost every migrant justice rally today, requires further political theorization. But since this phenomenon did not exist for the OP in the 1990s, it can offer neither explanation nor endorsement. Although it wagered its own struggle on the figure of the worker, today we must also acknowledge the increasingly

universal and positive political role of the figure of the migrant in a way the OP did not imagine. Thus, the contemporary valorization of the figure of the migrant poses a significant revision to the OP's theory of the worker. If nothing else, the figure of the migrant requires a new philosophical interrogation different from that which the OP gave it in the 1990s – when the term had a much more clearly negative connotation in France.[94]

site and border

A third and final revision made to the OP's theory and practice by recent non-status organizations is the combination of territorial and extra-territorial migrant struggles. For the OP, and Badiou in particular, the struggle for non-status migrant justice must first begin with the people who are in the territory, then those who would like to be, then others outside the territory. This is the case because one must begin with a local site and slowly expand, or else one is just affirming an abstract principle without clear consequences. However, NOII groups around the world and across Canada in particular have revised this strategy and decided to begin with a local site *but then use that site to engage in all three struggles at once*. That site is "the city" with all its sub-sites: construction sites, schools, women's shelters, and clinics. Within the site of the city, NOII, Toronto, organizes migrants within the territory in coordination with those who would like to be as well as with those who are outside the territory. Thus, in revision to Badiou and the OP's strategy, NOII has shown that it is not only possible to engage in all three struggles at once but desirable to do so as well.

For example, in 2010, 254 Tamil Refugees (100 of whom had UNHCR status) were detained on a boat off the coast of Indonesia. The Indonesian government refused to recognize them as asylum seekers and said they would put them in detention centers if they came ashore. NOII responded by participating in an international organization of Tamil migrants and allies on Canadian territory in Toronto at the Indonesian consulate – there are over 200,000 Tamils in the city – plus Tamil migrants on the boat who would like to be in Canada or in Indonesia, plus Tamils in Indonesia. Together, all three groups wrote letters, demonstrated at their respective local sites, and made universal prescriptions based on this particular case ("Status for All!") at a distance from the state. This kind of international solidarity and pressure has resulted in numerous successful refugee entries into Canada – something the OP's parochialism would only hinder.

Additionally, without compromising territorial or border struggles, NOII is also directly active against the extra-territorial conditions that produce many migrants in the first place. In their own words, NOII works in solidarity with other organizations to oppose "the international economic policies that create the conditions of poverty and war that force migration."[95] Their prescription: "An end to all imperialist wars and occupations!" In particular, NOII, Toronto, has recently been active against some of the largest mining companies in the world, based in Toronto, Canada. International mining companies such as Barrick Gold Corporation are responsible for the human displacement of people across the world like those in Porgera, Papua New Guinea, who have been violently evicted and beaten by police at the site of an expanding Barrick gold mine.[96] For NOII, non-status migrant justice does not start and stop at the territory. It must do what it can to stop the causes of forced migration (war, resource extraction, and imperialism). This includes corporate boycotts, petitions to the government, phone jamming, and public rallies in major cities such as Toronto.

Through these three axes of struggle NOII and others engaged in similar actions (like the No Borders Network) show that it is possible to focus on a political site (the city, a border, etc.) and also organize people against extra-territorial displacement at the same time. Complete success in one realm is not the condition for struggle elsewhere. Thus, we should affirm this revision on two counts. Firstly, since Badiou and the OP provide no evidence for the practical or theoretical necessity of a linear progression between territorial and extra-

territorial struggles, their strategy remains largely unsupported and unproven as more effective. Secondly, it is clear from recent political demonstrations by certain migrant justice organizations that engaging in all three struggles at once is not only possible but also the most theoretically coherent way to respond to the conditions (imperialism, war, mining, etc.) that produce forced migration in the first place. Furthermore, international solidarity also has the added benefit of increasing one's popular support base and international visibility.

conclusion

By providing the historical background of the *sans-papiers* movement alongside a conceptual synthesis of Badiou's and the OP's practical and theoretical analysis of it, this paper has argued that the contributions of Badiou, the OP, and the *sans-papiers* are not only at the formal roots of non-status migrant justice struggles today (particularly in North America) but should also be revised and updated in several crucial ways. The OP's diagnosis of the structural cause of the *sans-papiers*' exclusion (the internal division in the territorial nation-state) and the formal relationship of the political organization to the movement (prescription and autonomy) are absolutely crucial and precedent-setting contributions for non-status migrant justice struggles today. However, this paper has also argued that the OP's emphasis of political prescription above prefiguration, the centrality of the figure of the worker (against the migrant), and the progressivist theory of anti-border struggle have been largely repudiated or revised for the better by several recent migrant justice organizations. These organizations have tended to favor a more diverse mix of strategies: prescription *and* prefiguration, workers *and* migrants, territorial *and* extra-territorial struggles. These strategies both carry on the legacy of the *sans-papiers* and the OP, but also provide a new set of tools for the success of future migrant justice organizations.

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notes

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1 In total number (1 billion: one in seven) and as a percentage of the total population (about 14%), according to the International Organization on Migration, "The Future of Migration: Building Capacities for Change," *World Migration Report 2010*, presentation in Washington at the Migration Policy Institute (http://www.iom.int/files/live/sites/iom/files/Newsrelease/docs/WM2010_FINAL_23_11_2010.pdf) and the World Health Organization (http://www.who.int/hac/techguidance/health_of_migrants/en/) (accessed 1 Sept. 2015).

2 As of 2010, there were 214 million international migrants and 740 million internal migrants according to the United Nations *Human Development Report 2009*, "Overcoming Barriers: Human Mobility and Development" 21 (http://oppenheimer.mcgill.ca/IMG/pdf/HDR_2009_EN_Complete.pdf) (accessed 1 Sept. 2015).

3 Trends in International Migrant Stock: The 2008 Revision (United Nations database, POP/DB/MIG/Stock/Rev.2008) (http://esa.un.org/migration); and the US National Intelligence Council, *Global Trends 2030: Alternative Worlds* 24 (http://globaltrends2030.files.wordpress.com/2012/11/global-trends-2030-november2012.pdf) (accessed 1 Sept. 2015).

4 International Council on Human Rights Policy, "Irregular Migration, Migrant Smuggling and Human Rights: Towards Coherence" (2010) (http://website-box.net/site/www.ichrp.org) (accessed 1 Sept. 2015) estimates that the approximate numbers of global irregular migrants has grown to 30–40 million persons.

5 Phillip Cole has written one of the first full-length monographs exposing the failure of liberalism to deal with the phenomenon of migration. Phillip Cole, *Philosophies of Exclusion: Liberal Political Theory and Immigration* (Edinburgh: Edinburgh UP, 2000).

6 There are several exceptional books on the political philosophy of migration: Vilém Flusser, *The Freedom of the Migrant: Objections to Nationalism* (Urbana: U of Illinois P, 2003); Phillip Cole, *Philosophies of Exclusion: Liberal Political Theory and Immigration* (Edinburgh: Edinburgh UP, 2000); Michael Dummett, *On Immigration and Refugees* (London: Routledge, 2001); Nikos Papastergiadis, *The Turbulence of Migration: Globalization, Deterritorialization, and Hybridity* (Cambridge: Polity, 2000); Seyla Benhabib and Judith Resnik, *Migrations and Mobilities: Citizenship, Borders, and Gender* (New York: New York UP, 2009).

7 Alain Badiou, *The Meaning of Sarkozy*, trans. David Fernbach (London: Verso, 2008) 69.

8 Ibid. 68–69.

9 Peter Hallward has written about this, but it occupies only a small section of a book chapter on Badiou's politics. Peter Hallward, *Badiou: A Subject to Truth* (Minneapolis: U of Minnesota P, 2003).

10 Badiou's independent theory of the *sans-papiers* is not substantially different from the positions expressed by the OP in the journal *La Distance politique* (DP). No doubt the collective editors/contributors of the journal had some disagreements, but nowhere do Badiou's own writings on the *sans-papiers* contradict the sentiments expressed in DP.

11 A notable exception can be found in an interview with Peter Hallward in Alain Badiou, *Ethics: An Essay on the Understanding of Evil*, trans. Peter Hallward (London: Verso, 2001); idem, *Briefings on Existence* (New York: State U of New York P, 2006) x–xi.

12 Badiou, *Ethics* 101.

13 DP 23–24 (4). All translations from this source are my own. Since hard copies of this journal are no longer in circulation, all citations of DP are listed first according to their number and then according to the subsection (#) of each issue as it was organized on its now-defunct website (http://www.multimania.com/orgapoli/).

14 This will be demonstrated throughout this essay by citing every *substantial* reference (more than one page) made by Badiou to the *sans-papiers* in his solo works. Since most of his references are quite short, the substantial references are relatively few.

15 DP 26–27 (1).

16 Perhaps the only reasons why these writings have not been more utilized in the scholarship on Badiou's work are because they are written collectively (not attributable to Badiou alone) and because they have yet to be translated into English. Despite these reasons, I believe there is much to be gained from them – both theoretically and practically.

17 Since these concepts have been elaborated elsewhere by Badiou and scholars, I will not offer a broad account of them, but rather a very specific usage of them with respect to the OP's intervention in the struggle of the *sans-papiers*.

18 DP 14 (2).

19 Ibid.

20 Alain Badiou, "Le Courage du présent," *Le Monde* 13 Feb. 2010.

21 In January 1972 the Marcellin decree gave control over work and residence permits to the police, and in February 1972 the Fontanet decree made "proper housing" and at least one year of employment the condition for residence. That same year, immigrants protested the discriminatory details of these laws when two immigrants, Fawzia and Said Bouziri, initiated a public hunger strike. Further, in 1972 and 1973, semi-skilled immigrants also organized in the factories and workplaces for decent wages, hours, and against the racism of the boss/permit system.

22 In 1986 several new laws were passed by Charles Pasqua, the right-wing Interior Minister, marking the beginning of an era of increasing French anti-immigration policy. The Pasqua laws included: (1) the restriction of residence conditions in France and facilitation of expulsions (children born in France from foreign parents can only acquire French nationality if they demonstrate their will to do so, at age sixteen, by proving that they have been schooled in France and have sufficient command of the French language, and no criminal record); (2) the prohibition of foreign graduates from accepting employment in France;

(3) increased waiting periods for family reunification from one to two years; and (4) denying residence permits to foreign spouses who had been in France illegally prior to marrying. In 1989 a socialist government repealed the Pasqua laws, reintroducing the principle that people born in France, and the parents of children born in France, could not be deported. But then in 1993 Pasqua returned and reintroduced stricter immigration laws. This included the withholding of health care and the possibility of appeal regarding asylum claims. As Pasqua says, "France has been a country of immigration, it doesn't want to be one anymore. Our aim, taking into account the difficulties of the economic situation, is to tend toward 'zero immigration'" (Charles Pasqua, in an interview with *Le Monde* 2 June 1993).

23 Badiou had already been involved in the *sans-papiers* movement since 1972. "I am, as far as I am concerned, a firm partisan of the right to vote of immigrants. I have been so in deed and propaganda for twelve years: since the first hunger strikes of the workers without papers, in 1972" (Alain Badiou, *Peut-on penser la politique?* (Paris: Seuil, 1985) 74). L'Organisation Politique (OP) was already, in 1991 – issue 1 of DP – well aware of the connection between the "persecution of the worker," "the policing of the hostels, and the hunting down of the '*sans-papiers*,'" and thus the importance of the struggle of the *sans-papiers*. However, the *sans-papiers* are not mentioned again in DP until issue 16, published immediately after the roundup at Saint Ambroise, in 1996. DP 1 (5).

24 DP 16 (3).

25 In Lille and Versailles there were hunger strikes that, in some cases, led to regularization (Teresa Hayter, *Open Borders* (London: Pluto, 2000) 144). The OP advocated for the "formation of *Associations for civil peace and harmony between families*, to get together with others who agree with them and intervene on this basis, where they judge necessary" (DP 16 (3)).

26 DP 12 (1).

27 DP 14 (2).

28 Ivan Golovin, *Esprit de l'économie politique* (Paris: Didot, 1843) 382.

29 DP 17–18 (1).

30 Ibid.

31 Alain Badiou, *Theory of the Subject*, trans. Bruno Bosteels (London: Continuum, 2009) 263.

32 DP 17–18 (1).

33 DP 25 (1).

34 That night 20,000 people marched in the streets to support the *sans-papiers*. By January 1997, 103 of the original 324 had received temporary papers, nineteen had been deported, and two were in jail (Hayter, *Open Borders* 144).

35 After the Saint Ambroise occupation, the struggle of the *sans-papiers* became one of the central concerns of the OP in DP (issues 16–29).

36 DP 17–18 (3).

37 While the bill was supposedly aimed at closing loopholes in the 1993 Pasqua laws, it effectively added measures to decrease immigration further. The Debré bill created a national registry of French citizens and foreigners and allows the fingerprinting of anyone from outside the European Union applying for a residence permit. The bill also increased the powers of the police to archive passports and other documents of non-status immigrants, to surveille migrants at work, and track their movements in France. Increased restrictions on immigration accordingly increased the number of undocumented migrants.

38 DP 25 (1).

39 Ibid.

40 DP 17–18 (1).

41 DP 19–20 (3).

42 Ibid.

43 DP 17–18 (1).

44 DP 19–20 (3).

45 The National Front (Front national), an economically protectionist, socially conservative nationalist party in France.

46 DP 19–20 (2).

47 DP 19–20 (3).

48 DP 17–18 (1).

49 Madjiguène Cissé, *The Sans-Papiers: The New Movement of Asylum Seekers and Immigrants Without Papers in France: A Woman Draws the First Lessons* (London: Crossroads, 1997).

50 DP 28 (3).

51 DP 19–20 (3).

52 Ibid.

53 This is the second major struggle that occupies the OP in the second half of DP (from issues 14 to 29). During the years of increasing anti-immigrant policies (1993–2000) and the expulsion of the *sans-papiers* from their downtown occupations by force and increased securitization (ID card checks, finger printing, and other Debré laws), many *sans-papiers* and other immigrants were pushed further outside the city into *banlieues* like Montreuil.

Montreuil is a mostly working-class suburb outside Paris with a significant population (approximately 30%) of foreign-born residents. Since it was illegal to let housing to someone without papers, and because African families were not legally allowed to rent homes previously occupied by French families, many *sans-papiers* lived in Montreuil in small hostels – often several people to a single room. Some people had even been living in the "Nouvelle-France" workers' hostels for up to thirty years. In fact, this is where many of the *sans-papiers* occupiers of Saint Ambroise and Saint Bernard lived before their occupation of the churches in the summer of 1996.

In March 1995, the "avowedly" communist major of Montreuil, Jean-Pierre Brard, with the aide of the CRS (Compagnie républicaine de sécurité) had started evicting people from the hostels and tearing them down on the pretense that they were unsanitary and poor-quality housing (*mal logement*). After the eviction, the CRS bulldozed the hostels, leaving 336 people homeless.

54 DP 19–20 (3).

55 Ibid.

56 DP 29 (1).

57 Alain Badiou, *Being and Event* (London: Continuum, 2007) 400–39.

58 Alain Badiou and Slavoj Žižek, *Philosophy in the Present* (Cambridge: Polity, 2009) 28.

59 DP 29 (1).

60 DP 19–20 (1).

61 DP 19–20 (4).

62 Badiou, *Meaning of Sarkozy* 58.

63 Ibid. 67.

64 Badiou and Žižek, *Philosophy in the Present* 36.

65 Badiou, *Ethics* 98.

66 DP 29 (7).

67 DP 23–24 (2).

68 DP 29 (7).

69 DP 28 (4).

70 DP 19–20 (2).

71 Badiou, *Ethics* 103.

72 DP 17–18 (1.5).

73 DP 29 (7).

74 DP 28 (3).

75 DP 28 (2).

76 Badiou, *Ethics* 104–05.

77 Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt, 1973). The historical premise of the territorial nation-state is that the three are naturally bound together. However, after World War I, and the mass emergence of stateless people, Arendt argues, political thought and practice is forced to confront the highly tenuous and exclusionary nature of this "holy trinity." The promise of a universally valid form of law applied equally to all has not been fulfilled. Partial laws based on territorial origin, ethnicity, or other sociological categories thus pose a contradiction internal to the state.

78 DP 29 (7).

79 Linda Bosniak, *The Citizen and the Alien: Dilemmas of Contemporary Membership* (Princeton: Princeton UP, 2006).

80 Catherine Dauvergne, *Making People Illegal: Migration Laws for Global Times* (Cambridge: Cambridge UP, 2008).

81 No One is Illegal website: <http://toronto.nooneisillegal.org/about> (accessed 1 Sept. 2015).

82 No One is Illegal, "Building Sanctuary City: NOII-Toronto on Non-Status Migrant Justice Organizing," interview with Thomas Nail, *Upping the Anti: A Journal of Theory and Action* 11 (2010): 159.

83 Mark Hugo Lopez, *The Hispanic Vote in 2008* (Washington, DC: Pew Hispanic Center, Nov. 2008) (http://www.pewhispanic.org/2008/11/05/the-hispanic-vote-in-the-2008-election/) (accessed 1 Sept. 2015).

84 DP 19–20 (3).

85 Immigrant Youth Justice League website: <http://www.iyjl.org> (accessed 1 Sept. 2015).

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> DHS [Department of Homeland Security] began accepting applications Aug. 15, [2012] when thousands turned out to workshops across the country to learn how to apply, out of an estimated 1.4 million people who could be eligible for the program. As of Thursday, 407,899 undocumented young people had applied for deferred action, and 13,366 had been rejected. (Elise Foley, "Deferred Action Granted to More Than 150,000 Undocumented Immigrants," *The Huffington Post* 18 Jan. 2013. <http://www.huffingtonpost.com/2013/01/18/deferred-action_n_2506288.html>; accessed 1 Sept. 2015)

87 Peter Nyers, "Community Without Status: Non-Status Migrants and Cities of Refuge" in *Renegotiating Community: Interdisciplinary Perspectives, Global Contexts*, eds. Diana Brydon and William Coleman (Vancouver: U of British Columbia P, 2009) 133–34.

88 Ibid. 134.

89 In this way the OP was part of the first wave of post-representational and horizontalist political organizations in the 1990s that are now widespread among radical left organizing today. Examples include: Zapatismo, Peoples Global Action, the Alter-Globalization Movement, the Landless Workers' Movement in Brazil, and the Unemployed Workers Movements in Argentina. For more see Notes from Nowhere Collective, *We Are Everywhere: The Irresistible Rise of Global Anti-Capitalism* (London: Verso, 2003).

90 Bring the Rukus website: <http://bringtheruckus.org/?q=about> (accessed 1 Sept. 2015).

91 No One is Illegal, "Building Sanctuary City" 155.

92 Ibid.

93 Ibid., 149.

94 This is the subject of my current book manuscript, "The Figure of the Migrant" (under contract with Stanford UP).

95 No One is Illegal website: <http://toronto.nooneisillegal.org/about> (accessed 1 Sept. 2015).

96 Bob Burton, "Canadian Firm Admits to Killings at PNG Gold Mine," Inter Press Service, 18 Nov. 2005 (http://www.ipsnews.net/news.asp?idnews=31074) (accessed 1 Sept. 2015).

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