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Statelessness in Lebanon**

Tucker, Jason

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Challenging the tyranny of citizenship: statelessness in Lebanon

Jason Tucker

A thesis submitted for the degree of Doctor of Philosophy

University of Bath

Department of Social and Policy Sciences

September 2013

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There are seventeen million people in the world who are stateless, not considered as citizens by *any* state. They suffer due to the current function of citizenship in the nation-state system, occupying a legal space outside of the system, yet, their lives are very much blighted by the system itself. This research examines the possibility that global citizenship could be a means to address statelessness. Global citizenship, unlike (national) citizenship, is, in theory, inclusive, and membership is based on our shared humanity. However, when approaching the global citizenship literature, two concerns became apparent. First, there is a significant lack of theorisation on the stateless in the discourse, and second, some scholars make the assumption that a global citizen has citizenship of a state – which the stateless do not. To begin to overcome these concerns, this research develops and implements a stateless centric perspective on global citizenship, using it to analyse the situation of the stateless in the case of Lebanon. The stateless centric approach developed here views global citizenship through the actions and perspectives of those addressing statelessness. With four large and protracted stateless populations, Lebanon provides an empirically rich context, within which to undertake this research. The findings of the stateless centric perspective problematise the received wisdom of citizenship, the nation-state and allows for the exploration of the expressions and tensions in the practices of global citizenship. Drawing on a contextualised understanding of these practices, a ‘patchwork’ approach to global citizenship is proposed. This sees the creation of a public political space as an act of global citizenship, when it draws on universal principles. These universal principles are used to justify this space, taking on an instrumental role. It is a patchwork as these spaces can be seen in the wider global context, as either directly or indirectly connected, through their shared use of universal principles. By centralising the stateless in our conceptualisations of the nation-state, citizenship and global citizenship, the value of taking a stateless centric perspective, and its ability to draw out further nuances in the debate, is shown.

List of Abbreviations |

CSO	Civil society organisation
EU	European Union
INGO	International non-governmental organisation
NGO	Non-governmental organisations
OPT	Occupied Palestinian Territories
PA	Palestinian Authority
PLO	Palestinian Liberation Organisation
RTD	Refugee Travel Documents
UN	United Nations
UNICEF	United Nations Children's Fund
UNDP	United Nations Development Program
UNHCR	United Nations High Commissioner for Refugees
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East
USCRI	United States Committee for Refugees and Immigrants
UDHR	Universal Declaration of Human Rights
USAID	The U.S. Agency for International Development

Chapter One: Introduction

1.1 The rationale behind the research

Citizenship is to be included as a member, whether citizenship is considered within a local, national or global setting. However, unlike the concept of global citizenship, which seeks to be inclusive, citizenship of a nation-state requires an exclusionary element – citizenship and non citizenship having a dependant relationship. The current dominant manifestation of the concept of citizenship is as a means for the division of the world's people into the nation-state system, with nation-states deciding who they consider to be *their* citizens. This system however, by no means guarantees the inclusion of all the world's people within it.¹ This exclusion from citizenship from all the states in the system has a devastating impact on the lives of those it affects – the stateless. It is the exclusion of the stateless, and the means by which their exclusion is challenged, viewed through the perspective of global citizenship, that this research considers the flaws of the nation-state project and its relatively recent claim of 'ownership' over citizenship.

In this research, by adopting an approach that focuses on the perspectives and actions of those who are trying to address statelessness in Lebanon, additional layers of understanding have been added to the complex negotiations for rights and inclusion. By highlighting and overcoming the under theorised consideration of statelessness in the global citizenship discourse, with empirical data, this research draws out three key points. First, that the nation-state and citizenship, and the relationship they have, can be seen as arbitrary, vague, contested, and as a result of this, rights should not be considered to have a natural place within the nation-state, or conferred through citizenship of one. Second, that this arbitrariness and vagueness, that causes the plight of the stateless, in terms of their lack of rights, is challenged by those addressing statelessness, by drawing on universal principles. Third, the findings showed that an approach that provides a new conceptual map to understanding the actions of global

¹ The Convention on Certain Questions Relating to the Conflict of Nationality Laws – The Hague 1930: notes that states are sovereign over deciding who are their citizens, unless this is in violation of international conventions, international customs and the principles of law generally recognised with regards to citizenship, which should theoretically stop states making persons stateless.

citizens is needed, to better situate these complex negotiations, which challenge the tyranny of citizenship. I term this new means of understanding the actions of global citizens, as the 'patchwork' approach. This approach considers global citizenship as a patchwork of public political spaces, created to challenge the particular situation faced by the stateless, using universal principles to assess their situation, and justify this space. Thus, a more instrumental/function perspective of global citizenship is adopted, and not one that follows utopian notions of 'world' citizenship, with formalised membership and rights.

This was achieved, in this research, by exploring how those addressing statelessness (being both stateless and non-stateless) are acting as global citizens. Conceptually this is not an original idea, as global citizenship has been considered as a means to overcome statelessness in the past. Byers' (2005:2 *my emphasis*) claim is reflective of this rare scholarly trend:

There are tens of millions of stateless persons in the world today. They have no right to reside, vote, express opinions, associate or travel anywhere at all. Their lack of national citizenship, and their consequential, desperate need for governmental assistance and accountability, *makes them the most obvious candidates for global citizenship.* (Byers 2005:2 *my emphasis*)

A stateless person, as defined in the 1954 *Convention Relating to the Status of Stateless Persons* (United Nations 1954) Article 1:1, is a person "who is not considered as a national by *any* State under the operation of its law". Essentially, no state in the world claims that the person is a citizen of theirs. 17 million people (including around 5 million Palestinians) are stateless, and it is a truly global phenomenon (UNHCR 2011, Shiblak 2006). The negative consequences of statelessness, some of which Byers (2005:2) alludes to, such as "no right to reside, vote, express opinions, associate or travel anywhere at all", is because of the function of citizenship in the nation-state system. Van Waas (2011) recognises that citizenship of a state plays a crucial role in access to rights, noting that the international legal system acknowledges this flaw, and thus attempts to compensate for it by stating that everyone should have the right to a citizenship. Arguably, this

was the reasoning behind citizenship being introduced as a fundamental human right, as laid down in the Universal Declaration of Human Rights (UDHR) (United Nations 1948) Article 15 which states, “Everyone has the right to a nationality... [and] No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality”. The right to a citizenship has also been assimilated into a plethora of international and regional human rights conventions, in recognition of the fact that citizenship of a nation-state plays a crucial role in one’s ability to secure other human rights.

Therefore, acquiring the citizenship of a state may be the only real means the stateless have of obtaining all their basic human rights (Van Waas 2011). This is why we should tackle statelessness, as the creation and perpetuation of statelessness has a hugely detrimental impact on peoples’ lives. Global citizenship has been considered as one means by which we can challenge this, because it is based on the assumption that though they are not citizens of any nation-state they are, and always will be, citizens of the world.

The debates surrounding global citizenship and statelessness have however remained abstract and have failed to draw on the lived experience of those who are acting as global citizens to challenge the phenomenon. What form of global citizenship are they using? How are they using it, and why? These are questions that have not been adequately explored in the debate.

Statelessness itself is a very under researched issue, despite the dire consequences it causes and the similar number of stateless persons as refugees. If we consider this lack of understanding and knowledge about statelessness generally, it is no surprise that there are few cases where statelessness has been considered in the global citizenship literature. When it has been, it has remained abstract or failed to clearly define who the stateless are (this is drawn out in detail in section 3.5). More worryingly, though global citizenship should be based on our shared humanity, some scholars in the global citizenship discourse can be seen as assuming that everyone has citizenship of a state. This then begs the question, based on these scholars’ assumptions, should the stateless be excluded from being considered citizens of the

world? Clearly not as global citizenship should not be limited by such criteria. This should not be seen as a rejection of the concept of global citizenship due to these theoretical flaws, rather it should be considered as an opportunity to develop global citizenship, through empirical understanding, and in so doing contribute to knowledge in this under theorised area of study.

So why does it matter if those addressing statelessness are considered to be acting as global citizens? First, and most importantly, we have to explore new routes to increase our understanding of the actions of those addressing statelessness in order to more adequately resolve and prevent the phenomenon. Global citizenship is claimed to be a means by which to achieve this, and if those addressing statelessness are acting as global citizens we should acknowledge this and learn from them. Further to this Bosniak (2000:489-90) notes why framing actions in the ‘citizenship’ discourse is important:

... ‘[C]itizenship’ is not merely a word that describes the world. It is also a powerful term of appraisal, one which performs an enormous legitimizing function. To characterize a set of social practices in the language of citizenship is to honor them with recognition as politically and socially consequential – as centrally constitutive and defining of our collective lives. To refuse them the designation is, correspondingly, to deny them such recognition.

To overcome the theoretical concerns raised by the assumed citizenship of a state for global citizens, and the lack of theorisation of the stateless within the global citizenship discourse more generally, the following question was posed:

‘What are the current practices of global citizenship for those addressing statelessness in Lebanon, and what does this tell us about the relationship between global citizenship and statelessness more generally?’

This overarching question was broken down into three sub questions, which were explored through a comparison of the perspectives and actions of those addressing statelessness in Lebanon:

1. How do those addressing statelessness in Lebanon conceive of and negotiate the nation-state?
2. How do those addressing statelessness in Lebanon conceive of and negotiate citizenship?
3. How and how far do they draw on and use 'global citizenship' and what can we conceive from this for the theoretical considerations of global citizenship?

To answer these questions, this research developed and implemented a stateless centric perspective, to overcome the lack of theorisation on the stateless within the global citizenship discourse, and to avoid the theoretical concerns noted in chapter 3. This approach views global citizenship through the eyes and actions of those addressing statelessness; being both stateless and non-stateless persons. By using a stateless centric perspective, the concepts of citizenship, the nation-state and global citizenship are considered from a fresh outlook.

While no fixed definition of global citizenship was used in this research, there is a need to define the *practices of global citizenship for those addressing statelessness*, as it is these persons who are the focus of the research. To do so, I drew on the work of Cabrera (2007, 2008, 2010) who provides a definition for the practices of global citizenship, "that is broad enough to be consistent with a range of particular conceptions, and yet is specific enough to play the role identified for global citizenship as individual cosmopolitanism" (Cabrera 2008:94). Based on this balancing act, Cabrera (2008:94) claims that an individual can be seen as acting as a global citizen when they:

- a) Reach across international boundaries, or internal boundaries of differential citizenship
- b) In order to help secure those fundamental rights that would be better protected if there were a just system of global institutions in place, and

- c) Work to help put such a system in place.

With regard to *those addressing statelessness*, these actors were defined as persons or organisations working with, for, or as part of the stateless populations of Lebanon, to challenge the causes and/or consequences of their statelessness. This was not limited to organisations, whether local civil society or international, but also included individual actors, who advocate for these groups. This research did not include interviews or participant observation with political representatives of the Lebanese state, as will be explained in section 4.2.

Global citizenship was chosen in this research, as it has been greatly under developed with regards to considering the stateless. Further to this, global citizenship provided the means to consider the claims of both the stateless, and non-stateless persons addressing statelessness. This would not have been the case with theories that rely on persons having citizenship of a state, though with an expanded moral obligation, such as ‘good international citizens’ (Cabrera 2010). An alternative approach to elucidating a theory of global citizenship, might be to develop an alternative state-centred theory of citizenship, which would better address the problem of statelessness. There are however, both pragmatic and theoretical reasons to prefer theories of global citizenship. Existing discourses of citizenship are firmly tied into historical conceptions of the nation state; revisiting state-centred citizenship to address statelessness, may hence be a fruitless task, theoretically. Further to this, the nature of statelessness in reality, is such that it is often not always clear *which* state has ethical or political obligations to address particular groups of stateless persons – indeed, the failure of existing states to include these populations, is fundamental to the nature of statelessness in the first place. Put another way, even if one were able to develop a more robust state-centred theory of citizenship to address statelessness in the abstract, this would not necessarily address the needs and requirements of specific groups of the stateless.

1.2 The relevance of the Lebanese context

There are three main reasons why Lebanon was chosen as the context within which I wished to explore the practices of global citizenship of those addressing statelessness. First, is the size of the stateless population in proportion to the overall population of

the country, as well as within the global context of statelessness. Placing a figure on the size of stateless populations is notoriously problematic due to their lack of legal status and their marginalised position in society. An estimate however of the scale of the problem in Lebanon is that on top of the 280,000 stateless Palestinians, around 80,000 non-Palestinian stateless persons can be found in the country (Frontiers Ruwad Association 2009:2; UNRWA 2011:1). When we consider that in 2010 the population of Lebanon was 4,228,000 (UN Data 2013:1), the sheer scale of the problem becomes apparent. Despite the size and protracted nature of statelessness in Lebanon, some originating from state formation in 1943, relatively little research has been undertaken to document their plight. The Palestinians however differ in that they have received some attention, yet it is often not their statelessness *per se* that is the focus of research.

Second, the causes and consequences of statelessness in the country can vary significantly for the different stateless populations. The major stateless groups include the vast majority of the Palestinians, some Kurds, some Bedouin and those rendered stateless by gender discrimination in the citizenship law. Having such varied stateless populations in the country meant that it provided rich empirical pickings in terms of comparisons of practices between those addressing the statelessness of these groups who exist within one national legal system. Far from being simply a theoretical exercise, there is a need for greater understanding of statelessness in the country from the perspectives of those addressing it. It is through this understanding that we can begin to forge context and/or population appropriate solutions to statelessness.

Third, with regard to theoretical development, Lebanon with its various causes, and reasons for the perpetuation of the statelessness of the different groups, provides a highly complex context within which to explore global citizenship from a stateless centric perspective. This complexity was demanded from the conceptualisation of this research as I wanted to work on rich data, in order to avoid a narrow understanding of global citizenship for those addressing statelessness. The practices of global citizenship within this context raised several further unforeseen theoretical concerns, highlighting of the value of a stateless centric perspective.

Before moving on any further certain definitional choices need to be made explicit, as they play a significant role in how my argument is developed. These are the debates over the definition of the nation-state, the choice to divide citizenship and nationality as a means for clarity and finally the definition of statelessness itself. These definitions are central to this research, defining the population of concern as well as the relationships which I wished to explore.

1.3 Definitions

1.3.1 'Defining' the nation-state

Due to the prominent role of the concept of the nation-state within this thesis, an explicit statement of how the 'nation-state' was conceptualised is required. However, rather than stating a specific definition around which discussions will develop, it is the ambiguity of the concept that is highlighted throughout my thesis. The reason for this is that it is the ambiguity surrounding the concept of the nation-state, as only one of many other forms of states, which I argue facilitates the creation of statelessness. Further to this the existence of the stateless outside of, yet within, this system of socio-political organisation reinforces and highlights this ambiguity. Historically we can see many different forms of states, including medieval fiefdoms, dynastic states, empires, federated states and territorial-sovereign states that emerged in Europe after the Treaty of Westphalia in 1648. Thus, nation-states should not be considered as ahistorical entities or the final stage in the development of the means of socio-political organisation of the world's people. They are constructed, fluid, changeable and flawed.

The history of the debate surrounding a satisfactory definition of the nation-state is a long one. However only recently, in the 1980s, did debate about the future of the nation-state become more vigorous due to the increasing impact of trans-national economic concerns, the influence of technology, the increase in international regimes and a growth in the number of nation-states due to an increase in nationalist movements (Keating 1997). Critiquing the ambiguity of the nation-state is not a new perspective and this thesis should not be seen as yet another challenge to the theoretical and definitional issues surrounding the nation-state itself. Instead, a more nuanced approach has been taken, looking specifically at how and why the stateless

are excluded from the nation-state system and how claims that they should be allowed to (re)enter the system are negotiated.

The normative and factual boundaries of the nation-state are contested spaces, territorially, socially and politically. The modern nation-state system was established, according to Benhabib (2004), following the American and French Revolutions as a culmination of European absolutism in the 16th century. Yet, the claim that it is a 'Westphalian' concept, which Benhabib (2004) espouses, can be challenged for not considering the period during the 19th Century which led to, if not a dynamic continuation of these developments, then a new distinct shift in the paradigm of nation-state construction due to the prevailing political conditions. An example of this paradigm shift is that whereas the 'Westphalian' model was principally based on the formation of a state around a nationality, the 19th Century model, through European expansionism and colonialism, strove to collect differing 'nationalities' into one state, while simultaneously cutting through 'nationalities' whose size troubled the creators. This was achieved through an integration of various nationalities, who would share a common destiny within one nation-state (see Weber 1976). This then explains the role of separatist movements in countries around the world whose contestation of the nation-state cannot be seen as lacking 'nationalism' but rather challenging their integration, from the perception of their distinct nationality, within one nation-state that shares multiple nationalities.

Gellner (1983:6) allows us to consider the relationship between the nation and the state further, which are often and incorrectly used in an interchangeable way, when he stated:

In fact, nations, like states, are a contingency, and not a universal necessity. Neither nations nor states exist at all times and in all circumstances. Moreover, nations and states are not the same contingency. Nationalism holds that they were destined for each other; that either without the other is incomplete, and constitutes a tragedy. But before they could become intended for each other, each of them had to emerge, and their emergence was independent and contingent.

The state has certainly emerged without the help of the nation. Some nations have certainly emerged without the blessings of their own state. It is more debatable whether the normative idea of the nation, in its modern sense, did not presuppose the prior existence of the state.

Thus, when I refer to ‘nation-states’, I do so as an ambiguous amalgamation of the distinct yet currently related concepts, that of the ‘nation’ and that of the ‘state’, in accordance with the advice heeded by Gellner (1983). It is this ambiguity in the terms that needs to be considered from a stateless centric perspective. This critical analysis is done through a comparison of how those addressing the statelessness of the different stateless groups in Lebanon conceive of and negotiate the concept of the nation-state and the nation-state system at large.

1.3.2 Citizenship and Nationality

While under international law the terms citizenship and nationality are used interchangeably, dividing the two concepts, as is done in this research, offers us two very rich descriptive terms. I recognise that any approach taken with regard to dividing, or not dividing, these two concepts will lead to criticism from several perspectives. Yet, it is not the place in this research to unpick and reformulate the terminology of citizenship and nationality. For the purposes of this research, citizenship refers to the legal bond between a person and a state as understood in international law. Citizenship based on this understanding of a legal bond means an individual has certain rights as a citizen as well as those rights made available to non-citizens. Throughout this research when referring to citizenship, it will be an understanding based on this legal bond and the rights attached to it. The only exception is where the term ‘national(ity)’ is used to describe this legal bond when quoting international legal texts, or when directly citing others.

Nationality on the other hand, as used in this research, is based on ‘identity’ and not a legal bond. This identity is based on an individual’s self-definition and as a result is socially constructed and fluid. Spiro (2011:1) notes that:

Historically, citizenship status has been considered a matter of national self-definition, jealously insulated more as a matter of reflex than

justification. Nationality has been equated with identity, in most cases coinciding with ethnic, religious, or other socio-cultural community markers, which, in turn, have more or less mapped onto territorial spaces.

Thus an individual may have Lebanese citizenship, in the legal sense of being formally recognised as a citizen by the state, yet they may consider themselves Syrian or Kurdish in terms of their nationality. A person may have multiple overlapping nationalities, drawing on different aspects of their identity and origin and these should not be seen as being in contradiction with their legal status, namely citizenship. This understanding is essential as it ties in closely with the definition of statelessness, which is based on a person's lack of a legal bond of citizenship to any state.

1.3.3 De jure and de facto statelessness

In this thesis when I refer to stateless persons I am referring exclusively to *de jure* (by law) stateless persons. As mentioned previously this is defined by the 1954 *Convention Relating to the Status of Stateless Persons* (United Nations 1954) Article 1:1, which notes:

For the purpose of this Convention, the term 'stateless person' means a person who is not considered as a national by *any* state under the operation of its law.

This is the only definition provided by international law and it is this definition that I use to clearly identify my population of concern. The United Nations High Commissioner for Refugees (UNHCR) Guidelines on Statelessness no.1 states that:

The Convention does not permit reservations to Article 1(1) and thus this definition is binding on all States Parties to the treaty. In addition, the International Law Commission has concluded that the definition in Article 1(1) is part of customary international law.

(UNHCR 2012:2)

De facto (by fact) statelessness is based on the concept of a person having a citizenship of a state, but that this citizenship is ‘ineffective’ and that they are outside of their state. This concept has no international legal grounding and is used in a wide variety of ways in the statelessness discourse. I have rejected the use of *de facto* statelessness as it essentially boils down to the vague notion of ‘(in)effective’ citizenship. Previous work on ‘statelessness’ has suffered by the use of *de facto* statelessness, as the vague nature of the term has led to research that fails to clearly define who or what is being investigated.² Section 3.5 makes explicit where these failings have occurred in the global citizenship literature, and reflects on how, as a result of failing to clearly define who is stateless, namely those suffering from a specific individual legal issue, conceptual development in this work has suffered.

Adopting a definition by drawing on international law was not a choice that was made without reflection. The *de jure* definition should not be seen as either unquestionably perfect or incapable of adaption. This definition does need to be developed. The publication of UNHCR’s guidelines on the 1954 *Convention Relating to the Status of Stateless Persons* (1954 Convention) and work by non-governmental organisations (NGOs) and academics, highlights the acceptance of the need to develop the definition and our understanding of it. However, justifying the current trends in the development of the definition, and rejecting that of a *de facto* understanding, was not the purpose of this research.

² For a more expansive critique of the problematic nature of *de facto* statelessness please see Tucker, J., 2013. Questioning De Facto Statelessness by Looking at De Facto Citizenship. *Tilburg Law Review*, 19, (1-2), pp: 276 –284

The definition adopted allowed me to clearly define my population and draw out more inter-disciplinary relevant findings. Further to this, by adopting a legal definition, not only is the population clearly demarcated, but it is done so in a fashion that does not make presumptions about the nature of their *de facto* citizenship. As a major part of this thesis was to understand how different actors try to address statelessness, a *de facto* definition might have led to me presupposing some of my findings. Thus, due to the aforementioned concerns only those who are not considered as citizens of any state under the operation of its law, namely the *de jure* stateless, are included in this research. Any reference to statelessness in this research will refer exclusively to those who fall under this definition.

1.4 Structure of Chapters

Chapter two: Statelessness in Lebanon

Chapter two discusses the creation and perpetuation of statelessness in Lebanon. To understand the differing situations the stateless populations in the country find themselves in, it is important to consider the historical narrative, the nationality law of the country, the international law relating to the different stateless groups and the confessional equilibrium as a form of political organisation. An overview of the ‘purpose’ of the creation of the State of Lebanon, as a Christian homeland in the Middle East, and the notions of who deserves to be a Lebanese citizen are explored. Following this the causes and consequences of statelessness for each stateless group are discussed. In summary the similarities and differences between the groups are considered, providing a background for the comparative analysis and discussions in later chapters. The justification for the perpetuation or resolution of certain groups’ statelessness introduced in this chapter plays an important part in our ability to situate the actions of those addressing the statelessness of these groups in later chapters. It relates to perceived belonging, claims for inclusion and exclusion or who is ‘Lebanese’ enough to deserve citizenship.

Chapter three: Global citizenship

Due to the vast nature of the literature available and the extensive debate on global citizenship I adopted Brown and Held’s (2010) framework for dividing the dominant themes of the discourse. The chapter begins by noting the historic development of the

core principles behind global citizenship. This is because these developments in ancient Greece, during the Renaissance and Enlightenment periods, still have great resonance in the debate today. Following this, the current debate is divided into the framework set out by Brown and Held (2010). The areas that are seen as ‘distinct’ are global justice, cultural, legal, political, and civic cosmopolitanism.

Throughout the chapter, the lack of theorisation on the stateless within the debate, or the implicit or explicit assumption that global citizens have citizenship of a state are noted, as it is these theoretical concerns, beyond the general under theorisation, that I found to be most troubling. These assumptions use the nation-state and citizenship as crucial delineating factors to judge when a person is acting as a global citizen, or theoretically is able to act as one, which potentially excludes the stateless and those addressing statelessness. The concept of global citizenship in the Islamic discourse is also discussed as this provides interesting perspectives that prove enlightening when considering the particular manifestation of the universal, and the concepts of an expanded, though restrained, moral obligation – that of the *umma*, the community of believers.

The chapter ends with a discussion on the limited literature where the theories of global citizenship have already been drawn on in the statelessness discourse or vice versa. The general criticisms of these are that they remain abstract, fail to define who is stateless or that they focus on too specific an issue or population for much conceptual development. This section reflects on the theoretical concerns within the literature on global citizenship, the attempts to link global citizenship and statelessness and the need for *this* research to begin to overcome the under theorisation as well as specific theoretical concerns.

Chapter four: Methodology

In this chapter the research design and framework for analysis are made explicit. Due to the exploratory nature of this research, a flexible data collection approach was required. This flexibility was achieved by using semi-structured interviews and participant observation, as well as secondary sources. The concept of a stateless centric perspective, (drawing on the perspectives of those addressing statelessness) is

set out in detail, as is the post-nationalist framework for analysis which allowed me to navigate the challenge of situating the claims against the phenomenon of statelessness, within one specific nation-state to which many of the claim makers are not members. Further to this I note my time in the field, the coding process, the choice of themes and the ethical concerns of the research.

Chapters five and six are a consequence of the findings that transpired during the data collection and analysis. These were not predetermined areas of exploration, but driven by the stateless centric perspective, as dominant themes that arose while undertaking the research. These themes are the criticisms focused on the lack of reflexivity regarding the deviations from the normative concepts of the nation-state and citizenship. The heterogeneous nature of these concepts is highlighted in this research, yet the concepts themselves are not rejected due to the dominate role they currently play in the division of the world's people.

Chapter five: The stateless and the nation-state; a flaw or a threat?

Chapter five looks at how those addressing statelessness in Lebanon perceive and challenge the received wisdom of the nation-state. This critical reflection on the nation-state is important as the nation-state provides a hierarchical delineator for understanding the expansion of moral obligation of global citizenship in some scholar's work. My data highlighted that from a stateless centric perspective the Lebanese nation-state deviates greatly from the normative framework and is a highly contested concept. This critical reflection is in line with the claim that was put forward by Agamben (1993) namely the existence of the stateless as a challenge to the state-nation-territory trinity. The various situations of the stateless groups, most interestingly that of the Palestinians and the Bedouin, are compared to the other stateless groups who are seen to have acquired a greater level of assimilation into the Lebanese nation-state, and arguably the nation-state system more widely. Further to this the various spatial autonomy offered to certain groups, seen as a temporary withdrawal of Lebanese sovereignty to reinforce the whole, is considered.

Another manifestation of this desire to preserve the nation-state is the concept of 'sacrificed citizens', those considered 'Lebanese', yet not afforded citizenship, as a

means to prevent the acquisition of citizenship of those perceived to threaten the nation-state (most notably the children of Palestinian fathers and Lebanese women). The chapter ends with a discussion which situates the blame for the creation and perpetuation of statelessness onto the nation-state and the nation-state system, and not on the stateless as persons not conforming with the narrative of *any* nation-state. From this position then we can see that the stateless do provide a conceptual and factual challenge to the nation-state system, not only being a consequence of its weaknesses, but also reinforcing the weaknesses of the system by their very existence.

Chapter six: Perspectives from the ground; citizenship and citizenship rights

This chapter looks at the contestation of the notion of citizenship and citizenship rights from a stateless centric perspective. By moving away from a statist perspective on citizenship and embracing the denationalisation of certain rights, it is argued that we can more fully conceptualise citizenship as a highly fluid concept (even from a legal perspective).

This contextualised understanding shows that factually the hierarchical and evolutionary concepts of citizenship rights, as proposed by Marshall (1950), are found wanting. Due to these theoretical concerns it is suggested that we should view how these rights, which are normally attached to citizenship, can be claimed in time-space specific ways based on universal principles (most notably for my participants, human rights).

This chapter explores how those addressing statelessness in Lebanon challenge *the function* of citizenship in the country as a means to attain human rights, as well as the tyranny of citizenship more generally. By comparing different claims for citizenship/citizenship rights for/by various stateless groups we can begin to appreciate that rather than simply reinforcing the function of citizenship, by securing citizenship for the stateless, we should also consider the conceptual limits of the connection between citizenship and the nation-state.

Chapter seven: Expression and tensions of global citizenship; overcoming the theoretical concerns

This chapter begins by discussing the practices of global citizenship, and more specifically the tensions that arise from its use by those addressing statelessness in Lebanon. The areas that are highlighted are the use of human rights as a moral justification and framework for action, legal cosmopolitanism through the challenging of the substance and implementation of international law, the use of trans-national dialogue, global civil society and finally challenging global governance. These expressions highlight some of the tensions faced by those who are or wish to act as global citizens, including the lack of resources, issues arising from elitism, voice and representation.

These discussions are then used as a basis to reconsider the theoretical concerns of global citizenship, and begin to fill the knowledge gap resulting from the under theorisation of the stateless in the discourse, from a stateless centric perspective. From the findings a more nuanced approach to understanding global citizenship and how it manifests itself factually is proposed – seeing the creation of public political spaces created by global citizens as a global patchwork. The means by which these spaces are created, how they are shaped and the limitations faced are discussed. Therefore, this approach moves away from the egalitarian and utopian notions of global citizenship as an end point, by reconceptualising the universal through a greater understanding of its particular manifestation(s).

Chapter eight: Conclusion

This thesis concludes by summarising the main areas that this research has covered, setting out how the three research sub questions have been addressed and how this answers the overarching research question. The use of a stateless centric perspective is discussed and its ability to provide an enlightening analytical lens through which to view certain issues is reflected upon. The potential of the patchwork approach for considering the actions of global citizens, as a means to overcome the theoretical concerns and under theorisation, is then related to further avenues for research that came to light as a consequence of this research.

Chapter Two: Statelessness in Lebanon

Sometimes I hate myself. I feel like I am not a human being. I can't handle it. My friends can live a natural life. I can't. My dream is to own a car, I can't have it. Even if I have the money to buy it, it would never be registered in my own name. I dream of getting married, but one man has turned me down because I don't have a citizenship. I feel like a prisoner. Lebanese papers are worth more than gold, you can pay millions but still not get them. It's hard for me to see Lebanese girls who have nationality and their papers, especially when they're not taking advantage of their status as they could – studying, working, fulfilling the dreams I wish I could achieve, but can't.

(UNHCR and CTRD.A 2011:7)

Lebanon provides a highly complex environment in which to research statelessness and its relationship to global citizenship. With various large stateless populations within one country, it allows for comparisons between different stateless groups within one national legal jurisdiction. Further to this these stateless populations find themselves in a dire situation, with poverty and human insecurity plaguing the populations as the above quote from a woman rendered stateless due to gender discrimination in the citizenship law of Lebanon reflects.

In this chapter I will set out the history and development of the citizenship law of Lebanon and how it creates and perpetuates statelessness, Lebanon's international obligations with regards to statelessness and the causes and consequences of statelessness for the four large stateless groups in the country. Following this a discussion of the commonalities and differences between the groups will be drawn out.

However, it is important from the outset, to consider and make clear some of the issues of Lebanon being a weak/failing state, and how this relates to its usefulness as a case study. It is true, that compared to other nation-states, Lebanon, like many others, fails to provide for its own citizens. Therefore, is it even realistic to hope that they

would treat the stateless populations any differently than they do? Would a ‘stronger’ nation-state be a better case study to choose, to understand the practices of global citizenship? I would argue that it is because of the Lebanese state’s weakness, along with its large, protracted and varied stateless groups, that it proves a very relevant case study. Its weaknesses give us an opportunity to understand how the stateless pose a challenge to the nation-state, and how the nation-state responds, as drawn out in chapter 5. It also allows us to pick apart citizenship and the function of citizenship in the nation-state system, from a stateless centric perspective in chapter 6. Nation-states, who are not in such a weak position, do not expose themselves for analysis in such a fashion when the stateless challenge their exclusion from the nation-state (system). This is because ‘stronger’ nation-states can suppress this challenge, or completely ignore it, as it poses no challenge to them.

More generally, by its very nature, statelessness typically arises in states that are weak and failing. Selecting a case study that was an ‘effective’ state, while potentially attractive theoretically, in terms of making clearer the distinction in treatment of the stateless from citizens, would be of less value, as such states are very much the outliers in terms of the actual condition of the global stateless population.

2.1 Overview of statelessness in Lebanon

Previously considered part of Syria under Ottoman rule and then under the Mandate of France, the Republic of Lebanon gained its independence in 1943. Following state creation Lebanon enjoyed relative peace and a period of prosperity; however the country was plunged into a fifteen year civil war between 1975 and 1990.

Lebanon has always been divided based on the plethora of religious sects existing in the country and has been subject to foreign occupation of its lands by Syria and Israel for prolonged periods of time. It is within this history of often violent power struggles as to who has an influence in defining the Lebanese nation-state, who deserves citizenship of the state and ‘Lebaneseness’ more generally, that we have to situate our understanding of statelessness in the country.

When France created Greater Lebanon in 1920 it installed a confessional political system with parliamentary seats and major executive positions distributed based on

the demographic breakdown of religious confessions in the country, the allocation of which was later based on the 1932 census (Maktabi 1999). The three major religious sects in Lebanon are the Sunni and Shia Muslims and the Christians (the largest subgroup of which are the Maronites). These groups are locked in a struggle between and within themselves to increase their power in the confessional equilibrium, with each sect being divided into multiple internal parties (Ghosn and Khoury 2011), therefore, numbers matter. Those who are excluded from Lebanese citizenship are as crucial to the confessional equilibrium as those who are included. It is beyond the scope of this research to explore in full the confessional political system in Lebanon. However, it is important to note that the politics of exclusion from citizenship plays a significant role in the creation and perpetuation of statelessness in the country. This will be explored further in this chapter which details the causes and consequences of statelessness for the various communities and groups in Lebanon.

There are four major stateless groups, communities or populations in Lebanon; the majority of the Palestinians, some Kurds, some Bedouin and those rendered stateless by gender discrimination in the citizenship law. Dividing these groups for comparison is inevitably problematic as in reality persons can sit between multiple groups. Yet, for the purposes of this research this division is necessary and is not as artificial as it may appear at first glance. These groups are largely identified as being distinct both internally and externally, with the exception of those rendered stateless by gender discrimination, who sit over the other three groups, as well as including those not identified as Palestinian, Kurdish or Bedouin.

This chapter provides the background as to why these groups have found themselves stateless, the consequences of their statelessness and a comparison of their situations. This is required as it is this background knowledge and comparisons upon which discussions during the empirical chapters heavily rely. This background knowledge helps in explaining how those addressing the statelessness of the differing groups perceive the nation-state and citizenship, which in turn allows us to better situate their acts of global citizenship.

The number of stateless persons in Lebanon is particularly difficult to build consensus around for two major reasons. First, the last full census that was undertaken was under the French Mandate in 1932 and as will be explored further in section 2.2 this excluded many of the population who were residing in Lebanon at the time. Second, population statistics are heavily politically loaded in the country, as statistics on the demographics of Lebanon relate to political and confessional issues, official data is not made available to maintain the current balance (Jaulin 2006). An estimate is that there are 280,000 stateless Palestinians and 80,000 non-Palestinian stateless persons living in Lebanon (Frontiers Ruwad Association 2009:2; UNRWA 2011:1).

Table 1 highlights Lebanon's lack of commitment to the main international conventions relating to statelessness, the 1954 *Convention Relating to the Status of Stateless Persons*, as mentioned previously, and the 1961 *Convention on the Reduction of Statelessness* (United Nations 1961).

Van Waas (2008:3) describes the purpose of the two conventions:

There are two separate, yet complimentary, conventions aimed at addressing statelessness: the 1961 Convention on the Reduction of Statelessness and the 1954 Convention relating to the Status of Stateless Persons. The first addresses matters relating to nationality and aims to limit the number of cases of statelessness occurring. The second offers stateless persons a corresponding legal status and a number of rights, thus aspiring to fill any protection gap that statelessness creates in areas of the law where nationality matters.

Table 1: Lebanon’s status of ratification of the main treaties relating to statelessness

Convention	Lebanon’s signatory status
<i>Convention Relating to the Status of Stateless Persons (1954)</i>	<i>No</i>
<i>Convention on the Reduction of Statelessness (1961)</i>	<i>No</i>
International Convention on the Elimination of all Forms of Racial Discrimination (1966)	Yes
International Covenant on Civil and Political Rights (1966)	Yes
Optional Protocol Related to ICCPR (1966)	No
Convention on the Elimination of All Forms of Discrimination against Women (1979)	<i>Yes</i> <i>(Reservation on Article 9)³</i>
Convention on the Rights of the Child (1989)	<i>Yes</i>

(Sourced from UNHCR 2010)

As Lebanon has not ratified the statelessness conventions and does not put into operation their commitments to ensure citizenship as a right (free from discrimination) under their obligations to the Convention on the Rights of the Child (United Nations 1989), the International Covenant on Civil and Political Rights (United Nations 1966) or the Convention on the Elimination of all Forms of Racial Discrimination (United Nations 1965), a large protection gap exists for those persons in Lebanon who are stateless. Further to this Lebanon fails to prevent new cases of statelessness from occurring.

Before looking more closely at each of these groups in turn, explaining the events that led to their statelessness and their current situation in Lebanon, I will first explore

³ CEDAW Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

Lebanon's citizenship laws, and the nature of the politics of citizenship in the country. As Maktabi (2000:147) describes:

Perhaps most clearly, the sensitivity accorded to the demographic structure in the country is illustrated in the politics of citizenship that reflects the authorization process where legal regulations as well as political considerations determine membership in the Lebanese state. I maintain that, since the creation of modern Lebanon in 1920, the regime has applied citizenship policies in order to monitor the Lebanese citizenry and to form its Constitution in a way that would buttress its rule.

2.2 Lebanese citizenship law, historical development and gender discrimination

Following the collapse and carving up of the Ottoman Empire which occurred after the First World War, modern day Lebanon fell under the control of France and remained so until it gained independence in 1943. Lebanese citizenship was legally formulated on the 30th of August 1924, with Decree 2825, which applied the partitioning of the Ottoman Empire and with it the Ottoman citizen-subjects as stated in *The Treaty of Lausanne* (Jaulin 2006). After 1924 Lebanon began to grapple with defining itself as a new nation-state with its citizenship legislation being enriched and modified from the previous Ottoman legislation, to determine who was to be considered a Lebanese citizen. The Lebanese Citizenship Law of 1925, which still remains in force, notes in Decision No. 15 Article 1 that:

Is considered Lebanese;

Every person born of a Lebanese father.

Every person born in the Greater Lebanon territory and did not acquire a foreign nationality, upon birth, by affiliation.

Every person born in the Greater Lebanon territory of unknown parents or parents of unknown nationality.

(RefWorld 2013:2)

There is gender discrimination in the Lebanese citizenship legislation, as one can see in Article 1(a) which stipulates that paternal lineage is required to acquire Lebanese citizenship. However Article 1 (b,c) should, theoretically, provide a safeguard against statelessness for those born in Lebanon, and prevent new cases of statelessness. This safeguard is not implemented, and while the law is in place, the application of the law is found wanting. Further complication of this gender discrimination is caused, as Tabet (2005:20-21) summarises, because:

A Lebanese mother can grant her children the Lebanese nationality if they were born illegitimately. If a mother has minor children and is naturalized as a Lebanese after the death of her husband, she can pass Lebanese nationality on to her children. In this case, Lebanese law gives the foreign woman more advantages than a Lebanese woman, who cannot extend her nationality to her children from a foreign husband after his death. In some instances, Lebanese mothers have been obliged to claim that their legitimate children are illegitimate in order to entitle them to their nationality. The 1960 law also provided that a Lebanese woman married to a foreigner shall not lose her nationality once married and will not be obliged to take nationality of her husband. A Lebanese woman can regain her Lebanese nationality if she proves that she was a Lebanese national before marriage to a foreigner (and that her marriage is dissolved).

We also have to consider the implementation of citizenship law which is subject to the discretionary powers of the Lebanese authorities. Thus, no right to citizenship was, during state formation, or is now, guaranteed in practice in Lebanon to those who fulfil(led) the criteria of this legalisation (Jaulin 2006). Even if all the citizenship criteria are met the executive powers have the final word in accepting or rejecting the person applying for citizenship, even if it is their entitlement under Lebanese law (Maktabi 2000). There is a right of appeal against citizenship cases in the country (unlike many other countries in the Middle East and North Africa); however such cases are very rare.

The exclusion of certain groups from acquiring citizenship (and thus rendering some of them stateless) is very closely tied in with the history of the creation of the Lebanese nation-state. In 1921 and later in 1932 the French Mandate conducted a census of the population of Lebanon, which excluded large swathes of those residing in the country, but included large numbers in the Diaspora. The 1932 census records the two groups to be afforded citizenship, being 793,396 'Residents' and 254,987 'Emigrants' (Maktabi 2000:150). The census also records 61,276 'Foreigners' who were not to be granted citizenship despite the fact that these foreigners did not have citizenship of another state, i.e. they were stateless (*ibid*). This was due to the collection, analysis and presentation of the figures being heavily politicised, as contestation over the identity of the newly created nation-state was being played out between the Christian and Muslim élites (Maktabi 1999). Those who were to be granted citizenship had to be present in Lebanon on the 30th August 1924. However, the criteria put in place to decide who was to be granted citizenship was manipulated to favour Christians over Muslims, with large numbers of Christian emigrants, the children of Christian emigrants or other Ottoman Christians sects who had arrived after the 30th of August 1924, being granted citizenship (Maktabi 2000). This was driven by the ideal that Lebanon should be a Christian homeland in the Middle East. This led to the situation whereby Christians within and outside of Lebanon were favoured for citizenship whereas many Muslims who resided in Lebanon were made stateless; justified by the claim that they belonged not to Lebanon but to the 'Muslim Arab nation' (*ibid*). Muslim applicants therefore often found the process more restrictive which led to the exclusion of some Kurds, Bedouins, and Arabs from the *Wadi Khaled* region and some of the populations living close to the Syrian and Palestinian borders (Maktabi 1999).

Two examples of populations excluded from the census are important to highlight. First, is the population of the *Seven Villages (al-qura al-sab')*. In 1922 the French and British Mandate authorities concluded the Paulet-Newcombe Agreement which removed these villages from the authority of Greater Syria and annexed them to Palestine, though the population was given time to apply for Lebanese citizenship (Maktabi 2000). Following the creation of the State of Israel in 1948, these inhabitants fled to Lebanon but were registered as Palestinian stateless refugees, thus

rendering them stateless despite being recorded in the 1921 census, with their records being held in the southern Lebanese city of Tyre (*ibid*). The second group to consider are the inhabitants of *Wadi Khaled*. These were Bedouins thought to number about seven thousand persons, who, due to their nomadic lifestyle or being unaware/evading government registration schemes, missed out on being registered in the census (*ibid*). Due to their lack of registration in the census they were rendered stateless, receiving ‘under-study status’ (*Qayd al-dars*) in 1993 (*ibid*). These two groups, whose location can be seen on *Map 1*, were frequently drawn on as examples by participants in my research when explaining the formation of the nation-state and how it created statelessness, though they represent only a tiny fraction of the stateless in the country.

The influence of the 1932 census ‘findings’ on the construction and demarcation of citizenship of the new nation-state and the impact of being excluded from the census increased as Lebanon continued to define itself. As Maktabi (1999:220) notes:

The political ramifications of the 1932 census are reflected in the undocumented National Pact agreed upon by the political elite in 1943. Political representation and power was to be distributed according to the proportional size of each confessional sect as rendered in the census. The census therefore provided the demographic as well as the political cement that moulded and legitimized the principle of power-sharing under Christian dominance, based on a ratio of six to five Muslims in the government, the parliament and the civil service.

Map 1: Location of Wadi Khaled and the Seven Villages.



The 1932 census and the implications for those who were excluded have not diminished over time because the census played a crucial role in the Lebanese nation-state building process, becoming one of the key pieces of citizenship legislation regarding who was and was not to be considered ‘Lebanese’ (Immigration and Refugee Board of Canada 2002). Realising complications had arisen from large groups within the population being excluded from the 1932 census, the Lebanese government sought to partially address the issue and in 1958 a Nationality Decree was passed which granted under-stay status to some stateless persons who were not

registered in 1932 (and their descendants), with under-study identity cards being introduced in 1962 (Chatty 2010). Under-study status differs from ‘no citizenship’ or ‘unregistered status’ (*Maktum al Qayd*), as despite these papers being issued by the local government representatives to both groups, only those who have under-study status have Lebanon as their place of birth in their documents (*ibid*).

Under-study status was meant to be a means to reduce the vulnerability of not having any legal documents for those who had not been registered, through the granting a quasi-legal status and affording the holders some of the rights granted to citizens while their status was being ‘studied’ (Van Waas 2010). However, Van Waas (2010:19) noted that:

[The] granting of this status has not been standardised and it has been suggested that the establishment of this status has been used as a way to skirt around the more fundamental question of access to nationality for these individuals and their children (who inherit the under-study status).

This formula for granting citizenship and the careful balancing act of political power continued until the civil war which lasted from 1975 to 1990. Following this the constitutional amendments of the *Taif* agreement (an agreement that ended the civil war) were enacted, which reduced Christian dominance in the Lebanese political system (*ibid*). However, it should be noted that this reshuffle was not enough to cause a substantial change in the perception of the ‘character’ of the nation-state in terms of the politics of citizenship.

After the end of the civil war in 1990 the Lebanese state was trying to rebuild itself and held elections in 1992. The new government, under Prime Minister Rafiq Hariri began to reconstruct the ‘Code of Nationality’, establishing the Commission of Naturalization (Jaulin 2006). Due to the limitation of the 1932 census and the 1958 law that created under-study status, which both denied many of those in Lebanon the right to enjoy citizenship, the government passed a Naturalisation Decree in 1994 with the aim of mass naturalisation of some of the stateless groups within the country (Van Waas 2010). The Decree meant that over 150,000 stateless person in Lebanon

could, in theory, acquire citizenship, but importantly this Decree excluded the stateless Palestinians from being naturalised (Maktabi 1999). However, due to clientalism, arbitrary decision making, corruption, administrative errors, the exclusion of those outside of the country at the time of its implementation and its failure to address the gender discrimination in the citizenship law, the 1994 Naturalisation Decree was not a comprehensive solution to statelessness (Van Waas 2010; Jaulin 2006). The discriminatory implementation of the 1994 Naturalisation Decree was facilitated by the ambiguity of eligibility for naturalisation as the Immigration and Refugee Board of Canada (2002 pp;1) noted:

There were no eligibility standards under Decree No. 5247 [the 1994 Naturalisation Decree]. The government considers naturalization as a gift by the state, not as a right. The names of those who were granted Lebanese citizenship were chosen without any defined requirements and prerequisites.

The 1994 Naturalisation Decree also stumbled due to resistance from the Christian political parties. In a country where political power is divided based on demographic concerns, naturalisation of large numbers of persons will have its advocates and opponents. The legitimacy of the Decree was challenged as it posed a threat to the balance of power in the political composition of the country; opponents even stated that it betrayed the principles upon which the Lebanese state was based, namely a confessional equilibrium (Jaulin 2006). Some politicians began to claim that the vast majority of newly naturalised persons were Sunni Muslims, which would sway the balance of power; the main protagonists being the Lebanese Maronite League '*Rabita al Marouniya*' who submitted an appeal in 2000 against the Decree (Chatty 2010). This appeal hindered the realisation of the full implementation of the 1994 Decree. Further to this the State Council agreed in 2003 to review some cases of those who were awarded citizenship, no information on the outcome of these revisions has yet to be made available. There is a real danger however, that some previously stateless persons, who managed to obtain citizenship under this decision, could once again be rendered stateless if their citizenship is revoked.

The tension surrounding the 1994 Naturalisation Decree represents the underlying concerns related to the granting of Lebanese citizenship with regard to changing the demographics and as a consequence, the composition of political power. A history of exclusionary citizenship laws and evidently inadequate measures to address statelessness has left Lebanon with varying levels of legal status for the stateless, as shown in *Table 2*.

Table 2: Lebanese categories of ‘legal’ status for the stateless

Type of legal status	Significance
<i>Qayd al dars</i> - Under-study status	Citizenship under study; recognition of birthplace in Lebanon.
<i>Maktum al Qayd</i> – No citizenship status or not registered.	Citizenship unknown; no recognition of birth place as Lebanon.
Palestinians registered with UNRWA and the Lebanese authorities.	Receive services from UNRWA.
Palestinians only registered with the Lebanese authorities.	Do not receive services from UNRWA.
<i>Non-ID Palestinians</i> - not registered with either the Lebanese authorities or UNRWA in Lebanon.	Receive very limited services from UNRWA.

Despite the 1994 Naturalisation Decree making it possible for some stateless to apply for citizenship (though excluding the Palestinians) and did reduce statelessness in the country, it did not resolve all cases and was not meant to reduce future ones. Van Waas (2010;35) gives the example that in 2003 of the 4,000 applications received by the Lebanese authorities under this legislation, all were refused. Even for those who had managed to obtain identity papers, the legitimacy of these seem to be subject to the discretionary powers of the internal security forces, who often do not recognise the documents and harass and detain those who are carrying them (*ibid*).

Now that the causes of statelessness in Lebanon have been set out, we need to consider the common consequences of being stateless in the country. Stateless persons in Lebanon, being citizens of no state, are excluded from the system of reciprocity

that governs decisions of how foreigners are treated in Lebanon (as is the case with other states). Some of the major issues the stateless of Lebanon face as a consequence of this is lack of property rights, restricted freedom of movement, poor/no access to welfare services and exclusion from formal employment and education (USCRI 2009; UNHCR 2010). Discriminatory laws targeted specifically at the stateless in Lebanon further institutionalise this inequality and marginalisation. Examples of such laws include Decree 11614 in 2001 (an amendment the 1969 Property Decree) which introduced further restrictions on property ownership in an attempt to reduce the permanent settlement of the stateless Palestinian refugees in Lebanon (UNHCR 2010). However, this has significant ramifications for other stateless persons in the country as:

No non Lebanese person, either natural or juridical... is entitled to acquire through a contract or any other legal deed concluded between living persons, any real property rights in Lebanese territory... No real right of any kind may be acquired by any person that does not carry a citizenship issued by a recognized state, or by any person if such acquisition contradicts with the provisions of the constitution relating to the prohibition of settlement (*Tawteen*) [of the Palestinians].

(Amnesty International 2010;2)

It is within this context of various legal statuses, exclusion from basic state services, socio-economic and legal discrimination that we should consider the four major stateless groups in the country.

2.3 The stateless Palestinians in Lebanon

When one considers the issue of the stateless Palestinian refugees there is a danger of becoming tangled up in the political debate surrounding the expulsion of the population from their homeland, their right of return and their exclusion from the dialogue on resolving the 'Palestine question'. However, this research focuses on the practices of global citizenship of those addressing statelessness. Therefore, only a brief introduction to the history of the Palestinian presence in Lebanon will be given,

before discussing how the politics of citizenship and the institutionalisation of discrimination against the Palestinians has led to the critical protection gap in which they currently find themselves, and in which they have been for decades. The Palestinians are often seen as the cause of the politics of citizenship/exclusion in Lebanon, but discriminatory practices existed before their arrival. Thus, while they may have exacerbated demographic issues, they did not create the politics of exclusion in the country (Maktabi 2000), and this should be remembered as we move through the following section.

2.3.1 Palestinians in Lebanon, the creation and perpetuation of their statelessness

On the 15th of May 1948 the British mandate ended in Palestine and shortly after the new State of Israel was left to determine who would receive citizenship (Shiblak 2006). The Arab-Israel conflict which followed the British retreat produced one of the largest stateless populations in the world, fleeing Palestine in two major waves in 1948 and 1967 (*ibid*). To ensure the ‘Judaisation’ of Israel’s newly concurred land the new State issued three laws by 1952 (the Absentees’ Property Law, the Law of Return and the Israel Citizenship Law) which cemented the statelessness of the Palestinians and introduced unrestricted immigration of Jews to Israel, with automatic citizenship for these new migrants (*ibid*).

From 1948 to 1949, 700,000 Palestinians refugees fled their country, the majority of those from Galilee and the Haifa–Acre coastline, approximately 100,000, crossed to Lebanon (Brynen 1990;25, Knudsen 2009). Fifteen makeshift camps were set up by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) which was established on the 8th of December 1949 to provide relief to the stateless Palestinian refugees (Knudsen 2009).

Initially the Palestinian refugees in Lebanon were treated well but once the hosts realised that they would not be returning to Palestine tensions began to mount (Chatty 2010b). In 1949, as a response to the influx of Palestinians who would not be able to return to Palestine, the Lebanese government issued a Nationality Decree making the naturalisation procedure more complex to exclude large numbers of the Palestinians

from potentially acquiring Lebanese citizenship (Jaulin 2006). While some Palestinians of Christian origin, those of Lebanese origin and the bourgeoisie were granted citizenship, the vast majority were not (*ibid*). The process of marginalising the Palestinians in Lebanon and denying them citizenship continued, and in 1960 under Decree 319 the Lebanese government declared the Palestinians as “stateless foreigners” (Takkenberg 1998;163).

In 1965 the Arab League attempted to address the stateless Palestinian refugee issue through a protocol signed in Casablanca. The two major points that can be taken from this Protocol is that Palestinians were to be granted the same rights as citizens in their host states (barring the right to naturalisation) and that they were to be issued with Refugee Travel Documents (RTD), so that their ‘refugee’ status would be maintained (Shiblak 2006). However, Lebanon had reservations with the protocol and failed to apply the guidelines set forth in it to grant the Palestinians certain rights (*ibid*).

After the 1967 Six Day War between Israel and the United Arab Republic, the Palestinian resistance movements continued to solidify power and launch attacks on Israel from Jordan. On September 6th 1970 the Palestinian ‘Popular Front’ landed three hijacked planes in Jordan, demanding the release of Palestinian prisoners. Viewing the incident as another public humiliation, King Hussein of Jordan responded by pushing the Palestinian Liberation Organisation (PLO) out of Jordan (where its headquarters were located) between the 17-25th of September 1970. This period was termed ‘Black September’ by the Palestinians as it saw heavy fighting between the PLO (as well as other Palestinian resistance movements) and the Jordanian security forces. The fighting resulted in the PLO moving their headquarters and personnel to Beirut. This shift in their base of operations meant that Lebanon, and more specifically Beirut, became the centre for Palestinian resistance against Israel. Tensions between the Palestinians and their Lebanese hosts took a major turn for the worse during the initial phase of the Lebanese civil war, (1975-1982) as the Palestinian militants used Lebanon as a base for their cross border assaults on Israel. Consequently the PLO was seen to be a major cause of the instability in Lebanon (Chatty 2010b). These assaults led to the Israeli invasion of Lebanon in 1982 and the exile of the PLO and its militants to Tunis (Shahid 2002).

The PLO had provided social services to the Palestinian stateless refugees before their exile, and with their expulsion these services quickly came to an end, placing the population in a precarious situation. A parallel can be drawn between the PLO as it was and Hezbollah as it stands today. Both these organisations having a strong emphasis on their militant origins in their resistance against Israel, yet both provide(d) social services to populations that the state is unable or unwilling to provide. The Lebanese civil war ended in 1990 with three of the original fifteen Palestinian refugee camps destroyed (see *Map 2* for remaining camps) and the Sabra and Shatila massacres still fresh in the minds of the Palestinian population (Schulz and Hammer 2003).

Post-war reconstruction for the Lebanese included the Charter of National Reconciliation *or Taif* Agreement, which hoped to heal the wounds of war and address some of the critical issues faced by Lebanese society in the peace building process (Knudsen 2009). Halabi (2004) claimed that during this period the relationship between the Palestinians and the Lebanese government never recovered from the tensions that occurred during the civil war. Knudsen (2009;6) takes a slightly different position on why the Palestinians were excluded after the civil war, noting:

The fact that rejection of the permanent settlement of Palestinian refugees was included in the ‘Taif’ illustrates the political importance attached to this issue for Lebanon’s national interests as well as confessional concerns over the permanent settlement of the refugees in the country.

Map2: Palestinian refugee camps and settlements in Lebanon after the civil war



In the post-war period the marginalisation of the Palestinians continued. In 1991 the Casablanca Protocol was amended, changing the obligation of UNRWA and hosting states to only providing humanitarian support for the Palestinians, thus creating a “critical ‘protection gap’ that opened the door for systematic legal discrimination against the refugees” (*ibid*:18). Further laws have been brought in specifically targeted at reducing permanent settlement as a solution to the Palestinian question in Lebanon, despite the evidence that this is not the goal of many Palestinians, who wish to safeguard their claim to future Palestinian citizenship (Frontiers Ruwad Association

2009). These discriminatory laws include the aforementioned 2001 amendment of the 1969 property law to restrict ownership, inheritance or registration of property and the 2002 Decree which classified Palestinians trying to enter Lebanese higher education as ‘foreign students’, which meant they had to pay higher tuition fees (Knudsen 2009; USCRI 2009). The politics of citizenship in Lebanon therefore increased the protection gap for the stateless Palestinians, as legal discrimination against the population has become institutionalised (Knudsen 2009).

2.3.2 The consequences of statelessness for the Palestinians in Lebanon

UNRWA (2011;1) stated that in June 2011 260,000-280,000 stateless Palestinians were registered with them and were currently residing in Lebanon. More than half the Palestinians in Lebanon, 62%, reside in twelve refugee camps or as Knudsen (2009;2) refers to them “urban slums”. The rest can be found in informal settlements and gatherings throughout the country (USCRI 2009, UNRWA 2011;1). The camps are overcrowded with poor sanitation infrastructure and little access to clean water as development, reconstruction or addition to the camps infrastructure is restricted by the Lebanese authorities (USCRI 2009). The informal settlements and gatherings suffer from even greater neglect and vulnerability to the whims of the security forces, landlords and private developers.

Shiblak (2006;8) summarises the situation many Palestinians in Lebanon find themselves in:

The legal status, residency and civil rights of Palestinian communities in the Arab World are increasingly uncertain, particularly in Lebanon... where they are denied rights to secure residency, employment, property, communal interaction and family unification.

Lebanon has the worst human rights record with regard to its treatment of the Palestinians of all the countries where UNRWA operates (Weighill 1997). According to UNRWA (2011;1,2) two thirds of the Palestinians in Lebanon are regarded as poor (living on less than \$6 a day), 56% are unemployed and 95% do not have private or public health insurance. As the Lebanese government does not provide health services or education to the Palestinians, UNRWA has had to try to fulfil this role, but is

restricted by the local political situation and funding constraints. Palestinians are also barred from professional syndicates, which restricts their access to most professional jobs (Knudsen 2009).

Frontiers Ruwad Association (2009) noted that there are three categories of stateless Palestinians found in Lebanon:

- 1) Those registered with UNRWA and the Lebanese government.
- 2) Those registered only with the Lebanese government and not with UNRWA.
- 3) Those registered with neither the Lebanese government nor UNRWA (who are known as ‘non-ID Palestinians’).

In 2010 it was estimated that there were around 3,000 non-ID Palestinians in Lebanon, most of whom are said to have moved to Lebanon after the PLO was expelled from Jordan in the early 1970s during Black September, and the descendants of these migrants (U.S Department of State 2010;22). There are also some Palestinians who simply did not register their children (*ibid*). The protection gap in terms of humanitarian assistance and legal protection faced by the Palestinian community is further complicated as UNRWA only provides ‘full’ assistance to registered Palestinians, while non-ID Palestinians receive very limited or no access to these services (Takkenberg 1998, Danish Refugee Council 2007).

However, crucially UNRWA provides no solution to their mandated populations’ statelessness and only limited assistance and protection to the registered population (Takkenberg 1998). Non-ID Palestinians find access to legal aid extremely difficult and have fewer rights than those who are registered, such as less freedom of movement (UNRWA 2011). By looking back at the institutionalisation of the socio-economic, political and legal discrimination against the Palestinians, one can see why Knudsen (2009;14) claims that “the ‘rights’ enjoyed by Palestinian refugees [in Lebanon] are better viewed as privileges rather than rights and can be withdrawn at any time”.

2.3.3 UNRWA and the invisible stateless Palestinians

As mentioned previously UNRWA was originally set up to provide assistance and relief to the Palestinians in Jordan, Lebanon, Syria and the Occupied Palestinian Territories (OPT) after the 1948 Arab-Israeli War. UNHCR has the mandate over statelessness globally, though this mandate does not include the stateless Palestinians (who are under the mandate of UNRWA). This is a result of Article 2(i) of the 1954 Convention (United Nations 1954) which states:

This Convention shall *not* apply:

To persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance so long as they are receiving such protection or assistance.

As the Palestinians are under the mandate of UNRWA, they do not fall under the stateless mandate of the UNHCR. This has meant that they have been excluded from the list of communities who are stateless in UNHCR's discourse and importantly they have been excluded from the international protection regime for stateless persons and refugees (Shiblak 2006). Akram (2001) claims that this can be called the 'Palestinian exclusion clause', due to the Palestinians being the sole target for exclusion when this convention, and the exclusion article, was being drafted. As a result Akram (2001) claims that for the vast majority of Palestinians their statelessness is not addressed adequately due to the international community interpreting the rights of Palestinians under international law in a very restrictive way. This exclusion was further compounded by a shift in the 1970s from a focus on individual to the collective rights for the Palestinians (*ibid*). This exclusion is increasingly being challenged as there is a growing awareness among scholars and advocates that the Palestinians should be included in this statelessness discourse (Shiblak 2006). There has however been some progress in terms of greater inclusion, such as the UNHCR including Palestinians who hold travel documents under their protection when they are outside the countries where UNRWA operates (*ibid*).

Takkenberg (1998) argues that the element of statelessness has more significance than the refugee aspect in detrimentally affecting the position of the Palestinians in Lebanon. Thus, we should re-orientate our understanding of the Palestinian refugees as stateless persons, as defined under the 1954 Convention, as it allows us to gain a greater depth of understanding of the population and the means to address their situation. This is because *they are stateless*, their lack of citizenship of any country and their exclusion from the nation-state system needs to be considered, as the normal means by which refugeeness is resolved (repatriation, resettlement and integration) are not compatible with the Palestinian position. Further to this to have a holistic understanding of statelessness in countries where the Palestinians are found we need to mainstream them in the discourse. This is because their statelessness, when considered with issues such as gender discrimination in the nationality law, creates new cases ‘outside’ of the community.

2.4 The Stateless Kurds in Lebanon

2.4.1 Kurds in Lebanon, the creation and perpetuation of their statelessness

Records of the presence of Kurds in Lebanon go back to the period of World War I. However large numbers of Kurds migrated to the country between the Sheikh Said revolt in Turkey in 1925, and World War II (Meho and Kawtharani 2005). The tension between the Kurds and their Turkish rulers led to the eruption of the Sheikh Said revolt and despite some initial military success the might of the Turkish army sent to crush the rebellion overcame the rebels (Chatty 2010b). The repercussions against the Kurdish peasants for this act of defiance against the Turkish state caused more Kurds to flee, some of whom fled to Lebanon (*ibid*).

The Kurds in Lebanon, who were previously citizens of the Ottoman Empire, became stateless with its collapse; this was followed by their exclusion from the 1932 census which was based on the criteria of being present in the country on the 30th of August 1924 (Maktabi 1999). Others Kurds who met the criteria were excluded as they were Muslims (*ibid*). Initially their lack of citizenship seemed inconsequential to many Kurds, as Meho and Kawtharani (2005) claim, because the Kurds were so unfamiliar with civil rights and the legal ramification of non-citizenship that they did not believe it to be important. Other reasons include the belief that their stay in Lebanon would be

temporary as a Kurdish state would eventually be created, while others feared that accepting citizenship could mean military service that might be as cruel and long as under Ottoman rule (*ibid*). Another reason is that movement across borders pre World War II did not require Lebanese citizenship, but only a certificate issued by the French Mandate, thus some Kurds did not believe that citizenship was a requirement for migration (*ibid*). However, the value of citizenship became very apparent to the population during World War II when food rationing was put in place as the Allies, in an attempt to turn the Ottoman citizens against their Empire, imposed a blockade on Greater Syria (which included Lebanon at the time) (*ibid*). As rations were only distributed to Lebanese citizens, the Kurds found themselves in a very vulnerable position (*ibid*).

Pan Arab nationalism increased discrimination against the Kurds in Syria, with the new union between Egypt and Syria from 1958-1961 many Kurds in the country fled to Lebanon to escape persecution (McDowall 1998). Many of the Kurds from Syria had acquired Syrian citizenship during the French mandate, only to have it revoked during this period, thus entering Lebanon as stateless persons. Following the Syrian Kurds migration another group from Iraq began to arrive in Lebanon. The Iraqi monarchy fell in 1958 and the subsequent instability and ethnic divisions in the country manifested itself in the Kurdish War from 1961-1975 which led to more Kurds migrating to Lebanon (Meho and Kawtharani 2005).

The Kurds who arrived in Lebanon between the 1920s and 1960s had very little education as they came mainly from agricultural areas (*ibid*). Their exclusion from education, discrimination and stigmatisation of the Kurds, meant that upward mobility in Lebanese society was nearly impossible (*ibid*). However, many of the Kurds who arrived from Syria in the early 1960s were educated and politically active, which provided a catalyst for political action and increased Kurdish socio-political associations in the country (*ibid*).

In the 1960s the Kurds found favour with Kemal Jumblatt who was the Minister of Interior under the Karami government. As the most powerful Druze family in Lebanon the Jumblatt's, representing a minority themselves, tried to forge

partnerships with the Kurds in a series of population alliances. As a consequence Jumblatt attempted to implement 'unspecified citizenship' for the Kurds which would grant citizenship to the children of those who held the status, if these children were born in Lebanon (*ibid*). However, this failed to receive enough favour in the Lebanese parliament due to Christian opposition, thus a compromise was reached with the introduction of under-study status in 1958 (*ibid*). The Kurds continued to suffer from exclusion with many leaving for Europe before and during the civil war as a result of their lack of security (Meho 2002).

There is no way to know how many Kurds are currently residing in Lebanon, much less the number of stateless Kurds and estimates range wildly. The U.S Department of State (2010) claimed that despite the 1994 Naturalisation Decree which allowed the majority of stateless Kurds to be naturalised, the aforementioned inefficiencies and discrimination against Muslim communities meant that some were arbitrarily refused citizenship. Meho and Kawtharani (2005) place the number of Kurds excluded at around 3,000 to 5,000. Those who were excluded also included those who could not afford the cost of application, those who were abroad during the application period and those who had become despondent due to the government's previous failed promises to naturalise them (*ibid*). Meho (2002;2) summarised the failure of the 1994 Decree:

The problem [of the statelessness of the Kurds] was not resolved. As a result, most Kurds continued to live a minority complex for decades, burdened with an imposed alien status that hindered their integration into Lebanese society. By the mid-1990s, fewer than 20% of Lebanon's Kurds had citizenship. Approximately 10% had no form of identity or were registered as Syrians or Palestinians. The remaining Kurds, over 70%, held Under Consideration ID cards [under study status].

While the vast majority of Kurds are Sunni Muslims, the community is divided into communal groups. The two major ones being based around cultural-linguistic differences; those who speak North Kurmanji dialect and those who speak Mardin, being a mix of Arabic, Kurdish, Syriac and Turkish (Meho and Maglaughlin 2001). The Kurds, who have citizenship, however, are not seen as an ethnically distinct

group in political terms, despite being the second largest non-Arab group in the country - after the Armenians. They are instead subsumed under the ethno-religious identity of Sunni Muslims.

2.4.2 The consequences of statelessness for the Kurds of Lebanon today

In 1995, Meho's (2002;9) research on the population found that 85% of the Kurds of Lebanon live at or below the poverty line and their literacy rate was only 40%. The Kurds' poor socio-economic ranking and low levels of political participation is not simply due to the poor access to education and the economic background of the community, but is a result of their statelessness (*ibid*). The Kurds are low on the social strata of Lebanese society, often occupying informal, menial jobs, with no medical or social insurance, protection of law or trade union membership, being discriminated against in the labour market due to their acute vulnerability (*ibid*).

Statelessness remains a real issue for a number of Kurds in Lebanon. Their situation is similar to the other stateless groups, such as exclusion from naturalisation due to their religious affiliation and the subsequent lack of access to basic government services and protection. They differ from the stateless Palestinian refugees in that they remain relatively under examined as a stateless population, and Kurdish nationalism compared to Palestinian nationalism does not play such a significant role in the political sphere of Lebanon.

2.5 The Stateless Bedouin of Lebanon

2.5.1 The Bedouins of Lebanon, the creation and perpetuation of their statelessness

The Bedouin have a long history of a presence in Lebanon. Oppenheimer (1939) noted that there are accounts of the Bedouin using the Beka'a Valley in their seasonal migrations since the 13th Century. The Beka'a valley, in the East of Lebanon, continues to be a key late summer and early spring grazing territory for the Bedouin (Chatty 2010). Throughout the Middle East, with the exceptions of Saudi Arabia and Jordan, the cultural difference between the Bedouin and the settled urban and agricultural populations have developed into a belief that the Bedouin are backwards and uncivilised (Chatty 2010). This belief is based on the notion that they do not

conform with the dominate ideology of modernisation, including the nation-state, with this perception being reflected in discrimination against them (*ibid*).

Historically the Bedouins' nomadic practices and/or their internal hierarchies and kin affiliations came into tension with the imposition of the new French and British Mandate borders, which created new nation-states in the region in the early 20th Century (Thomas 2003). Far from just being inconvenienced by these new borders the Bedouin began to be persecuted by the Mandate authorities, as Thomas (2003;50) notes:

French and British military intelligence officers restricted the freedom of movement of nomadic tribes. Policing of new desert frontiers struck at the heart of the Bedouins' vital economic role as suppliers and consumers. The commercial life of key market centres such as Aleppo, Mosul and Dayr al-Zur derived from trade networks built up long before the imposition of nation-state boundaries.

There are records of the Bedouin challenging the imperial powers with their rejection of the notion of citizenship of these new nation-states, as will be discussed shortly, but also in protests against issues such as double-taxing - which was a result of their nomadic lifestyle not being taken into account by these newly imposed nation-states (Thomas 2003). We should take care however, as Cole (2003) warns, not to fall into the common misconception that being a 'Bedouin' is an occupation, or way of life. Rather, Cole (2003) notes that we should think of it as an ethnic identity. Despite this there is a perceived incompatibility of the Bedouin holding sedentary lives and existing peacefully within a nation-state, due to the often romanticised lineages and tribalism being seen as the only form of social organisation in these communities (*ibid*). Instead, 'Bedouin-ness' today can be seen as an "on-going dialectic of continuity and change, in an interplay between tradition and modernity" (Khalaf 1990;241).

Settlement and pacification of the Bedouin was not just a policy ordained by the imperial nation-states or those under their control. The Bedouin were also subject to

discrimination by the international community and regional bodies. Cole (2003; 242) notes:

Newly independent Arab governments and Saudi Arabia (which had not been colonized), the newly created Arab League, and various organizations of the newly created United Nations began to call for sedentarization of the Bedouin. The unquestioned, and largely un-researched, solution to the Bedouin 'problem' from the 1940s through at least the 1970s was settlement and a shift from livestock to crop production. A number of state-sponsored settlement programs and projects, often supported financially and technically by international agencies, were planned and some were implemented.

During the collection of the 1932 census many Bedouin were excluded either due to their seasonal migration patterns meaning they were outside of the country when it was conducted, or because as supporters of Arab nationalism they refused on ideological grounds to partake in the registration which was being undertaken by French colonists (Chatty 2010). Further restrictions were placed on which Bedouin were eligible including the criteria such as only those who could show they 'normally' resided in Lebanon were to be included, leaving room for ambiguity which was seized upon by those conducting the census who wished to exclude the mostly Sunni Muslim Bedouin (Immigration and Refugee Board of Canada 2002).

Following the 1932 census those Bedouin in Lebanon who were not registered became stateless and found they could not purchase land, gain access to state run services such as education and healthcare and also found access to employment particularly problematic (*ibid*). Essentially the Bedouin were bypassed during the formation of the Lebanese nation-state and the granting of Lebanese citizenship (Van Waas 2010). Even those Bedouin who have gained under-study status are also restricted with regards to access to some basic government services, especially health care (Chatty 2010).

In 1994 the Lebanese government granted Lebanese citizenship to some of the Bedouin who had under-study status through the Naturalisation Decree. Out of an

estimated population of 100,000, only 10,000 to 15,000 Bedouin were extended this opportunity (Chatty 2010). However, if a Bedouin was granted citizenship, their marital status was not included and they were only recorded as 'single', thus they were unable to pass on their citizenship to their partners or children (Chatty 2010).

As a mainly Sunni Muslim community the Bedouin also suffered from exclusion in the 1994 Naturalisation Decree as their inclusion was perceived as a threat to the delicate post civil war balance of power in the confessional equilibrium. As with other stateless groups in Lebanon, even those who did manage to obtain citizenship under this Decree could have it revoked due to the contestation of the legitimacy of the legislation by the Maronite League.

In 2011 Chatty and Mansour (2011;5) estimated that the number of Bedouin who held the 'no nationality' papers was around 10,000 to 15,000. In their research they found that the majority of the Bedouin who held this status suffered from marginalisation and were not able to access basic government services (*ibid*). Chatty and Mansour (2011) offered one possible explanation for this exclusion from citizenship and the discrimination they face, stating that the majority of policy makers in Lebanon still hold the attitude that the Bedouin are uncivilised and backwards.

2.4.2 The consequences of statelessness for the Bedouins of Lebanon today

Over the last three decades many Bedouin have settled due to their desire to access educational and economic opportunities and are concentrated in informal settlements in the Beka'a Valley (Chatty 2010). They face arrest and imprisonment for entering and exiting Lebanon illegally, thus the stateless Bedouin are particularly vulnerable if they continue to lead a trans-national nomadic lifestyle (Immigration and Refugee Board of Canada 2002).

The Bedouins' informal settlements do not exist on Lebanese government maps and thus are not legislative entities (Chatty 2010). As a result they have received little in terms of infrastructure development including sanitation, piped water and electricity as well as receiving poor provision of schooling and health care (*ibid*). The residents also face harassment by law enforcement agencies and the local population, which has

led to tents being burnt or destroyed and the denial of access to land so the Bedouin cannot graze their cattle (*ibid*).

The Bedouins' nomadic lifestyle has largely become a thing of the past for many of the population in Lebanon. This may be due to the potential opportunities that can be found in permanent settlement, such as employment, or their lack of citizenship reducing their mobility within and outside Lebanon. Exclusion from citizenship and socio-economic discrimination continue to blight the majority of the Bedouin community in Lebanon. The attitude of policy makers means that creating and implementing policies to assist and protect the stateless members of the population is particularly problematic.

2.6 Those rendered stateless due to gender discrimination in the citizenship law

2.6. Gender discrimination in the citizenship law in Lebanon and its creation of statelessness

Finally there is the group of those rendered stateless due to gender discrimination in the citizenship law. It should be made clear that this is a group that cuts across all groups, as well as capturing those not identified as Palestinian, Kurdish, or Bedouin. As mentioned at the beginning of this chapter the groups have been divided into internally and externally identified communities. Those rendered stateless by gender discrimination are slightly different in that this group can include Kurds, Bedouin and Palestinians. However the inclusion of these groups in the discourse of gender discrimination in the citizenship law is highly contested, as drawn out in section 6.5, and so this discourse can be seen as detached from the other groups' claims for inclusion.

Due to this gender discrimination, namely that citizenship can only be passed down through paternal affiliations (though under the law this is not always the case if certain criteria are met), a situation has been created in which statelessness disproportionately affects women and children in Lebanon. With approximately 18,000 Lebanese women married to non-Lebanese men, new stateless cases occur when these women's children do not receive Lebanese citizenship and are unable to obtain their father's citizenship (Van Waas 2010;3). The estimated number of

individuals affected by gender discrimination in the citizenship law of Lebanon in 2009 was 77,400, of whom 41,400 are children of Lebanese mothers (UNDP 2009;118). With regard to this form of gender discrimination in the Middle East and North Africa more generally Al-Barazi (2013;1) notes its impacts:

Although often conceptualized as a women's rights issue, this form of discrimination is not only damaging to the lives of women, but to the whole family. Gender discrimination - rendering individuals and families stateless - affects mothers, daughters, sons, fathers, wives and husbands. It is a collective sentence: a woman's inability to pass her nationality to her children punishes everyone related to the woman.

This lack of gender equality in the Lebanese citizenship law is increasingly being challenged. In 2009 a court ruled that a Lebanese women who was married to a deceased Egyptian man could pass on her Lebanese citizenship to her children based on Article 7 of the Lebanese Constitution (equality before the law), however this ruling was later overturned due to an appeal (Van Waas 2010).⁴ Further to this, civil society, mostly notably women's rights organisations, have been active in highlighting this form of gender discrimination to the international community, the Lebanese public and the countries' politicians. These efforts however, have not led to a reform in the law to date.

2.6.2 The consequences of statelessness for those rendered stateless due to gender discrimination in the citizenship law of Lebanon

The situation of those rendered stateless due to gender discrimination is similar to that faced by other stateless groups in terms of their inability to secure other human rights. In 2009 the United Nations Development Program (UNDP) conducted research, interviewing 34 families who suffered from statelessness as a result of this gender discrimination. The issues raised by women who were married to non-Lebanese men included the lack of residency of their husbands and children, difficulty accessing employment, health care and education, as well as legal issues such as inheritance (UNDP 2009). This sort of gender discrimination is not uncommon in the Middle East

⁴ This refers to the Samira Soueidan Case - 2009

and North Africa, as Al Barazi's (2013) work highlights, and it adds a non-'migratory' dynamic to statelessness in the country. It does so by not implementing safeguards to prevent new cases of statelessness of children born to either two stateless parents or children born to Lebanese mothers and foreign/stateless/unknown fathers (in some cases including stateless Bedouin, Kurdish or Palestinian fathers) which puts children at risk of becoming stateless.

2.7 Summary of statelessness in Lebanon

There are significant and diverse stateless populations in Lebanon. With regard to understanding the current manifestations of statelessness in the country we have to refer back to the 1932 census, which created a large stateless problem. Its implementation as a key piece of legislature in the Lebanese citizenship law cemented this statelessness and continues to create and perpetuate new cases today. Drives to naturalise the stateless of Lebanon (which did not include the Palestinians) have not solved the problem as they are heavily politically loaded and continue to discriminate along the same lines as the 1932 census. Namely, maintaining the confessional equilibrium through the exclusion of large stateless, mostly Sunni Muslim, communities. Further to this, these Decrees did not address future statelessness, such as the gender discrimination in the citizenship law or better implementation of the safeguards against statelessness that already exist in the legislation.

For the purposes of analysis in chapters five through seven, we have to consider the commonalities and differences between these groups. As far as the commonalities are concerned the main connecting factor is that all these populations are stateless (as defined by the 1954 Convention). Further to this there is a national legal framework within which these populations all 'exist', namely Lebanese law. All have a history of migration to Lebanon, or have crossed borders, except some of those rendered stateless by the gender discrimination (though migration of the fathers is often involved). All suffer discrimination due to their statelessness, and while this differs between groups and individuals some commonalities such as the difficulty in accessing education, healthcare, restrictions on movement, and issues of inheritance are common themes in the lives of the majority of the stateless of Lebanon. All of the stateless in Lebanon fall under international mandates for their assistance and protection. With all but the Palestinians (who are under the mandate of UNRWA)

being under the mandate of the UNHCR, the body responsible for the 1954 and 1961 Conventions on the status and reduction of statelessness respectively. The heavily politicised debate around Lebanese citizenship is a commonality between all groups, though a slightly more nuanced understanding, which has been set out in this chapter and will be developed further in chapters five and six, will show that the political discourse and justification for exclusion differs between groups.

The differences between the stateless populations are very important for this research, as some of the differences in the historic and current politics of citizenship for each community has led to different perspectives of the nation-state, citizenship and expressions of global citizenship. The main differences in terms of solutions to resolve their statelessness is the position of the Palestinians. The Palestinians are the only group demanding citizenship of a future nation-state that currently occupies an ambiguous position under international law, unlike the other groups who wish to be included in the Lebanese nation-state. The deeply embedded 'right of return' discourse justifies the Palestinians' claim to remain temporarily stateless, though have their other human rights met. The solution to their statelessness is very much tied to developments in the Israel-Palestine peace negotiations, and in this sense is detached from the 'domestic' stateless dialogue of the country. Further to this only the Palestinians have a dedicated UN (United Nations) body, namely UNRWA, and as a consequence are side-lined from the discourse on statelessness. Due to the specific mandate of UNRWA, the Palestinians also enjoy dedicated assistance, with their access to UNRWA schooling, healthcare and some emergency financial relief being in stark contrast to the lack of provision of services to other populations in Lebanon by the UNHCR, who have a mandate to assist and protect them, though in reality would find such provision may place their assistance to refugees in jeopardy.

Only the Palestinians' numbers are known, due to the registration of the majority of the population, a process that would cause great instability to the confessional equilibrium if this was to happen with the other groups. As the Palestinians have no demand to be naturalised in Lebanon, and with their distancing from the Lebanese discourse on statelessness, registering the Palestinians, though still politically sensitive, has been achieved in the most part.

The groups all occupy differing levels of assimilation and perceived belonging in Lebanon. These groups, when considered more broadly (including both stateless and non-stateless members), are framed as outsiders and foreigners, the lucky few of whom have been afforded the 'privilege' of citizenship in Lebanon and various levels of assimilation, based on their 'compatibility' with the Lebanese 'nation' as discussed in chapter five. Further to this there is also a difference in the awareness of the issue of statelessness as affecting these populations, which is reflected in the level of research and debate concerning them. We find that there is the greatest awareness of those rendered stateless due to gender discrimination. This is an issue that has received some attention, with a great deal of advocacy for change from civil society organisations, nationally and internationally. While the Kurds have been subject to little research, it is the Bedouin who are nearly completely excluded in terms of research and awareness. Due to the perception of Bedouin nomadism they are seen as an 'Arab other', Syrian, or naturally trans-national, which leads to a more thorough questioning of their loyalty and/or belonging. When the Palestinians are considered in research it is predominately as a refugee issue and not one that is situated within the discourse on statelessness.

Now that the background of the causes and consequences of statelessness in Lebanon have been covered, I turn to the theoretical concerns found in the literature. While generally there is a notable under development of the issue within the global citizenship discourse, more specific theoretical concerns also arise. These concerns arise due to the implicit or explicit assumption of some scholars that global citizens have citizenship of a states, which state stateless do not.

Chapter Three: Global Citizenship

3.1 Introduction

My research is similar to those that label themselves as exploring the *practices* of global citizenship. For this research I have developed an approach that I term a 'stateless centric' view on how global citizenship is used by those addressing statelessness in Lebanon. Therefore, a firm understanding of global citizenship and the cosmopolitan principles that drive it in contemporary academic debates must be outlined. On one side are those who deny that global citizenship can ever exist, on the other are those who argue that a world federation needs to be created to satisfy the demands of the growing number of global citizens who are actively expanding ideas of citizenship across borders and detaching the notion of citizenship from the nation-state. With regard to this debate, this research situates our understanding of global citizenship and its relationship to statelessness on empirical foundations with contextualised knowledge. From this then, the under theorisation and theoretical concerns can be overcome, through contextualised knowledge, which leads to the proposing of the patchwork approach to understanding global citizenship at the end of the thesis.

I begin with the development of cosmopolitanism in ancient Greece and follow its advancement and changing nature through the Renaissance and Enlightenment periods. I then sub-divide the contemporary debate into a framework to make the vast subject more manageable and draw out the key lines of thinking. This is followed by critical reflection on the limited literature that considers the stateless within the global citizenship discourse.

The critical undercurrent of this chapter is that throughout the theoretical debate, citizenship of a polity is sometimes assumed either implicitly or explicitly for global citizens (the current dominant conception of a polity being a nation-state), or more generally, that statelessness remains greatly under theorised in the discourse. With regards to the specific theoretical concerns, I am sympathetic to the idea that those addressing statelessness (being both stateless and non stateless), should not be conceptually excluded from acting as global citizens, which I believe greatly

undermines global citizenship. The attachment of the label of global citizenship to the actions of those addressing statelessness, is not simply a theoretical exercise but one that serves other interests. Bosniak (2000; 508) explains that:

This is because the term citizenship does not merely serve to designate aspects of the world; it is also a powerful expressive term, one which conveys honor and recognition upon the social and political practices to which it is applied. The debate over the term's scope of application is, consequently, a debate over the scope and extent of recognition we will afford various non-national forms of collective life.

Therefore, approaches grounded in an implicit or explicit evolutionary and hierarchical notion of global citizenship are in danger of excluding the stateless, due to them not being a citizen of any state under the operation of its law. Further to this there is also a danger of potentially excluding those addressing statelessness, who are not themselves stateless, from the discourses and as a result one finds it problematic to situate their moral obligation, and actualisation of this, with regard to assisting persons who are not citizens of any state. While the problem is often related to under-theorisation, some of the approaches adopted not only theoretically exclude the stateless from acting as global citizens, thus not granting the legitimacy of 'citizenship' to their actions, but also is in danger of weakening the theoretical foundations of global citizenship itself. This occurs as if a prerequisite for global citizenship today is citizenship of a nation-state, we have to question if global citizenship is deviating too far from its conceptual benchmark of universality and generality, being limited to those with citizenship of a nation-state. This exclusion is caused by the evolutionary and or hierarchical tendencies in some conceptualisations of global citizenship.

The hierarchical approach to global citizenship places the concept, in relation to citizenship and the nation-state, within a hierarchical framework. Citizenship is seen as a layer of moral obligation that differs from most due to the legal-centric bond it contains (other examples include obligations to family and local community). Other layers exist at different levels within this hierarchy of rights and obligations, with global citizenship being seen as a level above that of membership of a nation-state.

This notion of an expanded moral obligation is reliant on the premise of citizenship of a nation-state, as it is going above and beyond this ‘closed system isolated from other societies’ as described by Rawls (1972) that we move into the global realm. Going beyond this closed system of the nation-state means one is acting in the realm of the trans-national and potentially global. This hierarchy presupposes the existence of citizenship of a nation-state for the individual, as well as definable ‘boundaries’ of this membership. Without these it is not possible to demark the point where national obligation turns to become global obligation. Essentially without the closed system, one cannot define what actions are to be seen as the actions of a global citizen. Chapter five discusses the contestation over the concept of the nation-state and highlights the difficulty in drawing boundaries factually, and in turn conceptually, around obligations to fellow members of a nation-state.

The evolutionary approach to global citizenship is based on the understanding that citizenship, when combined with an expanded sense of moral obligation leads to the ability for those individual citizens to act as global citizens (i.e. acting beyond obligations to those whom one is ‘attached’ through shared citizenship of a state). This evolved sense of moral obligation is not a predestined evolution of rights and obligations. However, it is possible for one to move beyond attachment to fellow citizens. Citizenship under this understanding is seen as the basis, or an essential stepping stone in this evolution. This is problematic for those addressing statelessness, some of whom are not citizens of any state, as their obligations cannot be claimed to be moving beyond obligations to their fellow citizens. Chapter six problematises the concept of citizenship of a nation-state and citizenship rights, which are the foundations for this evolutionary approach, thus highlighting the theoretical concerns with the empirical findings.

This concept of the evolution of rights can also be seen in the citizenship discourse. Marshall’s (1950) classification of citizenship rights noted three historically and analytically distinct component parts to citizenship. Marshall (1950) claimed that these were civil rights, political rights and social rights. His work can be seen as a catalyst for the current theoretical developments in the citizenship debate, which takes a predominantly evolutionary stance. Marshall (1950) noted that these social rights, in

Britain at least, were the result of the creation of the welfare state in the 1940s as a means to allow the most economically marginalised segments of the population to participate in citizenship. Thus, social rights allow for the enjoyment of civil and political rights, which in turn allows a person to enjoy 'full' citizenship. Placing the stateless within this development of citizenship rights is problematic for two reasons. First, they are stateless; Marshall was referring to citizens and the development of their rights as citizens, rather than the development of citizenship rights from a stateless position. Second, the context Marshall was referring to, namely the development of these rights in Britain during the twentieth century, is time and space specific and not easily relatable to, say, the potential evolution of citizenship rights of the stateless in Lebanon. Yet, Marshall's (1950) theories of citizenship rights as developing in a sequential form has had a great influence on the concepts, not only of citizenship, but also arguably on global citizenship by association. This is because an evolution of rights beyond shared membership (through citizenship) of a state can be seen, either implicitly or explicitly, in some of the global citizenship discourse.

It should be made clear, that I am not claiming that all cosmopolitan scholars fall into either the evolutionary or hierarchical categories. Generally, statelessness can be seen as under developed and under theorised in the debate. However, there is a trend of the implicit or explicit assumption, of potential global citizens, having citizenship of a state, which needs to be challenged. The lack of theorisation surrounding the statelessness is problematic in that it does not counter these trends. This research, therefore, aims to provide a contribution to knowledge to begin to fill this gap in our understanding.

Essentially when looking at global citizenship I came to a similar conclusion as Bosniak (2000; 452), though she was considering it from a post national perspective, when she noted:

I first approach the 'postnational citizenship' claim as an empirical claim, and address the question whether citizenship has, in fact, begun to be reconfigured in postnational terms. I contend that there is no single answer because there is no single conception of 'citizenship'.

It is to the development and contemporary understandings of the many variances in the global citizenship debate that I now turn.

3.2 The origins and development of the concept

3.2.1 Stoic tradition

The Stoic tradition of cosmopolitanism is usually considered as the key historical conceptual origin of global citizenship (Brown 2006). The Stoic tradition can be seen as emerging during the third century BC, lasting through to the second century AD. From ancient Greece the concepts reach was felt throughout the Roman Empire, reflected in the works of Cicero, Plutarch, as well as Emperors (Marcus Aurelius) and slaves (Epictetus). Yet, as Dower (2003) notes, before Stoicism, Diogenes labelled himself a *Kosmopolite* or ‘citizen of the world’ as a response to his rejection of Aristotle’s notion that ‘man is a political animal’ - with his nature being realised though his membership of a specific political community. Heater (2002) also notes that pre-Stoic figures such as Socrates, as written by Epictetus, when questioned about their country of origin were careful to refer to themselves as ‘citizens of the world’ and not as Athenian or Corinthian. Following these developments in the concept the Stoic tradition began in 310 BC when Zeno set up a school to teach his philosophical approach on his porch, *stoa* in ancient Greek, which led to the naming of the tradition as Stoicism.

Cosmopolitanism in the Stoic tradition was a response to the increased travel and exploration that was taking place in ancient Greece. Previously the world view of a civilized person was focused on an individual’s immediate social and political community, normally a city state, termed a *polis*. A strict divide between those within one’s own *polis* and outsiders was created. Despite being aware of ‘others’ and their social environments, strangers within their *polis* were:

Embraced into the ethical category of guest and treated in accordance with the norms of hospitality. When they were outside the *polis*, they were regarded as barbarians who could be enslaved, conquered or exploited. (Westermarck cited in Van Hooft 2009;14)

It was within this setting of hospitality and hostility that Diogenes declared he was a *kosmopolite*. However, Diogenes' claim was not political in that he declared no allegiance to his *polis*. Carter (2006) warns us against thinking of Diogenes' claim within the framework of contemporary cosmopolitanism, specifically an apolitical and individual philosophical stance. The philosophical claim that in understanding ones political community, reflection on a grander set of universal principles and values should be considered, was summed up in Nussbaum's (1996;7) description of Diogenes' view of cosmopolitanism:

Diogenes knew that the invitation to think as a world citizen was, in a sense, an invitation to be an exile from the comfort of patriotism and its easy sentiments, to see our own ways of life from the point of view of justice and the good.

It is important to remember that this 'exile' was from membership of a polity which was in place before the invitation to think as a world citizen could be taken. Therefore, even from the origins of global citizenship we can see the tendencies of the evolutionary approach which, along with the hierarchical approach, still have some influence on the contemporary discourse on global citizenship.

The Stoic conception of cosmopolitanism was based on a belief in a universal moral order, ordained by the gods, that was to guide rational beings to live in accordance with nature. As Plutarch's well known quotation of Zeno summarises:

Our life should not be based on cities or peoples each with its own view of right or wrong, but we should regard all men as our fellow-countrymen and there should be one life and one order, like that of a single flock on a common pasture feeding together under common law.

(cited in Carter 2006;12)

Within the above quote we can see the hierarchical approach influencing justifications of an expanded moral obligation. For example it notes that we should treat all men as

fellow countrymen, with countrymen being a delineating factor in the expansion of values beyond the political community.

The Stoics emphasised the role of ethics in their philosophy, focusing on the naturalness of virtue and the link between an individual's well-being as interconnected with the well-being of all others. In so doing they countered the position that a person could live a virtuous life by simply following the laws of nature, as this would lead them to be focused on self-preservation, and instead emphasised the connectedness of individuals' existence (Heater 2002). To become part of this global community of right thinking people the individual had to devalue their local loyalties as a prerequisite to accepting a universal moral order which involved the incorporation of benevolence towards all others. These local loyalties, including that to one's polity are again assumed; as it is beyond these that we can evolve our moral obligation through our devaluation of local loyalties.

The Stoics contributed the idea of Natural Law to the cosmopolitan debate which was seized upon during the Roman and medieval Christian periods. One could also argue that their focus on ethics and the interconnectedness of all individuals' well-being still has resonance in the cosmopolitan debate today. However, when drawing on this line of thinking one must be careful as modern conceptions of global citizenship vary dramatically from these earlier concepts. The Stoic tradition itself is not considered one line of philosophical thinking and is generally broken down into three main periods (the early, middle and late Stoas). With regard to the more general direction of cosmopolitan thinking in which the Stoics engaged, Miller (2002;80) questions whether the conception and use of cosmopolitanism during this period was in fact as egalitarian as it is claimed:

Developed mainly by the Stoics, cosmopolitanism first became popular as part and parcel of the ideology of the Roman Empire, and the underlying question I want to raise is whether cosmopolitanism proper is also implicitly imperialist – whether you detach it from the belief that there should be a single world government, and moreover a government controlled by people of virtue, as the original Stoic conception of cosmopolitanism apparently required.

Potential (neo)imperialism and elitism are not criticisms that only fall upon the Stoic period of the development of cosmopolitanism, but continue today. However, despite criticism, Dower (2003) notes, the period remains important as even before the existence of what some may argue are the modern conditions of global citizenship, namely globalisation and modern technology, a theory of cosmopolitanism was created on an alternative metaphysical level. Despite the differences in modern and classical formations of cosmopolitanism, the Stoic legacy was their view of the human world, aspects of which must be considered if we are to gain an understanding of cosmopolitanism in its modern forms (Carter 2006). From the Stoics then we see the development of the emphasis on rationalism, with rationalism (seen as a moral choice) linking all humans, as all have the potential to reason. Later this would be highly influential in the works of other cosmopolitan thinkers, most notably Kant. Nussbaum (1997;6) summarises that, what was central to this period in terms of the development of the cosmopolitan debate:

[I]s the Stoic insistence on a certain way of perceiving our standing in the moral and social world. We should view ourselves as fundamentally and deeply linked to the human kind as a whole, and take thought in our deliberations, both personal and political, for the good of the whole species.

As well as the intellectual and conceptual legacy of the Stoics, it is worth remembering that concepts of global citizenship originated in a world without nation-states. Therefore, global citizenship was not, as it is sometimes considered today, a reaction to the failure of the nation-state project, but transcends nation-states, as we

can see with its relationship to other forms of political organisation, that have occurred during its development throughout history.

3.2.2 Medieval Christian cosmopolitanism

The Medieval Christian period should not be overlooked when discussing cosmopolitanism. Despite it being seen as a time of religious oppression and intolerance, this would be to overlook some great advances in the cosmopolitan ideology; that of the medieval Christian concepts of the global and ‘the other’ (Ganim 2010). Ganim (2010;13) argues “that cosmopolitan ideals can be found in the very medieval cultures that the Enlightenment defined itself against, even if, as with modern cosmopolitanism, those ideals are frequently found in conflict with, or even in tandem with, their opposites”. Gramsci questioned whether the rooted cosmopolitanism of the Middle Ages, specifically that of the Holy Roman Empire, shows that cosmopolitan intellectuals can be a “producer of civilization” (Gramsci in Ganim 2010;12). Similar criticisms of the role of religion and cosmopolitanism can be found in the cosmopolitanism debate today, for example see section 3.4 on Islam and cosmopolitanism.

3.2.3 The Renaissance contribution

Before moving on to the ways in which the Enlightenment period has influenced the cosmopolitan debate we should consider the role of pre-Enlightenment thinkers, if only briefly, to show the continued interest in the concept during this time⁵. The Renaissance period was a precursor to Enlightenment thinking on the subject, setting some conceptual foundations that would be built upon later. The period between 1500-1700AD saw the development of the idea, with scholars such as Erasmus, who rejected local loyalties in favour of his loyalty to his intellectual community. He challenged feelings of national affiliations, or as he stated ‘very stupid labels’, claiming they were the cause of division (Carter 2006). Erasmus asked, as “all men... are sprung from the same parents... is not a Turk a man – a brother?” (Erasmus in Heater 2002:40). Despite criticisms that Erasmus was Eurocentric in his outlook and his potentially elitist views of cosmopolitanism, the self proclaimed cosmopolite can be seen as a precursor of the Enlightenment thinkers.

⁵ A more detailed analysis of this period can be found in Carter (2006)

Following Erasmus, Montaigne and Lipsius continued to grapple with the idea of European unity based on Stoic universal moral principles, as a means to reduce civil wars in Europe. This was also a time when state sovereignty was becoming embedded as a dominant discourse in international relations, leading to the problematic tension of whether universal moral principles or state sovereignty should take precedent. The concepts of nation and citizenship were becoming deeply entwined and the word 'nation' came to mean one's country by the eighteenth century (Heater 2002). This was more on an individual level, with the subject reflecting on their country, while the concept of nationalism as a determinant of peoples emerged later in the nineteenth century. As mentioned earlier the cosmopolitan debate preceded the nation-state system, however, at this point it seems that nation-states and the attachment of citizenship to them began to be a dominant form of socio-political organisation, though this should not be read to be at the expense of cosmopolitanism as the two are not mutually exclusive. Instead global citizenship adapted to meet the needs of the perceived failures of the new nation-state project. With regards to the evolutionary and hierarchical tendencies, we can see the shifting of the polity's boundaries to that of the nation-state, which is where the discourse largely remains today.

Understanding and regulating the interaction of territorially defined states, via international law, during this time was a task taken up by Grotius who attempted to reconcile cosmopolitan law and state sovereignty with regards to the conditions for a just war (Heater 2002). Therefore, while nation-states came to the forefront of political organisation, how to regulate their behaviour in the international realm continued to call for the need to draw on 'universally' acceptable standards and norms of behaviour. Carter (2006) states that there were two significant contributions to the cosmopolitan debate during this time. The first was the legacy of international society between states that, despite some conflict, was mediated by concepts of just wars, norms of behaviour and international law (*ibid*). Second the emergence of peace orientated cosmopolitanism from this period, reinforcing Stoic concepts of links between all humans and an individual's moral obligation to all others (*ibid*). This peace orientated cosmopolitanism influenced Grotius and Hobbes, among others, though individual moral obligation was side-lined in their thinking, with predominance given to sovereign states as the main actors in the international arena.

The work of Smith, Paine, Locke and most notably Kant can be seen as drawing on both the individualised nature of the debate and its orientation towards peace, as developed during the Renaissance. It is to these thinkers, and their work, that I now turn.

3.2.3 *The Enlightenment and Kant*

Never were any principles more worthy of human nature, and more proper to form the good man, than those of the Stoics.

(Montesquieu cited in Carter 2006;33)

This quote reflects the admiration many Enlightenment *philosophes* felt for their predecessors' explorations of the concepts of global citizenship and cosmopolitanism during the Stoic era. The Enlightenment remains an important period in the development of cosmopolitanism, with concepts such as the equality of all humans and common ties across national borders being articulated in such ways that still influence current debates on global citizenship. One example of this is the Kantian tradition which still greatly inspires scholars such as Martha Nussbaum and Seyla Benhabib, to whom we will turn shortly.

There were many scholars whose cosmopolitan thinking during this period needs to be acknowledged. It was during the Enlightenment that Adam Smith's economic theory that free markets would encourage peace through commerce was conceived. The opening of *The Theory of Moral Sentiments* begins by stating "How selfish soever man may be supposed, there are evidently some principles in his nature, which interest him in the fortune of others..." Smith (1790 [1976;9]). For a liberal system based on free markets and free people to operate successfully there has to be security for individuals which is enforced through a system of justice, an argument reinforced in *The Wealth of Nations* (Evensky 2005). Therefore, Smith (1790 – [1976]:86), introduced "justice as the main pillar that upholds the whole edifice". This edifice being society, which grapples with justice as a principle that allows society to flourish and not sink into a Hobbesian war of all against all. While security and justice may be desired by individuals, Hobbes claimed they are not able to achieve these by themselves, as this involves a stable sovereign state to lift us out of a state of self

preservation, a state that dominates the individual's concerns in the absence of a sovereign. Justice, for Hobbes, even when expanded beyond one's sovereign is entirely reducible to self interest and not a moral undertaking (Hobbes 1991).

Thomas Paine's work can also be seen as having a significant impact on the cosmopolitan debate today, as, according to Walker (2000;52) he:

[W]as the first to offer an integrated, modern, cosmopolitan vision of international relations... Paine's international thought is one of the most coherent. And basking in the glow of the Enlightenment are Paine's visions of peaceful, democratic, and egalitarian societies interacting within a cosmopolitan international order based on reason and justice. Paine's worldview included the most enduring strands of cosmopolitan thought in international relations: democratic governance, free trade, high degrees of interdependence, non-provocative defence policies, a recognition that conquest cannot be profitable, and a universal respect for human rights.

Based on the principles of human goodness and democracy, Walker (2000) argues that Paine's work can be seen as more cosmopolitan in comparison to what he describes as Kantian liberalism. From Paine's concepts of men being free when within society, we move to Locke who argued that man was free, but sacrifices this status with the creation of a society through a 'social contract'. Despite this divergence in Locke's writings he shows an incorporation of classic cosmopolitanism when he claimed:

The state of nature has a law of nature to govern it, which obliges everyone: and reason, which is that law, teaches all mankind, of whatever nation or profession, who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty and possessions. (Locke 1993;117)

However, it would be misleading to fail to acknowledge those who did not align with the cosmopolitan thinking of the time. Jean-Jacques Rousseau, despised

cosmopolitanism in favour of patriotism, despite agreeing with Enlightenment *philosophes* on the avoidable barbarity of war in *Discourse on the origins of Inequality* in 1755 and the *Discourse on Political Economy* in 1758 (Rousseau 2011). Further to this Pagden (2000;10) claimed that:

What Hobbes and Grotius had succeeded in doing... was jettisoning the entire Christian-Aristotelian concept of men as *zoia politika*, of a natural, innate disposition to sociability which might provide the basis for a universal human society.

Another important development during the Enlightenment period was utilitarianism. Most associated with Jeremy Bentham and John Stuart Mill, it is an ethical philosophy based on the perception of ethics as a set of timeless objective truths. The theory came into force in the late eighteenth and early nineteenth century. Utilitarianism is a moral principle based on promoting what is ‘good’ and reducing what is ‘bad’, therefore maximising *utility* of the best balance between the two, or the greatest happiness principle (Mill 1962). What utilitarianism has in common with cosmopolitanism is its global ethic, as ethical thinking following the utilitarian principle involves considering the impact our actions will have on all those who will be affected, including those in other societies. This ethical consideration of others acknowledges the possible unintended or unforeseeable outcomes of an action, which are excused. This ties in with the positive and negative obligations in the current cosmopolitan debate (see section 3.3.1), again showing how these concepts still have resonance today.

In contrast to the universal ethics of *utility*, it is the political philosopher Kant who is seen as the Enlightenment thinker with the greatest links to contemporary cosmopolitanism (Brown and Held 2010), and it is to Kant that we now turn our attention. Kant’s cosmopolitanism, in its basic form concerned the moral, legal and political conditions that would be required to establish a form of cosmopolitan justice, moving beyond the concepts of ethical, religious and legal cosmopolitanisms that had been the focus of his predecessors (Brown and Held 2010). Due to the world’s increasingly interconnected nature Kant (1970;107) stated “a violation of rights in one part of the world is felt everywhere”. Therefore, what Kant believed was needed were

mutually consistent cosmopolitan and international principles which would be regulated by public laws, eventually leading to a cosmopolitan constitution (*ibid*).

Kant explained how this cosmopolitan constitution could be realised. He noted that all humans have the potential for reason, and if utilised properly this reason would lead all thinkers to the same truth, included in this line of thinking were ethics. Kant's 'categorical imperative' stated that we are autonomous makers of moral law derived through our own ability to reason. Therefore, Kant believed we should "act [so] that your maxim is willed to be a universal law of nature" and "so act that you treat humanity in your own person or any other person never merely as a means but as an end in itself" (Kant 1949 *cited in* Dower 2003;28). Whatever the differences between these two wordings of this basic moral law, Kant stressed through his 'categorical imperative' that whatever action you take you must be prepared to universalise its maxim as a principle of reciprocity and further to this one must treat other people with respect as rational beings (*ibid*). This global ethic, namely the application of the 'categorical imperative' in our relationships with others, was extended in *Perpetual Peace*, to include moral well-being through his model of international relations. Kant (1970a) stated there should be three levels of 'rights', including republican states founded on moral principles, with 'articles of peace' based on mutual respect, maintaining international order between them. Here he counted on a great state that would set an example for others to follow in its wake, rather than on a sort of second order social contract between states (Kant 1970a). The latter 'solution' – suggestive of a legal order between legal orders – was something he rejected firmly as one cannot leave the state of nature twice, he famously said in *On Perpetual Peace*, meaning: one cannot constitute a full blown state and then constitute a full blown state of states without making the first state less 'full blown'.

Hence, the international legal order would either usher in a world federation of states (a super-state) or it would remain 'a surrogate', though valuable to pursue in its own right, as 'a league of nations'. The 'surrogate', would be based on the expectation that states would be prepared (if only that great state would set an example), to acknowledge the principle of reciprocity that grounded their existence also in a wider context in which their existence (i.e., their autonomy) is not at issue. Kant's work

spanned ethical cosmopolitanism as well as institutional cosmopolitanism, imagining a cosmopolitan political order in the future, yet warning against the dangers of a world federation (Kant 1970b). Kant's concept of cosmopolitan right or *Weltbuergerrecht* refers to the duty of hospitality towards foreigners. This hospitality was not perceived by Kant as an act of hospitality, but a right towards all humans as members of a potential world republic (Benhabib 2006). Through this duty of hospitality Kant argued that strangers could claim temporary residence within another country, a claim that under the right of hospitality cannot be refused. What could be denied though was genuine citizenship.

In opposition to the universalism espoused by thinkers such as Kant, Herder rejected philosophical universalism that he claimed ignored the diversity that was present in human societies, claiming we cannot abstract away these differences with rootless cosmopolitanism (Davis 2008). With emphasis placed on the validity and pattern of growth of each society, Herder's relativism can be seen as a counter to the cosmopolitan developments during the Enlightenment. However, Herder himself, according to Denby (2005), is challenged due to the assumption that one can assess a culture by some externally valid standards, which implies an aspect of ethical universalism.

There is also debate whether Kant's concept of hospitality, under a cosmopolitan duty, is directly transferable from foreigners within one's society to all foreign others. Benhabib (2006;32) uses Kant's duty of hospitality to explain the tensions faced by nation-states in the international system, with regard to human rights law and state sovereignty:

The tension between sovereignty and hospitality is all the more real for liberal democracies because they are based on the fragile but necessary negotiation of constitutional universalism and territorial sovereignty.

This tension between sovereignty and hospitality leads to what Benhabib (2007:447) calls the "paradox of democratic legitimacy". Kant's influence on current cosmopolitan thinking has not been without resistance and critique. With the current divergence in the reality of 'liberal democracy' from its theoretical underpinnings,

such as partial democracies around the world, Held (2010) argues that even if Kantian conditions were fully achieved across the globe, the realisation of a cosmopolitan society would still be found wanting. This is due to the lack of acknowledgment of the complexities of power and inequalities that would exist within such a system. These inequalities include international law failing to address sectional interests, which overpower an individual's right to participate equally (*ibid*). Further to this Kant's 'weak' explanation of cosmopolitan rights, such as the duty of hospitality, is critiqued for not providing enough clarity with regards to the dilemmas presented by contemporary refugee and asylum situations (*ibid*).

There are more general critiques of the developments made in cosmopolitan thinking during the Enlightenment. These include challenging Enlightenment concepts of rationalism and universalism which post-modernists and post-colonialists claim reinforce forms of oppression rather than realising the liberation of humans (Carter 2006). Despite Enlightenment thinkers often ostensibly opposing colonial expansion and the oppression of foreign others, in reality, Said (1994;290) argues that many of them "d[id] not dispute the fundamental superiority of the Western man or, in some cases, of the white race". The Eurocentric, Westerncentric and (neo)imperialist critiques continue to be made against the current debates over cosmopolitanism, with some referring to its intellectual legacy, during this time in Europe, as highlighting these tendencies.

Yet despite these critiques there were many key developments in the cosmopolitan debate during the Enlightenment period. For example the development of the moral underpinnings of cosmopolitanism, with the connection of all individuals, and how this could manifest itself in a world dominated by nation-states. With regard to legal and political cosmopolitanism the works of Kant, especially the concept of cosmopolitan right and the need for a league of states to achieve peace, still have significant resonance. Cosmopolitan theory was also considered more thoroughly within new areas, such as the economic view put forward by Smith (though his view was facilitated by his focus on commerce and not politics). Achieving the peaceful interaction of the world's people also became central to the debate. This debate oscillated between facilitating individual's connectivity with all fellow human beings

and regulating sovereign states, which had become the dominant form of socio-political organisation, this is a debate that continues today.

3.3 Global citizenship today

Traditionally citizenship operates spatially, global citizenship operates temporally, reaching out to a future to-be-created, and making such a person ‘citizen pilgrim’, that is someone on a journey to ‘a country’ to be established in the future in accordance with more idealistic and normatively rich conceptions of political community. (Falk 1994:138)

No one has offered me citizenship [of the world], or described the naturalization process, or enlisted me in the world’s institutional structures, or provided me with a list of benefits and obligations of my citizenship, or shown me the world’s calendar and the common celebrations and commemorations of its citizenship. (Walzer, in Heater 2002;21)

These two quotes reflect some of the diverse opinions surrounding global citizenship, showing that the task of building a working understanding of the current debates on global citizenship provides a serious challenge. To summarise, we find two opposing positions, those with leanings towards cosmopolitanism, the universal, and those with leanings toward communitarianism, the particular. When considering cosmopolitanism, or global citizenship, it is also important to do so with this relativist contestation in mind. Communitarians challenge the cosmopolitan ethical approach by emphasising the shared life world of a community and its traditions as the creator of moral values and norms. As Glasius (*et al* 2004;88) notes:

Communitarianism is a social philosophy that views community as a voluntary grouping of individuals who come together to identify common goals and agree to rules governing communal order. The community is created in part by recognising common policies, or laws that are set to meet legitimate needs rather than having been arbitrarily imposed from 'above' and 'outside' of the groups.

Thus, morality is relative to communities. Moral relativism rejects universal moral/ethical claims, instead focusing on the context within which agreement over the moral claim has been established. While there remains much variety in the relativist debate (see Harré and Krausz 1996), some general statements can be made of its relationship and opposition to, cosmopolitan principles. As Harman (1975;3) notes:

[M]orality arises when a group of people reach an implicit agreement or come to a tacit understanding about their relations with one another. Part of what I mean by this is that moral judgments or, rather, an important class of them make sense only in relation to and with reference to one or another such agreement or understanding.

With so many seminal works and contributions all but the most extensive and dedicated work on global citizenship will inevitably contain some omissions. However, an understanding of the under theorisation and the theoretical concerns can be outlined. To do this I will use the framework noted by Brown and Held (2010) when they described five distinct yet interconnected areas of the current cosmopolitan debate. These include global justice, cultural cosmopolitanism, legal cosmopolitanism, political cosmopolitanism and finally civic cosmopolitanism. I will discuss each of these areas, the major themes, criticisms, the scholars who have contributed to them and throughout highlight when the evolutionary or hierarchical approach is introduced, or where there remains under theorisation on the existence of the stateless, and how they would be situated within such theories. The specific theoretical concerns revolve around the implicit or explicit assumption that all have citizenship of a state. This is problematic, as citizenship of a nation-state is seen as an important layer of affiliation, by which some scholars demark moral obligation; a

position I challenge due to its failure to capture the actions of those addressing statelessness.

3.3.1 *Global justice*

We begin with global justice as a theme that has been a key area of cosmopolitan thinking throughout the Stoic and Enlightenment periods and continues to attract much attention today. Essentially this theme is concerned with creating an ethical position which highlights the conditions required for universal justice and from this ethical position unjust moral and political practices can be critiqued (Brown and Held 2010).

O'Neill (1989) focused very specifically on the Kantian approach to global justice and how this approach still has relevance to contemporary debate. Global justice in O'Neill's eyes should relate to our ethical thinking of what we owe to all other human beings through our humanistic moral duties. O'Neill (1989) questions and critiques the rights-based approach as driving a 'theoretical wedge' between issues of justice and those of help and benefit. Utilitarianism is also rejected as a theory for universal distributive justice as it fails to incorporate needs that fall outside desires or preferences (*ibid*). Libertarian writings are critiqued as providing a minimal account of human rights and international justice (*ibid*). As a solution to the failings of these three philosophical stances, O'Neill (1989) reintroduces Kantian global justice as a means to derive duties of justice, while at the same time recognising the importance of satisfying the needs of other vulnerable human beings.

Continuing in this line of thinking Beitz (1999) made the distinction between institutional and moral cosmopolitanism. Institutional cosmopolitanism "holds that the world's political structures should be reshaped so that states and other political units are brought under the authority of supranational agencies" (*ibid*;287). The current system is therefore, in Beitz's eyes insufficient to act or be treated as a manifestation of global citizenship (Heater 2002). Moral cosmopolitanism is described by Beitz (1999) by quoting Pogge (1992;49) namely, "that every human being has a global stature as the ultimate unit of moral concern". The reason for mentioning Beitz (1999) in this section, instead of under political cosmopolitanism, is

that it is the relationship between the institutional and the moral that is the important connection in Beitz's eyes. Even though "cosmopolitanism about ethics does not necessarily imply cosmopolitanism about institutions" (Beitz 1999;287). Ethical cosmopolitanism does provide all citizens of the world with the moral basis for assessing certain institutions, both in their political theory and in their practice (Heater 2002).

Pogge (1992), as mentioned previously, noted that every human being is the ultimate unit of moral concern, yet this was just one of three themes he identified which are utilised by the varying cosmopolitan positions. The two other concepts are *universality* (all moral units are attached to all others equally), and *generality* (that this force is global as humans are units of concern for all others) (*ibid*). With regards to global poverty and distributive justice, Pogge drew on concepts from Rawls' influential book *The Theory of Justice* (1972). Rawls (1972) stated that inequalities in social goods are just if the rich are not getting richer at the expense of the poor, and that anyone within the system has the opportunity to improve their situation. These principles would justify an 'original position' with regard to institutional structures (*ibid*). Yet Rawls believed that this justice could only be achieved within a nation-state as an economic and political frontier, as this closed system of cooperation is the only way that contributors would agree to such institutional structures (Van Hooft 2009). However in *The Law of Peoples*, Rawls, as noted by Dogan (2004;135):

[E]xtends the domestic version of his political conception of justice as fairness to the relations among peoples at the international level. Rawls argues that not all peoples accept liberal values, but this does not require liberal peoples to leave all neoliberal peoples outside the international community – the society of peoples endorsing the laws of peoples.

Yet there is an assumption that individuals have membership in a political community in Beitz (1999) and Rawls' (1972) work. It is these political communities that make up institutions that need to be regulated, or form the basis for extension into the world of states. This reflects tendencies towards the hierarchical approach and possibly the evolutionary one if we consider how Rawls' work has been used. For example, Pogge

extended Rawls' 'original position', beyond its original containment within the borders of a state, and that of the toleration of non liberal peoples, which was questioned due to the increasing impact of globalisation, instead applying it to the global economy and institutions.

Pogge (1992) considered the means by which we should tackle the global injustice of poverty as twofold, noting the need for 'positive obligations', the obligation of all those who are wealthy to help those in need, but also 'negative obligations', namely not harming others through our actions or involvement in oppressive structures. Pogge's (1998) focus on institutions, as the means through which developed countries perpetuate global poverty for their own benefit, shifts some of the moral obligation from the individual to an institutional/structural level. This is a shift away from Singer's ideas of individual moral responsibility. Singer (1972;231) uses the example:

I am walking past a shallow pond and I see a child drowning in it, I ought to wade in and pull that child out...This will mean getting my clothes muddy, but this is insignificant, while the death of a child would presumably be a very bad thing.

From this initial moral obligation Singer goes on to expand our moral obligations globally to help all those who are at risk of dying when we are able to reduce this risk, despite the cost to ourselves. This would fall under Pogge's 'positive obligations', but the extent to which one should expand this moral obligation has been criticised. Miller (1998;209) for example questions this generalised and universal moral obligation, claiming that it is possible "to do your fair share in making the world a better place while turning down the chance for world-improvement". Appiah (2007) questions whether Singer's values are even cosmopolitan in its fullest sense, claiming that a truly cosmopolitan approach to the situation would involve both the curiosity to ask *why* the child was drowning as well as the action of saving the child itself.

The question of our moral obligation to all others and the perceived need for greater obligation to those closest to us can be considered using a reference to "thick" and "thin" cosmopolitanism (Held 2010;78). Miller (1998b) describes the difference

between ‘thick’ cosmopolitanism as a moral principle that should give equal weight to all other claims as these moral principles are universal in scope, whereas ‘thin’ cosmopolitanism’ allows for a combination of a selection of universal obligations while restricting some moral obligations to individuals to whom we are related in certain ways. This then, sets up a potentially hierarchical notion of expanded moral obligations, which while not necessarily falling into the trap of excluding the stateless, could do so if sensitivity to their position is not considered. For example obligation to fellow members of one’s polity could play a central role in marking the end of those individuals related to us, versus those who are not.

Shue offered a different approach towards global ethics and responsibility than that of Singer. While still defending cosmopolitan morality, Shue (1988) finds Singer’s argument problematic as it fails to account for the inability of everyone to meet their obligations to all those in need, apart from perhaps the super-wealthy. Shue (1988;691) is sceptical of how we should go about this, claiming:

We must often see our duties from the point of view of a pebble being dropped into a pond. I am a pebble and the world is the pond I have been dropped into. I am at the centre of a system of concentric circles that become fainter as they spread... My duties are exactly like the concentric ripples around the pebble: strongest at the centre and rapidly diminishing toward the periphery... [which eventually] diminish to nothing.

The concentric circle analogy continues to be a point of interest in explaining universal obligation and how to factor in other considerations, such as those obligations to our closest family and friends⁶. The role of responsibility and/or obligation in conceptualising a global ethic serves “as the ethical fulcrum between awareness and participation” (Schattle 2008;44).

⁶ A detailed analysis of the concentric circle model can be found in Heater (2002) *World Citizenship Cosmopolitan Thinking and its Opponents*

Yet humans form social bonds and commitments which are tighter between some groups than others. Once the concept of global citizenship is layered on top of these commitments we see even more complexity in terms of obligation. Certain questions arise from this, such as should our commitments as global citizens take priority over those within our nation-states, communities or even our families? Singer (1981) claims that there is no *ethical* case for us to treat any other person, no matter what circle they occupy, with anything other than impartiality, therefore denying that there is a moral problem with this approach, yet implicitly accepting the ability to map circles of moral obligation, (including membership in a polity) which he then rejects. However, as Shue's above quote shows, this impartiality to all human beings is not without contestation. Hierocles (a philosopher from the middle Stoa) even suggested that our obligations should expand with distance. Nussbaum (1996) complimented Hierocles' work in his attempt to draw the outer circles closer to the centre. Even Walzer, who denies the existence of global citizenship in any tangible sense, accepts the concentric circle model as a means for individuals to expand their moral obligation, increasing those who we accept in our inner most circle and expanding our "sense of moral fellowship and neighbourliness" (Walzer 2002;126).

Despite this, Heater (2002;52) summarises the debate surrounding the concentric circles, and, continuing with the analogy used by Shue, notes that despite fierce critique and contestation about expanded moral obligation "that tremor on the water's surface can be neither denied nor ignored". Through Walzer's (2002) critique we can see how the hierarchical and evolutionary approaches can also influence, or be inadequately reflected upon, by those who are critical of global citizenship. For example where would Walzer have us draw this inner most circle? The family? The community? Our polity? There is an implicit assumption that the delineating point of this inner circle is agreed upon, and I would argue that in such work it is often citizenship of a nation-state.

Global justice and moral obligation to all others are concepts that have been developed from the Stoic era, through the Enlightenment period, to its modern forms. Consensus and agreement are hard to come by with regard to how expansive our moral obligations should be and debate tends to remain abstract. A more pragmatic

approach to building notions of global citizenship is presented in the idea of cultural cosmopolitanism, to which I now turn.

3.3.2 *Cultural cosmopolitanism*

As Brown and Held (2010) note, if one is to consider global justice as our moral obligation to others, then cultural cosmopolitanism can be seen as one of the means by which we are able to cultivate and grasp a sense of global justice in a culturally pluralistic world. Cultural cosmopolites would claim that there are in fact moral duties that surpass local obligations which are based solely on concepts such as nationality, ethnicity and/or local culture. Here again there is a considerable lack of theorisation on the stateless, and hierarchical and evolutionary tendencies can arise.

Cultural cosmopolitanism can be broken down into two dominant forms; both provide a counter to communitarian and relativist philosophies on moral obligation as noted at the beginning of this chapter. In this cultural cosmopolitan tradition Waldron (1993) claims humans already have multiple overlapping cultural identities. Therefore, based on this, there can be no serious theoretical resistance to extending this concept to include aspects of cosmopolitan culture, as highlighted by an individual's ability to hold multiple cultural identities locally, while not necessarily leading to the reduced association with one's other cultural identities (*ibid*). This position is summarised by Brown and Held (2010;10):

If multi-layered obligations are possible, and the existential worth of an individual does not have to be psychologically anchored to only one cultural identity or obligation, then it is possible that human beings, as well as various cultures, can accommodate a cosmopolitan identity beyond their immediate cultural border without also abandoning the important features of their cultural belonging.

Waldron (2006) uses the example of commerce between those of different cultural traditions to highlight how this cosmopolitan culture can be created, echoing Adam Smith's claims, as well as critiquing the many cosmopolitan scholars who focus on 'high profile issues', where cosmopolitanism seems more spectacular. This focus on high profile issues is challenged as it ignores and side-lines the more 'mundane'

everyday cultural interactions (*ibid*). In *Cosmopolitan Norms* Waldron (2006) uses the example of regular commercial interaction as a means to build cosmopolitan cultural norms.

This brings me to the second aspect of cultural cosmopolitanism. This relates to the searching for common universal principles that “encompass all human activities and cultural structures” (Brown and Held 2010;10). By identifying common human culture, cultural cosmopolites defend moral obligations by drawing universally acceptable principles out of these common cultural traits (*ibid*). There is disagreement over the ways in which these universal cultural norms can be cultivated. One example is produced by Nussbaum (1996) who argues that this can be achieved through the broadening of education to include elements of ‘cosmopolitan education’. Nussbaum (1996) uses the example of the American education system, in her application of ‘cosmopolitan education’, referring back to Stoic conceptions of cosmopolitanism, as a criticism of Rorty’s (1994) piece in the *New York Times* calling for the need to hold patriotism as a value in education. Yet, by situating cosmopolitan education within the American school system, Nussbaum (1996) reinforces the hierarchical and evolutionary tendencies of global citizenship. This is because she is arguing that there is a need to develop cosmopolitan principles in contrast to the cultural attachment to a nation-state, namely patriotism. By claiming students should be taught to evolve their moral obligation past national affiliations to their nation-state, to those outside of the United States citizenry, the evolutionary tendencies of her argument are shown.

The cultural cosmopolitan debate can be seen as a reaction and counter to the views of those who subscribe to the communitarian or relativist traditions. Those drawing on relativist thinking, (see Wong 1984), hold that moral values are relative to societies and cultures. If cultures have similar moral values this is due to them responding to similar needs in similar ways, this is an accident and not a reflection of objectively discerned universal values (Dower 2003).

Communitarian, as mentioned earlier, claims that it is legitimate needs that direct an individual’s ethical responsibility and obligation, driven by the desire to increase the well-being for *their* own community. Rather than the rejection of universal moral

obligation in the relativist tradition, communitarians seek to reduce the limits of one's obligation to those in one's own society, even though in its more moderate forms some level of global obligation can be incorporated (Dower 2003). Therefore, communitarians would argue that universal moral obligation, as a principle behind cosmopolitanism, is critically flawed and simply misleading. For those following the communitarian tradition, morality is situated within the community and even though some moral norms can be found between cultures, objective universal moral values cannot.

There is also criticism that cultural cosmopolitanism may simply reflect Western cultural imperialism under the guise of the creation of universal cultural norms and obligations. One particularly sharp criticism comes from Zolo (1997; cited in Delanty 2000;139) who states, "the rhetoric of civil globalisation and of a rising 'cosmopolitan citizenship' underestimates one of the most characteristic and most serious consequences of the way in which Westernization is cultural homogenisation without integration". Van Hooft (2009;153) offers a defence of cultural cosmopolitanism from cultural imperialism criticism, arguing:

There is a distinction to be drawn between making an evaluative judgement about another society and deciding to act on this judgement. Not imposing liberal political conditions may be a realistic compromise that has to be made for the sake of world peace, but cosmopolitans do not have to accept as ideal a situation in which ordinary members of a society have no right to democratic participation in the decision making that affects them.

This defence highlights the concept of 'understanding', the desire for understanding through mutual respect and dialogue that can be found throughout the cosmopolitan literature. This then detaches understanding from the act of intervention to impose cosmopolitan moral norms.

Debates over cultural cosmopolitanism tend to fail to adequately reflect on the existence of the stateless, or assume that everyone has citizenship of a nation-state. It focuses on the global culture versus national/local culture, which is membership of a

community, group or nation. This is in danger of reinforcing the evolutionary and hierarchical approaches as it states these loyalties, i.e. to one's nation-state, are distinguishable from those of global citizenship, without adequately reflecting on the membership issue. While membership of a nation-state or even a community may not be the major limiting factor in increasing a sense of cultural cosmopolitanism, the implicit and explicit assumption of citizenship in some of the literature has a potentially exclusionary function. This should not be read as a claim that citizenship (understood as legal membership of a state) is essential to feelings of membership/belonging. However, its role should not be underestimated. This begs the question, what about the stateless who are not members of *any* nation-state? How can one begin to forge universally accepted norms when the stateless are not sufficiently reflected upon in the cultural cosmopolitan literature?

3.3.3 *Legal cosmopolitanism*

Legal cosmopolitanism focuses on international law, claiming that it should or could be constrained and influenced by the normative moral claims of global justice and other cosmopolitan principles more generally (Brown and Held 2010). Cosmopolitan principles should be, according to Held (2010;99), enshrined within international law as if these were “systematically entrenched as the foundation for law, the conditions for the possibility of cosmopolitan regulation of public life could be set down”. Kant's cosmopolitan laws continue to exert an influence on legal cosmopolitan debates today. Kant's reflections move through the concept of ‘hospitality’, mentioned earlier in my discussion on *Perpetual Peace* (see section 3.2.4), to a broader more holistic definition in *The Metaphysics of Morals*, that Heater (2002) notes needs to be set within Kant's moral philosophy - his tripartite classification and his fear of a world federation - to avoid the risk of it being misinterpreted.

Once again I use the framework for examining this aspect of cosmopolitanism used by Brown and Held (2010) who distinguish three main areas of cosmopolitan law. First, certain cosmopolitan thinkers use the theory of global justice as a means of analysing current international law and make suggestions regarding its alteration to a more just system. Buchanan (2004;4), one of the advocates of this form of legal cosmopolitanism, highlights that this approach allows us to “evaluate certain

fundamental aspects of the existing international legal order...[and] propose legal norms and practices which, if implemented with reasonable care, would make the system more just”.

The second form that legal cosmopolitan can take is that of constitutionalisation of laws that promote cosmopolitan moral values. Habermas (2008) for example, while considering legal cosmopolitanism and its relationship to political order, interprets Kantian cosmopolitan legal conditions and applied the Kantian conception of justice when analysing current international relations, showing that the world is currently involved in stages of constitutionalisation (Brown and Held 2010). As Brown (2010) notes, this aspect of legal cosmopolitanism is indebted to the legal theory of Kant and aims to shift some of the focus from a state-centric model of international law and incorporate aspects of human dignity and security. To do this Brown (2010) and Habermas (2008) do not completely reject the current system of international law, instead they advocate for the inclusion of some aspect of it, as well as an additional layer of law, driven by cosmopolitan principles between people and states. Yet this additional layer between people and states should be careful not to assume that everyone has citizenship of a state, for if it does its ‘universal credentials’ could be found wanting due to the existence of the stateless.

Finally, there are some cosmopolitan thinkers who completely reject the legal system of the Westphalia model of state-centric international laws and call for overriding global laws which would aim to enact changes in the current system, to remake it based on cosmopolitan moral theory (Brown and Held 2010). Therefore, the role of the state is not rejected; however the current legal model is, as is its authority, which is seen as residing within states. With regard to the evolutionary and hierarchical tendencies, this approach seems very promising as it rejects the authority of nation-states and if implemented, could render the function of citizenship and the impact of being stateless itself as relatively inconsequential to a person’s life. Therefore, when considering this form of legal cosmopolitanism, there is no need to draw on the nation-state (and thus the evolutionary and hierarchical tendencies) as state-centric international laws would be rejected.

Brown (2010) notes those who are critical of the merging of cosmopolitan morals and the global legal system, include classical legal theorists, who, drawing on positivism, argue that morality and law cannot be connected. Similarly, legal realists aim to protect state sovereignty against the anarchy of the international system, ruling out any reality of cosmopolitan law. Brown (2010) acknowledges that there are in fact great difficulties in merging the theory of legal cosmopolitanism with the reality of the international legal system, proposing that *constitutional patriotism* could provide a space for peaceful global deliberation and a linchpin between the theory and practice of legal cosmopolitanism. Constitutional patriotism, which is a concept most associated by Habermas, would provide such a conceptual space for dialogue as it is based on attachment between ‘citizens’ which are bound by shared democratic values and human rights, as opposed to traditional bonds, such as a shared history or ethnicity (Habermas 1996).

The current international legal system which is often seen to incorporate a cosmopolitan moral order, is that of the human rights law stemming from the UDHR (United Nations 1948), but also the four other major human rights regimes; European, Inter American, African and Asian (Delanty 2000). The UDHR has been criticised for having a Western and male bias and therefore, it is argued that the human rights claimed within it are not ‘universal’. To counter this Van Hooff (2009;62) accuses those who criticise universal human rights of often making a ‘genetic fallacy’, where “informal logic describes this as a fallacy of charging that a claim is false or invalid if it arises from a suspect source”. Therefore, the historical power play between dominant interests, that may have influenced the creation and acceptance of the UDHR, has little significance to questions over its contents legitimacy. Rather as a set of principles its cosmopolitan credentials and its relevance today should be the focus of enquiry.

With a cosmopolitan focus on the role of international law and the increased acceptance that it is to regulate relations between individuals and states, one should be careful not to assume that this would include the stateless. Again, within these debates, the stateless remain an under developed avenue for theoretical exploration. There is also the underlying threat of the potential assumption that the individual is a

member of a state, and it is states that need to be regulated with regard to how they treat their citizens and non-citizens. The denationalisation of rights that has occurred, as seen with the UDHR and subsequent developments, has however failed to overcome the function of citizenship and its role in facilitating the attainment of human rights. With the state-centric focus within international law, it is not surprising that the evolutionary and hierarchical tendencies of legal cosmopolitanism can be seen implicitly or explicitly in some of the literature. As the stateless are not sufficiently reflected upon, these tendencies have not been the subject of necessary critical engagement.

3.3.4 Political cosmopolitanism

Political cosmopolitanism remains distinct from the legal version due to its emphasis on global governance and reforming international political institutions along the lines of cosmopolitan ideals, arguing that regional and global cosmopolitan institutions are required as a supplement to those of the nation-state (Brown and Held 2010). It is debatable the extent to which international institutions are already a powerful force in the global political economy. Yet, we cannot dismiss their existence, or the fact that they are being shaped by states. One could view current global institutions as perpetuating and strengthening dominant states' power. The debate surrounding the extent to which we should, and the means by which to reform global institutions, so that they become more 'cosmopolitan', is the focus of this section, drawing on the varying perspectives of political cosmopolitan thinkers.

In this area of the cosmopolitan debate, there are again some examples of the implicit or explicit evolutionary and hierarchical tendencies, as well as the general lack of theorisation about the stateless. This is because membership within a state level political community and the comparison of international political institutions to national ones, is done so without adequate reflection that the nation-state system of political communities does not include everyone, notably the stateless.

For Dower (2003) the UN provides a form of global governance which is at the heart of this debate, comparing views that it can be reformed to increase its global democratic legitimacy, to those who believe it is inherently undemocratic and lacking

legitimacy; highlighted by the veto power of the Security Council. Dower (2003;108) notes that caution is needed when approaching the UN in global citizenship debates, stating that the UN does not embody global citizenship, but does 'interact' with global citizens as UN agencies work through and with grassroots organisations in multiple spheres. Through this interaction, and with a hint of cautious optimism, Dower (2003) declares a 'critical loyalty' to the UN as a possible cosmopolitan institution. The realist stance would question this goal of cosmopolitanisation of the UN through reforms, claiming that within the *real politic* of the world, the UN is marginal, only being used by powerful nation-states, to advance their national interests in a state-centric and unbalanced system.

Luard (1979;3) argues against critiques of the UN on cosmopolitan grounds, claiming that such critiques are based on unrealistic expectations driven by utopian ideals which condemn "inadequacies that elsewhere they would accept as inescapable". Dower (2003) furthers this argument when he states that by not using international institutions in the pursuit of a more cosmopolitan global order, through reforming them, we would not be using a powerful force for good. It may not be perfect and does require reform, but this does not justify our rejection of any potential for it to be developed along more cosmopolitan principles (*ibid*).

Increasing democratic legitimacy in international institutions plays a key role in spurring the political cosmopolitan debate. The concept of cosmopolitan democracy has been greatly advocated for by Held. Held (1999) argued that globalisation has created a space that has allowed new patterns of democratic engagement to emerge, this is essential to counter the 'democratic deficit' caused by global forces reducing democratic governments' abilities to deliver their democratically formed mandates within their own countries. Cosmopolitan democracy moves beyond an informal global democracy, namely global civil society, towards a formalised global democracy, calling for formal global institutions at a trans-national level (Dower 2003). Held (1999) argues that cosmopolitan law is central to the formation of such institutions and this law should be exerted with more force and increased compliance than current international laws. This is required as the world's nation-states occupy overlapping 'communities of fate' (Held 1997). Yet, we should note here the tendency

towards the assumed citizenship of all in a nation-state, or under theorisation of the stateless, who are part of these ‘communities of fate’, but do not hold citizenship of any nation-state.

Habermas focused on the conditions that would be required for equal access to participation in reasoned discourse, central to this idea is ‘deliberative democracy’ (Carter 2006). Deliberative democracy promotes the concepts of an institutional framework, from the liberalism tradition, and participation, from the republican tradition, but it provides a more realistic level of participation than republicanism and extends the idea of citizenship beyond that of liberalism (*ibid*). Deliberative democracy does not presuppose agreement on all policy, but views dialogue in a number of spheres as a vital tool in achieving compromise. This model can transcend state borders (in a hierarchical sense), but this would require a common political culture and a reconstruction of the existing processes in place (*ibid*). This would *not* lead to a world government as the legitimate monopoly of force would remain with states. States would govern these institutions, but the institutions themselves would be endowed with significant powers with regards to human rights safeguarding and the peaceful interaction between states (Habermas 2008). Thus, unlike cosmopolitan democrats such as Held (2004) and Archibugi (2008), Habermas is not suggesting the shift of decisive democratic politics to a global level (Cabrera 2010). However, Habermas’ considerations of how one would facilitate this reasoned discourse, through his public sphere theory, has suffered from criticisms for being Eurocentric, or more precisely, implicitly Westphalian. As Fraser (2005;1) claims:

From its inception, public sphere theory has always been implicitly Westphalian and/or nationalist; it has always tacitly assumed a Westphalian and/or national frame... Only very recently have the national-Westphalian underpinnings of public sphere theory been problematized. The increased salience of transnational phenomena associated with "globalization," "postcoloniality," "multiculturalism," etc. have made it possible—and necessary—to rethink public sphere theory in a transnational frame. These developments force us to face the hard question: is the concept of the public sphere so thoroughly national-Westphalian in its deep conceptual structure as to be

unsalvageable as a critical tool for theorizing the present? Or can the concept be reconstructed within a transnational frame? In the latter case, the task would not simply be to conceptualize transnational public spheres as actually existing institutions. It would rather be to reformulate the critical theory of the public sphere in a way that can illuminate the emancipatory possibilities of the present ‘postnational constellation’.

Linklater (1999;51) advocates trans-state dialogue in international institutions as a means:

To reduce the powerlessness and vulnerability of others so that they can exercise their moral right to refuse and renegotiate offers. The duty to establish these arrangements is grounded in the belief that autonomy for the self should not be secured through heteronomy of others.

Again the nation-state is used as a delineator and the existence of the stateless, as some of the most powerless in this state-centric system, are not adequately considered. Linklater has a more open approach than Habermas, believing that many more issues other than peaceful state interaction and human rights need to be contested at a global level. Samore (in Carter 2006) however, notes that Linklater underestimates the tension between reconciling the inadequate understanding of citizenship, as belonging to a state, and is critical of Linklater’s cosmopolitan community, with a hierarchy of national and international political units, as a solution. Samore (in Carter 2006) is thus challenging Linklater for this hierarchical assumption, as well as the evolutionary one, namely the failure to recognise the tension in the claim that citizenship has a natural place within the nation-state.

Cabrera (2010) criticises Habermas’ theory from several angles including his presumption of an already existing consensus on security between states, as well as his narrow approach to cosmopolitan democracy. Cabrera (2010;31) argues that this narrow focus is due to Habermas’ pessimism for the “possibilities for a more concrete and expansive global citizenship practice”. Further to this, on a more pragmatic level,

Habermas “does not give sufficient consideration... to the probable difficulties to be faced by such a world body in obtaining compliance with its decisions, especially in the case of opposition from powerful states” (*ibid*;31).

Alternative, but similar views to those of Habermas, Held and Linklater, such as Bohman (1997), focus more specifically on a space for dialogue when there are issues of public concern that can become cosmopolitan when networks of communication and audiences transcend the nation-state (with the nation-state being used as a delineator). Beck (1998) in *The Cosmopolitan Manifesto* notes the new risks that we face due to globalisation’s growing impact on the nation-state, in what Beck refers to as the ‘second modernity’, or a transition to a more globalized state of modernity. Beck (2006;34) argued that there are challenges that impact all societies on earth, such as climate change, and therefore, due to these new global risks:

A system of ‘risk-cosmopolitanism’ is developing in which an exceptional degree of cosmopolitan independence, itself a side effect of global politics, is bringing trans-national conflicts and communalities into everyday practices which necessitates political (state) and sub political (civil society) action.

Beck (1998) then considers a theoretical trans-national framework, through which this new political and sub political action can be challenged, properly debated and resolved. This for Beck (1998) requires the creation of additional global institutions, which would be able to link unheard voices into the global decision making process. Delanty (2000) also advocates a global public sphere for dialogue but warns that this is not similar to, nor should it be seen as, a cosmopolitan civil society. By reinforcing this distinction it is argued that we avoid the pitfalls of seeing cosmopolitanism as a normative version of globalisation (*ibid*).

More general critiques of the concept of a cosmopolitan democracy echo from debates surrounding global justice and universal moral obligation, such as those of Walzer and Miller. Kymlicka (1999) questions the necessity for global governance, fearing that these new layers of governance will lead to a confusing, complex and a fluid global system. For Falk (2002) however, this fluidity is part of the new potential of

global relations and allows for new forms of governance which would facilitate a cosmopolitan democracy.

How far then can this cosmopolitan democracy be taken? As mentioned earlier, with reference to Habermas, he is careful not to push the concept so far as to acknowledge the need for a world federation or world government. Advocates of world federalism argue that it is only possible to enforce universal moral obligations, such as redistributive justice and sustained peace, if a global *Leviathan* is in place to enforce compliance (Nielsen 1988). Kant (cited in Kleingeld 2004;304) warned against a world federation, labelling it “dangerous, unrealistic and conceptually incoherent”. Jenkins (1973) argues that a world federation would not guarantee peace, as states cannot even guarantee peace within their own borders, therefore the Hobbesian stance that peace is achieved through coercion and fear is false. This then requires us to develop other means of securing peace. There are claims that a world government would become tyrannical without adequate opposition or accountability, despite there being no empirical evidence to substantiate these claims, as noted by Hernandez-Truyol and Hawk (2005).

Finally, Dower (2003) notes that even with a world government, consensus would still need to be built on which issues they are to tackle, therefore if there was adequate global consensus on radical redistributive justice, global citizens would influence their governments to take this idea on board (implying that people without a government have limited means of voicing their concerns as global citizens). Therefore, a “world government would only become desirable when it became unnecessary” (Dower 2003;199). Yet as Falk (2002) claims, this presumption is based on the idea that a citizen of a state can act with cosmopolitan values and cause the enforcement of these through the nation-state system. This assumes that nation-states are strong and resilient, as well as being open to cosmopolitan influences from their citizens (*ibid*). It also assumes that every potential global citizen has citizenship of a state through which to act.

Throughout the debate, concepts such as *trans-national* dialogue, *citizens* pressuring *their* governments and the role of *citizens’ states* in global institutions highlights,

either the assumption that everyone has citizenship of a state, or the lack of reflection on the existence of the stateless, and how they relate to these theories. The stateless are not voiceless *within* their nation-state, they have *no* nation-state. Their voicelessness is due to their statelessness. This makes their inclusion particularly problematic if we base political cosmopolitanism on a reshuffle of the current state-centric system, instead of a more radical shift.

Cosmopolitan institutions could be able to enforce the protection of universal rights and enforcement of obligations demanded by the cosmopolitan principles of universal moral obligation. However, it does not sufficiently cover how we are to increase notions of global citizenship to allow for this transformation. The following section looks at this expansion of notions of citizenship across national borders, under the title of civic cosmopolitanism.

3.3.5 *Civic cosmopolitanism*

The overlap between the areas of political, legal, cultural and civic cosmopolitanism is such that Brown and Held (2010) note only one key aspect of civic cosmopolitanism that can be delineated. This is civic cosmopolitanism's emphasis on the construction of a sense of cosmopolitan citizenship (*ibid*). The construction of this sense of a universal notion of citizenship, that can bind all of humanity together, can take many forms. Nussbaum (1996) argues this can be achieved through cosmopolitan education, emphasising the need for a metaphorical construction. Universal human rights as a means to construct additional obligations to all citizens of the world have also been used by Pogge (1992). Other cosmopolitan thinkers, such as those in the legal cosmopolitan field, would pursue cosmopolitan citizenship through universal legal standards and constitutionalisation, seeing the universal legal system as a means to enforce certain global rights and obligations. As mentioned in the previous sections some of these theorisations fall prey to the hierarchical and evolutionary tendencies of global citizenship, while others fail to recognise the stateless in their theorisations at all. The discussions of civic cosmopolitanism are also not immune from either of these critiques.

The ‘experiment’ of the European Union’s (EU) trans-national citizenship draws out global citizen advocates and sceptics alike, providing evidence for both the potential and impossibility of such citizenship. While often falling into the trap of the evolutionary and hierarchical tendencies, it does however provide an example to ground the debate surrounding cosmopolitan citizenship. European citizenship is a battleground for the theoretical and philosophical debate surrounding cosmopolitan citizenship and whether citizenship can be extended beyond the nation-state. The limitations of the EU as an example are clear. It is not a cosmopolitan democracy, nation-states are still the focus of the EU and its citizenship is defined in part by the exclusion of ‘non-Europeans’, as well as the members it includes. The dominance of the nation-state and membership within one, can be seen throughout the debate and as such fails to adequately consider those ‘within’ the EU, though without a legal bond to *any* state (not only member states) – the stateless. Within Europe the stateless population is estimated to be around 600,000 persons (European Network on Statelessness 2013). As a consequence, how trans-national citizenship has, in some rare circumstances, improved the lives of the stateless has been side-lined in theoretical reflections. For example, the stateless Estonians of Russian origin have utilised European law to protect some of their human rights, despite their statelessness (see Tucker 2013).

The EU Maastricht Treaty (European Union 1993) established citizenship of the Union and the rights that are attached to this. Post-nationalists claim that this was another nail in the coffin for the nation-state which is being weakened and replaced by supranational structures, with the historic relationship between citizenship and the nation-state being eroded, eventually leading to a nationless world (Kivisto and Faist 2007).

Delanty (2000) notes several major critiques to such post-nationalist assumptions that the nation-state and citizenship are becoming divided, and should be encouraged to do so, as some advocates of civic cosmopolitanism note. These include the communitarian critique, as mentioned at the beginning of this chapter, the liberal critique which fears the loss of legitimate political sovereignty and the civil society critique which notes the lack of political participation if citizenship is extended too far

(*ibid*). Finally, the radical critics who fear the EU polity will lead to new forms of exclusion such as ‘fortress Europe’, with an equality of rights leading to an inequality of power, should also be considered (Hoffman 2004).

With regards to EU citizenship being seen as an example of a new form of trans-state citizenship, Kivisto and Faist (2007) note that both the post-nationalist and the internationalist stances fail to adequately explain the true nature of EU citizenship, which can be best described as ‘nested citizenship’. Nested citizenship relates to the concept that “nested identities are lower and higher order identities such that the latter encompasses the former” (Medrano and Gutiérrez 2001;757). Meehan (1993 in Kivisto and Faist 2007), following a nested citizenship understanding, claimed that EU citizenship is neither national nor cosmopolitan, but is based on multiple identities in a complex system. In Delanty’s (2000) vision of cosmopolitanism, he frames these ‘multiple’ identities as a multi-layered citizenship which overlap and complement each other, providing additional rights and obligations (with citizenship of a state assumed to be one of these).

Yet, it would be too far to link the creation of EU citizenship with the inevitable rise of cosmopolitan citizenship. The EU simply provides an interesting case study which one can use to assess the various interpretations of cosmopolitan citizenship (*ibid*). However for Beck and Giddens (2005;28), the EU is not a threat to the sovereignty of its member states, but should not be considered unfinished, it is rather a “new type of cosmopolitan project, a unique institutional project”. Yet, Beck and Giddens (2005) fail to mention how to replicate the EU model or expand citizenship beyond its current borders.

A slightly less optimistic post-nationalist stance is taken by Tambini (2001;212), who states:

No one can seriously propose that the nation as an institutional form is about to disappear. Neither, however, can it continue in the classical nineteenth century form. Rather, the meaning and the content of national belonging will be transformed as the structural basis of national citizenship continues to be undermined.

Post-nationalism implies that we have, or should, move above and beyond the nation-state. The example of the EU, some claim, shows the realisation of this, yet it also shows the inherent weaknesses of such claims. Citizenship of a member state is a prerequisite for EU citizenship, thus the stateless are normally not included in this debate. Even the post-nationalist debate implies that we have moved *beyond* national citizenship, when some still exist outside of, or can even be seen in a situation preceding membership in the nation-state system - the stateless. This begs the question; can a stateless person act as a post-nationalist? Or are they limited to a pre-nationalist position? Situating those addressing statelessness in these debates is problematic as they are often under theorised, or implicitly or explicitly excluded, as has been drawn out throughout the previous sections of this chapter.

3.4 Islam and global citizenship

3.4.1 The umma

It would be misleading not to reflect on other perceptions of global citizenship from other sources of ‘universalist principles’. One such example which proved particularly salient in this research is the case of Muslim cosmopolitanism. First of all we should note that the term ‘Muslim’ is problematic despite the wealth of theological and academic work on the connotations and variances of the word (Grillo 2004). The weight given to identifying as a Muslim on the part of the devotee, depends on many variants including age, nationality, gender etc. and it would be overly simplistic to automatically assume that religion is the deepest and most influential identity in a person’s life (*ibid*). Yet a trans-national Islam can manifest itself based on an imagined community within and across borders, ‘Muslim’ thus becomes a kind of ‘super tribal’ category, known as the ‘*umma*’ - the community of the faithful - to which a Muslim belongs, simply by being a Muslim (*ibid*). For those sympathetic to the notion of Muslim cosmopolitanism, the *umma* is normally highlighted as a manifestation of cosmopolitanism, where local and national affiliations can be overlooked in support of the wider community of the faithful (with similarities to that of the Medieval Christian cosmopolitanism mentioned in section 3.2.2). This notion of identifying with fellow Muslims is not just a passive identity based on universal principles of justice, honesty, generosity and love, but arguably one that involves an obligation for action too (Ramadan 2004). As the Prophet Mohammed said “The

umma is one body; if one of its members is sick, the whole body experiences the fever and the affliction” (*ibid*;90). This does not just mean defending the *umma* against injustice, but also stopping fellow Muslims being unjust (*ibid*).

The notion that cosmopolitanism can sit comfortably within a religious discourse/tradition, would seem to go against the perceived need for a secular approach advocated for by Enlightenment thinkers. During this period religion was perceived as a threat to freedom and democracy. This was the result of religious observance being seen as a source of parochialism, the antithesis of the cosmopolitan project (Van der Veer, 2001). This discourse, of the need to side-line religion in the cosmopolitan debate, continues today. With regards to Islam, Meijer (1999) notes that when considering Muslim cosmopolitanism, religious pilgrimages to Mecca, such as the Hajj, are often referred to, rather than a western liberal form of the concept.

Islam, being based on thick, emotional attachments, cannot easily be reconciled with a cosmopolitanism for which humanity is secular... This version [Hajj] is based on travel and mobility as an escape from thick solidarities and attachments, whereas Muslim cosmopolitanism is a manifestation of the ties that bind, which seem impenetrable (such as the niqab [face veil]) to western liberalism. (Edmunds 2013;13- 14)

Instead post-national and post-religious positions are encouraged and not parochial, local or national identities (*ibid*). Thus Muslim cosmopolitanism, as expressed through Hajj, “makes Muslims ‘bad’ cosmopolitans in the European version” (*ibid*;1).

We should however take care not to fall into the trap of limiting our discussion to regressive notions of religion and its incompatibility with cosmopolitanism. As Soysal (1997;518) noted when researching Muslim activity and changing patterns of citizenship in Europe: “my point here is to delineate the prevalent universalistic forms of making claims by identity groups that are commonly overlooked, and to elucidate their implications for our theoretical vistas”. These theoretical vistas prove highly enlightening for this research (see section 7.6), and therefore should be included in our consideration of global citizenship. Far from remaining a normative and abstract

debate, examples of how Muslim cosmopolitanism has been used include Nurcholish Madjid and Abdurrahman Wahid in Indonesia, who attempted to use cosmopolitanism in an effort to disconnect modernization from Westernization (Edmunds 2013).

Islam is a universal religion, and in this sense does not recognise geographical, linguistic or racial boundaries (Ataman 2003). Al-Ghannouchi (1990;4-5) summarises the position of universality in Islam, noting “Islam as a religion, as a faith, as a way of life, as a belief, as a social and political system is rooted in *tawhid*, the unity of God and the unity of humankind”. From this universality then we can begin to see the role of identifying with the *umma*, as an expanded moral obligation, beyond local or national affiliations, being a transnational affiliation of shared faith, based on the universal principles of Islam.

3.4.2 Islam and transnational ethical principles

Trans-nationality, based on the concept of the *umma* and the universal principles of Islam, are core concepts in Muslim cosmopolitanism. Soysal (1997;515-6) when researching the concepts of citizenship and the claims making space of European Muslims noted, “[w]hile Islamic groups increasingly mobilize around claims for particularistic identities and group specificities, they connect their claims to broader, institutionalized agendas and transnationally entrenched discourses, such as those of human rights”. This trans-nationality is borne out of, and justified through Qur’anic injunctions, more specifically the unity of human kind. As the Qur’an tells us:

O mankind! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that you may know each other. Verily the most honored of you in the sight of Allah is the most righteous of you. (Ali 2002;1342–1343 Verse 49;13)

Mawdudi (1991 cited in Ataman 2003;92) notes that this verse in the Qur’an raises three key points:

One, ‘the origin of all human beings is the same, from the one couple’.
Two, ‘humankind was separated into nations and different races as a necessity of creation (as a necessity for human beings). All human

beings cannot be one family or race'. A lineage, a tribe and a nation bring people together in order to establish a social entity and a community order. Three, 'if there is superiority and virtue, it is ethical superiority and virtue'.

Affiliation to nations or smaller communal units is thus not seen as inherently bad or un-Islamic. However emphasis should be placed on the ethics espoused in the Qur'an, and these should not suffer at the expense of more particularistic and localised affiliations.

3.4.3 Islam, human rights and a politicized space

With regard to these overarching ethical principles much work has been done on reflecting on the compatibility or incompatibility of Islam and human rights, or if human rights themselves are engrained in the Qur'anic message and the life and teachings of the Prophet Mohammed. For Donnelly (1982) the incompatibility between Islam and human rights stems from the importance placed on duties in Islam and not rights, rights are thus not natural but achieved through an individual's actions. However, countering this focus on Islam as a faith of duties are scholars such as Mawdudi (1976;10), who claimed that "Islam has laid down some universal fundamental rights for humanity as a whole, which are to be observed and respected under all circumstances... fundamental rights for every man by virtue of his status as a human being". Further to this, Benhabib (2004) claims that while we should take care not to confuse human rights and cosmopolitanism, Muslim human rights activism can be regarded as the emergence of a cosmopolitan citizenship.

One manifestation of this cosmopolitanism, as noted by Benhabib (2004), can be considered through the human rights activism of the *umma*. This politicised response arises from universal principles and even though it is sometimes directed only at the *umma*, it has effects beyond the community of concern. As Soysal (1997;518-522) notes with reference to European Muslims, their political engagement and their allegiance to the *umma*:

The agendas of new collective movements aim to realize (individual) rights and enhance participation through particularistic identities,

which are embedded in, and driven by, universalistic and homogenizing discourses of human rights. This shift in focus from national collectivity to particularistic identities does not necessarily signify a decrease in the importance of participation in a ‘common civic sphere.’ Rather, it indicates the emergence of new bases for participation and the proliferation of forms of mobilization at various levels of polity, which are not imperatively defined by national parameters and delimited by national borders.... By using the ‘rights’ language they exercise civic projects and link themselves to the broader public good.

From this understanding the universal and the particular are not polar opposites, rather using universal principles the particular can be assessed by the universal (Soysal 1997) and arguably, as this research claims with regards to global citizenship, vice versa. This notion of the limitations of the population of concern and the particular/universalist nexus will be elaborated further in section 7.2.2, (regarding the Palestinians and their limited system of concern), and how potential theoretical concerns regarding this are overcome through considering global citizenship as the creation of public political spaces as discussed in section 7.7.

3.5 Global citizenship theories in the statelessness discourse

As noted previously there has been some attempt to incorporate the theories of global citizenship within the statelessness discourse. Some attempts simply stipulate the need for global citizenship for stateless persons, an example being Byers (2005). However, more thorough attempts fail to theoretically or empirically conceptualize this claim in any real significance. Below I will draw upon this literature while simultaneously highlighting its weaknesses and theoretical flaws which, through this research I aim, in part at least, to address.

Both critical and optimistic discussions of the theories of global citizenship in the statelessness discourse draw on the work of Hannah Arendt as a base for discussion. For Arendt (1967;279) statelessness, at the time of her writings, was the newest mass phenomenon currently occurring, noting:

No paradox of contemporary politics is filled with more poignant irony than the discrepancy between efforts of well-meaning idealists who stubbornly insist on regarding as ‘inalienable’ those human rights, which are enjoyed only by citizens of the most prosperous and civilised countries, and the situation of the rightless themselves.

It was lack of citizenship for Arendt that was a major cause of the loss of these inalienable rights, or as she noted, the problem of being stateless was the denial of the “right to have rights” (*ibid*;293). The hollowness of human rights that Arendt reflects upon is due to the position of states as guarantors and providers of these rights (Blitz and Lynch 2011); essentially the function of citizenship within the current nation-state system. Few would claim that citizenship is a water-tight means to guarantee human rights. Yet, citizenship of a nation-state is not only a fundamental human right in itself, but is also a pragmatic means to better secure other human rights (Van Waas 2011).

Benhabib (2004) argues that Arendt over simplifies the state-human rights nexus in her deliberations. Instead, for Benhabib (2004;65):

The contradiction between human rights and sovereignty needs to be reconceptualised as the inherently conflictual aspect or reflective collective identity formation in complex, and increasingly multicultural and multinational, democracies.

Agamben (1993) however, when challenging Arendt’s claim, reoriented the place of stateless person in the argument. For Agamben (2000) the fact the stateless can, and do, exist in such large numbers should be seen as a direct challenge to the concept of the nation-state itself, claiming:

If the refugee [stateless person⁷] represents such a disquieting element in the order of the nation-state, this is so primarily because, by

⁷ While wishing to continue to reinforce that it is the stateless, those who fall under Article 1(1) of the 1954 Convention, that are the sole population of interest in this research, when

breaking the identity between the human and the citizen and that between nativity and nationality, it brings the originary fiction of sovereignty to crisis. Single exceptions to such a principle, of course, have always existed. What is new in our time is that growing sections of humankind are no longer representable inside the nation-state and this novelty threatens the very foundations of the latter. Inasmuch as the refugee, an apparently marginal figure, unhinges the old trinity of state-nation-territory, it deserves instead to be regarded as the central figure of our political history. (Agamben 2000;19-21)

Some scholars argue that the international community, as the guardian of human rights, fails to protect the stateless as the system itself is state-centric. Bowden (2003) critiques Nussbaum's attempt to side-line the problem of a state-centric international system through her claim that we should pledge our "fundamental allegiances to the world community of justice and reason" (Nussbaum 1996;8). Bowden (2003) questions who sets the fundamental rights and what kind of justice would Nussbaum have us believe in. For Bowden (2003) the problem of statelessness is a lack of access to institutions of government through which basic claims of human rights can be channelled. Therefore "the notion of global citizenship is fraught with many of the same concerns and dangers associated with the condition of statelessness: an absence of the guarantee of rights and security that is generally taken for granted by citizens of stable sovereign states" (*ibid*;350). For Bowden (2003) moving stateless protection away from nation-states and into the more conceptual arena of human rights and global citizenship, fails to account for the role of states in international relations. Bowden (2003) therefore reaffirms the importance of state sovereignty in any potential solution to statelessness, and as a consequence reinforces the centrality of

adopting Agamben's (1993) approach we have to acknowledge that for him refugees and stateless persons were very blurred categories. Agamben (1993:2) claims that "we are used to distinguishing between refugees and stateless people, but this distinction was not then as simple as it may seem at first glance, nor is it even today". For Agamben, both the stateless and the refugee provide a means to critically analyse the nation-state system, as they are not represented within it. For the purposes of this research Agamben's approach is considered exclusively from a stateless centric perspective.

the function of citizenship as a means to secure other fundamental human rights. Yet, Bowden (2003) fails to consider that the stateless could be seen as acting as global citizens to gain membership of states in the state-centric system. Tackling statelessness does not necessarily mean the weakening of state sovereignty, as it is the importance of a person to belong within a state that is being called for in many cases.

Hernandez-Truyol and Hawk (2005) draw upon post-nationalist thinking to suggest how a ‘formal global citizenship’ can overlap with other multiple citizenships without posing a direct threat to nation-state sovereignty. They suggest that a model similar to the current dual citizenship system could be made more common allowing a fall-back position for those made stateless. They stress that global citizenship *per se* could not be a primary form of citizenship, but could provide a secondary form while the person is waiting for the problem of their primary citizenship to be resolved (*ibid*). The UNHCR and possibly even an organisation set up by the United Nations (UN) with the sole aim of protecting stateless populations – detaching them from the refugee issue - would take on responsibilities for its implementation (*ibid*). Far from sidelining the nation-state, Hernandez-Truyol and Hawk (2005) call for the relationship between stateless persons and the international system to involve a nation-state as an intermediary. The stateless person would therefore call on a state that shares some of their ‘socio-cultural norms’, to act as their intermediary and petition on behalf of their human rights. This, according to Hernandez-Truyol and Hawk (2005;111), would mean that:

What is guaranteed by formal global citizenship is not the right of the stateless individual to their human rights, many of which are non-derogable: it is instead the right of states to come to the aid of stateless individuals who identify with them.

This model, it is claimed, would peacefully exist with the current nation-state system as it would be the states who administer this ‘formal global citizenship’; therefore they argue formal global citizenship is less of a theoretical or practical problem (*ibid*). This model highlights the protection of the “stateless as the most immediate and tangible benefit to be gained from formal global citizenship” (*ibid*;117).

In Hernandez-Truyol and Hawk (2005), as well as Hernandez-Truyol (2005), theories of global citizenship are discussed within the context of the ‘stateless’ prisoners held in Guantanamo Bay (not all of whom are stateless under the 1954 Convention definition). The reason for this, as Hernandez-Truyol (2005;1026) notes, is that “without context, the idea has been discussed broadly in recent times and has given rise to complex and nuanced conversations”.

However their realisation of global citizenship in both articles is dependent on a state, assuming stateless persons have the channels to voice their concerns to other states, which then can chose to advocate in the international arena on their behalf. The use of prisoners at Guantanamo Bay as an example, frames the ‘statelessness’ which they are testing as a small scale and highly publicised problem, which is highly morally questionable to the global public. They failed to acknowledge several key issues in the stateless debate as well as making unjustified assumptions such as, why similar socio-cultural traits are required between the adopting state and the stateless person? The most critical failings in my mind regarding Hernandez-Truyol and Hawk’s (2005) formal global citizenship is first, their homogenisation of states as all sharing similar power to advocate for stateless persons in the international arena. This is misleading as statelessness does not occur in a political vacuum. Second, what happens if no state takes up the stateless person’s cause, are they able to gain any human rights? Formal global citizenship, thus does not adequately reflect upon the fact that this form of citizenship, like citizenship itself, is still reliant on nation-states’ discretionary powers of claiming individuals. Finally as not all of those in Guantanamo Bay are stateless, it can be argued that it is not their lack of citizenship to a state that is holding back their right claims, but instead the lack of will of their, or other states to petition on their behalf. This is an example of where a vague definition of statelessness hinders theoretical development as elements of *de facto* ‘statelessness’ creep into their work.

The possibility of the international community allocating citizenship, thus shifting citizenship away from the discretionary powers of states, has been heavily criticised. Donner (1983;287) argued that citizenship and states cannot be separated, stating: “the discussion whether nationality is part of international law is futile, for international law has always derived consequences from a person's belonging or not

belonging to a state". In response Reiterer (1987) criticised Donner by claiming that international law no longer functions solely as a law between states but is increasingly between individuals and states, therefore redefining ideas of membership and citizenship. More general discussions that surround the stateless and can be seen as interacting with cosmopolitan concepts, are the contributions of scholars who use statelessness to challenge realist conceptions of sovereignty, contesting static notions of membership and the blurring of the division of domestic and external areas of state responsibility (Blitz and Lynch 2011).

These debates however, largely ignore the current practices of global citizenship by those addressing statelessness. They remain conceptual debates about the detachment of citizenship and citizenship rights from the nation-state. Or, more abstractly, debate the notion of an actual form of global/world citizenship as a goal or end point. While these can be enlightening discussions, I argue that much can be learnt from the empirical, which can then be related back to these debates. This is one of the reasons for my research. It was from my empirical findings that the dominant themes of the contestation of the nation-state and citizenship arose (see chapters five and six respectively). It is through a grounded stateless-centric perspective, which discusses the expressions and tensions of global citizenship by those addressing statelessness, that I have added to the global citizenship/statelessness debate in section 7.6. This is done by proposing an approach that considers acts of global citizenship as the creation of a public political space, as a reaction to the violation of certain universal principles.

3.6 Summary of the theoretical concerns

Despite concerns regarding the potential of global citizenship, as noted throughout the previous sections of this chapter, Dower (2003) remains a cautious optimist. It is however, important that we note that despite the long history of its development, modern forms of cosmopolitanism are still in their relative infancy compared to concepts such as the nation-state and citizenship.

In the end, whether cosmopolitan rules and regulations can be pursued successfully in the long term remains to be seen. But one thing is certain: the modern territorial state was not built in a generation, and

one should not expect major equally significant transformations – in the case of multilevel, multi layered cosmopolitan polity – to take less time. (Held 2010:66)

The reason that I claim we need to consider global citizenship from a stateless centric perspective is twofold. First, as has been highlighted throughout this chapter, a stateless centric perspective on global citizenship is greatly under developed and under theorised in the debate. Second, as has been shown, there are some conceptions of global citizenship that can be seen as having evolutionary, (once citizenship rights have been attained, the actor can move on to secure those of non-citizens), or hierarchical tendencies, (expanding moral obligation beyond membership of a nation-state). In these cases, citizenship of a nation-state is seen as an essential delineator, as without it one finds it problematic to distinguish between obligations to the local, (read *to* fellow citizens), and the global, (read *beyond* fellow citizens).

Further to the devastation that being stateless causes to those that it affects, more theoretically, the impacts of statelessness, and what we can discern from these, must be considered. While the stateless constitute a tiny minority of the world's population – around seventeen million people by best estimates – explicit consideration of the position, and nature of statelessness, is important precisely because of their marginality, and the perspectives that can be drawn on to consider citizenship, the nation-state and global citizenship. A stateless centric perspective is needed, and can be legitimised, by drawing on Rawls (1971) theory of justice. First, let us consider that the consequences of being stateless are negative for the people it affects, and that this is due to the nature of the relational system. If justice is the highest-order organisational concept within political philosophy, as Rawls (1971) sets out, then justice applies with regards to the stateless; indeed insofar as Rawls advocated a 'maximin' approach, in which the basic principle of justice is to seek to maximize the wellbeing of those who are most marginalized, there is a clear Rawlsian logic on the global scale for prioritisation of the stateless as a field of study and policy intervention. Therefore, continuing on the Rawlsian line of thinking, and applying the Difference Principle, namely, that the situation of the stateless can only be tolerated as 'just' if we see the relative increase in their ability to acquire social goods, then the

reason for considering the stateless, as an unjust outcome of the relational system becomes apparent. This in turn, forces us to reconsider the system itself – which is done so, in this research, from a stateless centric perspective.

The reason why this under theorisation, or presumed citizenship of a state, is problematic, is that the stateless addressing statelessness, by their very nature, do not have citizenship of any state, and thus are in danger of potentially being excluded from being seen as acting as global citizens. In addition to this, demarking the obligation of non-stateless persons addressing the phenomena is difficult to situate, as their relationship with the stateless is not adequately theorised.

Thus, if we accept that people do, and should be able to act as global citizens, regardless of their citizenship status, and the status of those they are advocating for, we must situate the stateless in these debates, using empirical data. It is from this stateless centric perspective that, I argue, we can draw out further nuances of various manifestations of global citizenship. This is because, situating our discussions on the premise that they are outside of the nation-state system, provides new avenues for understanding. These avenues include problematising the concepts of the nation-state (chapter five), citizenship (chapter six) and drawing out new expressions and tensions of global citizenship (chapter seven), from the perspectives of those addressing statelessness in Lebanon. What my data driven findings show, is that a more radical reconceptualisation of global citizenship is required. A shift that moves beyond these aforementioned tendencies, to addresses the lack of theorisation, by using the particular manifestations of global citizenship of those addressing statelessness in Lebanon, to put forth a fresh perspective of global citizenship.

How I then set about understanding the particular manifestation of global citizenship, for those addressing statelessness in Lebanon, is the focus of the following chapter. It sets out the methodology of my research, which covers the design of the research, its (de)limitations, the justifications for my data collection strategy, how it allowed me to answer my research questions and the ethical issues of the research.

Chapter Four: Methodology

As someone sympathetic to the post-national project... I am inclined to turn the tables and ask instead whether national conceptions of citizenship deserve the presumptions of legitimacy and primacy that they are almost always afforded. Posing the question this way denaturalizes conventional political thought by treating the prevailing national presumption as worthy of interrogation in its own right. In practical terms, it shifts the burden of justification to those who assume without question that the national should continue to dominate our conceptions of collective public life. (Bosniak 2000; 493)

4.1 Introduction

This foundational research is derived from a question, namely understanding the practices of global citizenship of those addressing statelessness in the Lebanon. This is done through the perceptions and actions of those addressing statelessness (what I term a stateless centric perspective). Doing so required an open and flexible methodology, using as many relevant sources as possible as the most appropriate means to conduct an exploration into this under-researched and under-theorised area. The research methodology, which is presented in this chapter, is a result of constant reflection and flexibility, which was built into the research design from the beginning.

However, before I turn to the research design it is important to justify the research in terms of its contribution to knowledge. As mentioned previously this research represents an empirical analysis of the practices of global citizenship of those addressing statelessness in Lebanon. This was required as the debate surrounding the theories of global citizenship and the stateless has, until now, remained very much rooted in the conceptual, and I claim it suffers from several theoretical flaws, which as of yet have not been adequately considered. While these conceptual debates remain important, grounding our understanding in the empirical allows additional layers of understanding of the factual realities that those addressing statelessness face, and how this then relates back to the conceptual debates surrounding global citizenship. This is achieved through empirical analysis which looks at the contextualised meanings

behind behaviours, as approached from a broad understanding of global citizenship. This understanding then in turn links back to the more conceptual debates which, as discussed in later chapters, leads to the claim for a more nuanced perception of global citizenship if we are to include those addressing statelessness, and not deprive them of the legitimacy of the 'label' of global citizenship. This stateless centric perspective of global citizenship is not just an argument to include those addressing statelessness in the discourse simply for legitimacy, but this perspective attempts to overcome the theoretical concerns that must be negotiated to defend global citizenship itself.

Further to this with regard to the statelessness discourse, this research gives a stateless centric perspective of the nation-state (chapter 5) and citizenship (chapter 6), which is used as the empirical foundations for the discussion on the expressions and tensions of global citizenship (chapter 7). From a stateless centric perspective these areas are greatly under-researched. Work on them predominantly focuses on citizen/non-citizens perspectives and approaches, which assumes that the non-citizen has citizenship elsewhere. Statelessness, considered through the eyes of those addressing it, thus provides a crucial and enlightening layer of understanding as they are working to resolve the weaknesses of a system that excludes seventeen million of the world's people. From a developmental perspective this thesis contributes to our knowledge of how we can go about tackling statelessness, which is the underlying pragmatic driving force behind this research. The right to a citizenship of a state is a fundamental human right, thus statelessness is a violation of this. It also creates and perpetuates human insecurity, as the current function of citizenship means that without citizenship it is hard to secure other human rights. Statelessness therefore must be reduced and the stateless protected against other human rights violations.

Global citizenship has been proposed, conceptually at least, as one means by which to tackle this injustice. This research explores the relevance of global citizenship in achieving these goals from an empirical background, using a post-nationalist framework for analysis. The importance of making my position explicit, with regards to why I wish to explore this area of research, can be highlighted by drawing on Sassen (2000;576) who noted, with regard to the politicisation of post-nationalism:

The post national citizenship position is not merely an assertion of fact, but also an act of political advocacy. It represents an effort to claim attention, significance, and legitimacy for certain recent transnational political and social practices that have often been overlooked or otherwise neglected in mainstream political and social thought.

This chapter makes explicit the means by which I answered the research question, namely:

‘What are the current practices of global citizenship for those addressing statelessness in Lebanon, and what does this tell us about the relationship between global citizenship and statelessness more generally?’

This overarching question was broken down into three sub questions, which were explored through a comparison of the perspective and actions of those addressing statelessness in Lebanon:

1. How do those addressing statelessness in Lebanon conceive of and negotiate the nation-state?
2. How do those addressing statelessness in Lebanon conceive of and negotiate citizenship?
3. How and how far do they draw on and use ‘global citizenship’ and what can we conceive from this for the theoretical considerations of global citizenship?

I continue this chapter by explaining why a stateless centric perspective for this research was so enlightening. Following this I explore why qualitative data was the most appropriate means to explore my research question, as noted in section 4.3. Section 4.4 covers my time in the ‘field’, the interviews, the techniques adopted, the ethnographic element of the data collection, my reflexivity, the flexibility in my design and the delimiting factors and problematic areas that arose when conducting the research. Section 4.5 covers data analysis, interpretation, choice of themes and coding, it reflects on how a post-nationalist framework for analysis was a means by

which I could explore my research questions. Finally the ethical concerns of this research are explored.

4.2 Stateless centric approach

As mentioned previously in this thesis I developed a stateless centric perspective to answer the research questions. The need for this to be developed was, in the first instance, to avoid the of danger slipping into methodological nationalism which can occur when we consider that the most central part of the stateless person's situation in this research is their exclusion from the nation-state system (in legal terms). While it should be made clear that the study of stateless populations does not, and should not, always sit within the migration studies field (as many populations remain *in situ*), there is a trend towards this due to the fact that they are considered foreigners or 'illegals' in all countries of the world. Wimmer and Schiller (2003;576) warn against the dangers of methodological nationalism in the migration studies field more generally:

Methodological nationalism [is] a conceptual tendency that was central to the development of the social sciences and undermined more than a century of migration studies. Methodological nationalism is the naturalization of the global regime of nation-states by the social sciences. Transnational studies, we argue, including the study of transnational migration, is linked to periods of intense globalization such as the turn of the twenty-first century. Yet transnational studies have their own contradictions that may reintroduce methodological nationalism in other guises. In studying migration, the challenge is to avoid both extreme fluidism and the bounds of nationalist thought.

To overcome these tendencies towards either 'extreme fluidism' or 'the bounds of nationalist thought' (*ibid*), I claim we need to consider the research question through the perspectives and actions of the those addressing statelessness, as it is through the addressing of statelessness that I wish to consider how global citizenship can manifest itself and challenge the tyranny of citizenship as it stands.

The situations within which the participants found themselves were diverse, whether part of a national/international NGO or international institution, individual academics, stateless person or non stateless activists. However, the sample did not include Lebanese politicians, and the reasoning behind this must be made explicit. There are several reasons why politicians in the Lebanese government were not included in the interviews, or participant observation, in this research. First, the dialogue on the reasons for the creation and perpetuation of statelessness in Lebanon are referred to constantly in the political discourse (see chapter 2). Second, securing access to these persons would have been very problematic, and potentially ethically risky, due to the politically sensitive nature of the issue. Third, politicians who advocate on behalf of the stateless, and could be seen as acting as global citizens, could not be identified. Therefore, due to ethical considerations, issues of access, and the questionable value of speaking to political representatives, this group were not included in the research.

The difference in opinions due to the different positions of the participants proved highly enlightening, as is reflected on in discussions in the following chapters. For my research this diversity allowed me to compare those working with the different stateless groups within Lebanon, how they conceive of global citizenship, the restrictions they face on acting as such and the ways in which their 'global citizenship' manifests itself. The challenging of the tyranny of citizenship proved to be a multifaceted, fluid and particularistic battle and exploring this involved picking apart the contestation of citizenship and the nation-state.

The Lebanese nation-state was used to mark the boundaries of this case-study. This was due to the fact that statelessness stems from a legal issue, thus there is great value comparing groups currently situated within one legal framework or national jurisprudence. This is not to discourage research comparing stateless groups in different countries, nor is it an admission that the research slipped into methodological nationalism. Rather, comparing the different stateless populations within one nation-state could be read as reflecting a disinterest in the nation-state with emphasis placed on the voices of those addressing statelessness themselves and not a piece of research dominated by the narrative of the nation-state.

Viewing concepts through the practices and perspectives of those addressing statelessness allowed me to situate and ground the abstract debates about global citizenship and statelessness. From these empirical findings then, the theoretical concerns highlighted in chapter three were overcome. Interestingly, the division of the chapters stems from the dominant discourse that occurred during my interviews and participant observation, namely the nation-state (chapter five) and citizenship (chapter six) thus, this division was driven by the data and not a rigid preconceived structure.

4.3 Why qualitative data?

The research is based solely on qualitative data and a justification of this stance is required. The nature of the research question, being exploratory, demanded an approach that allowed flexibility as the practices of global citizenship and how those addressing statelessness in Lebanon use global citizenship (if at all), were unknown. Therefore this flexibility was required for three reasons. First, while the definition of stateless persons remains ‘fixed’, namely Article 1.1 of the 1954 Convention, “... the term ‘stateless person’ means a person who is not considered as a national by any state under the operation of its law” (United Nations 1954: Article 1.1), no definitive definition of global citizenship was used. Instead I opted only to define ‘acts of global citizenship’, based on Cabrera’s (2008:94) inclusionary individualist approach, as mentioned in the introduction.

Therefore, to avoid approaching the research with fixed notions of exactly what global citizenship should manifest itself as, or as Bryman (2004:271) describes, the “application of a straitjacket on the social world”, Cabrera’s (2008), less restrictive approach was adopted. Approaching the research guided by, but not constricted to, specific concepts of global citizenship was an approach that required constant reflection and adaptation. This depended on the context within which the interviews were being undertaken, the participant, who the participant worked with, how formal or informal the interview was and the relationship I had, or had not, built with each participant. This will be discussed in more detail later in the following section, but for now it is important to note that this flexibility was required, and qualitative interviews, and participant observation provided the most effective means to achieve this.

Second, not only did I want to investigate the practices, or explicit actions, claims etc of the participants but I also wanted to explore the meanings behind these actions. Qualitative research was used in this research due to the nature of the questions being asked. As Golafshani (2003) claimed, qualitative research, with its focus on a naturalistic approach, seeks to understand social phenomena in context-specific settings. A quantitative approach was thus rejected due to this being an exploration of the social construct of global citizenship, which required a deep understanding of the context of the participants' actions and the meanings behind these. The data that was required to answer this question would not have been sufficient if a quantitative approach was adopted. As Golafshani (2003;600) notes, this is because:

Qualitative analysis results in a different type of knowledge than does quantitative inquiry because one party argues from the underlying philosophical nature of each paradigm, enjoying detailed interviewing and the other focuses on the apparent compatibility of the research methods... This means such methods like interviews and observations are dominant in the naturalist (interpretive) paradigm and supplementary in the positive paradigm, where the use of survey serves in opposite order.

4.4 Data collection

4.4.1 Semi-structured interviews

As mentioned previously the research was guided by Cabrera's (2008) notion of the acts of global citizenship, and not fixed within a restrictive set of guidelines and definitions. This approach required a certain amount of flexibility in the data collection process, while simultaneously keeping in mind the areas that may relate most closely to my research question. Therefore, while there were pre-conceived areas I wished to cover, I was open to new areas of exploration that arose during the interview process. The in-depth nature of semi-structured interviews allows the researcher to have an encounter by which "open, direct, verbal questions are used to elicit detailed narratives and stories" (DiCicco-Bloom and Crabtree 2006; 318). Due to the nature of the interviewing process I did not try to completely control the direction of the interviews. While bearing in mind that I was attempting to answer certain research questions, I also considered what Oakley (1981) noted, that by trying

to control the interview process too much, the researcher is in danger of not respecting the role and knowledge of the participants.

While reflexivity has been mentioned as running throughout my research, it should be stated how this related to the structure and content of my semi-structured interviews. The reason for a reflective approach is that it makes explicit and:

Demonstrate[s] an awareness of how biases may emerge. Thoughtfulness about, and attempts to minimise, the impact of the researcher on data collected. Attempts to address bias through systematic and comprehensive analysis, and reflectiveness on the research methods, the decisions made, and the consequent limitations of the study. (Spencer *et al* in Whiting 2008;36)

This reflexive approach holds that the "... values, assumptions, prejudice and influence of the researcher must therefore be acknowledged" (Hand 2003:18). Due to the flexible and reflective nature of the research no formal interview guideline was used, instead there were several general areas that I wished to cover. This meant that the interview process required me to initially ask the interviewees about the work they do, before exploring avenues of interest that arose during the interview. There were several themes upon which I would pick up; human rights, trans-national dialogue, issues of global governance and international law. Essentially the key areas of global citizenship as divided in chapter three. This meant that no two interviews were the same, with each being tailored to the specific participant following the principles of reflexivity and flexibility. It was for these reasons (reflexivity and flexibility in exploration) that semi-structured interviews were chosen as a dominant means of data collection, to be supplemented by participant observation.

The locations of the interviews varied, either taking place in offices, private homes, community centres, cafes or universities. I always allowed the participant to choose the location of the meeting as space is *very* politicised in Lebanon. Therefore, if I chose a certain place for a meeting it may have been misconstrued as a sign of either my religious or political disposition/loyalties. The interview site was noted and

reflected on as “the interview site itself embodies and constitutes multiple scales of spatial relations and meaning, which construct the power and positionality of participants in relation to the people, places, and interactions discussed in the interview” (Elwood and Martin 2000;649).

4.4.2 Sampling

I used a snowball sampling technique, which Kaplan (*et al* 1987;566) notes “involves the selection of samples utilising ‘insider’ knowledge and referral chains among subjects who possess common traits that are of research interest.” This approach is very useful when trying to locate hidden populations and when approaching a sensitive topic (Browne 2005) - such as statelessness in Lebanon. This is because it is based on interpersonal relations and trust, using gatekeepers with local knowledge to facilitate the research. However, the usefulness of snowballing does not end with its use as a sampling strategy, but can also be reflected upon. Browne (2005;47) notes that:

[T]he recruitment technique of snowballing, which uses interpersonal relations and connections between people, both includes and excludes individuals... due to the use of social networks and interpersonal relations, snowball sampling (in)forms how individuals act and interact in focus groups, couple interviews and interviews.

Several key gatekeepers were identified before I arrived in Lebanon and these were used for the initial snowballing of my participants. I also decided that I would attach myself to a university (the Lebanese American University) as a visiting scholar to gain more legitimacy with certain participants. It was always made clear however that this was a loose affiliation and I did not work *for* the university, but was working for a university in the United Kingdom (as universities in Lebanon also have religious/political affiliations). The university also had many contacts and these connections were used to open doors at the initial stage of the research. Legitimacy as a researcher in the eyes of both Palestinian and some non-Palestinian advocates and NGOs was gained by meeting these groups and individuals in the Palestinian camps (at least for initial meetings). When meeting participants who were Palestinians, as well as non-Palestinian organisations/advocates, they would often ask if I had been in

a camp yet, and which ones. This was a twofold exercise, to try to uncover whether I was sympathetic to the Palestinian cause and/or to ensure that I understood the context of the camps.

The technique of snowballing can be seen as involving a choice of who is and who is not to be included, as previously mentioned. However, the number of those working to address statelessness in Lebanon is relatively small and so deciding on who to 'focus' in the sense of having too many potential participants, and not enough time in the field, was not an issue, and theoretical and data saturation were reached. Finding organisations that work on statelessness, or address an aspect of it, was relatively easy. After each interview or conversation I would ask who else I should speak to and if there are any organisations that they disagreed with, or disagree with them, to try to ensure I received a range of potential participants. I also used policy documents, blogs, online articles and word of mouth to locate organisations from a range of backgrounds.

4.4.3 Breakdown of interviews

I spent three months in Lebanon, based in Beirut, collecting the data. This involved conducting 29 interviews (6 of these being follow up interviews), with a total of twenty three interview participants. While the majority of the interviews were recorded (twenty), some were not. This was either at the request of the participant or due to the inappropriateness of recording the interview (especially in situations where my legitimacy had not yet been established). In the case of the interviews that were not recorded, I took very brief notes during the interview, followed by detailed written notes as soon as possible after the interview had been concluded. Noting not just what was said but the way it was said, things that would otherwise be in danger of not coming across in the audio-recording, was done for both recorded and non-recorded interviews.

Gaining access to a range of actors and agencies for the populations of concern was important to my research, as I wished to compare and contrast the differing practices between those addressing the statelessness of the different groups. While I recognise that categorising the organisations and participants that took part, is to a certain

degree artificial, *Table 3* provides an overview of the range of actors and organisations interviewed and the populations of concern they worked with/for, to give the reader an understanding of the range of participants.

Table 3: Break down of participants (population of concern and organisations type)

Organisation type

Population of concern	International institution (UNRWA, UNICEF etc)	International non-governmental organisation	Non-governmental organisation	Individual advocate or academic
All stateless persons	X	X	XX	X
Palestinians	XX	X	XXXX	X
Those rendered stateless due to gender discrimination	X		XXX	
Kurds			XX	XXX
Bedouin				XXXX
X = One interview				

Looking over *Table 3* may leave the reader thinking that there are gaps in terms of who I approached. For example why were no international institutions, international non-governmental organisations (INGOs) or NGOs interviewed for the Kurds or the Bedouin? This is because these types of organisations do not work with the populations or could not be identified. With such an open and vocal civil society sector the former is more likely than the latter.

For reasons of confidentiality the following system of attributing letters to describe the group the participant was within, or working on behalf of, and the type of organisation they were working within, has been devised.

The first letter represents the group the participant is working with or part of:

P = Palestinians

G = Those rendered stateless due to gender discrimination in the citizenship law

K = Kurds

B = Bedouins

A = All stateless persons

The second letter refers to the type of organisation/individual:

II = International institution

IN = International non-governmental organisation

N = Non-governmental organisation or grass roots organisation

A = Individual advocate or academic

When a direct quotation from a participant is referenced in this research, quotation marks are used to distinguish it from other sources.

4.4.4 Other data sources; ethnographic elements

The data collection strategy for this research, was not limited to formal interviews. To ensure that the many nuances of the information gained from the interviews was not lost, due to lack of contextualisation, and in line with my data saturation and triangulation analysis method, I partook in other data collection methods. This included many informal conversations with interview participants and non-participants, time spent in their offices, or places of work, and pre/post interview situations. Many of those, who were not working directly on the issue of statelessness, were also included in this ethnographic data collection, as often their insights were incredibly useful, to allow the data gathered, and themes developed, to be contextualised, challenged and revised. I also took part in seminars and meetings, in an overt ethnographic sense. This included giving a seminar on my findings, to gain feedback from an academic audience. As well as covert observation, such as attendance at meetings, demonstrations and small gathers. The observations were all noted in my field journal, coded and used in the data analysis.

By undertaking participant observation, additional data, through the observation of the participants in their 'natural setting', could be collected. This allowed me to compare the claims made during interviews, to the practices and actions of the participants outside of the formal interview setting, and in so doing, add more validation to the concepts put forward (Morse and Field 1996). It also allowed for trust to be built, which proved useful in the repeat interviews, as more sensitive topics could be brought up for further elaborated.

4.4.5 *Language*

Language was a major consideration before I began to conduct the research. Not speaking Arabic I thought that there would be a danger of only being able to access certain participants, which could lead to criticism of targeting English speaking ‘élites’. Therefore, I arranged for several translators to be available before arriving in Lebanon. However, earlier concerns soon dissipated as English was widely spoken. In situations where the participant felt they were not able to communicate effectively they arranged for a colleague/friend to be present. However, only on one occasion was language an issue and a more formal translation was called for. During the interviews the participants occasionally mentioned something in Arabic (informal names of political parties or sayings) and the help of a translator (who had contextualised knowledge) was called upon when transcribing the interviews later on, so as not to miss these details.

4.5 Data analysis and interpretation

4.5.1 A post nationalist framework for analysis

There are only a limited number of inter-disciplinary, rather than legal, pieces of academic research on statelessness. Most of these pieces of work suffer, in terms of their usefulness here, due to the perceived interchangeability of the term stateless person with refugee and/or illegal alien. This is because they perceive statelessness as stemming from an identity/belonging issue rather than a legal issue, or they use the concept of *de facto* ‘statelessness’. Thus, there was not much methodological discussion on which to draw in terms of frameworks for analysis. However, due to the specific situation in which the stateless find themselves, i.e. within and yet outside of the nation-state system, along with the nature of global citizenship itself, a post-nationalist approach seemed the most appropriate to capture and understand the nuances of the lived experiences of the participants, drawn from a stateless centric perspective. This applies equally to the stateless and non-stateless participants who are addressing statelessness in Lebanon, as both work within a nation-state system while advocating for those who are legally situated outside of it.

This approach allowed me to capture actions and manifestations of global citizenship within the Lebanese context, by drawing on the moral imperative to loosen and

expand the concept of citizenship, without rejecting the current prominence of the legal bond, as noted by Banerjee (2010;13):

When taking into consideration the perspective of those caught in-between communities or who find themselves admitted under a precarious or illicit status— asylum seekers, refugees, immigrants—we have good reason to doubt the acceptability of contemporary norms of citizenship and territorial sovereignty. Indeed, if our foregoing analysis is correct in suggesting a fundamental relation between our current modalities of community and citizenship with the practices of exclusion that produce statelessness, we have good reason to believe that a moral imperative exists for weakening the boundaries of states and liberalizing the means of gaining membership within communities.

Nation-states' sovereignty over citizenship (i.e. legal membership) is being challenged from above and below. This can be from the market, globalisation and the increased mobility of capital and labour, all of which pose a challenge to nation-states as socio-political units. This in turn has required us to consider new social and political theories, of which post-nationalism is one (Keating 1998, Tambini 2001). This process and the problematisation of citizenship of a nation-state has meant that “new forms of participation, rights and belonging are displacing national citizenship, particularly in Europe” (Tambini 2001;195). Many of the debates about post-nationalism remain Eurocentric; as the EU plays host to many of the debates on the expansion of citizenship beyond the liberal democratic nation-states within the institutional framework of the EU (see Benhabib 2002, 2004, Kymlicka 2006). It is important to remember however that EU citizenship is based on the individual's citizenship of one of the member states, or at least a non-member state as discussed in section 3.3.5, and as such has its inherent limitations in the statelessness debate.

Soysal (1997;9) notes that “rights that were once associated with belonging in a national community have become increasingly abstract, and are defined and legitimised at the transnational level”. The rise of ‘post-national membership’ as identified by Soysal (1994), which allows participation in institutions beyond the

nation-state and concepts such as multi-layered citizenship, indicate the need for an expanded notion of citizenship as becoming increasingly pertinent (Siim and Squires 2008). Faulk (2000;141) states that:

I am in complete agreement with Soysal upon the urgent need to reconceptualise citizenship in ways which breaks the link with the state. It is only in this way that the rights of citizenship can be extended in a manner consistent with liberal notions of the equal worth of individuals.

Yet Faulk (2000) warns us that human rights do not address one of the key aspects of citizenship, specifically reciprocity of obligation, and it is the participation and the responsibilities involved in citizenship that means that human rights cannot simply supersede citizenship of a nation-state. Tambini (2001) also highlights that as an institution the nation-state still has an influence and cannot be ignored in a post-nationalist framework, though we have to remain aware that its form is evolving.

Sassen (2002;280) warns against confusing post-nationalist citizenship and denationalised citizenship as frameworks for analysis, claiming:

Current conditions have led to a growing emphasis on claims and aspirations that go beyond the formal legal definition of rights and obligations. Most recently there has also been a reinvigoration of theoretical distinctions: communitarian and deliberative, republican and liberal. Yet more often than not the nation-state is the typically implicit frame within which these distinctions are explored. In this sense, much of this literature cannot be read as post-national even when it seeks to locate citizenship in areas that goes beyond the formal political domain. Nonetheless, this deconstruction of citizenship has also fed a much smaller but growing scholarship which begins to develop notions of citizenship not based on the nation-state, whether understood in narrow political terms or broader sociological and psychological terms. The growing prominence of the international human rights regime has played an important theoretical and political

role in strengthening post-national conceptions even as it has underlined the differences between citizenship rights and human rights.

My reason for using a flexible post-nationalist framework, is that the stateless and global citizenship do not fit within normal state-centric methods of analysis. Yet, the existence of nation-states and the current function of citizenship cannot be ignored. Most importantly neither can the stateless as a manifestation of the weaknesses of the linking of the two concepts. My choice of the post-nationalist framework, is due to the fact that to not consider the impact of nation-states would be empirically and conceptually untenable, as the phenomena of statelessness is caused by the exclusion of stateless persons from the nation-state system. Further to this, I feared that if I approached the subject with a highly restrictive post-nationalist framework, rather than a more flexible one, there was a danger of overlooking rich analytical pickings that my time in the field offered. A major influence in my research was the reversal of the burden of justification of global citizenship onto those who support the nation-state and its claim to retain sovereignty over choosing who its citizens are. Rather than simply contesting the nation-state/citizenship nexus and ‘liberalising’ it or rejecting it completely, a slightly more nuanced post-nationalist approach can also call for *their* justification. In this vein Bosniak (2000; 453) claims: “I read the postnational citizenship claim as a critical trope that usefully enables us to challenge that presumption, and to invert the burden of justification, so that normative nationalism may itself be interrogated.” It is this that I have done by dedicating chapters five and six to the contestation of the nation-state and citizenship respectively, a division driven by the data, as mentioned previously.

More generally this approach falls in line with discourse analysis. Van Dijk (2002;10) notes why this approach is such a varied and rich analytical tool:

[D]iscourse analysis for me is essentially multidisciplinary, and involves linguistics, poetics, semiotics, psychology, sociology, anthropology, history, and communication research. What I find crucial though is that precisely because of its multi-faceted nature, this multidisciplinary research should be integrated. We should devise

theories that are complex and account both for the textual, the cognitive, the social, the political and the historical dimension of discourse.

With regards to my ontological and epistemological position, which falls under the social constructivism approach, Blitz (2006) provides us with an example of the appropriateness of this approach when researching the stateless. Specifically its usefulness in “understanding how identity formation and state creation interact and bear on the conferral of citizenship” (*ibid*;474). This statement came about following a study of statelessness in Slovenia, within which Blitz (2006;475) noted that:

The findings from this research study also suggest some fluidity and differentiation even during the homogenizing period of the 1990s, thus demonstrating the need to reject realist approaches in favour of constructivist methodologies that seek to expose the way in which citizenship is designed and social categories created.

The data analysis in this research involved triangulation. The form of triangulation adopted, can be seen as what Hussein (2009) referred to as ‘data triangulation’, whereby, multiple data sources were used for validation purposes. This form of triangulation, involves considering the time the data was collected, the space in which it was collected and finally the participants themselves (*ibid*). Triangulation was called upon to counter issues of validity and reliability, or as Golafshani (2003;602) claims, triangulation allows us to answer the question, “how to test or maximize the validity and as a result the reliability of a qualitative study?”. As Mathison (1988;13) further elaborates:

Triangulation has risen to be an important methodological issue in naturalistic and qualitative approaches to evaluation... [in order to] control bias and establishing valid propositions because traditional scientific techniques are incompatible with this alternate epistemology.

4.5.2 Phases of coding and themes

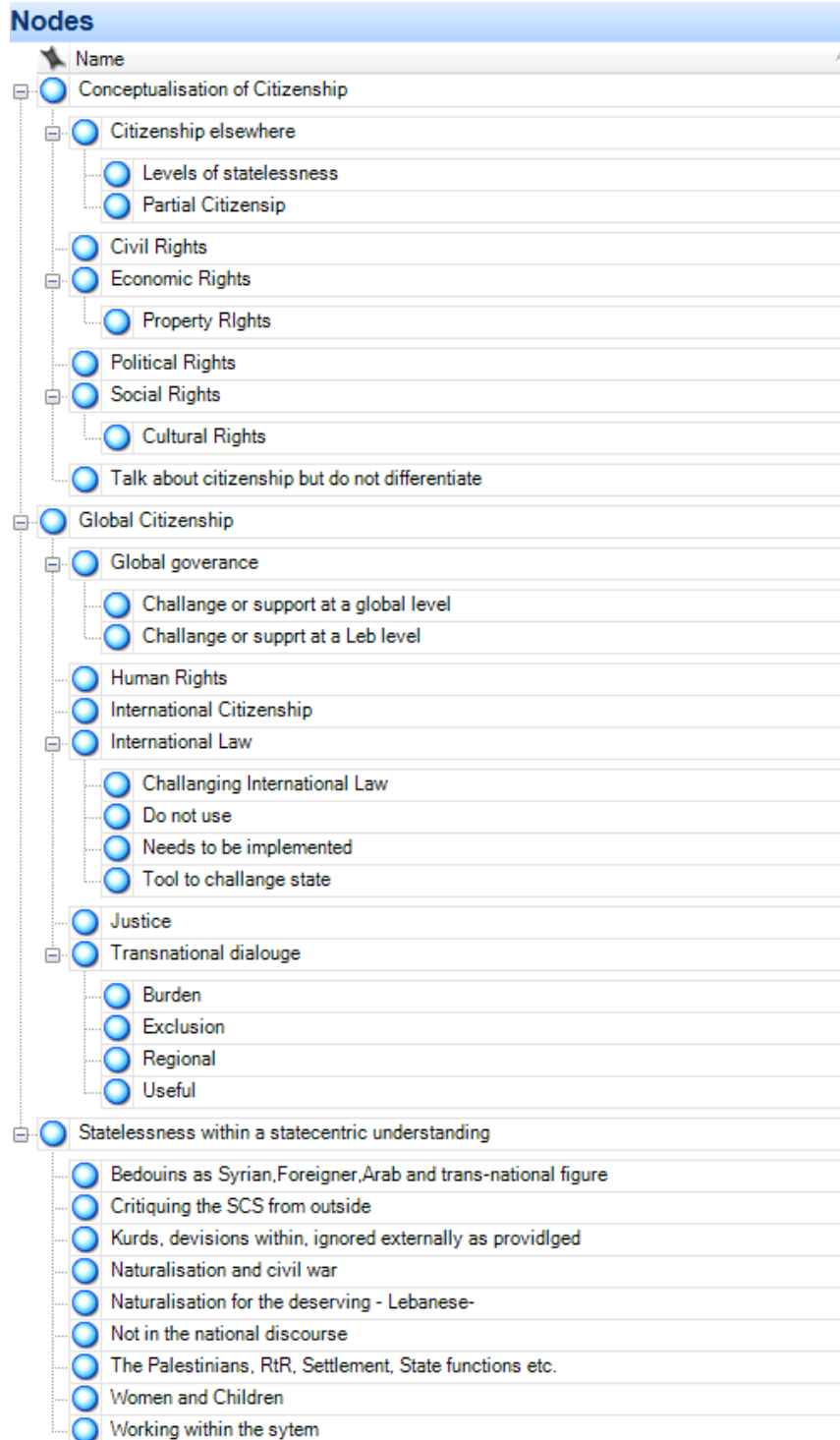
As mentioned previously I reflected on the research, my methods and the data as a continuous process. Approaching the research and data collection from a rigid plan would have limited the breath of information that could be collected. Thematic analysis was used to categorise the data, to note areas of interest and test the relationship between sub themes. As Ryan and Bernard (2003) note, themes can come both from the data itself (an inductive approach) or from the prior theoretical understanding of the researcher of the phenomenon they are studying (an *a priori* approach). Based on this understanding, while there was some *a priori* work, for example the theoretical concerns and the division of aspects of global citizenship as key themes, the research took a more inductive turn during and after the data collection. This involved moving from a broad understanding, to locating and considering patterns in the data. To do this I employed coding in two distinct phases, initial coding in the field, followed by coding in NVivo upon my return.

Initial coding was done in the field to identify preliminary themes, as the nature of the research meant that new avenues of exploration needed to be identified and worked upon during the data collection phase. This allowed me to narrow down thematic areas and begin to tie them together as quickly as possible so that follow up interviews could be undertaken, if necessary. Further to this, being aware of the critique that using computer assisted qualitative data programs can lead to fragmented narratives (Bryman 2004), this initial coding allowed me to begin to organise the data, while avoiding breaking down narratives into what could be critiqued as ‘sound bites’. This potential fragmentation was also avoided during the NVivo phase. When coding in NVivo, large amounts of text were included, rather than short ‘anecdotal’ quotes, to avoid the detachment of quotes from the context within which they were told (Silverman 1985). The data collected beyond interviews, through the ethnographic elements of the data collection, was also coded, thus further contextualising the key findings.

Following this initial phase in the field, a more systematic approach was taken during the second phase, which involved coding all the interview transcripts, my field notes and the secondary sources in NVivo. *Figure 1* shows the themes and sub themes

chosen to code the data. During the initial coding phase three areas were shown to be particularly prominent, coded as *conceptualisation of citizenship*, *statelessness within a state centric understanding* and *global citizenship*.

Figure 1: Node Map from the NVivo analysis



While the sub themes for the global citizenship aspect of the research were guided by my division of the global citizenship discourse (as seen in chapter three), the citizenship and nation-state themes required new literature to be explored, while simultaneously drawing out the key aspects of the findings. This was a reflective process of engagement with the data and literature.

The comparative element of this research was crucial, and ensuring that similarities and differences within and between groups could be established involved careful input of the data. Consequently the data sources were broken down into the following seven groups;

- Those working to address the gender discrimination in the nationality law
- Those working with all stateless groups
- Those working with the Bedouin
- Those working with the Kurds
- Those working with the Palestinians
- Information drawn from existing literature (journals, books, news articles etc.)
- Personal reflections from my field notes

The data, analysis and discussion, presented in the following chapters, may appear to be skewed towards the Palestinians, and it should be made explicit why this has occurred. First, the Palestinians are the largest and most vocal group of stateless persons in the country. They have the most NGOs working for them, a dedicated international organisation (UNRWA) and have received a lot of interest in the academic and civil society communities. Therefore, there were more participants working to address the statelessness of the Palestinians than other groups. Second, the entire discourse of statelessness in Lebanon is tied into the Palestinian issue. The legal framework, which creates and perpetuates statelessness, the political discourse on statelessness and many of the claims of the participants, relate to the Palestinians. Therefore, to allow for contextualisation of the concepts put forward in this research, it proved both pertinent and enlightening to consider the Palestinians, as central to the discourse on statelessness in Lebanon.

4.5.3 Theoretical and data saturation

Theoretical and data saturation were used with regards to the concepts that emerged during data collection and analysis. As Bloor and Wood (2006:165) note:

Theoretical saturation is associated with theoretical sampling for grounded theory, that is, the selection of cases that are most likely to produce the most relevant data that will discriminate or test emerging theories. This process requires a flexible approach to data collection as it progresses alongside data analysis.

The framework that data saturation provided, in both the selection of participants and data analysis, allowed me to explore new concepts and theories, until the point where no new concepts (or negative cases to show gaps) were being raised during interviews or participant observation. This was aided by my extended time in the field, as “engaging in sustained field research can help to achieve theoretical saturation. Researchers who have been in the field for some time will better understand the nuances of the research setting” (Saumure and Given 2008:196).

4.6 Ethical considerations

The sensitivity of the issue of statelessness in Lebanon and the vulnerability of some of the participants raised some ethical issues that should be made explicit. This not only helps the reader to understand some of the limitations and choices made in the research, but also to contribute to the lack of literature on the ethical issues of researching statelessness.

In terms of informed consent, I took an overt approach in my interviews (and where possible during participant observation), stating clearly from the beginning my research aims and objectives. To avoid deception I sent an initial email or telephoned the participant if possible, stating the aims of my research as well as briefing them in person during our first meeting and remaining open to further questions and clarification throughout the research process. Informed formal and informal consent was gained from all interview participants in the research; a copy of the ethics form can be found in *Appendix 1*. It was made clear that the final thesis would be made

available to all participants and that during any phase of the research the participants could contact me with further questions, or opt out altogether. In some situations where participant observation was being undertaken, such as large meetings or demonstrations, gaining informed consent was not possible.

More generally during the research I followed the principle of non-maleficence (Israel and Hay 2006); ensuring that all attempts were made to avoid harm or distress for those I worked with and myself. This 'common sense' approach I believe best suited the data collection strategies, due to the fluidity of the sampling technique and the realisation that during the research, specific topics would arise that had not been previously considered; a common issue with exploratory empirical research.

The issue of confidentiality continued to be a central concern in my ethical approach. This was due to the nature of some of the participants being stateless, and lacking legal protection mechanisms that are normal for Lebanese citizens and citizens of other states, as well as the politically sensitive nature of statelessness in the country. Therefore, the identity of the participants was concealed, with a coding system introduced as noted in section 4.4.3. All research notes, recordings and other data collected were kept secure during and after the research.

One area of the ethical considerations that had to be negotiated once in the field was the issue of the nature of the relationships between NGOs in Lebanon. Compared to the wider region, Lebanon has a buoyant and vocal civil society sector that is very well connected. This openness and connectedness provided both opportunities and challenges. Gaining contacts and meeting actors and agencies operating in the country was relatively easy and they spoke openly about the issue. However, being so connected meant that ensuring confidentiality was problematic. When attempting to snowball contacts I would inevitably be asked which people and organisations I had spoken to already. I had to make it clear who I had already seen so that they would not just pass on the details of the 'main players' but would give me more obscure contacts, enhancing my range of participants. This had to be negotiated with some sensitivity as animosity between organisations, who compete for limited funding in a highly competitive market and can hold very contradictory views, was an ever present

issue. As well as the danger of exposing participants identities, saying the wrong name could also have led to a 'hostile' reception during interviews. One means by which this was overcome was by only mentioning the names of organisations and not individual participants, while being aware in which cases this would lead to a breach of confidentiality (as many organisations are a 'one man show'). This required constant reflexivity based on the principle of non-maleficence.

4.7 Conclusion

This chapter has set out the research design and the methods of data collection to make explicit why I chose a certain research design by which to answer the research questions. Through a stateless centric perspective, semi-structured interviews provided the main focus of my data collection; however the use of other ethnographic sources was crucial in facilitating a greater depth of contextualised understanding. A post national framework for analysis allowed me to consider the lived experience of those addressing statelessness outside of the rigid conceptual confines of the nation-state/citizenship nexus. I have also detailed the coding and theme selection of my research before considering some of the ethical issues that arose before and during the research. Using this as a basis for understanding, I now move onto the three empirically grounded chapters which explore the findings of this stateless centric perspective of those addressing statelessness in Lebanon, focusing on the nation-state, citizenship and finally global citizenship.

Chapter Five: The stateless and the nation-state; a flaw or a threat?

5.1 Introduction

5.1.1 The purpose and content of the chapter

This chapter examines how those addressing statelessness in Lebanon challenge the received wisdom of the nation-state. As argued in chapter three, the nation-state can provide a hierarchical delineator for understanding the expansion of global citizenship, as it can be used to consider rights and obligations beyond the ‘closed system’ of the nation-state. Yet, the nation-state at a conceptual level is already ambiguous, and when actualised, deviates greatly from its normative framework.

As mentioned previously the topic of contestation of the nation-state was not one of the key themes that I considered when going into this research. Instead this critical reflection came from the data, being a dominant theme throughout my interviews. This critical reflection is in line with the approach that was put forward by Agamben (1993;93):

If the refugee [stateless person] represents such a disquieting element in the order of the nation-state, this is so primarily because, by breaking the identity between the human and the citizen and that between nativity and nationality, it brings the originary fiction of sovereignty to crisis... What is new in our time is that growing sections of humankind are no longer representable inside the nation-state – and this novelty threatens the very foundations of the latter. Inasmuch as the refugee [stateless person], an apparently marginal figure, unhinges the old trinity of state-nation-territory.

Through my empirical research, I found two key themes that highlight the challenges to the nation-state posed by the actions and perspectives of those addressing statelessness, and the existence of the stateless themselves. The first problematises the demarcation of the state based on a nationality or nationalities. With reference to the unique position of the Palestinians in Lebanon one can see that their Palestinian

nationality does not fit within the current nation-state system. They are excluded from being seen as Lebanese, from the Palestinian Authorities' (PAs) notion of who is a 'Palestinian' and who deserves to be situated within the future Palestinian state. Further to this the international community can be seen as facilitating this division of Palestinian nationality, which is perceived as being too large a populous to fit within the current and/or future Palestinian state. Thus, the stateless Palestinians in Lebanon allow us to reflect on the awkward and artificial fit of nationalities into states. Due to this we can see contestation of the nation-state system from the socio-politically marginalised Palestinian position (being outside of the nation-state system), to challenge their exclusion from this system and subsequent lack of rights.

The Palestinian position is then compared to the stateless Bedouin whose 'nomadism' again complicates the concept of the attachment of a nation to a state, as the population, in the past at least, were/are trans-national or at least mobile. Thus, historically nationalities constantly crossed 'state' borders, with little or no hindrance, or these borders simply did not exist. This provides an interesting comparison, while both the Palestinians and some of the Bedouin remain stateless; they have different perceptions of national belonging. The Bedouins perceive themselves as Lebanese yet are excluded, this being justified by the regulators of Lebanese citizenship due to the 'naturalness' of their statelessness. This is compared to the Palestinians who are excluded due to their Palestinian-ness, with this exclusion being framed as protecting their right of return. Thus, the capacity for the nation-state to be considered as a suitable model of socio-political organisation to divide the world's people is contested by those challenging this exclusion (being both stateless and non-stateless in this research), reflecting what Agamben (1993) noted.

Second, the concepts of sovereignty and territory are challenged and the reason why the stateless populations are being treated differently by the Lebanese state, i.e. affording various levels of spatial, social and political autonomy to different populations, is questioned. The Palestinian camps as pseudo-autonomous spaces, or spaces of exception in the Agambenian tradition, are looked at as a means by which the Lebanese nation-state can temporarily reduce its sovereignty to solidify itself, and how it has done so in a different format for the 'Bedouin' areas in the Beka'a. Thus,

the nation-state as a fixed territorial unit, with sovereignty over this space, is challenged by the fluidity of sovereignty or sovereignties that can be seen in the Lebanese state's dealings with the stateless.

Finally from these two key themes I compare the challenges posed by the Palestinians and the Bedouin to the Lebanese nation-state and the resulting fluidity of sovereignty, by looking at the stateless Kurds and those rendered stateless by gender discrimination who have been assimilated or 'belong' within the Lebanese 'nation' yet do not have citizenship. The Kurds as outsiders have been assimilated and being a self proclaimed Lebanese Kurd is not seen as a contradiction in terms or a statement of lack of loyalty to Lebanon (unlike the label 'Palestinian'). Those rendered stateless due to gender discrimination in the citizenship law are seen as 'Lebanese' but a necessary sacrifice. They are a means to protect the 'nation' of the nation-state from the influence of incompatible nationalities, most ostensibly Palestinian-ness. Thus, I conclude that the ambiguity of the nation-state is not only highlighted by the stateless, but it is the ambiguity itself that, in conjunction with the function of citizenship, can, and does, cause and perpetuate statelessness itself. Further to this I argue that by perpetuating statelessness to strengthen themselves/perpetuate their strength, nation-states contribute to the weakening of the whole nation-state system.

5.2 The narrative of the nation(s)

Lebanon was, and is, (as with all other nation-states) created and in a state of constant contestation. Gellner (1964;169) claimed that “nationalism is not the awakening of nations to self-consciousness: it invents nations where they do not exist” and Lebanon can be seen to encapsulate this if one looks at the historical development of the nation-state. Further to this we should reflect upon the means by which the Lebanese nation-state was created. This was through a process of merging what was seen to be compatible multiple nationalisms, while simultaneously excluding some of the population from citizenship who were seen as incompatible, often rendering them stateless.

Hobsbawm (1990;10) reinforced the invented nature of the nation-state, which he claimed is based on political élites interests, thus “nations do not make states and

nationalisms but the other way around”. Yet, this creation or invention of nation-states has to have its limits according to Anderson (1991:224), who warned against thinking of the modern nation as fabricated, framing them instead as “imagined political communities”. As Anderson (1991:6) notes:

It is imagined because the members of even the smallest nation will never know most of their fellow-members, meet them, or even hear of them, yet in the minds of each lives the image of their communion.

Nation-states for Anderson (1991) are socially constructed and are imagined as limited, sovereign and as communities. While Anderson (1991) could be seen as focusing on the modern manifestations of the nation-state, Smith (1986) takes a more historical approach, considering the manipulation of cultural history as a means to create modern nation-states. In both cases however, this social construction inevitably involves exclusion and contestation both within and between nation-states.

This process of exclusion and contestation of exclusion differs between the various stateless communities in Lebanon. It shows not only that these populations were made stateless and their statelessness perpetuated to define or defend the Lebanese ‘nation’, but also that these stateless groups pose a challenge to the Lebanese nation-state and the wider nation-state system more generally, *because* of this exclusion. Two themes were dominant in the data that demanded reflection on how nationality does not sit easily with the Lebanese state. The first is Palestinian nationalism, with the external and internal forces that are excluding this population in the Lebanese and the wider PA discourses. The second is the narrative of the Bedouin as no/trans-national Arabs whose statelessness is ‘natural’.

5.2.1 The Palestinians in Lebanon; the negotiated nation

The stateless Palestinians are the largest and most visible group of stateless persons in the country and can be seen as the most explicit challenge to the dominance of the nation-state system. Their existence forces us to ask how such a large stateless community can exist for such a protracted period of time outside of the nation-state system, while simultaneously fighting to be included within it. Several key themes

arose while I was conducting my fieldwork that problematised the dominant discourses of the nation-state. It is argued here that quasi-state functions from multiple actors, their exclusion from the PA's notion of the post-Oslo Palestinian 'nation' and the involvement of the international community in creating and perpetuating the Palestinian issue, challenges statist assumptions of the role of the international community and of the nation-state system more generally.

Hanafi and Long (2010) refer to the many influences on the Palestinian camps in Lebanon, as reflecting multiple, partial, phantom sovereignties, including that of the PLO, the PA, the Lebanese government and humanitarian organisations - specifically UNRWA. As mentioned previously the Palestinians in Lebanon are under the mandate of UNRWA. This is problematic as UNRWA cannot provide a solution to the Palestinians' statelessness, focusing instead on identification, assistance and protection. Agamben (1993:92) describes the wider trends that have led to such organisations being created for problematic stateless and refugee populations, noting:

What is essential is that each and every time refugees [stateless persons] no longer represent individual cases but rather a mass phenomenon...these organizations as well as the single states – all the solemn evocations of the inalienable rights of human beings notwithstanding – have proved to be absolutely incapable not only of solving the problem but also of facing it in an adequate manner. The whole question, therefore, was handed over to humanitarian organizations and to the police.

We can see this response happening with the Palestinians in Lebanon who have been provided for (even though this provision is inadequate) by humanitarian organisations and simultaneously been regulated by the Lebanese security forces. Following Agamben's (1993) claim, this could be seen as a consequence of the international community and individual nation-states inability to deal with such a large scale and protracted phenomenon, which sits so uncomfortably with the idea of the nation-state system. The unique position that the Palestinians occupy under international law and the creation of UNRWA was questioned by several non-Palestinian participants:

“From the beginning the UN council took the decision to treat the Palestinians, not as refugees, but as a special case and that’s why UNRWA was established. So if they had been willing to treat them as refugees then they would be under the UNHCR’s mandate. And this is praying on our mind, a big question, why they are treated politically in this sense and in this way? And in that way you feel like the UN is involved in the Palestinian political situation.” **(P/G-IN)**

UNRWA adopted the role of providing assistance to the stateless Palestinian refugees in December 1949, to respond to the needs of those who were forced to flee Palestine, or were internally displaced, due to the violence surrounding the creation of the State of Israel. Its existence and sole focus on Palestinians, within fixed territorial spaces,⁸ led to them taking on many of the roles one would normally associate with a state. This includes provision for their specific population of concern within specified territorial spaces and voicing their concerns to the international community. As one Palestinian organisation, who were generally highly critical of UNRWA, explained:

“UNRWA is considered as a lung that we use to breathe. We consider it very important for various reasons. The PLO after the Oslo agreement with the Israelis, that gave them a state with borders, government, embassies... so they left the Palestinian refugees. They [the PLO] closed their organisations which provided health organisations, injured people, martyrs, all these services were closed.” **(P-N)**

Thus, UNRWA became the sole provider of many of the services ‘citizens’ might expect to receive from their ‘state’, including education and healthcare (though one should note that both are limited). In this sense one could see UNRWA as providing basic social welfare services, but also having an administrative reach in the sense that Giddens (1985) suggested is indicative of a nation-state. This administrative reach is over areas that remain ‘Palestinian’ and on the periphery of state control, namely the

⁸ UNRWA’s areas of operation being Jordan, Lebanon, the Gaza Strip, the Syrian Arab Republic the West Bank, including East Jerusalem.

official refugee camps, to which I will turn towards the end of this chapter in section 5.3.1. Thus, many of my participants saw the Palestinians as having a more privileged position than other stateless communities in Lebanon, due to the social provision they receive from UNRWA. As one advocate who works with the Bedouin, when comparing their situation with the Palestinians, noted:

“There is UNRWA taking care of the Palestinians, and a lot of Palestinians I think can get out of the country... I mean the Palestinians they are stateless but they do have refugee status, so they, it’s a different thing because for the Bedouin as they do not have any form of identity” **(B-A)**.

This idea of being registered is interesting as it is seen as a means not only to situate the stateless population within the Lebanese nation-state, but more fundamentally to allow them to ‘exist’, in numerical terms at least. As several participants claimed with regards to registering the stateless:

“While Lebanon may amend the citizenship law... in-between they [all the stateless] should be registered and they should get some rights, such as access to health, education etc... It is not only the [ID] paper that is the ultimate, it is the living, and knowing rights that they can benefit and profit from, and you know, be able to exist”. **(A-N)**

“At least the Government should register them [the Bedouin], as a start to find out who they are and give them an ID that says they exist”. **(B-A)**

UNRWA’s practices also challenge the perceived role of the international community, whose goal it is to place the stateless back within the nation-state system and deal with the consequences of statelessness. Essentially their role is to tidy up the fuzzy edges of an otherwise ‘suitable’ dominant system of socio-political organisation of the world’s people. Using a Weberian understanding of legitimacy Hanafi and Long (2010;141) argue:

[T]hat the conventional modes of governance present in the camps today do not derive adequate legitimacy from these to govern effectively. The fault for this lies not just with Palestinian and Lebanese leaders but also with the international community of donors, which has been complicit in the dismantling of Palestinian governance structures and supportive of their replacement with the bureaucracies of humanitarian and aid agencies.

The stateless Palestinians are thus seen as the fuzzy edges of an otherwise suitable system. However, the development of governance structures in the camps would be a more explicit challenge to the system itself. Therefore, the international community of donors ‘dismantle’ what could be a threat to the perceived suitability of the system, through the provision of certain services.

One of the main critiques that my participants levelled against UNWRA was that it has been corrupted by the context within which it exists, which in turn has led to a weakening of the Palestinian position in the country. With claims such as:

“UNRWA is affiliated with the political situation in Lebanon... so affiliated... even when UNRWA recruit, they have massive clientalism and *wasta*⁹, it is so political.” (P/G-IN)

“UNRWA is corrupt, it is a Lebanese organisation not a UN one”.
(P/G-IN)

As well as being seen as corrupted by the Lebanese context, UNRWA’s credentials as an ‘international’ organisation are also critiqued due to their lack of ability to even register ‘new’ Palestinians who have once again been forced to flee their country of residence to another country where UNRWA operates. Jordanian and Iraqi Palestinians, who have lost citizenship of these nation-states, and who find themselves

⁹ "Wasta" may mean either mediation or intercession. It denotes the person who mediates/intercedes as well as the act of mediation/intercession (see Cunningham 1994). It can be translated as connections that are used to influence people/decision or gain things or privileges that would have otherwise been impossible or more problematic to achieve.

in Lebanon, are highlighted as particularly problematic. One Palestinian organisation noted the very limiting restraints of the nation-states where UNRWA works, and the impact on their operational capacity, claiming:

“We talked to Lebanese UNRWA about the Palestinians from Jordan who are non-ID in Lebanon and they said we are not responsible, why are they not your responsibility?” (P-N)

This relates to the issue of UNRWA not being able to register non-ID Palestinians, which would allow these persons to receive their full range of services. The Lebanese government are keen to restrict the official number of Palestinians in the country as they are perceived as a threat to the nation-state. The larger the number of those registered the larger the perceived threat to the nation-state.

To further complicate this negotiated space of the Palestinians in Lebanon, there is a perception that they have other trappings of citizenship, other than the provision of social welfare. This includes the belief that they have been given ‘passports’ which in reality are RTDs - though they are referred to as passports by both Palestinian and non-Palestinian participants. As well as this the Lebanese government endorsed the appointment of a Palestinian Ambassador, (from 2005–2009 Abbas Zaki, during the research it was Abdullah Abdullah). This created a perception of diplomatic protection for the Palestinians, when in reality this Ambassador does not work for the Palestinians in Lebanon but for the PA, and more specifically Fatah. The Palestinians in Lebanon do not receive any diplomatic protection despite this blurring of the concept of statehood - being the introduction of an Ambassador for the highly contested Palestinian ‘state’. One participant noted the reason for this appointment:

“And you know that when you have this Palestinian Ambassador in Lebanon, because you don’t have a state of Palestine and so when they established an embassy here in Lebanon, it is because they were playing the political discourse here. So they could say to the Lebanese people, look the Palestinians have an embassy here now, so they can’t be stateless! You know it is this kind of human thing; they are lying to

their own population. And this was a real political decision to have this Ambassador here”. **(P/G-IN)**

This contributes to a discourse whereby the Palestinians are seen as refugees in a non-stateless situation as they are under various sovereignties that provide various ‘state’ like services, (though in reality these multiple contesting sovereignties can be seen as posing a barrier to them attaining citizenship, due to the resulting ambiguity). This is a discourse that is not only the creation of the Palestinian and Lebanese political élites, but is also reinforced by the international organisations working in Lebanon. For example both the UNHCR and UNRWA staff claimed that they are advised not to call the Palestinians ‘stateless’ due to political tensions, substituting it with the term ‘refugees’ instead, thus officially and explicitly obscuring their statelessness (Tucker 2012).¹⁰

Normatively, the belief that the Palestinian stateless refugees are being pushed out of the discourse of the PA’s construction of who is to be considered a future Palestinian citizen, post-Oslo, is very worrying for the population and should be for the international community. This is because ‘matching’ the stateless Palestinians with a state is becoming increasingly problematic. The Palestinian ‘nation’ is going through a phase of reduction, cutting off the peripheries, including the stateless Palestinians in Lebanon. This constriction of Palestinian ‘citizenship’, based on a shrinking Palestinian nationality, was reflected upon by Palestinian and non-Palestinian NGOs and advocates, as well as international organisations. One Palestinian participant reflected on this rejection of the Palestinians in Lebanon from the PA’s concerns, using the example of the last visit of Mahmoud Abbas:

“[B]ut the PA even when they came to Lebanon, Mahmoud Abbas even he didn’t visit any camps... people were waiting on the airport road to wave for him and say hello... he was taken on another road!”
(P-N).

¹⁰ Field journal entry after a meeting with UNRWA- Beirut (23/3/2012)

The sentiments noted above reflects that Palestinians in Lebanon are not only trying to negotiate a no-citizen space within the existing Lebanese nation-state, and the nation-state system at large, but are also having to continuously renegotiate their claim for citizenship of a future Palestinian state.

So then how do we begin to understand these multiple, partial sovereignties? And what does this mean for the concept of the nation-state? Hobsbawm's (1990;10) claim that "nations do not make states and nationalisms but the other way around" is particularly salient here. With regards to the Palestinians in Lebanon, the political élites' interests can be seen as trying to exclude them, which it is arguably doing successfully through the provision of quasi-state functions and services, and by sidelining them in the concept of the Palestinian and Lebanese 'nation' simultaneously, despite the fervent Palestinian nationalism amongst the Palestinians in Lebanon. The stateless Palestinians in the country are trying to contest their position as imagined *outside* of this limited Palestinian 'nation', while being under the influence of multiple, partial sovereignties which highly complicates their position in the nation-state system and frames them as stateless persons in a non-stateless situation, thereby weakening their 'nationalist' claim.

Agamben (1993), critiqued Arendt's use of refugees, which also included stateless persons, as a means of explaining the pivotal role citizenship plays in the attainment of human rights. Instead Agamben (1993;90,92) noted that we should go even further than this and use the refugee/stateless as a means to highlight the shortfalls in the concept of the nation-state:

It is even possible that, if we want to be equal to the absolutely new tasks ahead, we will have to abandon decidedly, without reservation, the fundamental concepts through which we have so far represented the subjects of the political (Man, the Citizen and its rights, but also the sovereign people, the worker, and so forth) and build our political philosophy anew starting from the one and only figure of the refugee [the stateless person]... that there is no autonomous space in the political order of the nation-state for something like the pure human in

itself is evident at the very least from the fact that, even in the best of cases, the status of refugee [stateless person] has always been considered a temporary condition that ought to lead either to naturalization or to repatriation. A stable statute for the human in itself is inconceivable in the law of the nation-state.

Agamben (1993) draws on two interesting points that can be reflected upon with regard to the findings of this research. First we use the stateless as a starting point to reconsider the nation-state system (through a new political philosophy). The case of the protracted stateless situation of the Palestinians in Lebanon (as with elsewhere) and the construction of multiple, partial sovereignties would suggest that this may be a useful example, as the population are having to continuously negotiate/re-negotiate their position in the system, or even to remain outside of it until a suitable solution is found. However, the system also has to constantly negotiate/re-negotiate their existence too. One means by which the system can so do is to frame the stateless Palestinians as non-stateless, through the provision of state like features, thus creating a 'stable', though in reality highly unstable statute. Second, what if the condition of the stateless persons is not temporary? What if the stateless are a natural consequence, and even a necessity to the concept of the nation-state? The following section reflects upon one such narrative that came out in my research, namely the naturalness of the statelessness of the Bedouin.

5.2.2 The narrative of the Bedouin: trans/no-national Arabs

“We Lebanese plant trees, we are not like the Bedouin, *we* plant trees because we stay in this land”. **(B-A)**

From the outset it should be made clear that there are very few organisations or actors who work with the stateless Bedouin (or the Bedouin more generally) in Lebanon. Many organisations and actors did not know, or claimed not to know, about the statelessness that blights the lives of some in the community. Some participants shunned it as unimportant, while others further marginalised them by refusing to talk about the Bedouin as belonging within the Lebanese national discourse at all. Even very well connected NGO and INGO staff members would claim not to know anyone

who worked with the Bedouin on *any* of the issues that affect the community, such as poverty or access to healthcare, let alone on the specific topic of statelessness and access to citizenship. Here I reflect on this exclusion, and how the Bedouin are situated as ‘trans/no-national Arabs’, whose statelessness is a natural consequence of their ‘Bedouin-ness’. It is useful here to remember Cole’s (2003) differentiation between Bedouin as an occupation, which is the dominant discourse of those to whom I spoke, and Bedouin-ness as an ethnic identity, of which it was rarely conceived during my fieldwork, except by a few advocates who had worked closely with the community.

With the exception of those who worked solely on the Bedouin, my participants did not introduce the Bedouin as a stateless community in the country during interviews, informal conversations or in their written publications. Once I began to introduce them several key themes and responses arose. The following conversation reflects several recurring themes in many interviews and participant observation, with regard to the stateless Bedouin, reinforcing the naturalness of their statelessness, but not questioning the artificiality of the nation-states which caused it. Instead, the dominant discourse explains the statelessness of the community as a natural consequence of ‘their way of life’. The following is a conversation between two individuals who have both worked for human rights INGOs with an interest in statelessness (while interviewee one (I.1) still works for the organisation, interviewee two (I.2) had moved to an INGO focusing on environmental issues):

I.1: I think it is because of the cultural issues in Lebanon, that since ages the Bedouin are considered as something normal.

I.2: So they are stateless, so like their name means stateless, but now the borders and everything, they are stuck maybe, I don’t know. They are kind of living here or they move on, do *you* know?

Me: Well many have settled.

I.2: Lately they have tried to settle but their culture and everything is to move on. It is not like the Bedouin of Kuwait or something.

...

I.1: And again for the Bedouin that is why civil society is not active on them, as it is seen as a normal cultural issue, they have been here for ages, it is not a big issue for them.

I.2: They never bring up their needs. Lately you are hearing little things but it is like, and you have the cultural issues that these people, this is how we were brought up, it's like these people are just like moving and settling.

I.1: If you look at their geographical presence they are found in the Beka'a as it is an agricultural area, so they have been recruited for agricultural work and when the season ends they move onto another country, and Lebanon got used to this, how their situation is - and they are really convinced this is how they are, so this is probably why they are not acting." (P/G-IN)

The exclusion of the Bedouin from the nation-state system was considered by these participants to be the result of their inability to settle. However with the introduction of the Lebanese nation-state they are now 'stuck' in a system that they cannot navigate due to their nomadic cultural tendencies.

As one participant noted, this exclusion of the Bedouin from the national discourse was justified politically due to their "backwardness", which is seen as anti or un-Lebanese and "poses a threat to modernity and modern laws" (B-A). Thus, the label 'Bedouin' is seen as a means to challenge the citizenship status and loyalty of those it is levelled against, unlike the label 'Kurd' who, as a community, are seen as having been integrated into the Lebanese nation. A participant who worked with the Bedouin reflected upon how this national discourse is used to exclude two groups whose claims for inclusion would appear to be at opposing ends of the 'modernity spectrum', by situating them both as a threat to the Lebanese nation-state:

“But I mean this is what we also know about nationalist discourse in post-colonial countries. They pick and choose about what is good and what is anti-national and you know. So for example women’s freedom is an anti-nationalist Westernised idea that is a threat to our indigenous, no, our cultural system or whatever. But then at the same time, and the same groups use modernist discourse to say like ‘I don’t know if Bedouin are really Lebanese they are backwards’....” **(B-A)**

Despite the perceived ‘naturalness’ of their statelessness, the stateless Bedouins’ lives are severally blighted by their lack of citizenship, or as one participant noted:

“The problem remains, the presence of the Bedouin in the ‘narrative of the nation’ is much less prominent than the ‘nation’s’ presence in the ‘narrative of the Bedouin’”. **(B-A)**

Citizenship of a nation-state provides a more tangible and effective mechanism to provide immediate rights than that of the human rights instruments, as US Supreme Court Justice Earl Warren, drawing on the work of Arendt, stated “citizenship is man's basic right, for it is nothing less than *the right to have rights*” (Colaiacono 2010;2 my emphasis). Citizenship of a state in this understanding is the crucial element to achieving other human rights, though I argue the emphasis is placed on the wrong causation. It is not the statelessness of the Bedouin (their lack of citizenship) that causes their dire situation *per se*. Rather it is the statelessness of the Bedouin, as with all stateless people, situated within and between the artificial division that is nation-states and *the function of citizenship* in the nation-state system, that problematises their access to rights. It is the flaws of the nation-state system and not the natural statelessness of the Bedouin that is the cause of their inability to secure many human rights. These violations are a consequence of being excluded from this artificial system of socio-political and territorial organisation and the rights attributed with membership of a state within the system.

Another area of contestation with regard to the negotiated space that the stateless Bedouin occupy, outside off, yet also within, the nation-state system is the question of their forms of social organisation. Their social organisation can be seen as either an

example of tribalism (viewed as inferior and backwards), or as a different form of civil society than those with modernist preconceptions would expect, a system that existed before the nation-state system. When questioned about Bedouin civil society organisations (CSO) one participant who worked with them claimed:

“They have CSOs but in a different form, they have means of societal organisation like exiling people from the village [for criminal offences] and links with trans-national tribal structures. Through these tribal affiliations they not only organise things like criminal justice but also political demands.” (B-A)

These are framed as pre nation-state systems of social organisation though arguably they are very similar, if not the same, to the multi-layered and diverse forms of social organisations within nation-states as socio-political units. Yet the exclusion of this population from the nation-state system means that they are reliant on these systems that are so negatively framed. Thus, their exclusion turns into a circular argument as one of the justifications for their exclusion is that they continue to use forms of socio-political organisation that are seen as ‘incompatible’ with the nation-state, which in turn means that the only forms of organisation available to them are those that work within and across nation-states - the ‘backwards’ tribal system.

The majority of those I interviewed followed the discourse of the naturalness of the statelessness of the Bedouin, yet only one participant used this as a reason to challenge the arbitrary imposition of ‘nation-state’ borders on the lives of those who previously lived ‘over’ them. Using the metaphor of:

“No one ever asked the sun where it was going, or where the ant was moving to, so why should they ask the Bedouin.” (B-A)

The participant claimed that whereas the Bedouin are naturally stateless this was not a problem until the imposition of the nation-state, which compared to a thousand years of Bedouin migration patterns is a very recent and highly un-natural phenomenon (even though for some Bedouin their migratory patterns were very small and did not cross these new borders). While this discourse still draws on the perception of the

Bedouin as naturally stateless, which can reinforce their exclusion from the national discourse, it is interesting that only one of my participants reflected on the cause of their statelessness, and from this challenged the nation-state system as a result. However, this was done through the dehumanisation of the population (relating their experiences to that of ants) which could be linked into a racial view of the inferiority of the Bedouin.

The participant therefore reflected on a similar process to that of Agamben (1993) whose framework for reassessing the nation-state-territory trinity meant using the stateless as a means to critique the current limitations of the nation-state system. If it is accepted that some populations are naturally stateless what does this mean for the nation-state system at large? It is the imposition of the nation-state and the provision of rights through citizenship (i.e. the function of citizenship) that caused the problems of statelessness and the lack of rights stateless people are generally afforded. Thus we should consider nation-states and not the stateless as the problem. One particularly troubling issue with the nation-state is its 'nation' element, which the two examples above have shown to be problematic when we compare the complexities of the Palestinian and Bedouin positions in Lebanon.

5.2.3 Summary

We can see that the Palestinians are furthest away from inclusion within the Lebanese nation, as they are Palestinian and thus, by definition under the Lebanese national discourse, not considered Lebanese, even by many addressing statelessness in the country. The Bedouin occupy a different category as they are seen as trans/no-national Arabs, thus they are seen as naturally stateless. The Bedouin however, are seen as less of a threat to the Lebanese nation-state than the Palestinians. This can be seen with the granting of citizenship to some Bedouin (as well as some Kurds and those rendered stateless due to gender discrimination) under the 1994 Naturalisation Decree, in stark contrast to the explicit exclusion of the Palestinians from naturalisation.

It is useful here to draw on the work of Keating (1997;693) to begin to unpick how national identities “are constructed and reconstructed historically in specific ways. It

is very difficult to appreciate this restructuring if we use only the classic categories of state based political science.” Therefore if we look at the historical development of Palestinian nationalism we can begin to see the complexities of trying to address the Palestinians’ statelessness. They are on the very periphery of the influence of the Lebanese government, as well as being un-claimed by the PA, which itself can be seen as a phantom sovereignty (though this does not detract from the Palestinians’ desire to be situated within it). Further to this, they have some social services provided by the international community and humanitarian organisations. Therefore, where should the Palestinians in Lebanon be placed, as they are under the influence of multiple, partial sovereignties yet claimed by none? The Palestinians have a right to a citizenship as a fundamental human right, but do they have a right to construct, contest and challenge the citizenship of the dominant national discourse, being the PA, if it rejects them within their understanding of being Palestinian, as their inclusion is seen as too great an extension of nationalism and would be highly problematic to fit within a future Palestinian state?

Further to this I argued that the provision of UNRWA services (such as education, healthcare and identification papers) and the appointment of a Palestinian Ambassador in Lebanon is a means to frame them as refugees in a non-stateless situation. This then side-lines them in the discourse on the Lebanese and Palestinian nations. Therefore, rather than approaching statelessness with the presumption that they are under the ‘influence’ of the nation-state within which they are found, I argue we should be sensitive to the fact that the stateless can be under multiple, partial and highly contested sovereignties. That when considered with contextualised knowledge, highlights the flaws in the concept of the nation-state and the impact these flaws have on resolving their statelessness.

Creating a nation-state, by defining who is part of the nation, and consequentially defining the ‘other’ - the non-citizens - is a normal practice for most nation-states. But to do so and as a consequence to ostracise persons and populations from citizenship of *any* nation-state is highly problematic for the legitimacy of the wider nation-state system from a normative and legal perspective. If the stateless can exist in a state of exclusion from the nation-state system, then we should consider the inherent

weakness of the system that causes and perpetuates this exclusion. Within the Lebanese context, as with others, statelessness is not an anomaly of the nation-state system, but is used by the nation-states with regard to creating or sustaining a national identity. Therefore, I am not claiming that the nation-state and the stateless have a dependant relationship. Rather, that the existence of the stateless shows the weaknesses in dividing socio-political organisation of the world's people into nation-states, and allowing states relative sovereignty over choosing their citizenry, which is highly ambiguous both conceptually and factually, then ascribing blame for statelessness on the stateless persons themselves for not fitting within this arbitrary system.

Following this analysis of how the stateless in Lebanon contest the nation-state, I now move on to focus on the state and territory aspect of the trinity as I explore the 'stateless' spaces and the spaces that the stateless occupy in Lebanon, and what this can teach us about the nation-state system. When considering the claims made here, one should bear in mind the above discussion about the multiple sovereignties over the Palestinians, which led to them being framed as a refugee population in a non-stateless situation, as well as the 'natural' statelessness of the Bedouin.

5.3 The stateless spaces: What this teaches us about the nation-state-territory trinity

Murphy (*in* Flint 2005;281), when explaining the general debate around the concept of sovereignty, summarises the acceptance that the world is divided into a series of "non overlapping, juridically autonomous spaces". From this perspective, sovereignty is "the recognition of the claim by a state to exercise supreme authority over a clearly defined territory" (Zaum, 2007;3). At a normative level this may be argued, however factually, sovereignty is nearly always contested on the ground. This is a consequence of the multiple and fluid identities of those under a state's sovereignty, as well as the variable power of the sovereign itself. Thus, in practice the division of the nation-state system, into non-overlapping sovereignties, is clearly not as simple as the received wisdom Murphy (*in* Flint 2005) suggests. For example,

Hanafi and Long (2010;146-7) note, with regard to the contested sovereignty of the Palestinian camps:

To cite Weber (1964)... Lebanon is sovereign because, within its borders, its government alone retains a monopoly on the legitimate use of physical force. The country's refugee camps, however, are exceptional. In spite of Lebanese claims to the contrary, Lebanese law, for all practical purposes, in that it is only rarely and arbitrarily enforced, has been suspended within the confines of the camp. In this sense, the camps have become 'spaces of exception'.

The work of Agamben allows us to move past sovereignty as understood in its traditional sense. Agamben explored the concept of a state of exception as a form of exclusion (Ek 2006). This is not a total, absolute exclusion by any means, but instead should be thought of as a suspension, thus the space remains in a state of "inclusive exclusion" (Agamben, 1998;8). Following Agamben we are encouraged not to think of sovereignty as the legal monopoly on violence within a territorial unit, but rather the ability to suspend judicial order and as a consequence create a state of exception, and in so doing exclude persons on a state's territory from the political rights attached to citizenship or all citizenship rights. As Agamben (2005;4) describes "the state of exception is not a special kind of law (like the law of war); rather, insofar as it is a suspension of the juridical order itself, it defines law's threshold or limit concept." It is with this in mind that I now turn to the most explicit display of this state of exception in Lebanon, the official Palestinian camps.

5.3.1 The Palestinian camps

"The Palestinian camps are in a sort of unique situation as their camps are almost outside state sovereignty, they are like little states within a state." (P-II)

The above quote is a reflection about the official refugee camps, housing just over half the Palestinians, as spaces within the Lebanese state but under the influence of

multiple, partial and phantom sovereignties which, when combined, suspend judicial order (Hanafi and Long 2010). This was a common belief held by nearly all my participants.

An interesting aspect of the camps as 'Palestinian' spaces within the Lebanese state is their historical development and attachment to Palestine 'proper'. Despite the wave of Palestinians arriving in 1948, the PLO's presence, not only as a resistance movement, but also as a socio-political organisation that could provide services to the Palestinian population in Lebanon, was not formally legitimised until the Cairo Accord in 1969. This can be seen as the Lebanese state consenting to reduce its sovereignty over certain areas and populations (if only temporarily). As Hanafi and Long (2010;137) note:

The legacy of the Cairo Accord is complex and multifaceted. The agreement permitted the PLO to establish much needed social, economic, legal, and political institutions for Palestinians living in the camps, which in turn enabled the PLO to provide jobs and other resources for the refugees. This, however, created a paradox of sorts, as Palestinian institutions developed in Lebanon into what its critics have called 'a state within the state'.

One Palestinian NGO described this and the impact that it is having today:

"Our problem is that the PLO in the past... They didn't improve the infrastructure, they didn't buy any area for the camps, they had so much money at that time. They didn't make buildings, factories, all these things. At that time they had the power to oblige the Lebanese government, but their strategic thinking was looking to their nose. Now we are paying the price." (P-N)

One of the legacies, apart from the lack of infrastructure development, is that the PLO did not buy land or exert its influence on the government to increase the size of the camps. The camps are highly constrained spaces that are not allowed to grow naturally with the population. Thus, due to population growth since the arrival of the

Palestinians they are severely overcrowded. The concept of pressure on the population leading to an inevitable social explosion was called on several times during my research by Palestinian and non-Palestinian participants alike (showing how vital ‘territory’ is to people if considered as ‘land’). There is a fine line between restricting the spatial and political influence of the Palestinians on the Lebanese state, yet at the same time allowing them just enough space to avoid a resurgence of violence. As one Palestinian NGO worker noted:

“But if you stress in the camps in this ugly way, in this ugly way, you know what ugly way means? It means the camps; most of the camps are surrounded by security checkpoints. In the South all of the camps especially in Tyre and Saida, all the camps have just only one entrance. And at 8 o’clock the Lebanese army start to record who is entering and who is leaving the camp. From eight o’clock to six o’clock the next day, am. We are deprived from our human rights, we are deprived from being productive, we are deprived from the right to work, deprived from living in acceptable homes, suitable houses. You know the Lebanese government did not give permission to UNWRA to enlarge the camps. The area of the camps now is limited, the population has increased four times!” (P-N)

Increasing the territory the camps occupy was seen as a lost opportunity that could have been realised when the partial sovereignty of the PLO was at its peak. The historical development of the Palestinian camps as stateless spaces within Lebanon has led to the perception of highly constrained spaces that are becoming increasingly dangerous if not allowed to expand with population growth. However, for those outside the camps the political discourse sees constraining the population as the principal way to reduce the threat the Palestinians pose to the Lebanese nation-state and its sovereignty. It is this external view of the camps to which I now turn, as being framed outside of the state’s area of interest or a tactical reduction in the sovereignty of the state to protect the state.

Currently the Palestinian camps are framed as ‘security islands’ or as highly dangerous places, with their own social and security organisations, existing at the periphery of the reach of the Lebanese security forces and the state. Essentially they are seen as a collection of related but competing mini Palestinian ‘states’ within Lebanon. The plural of ‘states’ is used as even though the camps have many familial, social, economic and political connections, there are also differences between them in terms of their internal dynamics, rivalries and levels of interconnectedness of the camp residents with the local population. These differences are shown in Roberts’ (2010) in-depth study of the different camps in Lebanon. A strong sense of Palestinian nationalism however, runs through all the camps, and is arguably the main connecting factor, though this nationalism is expressed differently with regards to political loyalties. Hanafi and Long (2010;135) note that “rampant factionalism, clientelism, sectarian strife, oppressive Lebanese security and surveillance, and a lack of central administrative and juridical Palestinian authority continue to prevent Palestinians from establishing effective governance structures”, which would solidify these connections.

Sayigh (2000) argued that rather than viewing the camps as security islands, as which they are often depicted in the Lebanese public and political discourse, we would better see them as ‘islands of insecurity’ that exist to segregate the Palestinians from the host population. Within these spaces UNWRA provides basic welfare services as mentioned previously, but security and socio-political concerns are organised within the camps by various Palestinian political parties. One Lebanese researcher who has worked in many of the camps talked about how certain aspects of the Palestinians’ lives are organised through these popular committees:

“They are denied their basic needs, for example potable water, electricity; they don’t have electricity, you know, whatever electricity they have they were able to take it illegally during the war. And this is how it happens they have to pay a certain amount of money to the popular committee, it plays the role of the municipality inside that camps and it is made up of Palestinian political factions, Hamas, Fatah and like the local figures inside each camp. And inside each camp there is the security committee... which is the police basically, and

that's 'with' the Lebanese police. So whenever there is something wrong happening in the camp, if the security committee wants, you know, to make the extradition [laughs] then it happens, if no, then it doesn't happen." (P/G-A)

The use of the term 'extradition' reinforces the belief that the Lebanese government has limited authority within these spaces, as the handing over of anyone to the state to begin judicial proceedings under Lebanese law only occurs due to the compliance of the Palestinian popular and security committees, as pseudo-independent state actors within *their* spaces. Hanafi and Long (2010) however contest the notion that there are legitimate governable structures in the camps, arguing that if this was the case there would have been more socio-economic development in the camps and less tension surrounding security concerns between the Palestinian residents and the Lebanese security forces.

While the camps may be seen as Palestinian spaces, their belonging or even attachment to the PA is not as clear cut as the dominant political discourse in the country would have us believe.¹¹ For example, several Palestinian participants noted the rejection of the camps, and their residents, by the PA as worthy of an official visit. One Palestinian participant claimed that this event deeply affected her sense of Palestinian identity:

"I am Palestinian and I am lost myself, it's like ok, who do I belong to? Is it the PA? But the PA even when they came to Lebanon, Mahmoud Abbas, even he didn't visit any camps". (P-N)

Thus the camps can be seen as not only outside of Lebanese sovereign control, but also not as claimed spaces by the PA. One example of how the camps' sovereignty can be contested occurred in Nahr al Bared camp. In 2007 the Lebanese security forces claimed that due to the perceived threat to the nation-state's security arising from *Fatah al Islam* - a militant Sunni Islamist pro-Palestinian group - intervention was required. This group had taken refuge in Nahr al Bared refugee camp in the North

¹¹ It should be noted that the camps are not exclusively inhabited by Palestinians.

of Lebanon, and the government was 'required' to exert their influence *within* the camp to neutralise the threat. As Hanafi and Long (2010;137) note:

The Lebanese army's assault on Nahr al-Bared in the summer months of 2007 was, in fact, the first instance in decades of the Lebanese army or police fielding a sizeable force inside a camp, rather than merely around a camp or at its entrances.

The camp suffered near complete destruction as the army employed aerial and artillery bombardments on the densely populated camp. The siege continued for several months, but the impacts of it continue today, as Newman (2012;1) reports:

For the past five years, all entrances to Nahr al-Bared have remained encircled by the Lebanese army. It has remained that way since the military's 2007 campaign - ostensibly against Fatah al-Islam members - devastated the camp, turning it into a closed military zone. In addition to the checkpoints, walls and barbed wire, the army commandeered all the homes surrounding the periphery of the camp, in addition to those homes straddling the border between the old and new sections of the camp.

The assault on Nahr al Bared adds another layer to the complexity of the multiple, overlapping and partial sovereignty exerted on, and around, the Palestinians camps. Not only did the Lebanese security forces re-exert the rule of law or, suspend its state of exception, but also by commandeering the houses surrounding the camp and building walls, they reinforced the limits of the Palestinian 'sovereignty' that the camp represents. Thus the camp has gone through an internal and external re-organisation as a consequence of this threat to national security. Internally, the state of exception was temporarily suspended and following this the territorial limits of this Palestinian 'space' were reinforced.

This is a clear example of where the suspended, rather than absolute, nature of this state of exception was shown by the exertion of 'legitimate' state violence within the confines of Nahr al Bared camp. The Lebanese state re-enforced their rule of law

within the camp which was a space of exception, and I argue this space was being used as a means to further strengthen the nation-state. This example, however, has its limitations with regard to theoretical reflection. First, the re-establishment of the rule of law within the camp was only ostensibly against *Fatah al Islam* and not the residence of Nahr al Bared themselves. Second, this re-enforcement of the rule of law was only within *one* camp. If multiple camps had been targeted it may have been seen as a more obvious threat by the Palestinians, who might have more aggressively defended their stateless Palestinian spaces from this imposition. Thus, if this re-exertion of Lebanese law on the camps had been more wide spread, we may have seen that far from the camps being spaces of exception, they may in fact be spaces that are beyond state control. If this is the case then it would allow the inhabitants to be seen as active agents, who are able to *reject* their camps inclusion, as within Lebanese sovereignty.

Hanafi and Long (2010;147) note the reason for the unique position of the camps:

In the terrain of the camps in Lebanon... we have a tapestry of multiple, partial sovereignties: these include real sovereigns like the Lebanese government but also multiple sovereigns like the PLO and other factions, and UNRWA and other humanitarian agencies, who also contribute to the state of exception and participate in the suspension of the law. Thus, paradoxically, the only rational-legal act these sovereigns, or partial sovereigns, have endorsed together is the suspension of all sovereign authority over the camp and, in its place, the implementation of other ‘temporary’ or ‘emergency’ powers.

Therefore, the Palestinians, as well as the non-Palestinians, who reside in the camps, live in a “zone of indistinction between outside and inside, exception and rule, licit and illicit, in which the very concepts of subjective right and juridical protection no longer make any sense” (Agamben 1998; 170).

5.3.2 *The Beka'a*

The Palestinian camps however are not the only spaces seen as outside of state control in Lebanon, as the Beka'a valley, or more specifically the Bedouin areas of the Beka'a (if such a distinction is even possible), show. This is further complicated as their settlements do not exist on legislative maps, reflecting their perceived lack of inclusion within the state. These areas provide an interesting comparison to the clearly defined Palestinian camps. Rather than having many, partial, incomplete sovereignties, which has led to a suspension of rule of law, parts of the Beka'a can be seen to have very few and weak sovereign influences. One participant compared the camps to the town of Baalbek in the Beka'a valley (in the North East of Lebanon), to question the strategy of framing the camps as 'security islands' – a means to justify the brutal control and containment of several of the camps:

“In Ain el Helwa camp there are people who are wanted, most dangerous, about 20 persons. If you look to Baalbek at the [family name] he has 30,000 persons who carry weapons and many of them are wanted, not twenty. So compare! Inside the camps Palestinian leaders are very cooperative with the Lebanese army to arrest people, because also we share with them concerns about safety... When we asked the Lebanese army 'why you don't allow the Palestinians to move freely, why?' They said because Palestinians in the camps they are terrorists. I said to them, just only terrorist in the camps? There are terrorist in Baalbek, are there not terrorists everywhere? Why do you deal with these areas in a peaceful way and you deal with our camps in this way?
(P-N)

The Beka'a valley, which is on the border of Lebanon and Syria, is also seen as a porous transnational space and a challenge to our understating of the nation-state, as a clearly defined socio-political, territorial or administrative unit. The stateless Bedouin populations (despite not being the only community there) are seen as encapsulating this trans-national fuzziness, which has led to a perception of lawlessness. I received many warnings about areas of the Beka'a that were run by 'gangsters', 'mafia' or 'smugglers'. There are areas where, like the camps, the security forces do not enter

very often and can be seen as outside of state control, or areas where rule of law has been temporarily suspended. Their non-existence as part of the state is also highlighted by the lack of inclusion of these settlements on legislative maps. While these lawless areas are greatly under-researched compared to the Palestinian camps and are not clearly defined, they provide another example of the complexity of clearly defining the nation-state as a territorial unit, and the role that the stateless populations who live there can play in this complexity. It is the discourse of the trans-nationalness of the Bedouin who are perceived as naturally stateless that is one of the major ostensible causes of this lawlessness. As argued in section 5.2.2 the Bedouin are framed as naturally stateless. The question one needs to ask is, is this a discourse of the government as they do not wish to have rule of law in these areas, because the Bedouin are not seen to be within the national narrative, or is this a means to cover the fact that they are unable to exert the rule of law there, thus avoiding claims of lack of state legitimacy? Both suggest that the nation-state is using the 'natural' statelessness of the Bedouin to reinforce the national narrative.

The areas of the Beka'a which are seen as lawless Bedouin areas, can also be seen as zones of indistinction. The difference between the Bedouin areas and the Palestinian camps is that these are not so clearly defined in terms of space and demographics. It is their 'natural' statelessness - read perceived lack of loyalty or inability to fit within the Lebanese nation-state - which has led to this exclusion from citizenship for the stateless Bedouin at state formation, which continues to have an impact on their descendants. Their statelessness has also been perpetuated ostensibly under this narrative. It is the narrative of their 'trans/no-national' nature and perceived lack of loyalty to *any* nation-state that is such a disquieting element for the Lebanese nation-state and the nation-state system as a whole.

5.4 The Kurds and those rendered stateless due to gender discrimination

The situation of the other stateless groups, namely the Kurds and those rendered stateless by gender discrimination, is different to that of the Palestinians and the Bedouin. Arguably, this is because they are not seen as such a challenge to the Lebanese nation-state. First of all let us reflect on the situation of the Kurds, who have largely been assimilated into the Lebanese nation-state (though this assimilation does

not guarantee citizenship for all). The Kurds then, are seen as another one of Lebanon's many ethnic groups. In stark contrast to the Palestinians, Kurdish nationalism is not perceived as incompatible with belonging in the Lebanese nation-state.

Those who are stateless due to gender discrimination in the citizenship laws are seen as 'Lebanese', but excluded from attaining citizenship. This is often based on a justification that it is a problematic, but otherwise unavoidable consequence, of the above policies of exclusion, that are essential to protect the Lebanese nation-state. The issue is that if Lebanese mothers were allowed to pass their citizenship onto their children, the Palestinians, by marrying Lebanese women, will find an avenue for acquiring citizenship for their children. Thus, threatening the demographic balance, as well as the allowing 'Palestinians' to become 'Lebanese'.

Further to this it is interesting to question why the stateless Kurds and those who are stateless due to gender discrimination do not occupy specific stateless spaces which can be seen as spaces of exception. Why are *these* groups not perceived as such a threat to national security? I would argue that it is because they are seen as within the narrative of the nation. Yet, their exclusion is seen in the official political discourse as an unavoidable consequence of perpetuating the demographic balance. This was reflected upon by several of my participants, especially with regard to those rendered stateless due to gender discrimination, considering this group as 'Lebanese' yet caught out by the necessarily exclusive issuance of citizenship. Thus, to protect the nation, sacrifices must be made, and in this case it is the right of Lebanese mothers to pass on their nationality to their children.

This highlights the potential consequences of creating a nation-state within which are multiple nationalities and trying to forge a common interest between them. The creation and perpetuation of the nation-state is not a clean process of socio-political organisation, rather an ambiguous and constant struggle to maintain 'cohesion', even at the expense of excluding those who perceive themselves to belong within it and are perceived to belong. To forge and perpetuate a nation-state people must be excluded, and if those who are excluded are not claimed by another nation-state, then they may

find themselves stateless, as we can see from the history of access to citizenship in Lebanon.

5.5 Conclusion

In this chapter the concept of the Lebanese nation-state-territory trinity has been contested by reflecting on the challenges that the stateless within the country pose to the relationship between the three, and the individual concepts themselves. The issue of the Palestinians within Lebanon and the historical creation of the multiple, partial sovereignties within the official refugee camps, is one means by which we can see a manifestation of the challenge to this trinity. These camps as ‘spaces of exception’, drawing on Agamben (1993), have also been reflected on in this chapter as have those areas in the Beka’a valley which are inhabited, amongst others, by the stateless Bedouin. The lack of allocated or claimed space for the Kurds and those rendered stateless by gender discrimination within Lebanon has also been considered within this trinity.

The stateless Bedouin provided an opportunity to consider the ‘naturalness’ of statelessness, and the un-naturalness of the nation-state system, being based on nationality/nationalities being set as the parameter for sovereignty. Further to this I explored the political motives behind excluding certain persons from the nation-state, and in certain circumstances, as a consequence, from the whole system itself – notably the stateless. From this we were able to shift the cause of statelessness from the stateless persons themselves (as persons not conforming to the narrative of any nation-state) onto failures in the theoretical foundations, and factual realisation, of the nation-state project. Further to this, the ability of nation-states to form an ‘internal other’ (an *in situ* stateless population) as a means to perpetuate their dominance and ‘uniformity’ was discussed. This relationship between the nation-state and statelessness was shown not to be a dependant one, but instead one related to citizenship being wielded as a political weapon. Nation-states it is argued, weaken their own position by wielding this weapon that can cause statelessness, as statelessness itself shows the nation-states’ flaws as a means of socio-political organisation of the world’s people.

Developing on what has been noted in the Lebanese context, a stateless centric perspective of the received wisdom of the nation-state has highlighted that considering the concept, to which citizenship is attached (in terms of a legal bond), is problematic, due to the fact that nation-states are arbitrary, blurred, fluid and highly contested. This is shown by the existence of the stateless, as noted by Agamben (1993), with those addressing the statelessness of these populations in Lebanon contesting many aspects of the nation-state-territory trinity. This then greatly problematises the nation-state being used as a delineator in assessing or describing actions of global citizens, as some scholars do, as the boundaries of the nation-state are questionable at best.

Further to this we should question why we feel the need to include the concept of the nation-state in considerations of global citizenship? It is an arbitrary division of peoples and territories, with its arbitrariness being reflected by the continued contestation it faces from multiple actors. More specifically to this research, the contestation from those addressing the statelessness of persons, that exists simultaneously within, outside, preceding and beyond the nation-state. For those sympathetic to the nation-state project who challenge global citizenship as abstract, based on the 'realisation' of their project, I would claim that such comparisons highlight a misunderstanding that global citizenship and the nation-state have a dependant relationship or are even comparable. Global citizenship as a project has value as it is adaptable to many forms of socio-political organisation, namely whatever is dominant at the time. These include the city states of ancient Greece, medieval fiefdoms, empires or the current nation-state system. Global citizenship can and does, adapt to them. The success of the nation-state project has little bearing on the conceptual underpinnings of global citizenship. Rather adaption will occur on the ground to try to patch up the failings of the nation-state system, or those who support global citizenship will work beyond the current system as temporal and relatively insignificant.

The following chapter looks at another key concept that relates with global citizenship, that of citizenship as a legal bond of an individual to a state, to which rights are attached. Again the received wisdom is contested by the facts on the

ground, through the analytical lens of those addressing statelessness in Lebanon. This includes the varying perspectives of citizenship, citizenship rights and the challenging of the state-citizen relationship from a stateless centric perspective. Similarly to this chapter the following one was not predetermined, but came out of the data itself.

Chapter Six: Perspectives from the ground; citizenship and citizenship rights

The idea of citizenship in the present, as in the past, anchors rights and membership in a politically sovereign entity, whereas human rights are rooted in the individual by virtue of his or her humanity and not due to his or her status in the body politic. The effectiveness of rights enjoyed by citizens is due to their local, particularistic, and political character whereas human rights gain their poignancy by virtue of their universal, equal, and natural character. (Shafir and Brysk 2006;277)

6.1 Introduction

This chapter examines the perspectives of citizenship and citizenship rights of those addressing statelessness in Lebanon, from an empirically contextualized understanding. In this chapter I will argue two data driven points that are distinct but run in tandem. First, I argue that we should move away from approaches that focus on the perceived hierarchical and evolutionary nature of citizenship and citizenship rights.¹² The contextualised understanding presented here shows that pragmatically the hierarchical and evolutionary concepts of citizenship are found wanting. Second, on a more conceptual level I argue we should look at how ‘citizenship’ rights can be claimed in time-space specific ways, as rights detached from legal membership, by those addressing statelessness, for their population of concern/themselves, who do not have membership of any politically sovereign entity.

It is, I argue, rightly assumed that the solution to current statelessness is that a state grants citizenship to stateless individuals or groups and places safeguards against future statelessness in their citizenship legislation, which, in turn, should be implemented effectively. However, while having this at the back of our minds, we need to remain aware that factually citizenship itself and citizenship rights are contested and fluid concepts. In no way should this be read as rejecting the notion that

¹² Not to be confused with the theoretical concerns of global citizenship that are discussed in this research.

the core work which should be done in the statelessness field is to obtain citizenship for the stateless, as it is their lack of citizenship that is a barrier to them achieving other human rights. Yet, we should also consider that static conceptions of citizenship completely side-line the reality that citizenship and citizenship rights are much contested notions by those addressing statelessness. This contestation therefore, not only complicates the implementation of the solution, namely getting the stateless citizenship and preventing future statelessness, but also provides us with the opportunity for theoretical development. It allows us to problematise static conceptions of citizenship, citizenship rights and the relationship between citizenship and universal principles and rights. By adopting a stateless centric perspective on citizenship, this chapter allows us to look at the varying conceptions of citizenship from the position, not of citizenship and non-citizenship, but citizenship and *no* citizenship at all, namely those in a legal position preceding citizenship of any state. This perspective is an interesting theoretical lens as these people are outside of the dominant nation-state-citizenship framework of understanding. This allows us to draw out further nuances in the citizenship debate, which ties closely with the acts of global citizenship of those addressing statelessness in Lebanon.

The findings and discussions in this chapter led me to the claim that citizenship is not the right to have rights, conceptually or factually. For example, the stateless centric perspective highlights the ability for universal principles, most notably, in this research, drawing on human rights, to be seen as the justification for spontaneous claims for specific rights within a state, though not necessarily requiring membership of it. During the data collection and analysis phases of the research it became increasingly apparent that the citizenship and/or the citizenship rights that were being sought by those addressing statelessness, were driven and justified through human rights claims, and it was these claims that were used to redefine citizenship/citizenship rights by the participants. The centrality of human rights in the citizenship and citizenship rights debate for those addressing statelessness in Lebanon was driven by the context within which they work and the populations they are working for/with; using the universal to challenge the particular.

Essentially, what I am arguing is that the concept of citizenship (as a legal bond of membership to a state), followed by rights (both citizenship rights and human rights), is not an appropriate way to consider the rights-membership nexus, as the Arendtian tradition claims. Instead we should see human rights as one manifestation of a universal individual legal/moral foundation, which can be claimed to precede/disregard citizenship of a state. The factual realisation and contestation of citizenship and citizenship rights from a stateless centric perspective led me to certain conceptual claims based around the rights-membership nexus. While retaining the importance of citizenship, the use and manifestation of certain universal principles must also be considered. Human rights in this research are not seen as defining the actions of the individual, but as an individual legal/moral base which are drawn on (these rights being considered universal by the participants) which are used to contest, through the creation of a public political space, the situation of the stateless. Thus, they draw on universal principles, with the individual as the ultimate unit of concern, to challenge the state and non state actors when they violate their, or their population of concerns' rights, which are derived from our shared humanity. Central to my understanding of how the universal is manifested, is the creation of a public political space.

This understanding of citizenship and citizenship rights came about, as a stateless centric perspective was used to explore the concepts, rather than adopting a citizen/statist approach. Further to this we have to remember that negotiations for citizenship rights are not simply between the individual and the state, as this chapter shows. This calls for us to explore state authority, in terms of power and the power to grant/reject citizenship claims of certain stateless populations within this complex web of negotiations and the role and use of universal principles.

Scholars such as Kiwan (2005;37) are critical of human rights being seen as a theoretical underpinning for citizenship, noting:

[I]n practical terms, human rights are clearly exercised within a political community, in conceptual terms, human rights discourses are located within the universalist approach, where there is the notion of

common humanity based on ethical conceptualisations of the individual. This contrasts with citizenship rights, which are defined in relation to a political community, based on political conceptualisations of the individual.

Yet, if we move away from the concept that membership of a state is the only, or best, channel for upholding/acquiring universal principles/rights, and look at how those addressing statelessness in Lebanon are using human rights as a basis and justification for claiming both citizenship and increasing ‘citizenship’ rights for the stateless, one cannot claim that this relationship does not exist. This does not mean a conflation of the concepts, as Kiwan (2005) cautions against, but instead is a recognition that the active practice of human rights occurs within and beyond political communities, without requiring membership a, or *any*, state. It is these manifestations that I explore in this chapter.

Benhabib (2007) warned against exaggeration in the perceived tensions between the concepts of citizenship and human rights, which she believes is currently occurring through ‘democratic iterations’. We would also do well to remember that “from a sociological perspective the enjoyment of rights is never simply a matter of legal entitlement; it also depends on social structures through which power, material resources and meanings are created and circulated” (Nash 2009;1069). This very much points to the fact that it is not states who grant citizenship rights as much as state authority (as in power given by the state to individuals, who can be both citizens and non-citizens).

Discussing the perceptions of citizenship, from those addressing statelessness in Lebanon, provides a platform to explore and better understand global citizenship. This is because perceptions of citizenship, and its relationship to universal moral principles, plays a key role in some conceptualisations of global citizenship. This is a result of citizenship of a nation-state being used, in some instances, as an essential evolutionary stepping stone, or a hierarchical delineator, to establish actions as those of global citizens, which is not sufficiently critically reflected upon due to the underdeveloped consideration of the stateless in these debates. This chapter, when

considered with the discussions of the previous one, will complete the contestation of the received wisdom of the concepts of the nation-state and citizenship, upon which many of the theories of global citizenship are based.

The chapter is structured in a way that follows the division of the issues regarding citizenship and citizenship rights, as highlighted by my data - derived from both interviews and participant observation. The issues discussed below are the contested notion of the sequence of civil and political rights, the tensions between social and cultural rights, with the former taking precedent over the latter, the value of economic rights which are seen as a means to overcome the ‘humanitarian issue’ of statelessness, while side-lining the political issues - which is in contradiction to what some of the stateless populations themselves are claiming. Following this the chapter turns to explore the evolution of citizenship rights, by looking at what was not said during the interviews, namely that lack of division of citizenship rights for those rendered stateless due to gender discrimination. I explore why this group is seen as having a ‘complete’ claim, and the potential theoretical developments derived from the perception of tensions or compatibility of certain citizenship rights by different actors for different stateless communities. Finally I look at the position of the Palestinians in Lebanon and discuss how attaining citizenship rights is not just a negotiation between the individual and the state, but includes multiple nations-states international, regional and national stakeholders, some of whom can claim rights on behalf of the population which they do not see as a priority, or simply reject. Throughout, I highlight examples where a public political space is created to claim certain rights and how the universal - human rights and concepts of justice – are used as a foundation for their claims.

6.2 Civil and political rights

While considering the complex debate surrounding definitions of civil and political rights, similarly with those surrounding social, cultural and economic rights, I follow the definition that most appropriately fits the understanding presented by my participants when referring to these specific rights. These different sets of rights were largely self-identified by the participants, and there were only a few occasions where I had to categorise a specific right within one group or another during the data analysis.

For civil and political rights I use the definition put forward by Marshall and Bottomore (1992;8), namely:

The civil element is composed of the rights necessary for individual freedom – liberty of the person, freedom of speech, thought and faith, the right to own property and to conclude valid contracts, and the right to justice.

[...]

By the political element I mean the right to participate in the exercise of political power, as a member of a body invested with political authority or as an elector of the members of such a body.

The majority of those I spoke to, across the spectrum of those addressing statelessness for differing groups made it clear that they considered civil rights as basic human rights – (read universal) - whereas political rights should not be extended to all those perceived as deserving civil rights, but should be given out selectively to the different stateless populations, upon naturalisation into the political community - (read particularistic). This was often more powerfully reinforced when issues of naturalisation seemed very politically charged, which led to some referring back to ‘at least giving them’ civil rights, in terms of an ability to live within the society without discrimination, or more appropriately simply not to be the target of state and societal discrimination. The ‘them’ here typically referred to some, but not all of the stateless populations and usually excluded the Palestinians. Civil and political rights however were not always firmly detached from one another; the quote below reflects the perceived sequential element in the allocation of rights for the stateless:

“A lot of Lebanese people say okay fine if we give them their civil rights after a while we are going to have to go through another discussion about giving them their political rights and that means giving them citizenship... giving them Lebanese citizenship, so you are helping to raise the number of Sunnis in Lebanon, this is against the number of Shia’a and you must be having additional numbers of Shia’a etc.” (P/G-IN)

This division and hierarchy of rights is not an absolute one, as many claimed that there can be no division and that giving the stateless civil rights (though not citizenship) will inevitably lead to them receiving political rights and finally citizenship, as the previous quote reflects. Thus, civil and political rights have a very nuanced relationship, where one is seen as a fundamental human right that must be fulfilled, yet by doing so, it will inevitably lead to the other, namely political rights, which should *not* be for all, but only for those with membership of the political community. Political rights throughout the discourse revolved around the view that they are the pinnacle on the hierarchy of citizenship rights, as a privilege compared to basic civil rights, a privilege reserved for those considered eligible and deserving.

Political rights however, at least at a collective level, do not require those who have influence to have citizenship. This should not be taken to mean that the stateless groups have sufficient political participation at a collective level which reduces their need to have individual political rights, but rather that it would be misleading to claim that the stateless groups are not represented at all in the political discourse. This level of participation varies from group to group and from issue to issue, but can be seen as a created public political space through which to contest violated universal rights. ‘Collective’ political rights further complicate the concept of citizenship rights. For example we can see with the Kurdish and Bedouin communities that those with citizenship can ‘represent’ those without. While these voices are by no means sufficient and can, and do, lead to clientelism, they do exist and can be seen as a means by which stateless groups negotiate the wider national patron-client relationship which previously excluded them; being a collective rather than an individual client, with members representing non-members.

In relation to the Bedouin, two of my participants who work with the population held differing views on their ability to engage in the domestic political scene, with one emphasising their lack of training in current forms of political engagement, while the other claimed that tribal systems of organisation are effective in today’s political arena:

“I think what they need really is a strategy to find how they can lobby for themselves. Which I think now for me is lacking in the Bedouin community in Lebanon”. **(B-A)**

...

“Through these tribal affiliations they not only organise things like criminal justice but also political demands”. **(B-A)**

Compared to the Kurds and the Bedouin, the Palestinians have a rather unique place within the political discourse of the country, as central yet completely excluded in terms of perceived state obligation to them. The ‘Palestinian issue’, namely the right of return, no naturalisation and how to contain them as a security threat, means that the Palestinians are frequently referred to in political discourse in relation to a plethora of other issues. Yet, the actual level of participation and power of the population within Lebanon’s political sphere, rather than being seen as a loosely affiliated and secondary concern of the Lebanese government’s relationship to the PA and Israel, is questionable. There is a detachment in the political discourse between ‘Palestine’ as an ideology, which is seen as a cause that should be supported, and the people who fled from Palestine to Lebanon - as people deserving rights within the country. As one Palestinian activist noted:

“Lebanese parties love Palestine but they don’t like the Palestinians. You want to liberate Palestine, liberate the camps from suffering, you want to go to Al-Quds [Jerusalem], liberate the Palestinians from their suffering.” **(P-N)**

The Palestinians are different to the other stateless groups in that they have ‘states within a state’ with multiple, overlapping and partial sovereignties, namely the camps as mentioned in section 5.3.1. Due to this, their political engagement can almost be seen as an external group trying to relate claims for rights to another state, rather than as a population which is situated within the state itself, though they lack the bargaining chip of reciprocity.

The role of the Palestinians within Lebanon and that of the PA links into the next area that arose during my research; that the division and hierarchy of civil and political rights is not just a result of internal national influences, but has been, and continues to be manipulated by external actors. UNRWA was the most referred to example of this. In a promotional DVD named *Someone Like Me* (2011). UNRWA reinforced the message throughout the documentary that civil rights will not lead to political rights, as the lead participant in the DVD claimed:

We [Palestinians] want civil rights, this does not mean settlement, as Palestinians who have gained these rights in other countries but continue to fight for the cause of Palestine shows.

(Someone Like Me 2011)

The above point highlights the internal and external tension in the division of civil and political rights, whether they should be granted pre or post naturalisation, and whether the granting of civil rights will begin a sequence that will inevitably end with naturalisation of the stateless population in question. The danger of naturalisation is very much tied within the discourse of the Palestinians' right of return to their homeland. For the Palestinians themselves the right of return is central in their refusal to be naturalised or even settled at a collective and individual level. For the wider Lebanese stakeholders the right of return can be used as a facade to cover confessional and sectarian concerns, specifically the demographic changes that would occur should the Palestinians be naturalised. Therefore, one has to consider external regional and international, as well as internal national and group influences, when trying to grapple with the perspectives of citizenship and how civil and political rights have such a nuanced relationship.

6.3 Social and or cultural rights

Social and cultural rights were introduced by many of the participants as a distinct issue due to the tension, or lack of, between the two, in the realisation of these rights for the stateless of Lebanon. This tension or compatibility depended on the stateless group in question. Again I use the definition put forward by Marshall and Bottomore (1992;8):

By the social element [of citizenship rights] I mean the whole range from the right to a modicum of economic welfare and security to the right to share to the full in the social heritage and to live the life of a civilised being according to the standards prevailing in the society.

Steiner and Alston (2000) note that cultural rights, as a concept, have received much less attention than social rights. Yet, within this context when it is referred to, it is as the right to reproduce and exercise customary beliefs, a shared history and social forms. What this section questions is why the data showed a perceived tension between achieving social and cultural rights for some stateless groups and not for others?

There are three main points to raise here in relation to this tension between social and cultural rights. Before these are discussed, it should be stated that when looking at the role of UNRWA, in relation to social rights, care should be taken to “avoid the common mistake of conflating welfare rights with social citizenship: the former is means-based and singles out vulnerable individuals as needing protection, the latter are extended to all citizens of the political community” (Shafir and Brysk 2006;279). Second, I look at the claims made on behalf of the stateless Bedouin and how it is their cultural rights that are neglected, either deliberately, or as a consequence of their other rights claims - more specifically in their pursuit of social rights. The third area relates to the claims of those rendered stateless by gender discrimination, where no division of these rights is mentioned for this group.

6.3.1 UNRWA on social and cultural rights

As was set out in the previous chapter, for the Palestinians, UNRWA takes on some ‘state-like’ responsibilities including social welfare provision for the population. This ties in with the right of return, as the Palestinians claim that they do not want to receive anything from the Lebanese state, which would imply settlement or implantation (Arabic *al-tawteen*). Instead the state should allow UNRWA to fulfil its role for the provision of social welfare until they are allowed to return to Palestine. As one Palestinian participant noted, typifying views expressed by many of the Palestinian participants:

“UNRWA is a facility, but also the Lebanese government has a responsibility. How? Issue laws which agree with human rights, we don't want from the Lebanese government to give us services, at all. We want from them to give us opportunities to live in dignity.” (P-N)

This idea that they do not want Lebanese state social services, merely the space through which UNRWA can provide services (i.e. some social rights for the Palestinians), thus detaches the responsibility for the provision of social welfare from social rights, as well as social rights from citizenship or membership of the, or any, state. Social rights in this sense are seen as a space through which welfare can be provided via an international organisation. It is these social rights, despite their non-membership, justified instead on their human rights, that are being claimed. The majority of the non-Palestinian NGOs and advocates claimed that UNRWA is not a solution and that the Palestinians need social rights and welfare to be provided by the Lebanese state. This is in contradiction to what many of the Palestinian participants claimed. The difficulty in implementing this stance, as one INGO staff member noted, is that:

“The Lebanese don't have their rights, like they have poor access to medical services, so how can you convince the population to give access to medical facilities for the Palestinians for example. They just say ‘yeh the Palestinians need access, but what about our rights?’”
(P/G-IN)

UNRWA, while providing social welfare through this created social rights space that they have forged with the Lebanese government, can be critiqued for doing so by ignoring or even restricting the cultural rights of the Palestinians. This is a claim levelled by Palestinian and non-Palestinians participants alike. One example was often referred to by Palestinian and non Palestinian participants and highlights the tension in the provision of cultural rights, namely the curriculum of UNRWA schools.

“I am sure not everyone knows about this. Palestinian refugees have to study the curriculum... of the host country. So in Lebanon the

Lebanese curriculum, in Jordan the Jordanian one, in Syria the Syrian one. Because their schools are funded by UNRWA, UNRWA has a stake in what they learn and what they don't learn and what is taught there and what is not taught. Believe it or not the Palestinians in Lebanon don't study the Palestinian problem. But UNRWA exists because of this issue; otherwise there would not be UNRWA." (P/G-A)

The claim here is that UNRWA exists due to the Palestinians' situation, thus they should not be the one deconstructing the narrative of Palestine from the Palestinian children's formal education. This deconstruction is not just a tool used by UNRWA, but also the PA, as noted in section 5.2.1, with the PA's lack of interest in the Palestinians in Lebanon and their increasing exclusion from the Palestinian 'nation' by certain political élites in Palestine proper. One Palestinian participant noted:

"UNRWA schools they don't teach the history of Palestine, the geography of Palestine and that's like, oh my god. And when we talk to UNRWA they say we leave it to the teacher if they like to teach we help. But what is the curriculum?... And in Palestine they [the PA] have [teaching resources], well at least, share with us these resources, so I don't want to go to the Lebanese government, I am Palestinian." (P-N)

To overcome this organisations have been established to:

"... Supplement UNRWA schooling... Children have the right to know about their homeland and where they come from in Palestine. So we have activities [such as] older people telling stories about Palestine to keep the culture alive and encourage the children to ask about their homeland." (P-N)

UNRWA limits, through their exclusion in the formal education of the Palestinian children, the cultural rights within the Palestinian population. This is because these

cultural rights are seen as too ‘political’ and would complicate their work with regard to the current provision and advocacy on behalf of the Palestinians for more social rights, which are framed as ‘humanitarian concerns’ (Tucker 2012).¹³ It was claimed by UNRWA staff that the Palestinian situation is only seen through a political lens and not a humanitarian one, which is partly true (Tucker 2012).¹⁴ However this ‘depoliticisation’ of their situation to gain more humanitarian/social rights is often at the expense of their cultural rights. An UNRWA policy document, given to me during one of our meetings, indicates why this approach is taken. It implicitly claims there is more space for increasing protection if the Palestinians are framed as a humanitarian, rather than political issue:

In the Ministerial Statement issued in July 2011, the government committed itself to providing for the humanitarian and social rights of Palestinians in Lebanon. Whilst rejecting settlement in all its forms, it expressed its specific support for the reconstruction of Nahr el-Bared Camp and for the strengthening of UNRWA’s budget to enable it to fulfil *its humanitarian role*. (UNRWA 2010b;3)

To further reinforce why the Lebanese government should allow them this space, UNRWA claim that the Palestinians’ lack of social rights is a great threat to the stability of the country, thus they should grant these rights to them in order to reduce this threat. Therefore, UNRWA frames the Palestinians’ political engagement as a consequence of humanitarian issues and not driven by prior, exclusive and legitimate political demands themselves.

So for the Palestinians, social rights have precedent over others, according to UNRWA, but this is in contradiction to what the Palestinian participants themselves are asking for. All the Palestinian and some of the non Palestinian participants wanted social rights for the population, in terms of allowing a space to gain social welfare from UNRWA. But the Palestinians (and some non Palestinian participants) contested

¹³ Field journal entry - Jounieh (2/4/2012)

¹⁴ Field journal entry after a meeting with UNRWA – Beirut (23/3/2012)

that their situation should be framed as a humanitarian, read social rights issue, and not a political one, that requires a space for the realisation of their cultural rights as well. There is a distinction made between the Palestinians as a ‘concept’, and the Palestinians as rights demanding persons within Lebanon. Therefore, it is claimed to support the Palestinian cause, the Palestinians must be refused citizenship. Citizenship rights are refused as it is argued that with certain rights the evolution of citizenship rights would inevitably lead to citizenship of Lebanon for the Palestinians.

6.3.2 The Bedouin and social and cultural rights

So far this chapter has focused primarily on the Palestinians, but other tensions between social and cultural rights also occurred with regard to the Bedouin. As drawn out in section 5.2.2, the Bedouins’ culture is seen as one of the reasons for their exclusion from the nation-state system at large. This is based on, and perpetuated, through a discourse of them being naturally stateless and thus incompatible with the system. With regards to their exclusion from Lebanon specifically, the discourse is that they are backwards and thus un/anti-Lebanese. The consequences of this were drawn out by one participant who worked with the Bedouin:

“Ok so what I found was frustrating to me personally, while doing the fieldwork, was the Bedouin are also constructing this narrative that says basically we are just as modern and really want to prove how they can adhere to these nationalist ideas. And this was pretty frustrating for me, and I am like come on, like formulate your own thing and then come with that.... Here it’s like, oh please we are all like you, can you just like take us in, and this is what I get and so the interviews with these [Bedouin] women, so they have these ideas of taste and for example, you know, if you look at us we don’t look Bedouin anymore, we are wearing jeans and we have houses, look we have houses, and this kind of thing and you see a lot of money being spent on looking Lebanese.” **(B-A)**

For the Bedouin it is perceived that their culture takes a less dominant role. Whether this is just a consequence of the natural fluidity of culture or is an active attempt to

show their Lebaneseness is not clear. Either way, cultural rights are perceived to have been side-lined by the community for other rights' claims. In contrast, those working with them try to reinforce the need to uphold their culture as distinct yet not incompatible with 'Lebaneseness'. One should be careful not to attribute too much weight to the cultural explanation for their exclusion, as one of my participants noted, even attempts to assimilate into Lebanese cultural norms have not led to the acquisition of Lebanese citizenship, or even significant assimilation into the narrative of the nation, for the Bedouin (Tucker 2012).¹⁵

However we could look at it from a perspective of time-space specific rights claiming political spaces with universal rights (being human rights in this case) justifying and facilitating their claim for citizenship. If considered through this perspective, I would argue that their cultural rights are not perceived as being violated, or this violation was not seen as so important as other rights violations, namely social, economic and political ones, which they *are* challenging. Therefore, the creation of a public political space is to challenge their lack of other (non cultural) rights.

6.4 Economic rights

Economic rights are another area where UNRWA advocates on behalf of the Palestinians, but does so detached from other rights claims. Economic rights are largely framed around the right to work in the formal economy. While all the Palestinian, and some non Palestinian participants, did highlight the importance of economic rights to improving the populations' situation, it was not dominant in their discourse of rights claims. The discourse of UNRWA is that the right to work, as the central economic right, is one of the key means by which to improve the situation of the Palestinians. Their reliance on the informal economy is seen as a major barrier to them attaining 'dignity' (UNRWA 2011b). When initially visiting UNRWA they supplied me with many policy documents, one of which was called the '*Employment Services Centre Leaflet*', the only initiative warranting its own individual brochure, symbolising the importance placed on Palestinian involvement in the formal economy.

¹⁵ Field journal entry after a meeting with a Bedouin advocate – Zahle (16/4/2012)

Table 4 compares another UNRWA policy document, which listed the lack of rights faced by the population and responses to these concerns by the organisation, compared to a similar list by a Palestinian NGO (which reflected wider trends among the population). While the tension between the Palestinian participants and UNRWA on the centrality of economic rights was not of the same magnitude as that over social and cultural rights, there was still disagreement over how much of a dominant role it should play in the discourse. For example, if we look at the list of rights' concerns in *Table 4* we can see that economic rights are at the top of the list for UNRWA, but marginalised near the end for Witness.

Table 4: Lack of rights; UNRWA versus Witness

<p>UNRWA policy pack (2011b <i>my emphasis</i>)</p>	<p>Witness :The Status and needs of Palestinians (2011; <i>my emphasis</i>)</p>
<p><u>Lack of Rights</u></p> <ul style="list-style-type: none"> • <i>Palestine refugees lack many basic rights, are restricted from employment in most professions and are not allowed to own property.</i> • <i>Palestine refugees have extremely limited access to the legal system.</i> • <i>Palestine refugees who do not have identification cards (known as non-IDs) have even fewer rights and less freedom of movement.</i> <p><u>UNRWA's response</u></p> <ul style="list-style-type: none"> › <i>UNRWA has actively worked to advocate for the right to work for Palestine refugees and to strengthen the rights of Non-ID refugees</i> › <i>A new three-year legal aid project to enhance access to justice for Palestinian refugees.</i> 	<p>Education</p> <p>Health</p> <p>Social needs</p> <p><i>Economic needs</i> [including access to all professions, workers' rights. Creating new jobs for the Palestinians]</p> <p>Cultural needs</p>

Economic rights, or more specifically the withdrawal of economic restrictions, such as Palestinians being barred from entering certain professional syndicates, should be facilitated according to all my Palestinian and many of my non-Palestinian participants. Yet, as mentioned above, the priority given to these economic rights is an area of contestation. It could be claimed that having secured sufficient social and/or

cultural rights, UNRWA are attempting to move on to economic rights, or that economic rights are the most pragmatic channel to achieving more ‘dignity’ for the Palestinians. However, due to the current fragility of even the most basic social and cultural rights for the Palestinians, it seems unlikely to be the former. If we compare their situation to the rights claiming space of the stateless Bedouin, the latter also seems unlikely, as several of my participants reflected on the Bedouin as an example of how even high economic prosperity could not overcome barriers resulting from their statelessness (Tucker 2012).¹⁶ While it would be misleading not to highlight the dire poverty faced by the majority of the stateless Bedouin, some have become affluent through the informal economy. However as Chatty’s (2010) article on the Bedouin access to healthcare shows, there are socio-cultural barriers as well as the legal issue of not having citizenship that cannot be overcome despite some individual Bedouin’s relative affluence. The Palestinians face similar, socio-cultural discrimination, therefore economic rights seem unlikely to achieve the improvement of the Palestinians’ situation that UNRWA claims can occur with the provision of these rights.

6.5 What can we learn from these perceptions of citizenship and citizenship rights?

What then can we learn from these diverse perspectives of citizenship and citizenship rights, and their relationship to human rights, from those addressing statelessness in Lebanon? The previous three sections reflect the contestation, tension and perceived (in)compatibility of citizenship rights by my participants, which in turn raises three important issues. First, the evolutionary nature of citizenship rights is highly contested. Second, this raises the question of why the tension and (in)compatibility of rights is not similar for all stateless groups, why have some groups managed to avoid this division? Third, the discussion highlighted the unique rights claiming position of the Palestinians, who reject citizenship of the Lebanese state, but still demand certain rights normally attached to citizenship. All three reflect different perspectives of citizenship and citizenship rights from those addressing statelessness in Lebanon.

¹⁶ Field journal entry – Beirut (2/4/2012)

These issues allow us to reconsider citizenship as *the right to have rights*, and instead see human rights as an individual legal/moral base (as the dominant chosen universal principle by my participants), justifying the creation of a public political space by those addressing statelessness.

6.5.1 The tension in the evolutionary sequence of citizenship rights

The aforementioned contestation is not just over the sequence, or limits of the sequence, of the development of these citizenship rights, but in some cases is even over the very compatibility of these rights to co-exist. This problematizes Marshall's (1950) neat distinction of the evolution of citizenship rights (see section 3.1). This was highlighted with the example of social and cultural rights for the Palestinians and the Bedouin. Faulk (2000) calls for further dialogue on the possibility that different types of citizenship rights are contradictory, especially civil and social rights, as well as looking at the mutual dependence of rights (Faulk 2000). The findings from my research also highlight the need to further develop this idea of a possible tension between rights, to question if there is an inherent tension in the sequence in which they are attained from a position of statelessness, or if attempting to situate the stateless as full citizens to avoid this 'contradictory' sequence would be a more appropriate solution.

The role of human rights for my participants is central in justifying the claim for the rights of the stateless that are normally the preserve of citizens. This was made explicit during many of my interviews, demonstrations, meetings and informal conversations. However, one should be careful not to attribute this to the status of an attempt to create a 'theoretical background' upon which citizenship rights are compared. Instead they took a different role as a means to justify why statelessness should be addressed and why these populations deserve specific rights. Therefore, I did not consider, as Kiwan (2005;37) claims, a "contrast" of human rights as universal and citizenship rights as particular and embedded within a political community, as a problematic distinction. Indeed human rights can be universal and particular, considered as an individual legal/moral base, which are fought for within political communities, and used to justify the rights claims of those without membership of any state. Thus, this allows the persons or groups to claim certain rights at certain times

through the creation of a public political space. I would also question the borders of citizenship (as membership) itself. This is because the stateless exist legally outside, yet within, the Lebanese state, and do have some political influence, though this is not sufficient to resolve their statelessness and varies depending on the population and issue in question.

Hassassian (2000) challenges the Euro-centric perception of citizenship rights as evolutionary and leading to individual liberty and equality as the pinnacle. Instead he draws on examples of the various Middle Eastern definitions of citizenship which are “still ambiguous and presently maturing” (*ibid* 2000;449). Even within the region, with its lack of clear definition of citizenship, there are claims that the most popular definitions focus on economic rights rather than freedom of speech or equality (Hassassian 2000). This is but one of many critiques of debates surrounding citizenship being Western-centric in orientation. However within Lebanon, when discussing certain citizenship rights with regard to the stateless, the idea of economic rights was not central (UNRWA’s stance being the exception to this).

Considering the evolution of citizenship rights as problematic raises significant theoretical concerns with regard to global citizenship. These concerns arise when the acts of global citizens are viewed as an act of a person with an expanded sense of moral obligation, beyond that to his or her fellow citizens. As such, citizenship and the attached rights can be seen as a pre-requisite and demarcation which allows us to distinguish when a citizen is moving or evolving beyond this level of obligation into the global realm. Yet the contested nature of citizenship and citizenship rights from a stateless centric perspective shows that such demarcation is at best highly problematic and at worst untenable. Therefore, the findings highlighted that we must begin to address the under theorisation of the stateless within the global citizenship debate, which, as it stands, fails to adequately consider what the stateless can teach us about citizenship and citizenship rights.

6.5.2 The indivisibility of the citizenship rights of those rendered stateless due to gender discrimination

The lack of division of certain stateless populations' rights claims became especially apparent when going through my data. I found that not once did any of the participants divide the claim to citizenship rights of those who are rendered stateless by the gender discrimination in the citizenship law, contrary to how other groups' rights claims were considered. When they were referred to in dialogue it was only to reinforce their exclusion as a result of gender discrimination, yet simultaneously their rights claim was perceived as being based on the indivisibility of their rights and claim to full citizenship. As one participant noted (reflecting the claims of all those working with this group to whom I spoke):

“The nationality law is very straightforward in its discrimination to say that only men can pass on their nationality. And so it is a case in point if you want, in terms of whom the state considers to be a citizen”. (G-N)

They are considered Lebanese, by those addressing statelessness, and they are considered to have a claim to 'full' citizenship, it is the rejection by the state of their legal bond of citizenship, rather than what citizenship rights they should be given, that is being challenged. Thus, compared to this group other stateless populations, namely the Palestinians, Kurds and the Bedouin differ as their groups' rights claims are perceived as disjointed, divisible and sometimes even incompatible.

Why then is there a different approach to those rendered stateless by gender discrimination, who deserve unquestionably 'complete' citizenship rights, compared to other stateless persons in Lebanon? And why is this important? It is important as it relates to differing ways of belonging (and perceived belonging) within the nation-state. This is why an individual addressing statelessness in Lebanon can claim, that while those rendered stateless by gender discrimination deserve full citizenship rights, a stateless Bedouin, who has also been born and spent their entire lives in the country, should only receive partial citizenship rights. This draws out another important question, can a person be seen as belonging within a nation-state, yet their citizenship

be sacrificed in order to protect the ‘homogeny’ of the nation? This would seem to be the case for those rendered stateless by gender discrimination (based on the political discourse at least). As mentioned earlier Blitz (2006;474) refers to the need to look at the social construction of the nation-state and citizenship as “identity formation and state creation interact and bear on the conferral of citizenship”. If this is so, which it appears to be in Lebanon for those rendered stateless due to gender discrimination, then it raises many more complex questions regarding Lebanese citizenship and the citizenship/nation-state nexus more generally.

Following this we should ask how those addressing statelessness in Lebanon, who base justification of stateless persons’ claim to citizenship on human rights, apply this moral obligation differently for different groups. I argue that it is based on a perceived sense of the groups belonging within the Lebanese demos, as well as the specific context within which the population exists. Just as citizenship and citizenship rights are appealed for and expressed in a time-space specific manner, so too are claims based on universal principles made by those addressing statelessness in Lebanon. This does not necessarily contradict the conceptual basis of human rights. This tension between the conceptual and the factual can be overcome if we view human rights as a universal individual legal/moral base that is used as a foundation to justify the creation of a public political space as a reaction to the violation of these specific universal principles.

6.5.3 The unique rights claiming position of the Palestinians

The extent to which citizenship can be framed solely in relation to the nation-state is questioned by Siim and Squires (2008). The emergence of multi-levelled governance, reflected in the growing importance of various levels of citizenship including local, regional and global practices, means that we have to expand our framework of understanding of citizenship to capture these (*ibid*). The multiple and partial sovereignties that exist in the Palestinian camps are a prime example of why we need to expand our understanding beyond this legal bond to a nation-state. This allows us to better capture these complexities and begin to address their situation, without rejecting the importance of the human right to citizenship of a state.

Davies (2000) argues that citizens gain rights at the expense of the state, which resists the expansion of these rights. This is an area that Marshall (1950) does not sufficiently cover, framing citizens as passive rights receiving individuals. A more contextualised understanding of the perceptions of citizenship rights, from those addressing statelessness in Lebanon shows, if we consider the three previous sections, that a more complex relationships exist. For example, Davies (2000) can be seen as not fully considering the role of negotiations with non-state actors when trying to gain rights from the state, as there are multiple stakeholders involved with their own political motives. One cannot ignore the complexity and the influence of these internal and external stakeholder negotiations, as the case of the stateless Palestinians in Lebanon highlights.

Knudsen (2009;57) explains the Palestinian position and how their rejection of Lebanese citizenship ties into regional concerns:

The three pillars of Palestinian political activism in Lebanon are as follows: the provision of civic rights to the refugees; resisting naturalization, locally referred to as ‘implantation’...; and upholding the right of return to their homeland/natal villages. These claims may at first glance seem contradictory. The refugees demand ‘civic rights’, that is the right to live and work in Lebanon, but do not seek citizenship (which includes the right to vote). This is because naturalization would compromise the right of return and symbolically erase the Palestinian refugee community, as well as being construed as a victory for the Israeli authorities, who categorically reject the refugees’ ‘right of return’. Upholding the right of return is therefore a highly charged symbolic issue, especially for the older generation, and links past wrongs (forced exodus) with future redemption (returning to Palestine).

The Palestinians thus reject membership of the Lebanese polity, yet still contest violations of their human rights from their ambiguous position within and outside of

the nation-state (system). From this position we can see that the Palestinians are implicitly challenging the notion that citizenship is the 'right to have rights'.

The right of return, the role of UNRWA, the Lebanese government's ability to detach the Palestinians from their pro Palestine discourse, the side-lining of the Palestinians in Lebanon by the PA and the specific position of the Palestinians as a stateless group in Lebanon, causes a situation whereby we have to take on a broad interpretation of citizenship and citizenship rights, as gained and contested through multi-stakeholder negotiations. To use two examples we can see the contestation between UNRWA prioritising economic rights, which are not central to the Palestinians' concerns and UNRWA pushing for social rights but simultaneously marginalising the cultural rights of the population. The Palestinians thus, are not only trying to challenge rights violations by the state and the injustice that causes and perpetuates their situation, but also have to negotiate with UNRWA, the PA, the international community, INGOs and NGOs, as major stakeholders who in turn negotiate with the Lebanese state for Palestinians' rights alongside, and sometimes in contradiction to, what the Palestinians themselves are calling for.

Benhabib (2006) notes that Marshall's conception of the entitlement to social rights, as the pinnacle of citizenship, has been detached from the reality of shared collective identity as well as political membership. This seems to be very evident if we consider the Palestinian case in Lebanon, as we not only have to reconsider our understanding of citizenship, but also how a stateless population, outside of the political entity they wish to be acknowledged to belong to, negotiate their position in their current polity from which they are excluded and from which they do not wish to become members. Further to this, we also have to consider that this negotiated space includes internal and external state and non-state actors who act on behalf of, and sometimes against, the interests of the population.

With regard to studying citizenship and human rights, Cornwall (*et al* 2011;8,20) notes:

[T]hat an approach that explores diverse meanings and expressions of citizenship in different kinds of states can enrich our understanding of citizenship precisely because it precedes less from normative claims or

abstract ideals than from everyday encounters in particular contexts.... Universalist perspectives on human rights offer too limited a frame through which to understand the particularities of peoples' struggles for rights and recognition. These limits demand a reconfiguration of citizenship.

I would agree with Cornwall (*et al* 2011) that a contextualized understanding of citizenship leads to greater understanding, but I disagree that the universalist perspectives of human rights provides too limited a framework to so do. Further to this, I would challenge the claim that viewing citizenship from a statist perspective is the best path to enriching knowledge of citizenship. The stateless centric perspective developed in this research highlights that citizenship can be viewed through those challenging statelessness, a phenomenon which places people in a position that precedes citizenship, is beyond and outside of it simultaneously.

What then can we learn from this contestation of citizenship rights with regard to the relationship between citizenship, as a legal bond, to a nation-state? Adejumbi (2001;79) describes a traditional view of the relationship between the two claiming:

Citizenship... is an instrument of social closure through which the state lays claim to and defines its sovereignty, authority, legitimacy and identity... It is the means through which the modern nation-state made of various nationalities seeks to forge a common identity and collective experience for its people. Indeed, without the concept of citizenship, the idea of a modern nation-state cannot be translated into practice.

However, for Oommen (1997) the linking of the nation to citizenship restricts our understanding of citizenship, as the state as a legal entity is often confused with nation-states, which blurs cultural and political status. Therefore, to fully realise the potential of citizenship "the very idea of homogenous nation-states ought to be abandoned" (Oommen 1997;202). This perspective links to the concerns raised during my previous chapter, namely the received wisdom of the nation-state, when considered through a stateless centric perspective. What the nation-state has done is

create/reform the function of citizenship, which relates back to the conclusions made in chapter five regarding the naturalness of statelessness and the unnaturalness of the imposition of the nation-state system on our lives. Statelessness would not be such an issue if the function of citizenship was not so crucial in terms of providing a means to secure other human rights. This function however should not be seen as ahistorical, rather it is constructed, and arguably being reconstructed, by some of those addressing statelessness, through their demand for specific rights despite their statelessness, or the statelessness of those they advocate for. While Adejumobi (2001) may be right that the nation-state relies on citizenship, the opposite is not the case.

With regard to the international community, Davies (2000) notes that the UN terminology around the complex relationship between the citizen and the state is insufficient due to the growing awareness of the distinction between nationality and citizenship. Under international law the terms citizenship and nationality are used interchangeably, which, it is argued, can limit our understanding to a statist framework, reducing the ability to include identities as well as legal bonds. Citizenship cannot be viewed purely as a legal institution that attributes rights which are claimed by members of a state, for this fails to acknowledge the various axes of difference, articulations of membership, identities attached to it and the differing rights citizens of the same state receive (Molavi 2009). This should not be read as a rejection of the need to facilitate access to citizenship for the stateless, as we have to be pragmatic in terms of improving the lives of these populations within the current system that has created their situation, due to the function of citizenship. While the legal understanding of statelessness remains crucial, a more nuanced and broader understanding of citizenship and its relationship to citizenship rights can be enlightening and could prove central in resolving statelessness.

Yet, beyond this pragmatic approach we also have to consider that “the institutionalisation of the legal and philosophical foundations for full citizenship make it tempting to treat shortfalls as mere shortfalls in implementation” (Heisler 2005;669). This issue of how we should treat ‘full citizenship’ becomes especially apparent following the discussions arising from a stateless centric perceptive of both the nation-state and citizenship. For example are we simply reinforcing a flawed and

exclusionary system that created the problem of statelessness - the current function of citizenship - by assuming that reintegration back into the system is the most suitable path forward? This could tie in with wider trends of the denationalisation of rights, whether universal, such as human rights, or particular, such as illegal immigrant rights. More generally we have to consider what has been drawn out of this stateless centric perspective, and tie it into debates over whether citizenship (in a legal sense) should remain the preserve of the state – remembering that this relationship has not always been the case - as the existence of the stateless clearly shows that such an approach is flawed? Indeed international law recognises this, and tries to regulate state sovereignty over defining its citizenry, for example through the 1930 Hague Convention (League of Nations 1930).

6.6 Conclusion

Gaventa (2002;20) notes that there is a “need to understand how rights and citizenship are shaped by differing social, political and cultural contexts.” It is through this understanding of the particularities of citizenship and citizenship rights, viewed through a stateless centric perspective in Lebanon, that we can begin to understand how the universal can manifest itself in the particular. These universal principles can be used by all, as they are universal, though creating a public political space has its factual limitations, as will be discussed in the following chapter. A stateless centric perspective showed that nation-states’ sovereignty over citizenship does not mean that it is the natural place of citizenship, with the creation and perpetuation of statelessness, and the impacts due to the current function of citizenship, reflecting this unnaturalness.

The claims of those trying to address statelessness are not simply persons trying to overcome what Gibney (2008;26) refers to as the “tyranny of citizens – the rule by those with formal membership in a state over residents unfairly deprived of membership”, but instead the tyranny of *citizenship* and the function of citizenship itself – the rule of those with formal membership in one or more of the worlds nation-states over those without membership in any. Such a position problematises Arendt (1967;293) who claimed that citizenship was the “right to have rights”; by questioning

why this is currently the case? And what can be done to weaken the function of citizenship, or take citizenship back from the nation-state?

This chapter, when considered with the preceding one, draws out the weaknesses of the concept of the nation-state and citizenship as being inextricably linked. Further to this I have challenged the situation of citizenship itself, as naturally belonging within the nation-state. Thus, it is argued, that using these two highly contested and fluid concepts as evolutionary or hierarchical delineators for measuring global citizenship (as some, though not all, in the global citizenship debate have done) is highly questionable. We must instead reconsider how we are to conceptualise the actions of global citizens, and address the under developed nature of how to situate the stateless within the global citizenship debate. It is this that I now turn to in the following chapter. First I will draw on examples of where the participants could be seen as acting as global citizens, and the tensions they face in doing so. Following this I will develop an approach that allows us to better situate these actions in the global citizenship discourse, despite the statelessness of some of the participants, who are greatly under theorised in the global citizenship debate, as set out in chapter three. This is done by considering the creation of a public political space to challenge the violation of certain universal principles - the patchwork approach to global citizenship.

Chapter Seven: Expressions and tensions of global citizenship; overcoming the theoretical concerns

7.1 Introduction

This chapter is initially dedicated to the expressions and acts of global citizenship of those addressing statelessness in Lebanon. In this sense it begins with the descriptive before moving into the analytical and then the conceptual. This chapter identifies several key areas of the practices of global citizenship that were drawn out of my data; human rights as a manifestation of individual universal rights, the use of international law and legal cosmopolitanism, connections with global civil society through trans-national dialogue and finally global governance as a ‘supplement’ to the nation-state. While there were numerous examples of practices of global citizenship in each of these areas, the sections focus more on the tensions in the practices between the factual and the normative. It is from these tensions, situated within the wider theoretical concerns of global citizenship, when considering statelessness, along with the findings of the previous two chapters, that we can use the empirical as a base to develop the patchwork approach to global citizenship.

The second half of this chapter moves into a discussion of the theoretical concerns of global citizenship. These include the lack of reflection on the evolutionary and hierarchical tendencies which are based on the false assumption that all individuals have citizenship of a nation-state, as well as the more general lack of theorisation on the stateless in the discourse. When an assumed membership is used as a delineating factor in describing global citizenship, we are in danger of excluding the legitimacy of the actions of those addressing statelessness (being both stateless and non-stateless). Through a critical interrogation of discourses of global citizenship in Lebanon, this chapter argues that conceptualisations of global citizenship need to be recast theoretically, to conceptualise the actions of global citizens as the creation of a fragmented patchwork of public political spaces. The approach I propose rejects the concept of global citizenship as an end point, such as having formalised world citizenship, and instead views it as the actions of individuals who create a public political space to contest the particular through the universal. The global citizen then, draws on what they claim are universal principles, in the case of this research the most

dominant manifestation of this was human rights, and then use these universal principles as a tool to contest the particular.

When these universal principles are seen to be violated, a public political space *can* be created to contest this, and it is the creation and perpetuation of this space that is an act of global citizenship; by contesting the particular through the universal. This approach does not claim to state the universal principles that should be drawn on, or the universality of the principles themselves. The only requirement is that these rights and principles can, theoretically at least, be used *by all for all*, disregarding citizenship status. Global citizenship, considered as a patchwork of public political spaces is therefore a pragmatic, context-specific and instrumental notion. This chapter shows how those addressing statelessness overcome the specific theoretical concerns in some of the literature, as set out in chapter three, which then begins to contribute to overcoming the underdeveloped consideration of the stateless in the discourse.

7.2 Human rights, the dominant manifestation of the use of universal principles

7.2.1 Human rights, discourse and exclusion

I begin with a discussion of how human rights were used by my participants. These should be seen as the current dominant realisation of universal moral obligation, based on rights derived from our shared humanity. Human rights were the dominant discourse in terms of the justification of the participants' work and their framework for action. From this perspective, human rights provide a universal guideline as well as a pragmatic advocacy tool kit. The justification for the use of human rights was based on conceptualisations, such as Pogge's (1992), that every human being is the ultimate unit of moral concern, and all are linked universally and generally. Human rights are detached from international law in this chapter, as human rights are seen as universal moral claims, whereas international human law is seen as a modern manifestation of how to regulate these universal claims, within an international legal framework.

Human rights, which on all occasions in this research, drew on the UDHR, were explicitly used by all my participants in interviews, informal conversations, policy documents, signs being held at protests, posters and stickers in offices. This use of

human rights manifested itself in several different ways which were similar for all the actors and agencies working to address statelessness. One key theme for the use of human rights for all the participants can be described as sitting between the need to create cultural and civic cosmopolitanism, as noted by Brown and Held (2010). Namely, they attempted to cultivate a sense of global justice in a culturally pluralistic world, as well as trying to cultivate a sense of global citizenship itself. One Palestinian NGO activist explained the reasoning behind their focus on cultural cosmopolitanism, when talking about his interaction with Palestinians who ask for assistance:

“So you need to help me to help you. How? You have to know your rights, we have seminars, lectures, training for NGOs in the camp, also our team are very specialised in human rights, in working with human rights and Palestinian rights and laws in Lebanon, and women’s rights and children’s rights, because we believe that people who know their rights are able to defend these rights.” (P-N)

This is an example of how a participant was trying to cultivate a sense of active global citizenship within the stateless Palestinian population, with a focus on their universal rights, and how these can be claimed in their particular setting and situation. Another key theme was how to actualise human rights beyond the conceptual, as two Palestinian organisations noted:

“Rights are not just about pieces of paper, you need to show people their rights and we also have to be realistic in what we can do. So if a person is hungry; feed them, illiterate; teach them to read, don’t just tell them it is their right not to be hungry and be able to read” (P-N)

...

“If you tell someone of their basic human rights and they don’t have them, they are not always empowered, as some would like to think. Some just think - well maybe I am not human then”. (P-N)

In these quotes, we see a conceptualisation of human rights that tries to grapple with the pragmatic application of these principles, as well as the danger of not trying to do so. The final quote here is particularly powerful and interesting. It shows the tension between attempting to create a sense of civic cosmopolitanism, and the resistance this faces due to the situation in which the Palestinians find themselves. Continuing to promote the aspirational human rights doctrine, may in fact lead to the perception of dehumanisation of those who are perpetually unable to achieve basic rights. The particular and the universal are shown to be in a state of tension.

Another example of this tension was when many of the women's rights organisations tried to implement a day to celebrate International Women's Rights Day in all Lebanese schools, with one aspect being the women's right to pass on their citizenship to their children, under the principles of gender equality. Interestingly, this event was pushed to the periphery, as the government chose the same day (after the launch of the plans for Women's Rights Day) to implement their new national Phoenician Alphabet Day. Despite repeated contestation from the NGOs involved, the government refused to back down (Tucker 2012).¹⁷ This can be seen as a microcosmic reflection of the tension between the patriotic versus cosmopolitan education in the Nussbaum (1996) versus Rorty (1994) dialogue, and more widely between the universal and the particular.

One NGO working with all stateless groups on gender-based violence noted that taking a human rights approach has to be more than an explicit statement in policy documents. Instead it requires constant reflection on decisions of who to involve and how to address issues. Thus, human rights did not simply justify their work and goals, but provided a framework through which to assess their actions in terms of universal principles, claiming:

“Even though the sub-categorisation of the different areas within human rights is necessary, sometimes we think it can work against the field. So we try and have a very human rights perspective on

¹⁷ Field journal entry after a meeting with women's rights activists - Beirut (10/2/2014)

everything we do. Essentially, women's rights are human rights and this is one of the major messages to men... Some people sometimes want to come and work with issues on certain populations and this is a problem that actually affects the Lebanese population. We say why don't you work with both as they all need assistance? Strategically we might differ because there might be some changes, but like no, these are human rights issues that need to be addressed for all humans in the region." (A-N)

The statement reflects how they see 'rights' as a way to get a 'message' to men. In this sense, rights are seen as a *vehicle* for achieving their aims, as they are using rights to facilitate a public political space rather than claiming the objective universal nature of the rights themselves. This explicit 'holistic' approach however was the only example I found during my research.

This brings me to some of the possible theoretical concerns of the use of human rights, that can be seen as being used exclusively for certain populations, or including all but one particular stateless population. The theoretical concern is whether one can have moral obligation beyond ties of citizenship and the nation-state, justified by the human right to a citizenship, but reject the notion that all stateless persons have this right. Are these persons to be considered as acting as global citizens? One of the clearest examples of this was women's rights organisations working with the stateless, who would exclude Palestinians from their work and moral obligation. An INGO staff member reflected on the national but also international reason for this:

"So it is part of the political, geographical and sectarian system, that's why many organisations won't highlight the human rights issues of the Palestinians... The UN is involved in the Palestinian political situation. So they agree to establish a specific agency to care for the Palestinian groups without considering them as refugees, as real refugees I mean, within the human rights perspective. It is like they have a special and unique situation, and this is not the case." (P/G-IN)

This exclusion, which seems contradictory, as these organisations base their framework for action on the human right to a citizenship and equality (most explicitly through the UDHR), was contested by the Palestinians. One Palestinian NGO staff member noted:

“Yesterday we were meeting with Turkish, Belgian and also Australian NGOs and we said to them, you offer services to Lebanese villages here... Why not the camps?... They are afraid of going in the Palestinian camps, and it is not logical! Give them [the Palestinians] services, why won't they set up programs in the camps? Why do they exclude the camps?”. (P-N)

However, the standards demanded of others were not met by the Palestinians themselves, if we consider that their moral obligation should not be restricted to their own 'community'. As mentioned in section 3.3.1, global moral obligation, or at least an expanded sense of moral obligation beyond one's community, is a cornerstone of the ethical foundations of global citizenship. Pragmatically it allows for the need for obligation to those closest to us, an adjustment that does not compromise the basic ethical principles that underlies these actions. Yet the 'closed' system of obligation that the women's rights organisations and Palestinians in Lebanon work within, and perpetuate, is troubling from a global moral obligation perspective. It is this theoretical concern, with a focus on the Palestinians, to which I now turn in order to draw out this tension.

7.2.2 The Palestinians' closed system of concern

The stateless Palestinians of Lebanon can be seen as operating within a closed system of concern, specifically only helping their fellow Palestinians and not extending this moral obligation beyond them, reinforcing the concept of the instrumentality of rights, rather than their universal nature. When I talk about moral obligation I am referring both to the participants' local actions, for example providing supplementary education in specific refugee camps, or legal assistance to individuals, and the wider discourse of the Palestinians' rights and the Palestinian cause. These claims are their right to a *Palestinian* citizenship, their eventual return to their homeland and during the interim

period the provision of services by the international community, that meet the needs of the stateless population. The majority of the Palestinians in Lebanon are those who fled their homeland in 1948 and their descendants. Since then they have been registered with UNRWA and are forced to live in a handful of camps and settlements. Yet, the socio-political and legal discrimination, with the shared history of flight, containment and persecution within refugee camps in Lebanon, are not used as the delineating factors of who is, and is not, considered within their population of concern, namely defining a 'Palestinian'.

It would be misleading to place too much emphasis on the importance of habitual residence in Lebanon, as this residence does not differentiate 'Lebanese' Palestinians from 'Jordanian' Palestinians. This moral obligation towards their fellow Palestinians can be seen as post-nationalist, at least temporary post-nationalism, in that it does not consider the place of birth, or places of residence before arriving in Lebanon, as important, instead, focusing only on the fact that they or their ancestors were from Palestinian. For example there was, and continues to be, a large effort in the community to have what are termed 'non-ID' Palestinians (those not registered with UNRWA in Lebanon), registered. This registration means that they will have access to services and receive identity papers. Many of these non-ID Palestinians came from Jordan in the 1970s, as well as others more recently from Iraq and Syria. The Palestinian organisations in Lebanon did not hesitate to assume these new Palestinians within their moral obligation. Even with their limited resources, they mainstreamed them within their discourse, sharing services such as community (or more appropriately *camp*) based projects and advocated on behalf of them to the relevant stakeholders.

The possible paradox then is whether the Palestinians' actions should be framed as those of global citizens? On the one hand their moral obligation is unapologetically closed to Palestinians in the work that they do, and so would fail Singer's (1972) criteria. Yet, the criterion for deciding who is a 'Palestinian' draws on some elements of global citizenship that cannot be ignored. These include the expansion of their moral obligation beyond their community and current 'borders'. It would be easy to justify why they only work with 'Lebanese' Palestinians, but they actively try to

incorporate Palestinians from Jordan, Iraq and Syria, regardless of their place of birth, or previous habitual residences.

Their Palestinian-ness transcends, and yet is deeply embedded, in the nation-state system. Thus, their system of delimitating membership is based on membership to a political community that they, or their ancestors, were perceived to be attached to, namely Palestine. This seems to fail to meet the standards of global citizenship, in terms of transcending nation-state bounded interests. While these national affiliations have been fixed, the new ones such as Syrian or Iraqi are disregarded, as their moral concern transcends these affiliations. This ambiguous fixation on the Palestinian nation, and simultaneous disregard of other nation-state affiliations, means that we hit a potential theoretical barrier. Essentially, can global citizens work within a framework of exclusive moral obligation to a specific group based on universal principles? Is it problematic that this group is based on previous membership of a polity/state? Criteria which are fixed in time and space (what happened with the creation of the State of Israel in 1948), yet this moral obligation does not exclude based on national affiliation since then? And finally, and most basically, how can we tell when the actions of those addressing statelessness (being both statelessness and non-stateless) move beyond the level of obligation to their community and into the global realm? This is because without citizenship of a state how can one say when a stateless person's moral obligation, or moral obligation to help a stateless person, has transcended obligation to fellow citizens or moved into the global realm?

Pogge's (1992) claim that every human being is the ultimate unit of moral concern, does not fit the nuances of the Palestinians expanded, though restricted, moral obligation. Research by Spijkerboer (2009) has firmly established that groups are in the habit of accepting new members if they have the impression that they reinforce the society's values and default options. If we consider the Palestinian position under Shue's (1988) argument based on concentric circles of moral obligation, or even the concept of 'thin cosmopolitanism', we find difficulties as these ripples in the water or this restricted moral obligation to certain groups, does not adequately explain why the Palestinians in Lebanon themselves were the ones who assumed responsibility for non-ID Palestinians, and worked so hard to include them. Essentially, they expanded

their exclusionary membership and I argue that this expansion was based on moral obligations beyond local or national borders/concerns, being based on the ambiguous notion of ‘Palestinians-ness’, that is simultaneously locked in a historic national discourse and free from ones attained since then. As one Palestinian NGO activist noted when he claimed that they worked with *all* Palestinian refugees in Lebanon, (including those registered and those who are not) *as they are all Palestinians* (Tucker 2012).¹⁸

7.3 International law and legal cosmopolitanism

As with human rights, international law was regularly called upon as a means to justify the actions of my participants and support the work they undertake. Human rights and international law, in this section, are seen as a codified manifestation of cosmopolitan principles. Further to this, many of my participants also challenged the implementation and form of the laws themselves from a cosmopolitan perspective. Buchanan (2004:4) notes that a legal cosmopolitan approach is to “evaluate certain fundamental aspects of the existing international legal order...[and] propose legal norms and practices which, if implemented with reasonable care, would make the system more just”. Two main forms of interaction within this legal cosmopolitan framework became apparent during my fieldwork. First, those challenging the substance of the law and second, there were those challenging the application of international law (or lack of). It is these two manifestations of global citizenship that are explored in this section.

7.3.1 The substance of international law

I consider legal cosmopolitanism from the perspective that the regulation of international affairs (not limited to state interaction), through international law should, or could, be constrained and influenced by the normative moral claims of global justice, and other cosmopolitan principles more generally (Brown and Held 2010). Based on this understanding, several expressions of global citizenship became apparent from my data. First, we draw on the perceptions of the ‘Palestinian

¹⁸ Field journal entry after a meeting with a Palestinian NGO staff member – Beirut (26/2/2012)

question’, and the international law surrounding it, from those addressing statelessness in Lebanon. More specifically the claim that the creation and perpetuation of the Palestinians’ statelessness is a result of unjust international laws, as analysed based on cosmopolitan principles (the implementation of subsequent laws will be dealt with in the following section). One Palestinian NGO summarised their perspective on the unjust creation of their problem (a sentiment shared by many Palestinian and non Palestinian participants):

“I look at our problem, it is human kind one. It is created by human beings, it is not a natural catastrophe, it is not a flood, it is not a tsunami. It was created by decisions made by the United Nations in 1947... I see the world as responsible. Only a few countries didn’t sign and a few signed against.¹⁹ And the others who didn’t sign either, they agreed. They didn’t sign yes or no. And then Palestine was divided, and then the war, and then what’s happening... so it is a human kind one... and I feel like it is a shame, like sixty five years and the problem still exists.“ (P-N)

The creation of the ‘Palestinian issue’ by international consensus however, is only one criticism of the content of the international law surrounding their situation. How the international community ‘dealt’ with the issue in a legal sense, after the division of Palestine, was also analysed through legal cosmopolitanism. The most referred to example of this was the creation of UNRWA for the Palestinian. UNRWA was created by the UN General Assembly and as such it has a UN mandate. Therefore, their role should not simply be as an INGO providing relief to the Palestinians, but also as a body that monitors and challenges the violations of international law related to the Palestinians. As mentioned previously a non-Palestinian activist noted:

¹⁹ On the 29th of November 1947, the United Nations General Assembly adopted Resolution 181 which recommended the portioning of Palestine in two states, one Jewish and one Arab, with Jerusalem as a international zone.

“From the beginning the UN council put the decision to treat the Palestinians, not as refugees, but as a special case and that’s why UNRWA was established. So if they had been willing to treat them as refugees then they would be under UNHCR’s mandate. And this is praying on our mind, a big question, why they are treated politically in this sense and in this way? And in that way you feel like the UN is involved in the Palestinian political situation. So they agree to establish a specific agency to care for the Palestinian groups without considering them as refugees, as real refugees I mean, within the human rights perspective it is like they have a special and unique situation, and this is not the case.” (P/G-IN)

This segregation from the mainstream discourses on statelessness and refugees, which has been created and perpetuated by the unique international legal situation in which the Palestinians find themselves, is highly problematic from a legal cosmopolitan perspective. We should remember that the creation and implementation of the international law surrounding the Palestinians, was constructed by the nation-state system, as a means to deal with the fuzzy edges of the system (as drawn out in section 5.2.1), via the framing of the Palestinians as a non-stateless stateless population under multiple partial sovereignties. This hides their statelessness, which is caused by the failures of the nation-state system, failures that have caused such a large and perpetuated stateless situation.

Moving away from the specific example of the Palestinians and back to the wider statelessness debate within Lebanon, another perspective of international law becomes apparent. There was the claim that international law, though not perfect, is a set of guidelines loosely based on cosmopolitan principles, which should be used to guide national law. This was not an acceptance of the content of international law, rather an appreciation of its potential value if the principles of human rights were more integrated into national legalisation. One participant noted how they use international law to try to enforce a more just system at a national level:

“Lebanon has to take responsibility for all people residing in the state, this is international law... It is their problem that they allowed them [the Palestinians] in in the first place. Now you have to deal with them. Whatever it takes, by the basic human right standards. You don’t want to give them citizenship, fine, I don’t think they want it, but there is an obligation to give civic rights, and economic and [inaudible] rights.”
(P/G-A)

7.3.2 The enforcement of international law

Legal cosmopolitanism can also be framed as a challenge to the implementation, or demand for more just implementation, of international law, based on cosmopolitan principles. With regard to international law one area that proved particularly interesting was the role of nation-states and political entities in the implementation of international law. The ‘potency’ of international law, as a means to achieve a more just international system, as opposed to its substance as mentioned previously, was seen to be limited by the differing motives of nation-states and political entities. This was especially the case for the Palestinians. In trying to create a more just system, namely their right of return and the end of the occupation of the Palestinian Occupied Territories, the Palestinians recognised that there would need to be a shift in the power dynamics of the current system of implementation of international law. This shift in the international order would have to be driven more on cosmopolitan principles, or at least a shift by which the power of individual nation-states and political entities is reduced within the system. On this subject one participant stated:

“The problem is not the international law, it is the procedures and implementation of it. International law is very good, but the story is related to interests.... International society is not good, it is political. If you look to Palestine now, look to what is happening now with the Palestinian prisoners.²⁰ Israel does not accept the 3rd or 4th Geneva Convention and they [the prisoners] are 62-63 days without food...

²⁰ During the time of data collection around 2,500 Palestinian prisoners were on hunger strike against Israel’s practice of ‘administrative detention’, which involves the indefinite imprisonment of Palestinians without charge or trial.

There is no interest in Israel, there is no interest in human rights in Israel, look at the siege on Gaza, the siege around Gaza is not accepted either by human right standards or international conventions, though the siege is going on! The international community work on their own interests and principles....But I have to go on, stress my human rights and advocate against those who violate them.” (P-N)

These challenges against the perpetuation of an unjust system, due to nation-states and political entities’ interests, were targeted at the US-Israeli relationship, the role of the European Union, its member states and certain Arab countries. These actors are seen as exerting undue influence to side-line this call for justice and the realisation of their right of return. Political interests are accepted as inherently influential in the implementation of international law, for better or worse. This relationship itself can also be analysed under legal cosmopolitanism, showing that the interests of certain actors hinder the realisation of ‘just’ international law. One NGO claimed international law should be adapted to meet the challenges of the influence(s) of nation-states, and not simply to reject international law as a consequence of this influence:

“Yes it is political interest, because I also say we have international laws, we have human rights law, and we are human beings and apply what is there and it will be easy. I really get very annoyed when people say it’s very complicated, also when they say ‘ah but returning, going back to Palestine it is not realistic’ I say ok, fine, well give me a realistic solution. Silence. So you can, like, how can you says it’s not realistic and not have other options.” (P-N)

International law for the majority of my participants was thus seen as a means to achieve their aims to address statelessness, albeit with some adaption of the content and implementation of the law. International laws applicability as a means to address statelessness was contested based on universal principles; however, as a means to achieve the participants’ aims it was not rejected, rather it was seen as a tool that is currently insufficient due to its failure to meet certain cosmopolitan credentials. With

regard to other influences in the international realm, global civil society, facilitated by trans-national dialogue was also an area of tension.

7.4 Trans-national dialogue and global civil society

The reason that the manifestations of global citizenship of trans-national dialogue and global civil society are considered together, is their closely interlinked nature, as well as the similar expressions and tensions that were raised regarding them. I focus on three areas, the lack of access to trans-national dialogue and global civil society, contestation of the forms they take and the elitism/representation issues that arise due to lack of access.

The expressions noted below can be seen under what Brown and Held (2010) describe as a form of political cosmopolitanism. This form of cosmopolitanism remains distinct from the legal cosmopolitanism discourse, due to its emphasis on global governance and reforming these international political institutions, by analysing them with a cosmopolitan lens. Global civil society can be seen as one means by which this can be achieved, providing a space for the voices of hidden and marginalised populations. This cosmopolitan perspective reinforces the need for regional and global cosmopolitan institutions, both formal and informal, to 'supplement' those of the nation-state. In this research this supplementing of the system refers to the inclusion of the voices and claims of the stateless, with global civil society and international institutions providing a means to so do.

7.4.1. The problem of the stateless in accessing the global or the trans-national political space

Many of my participants referred to examples of their involvement in trans-national dialogue, including attendance at international conferences, membership in international networks, regional associations and cultural exchange programs. Yet, these examples of trans-national dialogue should not blind us to the factual realities that the stateless who are addressing statelessness, find it particularly difficult to access these political spaces. Being stateless naturally leads to problems travelling, both nationally and internationally. This was highlighted by several participants as a serious barrier in their ability to build trans-national relationships. Numerous

examples of my stateless participants being held in transit at airports for extended periods of time and, as a consequence, missing conferences or training, were related to me. Access was even blocked before the stateless person had left Lebanon. As one participant noted of a Palestinian student who failed to get a visa for a model United Nations conference:

“There may be a platform for dialogue on a transnational level but the practicality of access is an issue which denies the stateless a voice.”

(P-G/A)

Another issue was the lack of resources, or ability to communicate trans-nationally, during periods of conflict and the continuing threat of instability. As a country that has only recently managed to end a prolonged civil war, there are other considerations as to why stateless voices in the country still remain under-represented. As a Palestinian participant noted when asked about their connections to global civil society:

“Actually, we don’t have formal connections... I am not giving excuses but I think sometimes... War actually...war is a horrible word, it affects your life not just by bombing but everything. When you have problems of communication, when you have problems leaving the country, when you have...all of this makes these things difficult. And for many years in Lebanon, we have war all the time. We have... we never have... even now for example there is no war, it is peaceful *but*...you are waiting for something to happen. Once I was in, I think in Australia and someone told me, like it seems most of your life is in war, so when there is no war, how is it for you? I said...we prepare for war... And this makes things not easy.” **(P-N)**

Access to trans-national dialogue and global civil society is thus not a simple process of connecting with these networks, but requires resources to connect, and the good will of the nation-states to allow the stateless person to travel to meetings and conferences, and to access the platform to have their voices heard and build

relationships. Conflict and the threat of conflict also play a significant role in reducing access to these platforms, as the above participant noted.

7.4.2 Challenging the nature of global civil society itself

The ‘form’ that global civil society takes was also contested as posing a barrier to greater integration, or possible utilisation, of this aspect of global citizenship for those addressing statelessness in Lebanon. For example the system was referred to as requiring ‘negotiation’, which meant those wishing to access it required the relevant training. When discussing the lack of involvement of the stateless Bedouin within global civil society movements, a participant working with them noted:

“I think that you need this kind of access to education, this kind of access to lots of things, to think in that way. To understand how the global system works and how you can lobby for your group to get things. And I think that this is really lacking [for the Bedouin]... So what happened when we were doing this project, one of the recommendations that I personally wrote was leadership training for these young leaders, because a lot of young leaders are in this community now and like studying. But I think they would need a lot of training to negotiate... like how can they liaise with international organisations.” **(B-A)**

Another participant working with the Bedouin contested their lack of engagement in trans-national dialogue, referring to their regional connections:

“They have transnational dialogue such as *Majlis as-Shura* [consultative council], which is a regional summit for all the Bedouin tribes taking place in different countries every year.” **(B-A)**

It is also important to recognise that some conceptions of trans-national dialogue may be based on utopian notions of having one’s voice heard, when in fact regional and international affiliations and connections may be at the expense of challenging the participants’ national concerns. This was highlighted when trying to uncover the

trans-national connections of the Kurdish community in Lebanon. It became apparent that involvement in trans-national dialogue can silence national concerns, to such an extent that these connections were rejected by some in the community. A Kurdish participant reflected on this:

“We have many trans-national associations of Kurds, somebody is, we can say attached to Syria, someone is attached to the Kurds of Iraq ... and we are the only ones who are *free*. Ok? We are not connected to anyone.” (K-N)

This ability to act autonomously and as a voice for the Kurds in Lebanon, was due to the fact that:

“They [the larger trans-national Kurdish community] would help us only if we do what they want... I mean Iraqi Kurds, Turkish Kurds and Syrian Kurds are not really concerned about Lebanese Kurds, they are after their own personal interests, and they never really were quite concerned about the status of the Lebanese Kurds. They were using the Lebanese Kurds to help their causes.” (K-A)

Trans-national dialogue, in this example, was not seen as a useful means to overcome the marginalisation of the Lebanese Kurds voices. The power of the dominant members of the population, internationally, to define the discourse in global civil society or trans-national dialogue thus mimics similar exclusionary patterns seen between and within nation-states. Dominant members thus shape to discourse, which can ignore, or worse, suppress, certain claims of the Lebanese Kurds due to the dominance of regional concerns in the wider Kurdish discourse, at the expense of local concerns.

The assumed benefits of trans-national dialogue and participation in global civil society also fails to consider that this participation can place the individuals and organisations in a more vulnerable position. One Kurdish participant noted how this fear has meant their withdrawal from such dialogue:

“I still have some friends; I know that they are not participating in the social and political organisation, Lebanese-Kurdish political and social organisations, as they are still afraid of Syrian intervention, of interference, like persecution.” (K-A)

One Kurdish participant noted that there may be other reasons for the lack of trans-national dialogue with the larger Kurdish community. First, there was the concept of the Kurds of Lebanon wishing to “wrap themselves in the flag” to prove their ‘Lebaneseness’ and thus deserving citizenship in the country (Tucker 2012).²¹ The second reason is that they are being rejected by the wider Kurdish community, as when bringing up their concerns they were encouraged to focus their advocacy efforts on the Lebanese state, and not to an international audience (*ibid*). As one participant recalled:

“I did not find... interest [about the statelessness in the community] from amongst Kurds, Kurdish communities in the world... Some of the Kurds in Lebanon, when they approached Kurdish officials, who came to visit Lebanon, to assist them, the response was ‘you need to go to *your* government.’” (K-A)

With regard to resolving statelessness, political pressure inevitably has to end up being placed on nation-states as the creators and perpetrators of statelessness, as they are the current regulators of citizenship. The claim that the Lebanese Kurds should speak to *their* government reflects this, as well as the wider Kurdish communities perception that they belong in Lebanon. However, the Lebanese Kurds are in a position where they are trying to ‘wrap themselves in the flag’, thus showing their Lebanese-ness, and by increasing the political space to challenge the remaining statelessness in the community, they may be in danger of jeopardising this perceived belonging of the wider community.

²¹ Field journal entry after a Kurdish organisation meeting – Beirut (10/3/2012)

Tensions with conceptualisations and manifestations of global civil society can also be seen within the Bedouin community. Several of the researchers working with the Bedouin reflected on the lack of engagement of the group with global civil society. They highlighted the incompatibility of their traditional civil society with modern forms of global civil society. Even with their greater inclusion in trans-national (Bedouin) dialogue, compared to say, the level of inclusion of the Kurds in international Kurdish dialogue, it seems to suffer the same fate as the Kurdish dialogue, due to the dominance of other issues in the discourse:

“They [the stateless Bedouin] are much less high profile and they are a small population too... So I think that they are just not on the map of things. Literally”. **(B-A)**

Also the assumed ‘tribal affiliations’ (see section 5.2.2), that can be called upon by the stateless Bedouin to have their voices heard, are contested:

“They are not the same group and they don’t form this massive population that can stand up and say, ‘oh hey you need to look at me!’. They are not the same group. They have extensions in Syria and in Jordan, but those in Syria and Jordan have a very different status. So in Jordan they are doing well and in Syria they are doing much better than Lebanon. So you have this isolated small group of people, they don’t have tribal ties with Kuwait or Iraq”. **(B-A)**

Global civil society and trans-national dialogue therefore, cannot be detached from factual concerns of access and the political nature of the system. One should not assume that accessing these systems is easy, available or without negative consequences. Many of the same criticisms made against the international community can also be made against global civil society and transnational dialogue. This calls us to question whether global civil society can provide a means to supplement the failures of nation-states, and provide a space for marginalised voices, or if it simply replicates these failures by excluding stateless voices. In so doing global civil society

may claim to represent the hidden and the marginalised of the world's people, in the same way that nation-states claim to represent *all* of their citizens.

7.4.3 Elitism; the issue of representing those without access

The consequences of the difficulties in accessing trans-national dialogue and global civil society, which excludes certain stateless groups, forces us to consider issues of elitism and representation. With limited resources, not only financial, but also political and social, and with limited ability to travel - most notably for the stateless addressing statelessness - the stateless of Lebanon can find themselves represented by a few people or organisations that are not nominated, or even known, by the communities. Drawing on the exclusion of certain groups, from the discourse of several organisations (for example the refusal of some women's rights organisations to recognise the claims of the statelessness of the Palestinians or Bedouin), one can see where issues of representation of the stateless, the 'statelessness discourse' in Lebanon arise.

The issue of representation is one that challenges the concept of global civil society, as a space for hidden or marginalised voices to be heard. Therefore, we have to consider how some of the stateless persons addressing statelessness, who are lacking resources and are unable to travel freely, can lead to serious theoretical concerns about their representation in global civil society. It was women's rights organisations who were the main target for this critique from my participants. As well as having a lot of resources, this often non stateless, and well connected group of organisations in Lebanon, were at the forefront of the campaign to end gender discrimination in the citizenship law. One way they hoped this would be achieved was by raising awareness in the international arena, of Lebanon's violations of certain international norms and commitments, most notably the gender inequality in conferral of citizenship. However, as mentioned previously this was not for all the stateless in Lebanon, as the Palestinians and often the Bedouin were ignored in their discourse. During one interview at a women's rights organisation, they referred to "taking a few Palestinian representatives with us" (Tucker 2012)²², when they attended a large international

²² Field journal entry after with a women's rights organisation - near Beirut (10/3/2012)

conference on gender discrimination. Claiming “it was a big opportunity for them and they are lucky we took them” (*ibid*). If we leave to one side the patriarchal nature of this statement, it reflects the lack of representation that the large and protracted stateless Palestinian population in Lebanon actually have in the international human rights discourse on certain issues that greatly affect them.

On a more theoretical level, there were accusations of elitism, in who could enter the spaces where global civil society exists. Access to space should be considered both physical, for example, difficulty accessing international organisations’ buildings, due to their lack of recognised ID, as well as the exclusionary western centric discourse with regards to the ‘modernist’ forms that it takes. This became very apparent with regard to those who address the statelessness of the Bedouin, with one participant noting:

“You cannot approach them with the modernist universal conceptions of global civil society and try to force it on the Bedouin. They have trans-national dialogue and civil society organisations etc. but they take a different form and we should not exclude them simply because it does not fit into our preconceived notions”. **(B-A)**

The space created to overcome the exclusionary nature of the nation-state system is therefore itself exclusionary. With the stateless being in a particularly marginalised position, and global civil society meant to be a means to allow them to have their voices heard, the current manifestations of global civil society are greatly problematized.

7.5 Global governance

A stateless centric perspective of global governance, or the contestation thereof, presented some enlightening issues with regard to the concept. Similarly to the framework used in the previous sections, certain practices of the participants can be seen within what Brown and Held (2010) refer to as political cosmopolitanism. There are two areas I wish to focus on, 1) contesting certain international political institutions which represent the interests of nation-states, contrary to the principles of

cosmopolitanism 2) the role of UNRWA as a ‘supplement’ to cover the failings of the nation-state system.

The international political institutions present in Lebanon received a lot of criticism due to their avoidance/neglect of the issue of statelessness in the country. This exclusion was often justified by the organisations because, as a topic, it is too politically sensitive. Political sensitivity was not perceived as guided by the institutions themselves, but by the dominant nation-state members, who control the organisations, and their interests in Lebanon. As one INGO member of staff noted:

“Even if you look into the UN system, you have a lot of UN agencies in Lebanon like UNRWA, UNDP, UNICEF [The United Nations Children's Fund] etc.... And they are working directly with the government, but my concern is that, if you are here it is because you have the full confidence of the Lebanese government and they let you work here. They have the right to do so, so why are you not putting pressure on the Lebanese government? It is a member of the UN, it is not like, outside... If you look at the EU or the USAID [The U.S. Agency for International Development] or even the UN they are made up of governmental bodies and getting their money from governmental bodies, they have certain agendas. Let’s not hide from this reality, because they have certain political influences.” **(P/G-IN)**

These political influences lead to funding ‘fashions’, as one Palestinian participant noted, when criticising the lack of interest in the wider Palestinian problem in Lebanon:

“The EU and UN have fashions such as Iraqi refugees and Nahr al Bared [Palestinian refugee camp that was heavily bombed in 2007] where a lot of money was directed.” **(P-N)**

These fashions and preferences, far from just switching between specific concerns within the stateless population, such as the reconstruction of the Nahr al Bared camp

for the Palestinians, have as of yet completely excluded some stateless groups. When questioning the stateless Kurds about their involvement with institutions of global governance, one Kurdish participant's response was:

“Like United Nations, UNDP and these things? No, not at all.” (K-A)

Even when institutions of global governance advocate of behalf of the plight of the stateless in Lebanon, the influence of the Lebanese political situation, namely the confessional equilibrium, is seen to undermine or greatly limit their work. As one participant, who was critical of a UNDP report on gender discrimination in the citizenship law, noted:

“And then I think what was totally unhelpful in this context, is when UNDP released statistics, at a time when you can't verify any figures in this country. They released statistics segregated by [religious] confession of women married to non-nationals, which I think was totally irresponsible to say the least. Which actually these same politicians used this as a very strong argument to support the racist discourse ... and of course UNDP has legitimacy simply by being UNDP... It is totally shameful.” (G-N)

The second tension or criticism of institutions of global governance, ties into the concept that some of these institutions are not only heavily influenced by certain nation-states, but also that their role as a 'supplement' to the weaknesses of the nation-state system is questionable. UNRWA received specific criticism related to its connections with nation-states and their interests, rather than serving the interests of the Palestinians. Specifically, participants claimed that it was overly embedded within the Lebanese political scene to be able to act as it should. Many non-Palestinian participants noted the local corruption of UNRWA, and the clientelism (Ar. *wasta*) in their recruitment practices and daily operations (Tucker 2012).²³ As two INGO participants noted during an interview:

²³ Field journal entry - Byblos (21/3/2012)

I.1: But the problem is that UNRWA is corrupted.

I.2: That's the main problem.

I.1: And UNRWA is affiliated with the political situation in Lebanon... so affiliated." (P/G-IN)

The role of UNRWA as a 'global' institution was also constantly challenged. First, their limited mandate in terms of their countries of operation, meant that many claimed they could not be considered to be dealing with the Palestinian issue on anything other than a limited scale, and that other UN organisations failed to recognise this. This lack of 'globality' was also due to the perceived inability for UNRWA to operate effectively between their areas of operation, due in part to the local political contexts. One INGO staff member highlighted this when she noted that UNRWA was not able to transfer files of registered 'refugees' between the Jordanian and Lebanese offices (Tucker 2012)²⁴. This disjointedness in their operations has led to the perception that they are, in fact, separate offices, under a loose umbrella mandate and heavily intertwined with local political concerns. The same participant noted:

"Non-ID Palestinians tend to be registered with UNRWA in other countries but they won't transfer the files. The offices seem not to communicate and it is too 'political' to register them here." (P-IN)

Further to this UNRWA adopts the role of being "a witness to our suffering" (Tucker 2012).²⁵ The role of UNRWA then, while supplementing the nation-state system, in that it provides essential relief for the stateless Palestinians who are outside of the system, is seen to be failing in terms of voicing the concerns of this population, due to international and local political concerns. This in turn is perceived to reduce the ability of NGOs and advocates from the community itself, who are challenging the unjust system that has created and perpetuated their statelessness, as one non-Palestinian advocate noted:

²⁴ Field journal entry after meeting with INGO staff - Beirut (14/4/2012)

²⁵ Field journal entry after meeting with Palestinian NGO staff members - Beirut (3/3/2012)

“UNRWA is not pushing like it should be towards to the government and this is a big issue. Like what do you expect from other organisations that are not getting support from UNRWA? From what I understand when you have a UN agency in certain countries, when you have refugees, especially because this agency is only dedicated to the Palestinian refugees, so they have the right to make some pressures on the government.” (P/G-IN)

7.6 Global citizenship as a public political space: overcoming the theoretical concerns

In summary, several key tensions can be drawn out of the practices of global citizenship of those addressing statelessness in Lebanon. First, there is that of the expanded though limited moral obligation based on universal principles, and whether those acting as such can be seen as acting as global citizens. Second, there is a tension between the normative aspects of civic and cultural cosmopolitanism and their factual realisation; with the issue of access to global civil society highlighting this tension which has led to issues of elitism and representation. Third, due to the issues in accessing global civil society, and the deviations from their normative goals of international institutions, can they be seen to provide a supplement to the institutions of the nation-state (system) and a means to allow marginalised voices a space, or do they replicate exclusionary tendencies of nation-states, simply being based on different ‘membership’ criteria? These tensions require us to reconceptualise global citizenship, and in this sense the particular (the addressing of statelessness in Lebanon), allows us to reconsider the universal (global citizenship). This critical interrogation of the discourses of global citizenship, from the previously under theorised stateless centric perspective, shows the need to reconceptualise global citizenship as a means to overcome the specific theoretical concerns highlighted in chapter 3, and construct a normative framework, that better allows us to capture and understand these actions of global citizenship. With regards to the need for this theorisation, Benhabib (2004;2) notes:

We are like travellers navigating an unknown terrain with the help of old maps, drawn at a different time and in response to different

needs... While the terrain we are travelling on, the world society of states, has changed, our normative map has not.

Benhabib (2004;2) is right to assert that the composition of nation-states is fluid and that our “normative map” has failed to keep up with this fluidity, particularly with regards to citizenship. This becomes especially apparent when we consider the stateless as existing simultaneously within, outside, preceding and beyond the world society of states. The theoretical concerns of some of the conceptual elements of global citizenship, beyond the more general under theorisation, arise as some are rooted in assumptions about the nation-state and citizenship, as a result of an out-dated normative map. This chapter attempts to address these theoretical concerns, and lack of theorisation on the stateless in the global citizenship discourse, through the perspectives, practices and tensions faced by those working to address statelessness in Lebanon. From this understanding then, I propose a new conceptual map, based on the empirical findings. Essentially, the culmination of the discussions in chapters five and six and the expressions and tensions of global citizenship, as noted so far in this chapter, is that an alternative way to consider global citizenship, and contribute to bridging the knowledge gap, can be drawn out of the stateless centric perspective presented in this research. As Bosniak (2000; 507) notes:

By challenging the conventionally-presumed linkage between citizenship and nationality, it exhorts us to think beyond the nation-state, to open our minds to alternative ways of organizing and experiencing our collective lives. Given both the hegemony and the poverty of the prevailing national paradigm, this, by itself, constitutes a powerful message.

The nation-state, and the legal bond of citizenship to it, are accepted in this research, despite the conceptual and empirical concerns, as they are the dominant, though contested, current form of socio-political organisation of the world’s people. However, despite this, certain theoretical concerns and the under developed debate, with regards to the stateless and global citizenship, need be addressed. Following the work of Tambini (2001), it is claimed here that we have to continue to redefine,

though not completely reject the nation-state, as ‘national citizenship’ as a structural basis for our understanding of it is being increasingly undermined.

As Bosniak (2000;449) claims, “Arendt... insists not only as a descriptive matter that citizenship is national in form, but that any conception of citizenship that is not framed by national boundaries is both nonsensical and a terrible mistake.” However, when considering the value of global citizenship, we can do so without going to the extremes of a universalist stance (such as world citizenship) or the complete rejection of citizenship as being bound, currently at least, within the nation-state (*ibid*). Rather:

It means... an acknowledgment of the increasingly transterritorial quality of political and social life, and the need for such politics where they do not yet exist. It also means a commitment to a vision of citizenship that is multiple and overlapping. (*ibid*;450)

In *The Origins of Totalitarianism* Arendt (1967;300) wrote:

To be stripped of citizenship is to be stripped of worldliness; it is like returning to a wilderness as cavemen or savages... A man who is nothing but a man has lost the very qualities which make it possible for other people to treat him as a fellow man... they *could* live and die without leaving any trace, *without having contributed anything to the common world*. (My emphasis)

Arendt (1967;300) uses the word ‘could’ here, which implies that there *are* spaces for action for the stateless to contribute something to the world. It is these spaces, of those addressing statelessness, that I claim can, in certain circumstances, be framed as the actions of global citizens, if we move away from the egalitarian and utopian notions of the concept. Gibney (2008;26) refers to challenging the “tyranny of citizens”, I extend this idea to claim that those addressing statelessness are not challenging the ‘tyranny of citizens’ but instead, the *tyranny of citizenship* and the function of citizenship itself. Such a position problematises Arendt (1967;293) claim,

and encourages us to situate the stateless within theorisation on global citizenship, citizenship and the nation-state.

The approach I propose here is that we should move away from the notion that global citizenship is an end point, namely, something that can be realized in some sort of ‘world citizenship’, which would include formalized legal rights and obligations through a world federation, the kind that Kant (1970b) warned against. Instead, global citizenship should be considered as a series of public political spaces, spaces that can be created, revised again and again, and which manifest themselves in a patchwork of global public political spaces. The patchwork approach to global citizenship is based on the global citizen(s) drawing on universal moral principles, such as human rights or justice, as an individual/groups legal/moral basis. When these rights or principles are violated, and a public political space *can* be created to contest this, then a time-space specific reaction *can* occur. We should not assume to judge the universality of the principles that are being drawn on, thus avoiding the natural law versus legal positivism debate. Instead, the universality arises from one of the key defining factors of these principles, being that all can draw on them based on our shared humanity, theoretically at least. No one is under the obligation to react, impose or enforce these moral obligations, but a global citizen can use these to justify creating a public political space.

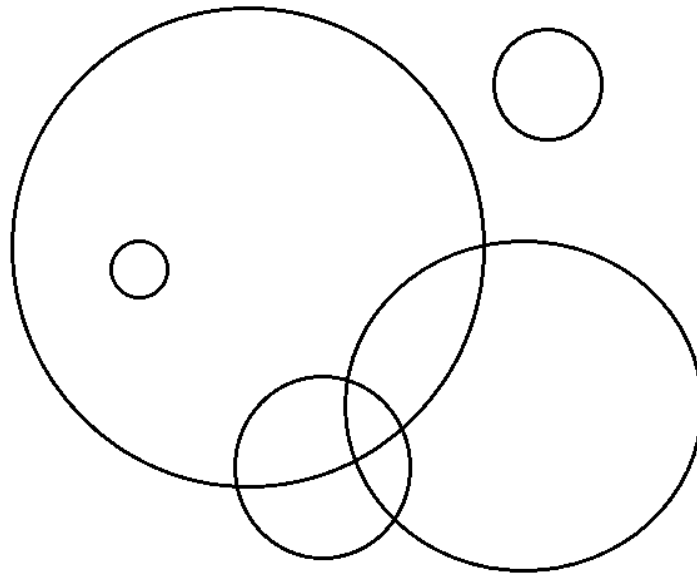
This draws on the concept whereby certain universal rights precede membership in a state but are not diminished by membership in one. Referring back to section 3.4 on Islam and cosmopolitanism, we can see how, as Soysal’s (1997) conclusion about the public political spaces created by young European Muslims around specific issues related to their community, justified by viewing the particular through the universal, has resonance here.

I aim to show that Islamic groups actively take part in public spheres, making (moral) claims and inserting their identities. Their claims, however, are not simply grounded in the particularities of religious narratives; on the contrary, the claimants appeal to justifications that transcend the boundaries of particular groups. The terms they engage

in are embedded in universalistic principles and dominant discourses of equality, emancipation, and individual rights. In that sense, the particular and the universal are not categorically opposed - rather the particular is interpreted by the universal (*ibid*;518).

This public political space does not have to be limited to a certain space (be this physical and virtual) and can, and frequently does, transcend community and national borders as irrelevant, as shown in *Figure 2*.

Figure 2: Schematic representation of the patchwork approach to global citizenship



- Each circle represents the time-space specific creation of a public political space as an act of global citizenship.
- The size of the circle denotes the scale of the issue being tackled, or the size of the population for whom the universal principles are being drawn on, to challenge the perceived violation.
- The public political spaces can, and often do overlap, though this does not necessarily have to be the case, as the relationship stems from their shared use of universal principles.

- Their relationships have a reinforcing function, even if the public political spaces do not overlap, due to their common use of universal principles.

The use of global citizenship in time-space specific ways does not presuppose that the action the individual takes, or the goals they wish to achieve, are driven by the aim of wanting to achieve this right for all those who face this violation globally. Our understanding of acts of global citizenship should instead be considered similarly to how we consider acts of citizenship. For example, citizens of a political community can act to contest the violation of specific citizens' rights in a time-space specific way. Their actions are not rejected as being acts of citizenship because they do not contest all the various manifestations of violations of all citizens' rights within their political community. The difference is that citizenship claims are based on particularistic citizenship principles, whereas those acting as global citizens draw on universal principles, which differentiates the categorisation of their public political space.

Similarly to citizenship then, we must adopt a pragmatic approach when we are discussing global citizenship, that does not reject the actions of global citizens because they are not universalising their efforts (assuming that this universalisation is required). Yet as Soysal (1997) notes, we should also consider the impact of these particular events on the universal, as the particular and the universal are not mutually exclusive. This then relates to the concept of a patchwork of public political spaces that overlap in a global realm. While some may not be related, or overlap, this does not mean that an expression of global citizenship that is detached from others cannot have a reinforcing function for diverse and disparate claims, based on the underlying universal principles. They also serve to reinforce the 'universality' of the principles being drawn on, through norm diffusion. This link to norm diffusion, can be seen as including the propagation of universal moral norms, as well as the stressing of "the role of domestic political, organizational, and cultural variables in conditioning the reception of new global norms" (Acharya 2004;242).

This patchwork approach does not situate global citizenship within the evolutionary or hierarchical approaches, as discussed in chapter three, as an expansion beyond

obligations of membership to other citizens of one's nation-state. This is because these universal principles do not presuppose membership of a state, but instead is a means for *all* to assess and challenge the particular situation they, or others face. This then allows us to acknowledge the actions of those addressing statelessness when they act as global citizens within, yet legally outside of, any statist political community - in the case of the stateless addressing their statelessness. It also moves away from the normative ideals behind global citizenship, which are seen, in this research, as too utopian. This is similar to the way we have accepted deviations from the normative for the nation-state and citizenship, acknowledging these deviations, yet not rejecting the concepts as a consequence.

Thus, what would seem like a contradictory use of global citizenship by my participants, i.e. focusing solely on one specific stateless group, or having reductionist ends (to be situated legally back within a nation-state), can be seen through the patchwork approach as the actualisation of normative ideals, that does not require that the individual global citizen lives up to these ideals, simply be driven by them and apply them in a time/space specific manner through the creation of a public political space.

Bosniak (2000;241-2) noted the blurring of the boundaries of the concepts of citizenship and the nation-state, with regard to political activity;

[A] reasonable case can be made that all the various practices and experiences that we conventionally associate with citizenship do, in some respects, exceed the boundaries and jurisdiction of the territorial nation-state. But there are differences in the power and persuasiveness of the claim across the various discourses or dimensions. The denationalization claim is probably least plausible when we speak of citizenship as a legal status. [...] The postnationality claim is somewhat more convincing when citizenship is understood as the enjoyment of certain rights.... The claim that citizenship is becoming postnational is more convincing still when citizenship is approached as a form of political activity. Increasing numbers of people are engaged in

democratic political practices across national boundaries in the form of transnational social movements...

I agree with Bosniak (2000) that citizenship as a legal status is, and arguably should currently, remain attached to the nation-state, as an attachment to a state through the legal bond of citizenship is a fundamental human right. This however should not be read that citizenship, rights and political activity have a 'natural' place within boundaries of the nation-state. Rather, that previously they have been embedded in the nation-state, though this was not always the case, and they are increasingly being seen as detaching themselves from the nation-state. With those addressing statelessness who are creating globally connected public political spaces, driven by universal principles to contest the tyranny of citizenship, we can see how this political activity cannot be adequately reflected upon from a statist understanding.

The actions of those addressing statelessness, which can be framed as those of global citizens, allow us to reflect on the nation-state and citizenship itself. Many of the claims and actions of my participants (viewed as acting as global citizens) are similar to how Bosniak (2000; 493) uses post-nationalism, namely as a means to call on the nation-state and citizenship to justify *their* position:

As someone sympathetic to the postnational project, however, I am inclined to turn the tables and ask instead whether national conceptions of citizenship deserve the presumptions of legitimacy and primacy that they are almost always afforded. Posing the question this way denaturalizes conventional political thought by treating the prevailing national presumption as worthy of interrogation in its own right. In practical terms, it shifts the burden of justification to those who assume without question that the national should continue to dominate our conceptions of collective public life.

The usefulness of global citizenship is thus not simply an empirically pertinent one, but also has conceptual ramifications. If, as Agamben (2000;19) notes the "stateless are a disquieting element on the nation-state system", then those stateless who are acting as global citizens to address statelessness may begin to pose more than a

disquieting element, as it denaturalises conventional political thought even further, especially if they demand rights from a stateless position. Those addressing statelessness in Lebanon are not simply a passive disquieting element, but are actively challenging the tyranny of citizenship and the current function of citizenship.

There is however a cost for adopting this pragmatic approach. This is the issue of resources as mentioned previously, in creating, accessing and perpetuating a public political space to contest these violations of universal principles, as this space is resource dependant. By resources I do not just mean economic resources but also social, cultural and political ones, which are generally limited for the stateless, though less so for the non-stateless participants addressing statelessness.

Throughout this chapter resources have been highlighted as problematic or crucial to the creation and engagement in these public political space. Section 7.4.1 notes the issue of travel, both nationally and internationally, which poses barriers to engagement in trans-national dialogue. Coupled with the pragmatic issues such as creating and sustaining communication with networks and individuals during times of turmoil, violence, and/or protracted poverty, we can begin to consider why trans-national dialogue is not available to all. Further to this, as seen in section 7.4.2 political, social and cultural barriers exist. These include the plight of the stateless Kurds of Lebanon being silenced if they interact with the wider regional and international Kurdish dialogue; with support coming at the cost of diminished autonomy, that some of the Kurdish participants found too high. The Bedouin are seen to suffer as their trans-national networks are seen as too traditional to be incorporated into the modernist notions of global civil society, and they suffer from a perceived lack of social and cultural capital to negotiate the system. This lack of resources in turn leads to issues of elitism and representation, as discussed in section 7.4.3. The issue of representation is not just one of the élites taking on a role that the stateless would take on themselves if they had the resources, but can be one by which these élites absorb potential resources away from the stateless and can silence their voices. However, we also have to consider that this lack of resources can also be seen as restraining international institutions as being able meet their normative goals. This can lead to the situation whereby they are claiming on behalf of stateless population,

on issues that the population do not see as a high priority or worse are hiding the statelessness of certain groups, by providing state like services, or side-lining their statelessness in the discourse.

7.7 Conclusion

This chapter began by exploring the expressions of global citizenship of my participants, and the tensions and restrictions to their aspirations to act as such. By developing and employing a stateless centric perspective of the nation-state, citizenship and global citizenship an approach has been proposed, which attempts to begin to amend the under theorisation of statelessness in the global citizenship discourse, and challenge those scholars who have slipped into the evolutionary/hierarchical tendencies. Following an exploration of the tensions and expressions of global citizenship in this chapter, I propose a patchwork approach to global citizenship, as set out in the previous section. It moves away from egalitarian and utopian notions of global citizenship, to its factual application in the Lebanese context. While this then allows us to better understand and situate the actions of those addressing statelessness, as those of global citizens, there is a price to pay for this pragmatism. This price is the acceptance that resources play a significant role in the realisations of the creation, perpetuation and shaping of a public political space to contest the violation of certain universal principles that the stateless in Lebanon face. Internal and external influences on the resources available to the stateless, and those addressing it, were highlighted as particularly important, and the reasons why some are excluded or misrepresented has been discussed. From this contextualized understanding, and by viewing global citizenship as a patchwork of public political spaces, it can be claimed that to facilitate the understanding of acts of global citizenship for those addressing statelessness, we should consider the multiple overlapping influences on their ability to create, shape and perpetuate these spaces and the resources available to them.

Chapter Eight: Conclusion

This research set out to explore the assumption made by some scholars that global citizenship could be a useful tool for addressing statelessness by asking:

‘What are the current practices of global citizenship for those addressing statelessness in Lebanon and what does this tell us about the relationship between global citizenship and statelessness more generally?’

To achieve this a stateless centric perspective was developed and implemented in this research. By so doing I aimed to overcome the tendency towards methodological nationalism, which views statelessness through the claims of the nation-state, and instead turned to those who are addressing statelessness (being both stateless and non-stateless), to see how *they* conceived of the nation-state, citizenship and their practices of global citizenship. This allowed me to reconsider global citizenship, which was required due to the general lack of theorisation on statelessness, or in some cases, the evolutionary and hierarchical tendencies in scholars’ conceptualisation of global citizenship. More than simply addressing this under theorisation, this proved to be an enlightening framework for analysing, not only global citizenship, but also the nation-state and citizenship. While previous work tends to focus on the citizenship/non-citizenship nexus in cases of exclusionary citizenship regimes, this approach allowed me to view these phenomena from a *no* citizenship perspective. By considering the views and actions of those addressing statelessness, additional layers of understanding were added and the complexities of the negotiations for rights and inclusion were drawn out. From this approach the three research questions were explored and a new approach to overcome the theoretical concerns/under theorisation in the global citizenship discourse, with regard to statelessness, was proposed - the patchwork approach to global citizenship.

1. How do those addressing statelessness in Lebanon conceive of and negotiate the nation-state?

The nation-state itself, perceived as a ‘container’ or means to demark national belonging was critiqued from a stateless centric perspective. This contestation was highlighted by the questionable demarcation of the nation-state, as based on nationalities, implemented through perceptions of national (in)compatibility, within the state-centric organisation of the world’s people. The importance attached to the perpetuation of Palestinian ‘nationality’ by the Palestinians themselves, but also by governments and international institutions, seems to show the general agreement that the nation-state system has fundamental weaknesses when the world’s people are divided this way. Yet, the system *itself* is not sufficiently critically reflected upon, which may be a consequence of the perpetuation of the ambiguous situation of the Palestinian ‘nation’, and the framing of the stateless refugees as being in a non stateless situation. This is perpetuated by the multiple and partial sovereignties they are under in Lebanon. When we consider the Bedouin, who have settled in Lebanon, but are not seen to belong to any state, these weaknesses are reinforced. The natural ‘statelessness’ of the Bedouin can be seen as a reflection of the unnaturalness of the nation-state system and its division of the world’s people.

Far from just considering the problematisation of the ‘nation’, raised by this stateless centric perspective, the concepts of Lebanese sovereignty and territory were also critiqued. This included focusing on why the different stateless populations can be seen as occupying differing positions within the Lebanese nation-states’ fluid and partial sovereignty. The case of the Palestinian camps as spaces of exception, and the spaces occupied by the stateless Bedouin, were compared to the spaces occupied by the Kurds and those rendered stateless due to gender discrimination. The factors that influence the Lebanese government’s reduction/suspension in its sovereign power in certain areas, as argued in this research, are the perceived sense of threat/belonging/compatibility to the nation of the population in question. By containing the majority of the Palestinians in camps, yet allowing them a level of autonomy within them, the Lebanese government is strengthening its control of their territory as a whole, by weakening/suspending their control in specific areas.

An interesting observation, which ties into the nationality/citizenship debate, was that statelessness is not only caused by the weaknesses of the nation-state system, but also due to direct discrimination in the denial and degradation of citizenship. This research explores how a person can be considered to have Lebanese nationality (in terms of belonging) but that their Lebanese citizenship is refused on the grounds that their naturalisation would threaten the character of the state. I have thus termed them the ‘sacrificed citizens’ of Lebanon. This is the case for many rendered stateless due to gender discrimination. This is justified in the discourse, implicitly and explicitly, as a necessary ‘sacrifice’ to protect the nation-state from the integration of other groups (such as the Bedouin, but most explicitly the Palestinians) whose children with Lebanese women would gain citizenship should the citizenship legislation be modified/implemented in accordance with the law.

The reason these discussions are important is that it places statelessness and the nation-state, as it stands today, as having a close relationship, but not a dependant one. Essentially the nation-state does not require statelessness to be defined, as say citizenship requires non-citizenship. It is the failure of the nation-state system and closely guarded belief that it should be states themselves that confer citizenship that is problematic. This is a result of limited factual guarantees that all the world’s people are afforded the fundamental human right of citizenship of a state. The stateless are thus not required to define the nation-state system, meaning that addressing statelessness does not necessarily mean weakening the nation-state system itself, and may actually be in states interest to so do. Yet, on the scale of the individual nation-state, the stateless can be used to reinforce the national identity of the nation-state. This line of reasoning calls for us to consider how the Lebanese ‘nation’ is consolidated and reaffirmed through the exclusion of the internal ‘other’, namely the stateless of Lebanon and how this then brings into question the wider nation-state system. From this understanding we are able to consider that the blame for creating statelessness does not lie with individuals, as persons who are not compatible with the current system, but the failure of the system itself to include all the world’s people.

Therefore, those defending the nation-state, and the system as a whole, need to consider the stateless as posing significant theoretical and factual challenges to the

nation-state system. By the actions of individual nation-states, who try to overcome some of the weaknesses of their nation-state-territory trinity, through the creation and perpetuation of internal or external stateless populations, they may in fact be weakening the whole nation-state system. Thus, it is in the interests of nations-states to tackle statelessness and work together at an international level to address statelessness globally, if only to perpetuate the dominance of nation-states and the system itself. With regard to the theoretical concerns of global citizenship, the discussions in chapter five showed that using the nation-state as a delineator for measuring global citizenship is highly problematic from a stateless centric perspective, therefore requiring us to be sensitive to the existence of the stateless and not fall into the evolutionary/hierarchical tendencies.

2. How do those addressing statelessness in Lebanon conceive of and negotiate citizenship?

Based on my empirical findings, with regard to how those addressing statelessness conceive of citizenship, two key themes were drawn out. First, that we should move away from approaches that focus on the evolutionary nature of citizenship and citizenship rights, as put forward by Marshall (1950), as these can restrict our understanding of how citizenship rights are conceived of and actualised. Second, that rights can be claimed in time-space specific ways based on universal principles, in the case of my participants, the most common manifestation of this was human rights.

With regard to the evolutionary nature of citizenship rights, I have explored the tension between civil and political rights, if one leads to the other, or if they can be detached. The claim that the Palestinians should be afforded civil, but not political rights was shown to be a site of contestation. Social and cultural rights were also shown to be highly problematic, with external (UNRWA), and internal (the Bedouin), decisions to reduce claims for cultural rights to try and secure more social rights, reflecting their perception, of either the attainability, or importance, of social rights over cultural ones, for themselves/their population of concern. This again was a site of contestation, with the Palestinians claiming that UNRWA should not sacrifice their cultural rights at the expense of their social rights. Finally, there was the case of

economic rights, upon which UNRWA seemed to focus, despite this being shown to have little influence over the attainment of other rights in the rare cases of affluent, though stateless, Bedouin. What these examples show is that claims for citizenship and citizenship rights are made by multiple actors both within and outside the community. Negotiations with regard to securing certain rights (or possibly full citizenship with all rights) are not just between the potential member and the regulators of citizenship of the nation-state, but involve multiple actors, being local, national, regional and international.

Comparisons of the groups show the unique position of the Palestinians in respect to the rights they are claiming, dominated by their claim of their right of return, and the perceived indivisibility of citizenship rights of those rendered stateless due to gender discrimination. This led me to question why some stateless groups in Lebanon are seen to have a right to claim full citizenship, while others can only claim specific rights. Further to this, even the compatibility of citizenship rights for the stateless groups in Lebanon was challenged by some of my participants, with regard to specific populations.

From these deliberations it is argued that while the legal bond of citizenship should, in the current system, remain attached to a nation-state (as it is a fundamental human right), rights do not have a natural place within nation-states. The rights-membership nexus, as advocated by those following the Arendtian tradition, is thus found factually wanting if we consider the practices and perspectives of those addressing statelessness in Lebanon, who can be seen as challenging *the tyranny of citizenship* itself.

The time-space and right specific claims made by those addressing statelessness in Lebanon, based on universal principles, had a great influence on my conceptualisation of how to situate the acts of global citizenship, concluding that it can be viewed as the creation of public political spaces, based on universal principles, as discussed in section 7.6. The universal (global citizenship and cosmopolitan principles) is therefore considered through the particular (the actions those addressing statelessness in Lebanon). From this then the particular allows us to reconceptualise the universal, namely global citizenship, which led to the proposal of the patchwork approach to

global citizenship, to overcome the evolutionary and hierarchical tendencies shown in some scholars work, and the more general under theorisation.

3. How and how far do they draw on and use ‘global citizenship’ and what can we conceive from this for the theoretical considerations of global citizenship?

Chapter seven discusses the practices, manifestations and tensions of global citizenship, that were observed for those addressing statelessness in Lebanon. These expressions led to new theoretical concerns, as the tensions in the factual realisation of acting as global citizens became apparent. These included the exclusion of some stateless groups from the moral obligation of certain actors, despite these actors basing their claims to tackle statelessness on the universality and generality of the human right to a citizenship. Issues of elitism and representation arose from the findings, with the stateless addressing statelessness being the most restricted both in terms of their movement, access to global civil society and transnational dialogue and available resources. The influence of national, regional and international state and non state actors and agencies also, in certain cases, reduced the potential of those addressing statelessness to act as they wished, to challenge the tyranny of citizenship. Therefore, through an acceptance and understanding of the lack of resources available to the stateless and those addressing it, being financial, political, social and cultural, a contextualised understanding of the practices of global citizenship, and understanding how and why these practices deviate from its normative foundations was set out.

By starting at the empirical and then moving into the conceptual, this stateless centric perspective allows us to overcome the evolutionary/hierarchical tendencies found in some aspects of the global citizenship debate. When considering the findings of chapters five and six and those at the start of chapter seven, we can see that these approaches are found to be insufficient to explain the practices recorded. This is because these approaches, with their implicit or explicit assumption of the global citizen having citizenship of a nation-state, could potentially exclude the stateless, and those addressing it, from being seen as acting as global citizens. Further to this, the under theorisation of the stateless within the global citizenship debate was

highlighted, and, in part at least, addressed through this research, which it is hoped will provide a foundation for further research on the relationship between the two concepts.

The patchwork approach was developed based on the findings of the research, driven by the need to better situate the actions of those addressing statelessness in the global citizenship discourse. This approach sees these practices in a framework of a fragmented patchwork of public political spaces, which contest the violation of certain universal principles. The public political spaces that are created, as a response to the violation of certain universal principles, can be seen as part of a global patchwork, with these spaces having different levels of connectedness, though all are a particular reaction to a situation which has been viewed as in violation of certain universal principles. The public political space created is inevitably limited by the situation of the person(s) creating it, and the context within which they find themselves. Thus, we can see how acts of global citizenship, that seem to be failing to meet the normative demands expected of them, such as not universalising their moral obligation, sidelines the universality of the principles they draw on to create this space. This is because although not all can create this space factually, there is universality in the principles being drawn on. This universality stems from the fact that *all* can draw on them for *all* people, based on our shared humanity. Further to this, by challenging statelessness within Lebanon, claims can be made that these actions can be tied into a wider patchwork of public political spaces that are challenging the tyranny of citizenship and the function of citizenship globally.

There are however limitations, being lack of resources, which should not lead to the rejection of these acts as being framed as those of global citizens. This is especially true when such rejection is based on the received wisdom of the nation-state and citizenship as delineating factors, as this research has shown the problematic nature of basing judgments on these contested concepts.

The patchwork approach provides a new conceptual map, by moving away from the utopian notions of global citizenship, using the empirical to overcome the theoretical concerns, which shows the value of a stateless centric perspective. Justifications of the

relevance of considering global citizenship as a means to address statelessness, can then be re-routed to those who challenge the concept of global citizenship, by calling on these critical voices to justify why citizenship and rights can only, or should only, be manifested within a nation-state. Where Byers (2005) argues that global citizenship *could* be used to address statelessness, I have shown that this *is* currently the case in the Lebanese context.

The significance of the research therefore, is to begin to explore some of the gaps in our knowledge of the link between global citizenship and statelessness. It was through the practices of global citizenship, by those addressing statelessness, that I have further developed the conceptual understanding, not only of global citizenship, but also of the nation-state and citizenship, and their relationship to statelessness.

Clearly, the thesis is limited in its geographical scope and many of the empirical issues raised here are likely to play out differently in other context. Hence, the thesis raises new avenues that need exploring and potential areas of future research can be found highlighted throughout. One particular area that stood out was the use of the creation and/or perpetuation of a stateless population, and how this relates to efforts to consolidate the nation aspect of the nation-state, at the expense of weakening the nation-state system as a whole. The comparison between citizen and non-citizen has been well developed in the literature. However, a stateless centric perspective to this end has yet to be fully developed. The comparison between citizen, non-citizen *and* citizen of nowhere could help us further develop our understanding of the concept of citizenship and its relationship to the nation-state, which in turn may allow us to develop a more appropriate normative map, by which we can navigate the contested and fluid notions of citizenship, the nation-state and the statelessness which it causes.

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Appendix 1: Ethical Approval Form

ETHICS APPROVAL FORM 2012-13


STUDENT TO COMPLETE

Student name (please print):Jason Tucker

Email:jet24@bath.ac.uk..... Tel:

Programme: MPhil/PhD, Department of Social & Policy Sciences

I hereby confirm that this document represents an accurate record of my proposed research.

Student's signature:..... Date: 27/9/13.....


STAFF MEMBERS TO COMPLETE

You must show your supervisor your completed ethics form and obtain their agreement (evidenced through their signature below) that your proposal is of an appropriate academic standard to be forwarded to the Departmental Ethics Committee. Once your supervisor has signed off the ethics form, it should be passed to the Ethics Officer for his approval.

Supervisor

I hereby confirm that this proposal is of an appropriate academic standard to be forwarded to the Departmental Ethics Committee.


Supervisor name:Dr Graham Brown.....

Supervisor signature:..... Date: 27/9/13.....

Ethics Officer

I hereby confirm that this proposal is of an appropriate academic standard and is approved by the Departmental Ethics Committee.

Ethics Officer name: ...Dr Joe Devine.....

Ethics Officer signature:..... Date: 27/9/13.....

Please don't forget to append page 3 and 4 in line with the guidance provided on page 1 before passing ethics form to supervisor and ethics officer.