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DUŠKO PETROVIĆ
Faculty of Humanities and Social Sciences, University of Zagreb
dupetrov@m.ffzg.hr https://orcid.org/0009-0008-4549-0951

(Re-)Fugitive Democracy: Democracy from the Critical Point of Migration and Mobility*

The article aims to provide an analytical perspective for rethinking the essential concept of modern political theory, that of democracy, from a critical point of migration and mobility. In search of the perspective mentioned above, I follow the work of a group of authors featured in *Minor Keywords of Political Theory: Migration as the critical standpoint*, which critically reflects various keywords within the discourse of political theory and politics through the lens of migration. Sheldon Wolin's concept of fugitive democracy is first introduced, which views democracy not as a stable form but as an unstable, temporary, fleeting moment of collective action. Wolin's concept of fugitive democracy is expanded on by contributions from postcolonial theory, which have highlighted the influence of settler colonialism, imperialism and slavery on the development of modern democracy. From the perspective of postcolonial theory one historical example of fugitive democracy is analyzed: the Black frontline communities on the Underground Railroad in the Antebellum period in the US. Viewed from the perspective of postcolonial theory, the phenomenon of fugitivity not only has a temporal dimension, signifying temporary manifestations of collective power, but can also have a spatial dimension. Considering the spatial aspects of the phenomenon of fugitive democracy, fugitivity can mean flight, escape, departure, setting, and creating a sanctuary, a community of refuge, and an alternative way of life where it is possible to live freely. Therefore, I added

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the prefix (re-) to the concept of fugitive democracy to signify its spatial aspect, thus forming the new keyword, (re-)fugitive democracy. In the last section I follow the authors from *Minor Keywords* in their intention to rehabilitate the phenomenon of the mob and mass politics by seeing it as something immanent to democratic politics. In this process I critically examine their keyword "the mob" from *Minor Keywords*, adding essential theoretical layers to the authors' analysis to accomplish their initial intention.

Keywords: (Re-)fugitive democracy, migration, mobility, the mob, sanctuary, politics of tending

Избегличка демократија: демократија из критичке перспективе миграција и мобилности

Циљ чланка је да пружи критичку аналитичку перспективу за преиспитивање темељног концепта модерне политичке теорије, концепта демократије, с тачке гледишта миграција и мобилности. У потрази за наведеном перспективом, следим аналитички оквир скупине аутора из појмовника, *Minor Keywords of Political Theory: Migration as the Critical Standpoint*, у којем се критички промишљају различити кључни појмови унутар дискурса политичке теорије и политике из очишта миграција. У тексту најпре уводим концепт *одбеглe демократије (fugitive democracy)* Шелдона Волина, који демократију не схвата као структурирани облик владавине, него као привремен и пролазан тренутак колективне акције. Волинов концепт *одбеглe демократије* допунио сам рецентним радовима из подручја постколонијалне теорије, у којима се наглашава утицај досељеничког колонијализма, империјализма и ропства на развој модерне демократије. Из перспективе постколонијалне теорије у тексту детаљније анализирам један историјски пример *одбеглe демократије*: црначке пограничне заједнице на организованој, тајној рути *(Underground Railroadu)* коју су користили одбегли робови током раздобља пре грађанског рата у САД-у, бежећи на Север САД-а и у Канаду. Гледано из перспективе постколонијалне теорије, феномен бекства *(fugitivity)* у контексту демократске теорије нема само временску димензију, која означава привремене манифестације колективне моћи, већ поприма просторну димензију. С обзиром на просторне аспекте феномена, бекство се схвата дословно као бег, избеглиштво, одлазак, насељавање и стварање уточишта и ал-

тернативног начина живота у којем је могуће живети слободно. Стога сам појму *од-беīла демократија* одузео префикс *(од-)* и додао префикс *(из-)* како би нагласио његову просторну димензију, творећи тако нови појам, *(из-)беīличка демократија.* У последњем делу чланка следим ауторе из појмовника *Minor Keywords* у њиховој намери да рехабилитују феномен руље *(mob)* и масовне политике на начин да их поимају као нешто иманентно демократској политици. У том процесу критички испитујем њихову кључну реч *руља (the mob)* из *Minor Keywords*, додајући битне теоријске слојеве анализи како бих испунио њихову почетну, ауторску намеру.

Кључне речи: избегличка демократија, миграције, мобилност, руља, уточиште, политика бриге

INTRODUCTION

The article aims to provide an analytical perspective for rethinking the essential concept of modern political theory, that of democracy, from the critical point of migration and mobility. In seeking the critical perspective mentioned, I follow the authors in *Minor Keywords of Political Theory: Migration as the Critical Standpoint* (De Genova & Tazzioli 2022), which critically reflects various keywords within the discourse of political theory and politics that have the status of minor terms. By "minor keywords", they meant concepts, terms, and categories used in public discourse and political theory that, for various reasons, are undertheorized. Following their initial intention, the article will thematize those aspects of democratic theory and practice that have rarely been thematized and seriously analyzed in the history of political theory. This refers to the occasional, heterogeneous, transient, and often violent practices of collective action.

By this, I primarily mean rebellious democratic moments when ordinary people, and not just rulers, temporarily obtained a political mode of existence and manifested their collective power. Therefore, I will introduce Sheldon Wolin's concept of fugitive democracy, which thematizes and analyzes these undertheorized rebellious, transient moments of democratic collective action. For him, these are not merely transient moments within the usual functioning of the democratic political system but rather represent the most important phenomena in the life of democracy. Because for Wolin democracy is not just a form of government composed of institutions, practices, norms, and shared beliefs, but a living political practice and experience in which ordinary people participate in deliberation and decision-making.

In the article I will supplement and expand on Wolin's concept of fugitive democracy by examining the history of democratic practice through the lens of migration and mobility. Here again, I will follow the authors from *Minor Keywords* who view migration as inherently postcolonial.[1] I will draw on their impetus, but also on recent contributions to postcolonial theory to situate the concept of fugitive democracy within a broader discussion that has highlighted the influence of settler colonialism, imperialism, and slavery on the development of modern politics and democracy. Within these discussions, authors like Neil Roberts (2015) question the basic concepts of Western politics, such as freedom, from the perspective of enslaved people, arguing that freedom should be understood as marronage and flight. In this view, freedom is connected to flight and the liminal spaces of marronage communities of escaped slaves. Fred Moten and Stefano Harney (2017), for instance, advocate for refusal of politics and for fugitivity to already-existing zones of black sociality – The Undercommons.

In what follows, I critically examine the concept of democratic fugitivity from a postcolonial perspective, highlighting that it can have both temporal and spatial dimensions. Considering the spatial aspects of the phenomenon of fugitive democracy, fugitivity can mean flight, escape, departure, setting and creating a sanctuary, a community of refuge, and an alternative way of life where it is possible to live freely. Therefore, I will add the prefix (re-) to the concept of fugitive democracy to signify its spatial aspect, thus forming the new keyword "(re-)fugitive democracy".

One historical example of (re-)fugitive democracy is closely analyzed: the black frontline, sanctuary communities on the Underground Railroad in the US during the Antebellum period. The analysis of the (re-) fugitive democratic practice of the sanctuary communities showed that democratic politics is a complex phenomenon with at least two layers of practice. One layer is its noticeable face, which contains concrete actions pointed toward some goal – to help someone, to express a grievance, to take a stand, to perform. The other is a less noticeable layer composed of habitual, quotidian practice of care for being and things close at hand – the practice of tending. The existence of two layers means that the transformative potential of democratic politics is not derived solely from direct

[1] According to their view, it is inherently postcolonial because modern transnational migration is shaped by the global regime of capital accumulation, which is closely linked to the histories of European and Euro-American colonialism (De Genova & Tazzioli 2022, 785).

action aimed at a goal, but also from practices of tending, which build the potential for collective action. Although recently arrived refugees formed the sanctuary communities of the Underground Railroad, those communities were not diffuse or disorganized. Instead, they were grounded in stable interpersonal relationships supported by the politics of tending, i.e., even though they arose as ad hoc constructs due to mobility and flight, they succeeded in cultivating habits of quotidian tending.

In the last section of the article, I follow the authors in their use of *Minor Keywords* to rehabilitate the phenomenon of the mob and mass politics, seeing it as immanent to democratic politics. Drawing on insights into the complex structure of democratic politics with at least two layers of practice, I critically examine the term "the mob" in the work of Aradau and Huysmans (2009) and in the *Minor Keywords* (Tazzioli et al. 2022), and their intention to make conceptual and methodological tools to make the mass movement of people without organizational infrastructure meaningful. The article concludes with the critical remark that if one wants to make mass political forces of temporary collective multiplicities politically meaningful from the perspective of democratic politics, it is not enough to consider their most noticeable manifestations. Instead, one must be analytically and ethnographically very careful to consider its quotidian aspects, which constitute crucial infrastructure for democratic politics, because only the existence of these quotidian practices makes turbulent, diffuse, and spontaneous collective desires and demands meaningful for democratic politics.

THE ORIGIN OF THE CONCEPT

Historically, in the discourse of political theory, democracy was typically presented as one type of political constitution among many. The underlying reasoning of the typology was that politics can and should occur only within the determinate form and that the function of that form was to order politics so that it can serve particular "ends" inherent to the form (Wolin 2016, 81). Each form contained the set of institutions, practices, norms, and values attached to a particular body-politic and its way of life. This type of reasoning predominantly views democracy as a form of government characterized by its institutions, practices, and norms, and equates it with its normal functioning. In other words, historically, the common presumption shared by most political theorists is that politics should be practiced within the preestablished form and institutional framework of established political entities, and that democracy is and should be practiced within the constitutional framework once established, codified, and

protected by institutions and norms. Democracy is then a known, settled entity composed of a specific set of institutions, practices, norms, and commonly held beliefs; it is a public creature animated by constitutional and institutional forces (Aslam, McIvor & Schlosser 2019, 29). Furthermore, the view that democracy is an institutional entity often takes for granted that modern democracy is housed within the modern nation-state, that is, within the modern state apparatus. The modern nation-state is the materialization of organized power or the power of organization: a state organization that is an organ of rule over territory, things, and processes. The conditions for the existence of organized power are a hierarchical system of authority, centralized decision-making, division of labor and specialization – particularly in the form of professional politicians and administration – and an increasing reliance on expert knowledge, which is organized as modern bureaucracy and the rule of specialists. The organizational form of the nation-state and modern democracy, in fact, favors undemocratic political inequality because they are based on the rule not of ordinary citizens but of a limited number of people – professional politicians as well as various specialists with skills, knowledge, and material resources. Contrary to this line of reasoning, for Wolin, democracy is not primarily a form of government housed within the constitutional framework, composed of a specific set of institutions, associated practices, and norms (Wolin 2016, 111). Also, democracy is not a settled, easily discernible, and known entity but the political moment, or set of political moments, "…when the political is remembered and recreated. Democracy is a rebellious moment that may assume revolutionary, destructive proportions, or may not" (Wolin 2016, 111). Rebellious moments during which not only professional politicians and rulers act, but also ordinary people. It is a fugitive, fleeting, mobile political mode of existence when boundaries that bar access to political experience are destroyed. "Democracy was born in transgressive acts…" (Wolin 2016, 106) and is a transgressive political mode of existence.

It can be argued that Wolin's notion of fugitive democracy is akin to the concepts and theories of democracy that do not put the constitutional form, foundational justifications, and normative justifications at their center. Bypassing normative, formal and institutional aspects of democracy, these approaches often put social division (Lefort 1988), antagonism, power and struggle for hegemony (Mouffe & Laclau 1985), agonism (Mouffe 1999), disagreement (Rancier 1999), events (Della Porta 2014), equaliberty (Balibar 1994) in the center of their democratic and political theories, often emphasizing that democracy is primarily marked by the

political struggle between parties and groups, and not by its normative and institutional framework. Or it can be akin to theories of democracy which emphasize the direct participation of citizens in various forms, such as participatory (Pateman 2014) or deliberative democracy (Gutmann & Thompson 2004).

But unlike most of the theories and approaches mentioned, Wolin didn't lay out a theory of democracy. His work is mostly critically oriented and deeply situated in history, emphasizing the non-systematic, fugitive, fleeting aspect of democratic practice, which is doomed to succeed only temporarily and can be lost for a longer period, but can then be renewed and revived. Also, Wolin's fugitive democracy is not an easily identifiable or known entity with a recognizable shape. "It is inherently formless" (Wolin 2016, 93). Therefore, rebellious moments of fugitive democracy do not necessarily have democratization as their purpose, nor do they necessarily need to be recognized as democratic, nor legitimized by the notion of democracy, nor end with the creation of democratic institutions. From this, it follows that fugitive democracy can manifest in peasant revolts, workers' rebellions and strikes, various civil and workers' communes and councils, anti-war, environmental, and feminist movements and protests, etc.

FUGITIVE DEMOCRACY

The experience that democracy is not stable, or an easily discernible phenomenon was a strongly held opinion by the modern author who first understood modern democracy as a distinct and relevant phenomenon for modern political theory and science: Alexis de Tocqueville. In the Introduction to *Democracy in America*, where he repeatedly returns to the failed establishment of a democratic regime in France, de Tocqueville makes an interesting observation about the emergence and existence of democracy: "The existence of a democracy was seemingly unknown, when of a sudden it took possession of the supreme power" (De Tocqueville 1848, 7). But after it took supreme power, democracy was annihilated: "…the legislator conceived the rash project of annihilating its power, instead of instructing it and correcting its vices; no attempt was made to fit it to govern, but all were bent on excluding it from the government" (De Tocqueville 1848, 7–8). Democracy was terminated, so it vanished. Before it took power, democracy was an unknown entity; it seemed to appear only to vanish again later. It was fugitive.

At this point in the Introduction, de Tocqueville describes the French Revolution by linking it to the temporary rise of democracy to power. Although it did not permanently come to power, democracy, according to

de Tocqueville, altered the material aspects of society without changing the laws, ideas, customs, and habits that would have made the revolution beneficial. Thus, he goes on to say, we ended up with democracy without the conditions that mitigate its vices. In his view, this rebellious, fugitive democracy should have been tamed by laws, ideas, and habits to become useful. Evidently, the revolution should have taken constitutional shape, as in America, with the establishment of government, institutions, and a constitution.[2]

In contrast to this widespread view, for Wolin, democracy is not a stable, settled, and predictable entity. Nor should it be equated with its institutional, organized form.

For him, the source of modern democracy was a revolution, as de Tocqueville noted. It is not an established, settled, predictable, and known entity. Democracy is a fugitive phenomenon. Democracy appears suddenly only to disappear again. It does not necessarily have to materialize within an institutional framework or constitutional form. Wolin believes that democracy should not be understood primarily as a form of government. Democracy is best grasped as a rebellious moment during which not only professional politicians and rulers act, but also ordinary people. During such moments, they attain a political mode of existence by participating in public debates and making decisions of crucial importance to the community's future (Wolin 2016, 107–108).

Thus, democracy is not a stable political form but is contained in moments when ordinary people engage in the political. Seen from this perspective, the institutionalization of democracy signifies its attenuation; with institutionalization comes the development of hierarchical management systems, organizations, and organized interests, as well as a reliance on an expert knowledge of governance (Wolin 2016, 108). All these mechanisms of power increasingly sublimate broader civic participation into the virtues of loyalty, obedience, and respect for norms and laws (Wolin 2016, 102).

According to the view that sees democracy as a primarily fugitive, mobile phenomenon, democracy denotes the possibility for ordinary people to gain political experience and to participate in governing, deliberating,

[2] While preparing *Democracy in America*, de Tocqueville lamented that it was difficult for him to distinguish between democracy and revolution because examples were lacking (Wolin 2016, 77); this did not prevent him from concluding that a revolution had not occurred in America (Wolin 2016, 105). For Wolin, de Tocqueville's conclusion amounts to an ideological denial of the connection between democracy and revolution, and the very essence of democracy (Wolin 2016, 77–78).

and making decisions about important matters for the life of the political community. On the other hand, the effects of the institutionalization and specialization of political action on the political action of ordinary people limit opportunities to gain political experience.

It is important to note that if we understand democracy in this way, fugitive moments form a diverse tradition of political action, ranging from abolitionist and populist movements to peasant revolts at the end of the 19th century and civil rights movements in the 20th century (Wolin 2016, 112).

CRISIS OF DEMOCRACY

If everything stated thus far about the relationship between democracy and revolution, as well as the relationship between democracy and moments of rebellion is correct, one might rightfully ask: why has democracy historically articulated itself as fugitive? Why does democracy appear in special moments and not primarily within an institutional framework?

Derived from historical experience, a framed answer would be that the realization of the rule of ordinary people faces internal and external obstacles (Aslam, McIvor & Schlosser 2019, 29). Elites from the outside most often attempt to limit, control, manipulate, and dissipate popular energies for political participation. On the internal level, the obstacle to popular political participation is most often the heterogeneity of the political body, which arises from the freedom to act but also not to act, as well as from the pluralism of interests and demands, which are often very difficult to coordinate and sublimate into a few general ones.

In the modern context, internal and external obstacles are driven by the development of the modern capitalist economy, corporations, and expert management systems that require specialization and expert knowledge. Over the last forty years, there has also been a deregulation of the capitalist economy and the escape of its main actors from the framework and control of the nation-state. This has led to a general sentiment that a large part of economic and political processes is under the control of an economic and political elite that evades democratic control and legitimacy, which remains trapped within the national framework. For this reason, there is a growing sense of the loss of political sovereignty, of the demos, as well as increasingly strong populist and authoritarian movements aimed at reclaiming it.

After the crisis of the Jacobin imaginary at the end of the 20th century – which in various ways was part of revolutionary politics over the last two hundred years – and after the collapse of socialism and the discred-

iting of Marxism (Mouffe 1993, 9), and after the so-called end of history which heralded the victory of liberal democracy and the global capitalist system, linking democracy with revolution until recently seemed anachronistic. But over the last 10-15 years, the end of history and the victory of liberal democracy have increasingly appeared as an introduction to a crisis of liberal democratic institutions and established political parties, mostly referred to as the general crisis of democracy (Bartels 2015; Brown 2015; Connolly 2018; Gilens & Page 2014; Levitsky & Ziblatt 2018; Mounk 2018; Runciman 2018; Snyder 2018; Wolin 2008).

After the second electoral victory of Donald Trump in the USA, the global rise of right-wing populist movements that favor strong authoritarian leaders and transgressive policies aimed at suspending liberal-democratic norms no longer seems like a passing phenomenon. The rise of right-wing populism in Europe and the USA is a response to the hegemony of neoliberal globalization and the centrist politics of established political parties, which largely support and reflect the neoliberal consensus. By supporting the neoliberal consensus, established political parties have become parties of the elite, offering no alternative to neoliberal globalization and failing to articulate protest demands (Cohen 2019, 394). For this reason, contemporary liberal democracies can be called democracies without a demos, "post-democracies" (Ranciere 1999; Crouch 2004; Mouffe 2018). This term signals a decline in the representativeness of political parties and a loss of sovereignty (Mouffe 2018). For Colin Crouch (2004), post-democracy means that corporate interests in politics override all others, producing political entropy. The growing power of corporate/financial elites, the rise of economic inequality between the rich and the poor, and the crisis of political representation have opened space for the emergence of populist movements that promise a break from the status quo and a renewal of democracy and the power of the people (Cohen 2019, 395). In the aforementioned context, a different path to the renewal of democracy must be found, beyond mere trust in the system's ability to function. For these reasons, the idea of fugitive democracy, which favors the broader, extra-institutional participation of ordinary citizens, again seems relevant. Fugitive democracy can promise renewal.

(RE-)FUGITIVE DEMOCRACY

Thus far, I have thematized fugitivity and mobility in the context of democratic political practice as phenomena determined by their temporal dimensions. Fugitivity denotes the temporary emergence of democratic practice and its disappearance.

Authors such as Neil Roberts, Lia Haro and Romand Coles, working within postcolonial theory, have not viewed the phenomenon of political fugitivity – that is, the fugitivity of democratic political action – solely through its temporal dimension, but have, through their concepts of marronage communities (Roberts 2015) and sanctuary communities (Haro & Coles 2019) also considered its spatial dimension.

Generally, postcolonial theory has, over the last 30 years, made a significant contribution to democratic theory by highlighting the influence of settler colonialism, imperialism, and slavery on the development of modern democracy (Coulthard 2014; Roberts 2015; Moten 2017, 2018a, 2018b; Harney & Moten 2017). Authors close to this theoretical perspective have shown how democratic ideals have often served as a legitimizing tool for the domination and enslavement of various peoples and communities.

Today, many political theorists, regardless of their theoretical orientation, have shown how democracy and democratic ideals served imperialism, racism, and ethnic cleansing (Singh 2017; Mann 2005, 2003; Shaw 2003). Historical experience has given them good reason not to trust state-centered, constitutional democracy, which throughout history has excluded, and often physically destroyed and expelled, minority and indigenous peoples. Therefore, many have begun to theorize democracy from the position of excluded, marginalized people, those who were displaced or who had to flee from slavery (Aslam, McIvor & Schlosser 2019, 32).

For the purposes of this article, I will present in more detail Lia Haro's and Romand Coles' (2019) example of the theory of fugitive democracy, constructed from the perspective of spatiality and mobility and within the framework of postcolonial theory. The example will serve to introduce the new keyword, (re-)fugitive democracy, but also to highlight three aspects of democratic politics in general: the politics of tending, the politics of transgression (law-breaking and law-changing), and the practice of defensive violence.

Their example, which considers the spatial dimension of fugitivity or (re-)fugitive democracy, is the Underground Railroad's black frontline communities. Lia Haro and Romand Coles (2019) showed that the communities formed along the Underground Railroad route simultaneously represented an escape from danger and a movement toward new ways of life that offered new possibilities. By retelling the history of these communities, they also showed that, in their democratic practice, they bridged the gap between spatial and temporal conceptions of fugitivity. Sanctuary communities were examples of spatial fugitivity that aspired to coexist with the broader political community, thereby transforming it. Thus, be-

yond their spatial dimension, their collective practices represent rebellious moments of democratic renewal in which the temporal and spatial dimensions of fugitivity, flight, and renewal merged.

Haro and Coles (2019) highlight three transformative political practices exercised in sanctuary communities: the politics of tending, dramatic sanctuary, and disruptive hospitality.

For the article's argument, I will extract three types of political practice from their classification that I consider essential to democratic practice in general. In my opinion, these communities engaged in three democratic practices worth noting: *the politics of tending, transgressive politics, and (defensive) violence.* Namely, sanctuary communities simultaneously provided refuge to those who were fleeing and moving onward, while also attracting new members who chose to stay and participate in the collective movement. The black (and some biracial) communities that grew up along the border of the North and the South, at entry points to Northern territory, and along the border with Canada, were established as sanctuaries and communities of resistance through practices of steady, responsive care for those threatened by the hegemonic order. These communities, through their democratic institutions such as vigilance committees, churches, and occasional assemblies, cared for individual and collective well-being beyond immediate fugitivity or short-term humanitarian support, which was mostly carried out by white abolitionists. The collective work of community members required and depended on mutual trust, shared knowledge, and a voluntary agreement to cooperate. In the process, the communities developed practices of steady political responsiveness in a very difficult and hostile environment. In the opinion of Haro and Coles, this was made possible by the political practice of quotidian tending (Haro & Coles 2019, 8–14). They borrowed the term tending from Sheldon Wolin, who described it theoretically and considered it an essential part of democratic political practice.[3] According to them, sanctuary

[3] Wolin (1989, 88-90) uses the term tending to describe practices of cultivating and caring for things and beings that are close at hand. This means being attentive to their past and biography – being sensitive to their historically produced needs. In political practice, this implies centering politics on the skills and competencies of care, acquired through customs and habits practiced within the community. Here, for Wolin, we are speaking of customs and habits that are part of the intimate human experience and are practiced daily within the local community. I will add that in this way, a network of relationships among people is created, along with the potential for people to act together and in concert – this mode of collective action is the source of political power that can either support or dismantle institutions of authority and is the foundation of democracy, understood not as a form of government. For Wolin, politics of tending are crucial for the existence and survival of democratic politics.

communities practiced the politics of tending. These practices created and maintained a network, a fabric of interpersonal relationships that formed the infrastructure for a politics of responsiveness and, in my opinion, for what Arendt (1969) described with the concept of power – the potential for collective action or acting in concert.

Haro and Coles (2019, 14) emphasized that tending practices were not reduced solely to nurturing care and community building. They also included taking a stand when needed, even using defensive violence. In some cases, Black communities and vigilance committees succeeded in persuading white abolitionists to reconsider their nonviolence policies and to accept that violence was sometimes necessary in self-defense against a repressive regime.

Furthermore, Haro and Coles (2019, 14) described practices of law-breaking and legal change driven by black communities and vigilance committees under the concept of disruptive hospitality. Specifically, in some instances, through persistent effort, black communities managed to persuade local white residents and municipal officials to violate the laws of the time and actively obstruct slave catchers in their legally regulated activities. In other cases, the actions of sanctuary communities, along with the broader community's support, ultimately led to amendments to municipal laws and the establishment of sanctuary-like legislation (Haro & Coles 2019, 20).[4]

In the first case, democratic practices transgressed the norms of the society at the time, urging people in the community to stop obeying them and to violate them by suspending the oppressive normative and legal order. In the second case, grassroots democratic action prompted changes in the legal framework, producing shifts in legal and institutional forms, as well as the corresponding norms of the political community.

From what has been stated thus far regarding (re-)fugitive democracy, it is possible to draw several conclusions about democracy and (re-)fugitive democracy from the critical perspective of migration and move-

[4] Wolin also shows that, unlike democracy as a set of norms supporting an institutional and legal order of rule, democratic practice throughout history has often contained transgressive, law-breaking moments that changed the normative and legal order (Wolin 2016, 53–76). Since the practices of constituting power typically involved elites, the resulting political orders excluded certain groups from power. Therefore, when excluded groups were gaining political power, democracy manifested itself in moments of a transgression of the legal and institutional order. Transgression often included violence, since those in power generally sought to preserve the status quo at all costs. Both elements – transgression and violence – were present in the practices of sanctuary communities.

ment. Historical experience, as well as the theory and practice of (re-)fugitive democracy, first and foremost support the claim that democracy is not primarily a form of government housed within its constitutional framework or located in the modern nation-state. Instead, it is a matter of transient, fugitive moments of collective action by ordinary people, citizens, and non-citizens of the state, refugees, migrants, who otherwise do not participate in power or are not represented in it and thus lack political subjectivity. Therefore, the concept of (re-)fugitive democracy opens the possibility for individuals and groups who are not acknowledged or recognized as political subjects – including those who reject the established political order – to gain political subjectivity through political action. This earned subjectivity need not be articulated within an already established political system and institutions, whether democratic or non-democratic.

The sanctuary communities were examples of spatial fugitivity and (re-)fugitive democracy. However, these communities were interdependent and aspired to coexist with the broader political community. They represented active, transformative democratic politics whose aim was the reconstitution of the larger political community, in which the spatial and temporal dimensions of democratic fugitivity were merged.

Generally speaking, the example of sanctuary communities as (re-) fugitive democracy demonstrates that democratic politics is a complex phenomenon with at least two layers of practice. One layer is its noticeable face, which contains concrete actions pointed toward some goal – to help someone, to express a grievance, to take a stand, to perform. The other is a less noticeable layer composed of the habitual, quotidian practice of care for being and things close at hand – the practice of tending. This means that the transformative potential of democratic politics is not derived solely from direct action aimed at a goal, but also from practices of tending, which build the potential for collective action. The example of sanctuary communities showed that the politics of tending enhanced their capacity for collective action and thus for responsive activities. It is important to emphasize that the politics of tending created the potential for often risky, rapidly coordinated, and responsive activities to help fugitive slaves. Also, the politics of tending performed in the sanctuary communities formed the basis for activities that disrupted the normative and legal framework of the wider community (municipality, town, state). These activities included informal law-breaking and formal law-changing activities that disrupted and transformed the normative and legal order of the wider community. The politics of tending produced the potential for activities that transgressed and transformed institutional, legal, and nor-

mative (repressive) social frameworks. It is important to highlight that the potential for action built by the politics of tending in black communities was its overall effect, not something intended as a goal. In other words, the politics of tending built the potential for action not by design, but the increase in that potential was an effect of the overall presence of tending practices. In conclusion, although sanctuary communities were examples of (re-)fugitive democracy that emerged in fleeting moments of flight and refuge, they retained a key general characteristic of democratic political practice – the politics of tending. Also, although they were formed as new communities of recently arrived refugees, they were not chaotic, diffuse, or disorganized. Instead, they were grounded in stable interpersonal relationships supported by the politics of tending. That is, even though they arose as ad hoc constructs due to mobility and flight, they succeeded in cultivating habits of quotidian tending and relied on the politics of tending, as well as on gaining support from the wider social community.

THE MOB

An interesting attempt at a political reading of mobility as a democratic political practice in modern societies was provided by Aradau and Huysmans (2009) and later taken up in part by Tazzioli (2020) and by a group of authors in Minor Keywords (Tazzioli et al. 2022) who use it in the context of contemporary transnational migration. They all thematized the democratic political potential of mobility and the movement of large numbers of people using the concept of *the mob*. Their critical approach to the term aimed to avoid labelling the mob as an unwanted excess of democratic politics. Contrary to the dominant view in the history of political thought on democracy, which judged the phenomenon of *the mob* negatively, they approached it as a phenomenon immanent to democratic politics. Their approach to mobility as a democratic political practice is situated within a broader discussion of providing mobility and movement methodological primacy in the study of social and political phenomena, and of seeing movement as a political force for governing contemporary transnational migration, but, more importantly, for political transformation of modern societies (Huysmans et al. 2022).

According to Aradau and Huysmans (2009), there are two ways of inscribing mobility into the political and democratic life of modern societies. One is through the modern capitalist economy, where money becomes a universal medium of exchange, and the other is through the phenomena of mass society, the masses, and *the mob*. In the first case, money as an abstract, universal medium of exchange dissolves organ-

ic social communities and transforms modern society into one in which people can feel social connection with people they have never met, with strangers. The political expression of a society of strangers is universal rights, which create the potential to include all those without secure social status – minorities, refugees, migrants. Thus, in modern societies, a continuum of money-strangers-rights is formed (Aradau & Huysmans 2009, 593), which, through circulation, mobility, and exchange, constantly fuels modern democratic politics.

According to Aradau and Huysmans (2009), there is a second way of inscribing mobility into the political through mass politics and the concepts of the mass or the mob. Namely, the new form of a society of strangers enabled the emergence of phenomena such as mass, mass culture, and politics. The mass dislocation of people from feudal structures, the massive inner-worldly alienation as Max Weber called it, produced a mass society of strangers whose paradigm is the metropolis. In large cities, large groups of strangers first form as a labor reserve. In this context, where masses of people appear on the streets of large cities – "what Marx called 'the whole, indefinite, disintegrated mass thrown hither and thither', what Mayhew called the 'nomadic' or 'wandering' tribes" (Connerton 2009, 23) – the concept of *the mob* comes to life. The term was coined by the Earl of Shaftesbury for *mobile vulgus*, discontented citizens led by Whigs to political meetings and processions (Aradau & Huysmans 2009). Later, the term "mob" was used for politically motivated groups portrayed as numerous, mobile, and urban.

In the history of political philosophy, the phenomena of mass politics, or the mob, have largely been viewed negatively and with distrust. Democratic theory, which primarily viewed democracy as a constituted form of rule, rejected the mass phenomenon as a formless, unruly supplement to democracy that needs to be limited by constitutive form and disciplined. The concept of the mob was mostly used to delegitimize and to depoliticize mass, collective movement by containing three, delegitimizing, elements:

> the extra-institutional nature of collective action and people in motion, the understanding of that movement as driven by emotional force or passion rather than reason, and the characterization of it as motivated by propensity to irrational violence. (Tazzioli et al. 2022, 826)

Through the concept of the mob, mass action is understood as a non-political, irrational part of the political people that poses a threat to constitutive and institutionalized democracy. Understood in this way, *the*

mob is the irregular, formless part of the people that is not represented in the institutions of constitutive democracy and, as such, is the antithesis to the formed, political people, the *demos*, and citizens. Following Balibar (1994), Aradau and Huysmans view the masses and mass action as something immanent to democracy as a real political force that cannot be easily historically and ideologically eliminated through representational political action; they remain as a mobile numerical force that can physically move against the established political order (Aradau & Huysmans 2009, 598).

For Tazzioli (2020), the term "the mob" provides an analytical lens for a better understanding of the dynamics of contemporary transnational migration, the emergence, and the management of collective migrant formations that regularly appear in the border zones of nation-states and the EU, in cities like Calais, Ventimiglia, and the island of Lampedusa. She seeks to re-politicize the term "the mob" to draw attention to the types of practices used by state authorities and migration agencies to divide, disperse, manage, and neutralize migrant collective formations. For migrant collectives, she uses the term "migrant multiplicity" to refer to migrants who gather in specific places and cannot be described as people, groups, or populations. These migrant multiplicities in border zones are created by the institutions that manage migration to govern, control, and, if necessary, divide them into smaller groups. Although the existence of these groups is a result of the actions of migration management institutions, for Tazzioli, they represent incipient collective subjects that struggle to move or stay, which state authorities fear. The migrant multiplicities are surplus groupings of people outside zones of citizenship whose actions and mobility transgress the legitimate political order, with the potential for democratic politics to emerge. Hence, there is a constant fear of migrant mobs that must be dispersed and divided. By dispersing migrants and keeping them on the move, states and governing agencies try to control them and prevent the consolidation of collective formations (Huysmans et al. 2022, 818). In these cases, mobility and movement are used as a technology of government (Huysmans et al. 2022, 818). Therefore, the term "migrant mob" signifies an unruly excess of migrant movements, practices, desires, connections, and associations that escape the capacities of existing control mechanisms (Mezzadra 2011; Papadopoulos, Stephenson & Tsianos 2008; Scheel 2019). In this view, migrant mobs and mobility can be seen as a political force.

A group of authors from Minor Keywords (Tazzioli et al. 2022) also rejects the prevailing view of political theory and understands *the mob* as

an expression of legitimate collective force that has not yet formed into a collective political subject. They understand it as a phenomenon that appears suddenly and disappears without necessarily crystallizing into organized political movements that enter the institutional political arena. For them, it represents the political force of movement as such, movement without the elements of organizational infrastructure, such as a chain of command, leadership, spokespersons with their representational function, the mass movement as having political force by becoming temporary collective multiplicities rather than organized political subjects. The political force of the movement, as such, in the contemporary context of transnational migration, can be understood in two ways (Huysmans et al. 2022): as something that can, in the long term, bring about broader social, cultural, and economic transformation (Mezzadra 2016; Andrijasevic 2010; Scheel 2018; De Genova 2017); and as a stake in the migrants' struggle – a resource claimed and a vehicle of claim-making. As a stake in a migrant struggle, it can gain less visible forms of subversion, resistance, and recoding methods of control (Papadopoulos & Tsianos 2013; Scheel 2017, 2018, 2019; Stierl 2019; Tazzioli 2015, 2020). But also, more visible forms in collective protests, resistance and acts of citizenship in which they enact themselves as political subjects (Isin 2008, 2009; McNevin 2011; Nyers 2015; Rygiel 2011), and also by engaging in politics of incorrigibility (De Genova 2010) which insists on the acknowledgment of the migrant's unpreventable presence (Stierl et al. 2022).

CONCLUSION

Although throughout the history of politics and political theory it has served to delegitimize fugitive democratic politics, the concept of "the mob" effectively points to two enduring features of democratic politics: the transgressive moments of collective action and the presence of violence. As I demonstrated in the previous chapters, both features are inherent to democratic politics, although they were not necessarily present in every historical manifestation. Viewed from the perspective of constituted power, which introduces the division between rulers, ruling classes, and subjects, and which is based on institutions and norms that must be obeyed, a phenomenon like *the mob* has most often been evaluated negatively, often with open contempt. This is primarily because collective action of this type violates the norms of the ruling groups and deprives them of their monopoly on the use of violence in politics. For this reason, the frequent use of animalistic epithets to describe the actors in democratic politics – the masses, the people, the working class – is also notable

(Traverso 2021, 93–98). Throughout the history of politics and political theory, by describing them as collective beings with animalistic characteristics – irrational, insatiable, violent – political legitimacy and equality were stripped away from them.

However, one must be cautious when characterizing democratic politics if the aim is to rehabilitate the collective action denoted by the term "the mob", which is most often transgressive, unruly, and sometimes violent, toward the established political order and its legal expression. As I have shown in the text, democratic politics, though transgressive, temporary, and violent, is not simply chaotic, diffuse, or disorganized; it is just not guided by organizational principles, institutional structures, or leadership. Also, it is not based solely on temporary collective engagement fueled by a desire to achieve a specific goal. Rather, collective action to achieve a certain goal and the political responsiveness of the people are just more noticeable aspects of democratic politics. As I have shown earlier, the possibility of temporary collective action rests on the long-term politics of tending to the set of abilities acquired through collective habits, forming networks of steady interpersonal relations that enable collective action without a visible organizational structure. Although democratic politics manifests in fugitive, temporary moments, it is based on a stable web of interpersonal relations maintained by the quotidian, habitual politics of tending. Therefore, if someone wants to make conceptual and methodological tools to make mass movements of strangers without visible organizational infrastructure, or the movement and grouping of temporary migrant multiplicities, and their numerical political force, and struggle, or movement as such, and the physical presence of (mobile) people and the appropriation of the space, politically and theoretically meaningful, or part of a particular type of (re-)fugitive democracy, then it is not enough to consider its most noticeable manifestations. One must methodologically, ethnographically, and theoretically consider its quotidian aspects, which I described as the politics of tending, because the power of democracy rests on the less noticeable quotidian practices that secure the realization of political equality. Although mass movements can be transgressive of the prevailing political order, violent, and resemble democratic politics, without a stable quotidian layer, they become disorderly surplus collectivities that are usually contained by a state security apparatus.

So, if one wants to make mobile political action politically meaningful from the perspective of (re-)fugitive democratic politics, one must be methodologically, ethnographically, and conceptually very careful to consider the less noticeable politics of tending that make crucial infrastruc-

ture for democratic politics. Because, in my opinion, only the existence of these quotidian practices makes turbulent, diffuse, and spontaneous collective desires and demands meaningful for democratic politics.

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