

The Banality of Statelessness and The Impossibility of Counting the Dispossessed

Nergis Canefe, SJD, PhD
York University, Toronto, Canada

Death gives us the minor key.

Henry Purcell

Introduction

Starting with the events of the Arab Spring leading to the dispossession of millions of Syrians, questions of dispossession, exile and statelessness have become regular agenda items in the study of not just the MENA region but at a global scale. The most recent addition to the long tally of dispossession gone wrong is that of the Afghan stateless (Canefe 2022). In response, and no irony intended here, exclusionary forms of political membership have become reinvented and reinvigorated, partly in relation to new waves of ethno-nationalism and partly due to the spread of temporary labour regimes and the incessant need for novel versions of precarious work. In addition, ingenious forms of ‘status/non-status’ binary have been operationalized, juridifying temporary permanence, which in turn intently limit participation and inclusion. The stateless peoples of the Middle East, Near East, South East Asia, North Africa and South America have been particularly affected by these strategies of covert exclusion as they continue to face *en masse* dispossessions. In other words, contemporary statelessness is neither time-bound nor geographically distinct in origin. Hence is the impossibility of addressing it from within the international refugee regime. As Bupinder Chimni declared almost two decades ago, the focus on ‘returnee aid’ [in whichever form it may take] to facilitate *en masse* repatriation as a solution to *en masse* dispossession remains the cherished ideal of the international refugee regime (Chimni 2014).¹ As such, it is understood that there is really no need to count the statelessness as ultimately, it is considered to be a transitional position.

¹ According to Chimni, the ‘durable solutions rhetoric’ must be analyzed in a staggered fashion: the period between 1945 and 1985 marking resettlement and repatriation as the optimal solution

This paper addresses the limitations of regional and international advocacy that has endeavoured to counteract statelessness and strived to determine solutions to the plight of stateless peoples in the post-colonial context. Central to the issue of statelessness is the presumption of an active and mutually-beneficial relationship between the state and the individual, which in turn is regarded as essential for the protection and promotion of [human] rights. In cases of both *de facto* and *de jure* statelessness, however, this form of political membership is either perpetually elusive or entirely missing. Expanding on the idea of denizenship (Benton 2014), this article contends that membership exists along a spectrum, and, statelessness as a common form of dispossession requires attention to the functionality of the triangular relationship between the state, the society and the individual rather than the myopic focus on the state-citizen duo. Although government-sponsored identities continue to be a prerequisite for rights protection in the grid-like structure of the modern state system, functional membership requires us to expand our understanding of collective human responsibility regardless of the citizenship status of those who are exposed to violence of precarity and denial of rights. As such, the article proposes that we critically examine the standard reading of Hannah Arendt's work dictating the ways individuals are recognized as worthy of rights or denied even the most basic protections on account of their absence in the roster of political membership (Arendt 1958, 1968, 2003).² We must push the discussion on dispossession beyond the thin notions of citizenship and reformulate the issue of membership

to dispossession, and the period from 1985 onwards introducing the 'options' of safe return, accompanied by the global embrace of temporary protection on the one hand, and, extreme forms of the juridification of refugee crises, on the other.

² The difficulties and reversals that mark interpretations of Hannah Arendt's idea of a "right to have rights," (1968, 177-178) and in particular the foundational understanding of politics the standard interpretation of her work on rights presuppose are worthy of a brief note here. The most conventional interpretation considers the right to have rights in terms of the use of power to implement rights in institutional terms. However, Arendt's broadly Kantian interpretation understands it in terms of the positionality of rights-claimants or rights-holders themselves (O'Neill 2001, Benhabib 2004). In its most demanding and expansive rendition, it could fully honor the emphasis on autonomy and thus does not have to be anchored in the nation-state per se and is not bound by the conventional universalist frame of rights. Throughout this work, this is the reading I adhere to. For a similar debate, see Oman 2010.

to a political community true to the aporetic spirit of its Arendtian formulation.³ The legal rationality imposed on nationality cannot be the only axis along which a person's worth is determined in terms of rights. Instead, we must attend to the multifarious, multi-scalar and contingent historical trajectories of the emergence and attribution of rights (Caglar and Schiller 2018).

In this specific context, the endemic nature of statelessness since the 1990s assumes a meaning far apart from one related to region-specific crises. This extreme form of vulnerability has been largely ignored by academia and the innate link between the concept of statelessness and contemporary forms of enslavement have often been reduced to a mere speculation. In the following pages, I posit that statelessness is not an aberration or a radical exception. It is one of the discrete outcomes of processes of the gendered and racialized debasement of citizenship, and stateless people share the same predicament of those who are criminalized on account of their mobility, except they are simultaneously rendered invisible by virtue of lack of recognition of their sheer existence. From extralegal expulsion of people who cannot be repatriated, to the concentrated erosion of the rights of once-citizens, the modes through which people experience statelessness, like citizenship, is not absolute but is experienced as a matter of degrees. The political value of seeing the connections among these seemingly discrete forms of dispossession (i.e. statelessness and precarity) is immense in terms of understanding the making and re-making of regional orders of dispossession, erasure of subjecthood and ultimately, production and maintenance of bonded labour. In terms of its profitability, what and who statelessness involves have remained remarkably consistent (Gordon 2019, 2020). Contemporary conceptions of consent, hand in hand with the systemic obstruction of the “vulnerability of others” makes statelessness one of the most lucrative

³ Arendt's critique centres on the paradoxes of human rights and analyses them in line with a mode of inquiry that she associates with Socrates' teachings. Aporia in this context is not a herald of a paralysing impasse as declared by Jacques Ranciere in his reading of Arendt (Rancier 1992, 2004). Rather, it can create possibilities of rethinking key concepts especially in times of crises (Gundogdu 2011). Re-reading Arendt, we can see the stateless person as someone whose status exposes the contradiction of state-centred citizenship and the discourse of human rights hinging upon it rather than merely as an institutionalist track.

forms of dispossession through the means of eradication of the right to life with dignity, normalization of premature death, and forcible transfers of capital. No wonder states and societies find it so difficult to name and count those whose losses are their gain.

Narrating the Future? Disciplinary Illusions

Statelessness is to be recognised not only as a violation of the 'right to a nationality' dictated by the post-WWII international human rights frameworks. It is the root cause of a cascade of rights abuses, threats and violations that create novel forms of structural vulnerability. The pathways by which individuals become or remain stateless include denationalisation, exclusionary citizenship laws, and inequalities that obstruct either registration and naturalisation, and they often lead to regimes of discrimination against select populations (Kingston 2017, Canefe 2020). Structural barriers that emerge as a result of being stateless curtail the full protection these communities are assumed to have benefitted from being under the purview of citizenship laws. Here, I will first argue that there is no such natural relationship between citizenship and protection of rights. Furthermore, a critical analysis of the dynamics of the citizenship practices of states cannot be undertaken without identifying the stable and foundational relationship between immigration, exclusion from citizenship and selective attribution of rights that constitutes an essential components of border maintenance (Guild and Groenendijk 2016).

Despite the comprehensiveness and coordination of public responses concerning the inclusion of exiled populations within the curated framework of international law, the phenomenon of statelessness effects certain groups much more directly at a global scale (Vieks and van Waas 2022). In other words, it is never random but often results from premeditated and politically endorsed action and social policy. This problematique poses a distinct set of definitional problems in need of reflection and reconsideration, first and foremost in the language of *limits of legalized belonging*. For instance, following the events of the Arab Spring, the security agenda of the states in Europe have been transformed and redefined with unique outcomes concerning the protection of specific categories of the dispossessed populations of the MENA region. Concomitantly, the

question of political membership got subsumed under the theme of the governance of national insecurity (Wilmer 2018).

Suffice to say that this phenomenon is not unique to the relationship between the Middle East and Europe. Far from integration into the European citizenship regime, the ‘other’ stateless of European societies such as the Roma remain both inside and outside, host and guest. In this regard, through the paradoxical paradigm of “stateless citizenship” (Molavi 2013), it is possible to examine not just the dynamics of exclusion of migrants, refugees and *sans papiers* but also unearth the mechanisms through which their statelessness is maintained. If we centre our analytical gaze on what appears to be a paradox, again as Arendt’s notion of the right to have rights dictates, the actual provisions of citizenship that renders Europe’s others stateless as a racialized and politically charged edifice become all the more visible (Canefe 1998).

“The passport is the most noble part of the human being. It also does not come into existence in such a simple fashion as a human being does. A human being can come into the world anywhere, in the most careless way and for no good reason, but a passport never can. When it is good, the passport is also recognized for this quality, whereas a human being, no matter how good, can go unrecognized.” Thus wrote Bertolt Brecht in his *Refugee Conversations* in 1940, deeply affected by his own experience of exile. The vital importance that a seemingly simple administrative act—the issuance of personal identification papers—could acquire cannot be more pertinent in the age of statelessness. As the most obvious symbol of this belonging, offering proof and recognition of one’s status, identity papers are something that the stateless person, who emerged as an inevitable by-product of the nationalization processes that began in the nineteenth century with the rise of European nationalisms followed by their post-colonial reiterations, continues to lack (Rurup 2000).

The tradition of exploring the relationship between statelessness and migration dictates that migration governance regimes ultimately set the parameters of the framework for international protection. Statelessness used to be associated with state succession, mass denationalisation and refugee flows in the twentieth century. However, irregular migration and forced migration were always the main source of the production of new forms of statelessness. Contrary to the claims of international refugee regime expanded by organizations such as the UNHCR, neither customary

international law, international conventions on statelessness, refugees and migrant workers nor general human rights instruments provide effective protection for stateless persons on the move. And the majority of the stateless remain on the move.

As a case in point, since its creation, UNHCR has strived to provide international protection regime and sought ‘durable solutions for statelessness’.⁴ Specifically, UNHCR actively participated in the drafting of the two global legal instruments concerning ending statelessness– the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. Furthermore, in 1974 the UN General Assembly designated UNHCR as the organisation to which persons claiming the benefit of the 1961 Convention may apply for examination of their claims and for assistance in presenting those claims to state authorities (Manly and Persaud 2009). And yet, UNHCR, or any other INGO with a clear international mandate cannot produce solutions to problems created by states and normalized by societies chronically producing stateless populations and benefitting from their ordeal. If we are to rewrite the script, *contra* the dictum of durable solutions in international law, statelessness itself must be presented as a manmade solution to nation-state maintenance and global capitalism’s fervent need for sub-human forms of extraction rather than being a burden to be alleviated.

Coming back to the prototypical treatment of statelessness, particularly since 1989, questions concerning the resolution of statelessness in Europe have once again gained traction. On the one hand, exclusionary forces have become reinvigorated, as a result of which new forms of status have been created, severely limiting participation and inclusion rights. On the other hand, Europe’s own minorities have been systemically targeted for exclusion, with Roma and ethnic Russians being affected in particular. No doubt, there are developments in the areas of regional and international lawmaking to counteract these developments represented by the case law of European Court of Human Rights and Council of Europe law. However, none of these jurisdictional interventions address the sources and kaleidoscopic proliferation of statelessness in Europe and

⁴ As summarized by Manly and Persaud, “[i]n the end it is action by states that is required to prevent and reduce statelessness. UNHCR cannot substitute for states. What UNHCR can do, however, is document gaps in legislative and administrative frameworks and provide assistance to address them.” (2009, 7).

elsewhere. Overall, these observations support the argument that debates on statelessness are above and beyond the re-examination of citizenship, rights, and legal status. Continuous proliferation of statelessness worldwide confirms the need for a more nuanced understanding of contemporary forms of membership attentive to the interplay between different rights regimes. Lack of citizenship does not constitute the bedrock of *bare life*. Instead, it reveals political subjectivity as an embodied and emplaced process, where subjects actively negotiate their position in the world and despite the state-centered understanding of legitimate politics.

It is true that for Giorgio Agamben, refugees and by extrapolation the stateless can be seen as the ultimate ‘biopolitical’ subjects (Owens 2009). Presumably, they are regulated and governed in a permanent ‘state of exception’ without enjoyment of political freedom. But what if we think in terms of the formation of counter-publics and contestations of death by not just mere survival but also via formulations of alternative forms of political subjectivity and human dignity? What is at stake here is not more asylum rights, porous borders or the right of all humans to be recognised as legal subjects, either. The problem is the beneficial nature of the production and management of stateless populations, and this cannot be adequately grasped within the matrix of a Kantian model of universal rights falling back on the workings of institutions that are declared as legitimate despite the essential role they play in the facilitation of an infinite expansion of dispossession. Furthermore, the blurring of the distinction between biological and political lives to the degree of nullifying life that is not legally sanctioned as bare creates a very disconcerting residue: bare life easily slides into the civil death of Achille Mbembe (Mbembe and Meinties 2003), thus further stripping stateless populations from even the potential of a future. The reduction of the stateless as a state of ‘superfluity’ and stateless people as ‘living corpses’, their death becoming an instrument of biopolitical and necropolitical powers, covers over the extensive use of these lives [and not just bodies] for the societies embracing normalization of statelessness for their own benefit and affluence. Hence is my suggestion that the disciplinary illusions of forced migration studies, whether relying on Hannah Arendt, Bertrand Ogilvie, Giorgio Agamben, or Achille Mbembe as their ontological safe harbour will ultimately fail to narrate the future of statelessness.

These accounts tell us in detail how dispossession has been rendered an essential feature of the ‘modern polity’ but they fail to think through the possibilities of radical survival.⁵

The Canvas

According to the Institute of Statelessness and Inclusion’s estimates⁶, in Asia and the Pacific, Malaysia is listed as one of the countries which have large populations of stateless persons (over 10,000). Malaysia’s performance to date in relation to UNHCR’s goal of ending statelessness in 2024, in particular through Action 1 (Resolving Major Situations of Statelessness); Action 2 (Ensure that No Child is Born Stateless); and Action 10 (Improve Quantitative and Qualitative Data on Stateless Persons), is seen as exemplar. This, of course, is despite the fact that the Rohingya crisis continues to unfold and the decades-long systemic persecution of the stateless Muslim Rohingyas in Myanmar (formerly Burma) remain largely unheeded by the world at large. Staggering numbers in human casualties, loss of property, gendered violence and homelessness, with direct perpetrators behind many of the mass atrocities including members of Myanmar’s military, police, and ultra-nationalist groups, and in the company of Buddhist monks who vow to rid the country of Muslims acting as instigators introduces us to an altogether different picture (Canefe et al. 2022). In addition, like many of the long-standing ‘statelessness’ cases, the Rohingya crisis extends well beyond a localized humanitarian problem, effecting the whole of Southeast Asian region. The canvas is to be inclusive of all these dimensions before declaring Myanmar as a ‘success story’ in terms of its ‘address of statelessness’.

There are indeed formula answers built in international law for the reduction of statelessness and the protection of stateless persons. However, as new forms of statelessness emerge, eradicating

⁵ For instance, in his work *L’Homme jetable*, Essai sur l’exterminisme et la violence extrême, Bertrand Ogilvie (2012, 73-74) makes a case for contemporary political order being based on an ‘indirect logic of extermination’, morally allowing governments to abandon their ‘surplus populations’ to their own fate. These ‘disposable people’ purportedly cannot function as part of the economic and public sphere and become the *l’homme jetable* (disposable man). It is quite a jump, and in this case an utterly mistaken one, to declare that the stateless peoples become disposable.

⁶ https://files.institutesi.org/year_report_2020.pdf [last accessed 22.02.2022]

statelessness remains a siren call. Unless we problematize the very notions of nationality and citizenship, along with a careful study of regional integration of markets and capital, transnationality of non-state actors, the generic insistence upon an exclusionary communitarian citizenship model, the supranationality of migration, reaching out for salvation by the long arm of international law will leave us standing adrift in the face of multiplication of stateless populations.

A key example to consider in terms of alternative approaches is the legal framework of statelessness developed and put into effect in Brazil with the country's new migratory law. Furthermore, with the adoption of the 2014 Brazilian Declaration and Plan of Action (BPA), twenty-eight Latin American countries and three Caribbean territories committed themselves to the transformation of statelessness in the Americas from a problem into a fact that can find legal redress. The precursor of this particular legal instrument was the 2010 Brasilia Declaration on the Protection of Refugees and Stateless Persons in Americas, along with decades-long jurisprudence and advisory opinions of the Inter-American Court of Human Rights and the Inter-American Commission of Human Rights. The answers will not come from Europe (Mondelli 2017, 2019, Assuncao 2019).

Indeed, a new approach to understanding statelessness must start with exploring the limits of Euro-centric modalities of international law on statelessness and the relationships between statelessness and must call for an expanded definition of the 'stateless' person: adding to the accepted *de jure* and *de facto* definitions a third category of 'socially stateless' people who are often internally displaced. Ultimately, the lack of protection which the original Euro-centric framework of international law(s) offers around statelessness creates new forms of usurpation cloaked as nationalism and border sanctity.

Half-Statelessness?

If we continue along the lines of the need for the formulation of a 'third form of statelessness', a key example fortifying this call comes from Israel. In 2018, the state of Israel endorsed the passage of the Nation-State Law, leading to the formal and substantial reordering of the Israeli notion of

citizenship. Redefining the Israeli state in exclusively ethnic terms, the new law placed the country's Palestinian citizenry in a remarkably precarious position, even more so than the Israeli state's previous practices since its foundation in 1948. The Israeli Palestinians are hitherto declared neither fully stateless, nor fully citizen in Israel. Again drawing on the work of Arendt but this time with reference to a conceptual category to which she alludes to in *The Human Condition*, 'half-statelessness' is what best describes the Palestinian citizens of Israel (Gamal and Kensicki 200). The term is also applicable in numerous cases whereby the state unilaterally makes changes to citizenship laws such as Myanmar and the Rohingya populations creating millions of dispossessed who habitually reside in the country discussed earlier, the Syrian refugees who have neither documentation nor claims-making rights pertaining to their country of origin, Venezuelan refugees in Colombia, among others (Eliassi 2021). This unusual legislative apex of half-statelessness points to a phenomenon which transcends the typical prototypes of citizen and state. Its' effective de-humanization of select groups is best observed in cases where there is no demotion but a persistent non-recognition and thus normalization of political invisibility concomitant with the removal of agency and voice.

The notion of half-statelessness also makes it all the more transparent that both collection of empirical evidence and examination of policy developments pertaining to the migration, mobility and statelessness nexus need to be subjected to critical political and legal theoretical inquiry. Statelessness cannot be regarded simply as a phenomenon but as a concept in the making and with changing content. What gives statelessness its shape and content draw on a set of ideas and practices starting with the conceptualization of the state itself, the citizen and of course the nation, as well as those of the border, membership, polity, and rights. In this sense, it would be apt to suggest that we need a new theory of global statelessness that would enable evaluation and critique to emerge rather than an accounting practice documenting legislative interventions and numerical posturing. This alternative route would also foster our ability to imagine alternatives to the current order of things. Current legal and political practices of exclusion from membership are contingent upon larger discourses. There is no substantive reason as to why these must be considered as constitutive of the limits of our thinking about migration, mobility, membership and statelessness (Cole 2000). One question we have to consider, though, is whether there are any practical concerns when it comes to imagining different possible political orders (Carens 2013). If, as Joseph Carens

states, “[a]n exploration of what justice ideally entails with respect to immigration should take the whole world into account” (op.cit., p. 301), then we must start with a historical critique the current world order. This has indeed been the call of TWAIL (Third World Approaches to International Law) scholars in their address of the legalization of dispossession in international law (Benslama-Dabdoub 2021). In search of a wider theoretical lens dealing with not just the post-colonial but also de-colonial and anti-colonial dimensions of dispossession, we can’t propose what the right to membership of stateless persons would entail without addressing the justice-related demands historically overlooked by current political and legal practices.

This essay strived to lay the groundwork for a radical vision, by exposing the limitations of our socio-political and legal imagination that shape our current conceptualization of and expectations regarding statelessness. I would argue that theorizing itself amounts to praxis in this instance. As such, challenging the existing conceptual frame of reference on statelessness provides us the space to unpack citizenship into its relational components, rather than reiterating it as a thing in itself with settled boundaries and a definite shape. Indeed, we might argue that the content of citizenship in turn defines the content of statelessness. If so, statelessness is marked by banality, just like nationalism and its corollary, national citizenship is (Billig 1995).⁷ Expanding on Billig’s seminal study on the perpetual and everyday reproductions of nationalism, I invite us to attend to the importance of human agency and contextual interactions regarding the reproduction of statelessness as a relational concept and practice.

Furthermore, by bringing the voices of people in as active producers of contestations of what statelessness entails, I hope to offer a more complex picture of the banality of this particularly

⁷ Billig’s work on nationalism, in particular his application of banality, is truly inspirational. Throughout the 1990s, Billig’s *Banal Nationalism* set a new way to study nationhood. Moving our gaze away from the traditional concerns with its historical origins and its substantial features, *Banal Nationalism* offered a systematic analysis of nationalism’s reproduction. Specifically, Billig pointed out the role played by familiar, unremarkable ‘little words’ (*deixis*) to explain the persistence and pervasiveness of the idea of a world divided into nations.

oppressive form of dispossession. Both the national 'we' and the national 'here' are construed as socio-spatially differentiated and fragmented practices enacted on a plurality of scales, as opposed to statelessness being the opposite of singular, internally homogenous political entities. Stateless populations do not lack the properties necessary to enter the space of citizenship: the allegorical space of statelessness is a core element of what defines such presumed properties. What is more, the study of statelessness as an externality of citizenship models employed thus far also overlooks the properties stateless populations possess which makes it beneficial for them to be positively excluded from the realm of citizenship.

Statelessness as the Residual Truth of the Postcolonial Condition

The residual view of neo-liberalism with a post-colonial persuasion sees the global tally of dispossessed populations as a leftover that the Euro-modern state system is unable to absorb. This view does not pay heed to the notion of economies that lie at the margins of the global economic order, constantly feeding its demand for cheaper, disposable, contractual labour. In contradistinction, the form of accumulation that is enabled by the production and circulation of stateless populations constitutes an important part of the global order. Dispossession is produced by how the system is structured and the stateless who are presumed to lie outside of the international system of sovereign states are an integral part of it. They are not a structural failure, but a product of that order, the residual truth of the postcolonial condition. As such, understanding statelessness means asking radical questions about the histories of the international political and legal order as well as the normative presuppositions of the nation-state system concerning full membership.

Caution must be exercised here regarding developing a line of argument about moral responsibility for the stateless. The primary focus of this essay is not how people become stateless but how the idea of statelessness is produced and normalized, to the point of being banal and yet always presented as part of some imagined crisis. The problem is that when we come to include the excluded, we are attempting to include them within a theory that has been actively structured around their purported exclusion. Historically, theories of migration and mobility have simply excluded the 'stateless', whether they be the physically present or in theoretical scope. Similarly,

citizenship studies literature barely acknowledged their existence. Instead, it often presented a false universalism concerning the stateless populations being an anomaly. In other words, their persistent presence is deeply disruptive and disturbing for a theory of membership that has notoriously been structured on the assumption that we are dealing with voluntary inclusion and fair delegation of political power to the state. However, immigration is not some marginal question to be added onto the core theory of membership, and neither is statelessness an addendum to our understanding of belonging.

The torrent of people in flight, not the least those who are stateless, is presented a serious threat to the stability of the polities considered as the bedrock of stable identities. The scale and depth of post-colonial and de-colonial migration indicates a dire need for a radical re-thinking of both theory and practice of working with dispossession in the larger context of political, social and economic justice. The gap between the legal practices of immigration reception, particularly vis-à-vis the categorical exclusion of the stateless populations, forces us to rethink these practices as a fractured façade that barricades the realities of the lived experiences of populations on the move. The question of statelessness is a structural component of modern political theories of both citizenship and membership. Since the voice of the citizen/member is commonly acknowledged as the only legitimate voice in the polity, the stateless are a problem for the citizen/member but not with their silence. They are present despite their legal absence. Any solution that keeps the interests of the citizen/member at its centre is produced by theorizing from the vantage point of a specific political topography. Here is how a post-colonial theory of migration comes to our rescue. Focusing on migration and rightful belonging centred upon the interests not only of those who already have membership of a state, and not based on one particular historical lineage derived from a particular location in the world, the postcolonial condition emerges as a strategic concept (Samaddar 2009, 2017, 2020, Caglar 2021). It allows for moving beyond the impasse presented by the Eurocentric juxtaposition of citizenship and membership within the confines of the nation-state. As Ranabir Samaddar repeatedly argues, the migrant is the quintessential subject of the post-colonial predicament. With migration comes the changing forms of labour, and the theoretical enterprise of understanding the continual crisis of historical capitalism from the lens of structural qualities of dispossession is the urgent task laying ahead.

This alternative topography of theory-building dictates that even in its international legal form, work on statelessness cannot be habitually inclusive or egalitarian, as it embodies a long history of violence and exclusion. Furthermore, the incarceration of the stateless populations presumably remaining on the outside, excluded as participants in any negotiation of solutions, confined to the periphery of politics, only further purports the integrity of the traditional political subject who depends on the exclusion or the confinement of the ‘other’.

Statelessness as a Reflection in the Labyrinth of Membership

The presence of the ‘other’ in the theory of membership, the political subject against which the core identity of a polity is defined, reveals the particularistic aspirations and convictions of the very identity that is presented as universally valid. In *The World as Will and Representation*, Arthur Schopenhauer presents the human will as our sole window to the world (Schopenhauer 1962). The will, Schopenhauer maintains, is its own manifest character, evidenced in its objectifications. I am not to embrace a purified idealist position vis-à-vis the study of stateliness. However, suffice to say that the objectification of the will of the European-self reveals its core identity in its formulation of statelessness. In the registers of the colonial project, the ‘flow’ of natural and human resources spoke of ‘global interconnectedness’ on the one hand, political subordination of those who move above and beyond the mandate of the states, on the other. The resultant process of the instrumental exclusion of the ‘stateless other’ creates tensions and antagonisms which cannot be resolved without a radical, ground-up revision of the entire concept of membership to the polity.

In political terms, the abject are things that threaten our identity as a member of the polity, such that we wish to expel them and keep them behind a border which will purportedly protect us from being exposed to such a condition of humanity. However, the abject are also an essential part of who we are, and the effort to maintain expulsions and distinctions has to be constant as the borders are always threatened and always porous. In response, the political rituals of expulsion become more detailed, juridified, complex and intense (Cole 2006, Tyler 2013). For instance, as boats of humanity crossing the Mediterranean are constructed as abject and thus to be repelled, as a ‘swarm’ of migrants are perceived to be threatening to ‘overwhelm Europe’, as the fearful attitude towards

the increasing ‘armies’ of stateless pouring out of the Middle East continues to deepen, in the hierarchy of expulsions, stateless people have the questionable privilege of being the first in line not to be counted as political subjects.

If we assume that migrants have membership of some other state, and thus something to fall back onto, the very knowledge of the stateless ‘having no home’ makes them the biggest threat for the sustenance of closed membership regimes. Their sheer existence destroys the border that guarantees the integrity of the core political subject of the modern state and challenges the boundary between the inside and outside of the polity. As a perfect example of the disproportionate reaction to the arrival of the stateless, the European Union’s ten-point programme for dealing with the unfolding tragedy in the Mediterranean was aimed not just at strengthening the border, it also addressed the stateless as abject in the extreme, never to be included in the discussions on potential membership and pushed back at all cost, including near certain obliteration in the waters of a sea otherwise known as the cradle of Civilization. If so, there is nothing that can be fixed by the old topologies of political membership since it is our very idea of membership in the polity that constitutes and constructs the idea and practice of statelessness.

Conclusion

Statelessness provides us the very grounds from which established discourses of membership and mobility must not only be challenged but also transformed. This amounts to taking the call of the Arendtian reading of *the right to have rights* one step further while remaining true to its aporetic call. What membership in a polity means, and the association of rights with membership have to be fought over, rather than taken as our settled point. However, the fight here is not about membership *per se*, but for the substantive meaning it entails. What is also needed is a bridging act between theories, recordings, observations and the lived experience in our work on statelessness. The political and everyday struggles of the stateless peoples radically surviving and sustaining their own lives and the lives of those around them often in conditions of utter political,

social and economic oppression and exclusion must be incorporated into theories of statelessness, providing space for the voices and experiences of the stateless peoples themselves.⁸

We already know about the myriad ways in which the privileging of the voice of the insider is deeply ingrained in political theory as articulately shown by Seyla Benhabib's take on the human right to membership (Benhabib 2004) and Susan Sontag's interventions concerning the pain of others (Sontag 2003, Möller and Sontag 2010). As Sontag comments in her essay series *On Photography* penned during the 1970s in particular (Sontag 1977), while trying to understand the aesthetic and ethical implications of the omnipresence of photographic images in our lives, a disproportionate part of "our knowledge of things" comes not from direct experience. In compensation, the information generated by the image is regularly taken equivalent to that of experience. This is otherwise known as the politics of gaze. On the issue of proximity and distance, Sontag cites Robert Schwartz: "when we look closely at those things that are distant, we see them close, but without responsibility." Statelessness generally suffers from this aforementioned optical illusion of a problem we see and we know but never from the position of being part of the hell that marks the very experience. In Francisco Goya's words, "*No se puede mirar* [One cannot look at this]. *Yo lo vi* [I saw it]. *Esto es lo verdadero* [This is the Truth]." These are the caption for the etchings in his series *Los Destasres de la Guerra*. Counting the number of stateless is the equivalent of looking, but not seeing. It is not the truth of it. Rather, it is an exercise from the safe distance of observing without responsibility.

Acknowledging that stateless peoples stand in a political relationship vis-à-vis the state of either intended or accidental destination for migration and resettlement requires acknowledging that both the original state and the polity are obligated to offer justifications as to why this categorical

⁸ Bronwen Manby's (2018) particular study for UNHCR is a case in point: it provides a comparative analysis of nationality laws and their implementation in Partner States of the East African Community (EAC). The idea is to highlight the gaps that allow statelessness with the aim of finding legal and political solutions. The overall trend is to identify the populations that are stateless or at risk of becoming statelessness in the region and to make recommendations for the remedies that address the problem both at national and regional levels. In these accounts, there are states, institutions, NGOs and INGOs, but not the people themselves other than as a counting exercise, which ultimately fails due to the very nature of the beast.

rejection of membership emerged in the first place. This, however, calls for the stateless person to be treated as equals in terms of their political agency (Watson 2008). For the stateless political subject to be regarded as an equal in such an exchange, we must think outside of the conventional political frameworks of immigration and refugee law as well as precepts concerning citizenship as the ultimate and absolute form of membership. In conclusion, I would dare to posit that statelessness is not the ‘problem’ in this relationship. Neither are the stateless who are the problem. Rather, they are the epitome of the relationship between the state and citizens itself, a relationship which privileges the ‘insider’ on account of membership, and renders the stateless political subject silent as if they are outsiders (Cole 2015). This pretension becomes farcical in the face of the chronic failure of the attempts to count the stateless.

In closing, I agree with Gordon that statelessness and contemporary forms of enslavement have become increasingly intertwined since the 1990s (Gordon 2020). Neither statelessness nor enslavement and contemporary forms of human trafficking are radical exceptions. They have been and are endemic to the Euro-modern state system, its Global South version being the post-colonial state. Stateless subjects of the global polity are discrete outcomes of processes of the racialized and gendered debasement of citizenship. In this regard, extralegal expulsion of people who cannot be repatriated, and the concentrated erosion of the rights of full-fledged citizens must also be counted as primary modes through which people experience both degrees of statelessness and a spectrum of citizenship rights. The centuries-long practice of enslavement has taken on some new guises necessary to its profitability in the current global economy, with its specificity being those of dispossessed wage laborers, guest workers and indentured labour, making vulnerability of others so lucrative for the system overall.

References

Arendt, Hannah. *The Human Condition*, Chicago: University of Chicago Press, 1958.

Arendt, Hannah. *The Origins of Totalitarianism*, San Diego, CA: Harcourt, Inc., 1968.

Arendt, Hannah. *Responsibility and Judgment*, New York: Schocken Books, 2003.

Assunção, Thiago. "Statelessness in Brazil: from invisibility to the invitation for becoming a citizen." *Revista de Estudos e Pesquisas sobre as Américas (UnB)* 13, no. 1 (2019): 279-307.
Available at SSRN: <https://ssrn.com/abstract=3783292> or <http://dx.doi.org/10.2139/ssrn.3783292>
[last accessed 22.02.2022]

Benhabib, Seyla. *The Rights of Others*. Cambridge: Cambridge University Press, 2004.

Benslama-Dabdoub, Malak. "Colonial Legacies in Syrian Nationality Law and the Risk of Statelessness." *Statelessness & Citizenship Rev.* 3 (2021): 6.

Benton, Meghan. "The problem of denizenship: a non-domination framework." *Critical review of international social and political philosophy* 17, no. 1 (2014): 49-69.

Bertrand Ogilvie, *L'Homme jetable, Essai sur l'exterminisme et la violence extrême* (Éditions Amsterdam, Paris, 2012), 73–74.

Billig, Michael. *Banal Nationalism*. Sage Publications, 1995.

Çağlar, Ayşe, and Nina Glick Schiller. "Introduction: Multi-Scalar City Making and Emplacement: Processes, Concepts, and Methods." In *Migrants and City-Making: Dispossession, Displacement, and Urban Regeneration*, 1–32. Durham, NC: Duke University Press, 2018.

Çağlar, Ayşe. "The multiple tenses of a postcolonial age of migration: a commentary on Samaddar, R. (2020). *The postcolonial age of migration* London and New York: Taylor & Francis, 2020." *Dialectical Anthropology* (2021): 1-4.

Canefe, Nergis, Paula Banerjee, and Nasreen Chowdhory. "Gender, Identity and Displacement: Nexus Requirements for a Critical Epistemology." In *Gender, Identity and Migration in India*, pp. 1-14. Palgrave Macmillan, Singapore, 2022.

Canefe, Nergis. "Afghanistan and its futures." *International Migration* 60, no. 1 (2022): 262-267.
Canefe, Nergis. "Citizens versus permanent guests: cultural memory and citizenship laws in a reunified Germany." *Citizenship Studies* 2, no. 3 (1998): 519-544.

Canefe, Nergis. "New Faces of Statelessness: The Rohingya Exodus and Remapping of Rights." In *Citizenship, Nationalism and Refugeehood of Rohingyas in Southern Asia*, pp. 197-215. Springer, Singapore, 2020.

Carens, J. H. *The Ethics of Immigration*. Oxford: Oxford University Press, 2013.

Chimni, Bupinder S. "From resettlement to involuntary repatriation: towards a critical history of durable solutions to refugee problems." *Refugee Survey Quarterly* 23, no. 3 (2004): 55-73.

Cole, Philip. "At the borders of political theory: Carens and the ethics of immigration." *European Journal of Political Theory* Volume 14 (4) (2015): 501-510.

Cole, Philip. "Towards a symmetrical world: migration and international law." *Éthique et économique Ethics and economics* 4, no. 1 (2006).

Cole, Phillip. *Philosophies of exclusion: Liberal political theory and immigration*. Edinburgh University Press, 2000.

Eliassi, Barzoo. "Theorizing Statelessness and Stateless Diasporas." In *Narratives of Statelessness and Political Otherness*, pp. 1-65. Palgrave Macmillan, Cham, 2021.

Gordon, Jane Anna. "Degrees of Statelessness: Vulnerability and Political Capital." *Journal of Contemporary Thought* 32 (2010): 17-39.

Gordon, Jane Anna. *Statelessness and contemporary enslavement*. Routledge, 2019.

Guild, Elspeth, and Kees Groenendijk. *Illiberal liberal states: Immigration, citizenship and integration in the EU*. Routledge, 2016.

Jamal, Amal, and Anna Kensicki. "Theorizing half-statelessness: a case study of the Nation-State Law in Israel." *Citizenship Studies* 24, no. 6 (2020): 769-785.

Kingston, Lindsey N. "Worthy of rights: Statelessness as a cause and symptom of marginalisation." In *Understanding Statelessness*, pp. 17-34. Routledge, 2017.

Manby, Bronwen, *Statelessness and Citizenship in the East African Community* (September 2018).

Manly, Mark, and Santhosh Persaud. "UNHCR and responses to statelessness." *Forced Migration Review* 32 (2009): 7.

Mbembé, J-A., and Libby Meintjes. "Necropolitics." *Public culture* 15, no. 1 (2003): 11-40.

Molavi, Shourideh C. *Stateless citizenship: the Palestinian-Arab citizens of Israel*. Brill, 2013.

Möller, Frank, and Susan Sontag. "Rwanda revisualized: Genocide, photography, and the era of the witness." *Alternatives* 35, no. 2 (2010): 113-136.

Mondelli, Juan Ignacio. "Eradicating statelessness in the Americas." *Forced Migration Review* 56 (2017).

Mondelli, Juan Ignacio. "From the Brasilia Declaration to the Brazil Plan of Action." *Latin America and Refugee Protection: Regimes, Logics, and Challenges* 41 (2021): 181.

O'Neill, Onora. 2001. Agents of justice. *Metaphilosophy*, 32(1&2): 180–195.

Oman, Natalie. "Hannah Arendt's "right to have rights": A philosophical context for human security." *Journal of Human Rights* 9, no. 3 (2010): 279-302.

Owens, Patricia. "Reclaiming 'bare life'?: Against Agamben on refugees." *International relations* 23, no. 4 (2009): 567-582.

Ranciere, Jacques. 'Politics, Identification, and Subjectivization', *October* 61 (1992): 58–64 .

Ranciere, Jacques. 'Who is the Subject of the Rights of Man?', *The South Atlantic Quarterly* 103(2/3) (2003): 297–310.

Rürup, M. *Lives in Limbo: statelessness after two World Wars*, 2000.

Samaddar, Ranabir. *Emergence of the political subject*. SAGE Publications India, 2009.

Samaddar, Ranabir. *Karl Marx and the postcolonial age*. Springer, 2017.

Samaddar, Ranabir. *The Postcolonial Age of Migration*. Routledge India, 2020.

Schopenhauer, Arthur. "The essential Schopenhauer: key selections from the world as will and representation and other writings." (1962).

Sontag, Susan. Regarding the pain of others. *Diogenes* 1 (2003): 127-139.

Sontag, Susan. "In Plato's cave." In *On photography*. New York: Delta Books, 1977, pp. 3-24.

Tyler, I. "Revolt Subjects: Social Abjection and Resistance in Neoliberal political equality." *San Diego Law Review* 45 (2013): 981–988.

Vlieks, Caia, and Laura Van Waas. "Stateless Persons." In *Elgar Encyclopedia of Human Rights*. Edward Elgar Publishing Limited, 2022.

Ware, V. and Back, L. *Out of Whiteness: Colour, Politics, and Culture*. London: Zed Books, 2002.

Watson, Lori. "Equal Justice: Comment on Michael Blake's Immigration and Political Equality." *San Diego L. Rev.* 45 (2008): 981.

Wilmer, S. E. *Performing statelessness in Europe*. Springer, 2018.