THE STATE AND THE STATELESS: THE LEGACY OF HANNAH ARENDT RECONSIDERED

Professor Brad K. Blitz

Introduction

Since Hannah Arendt first discussed the condition of statelessness in *The Origins of Totalitarianism* in 1951, there have been few empirical investigations of the claims she advanced regarding the ways in which people may be stripped of their rights and the degree to which they may recover them.[i] Her writing has nonetheless inspired a new generation of researchers investigating contemporary forms of statelessness, often alongside the Office of the United Nations High Commissioner for Refugees (UNHCR) which has set itself a goal of ending statelessness within 10 years (United Nations High Commissioner for Refugees, 2014). This chapter re-examines Arendt's analysis of the mechanisms which gave rise to statelessness in the first part of the 20th century and the forms of governance which she believed sustained such deprivation. I argue that Arendt's account, while informative of some specific cases of statelessness, cannot explain how statelessness arises in many other situations and as a result fails to offer an insight into potential remedies. Drawing upon two global investigations of stateless groups in Bangladesh, Estonia, Kenya, the Gulf States, Mauritania, Slovenia, Sri Lanka and Ukraine, I describe how some stateless groups have successfully militated for the restoration of their rights and suggest future avenues for research and humanitarian policy development.

Intellectual foundations

The concept of statelessness is introduced in Hannah Arendt's (1976) *The Origins of Totalitarianism* where it occupies a central place in her account of the processes she claims gave rise to Nazism and Stalinism. In her account, statelessness is a distinctly modern phenomenon which is noticeably broader than the definition as set out in the 1954 and 1961 UN Conventions.[ii] One particularly controversial feature of her discussion of statelessness is her belief that statelessness is synonymous with a condition of rightlessness, a claim rejected by the UNHCR which has consistently maintained that stateless people enjoy human rights.

Arendt may be best remembered for her reporting on the war crimes trial of Adolf Eichmann, and the controversies her book caused (Arendt, 1963); however, she is also the author of a wide-ranging body of philosophical work which includes studies on the human condition and action, bureaucratisation, and most relevant to our lecture, the problem of rightlessness. Her writings now speak to a variety of distinct audiences and interest groups and this has not assisted its application to 'real-world' situations such as the plight of stateless people. The intellectual historian Martin Jay notes that Arendt is among a handful of thinkers whose name has been invoked both to legitimise and delegitimize political and philosophical positions (Jay, 1986). This includes those who turn to Arendt in the name of protecting asylum seekers and non-citizens (Fassin, 2005; Krause, 2008) as well as others who see in her writings food for revisionist accounts of the creation of Israel (Bernstein, 1996). In the context of our reading of Arendt's writings, similar silo effects – intellectual compartmentalisation -- can be detected with the net result that the foundations of her arguments for the emergence of statelessness have not been actively explored. Neither has the problem of statelessness been examined alongside the lines of inquiry which run across Arendt's work and which her

biographers suggest are logically connected. As a result, the theses developed and the conclusions she reaches in, for example, *Eichmann in Jerusalem*, and the intellectual debates they generated, have not, informed a critical reading of the concept of rightlessness in the *Origins of Totalitarianism*, even though they address a common theme and raise critical questions about the state, the problem of intentionality, the role of political organisation and membership as an antidote to arbitrary arrest, exclusion and elimination. A central argument of this chapter then is that if scholars are to use Arendt as a basis for examining contemporary accounts of statelessness, then they should approach the themes she introduces with caution.

I have not mentioned the place of international law in the study of statelessness and will say little on the subject since it is amply covered by other authors in this volume (see de Chickera and van Waas; Swider; Vlieks, all this volume). I will simply note one critical challenge for the application of international law to political investigations - above all the fact that it is sovereignty-affirming and does not recognise differences between states based on regime-types, constitutional form, or historical development. While international law may exert some constitutive effects on states' preferences and the role of legal experts in clarifying international norms may certainly influence state behaviour, there is equally a need to explore endogenous political processes in order to understand how concrete problems that arise from state designed deprivations may be mitigated and eventually resolved.

For social scientists interested in the problem of statelessness, Arendt remains the first port of call. For many years the topic was a minority interest recorded in some half dozen books. The UNHCR, which for decades had a mandate to work on statelessness alongside refugee protection, did little to advance an active agenda until a decade ago (for a comprehensive literature review see Blitz, 2011). Now, by contrast, statelessness is a prominent area of

policy which has been mainstreamed across UNHCR's operations in the form of an international advocacy campaign *Ibelong* and has attracted support from a growing number of NGOs, human rights activists and academics.[iii]

With some notable exceptions from a small group of area studies experts (Manby, 2016), the renewed interest in statelessness is situated in a noticeably different intellectual context from the one in which Arendt was writing. While Arendt's focus was on the rise of Nazism and to a lesser extent Stalinism, the above students address a particular set of issues which are emblematic of emergent 21st century problems for the liberal state and include: the expansion of detention and the political rights of prisoners; the human rights challenges of removal, repatriation and readmission of non-nationals in countries of origin; and the deprivation of citizenship of non-nationals.

The current fascination with Arendt and the renewed interest in what I will call the politics of deprivation have certainly refocused our attention but in so doing have also prompted us to take our eyes off the road. I will argue that in spite of its richness, a key limitation of Arendt's work is that it closes the door on restorative solutions to the problem of statelessness and on the practical recovery of rights. I wish to explore three pathologies embedded in Arendt's work and which resonate with recent efforts to address the problem of statelessness: 1) the explanatory power of Arendt's model of totalitarianism; 2) her reliance on law as a source of protection; 3) the effects on individuality.

First it is important to understand the context in which Arendt was writing. In *The Origins of Totalitarianism*, her analysis is focused on the processes by which a totalitarianism system was established where the state dominated all and legal rights for large groups of people were

abolished. In spite of its presentation, it is difficult to see this work as historiography since not only does Arendt pick and choose historical moments but throughout she is editorialising the text, telling the reader why some events are significant and others not. She also includes many caveats, and uses words in a most idiosyncratic manner. For example, Arendt describes Anti-Semitism as a modern phenomenon, distinct from Jew-hatred. Similarly, nationalism is a modernist development and one which is anchored to territorial claims. It is therefore, in her view, more containable than racism, which she associates with imperialism. Interestingly, in her account, she understates the role of racism in colonialism and the expansion of the slave trade. Then there are other distinctions which are drawn from a Marxist liturgy; for example, she deploys the well-trodden distinction between the bourgeois (seen as materialistic and indifferent to politics) and the citizen but diverts from the Marxist track in her discussion of the masses. In her writings, it is the masses which have replaced classes. For her, the masses are the unorganised Europeans which she describes negatively as the lumpen proletariat – the dregs -- and contrasted against the organised mob.

For Arendt, an important source of protection from the states comes in the form of political organisation. Indeed, organisation, or the lack of it, comes through strongly as a normative explanation for vulnerability and is in fact central to Arendt's accusations of responsibility, which she develops in this book and subsequently. As others have noted elsewhere, in her account of the rise of Nazism, she blames Jews for their demise and holds them partially responsible for their destruction. In her view the Holocaust was not inevitable; rather, Nazism could have been avoided but for the union of the subterranean streams of anti-Semitism, racism, imperialism and the alliance between capital and the mob. In this struggle, she claims Jews could have engaged politically and militated for their rights, asserting a positive political identity, as other national groups did, rather than retreat into bourgeois

materialism which she condemns. Arguably, she is suggesting that by holding out claims of political representation, as other ethno-national groups did, European Jews could have averted their fate. In this perhaps we get a glimpse of her early interest in political Zionism, a Zionism by necessity which she later discarded.

Arendt's exposition of statelessness is chronicled in her chapter, the 'Decline of the Nation State and the end of the rights of man' where she explains the condition of statelessness in the context of three losses: the loss of home, the loss of state protection and the loss of a place in the world. These deprivations facilitate the unfolding tragedy of destruction and genocide. It is above all the absence of government -- the only viable source of protection-- which signals their doom. The presence of stateless people leads Arendt to claim that human rights, supposedly universal, have no meaning unless they can be anchored to an effective source of protection and for her the only option is the state.

How Jews and others became stateless is a much more complicated tale. European states repeatedly stripped foreign-born individuals of their citizenship. We note that France introduced legislation to this end in 1915, three years before the new Soviet and Turkish governments denationalised Russian, Armenian and Hungarian refugees. After the First World War Belgium, then Italy introduced laws to strip foreign born individuals of their citizenship in 1922 and 1926 respectively; with Austria following in 1933. These actions pre-dated the 1935 Nuremberg Laws which explicitly divided Germans into full citizens and citizens without political rights and thus created millions of stateless persons overnight.

Although many groups were affected by the above legislation, Arendt's focus is on the Jews and their vulnerability, which, she claims, began with their retreat and exclusion from the

emergent political structures in the 19th Century. Anti-Semitism, in this context, is simply the catalyst for the development of totalitarianism, which she claims was enabled by the union of multiple illiberal social processes. Specifically, she identifies Anti-Semitism, racism, imperialism and the alliance between capital and the mob as the main ingredients in the witches´ brew that is totalitarianism. All of these practices served to weaken the state, the legal guarantor of rights, and see it supplanted by the nation, an exclusive community.

For Arendt, these above processes hold greater explanatory power than ideological explanations for the development of Nazism and Stalinism. She claims that ideology was not a causal factor but simply a tool and asks rhetorically if Hitler really believed his own propaganda? And to what extent did Stalin rely on Lenin and Marx in the development of terror, she asked? Rather, Arendt argues that the ideologies of the late 19th and early 20th century were cemented around a web of political interests which were institutionalised on ethno-national lines, most notably in Austria-Hungary, an illiberal union of interests.

Elements of critique

Sixty years after Arendt first published her account of statelessness, several of the claims she made warrant revision. The model of political organisation which she describes as totalitarianism is especially controversial. We note that even though Arendt includes some reflections on China, her focus on Nazism and Stalinism do not lend themselves easily to an examination of other contexts in which statelessness is prevalent. While many stateless people live in non-democratic systems, with some notable exceptions, they are far from totalitarian. Rather, we note that many stateless people live in particularly weak states

(Staples, 2012). Others who have written on totalitarianism also question the basis for her comparison of regime types. Most notably, the late comparative political scientist Juan Linz disagrees with the design of her study and locates Nazism within the same intellectual family of ideas as Mussolini's fascism and Stalinism as derived from Bolshevik ideologies (Linz, 2000). While recognising that Arendt's mass society view helps to explain how Nazism took hold once consolidated, Linz challenges her account of the inception of totalitarianism, which he claims is based on a frustrated Marxism where class conflict is replaced by racism and inter-ethnic/national contest.

Her discussion of the concepts of state and nation also introduces some important intellectual concerns. Arendt identifies qualified differences between states: The French Fourth Republic is, in her view, a collection of political parties; whereas Germany is a state where allegiance and obedience dominated all other forms of organisation. Yet, throughout she treats questions of sovereignty and territoriality as fixed constructs. More important, she essentialises ethno-national groups, with the one exception being her discussion of Jews and the conflict between established communities in civic centres, Berlin, Avignon, Bordeaux and new arrivals from Poland and Galicia. And yet, one might argue that she still essentialises these particular categories of Jew and creates another set of binary distinctions in her distinction between the urbane city dwellers and the poor village folk.

Related to this is Arendt's idealisation of the state. Central to her claim about the damaging effects of exclusion is a firm belief in state protection. Certainly, in her model, the loss of state protection logically connects the events surrounding denaturalisation and expulsion and the creation of new refugees with the end goal of Nazism. Denaturalised people and refugees, who are effectively stateless, are vulnerable and easier to deport and kill.

However, the idea of the state as an effective guarantor of rights is deeply problematic, as informed by the category of de facto stateless person. As Kelly Staples (2012) writes, citizenship in weak states like the Democratic Republic of Congo can hardly be considered rights-protecting. Further, in oppressive states like Burma, where the Rohingya have been brutally deprived of nationality and are the victims of atrocious crimes, the allure of citizenship may offer little protection since, we note that, in addition to the stateless Rohingya, over the past three years, virtually all other non-Buddhist groups have been exposed to violence from internal security forces and outspoken racists. In both types of states, then, the ideas of citizenship, protection and legitimacy must be seriously re-evaluated.

In this context, it is interesting to note some contemporary ironies, which further challenge Arendt's belief in the value of citizenship and state protection. First, the lines of political membership are more elastic than one might expect and just as quickly as citizenship may be removed, it may also be granted. Today this is most evident in Russian spheres of influence. One only has to look at Russia's distribution of citizenship within Abkhazia or the Donbas region in Eastern Ukraine, clear attempts to undermine Georgian and Ukrainian sovereignty respectively, to understand how a state may rapidly increase its citizenry. Similarly, and even more spectacularly, we note that after decades of exclusion stateless Kurds in Syria were finally granted citizenship by the desperate Assad regime as it restocked its arsenal and took aim on the rebels in 2014.

Second, Arendt's belief in political organisation as an antidote to illiberal threats is challenged by both historical and contemporary accounts. In the context of the early 20th century, Arendt's claims regarding the enobling nature of political contest are at least partially contradicted by the rather mixed record from the Second World War and subsequent

conflicts. Several of the groups identified by Arendt, for example those in the former Austro-Hungarian Empire, did organise and did mobilise but they also participated in the slaughter, often against each other. In this instance, there was a dark and instrumental aspect to the Nazi madness she describes in that it actually empowered independence movements that participated in simultaneous genocides against other national groups in parallel to the Nazi effort. Further, Arendt's belief in political mobilisation as a means of protection assumes that political processes are organised along common lines, irrespective of one location, and ignores the relative power and centrality of habitus – the values, expectations and dispositions people bring with them as they enter political contest. Rather, Arendt's model presupposes that the various nationalities in the Austro-Hungarian lands that did militate entered a level field, which is not the case.

One final critique is on the destruction of individuality, which Arendt claims is an inevitable consequence of deprivation and the removal of rights. As she writes, "the first essential step on the road to total domination is to kill the juridical person in man" (1976, p. 447). Arendt speaks of the stateless having been reduced to bare nature and describes a desperate people existing outside of the law. The macro-picture she presents is overwhelmingly accurate, but there are some counter-examples which shed light on an alternative interpretation which is both more nuanced and reveals potential cracks in the Nazi system.

The writings of Primo Levi present a different picture from what Arendt describes. Like Arendt, Levi was deprived of his rights under racial laws - Italian not German - and was deported to a concentration camp. Unlike Arendt, however, he was sent to the flagship Nazi camp, Auschwitz, where he spent 11 months. Shortly after his liberation, he began to record his experience of life in the camps, which is profoundly important. In contrast to Arendt,

who discounts the possibility of individuality, Levi identifies ways in which it was retained

and recovered in the most difficult of conditions. We see this in his memoir *If this is a Man*

and indeed his subsequent writings, the *Drowned and the Saved*, where Levi explores the idea

of personal identity at its very limits and describes how they demonstrated "the power to

refuse our own consent" (Levi, 1959).

Levi distinguishes between the *Musselmänner,* the term used to describe those suffering from

hunger and exhaustion who have consigned themselves to death and are prepared to sink (and

hence become the drowned), and the adaptable, the strong and the astute. In Levi's account,

the *Musselmänner*are the backbone of the camp, the anonymous mass of non-men. Their

experience and death contrasts with the paths to salvation which he claims are many and

improbable and include doctors, tailors, shoemakers, musicians, cooks, the collaborator –

Kapos - but also the organisers, and the prominent, the hateful and selfish. Will-power,

dignity and conscience are held in opposition to the way of beasts and evil. "Many were the

ways devised and put into effect by us in order not to die: as many as there are different

human characters" (1959, p. 106).

But this is not a return to the state of nature. Not only do these people have numbers – tattoos

– they also have names. Levi records many personalities including Alfred, Elias the insane

dwarf who lives in spite of his defects, the cultivated Henri, Mendi the rabbi and the

Hungarian Bandi, who are recorded alongside the simple bricklayer and non-captive worker,

his friend Lorenzo. He writes:

> We do not believe in the most obvious and facile deduction that man is
>
> fundamentally brutal, egoistic, and stupid once every civilised institution is taken

away. We believe rather that the only conclusion to be drawn is that in the face of driving necessity and physical disabilities many social habits and instincts are reduced to silence (1959; p. 100).

Levi's opinions have been echoed in other survivors' accounts and have been reaffirmed by researchers including the German Sociologist Maja Suderland (2013) who argues that in spite of everything prisoners were still capable of acting and exerting a degree of control over aspects of their lives, for example over language. In this, Suderland agrees with Levi that control was grounded in the idea of habitus.

Contemporary forms of statelessness

The above discussion on adaptive responses and the role of agency casts a new light on the ways in which contemporary forms of statelessness may be understood as distinct from Arendt's model and hints at ways in which this most basic deprivation may be confronted. The ways in which statelessness is experienced today are varied and multiple; the deprivation of citizenship as highlighted by Arendt being one major cause among many others alongside the loss of citizenship during the process of state succession, gender-discriminatory laws and as a result of administrative obstacles include the non-registration of births (See Blitz and Lynch 2011).

While the precise number of stateless people is unknown, there are concentrated groups of stateless formerly people which have been investigated. The ways in which they have experienced political and other deprivations is illustrative of the diversity and complexity of

the phenomenon of statelessness. For example, in addition to the discussion in Oscar Gakuo Mwangi's chapter on ethnic Somalis in Kenya, we note that the Nubians in Kenya have historically struggled to enjoy access to rights and have been discriminated against on account of their ethnic origin. Although the Nubians arrived with the British Army over 100 years ago, they were never considered among the 42 recognised national groups and have been denied documentation and associated political rights until recently. Many are still confined to the slums of Kibera on the edge of Nairobi. Similarly, the Estate Tamils in Sri Lanka who arrived from Tamil Nadu, again over a century ago as plantation workers during British Colonial rule, had been denied nationality, documentation and confined to plantations until 2003. Many still do not enjoy the same rights as citizens.

Two groups of stateless people which continue to garner international attention are the Rohingya of Burma and ethnic Haitians in the Dominican Republic. In the case of the Rohingya, hundreds of thousands were expelled from Burma in the 1960s by the military-socialist regime of General Ne Win during the Burmese Way to Socialism nationalisation programme. Subsequent expulsions include the murderous ethnic cleansing campaign Operation Dragon King (Naga Min), which drove more than 200,000 Rohingya into Bangladesh in 1978, where an estimated 10,000 died from starvation and disease.
The source of the latest tragedy lies in the disenfranchisement of the Rohingya in Burma by a 1982 Citizenship Law, which legalised their exclusion. Denied citizenship inside Burma, further discriminatory policies and an increasingly brutal regime precipitated a series of refugee crises. In 1991, the Burmese army expelled more than 250,000 Rohingya, destroying villages and buildings on its way, and forcing them into towns in southern Bangladesh, primarily around Teknaf and Cox's Bazaar. Three decades later, the Bangladeshi response has hardened and the previous government was accused of withholding food aid, frustrating

NGO access to camps, and with the exception of a small minority of Rohingya, generally refusing to recognise their rights as refugees. Arendt would immediately identify with these people who are at great risk, especially in Burma where massacres are happening.

In the case of the Dominican Republic, as Jillian Blake records in this book, the plight of ethnic Haitians has been especially painful. Denied the right to register births, they have been subject to both individual and group expulsions. In September 2013, the long-running discrimination against Dominicans of Haitian descent took a turn for the worse when the country's Constitutional Court ruled that anyone born since 1929 to foreign parents who could not prove their regular migration status, had been wrongly registered as Dominican. Human rights monitors estimate that the decision affects more than 250,000 people who are liable to lose their Dominican nationality, become stateless and are vulnerable to expulsion. This decision has attracted international condemnation and, in response, the government prepared special legislation which included other discriminatory requirements such as strict linguistic criteria, including competence in both written and spoken Spanish.

The benefits of citizenship

In order to examine Arendt's belief in the state's ability to guarantee rights, we conducted two studies. The first tested UNHCR's heralded reforms regarding the corrective power of legislation and the remedial power of the state. Our research included teams in a range of countries and regime types (democratic, quasi-democratic, non-democratic). In a qualitative study of Estonia, Slovenia, Ukraine, Mauritania, the Gulf States, Kenya, Sri Lanka and Bangladesh involving 120 participants, this project was structured about three main research questions:

1. Has the granting of citizenship enabled individuals to access rights and resources?

2. How has the granting of citizenship enabled individuals to enhance the quality of their lives? And,

3. What barriers prevent people who have been granted citizenship from the full enjoyment of their rights?

The findings were particularly illustrative of the diverse ways in which statelessness had been experienced and modified, in part through legal reform. For example, in the case of Kenya we found that hospital authorities refused to register the births of Nubian children; the state failed to issue certification of late registration of births; there was still a massive documentary challenge to meeting the requirements to prove citizenship, as well as inordinate delays. Citizenship had not improved access to housing rights, sanitation, water or education for the participants interviewed.

By contrast, in Sri Lanka, where reform has been publically signaled by the change of nationality law in 2003, the research found that the use of a simplified procedure whereby, rather than applying to state authorities for citizenship, individuals could obtain a 'general declaration', countersigned by a justice of peace, was as a more effective proof of citizenship. However, of the estimated 900,000 Estate Tamils, most still encountered practical problems as state administration bodies were not fully aware of the legal arrangements that followed the 2003 law. In practice, although the government granted the right to citizenship certificates from people of Indian origin, many of those interviewed were unable to obtain

these documents and indeed there was widespread ignorance about the value of citizenship certificates. As a result, many individuals were denied the right to be included on voter's lists.

The comparative study identified both a number of benefits that followed from reforms of nationality laws but also highlighted existing discrepancies. While citizenship improved labour market access and property ownership, it did not remove substantial inequalities which were differentiated by age and location. The benefits of citizenship were not evenly distributed and there were noticeable cleavages within the populations affected. Fragmentation and division occurred before *and* after the granting of citizenship. And further systemic problems of poverty and corruption undermined the potential benefits that citizenship might bring.

The research affirmed that documentation of all sorts, not just birth registration, proved to be essential to the realization of human rights and that where there were a large number of stateless people relative to the overall population, as in Kenya, there was clear political interest in regularizing their status. Hence demographic pressures revealed important cracks in Arendt's model of the hard nationalising state. Further, this project found that populations with a recognized ethno-national identity were more easily integrated -- a fact which undermines Arendt's assumption that ethno-national groups may enter political contest on equal terms. Rather, a shared understanding of historical relationship of the state concerned to the respective populations appears to determine the degree to which formerly stateless groups have been integrated in all types of states, democratic and non-democratic. Most important, the research found that the ending of direct discrimination on the basis of nationality does not undo structural effects or other modes of discrimination which are often interwoven.

The costs of statelessness

In order to explore the system-wide, totalitarian aspect of statelessness, as described by Arendt, we conducted further empirical work which included a quantitative analysis of the impact of statelessness on 970 households, with a control group of natural born citizens as contrasted against those who had recently acquired citizenship. In order to examine the impact of deprivation of citizenship on livelihoods, the research used an adapted version of the Sustainable Livelihoods Framework which allows one to explore how livelihood strategies and choices may influence developmental outcomes. In this model, vulnerability is contextualised by shocks and at the centre of the framework is a pentagon of assets – these are defined in terms of five types of capital: Human Capital, which is defined in terms of people's health, knowledge and skills, all of which are needed for productive work; Natural Capital, which includes resources which can be converted into stock or energy flows and materials from which we produce goods and services; Financial Capital, such as banknotes, shares and bonds, all of which enable the other types of capital to be traded; Physical or Manufactured Capital, which includes the factories, machines and tools which enable the production process; and finally, Social Capital, which is defined in terms of the institutions that help us maintain and develop the above forms of capital in partnership with others; e.g. families, communities, businesses, trade unions, schools and voluntary organisations.

This framework allowed the research team to examine the effect loss of citizenship on five main assets types and to see how this affected their livelihood strategies, the choices they made and how this influenced their developmental outcomes. This was particularly important because, while Arendt recognises a state of lawlessness in the Nazi system which

created stateless people, she does not consider how individuals may develop defensive strategies beyond political contestation.

In this study, we used a range of objective criteria and subjective rankings. In order to probe income, which is notoriously difficult with questionnaires, the research team used the proxy of expenditure and asked about spending on rent and lodging, food, transportation, education, health as well as savings. Further, participants ranked their health against a five part scale, from extremely sick to very healthy (less than five days off sick in a year); and the rights investigated included exercising culture and religious practises, physical security, the exercise of communal rights such as association in groups or members clubs. The study also explored access to services including hospitals, the availability of safe drinking water, access to public transportation as well as primary and secondary schools; we also asked about access to police, course and legal assistance. Physical capital was investigated in the form of housing, shelter, the availability toilets, vehicles and jewellery, while natural capital was examined in terms of land, livestock, access to rivers, lakes and forests. Finally, financial capital was examined in terms of cash and savings, mortgages as well as both formal and informal loans.

Using multivariate regression analysis to examine the survey data, the research identified the impact of statelessness on: i) livelihood assets; ii) vulnerability; iii) livelihood strategies; and iv) gender parity. The survey and interview data brought up much information about the local context and it was revealed that in some cases that the gap between citizens and formerly stateless person appeared to be narrowing. This prompted further questions about the role of social institutions, for example in Sri Lanka where labour unions were influential.

In addition, the research team was able to develop some generalisable conclusions about the long-term effects of deprivation of citizenship. The team concluded that statelessness decreased income by over 33 per cent and the likelihood of owning property by 60 per cent. It also appeared to have a major impact on human capital acquisition, above all education. In some cases, it meant that stateless people had six years less education than citizens. There were also some important gender and family considerations. Larger families had more social capital and this increased dramatically with each additional member. In female-headed households, the presence of formerly stateless women decreased social capital, but each additional female member increased the prospect of greater financial capital. Women therefore appeared to be better strategisers in the struggle against poverty and exclusion.

Applying Arendt to statelessness today

The above empirical studies are most telling about the nature of statelessness and open up several avenues for practical consideration. In the context of Arendt, we note that the antecedents of statelessness are more varied than what she describes. Whereas Arendt explains how political interests coalesced in early 20th century Germany, it is clear that today statelessness exists as the product of deliberate, accidental and circumstantial events and that these events do not necessarily entail the loss of rights in a totalising system. Rather, as other authors in this volume record, the fact that some groups such as the Nubians in Kenya and Bihari in Bangladesh enjoyed access to courts highlights a major digression from Arendt's model where the lack of citizenship provided no legal recourse. Further, extensive interview data records considerable evidence of daily contestation, a condition which runs counter to the negative account given by Arendt were the stateless are pitiless and unconnected individuals.

In support of Linz's argument, we also note that while we are able to distinguish between cases on the basis to which stateless people enjoy access to rights, this does not necessarily cut across regime type. Indeed, the totalitarian model as presented by Arendt appears insufficient. Rather we can group together the democratic state of Slovenia with the non-democratic (until very recently) state of Myanmar and contrast these with two states with very different political traditions such as Sri Lanka and Ukraine, where there have been substantial attempts at reform but which were generated by different internal processes.

The research findings therefore highlight a much more ambiguous state and one which cannot necessarily act as a guarantor of rights even when committed to reform. Citizenship in several cases did not ameliorate the conditions of the formerly stateless and indeed, as noted above, in many states it is questionable just how valuable citizenship is in terms of practical protection. Statelessness is a structural problem, and while it frequently emanates from the conflict between state and nation and the tussle for membership, as Arendt suggests, there are other modalities which need to be taken into account.

Conclusion

Arendt was, in many respects, an intellectual maverick to whom we owe considerable debt for her analysis of Nazism, Stalinism and for introducing the study of the stateless. However, her work is situated in a particular European context and therefore warrants a critical re-reading when considering its application today. Statelessness in the 21st century is both more varied and more nuanced than we find in Arendt's writings, but there may still be something to glean from them. Why the effects of statelessness endure over time suggests there is more

mileage in Arendt's belief in inter-national or inter-ethnic conflict within the nationalising state and that this may continue to feed discriminatory forces. If that is so, then these conclusions have important ramifications for the design of humanitarian policy.

Nationality reform in and of itself does not necessarily provide much relief to the excluded. Rather, we should recognise the complexity that is statelessness and the challenges posed, especially in the developing country context where most stateless people are based. If one accepts that statelessness is a structural problem, then it is essential to identify ways of correcting the inequalities which continue to disempower and exclude. That also means including nationality criteria in development planning alongside other key indicators. The research suggests that strengthening human capital – above all improving investment in health and education – the gap between the formerly stateless and natural born citizens can be reduced. Thus, just as we have pro-poor interventions which focus on specific categories, for example women, veterans or those living in river-basin conditions, we too should press for the inclusion of stateless people as a distinct category of beneficiary. Similarly, improving access to land and strengthening social institutions increases the odds of participation.

In our reassessment of Arendt's writings and their relevance to statelessness, this chapter has focused on the political constructs of power and the potential for contestation within systems and within states. I have argued that not only is Arendt's model of totalitarianism less applicable today, but her reliance on law as a sources of protection also runs counter to contemporary realities. Further, I have also argued that the absence of individuality in her discussion of statelessness is challenged by personal accounts both from the 1940s and from today. The participants in the above studies enjoyed varying degrees of agency and in some cases were the drivers of change in systems, where they successfully laid claim to their rights.

As with Levi's account, they too had names and were aware of their standing in the discriminatory order in which they lived. Such deep contextual information is missing from Arendt's account but is crucially important. By focusing the analysis within the state, and by analysing the context in which stateless people live, it is possible to identify interests, potential cleavages and arenas for engagement. This includes working with development agencies and donor governments to treat the stateless as a specific category of beneficiary in the hope that in so doing, they remedy some of the effects of discrimination and disempowerment.

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i This chapter is based an inaugural lecture delivered at Middlesex University London on 13 February 2014.

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ii In both the 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness, the concept of statelessness denotes the lack of a substantive relationship between an individual and a state.

iii See www.unhcr.org/ibelong/