“Where do I belong, when they call me a foreigner in my homeland?”

A study of the understanding of statelessness

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Abstract

This thesis examines the situation of people living in statelessness by asking *What is statelessness?* With the aim of contributing to the contemporary understanding of the topic, the text reviews both the resonating theories of Hannah Arendt, as well as original interviews with people living in statelessness today. In accordance with recent critique directed towards the Arendtian school on statelessness, the readings of the interviews are done by the means of discourse analysis.

The concluding discussion gives a collective answer to the research question and finds that statelessness is a phenomenon characterized by its contrasts to citizenship, its uncertain relationship to both rights and law and order, and its unidentifiable shape. Due to the contrasting understandings portrayed by the theoretical and empirical reviews concerning stateless people’s relation to the nation, it is unclear whether this is community which affects statelessness in a negative or a positive manner.

*Key words:* stateless, Arendt, citizenship, nation-state, human rights, nationality, refugee

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1 Introduction

In 1948 the United Nations (UN) proclaimed the Declaration of Universal Human Rights. The Second World War had recently come to an end and the world community wanted to leave no risk for a rerun of history (UN, 1948).

In the preamble of the United Nations Declaration of Human Rights (UDHR), the guiding principles can be read, preaching the equal rights of all human beings. Guided by this purpose, article 15 proclaims the Right to Nationality\(^1\), simultaneously recognizing the importance of citizenship, and the fact that there existed groups which did not possess this right (UN, 1948). Considering the inhumane use of deneutralizations prior and during the Second World War, as well as the vast number of stateless people existing due to it, one could not have expected anything less.

What might come as a surprise, these things considered, is that the recognition of this group and its hardships seems to have stopped short there. Let us look for example at Article 13, The Freedom to Move. This right reads ‘Everyone has the right to leave any country, including his own, and to return to his country’ (UN, 1948). The introducing part is open to all and not up for any scrutiny by (at least) this thesis. The second, however, introduces the very phrase that led the author to start researching the problem of statelessness: for how would this be applied to stateless? Is Article 13, and all other articles assuming a pre-existing citizenship of its target group, only a right of those who have already been granted fulfillment of Article 15?

It appears, though, that the problematic situation of the stateless made itself heard and in 1954 the United Nations adopted the 1954 Convention relating to the Status of Stateless Persons, aiming to ensure stateless persons of a minimum set of human rights (UN, 1954). A couple of years later this was complemented with the additional 1961 Convention on the Reduction of Statelessness, designed to establish an international framework ensuring all people of a nationality\(^2\) (UN, 1961). No overwhelming states being party to either, Philippe Lelerc, head of the United Nations High Commission for Refugee’s Statelessness Unit, admitted as late as in 2007 that the issue had still ‘not received the attention it deserves’ (Dobs & Morel, 2007). In 2014 the UNHCR initiated the ‘#IBelong Campaign’ with the goal to end statelessness by 2024 (UNHCR, 2014).

Today at least 10 000 000 of the world’s population are stateless and it is estimated that every tenth minute another child is born into this type of non-belonging (UNHCR, 2014). With the ongoing high wave of migration, the

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1 Referring to a membership in a nation-state, i.e a citizenship.
2 Was originally thought to be the Convention of the Elimination of Statelessness, but as this was thought to be too ambitious it was named the Convention on the Reduction of Statelessness instead. (http://www.unhcr.org/cgi-bin/texis/vtx/news/opendoc.htm?tbl=NEWS&id=464dca3c4).
European Network on Statelessness has raised concerns for the coming of an entire stateless generation (The European Network on Statelessness, 2014).

1.1 Purpose & Aim

During recent years, along with the UNHCR’s increased attention to the statelessness, there has also been somewhat of an upsurge in the research conducted on the topic. A common theme amongst this research has been a reference back to theories presented in the 1950’s. The author behind these writings is Hannah Arendt, whose reflections are based partially on her own experiences of statelessness. In an article discussing Arendt’s understanding of refugeehood and statelessness, Megan Bradley states:

‘Historically, relatively few political theorists have grappled with the nature of refugeehood, and its implications for understanding politics. Hannah Arendt stands as an important exception to this trend, and her work on the problems of refugees and statelessness has become a touchstone for scholars concerned with questions of forced migration and exile.’ (Bradley, 2014:101)

Though a fair and well-deserved response to Arendt’s writings, it remains also true that there still has been far from enough research conducted on the questions of statelessness and refugeehood. What appears to be especially uncommon amongst the research is empirical studies conducted on the topic; the fact that most references to Arendt highlight that she herself experienced statelessness creates an impression of her theories’ empirical depth adding to how influential they are. Still, there appears to be a lack of recent studies conducted that are based on real life experiences of statelessness.

It is in this void that the following text finds its breeding ground: The aim and purpose of this thesis is to analyze statelessness today, both with the help of Hannah Arendt’s resonating theories, as well as through an empirical study conducted based on original interviews with people who are currently stateless.

The guiding research question will be:

*What is statelessness?*

Due to the broad nature of this question, two sub questions have been formulated to focus the specific scope of this text. These are:

*What is the Arendtian school’s understanding of statelessness?*

*What is stateless person’s understanding of statelessness?*
Hence, the aim of this study is to contribute to the contemporary study of statelessness through reviewing the leading theories of the time and setting them in relation to the understanding portrayed by people living in statelessness today. Although it is inevitable that the results of this sort of study will carry some elements of theory-testing, this is not the primary purpose. As stated above, the reason for this study is the current lack of proper knowledge, research and understanding for the concept of statelessness. The aim therefore is to let the theories challenge and complement each other to allow for an increase in knowledge in the field, rather than just criticize the theories with the empirical findings. The concluding discussion, which will aim to answer the overarching research question, will do so by asking what the theories can be seen to say about the empiricism, and what the empiricism can say about the theories. Though the text makes no claim of presenting an all-encompassing portrayal of what statelessness is, it does by this way of approaching the issue, hope to contribute to a broadened understanding of statelessness.

1.2 Approach

1.2.1 The theoretical understanding

The case for using the theories of Hannah Arendt as the foundation for the theoretical understanding of statelessness has already been argued; there appears to be limited research and knowledge on the subject of statelessness and refugeehood. Arendt, however, has explored this issue and her results continue to set the tone of the entire subject.

The main focus will be put on presenting the understanding proposed in the chapter ‘The right to have rights’ from Arendt’s book The Origins of Totalitarianism – a chapter dedicated to the realities of statelessness. With the hopes of presenting a more nuanced picture of the Arendtian school of thought, as well as illuminating the still prevailing legitimacy of her work, recent thinker’s deliberations on Arendt’s theories will also be explored and presented.

1.2.2 The stateless’ understanding of statelessness

As will be presented in the chapter on the theoretical understanding of statelessness, one of the recent critiques of Arendt’s theories is how societies are changing and with it also the concept of citizenship. In short, the critics argue that today one’s membership in a nation-state is not dictated by this nation-state, but rather by oneself and one’s actions. In chapter 2 the principles of discourse analysis will be presented, and there it will become obvious how similar these accounts of society are with the epistemological and ontological standpoints of
discourse theory. Hence in accordance with the academic climate of the time, this thesis will analyze its empiricism with the help of discourse analysis.

1.3 ‘Stateless’

Before discussing the phenomena further, it is first necessary to define who is indicated by the term ‘stateless’. The UNHCR, via the previously mentioned 1954 convention, defines a stateless individual as ‘a person who is not considered as a national by any State under the operation of its law’ (UNHCR, 1954). Although not outlined in the convention, the UNHCR’s website discusses four causes of statelessness. These include: accidental statelessness due to poorly written nationality laws, statelessness due to people moving between countries with different laws regarding the acquiring of a nationality, statelessness due to the emergence of new states and movement of borders, as well as statelessness as a result of loss or deprivation of citizenship (UNHCR, [no year]) The UNHCR thereby conforms to the de jure definition of statelessness.

Arendt, however, in her use of the term ‘stateless’ refers rather to that which by recent discussions has come to be known as de facto stateless (Cotter, 2008:96). This use of the term also includes refugees who have been ‘constructively expelled by the pursuit of policies or the creation of a political climate that makes it impossible to enjoy the normal rights of citizenship and that engenders a fear of persecution’ (Cotter, 2008:96).

Worth noting with this broader definition of stateless is that it leads to a possible inclusion of people who the UNHCR would define instead as ‘refugees’. According to the UNHCR, refugees are persons ‘who has been forced to flee his or her country because of persecution, war, or violence’. If a person forced to refuge is left in a state where she is not granted a new, effective nationality in a different nation-state, this person will, by the de facto definition, also be stateless.

Naturally, this thesis will adopt the broader definition, in line with both its main theorist, and the contemporary discussion on the subject³.

2 Illuminating the discourse

This chapter will outline the principles of the discourse analysis which guided this study, as well as how these were applied to the selected material. The first section will discuss the elemental assumptions of the practice. The second will define the meaning of key concepts which make up the method. The final section will discuss the discourse analysis of this thesis.

2.1 The fundamentals

Discourse analysis is a method which comes with some theoretical presumptions. The method rests on the ontological and epistemological assumptions of social constructionism, meaning that it views understandings of reality as socially constructed (Winther Jorgensen & Phillips, 2000:32). More specifically, it is a perspective of the understanding that it is how we act and speak of things that give phenomena their meaning. Some followers of the approach distinguish between discursive and non-discursive social practices (see Fairclough’s critical discourse analysis) (Winther Jorgensen & Phillips, 2000:25). The thinker’s who inspired this text’s analytical work are Ernesto Laclau and Chantal Mouffe, who are of the understanding that all social practice withholds discursive significance leading them to define discourse as ‘the fixation of meaning within a particular domain’ (Jorgensen and Phillips, 2002:26).

The specific work of Laclau and Mouffe goes by the name of ‘discourse theory’. Discourse theory recognizes the existence of a physical world, but means that the only way of understanding it is through discourse, or as put by Jorgensen and Phillips: ‘physical reality is totally superimposed by the social’ (Jorgensen & Phillips, 2002:35). Since this leaves both the social and the physical world as defined by discourse, quite naturally discourse is also seen as the object of interest for research.

The implication of all things and practices being defined by discourse is that all understandings are contingent. Through discourse, society is constantly trying to impale specific understandings of matters and phenomena. With all understandings being discursive, however, new practices can only spring from, and will always be shaped by, previous discourse (Winther Jorgensen & Phillips, 2000:45-46). Since no one practice can be an exact replica of a previous one, each action will either reproduce or challenge a current understanding. This means that if something makes the impression of being able to be understood objectively, it is only an appearance resulting from unchallenged reproduction of this
understanding. At any time, this understanding could be challenged and the perception forced to change (Winther Jorgensen & Phillips, 2000:47).

2.2 The key concepts

Discourse theory entails a number of concepts. For the convenience of the reader these have been divided into two categories. Section 2.2.1 will map out the terms which refer to components of a discourse, whilst section 2.2.2 will define terms which refer to the practices which shape it.

2.2.1 A discourse’s components

Defined terms of a discourse are called moments. Moments within a discourse are defined by their relation to each other; they are established through what they are not. They are, however, also defined by their not being of signs outside of the discourse (Winther Jorgensen & Phillips, 2000:33).

When discussing identities through the perspective of discourse theory, the term used is subject position. In contrast to the typical western take on identity as something sprung from within, discourse theory means that identity is the identifying of oneself with a subject position outlined in a discourse (Winther Jorgensen & Phillips, 2000:48-49). Subjects are however not restricted to one identity. Rather, most subjects are fragmented, meaning that they, due to being part of several discourses, also have numerous identities. Overdetermined is the term used to describe the subject which holds several identities implying different social standpoints. This is the state of most subjects, considering all subject positions are part of different discourses (Winther Jorgensen & Phillips, 2000:49).

A subject position comes with some implications. This is due to a subject position being defined through chains of equivalence which, like all other discursive formations, establishes the subject relationally (Winther Jorgensen & Phillips, 2000:50). Collective identities are created in much the same way as individual, through the formation of chains of equivalence. A collective identity ignores identities which are irrelevant, and promote those which are suitable. In group formations all possible differences within the group are ignored (Winther Jorgensen & Phillips, 2000:51-52).

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4 This chapter presents only those parts of discourse theory which became relevant for this study. For a more all-encompassing review of discourse theory, see the chapter ‘Discourse Theory’ in Discourse Analysis as Theory and Method by Marianne Jørgensen and Louise Phillips.
2.2.2 A discourse’s practices

The way in which elements become moments is through articulation. Articulation is the practice of defining a term’s relation to other signs within the discourse. In the final sections of 2.1 was a discussion of a discourse’s contingency and how a discourse therefore can always be undermined. This is also done through articulation: by a moment being articulated in a new way, it again becomes an element, or moment possessing a different meaning (Winther Jorgensen & Phillips, 2000:35). Apolitical is the term for a discourse that has been similarly reproduced to the extent that its contingency has been forgotten (Winther Jorgensen & Phillips, 2000:43).

The way in which a subject is placed in a subject position is through interpellation. Interpellation is the act of speaking of or to someone which equates them with a certain identity (Winther Jorgensen & Phillips, 2000:48).

2.3 Examining statelessness through discourse analysis

Put in the context of this thesis and its chosen material, the discourse analysis of this text aims to unveil what statelessness means to people who are stateless today. This method of analysis will be used to answer the second sub question of the research question, ‘What is stateless person’s understanding of statelessness?’ The reason to why discourse analysis was chosen as the way of interpreting the empirical material has already been discussed in the introducing chapter of this thesis. The following sections will outline how the analysis was effectively carried out, as well as the implications of these choices.

2.3.1 Material

The empirical material of this study is made up out of five interviews with people living in statelessness in Sweden today. In order to allow the close reading necessary for the conducting of a discourse analysis, all interviews were recorded and later transcribed to text. Although discourse analysis can be used to analyze more than just text, this study was restricted to only scrutinize the text of these transcriptions in order to narrow its scope (Winther Jorgensen & Phillips, 2000:40).

Due to many stateless people live in hiding, a major challenge of this study was to find and contact possible participants. Therefor, the technique used when looking for participants was self-selection sampling. Through emails to relevant organizations as well as announcements on various social media platforms,

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5 All participants gave their permission to being recorded and these recordings being transcribed into text. All partook in the study at their own free will and were informed of both its purpose and audience.
information about the study and how one could volunteer to take part was communicated to a large number of people. Although this does not leave the researcher with much control over the diversity of the interviewees (Svensson & Teorell, 2007:86), it became evident that in this case, this was the most effective way of reaching participants.

2.3.2 Method of Research

The aim of discourse analysis is to not only scrutinize what is said, but also how it is said, therefore, the interviews were conducted in a semi-structured way. This ensured that all themes relevant to the study were discussed by all participants, whilst the use of open-ended questions minimized the interviewers affect on the discourse of the interviewee (Svensson & Teorell, 2007:86; Winther Jorgensen & Phillips, 2000:118).

The themes for this study’s interviews were inspired by the theories presented in the theory chapter, and were introduced to the interviewees by the means of open-ended questions. In order to get as much material as possible for the study, follow up questions were asked when the participants did not deliberate at length on topics which seemed of interest to the study. Due to the discussions of the participants being different from each other, the follow up questions presented to them varied. The reason why the themes were derived from the theoretical understanding was to ensure the possibility of the comparison between theory and empiricism, which this study set out to do. Although not posed in an identical way to all participants, the original thirteen questions, reflecting themes from the theories presented by the Arendtian school were:

- Where are you from?
- Are you a citizen of a nation?
- When did you become stateless?
- What happened that made you stateless?
- Is nationality of importance to you?
- How does being stateless affect you?
- What do you think about this life situation?
- How do you look upon citizenship? What does citizenship make you think of?
- The law is said to provide people both with duties (rules which they have to follow) as well as rights (what the state and government has to make sure that their people has). Do you think the law does this for you?
- If anybody’s, whose responsibility do you think statelessness is?
- Today the UN is responsible for the stateless – what do you think of this?
- What are your plans for the future?
- Do you have anything else you would like to add?
2.3.3 Limits

Before concluding the chapter on discourse analysis, the limitations of it must too be examined. Though the ultimate goal of a discourse analysis is to objectively identify how and what meaning is created by a certain material, one needs only to take a second look at the fundamental logic of the theory itself to see that this is not possible. It was in section 2.1 asserted that a discourse can only spring from other preexisting discourses. This suggests that in no way can a researcher objectively identify a discourse in his/her material that is in not affected by his/her previous experience and knowledge on the subject. In the case of studies like these, when a substantial amount of research has most probably been done on the subject beforehand, and the material for the analysis is created by the researcher, this is especially true.

This is why the presenting of the result of the analysis has aimed to be as transparent as possible. By staying close to the empirical material by use of frequent referencing, all results are made both traceable, and open for review, if need be. This is also the reason as to why the questions posed to the interviewees are presented above; by these being made accessible to the reader, it is also possible for the discourse of the researcher’s effect on the study and results to be analyzed.

Though mentioned in the introduction, it is necessary to note again that the discourse identified in this essay can in no way be claimed to be the representative discourse for all people living in statelessness today. Though the participants in the study did vary in numerous ways (age, sex, family situation, home country, etc.), which does to some extent increase the possibility of being able to generalize from the results of the study, it should also be repeated that that is not the foremost purpose of the empirical study of this thesis. Since the aim is instead to conduct an empirical study to set in relation to the leading theories, even the marginal win of gaining some knowledge about the discourse of a handful of people in statelessness would be a victory.
3  A theoretical understanding of statelessness

The following chapter is divided into three sections, each presenting one aspect of the realities of statelessness. Although not the way Arendt originally presented her thoughts in *The Origins of Totalitarianism*, this structure makes for both a more comfortable read as well as a less forced introduction of other thinkers. It may be noted that the focus is put on the introducing section ‘the right to have rights’. This is due to Arendt’s analysis of stateless’ rightlessness being generally acknowledged as her most distinguished contribution to the topic.

3.1  The rightless

According to Hannah Arendt, the declaration of the Rights of Man marked a turning point in history. As a response to state oppression, the declaration was written with the aim of ending the times of feudal and history-ruled societies. In Arendt’s understanding, however, discrepancies between the declaration of Rights of Man and other guiding principles of the time made for the declaration’s failure to ensure its humanitarian aspirations to the stateless (Arendt, 1951:286-298).

The Rights of Man was a document of the French Revolution declaring man, instead of God or traditions, the source of law. The rights of Man were inalienable, and therefore no institution was seen as needed to protect them (Arendt, 1951:288). Also a concept of the French Revolution was, though, the sovereignty of the people which asserted the principle of self-government (Arendt, 1951:288). These two principles contradict each other in that that the earlier views man as an individual, whilst the latter assumes the existence of a community which man acts as a member of. The clash, according to Arendt, left the principles in a conflict in which only one could exist (Arendt, 1951:288). Bridget Cotter, a recent thinker on international relations also recognizes this clash and writes, based on Arendt’s writing, that ‘the sovereignty of the people won out’ (Cotter, 2008:100). This due to the thought of man being the source of law becoming useless unless there exists an institution which can ensure these laws. This institution, though, is the pooling of sovereignty, that is, the concept of the sovereign people (Cotter, 2008:101).

According to Arendt, as well as other more recent thinkers, it is being the glitch in a system which has national institutions defending individual’s rights that define the realities of statelessness. In an article discussing the ‘intellectual debt’ he claims is owed to Arendt for her analysis of the situation of the stateless, Jaya
Ramji-Nogales writes ‘in a world that still grounds the protection of basic rights in sovereignty, these sans-papiers have signed the wrong political contract’ (Ramji-Nogales, 2015:1046-1047). What he appears to be referring to is the confusion of rights which Arendt means that the above discussed clash of principles led to, she writes ‘no one seems able to define with any assurance what these general human rights, as distinguished from the rights of citizens, really are’ (Arendt, 1951:290). The understanding being that stateless people, through their lack of right to a sovereign people, become rightless, or as famously put by Arendt herself, lack the ‘the right to have rights’ (Arendt, 1951:294).

In 2009, Engin F. Isin wrote an article discussing the new shapes of citizenship which he claimed to have observed during the twentieth century. In this article, titled Citizenship in flux, he writes that the traditional way of citizenship, the one designed by the French revolution, has been challenged, and that it is no longer solely up to systems and state procedures to decide who is and who is not a citizen. In today’s society also she who acts a citizen can claim her ‘right to have rights’ (Isin, 2009:368-371). Drawing from another work by Arendt, The Human Condition, Catrine Beltrán supports this belief in the stateless’ own capacity to take charge of their rightless situation (Beltrán 2009:601). With references to segments where Arendt proclaims that it is ‘through participation in the polis that man is most able to distinguish himself’ she paints a picture of also the rightless being able to claim a part in society.

Both of these articles challenge the original writings on statelessness by Hannah Arendt. Claiming that non-citizens are after all able to claim their rights undermines the entire basis for the understanding of stateless being without the ‘right to have rights’. Taking a look again at Ramji-Nogales article, and the conclusions he draws from Arendt’s theories, it does however not seem as easy for stateless to take this step onto the political arena as Beltrán and Isin seem to suggest. In The Origins of Totalitarianism, Arendt illuminates the Peace Treaties following WWI, which amongst other things of course, set out to oversee the structure of the people and nation-states of the new Europe as problematic. Arendt suggests that having sovereign states deciding the fate of individuals made the treaty inevitably unsustainable (Arendt, 1951:268-287). Ramji-Nogales also finds this arrangement to be a paradox and questions how the responsibility of human rights today are left to international agreements. What Ramji-Nogales adds to Arendt’s analysis is, however, the power of such agreements. He writes, ‘these political decisions, now framed as universal rights, can no longer be questioned as political, as they are said to represent the values of all of humanity’ (Ramji-Nogales, 2015:1061) meaning that not only do these international agreements have the potential to exclude people, but they also make it the norm to do so. If this is a true understanding of statelessness, that would mean that stateless are indeed rightless and are bound to remain so.
3.2 The identity-less

According to Arendt, the Peace Treaties were not solely troublesome in the way in which it let sovereigns decide over, and thereby forget about individuals. It also had a categorizing effect on the people of Europe. Firstly, dividing people based on nationality asserted national belonging as a pivotal part of man that could not be overseen. Secondly, the constituting of an institution which had the purpose of protecting people outside the pale of law was also admitting of the fact that there really were persons who had no sovereign people to which they belonged. Thirdly, the idea of these people needing an additional institution to safeguard them manifested an understanding of stateless not being equals with nationals (Arendt, 1951:268-274). The political environment that made this sort of agreement possible, together with its consequences, is what caused Arendt to proclaim that ‘the nation had conquered the state’ (Arendt, 1951:274), meaning that no longer was the state an institution equal to all of its residents, but rather an instrument in the hands of the nation.

Whilst Arendt herself does not make a point of defining what a nation is in The Origins of Totalitarianism, one can with the help of works by Cotter, Larking and Isin, who all have analyzed several of her works, summarize it to being a homogeneous group regarding origin, ethnicity and historical memories (Cotter, 2008:101; Larking, 2014:37; Isin, 2011:457). This impacts the stateless through the affect on their abilities to waive the life as rightless; Arendt writes ‘The law of one country could not be responsible for persons insisting on a different nationality’ (1951:275). By the nation vanquishing the state, the stateless have to become one with the nation to be able to enjoy the protection of the state. Furthermore, by noting that vast numbers of people have at times chosen statelessness rather than being forced to a nation which is not theirs, Arendt gives the impression of being forced into a new nationality is a dramatic process to go through (Arendt, 1951:277).

In his article Europe and its refugees: Arendt on the politicization of minorities, Wolfgang Heuer recognizes what a different political context Arendt’s thoughts were developed in, but argues that they are still relevant in Europe today. One of the aspects of Arendt’s theories which Heuer deliberates on further is that of how the nation deciding over who is allowed to partake in the sovereign people, i.e be granted citizenship, affects non-citizens. With references to The Origins of Totalitarianism, but also The Jew as Pariah, Heuer describes the realities of stateless as not just rightless, but also as identity-less. Heuer writes of how Arendt depicts non-citizens after WWI as being anxious to ‘become indistinguishable, to forget the past…’ and describes this forced dereliction of their past as resulting in an ‘insecure existence’ without stability (Heuer, 2007:1164-1165). Ultimately, Heuer writes that ‘fleeing this bare life

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6 Whilst it is beyond the scope of this thesis, nation and nationalism has by today become an academic subject of its own. For further reading on this topic, see for example The People by Margaret Canovan, or Umut Özkirimli’s Theories of Nationalism: A Critical Introduction.
[statelessness] into the costume of another culture, into a mere façade and facelessness, leads to mental suffering…” (Heuer, 2007:1166).

As a conclusion, Arendt and Heuer alike seem to present statelessness as not being only an existence without an official claim to a state apparatus. Rather, statelessness also excludes one from a community, the result being a lack not only of an official identity, but also a confusion surrounding one’s personal identity.

3.3 The ‘allegal’

The Origins of Totalitarianism also discusses the unique relationship the stateless has to the law. Arendt defines the difference between the relationship to the law of somebody who is stateless, rather than a citizen, to be charity rather than rights. She further puts this rightlessness in comparison with the situation of the criminal. The following outtake gives a picture of both:

The prolongation of their lives is due to charity and not to right, for no law exists which could force nations to feed them; their freedom of movement, if they have it at all, gives them no right to residence which even jailed criminals enjoys as a matter of course; and their freedom of opinion is a fool’s freedom, for nothing they think matters anyhow (Arendt, 1951:293).

The comparison of the stateless to the criminal is a result of a longer discussion concerning the role of the law. Law as an institution is commonly understood as something which proclaims the rights and duties of its people, which if followed, will make for a well-functioning society. Because the stateless has no official membership in a sovereign people which can uphold laws, they have no civil rights (which in section 3.1 was proclaimed the same as not having any human rights either). When a stateless person sojourns on the territory of a nation-state, she is, however, obliged to concur with this state’s duties. It is this situation which sets the stateless in the midst of the paradox of in some circumstances being more free than the state's citizens, but in others, being worse off than the criminal. Arendt means that this state is defining of the realities of the stateless to such an extent, that it could be used to assess whether or not someone truly has been forced outside the pale of the law. This suggests that when a person’s only way of being a part of the norm is by going against it, or in concrete actions: when the only way for a person to be recognized by law is by breaking it, one can be truly certain that this person is completely without rights (Arendt, 1951:284).

Although closely related to the discussions of the stateless as rightless presented in section 3.1, this adds another dimension to the issue of statelessness. It seems as if defining of the realities of statelessness is not only that they are not not legally a part of a sovereign people, but they are also not illegal. Benhabib recognizes this situation and states that they are ‘treated as if they were quasi-criminal elements, whose interaction with the larger society is to be closely
monitored. They exist at the limits of all right regimes and reveal the blind spot in the system of rights, where the rule of law flows into its opposite: the state of the exception and the ever-present danger of violence’ (Benhabib, 2004:163). Being neither legal nor illegal, statelessness makes for a call of a term in the lines of ‘allegal’.

Furthermore, worth noting is how this affects the relationship between the stateless and the nation-state. So far in the presentation of the theoretical understanding of statelessness, a person who is stateless has been proclaimed right-less and community-less, the latter leaving the individual in a confusing state concerning personal identity. Both these aspects are results of the nation-state on the stateless. The stateless being illegal can too be said to be an effect of the nation-state on the stateless, but according to Arendt, this legal state also has a direct effect on the nation-state. Arendt writes that ‘the nation-state cannot exist once its principle of equality before the law has broken down’ (Arendt, 1951:287). This line of thought continues with the reasoning that if all people within a state are not equal before the law, then some will naturally be more privileged than others. According to the principle of ‘much wants more’, a marginal advantage of some will be made a significant one, and soon the entire basis of the equal sovereign people pooling their rights to ensure this equality will have deteriorated (Arendt, 1951:287). What Arendt suggests is that stateless are not only excluded by the system, but also feared by it, due to the threats it exposes its founding principles to. This, as opposed to the two previously presented aspects of statelessness which presented the nation-state as putting the stateless in a negative position, turns the table and makes the stateless instead the threat to the nation-state. Arendt suggests that this may be a reason as to why nation-states can be in opposition to welcoming the stateless (Arendt, 1951:283)
4 The discourse of statelessness

The following chapter presents the result of the discourse analysis conducted with the purpose of answering the second sub-question of ‘What is stateless person’s understanding of statelessness?’.

4.1 In contrast to citizenship

Based on the interviews, statelessness is a phenomenon that seems to get its meaning from how it differs to life as a citizen. As one might recall from the chapter on discourse, discourse theory believes that things can be understood only through what they are not; citizenship is what statelessness is not.

Throughout the interviews, citizens are spoken of as people who, ‘have the ability to speak up and make their voices heard’, ‘decide how things should be’, and are ‘safe’. The life in statelessness, though, is by the interviews made out to be the direct opposites, or as put by one of the participants of the study “like black and white”. Stateless, accordingly, is instead spoken of in terms of ‘unsafe’, ‘unheard’ and ‘unimportant’. Several participants even compared their lives to that of an animal, explaining that they are not respected anymore than animals are, nor have anymore opportunities than they do. At the core of the divide appeared to be the signs freedom and control. Whilst what was portrayed as defining of life as a citizen was the ability to decide over and plan one’s life, the uncertainty of tomorrow appeared to be what characterized life in statelessness.

The extent of this divide seems to be an understanding of statelessness not only being the opposite to life as a citizen, but also the lesser part in a hierarchical relationship between the two. Several statements, in the interviews support such a portrayal. For example, there is the reoccurring request for an immigration system where people who are stateless can ‘prove’ themselves as worthy of citizenship even if they by the application process have been denied asylum. Nobody, however, questioned the basic structure of a certain group of people having the power to approve or deny other person’s will to reside in the same place as them. What this seems to illustrate is that citizen’s power position over stateless not only creates a hierarchical relationship between the two, but that it has become apolitical that it is so. The interviews illustrate a discourse where citizens have been successfully articulated as having the natural right to laws and all other things belonging to the state, whilst stateless rightfully has no such right.
Since life as a citizen is constantly also referred to in terms of ‘normal’ and ‘regular’, the divide and resulting relationship is established even further. Citizens being understood as having a natural right to freedom, control and tools such as the law, and this being spoken of as ‘normal’ adds to the apolitical understanding that of statelessness contra citizenship, and leaves no space for criticism of this dependency position being created for the stateless by their freedom being in the hands of citizens. Instead the realities of statelessness seem to, although not be appreciated, be accepted as being the way they are, making it logical that dismay is focused on there not existing enough opportunities for stateless to be naturalized, rather than there being criticism directed towards the existence of a system where some people rule over others which one might otherwise have expected. It even creates the view of the life as stateless being deprived. One participant can for example be quoted as declaring her newborn child’s life as ‘incomplete’ due to there not existing any official papers of identification confirming the child’s existence.

4.2 Identity, group identity or state?

As mentioned above, statelessness has a set relation to what is seen as citizenship. So much so, that it is only in comparison to citizenship that statelessness seems to get its meaning. An uncertainty the interviews illustrate, however, is which shape statelessness takes. Common for all the interviews seems to be a witnessing of a discourse which has not yet articulated whether statelessness is a state which someone lives in, or if it is an identity which one instead is.

What supports the understanding of statelessness being an identity is the way in which it at times is spoken of as something that defines the interviewees as people. This happens at a number of times during the interviews when the participants speak of how they believe that others, people who are not stateless, views them. The participants seem to be of the understanding that when external parties were made aware that the participant were stateless, it would make the third party assume things about the interviewee. Three participants spoke of how, for example, people would assume that the participant was only in Sweden to live off of the perks of the welfare system. The existence of such stereotypes indicate statelessness being viewed as an identity to which chains of equivalence have been established. One could maybe even speak of statelessness being a group identity, since in the reflections concerning these stereotypes the participants not only speak of themselves, but rather in terms of ‘us’ and ‘we’, indicating that it is stateless in general that are faced with such stereotypes – just based on them being stateless.

In some ways the participants indirectly adopt and thereby confirm this understanding of statelessness. As discussed in the previous section for example, some interviewees requested an addition to the immigration system that would let stateless ‘prove’ that they should be granted asylum even though their application was denied. When speaking on the subject of proving herself of worth to society,
one participant stated “you can’t just talk about things like that and expect them to believe you”. To some extent this indicates that the participant has accepted that being stateless comes with certain expectations. Participants who disagree with existing stereotypes and instead offer what they believe is a more truthful understanding of the stateless as a group indicate the same thing.

Still, on most occasions where existing stereotypes are discussed directly, the interviewees seem to distance themselves from such understandings of their persons. Most of the interviewees seem to neglect the idea of people being able to know who the interviewee is based on knowing they are stateless. These participants stress, for example, how every person has their own story and condemn the fact that many politicians seem to see them as statistics rather than actual people. It seems also to be their understanding that this blindness for their individuality is what puts them in the situation of statelessness. This take on statelessness is the opposite of it being an identity. Not only do statements of this sort criticize stateless being seen as a group, but it also portrays statelessness as a situation or state that you are put in, rather than an identity that one embodies.

Notable, is that there are numerous segments of the interviews that display this same understanding. A common theme for the interviews, for example, is the occurrence of the participant discussing what statelessness does to your mental wellbeing. Although discourse theory does see identity as something external from yourself, meaning that one could argue that this way of talking about statelessness as state-like is just a way of distancing oneself from the subject position, speaking of it in this way does portray a different understanding. In the combination of taking a stand for how individuality is just as much of a reality amongst their so-called group, and talking of statelessness as something which affects your psyche, an understanding of statelessness external from the self is created. Through this, statelessness seems to be something which affects whatever identity one might have, rather than being your identity.

4.3 A stateless national

The shape of statelessness seems not to be the only not articulated part of the discourse on statelessness. In section 4.1 it was discussed how the terms ‘citizenship’ and ‘statelessness’ seem to be understood as each others opposites and thereby allow the two to be defining of each other. What was not, though, brought into the analysis at that point was the sign ‘national’. Considering that this is a sign that shows up repeatedly throughout the interviews, and which is made out to be closely related to both statelessness and citizenship (i.e indirectly statelessness), this will be the focus of this last section of the discourse analysis.

Based on the interviews, it seems as if statelessness might not be as separated from nationality as it is citizenship. Instead, nationality seems to be a grey area
which is articulated as something obtainable by both citizens and stateless. The interviewees speak of nationality as meaning a shared language and culture, as well as a belonging to the community. As was discussed in section 4.1, citizenship is closely related to freedom and control. Having the legal right to reside in a country gives one the right and opportunity to choose what one wants to do with one’s life. And by the interviews to judge, not only when it comes to larger life decisions such as the chance to engage in continued studies, but also in terms of every day life. Many speak of how they are afraid to move around and partake in society due to the risk of getting caught and deported. For these reasons many of the participants say that they feel cut off from the social community and speak in terms which creates something similar to the following chains of equivalence:

Citizen = free = able to partake in society

Stateless = unfree = hindered from partaking in society

Naturally, statelessness then becomes an interference in the belonging in a society which the interviewees seem to define as nationality. Supporting this understanding, is that most participants instead define themselves as a national of their country of birth, this still being the culture and language they know.

If nationality is the sharing of culture and belonging to society, as opposed to citizenship which is a legal right which one can only be granted officially, it should logically be possible for stateless too to partake in this – if they learn the language and dare be a part of society. Based on the discourse depicted in the interviews, this is true; one participant says that she would want to call herself a Swedish citizen because she feels that through going to school in Sweden, being accepted in a way that she was not in her country of birth, and having learnt the language, she feels that Sweden is now the place for her. Another interviewee ponders on what it means to be a national and says that it means the belonging to a place through speaking the common language, having spent a longer period of time there, and knowing people in the community. He does, however, add that this is not an understanding which the Swedish Democrats would agree with, but quickly dismisses their opinion and states that you are Swedish when leaving Sweden makes you miss home. Both of these understandings illustrate nationality as something one feels. Even the dismissal of the Swedish Democrats opinion on the matter foster such a definition, by displaying criticism towards opinions which binds nationality to a certain process.

What again becomes obvious in the discussion on nationality though, is the discursive closure which exists around statelessness relationship to citizenship. Whilst nationality is understood as based on feelings, it is still something that belongs first hand to legal citizens. Stateless who are involved in society to the extent at which they feel Swedish still have difficulties saying it because they do not have the legal papers to confirm it. Again citizens are understood and depicted

7 Although it seems unclear whether statelessness is an identity or a state, it is spoken of in the same manner and articulated as defined by the same signs. This model can therefor be read either as a chain of equivalence defining a subject position, or an illustrating model of signs related to the state of statelessness.
as the ones who make up the norm, and thereby it is the legal citizens of the state which have the first hand right to the nation.
5 What is statelessness?

5.1 The collective understanding

This thesis started with answering the first sub-question of What is the Arendtian understanding of statelessness? Based on Arendt’s own writings in The Origins of Totalitarianism, as well as further reflections on these theories by writers such as Cotter, Ramji-Nogales, Heuer and Benhabib, three defining aspects were presented. These were **rightless**, **identity-less**, and **allegal**.

Declaring stateless **rightless** was a conclusion based on understandings that the protection of all human rights are today dependent on the belonging to a sovereign people that can ensure them. Stateless being without an effective citizenship are therefor also without rights. The referring to stateless as **identity-less** was a result of the understanding of what situation stateless are forced into due to the close relation that exists between nation and state; the nation being a deciding factor in what shapes the state, and thereby also in who it includes, forces the stateless to adapt to the ways of the receiving country to be able to be granted its protection. Lastly, the stateless were described by the made-up term **allegal**, referring to their neither legal nor illegal state of being.

The thesis then went on to answering the second sub-question of ‘What is stateless person’s understanding of statelessness?’ This was done by the means of applying discourse analysis to five original interviews with people living as stateless today. This investigation too resulted in three defining aspects of statelessness being presented. These were titled **in contrast to citizenship**, **identity, group identity or state?** and **a stateless national**. The introducing section highlighted how an understanding of statelessness can only be found through putting it in relation to citizenship. Through statelessness then being only what it lacks from what is presented as citizenship constitutes statelessness as a restrained way of life. Furthermore, these differences being presented as normal ultimately presented the citizen as dominant over the stateless. The section titled **identity, group identity or state?** focused instead on what statelessness is a case of. Though often made out to be an identity, some expectations that came with this identity appeared to be opposed by the interviewees. The form of this opposition suggested that statelessness was a state which **affected** identities rather than **supplied** one. Concluding the chapter, the section **a stateless national** presented how the interviewees see the nation as a community independent from the official community of the state.
Having answered the two sub-questions which filled the purpose of limiting and guiding this thesis, it is now time to set them in contrast to each other to shape a collective answer to the overarching question: What is statelessness?

At first glance the result of the two examinations seem rather incoherent. Despite being guided by the same purpose, the Arendtian school’s response steers frequently towards the matter-of-factly analyses of the mechanisms causing statelessness, whilst the empiricism keeps more to the subject of how statelessness is experienced. This in spite of the thoughts presented by the theories being what framed the interviews. A consideration of the difference in sources behind them, however, might provide an explanation to this result; the interpretations of statelessness presented in the theory chapter are the result of academic and scholarly research. The understanding of statelessness presented by the discourse analysis is based on the contemporary thoughts of stateless today. Regardless, the two can still effectively be compared and in that way be allowed to challenge and compliment each other.

Some aspects of statelessness presented by the two reviews hinted of similar understandings. The Arendtian school’s conclusion of the stateless being without the ‘right to rights’ seemed to be echoed by the introducing section of the discourse analysis which portrayed the stateless as without control or freedom. The two also seemed to agree in the conclusion that the ability to alter this situation lays in the hands of citizens. Furthermore, a comparing reading of the two appears to illustrate the result of the discourse analysis as offering a possible support of the criticism presented towards international agreements being responsible for human rights. As one might recall from the theory chapter, some of Ramji-Nogales thoughts were weaved into this part of the presentation. One of his contributions was of how international agreements are so highly regarded that in their decisions of who should be treated how, they also set the norm for this behavior. Although there can be no claims made of where it stems from, it seems as if this norm can be witnessed in the discourse, one of the findings being just that it is apolitical to identify citizens as a group which can enjoy freedoms that stateless do not.

Possibly, one could argue that it is this characteristic of the discourse which also places stateless in the awkward legal situation in this thesis described as ‘allegality’; it being the norm that the stateless is a group different from citizens makes it easy for them not to be paid the attention needed to have their relation to the law clearly asserted. This logic could, however, also be used conversely, arguing that the ‘allegality’ of stateless is a factor that makes statelessness something apolitically distinguishable from citizenship. Since the purpose of this study is to understand, rather than to point fingers (which is not possible according to discourse analysis in cases like these) the conclusion will instead be that also the identifying of stateless as ‘allegal’ is something which both reviews support to some extent.

In the presenting of stateless as ‘allegal’, there was however a closing remark analyzing how the resorting in this legal no man’s land, affects the relationship between the stateless and citizens. The essence of the observation was that by lingering in the outskirts of nation-states carefully thought out systems for the
assurance of equality, they are in a role which is not only excluded by the fundamental structures of the world community, but also one which poses a threat to it. This indirect power position is not one which the discourse analysis witness of, creating a disjunction between the two understandings.

The discrepancies between these results could be argued to be a result of that discussed earlier, of the theoretical chapter being the studious reflections of academics and the material for the discourse analysis being the more spontaneous thoughts of people experiencing statelessness today. Considering the way that statelessness is portrayed in the interviews, the abstract relation to prevailing power structures might not be the top priority, or even a possible discussion to have whilst still so affected by them.

This, however, is not the only discrepancy between the two understandings. Another distinct difference is that of what level of national-belonging the two perspectives perceive possible for stateless. The Arendtian theories give the impression of the state and nation being so entwined that national belonging is something reserved only for the citizen. The theories even go to the extent to where they portray nationality to be a phenomenon which affects stateless in a negative manner due to it being understood to make the gaining of citizenship difficult on a personal level. This is a direct contradiction to how the interviews make out stateless’ relation to national-belonging to be. The discourse analysis instead displays nationality as something though connected to the state, and in first hand a community for its citizens, open to all. Rather than working to exclude, the participants seem to depict it as something allowing a sense of belonging despite their lack of citizenship.

Another dissimilarity between the understandings is how the discourse analysis seems to identify an uncertainty concerning the shape of statelessness which the theories appears to not pay any closer attention to. Rather than assuming this to be a shortcoming by the theories though, this should probably be seen as the different viewpoints of the perspectives shining through. Although the investigation of the exact ontological and epistemological standpoints of Arendt are beyond the scope of this thesis, it is obvious that the discourse theory guiding the reading of the empirical material is colored more by both subjectivism and relativism than she was. Therefore, elements such as the shape of statelessness become both more apparent, and more important to discourse analysis than it is to Arendt’s theories.

This said, the discovery by the discourse analysis should still be discussed. Statelessness as an identity, which people can be interpelled into, seemed to create dissatisfaction among the interviewees due to the expectations related to it often being prejudice. Distancing oneself from these expectations with a negative tone appeared to be why statelessness was in some cases instead spoken of as a state which affected, rather than defined the person. At least two implications can be said to come from this. Firstly, it is a confirmation of the apolitical understanding of stateless being a separate group from that of citizens. Secondly, this could be interesting for further research on how stateless, or people overall facing prejudice, are treated. Based on the discourse identified, the participants seem to display an understanding of statelessness as creating less difficulties when seen as
a state rather than an identity. The logic of discourse analysis being ‘speaking is believing’ suggests that this could be a valuable find in future handling of discrimination – is speaking of discrimination in terms of a state which somebody is forced into, rather than an identity, a way of tackling such problems?

5.2 Conclusion

What sparked the writing of this thesis was a notice of a group which seemed often go unnoticed – the people living in statelessness. The leading research question was What is statelessness? And with the help of both a review of the leading theories on the subject, and five original interviews read with the analytical instruments of discourse analysis, an attempted answer to this important question of our time could be presented: Though uncertain which shape statelessness takes, it is a position which forces numerous hardships on the person affected. Being stateless inflicts on one an uncertain situation regarding human rights and the ability to claim them. It also places one in a grey area in regards to the concepts of law and duty. In most regards, statelessness is a negative way of being, constrained to being defined by what it lacks in relation to the norm of living – as a citizen. The empirical study of this thesis, however, shows a new and different relationship between the stateless and the nation than that illustrated by the theories. This study’s interviews, rather than depicting the nation as an excluding community affecting the stateless in a negative manner, depicts it as a belonging available to the stateless due to its disassociation to the state.

Though this study contributed with some new aspects to the understanding of statelessness, it also effectively illustrated how much there is yet to find out, and how lucrative it can be to take use of empirical research when doing so.

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8 The title of this thesis is a translated snippet of the chorus of the song 50 länder by Mohammed Ali. This is a song that I was recommended to listen to by one of the interviewees of this study due to its, according to him, very accurate portrayal of the limbo of statelessness. For the reader who has effectively been convinced of this thesis relevance, a listen to that same song will be my final recommendation for further knowledge.
Reference List

**Articles**


**Books**


Conventions


Webpages


