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Placing the stateless refugee: a philosophy of statelessness, nationality, and rights

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Placing the stateless refugee:
a philosophy of statelessness, nationality, and rights

by

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A Proposal Submitted to the Honors Council

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Preface

I became interested in the refugee crisis not after hearing about it for the first time, but after making my own associations between Syrian refugees and Islamophobia. Since the election of Donald Trump to the Presidential seat, my political gaze became sharply attuned to racism, and I began to closely follow immigration issues both through media coverage and through statistics on government websites listing the number of green cards being distributed, or the number of refugees permitted into the United States per fiscal year. In my observation, I started to notice small injustices, such as the rate of distribution of green cards by country: even before the Trump presidency, the vast majority of visas were distributed to European countries, which, by my own conviction, were *not* the nations of greatest need. I noticed the severe bias towards Latin American immigrants that reflected in our immigration policies towards the southern border of the United States, versus the northern.

These interests deepened with President Trump's comments about Islam in particular. During his campaign in 2015, his comments ranged from seriously considering "closing down mosques" to seeing "thousands and thousands of people were cheering" watching the twin towers fall on 9/11 from Jersey City. After taking several Women's and Gender Studies courses that served to broaden my perspective of racism, internal biases, and systematic discrimination, I understood much more deeply how a certain biased narrative, such as the Islamophobic comments that Trump said publicly, can become representative of a group. I was fixated with how refugees, specifically from Syria, grew to become a symbol of danger in the United States, and how the American populace came to view them as a danger to public safety, despite their forced flight from their homeland due to a brutal civil war. Recognizing the intersection of racism and Islamophobia in these negative attitudes, I became concerned with the identity that

this discourse had created for refugees, in addition to migrants from Latin America, who have long been greeted with discrimination upon their arrival in the United States.

I began working for the International Rescue Committee (IRC) in Elizabeth, N.J. in June of 2018 where I worked directly with newly-arrived refugee families, finding them affordable housing options, work, schools for their children, and free English programs. My duties often extended to handling paperwork and translating for the caseworkers on site. Clients would frequently arrive in our office having come straight from the airport, with no plans for where they were going to stay that night. Most of the new arrivals spoke no English, and many of them had lost family members, including their children, to the conflicts they had fled. I learned most importantly the urgency of refugee flight. In my experience our clients were not overjoyed to be in the United States, nor were they looking forward to the struggle of building a life from scratch with the little resources they had brought with them in an entirely different culture with a hostile community of citizens. Their flight was in every way a last resort, and a worst-case scenario. All of the clients with whom I was able to interact were the ones who were lucky enough to have received asylum status from the State Department. National IRC offices do not handle cases of non-registered migrants, and this political status remained a mystery to me throughout my work with the organization.

Coming out of my summer with the IRC, I knew I wanted to dedicate my research to the people who remain undefined in their statelessness. The clients who arrived in my office were all properly documented, probably as a result of sheer luck, or a loophole in written law. The thousands of others, however, who are left on the borders of nation-states, have no opportunity to gain nationality in a host country, and many will end up in refugee camps. Throughout my thesis, I will explore the socio-political attitudes and structures that allow these people to remain

stateless, and the forces that work collaboratively to prevent their achievement of citizenship or permanent residence in host countries.

Introduction

Perhaps the story that most gripped the world in late 2015 was that of Aylan Kurdi, the 3 year-old Syrian boy whose lifeless body washed ashore after his family attempted to cross the Mediterranean Sea from Turkey to the Greek Island of Kos. In order to avoid Turkish authorities, the rubber inflatable boat that Aylan boarded along with his mother, father, and brother left Turkey at 5 a.m. under the cover of darkness. Since the start of 2015, thousands of migrants had traveled in overcrowded inflatable rafts unfit for ocean crossings in attempts to evade the strict security that occupies land borders, specifically the border between Turkey and Greece. Thousands died in the two weeks surrounding Kurdi's death, including his mother and 5 year-old brother, but it was his image that penetrated Western news outlets and captured the attention of American and European readers alike. Regardless of why it was that Kurdi's death enraptured the world as opposed to statistics detailing the numerical quantities of loss, according to NPR the crisis gained major media attention following the release of his photo, mobilizing international support and a record number of donations.¹

According to the Washington Post, even though in the year 2000 rates of displaced peoples dropped to a historic low since the beginning of the 20th century, by 2005, rates were climbing again, reaching an all-time high in the year 2015, with 60 million displaced people living all around the world outside of their countries of origin. This enormous number, markedly higher than the 40 million displaced persons in Europe during and immediately after World War II, is a reflection of the vast reach of internal conflict in countries with the highest output of people fleeing political unrest, such as Syria with 569,774, South Sudan with 283,400, Sudan

¹ Cole, Diane. "Study: What Was The Impact Of The Iconic Photo Of The Syrian Boy?," National Public Radio, last modified January 13, 2017, <https://www.npr.org/sections/goatsandsoda/2017/01/13/509650251/study-what-was-the-impact-of-the-iconic-photo-of-the-syrian-boy>.

with 906,585, the Democratic Republic of the Congo with 537,074, and Lebanon with 1,468,137, all as of 2017.² The global impact of the refugee crisis of the 21st century is massive, and has caused shifts in national policies, the formation of thousands of refugee camps across the world, and a growing tension among Western countries that seek to protect their national resources and citizens from the outpour of populations seeking refuge from conflict.

Motives for flight: why refugees leave

Perhaps the most addressed country of the refugee crisis of the 21st century is Syria, what was once a middle-Eastern farming nation that remained self-sufficient as a result of its export of oil. The enormous quantity of refugees originating from Syria could not have been expected from the conditions of the country at the start of the unrest that occurred at the beginning of the Arab Spring, in 2011. The country's rocky political history can serve as a telling indication of why this unrest rose to the surface during the Spring. Following a long dictatorship beginning in 1971 that he had inherited from his father, Bashar al-Assad followed in his father's footsteps when he began limiting investment opportunities to a select urban elite beginning in the year 2000, causing uneven economic development and frustration among the working class.³ In response to uprisings against these injustices, Assad's regime implemented, "widespread arrests, interrogations and torture, paid informants, secret police and the use of live ammunition to kill

² "Refugee population by country or territory of asylum," The World Bank, accessed January 23, 2019, <https://data.worldbank.org/indicator/sm.pop.refg>.

³ Rochelle Davis, *Great Decisions* (New York: Foreign Policy Association, 2015), 66, https://www.jstor.org/stable/44214795?seq=1#metadata_info_tab_contents.

and dissuade protestors in the streets.”⁴ Mistreatment of protestors by the government triggered the first wave of refugees to begin trickling across the national border into neighboring countries, namely Turkey and Jordan. The rebel forces, who held control of some small areas, were disorganized as a result of having very little funding, and this poor management led to robberies and lootings, pushing more Syrians out of their homes.⁵ Three more major waves of refugee flight would follow this small initial amount, in the spring of 2012, the winter of 2013, and 2014, the third and fourth confirming the crisis as noteworthy, as thousands of refugees were crossing the Syrian border as of the beginning of 2013.⁶ As rebel forces gained control of more municipalities, social services were lacking, and public institutions such as hospitals and schools were either failing or under attack.⁷

By 2013, small villages as well as major cities were under siege, as the government struggled to regain control of territories overtaken by rebel forces. By 2014, jihadist groups, such as Al Qaeda and the Islamic State (ISIS) were also capitalizing on the chaotic scramble for territory, and their willingness to use violence to increase their influence allowed them significant gains within the year.⁸ Rochelle Davis claims in *Great Decisions* that, “In Iraq and Syria, the rise of ISIS, which eliminates opposition through mass and well-publicized executions and harsh repression, has resulted in a steady flow of refugees fleeing areas where the group has

⁴ Rochelle Davis, *Great Decisions* (New York: Foreign Policy Association, 2015), 66, https://www.jstor.org/stable/44214795?seq=1#metadata_info_tab_contents.

⁵ Rochelle Davis, *Great Decisions* (New York: Foreign Policy Association, 2015), 67, https://www.jstor.org/stable/44214795?seq=1#metadata_info_tab_contents.

⁶ Rochelle Davis, *Great Decisions* (New York: Foreign Policy Association, 2015), 68-70, https://www.jstor.org/stable/44214795?seq=1#metadata_info_tab_contents.

⁷ Rochelle Davis, *Great Decisions* (New York: Foreign Policy Association, 2015), 69, https://www.jstor.org/stable/44214795?seq=1#metadata_info_tab_contents.

⁸ Rochelle Davis, *Great Decisions* (New York: Foreign Policy Association, 2015), 70, https://www.jstor.org/stable/44214795?seq=1#metadata_info_tab_contents.

taken or is likely to take control.”⁹ The extremes of violence used by ISIS against citizens of Syria indicated to many that flight was the only reliable option, as infrastructure was crumbling around them. Many Syrian refugees determined that an eventual return to Syria, which had been the hope for many that had left earlier on, was no longer possible, as the violence did not appear to be slowing.

The crisis, however, began in such small numbers that host countries that had initially welcomed Syrians with open arms were not prepared for the massive migrations of millions that eventually took place with the rise of jihadist groups and rebel attacks. Elizabeth Ferris and Kemal Kirisci claim in *The Consequences of Chaos: Syria’s Humanitarian Crisis and the Failure to Protect* that while the number of refugees after one full year following the disturbances in Syria remained at 26,000, the number climbed astronomically after four full years to 4.6 million, taking host governments completely by surprise and leaving them reluctant to provide resources to the foreigners at their borders. Turkey, Jordan, and Lebanon, the three countries that had received 90 percent of refugees fleeing Syria, were not expecting the further news that in the meantime, it was too dangerous for many of these refugees to return to Syria, and they may never return.¹⁰ When the crisis began and the flow of refugees was light, it was thought that the regime in Damascus would soon fall, and the migrants could return quickly. The governmental response that had originally been welcoming now turned to hostility, as the cost of maintaining refugees grew. Both Turkey and Jordan sought international assistance for their

⁹ Rochelle Davis, *Great Decisions* (New York: Foreign Policy Association, 2015), 70, https://www.jstor.org/stable/44214795?seq=1#metadata_info_tab_contents.

¹⁰ Elizabeth Ferris and Kemal Kirisci. *The Consequences of Chaos: Syria’s Humanitarian Crisis and the Failure to Protect* (Washington, DC: Brookings Institution Press, 2016), 36, https://www.jstor.org/stable/10.7864/j.ctt1c2cqws.7?seq=1#metadata_info_tab_contents.

efforts, Turkey claiming to create a “safe haven” for Syrian refugees as a result.¹¹ Eventually, Turkey, Lebanon and Jordan became hostile, politically and socially, towards Syrians, as the refugee population slowly pushed the governmental capacities of these countries over the edge.

In Turkey, public opinion of Syrians became drastically negative. Ferris and Kirisci claim,

“The sight of Syrians begging in the streets is causing particular resentment among local people, especially cities in western Turkey. There have also been local reports of occasional violence between refugees and locals. In turn, this reinforces a growing public perception that associates Syrian refugees with criminality. A public opinion poll conducted in Turkey in October 2014 revealed that more than 62 percent of those surveyed supported the idea that Syrian refugees were implicated in criminality and were responsible for the uptick in the number of crimes committed. As early as 2013, a poll in Lebanon found that 52 percent of respondents believed Syrian refugees posed a threat to national security and stability, and more than 90 percent said the Syrian conflict had a negative impact on the Lebanese government’s capacity to protect Lebanese citizens.”¹²

Public opinion of Syrians, in this respect, worsened dramatically as the number of refugees entering host countries continued to increase. Ironically, Ferris and Kirisci state, “these attitudes represent a stark contrast with local authorities’ and security officials’ observations in all three countries: in reality, criminality is surprisingly low, and Syrian community leaders are very

¹¹ Elizabeth Ferris and Kemal Kirisci. *The Consequences of Chaos: Syria’s Humanitarian Crisis and the Failure to Protect* (Washington, DC: Brookings Institution Press, 2016), 38, https://www.jstor.org/stable/10.7864/j.ctt1c2cqws.7?seq=1#metadata_info_tab_contents .

¹² Elizabeth Ferris and Kemal Kirisci. *The Consequences of Chaos: Syria’s Humanitarian Crisis and the Failure to Protect* (Washington, DC: Brookings Institution Press, 2016), 40-41, https://www.jstor.org/stable/10.7864/j.ctt1c2cqws.7?seq=1#metadata_info_tab_contents .

effective in preventing crime and defusing tensions between refugees and locals.”¹³ A large factor in the management of large numbers of refugees living in a host country is the distribution of resources between refugees and existing citizens. Angered by the redirection of their country’s resources towards foreign residents, citizens of Turkey became even more resentful of Syrians. Ferris and Kirisci assert,

“In the case of Turkey, this is heightened by the fact that the government continues to allocate funds from its own budget to pay for dealing with the refugees. This practice hits a particular nerve among the locals, who feel that it undermines their own access to, for instance, health services, while health personnel are occupied to an overwhelming degree with the refugees. Not surprisingly, 71 percent of the Turkish public told pollsters that Syrian refugees have cost the economy dearly, and 60 percent objected to their taxes being spent on the refugees.”¹⁴

Syrians who arrived in Turkey in the later years of the crisis, however, usually arrived hastily, and were in immediate need of financial support as a result of their hurried arrival to escape violence. The Turkish government’s capacity to support both their adoptive residents and their citizens is limited, as the flow of Syrian refugees across Turkish borders continues today.

Discussion of the Syrian crisis is important as it is this mass migration that has dominated media representations of the refugee crisis. Of all the crises of the 21st century, Syria’s holds the most significance to the United States and the Western world, as the influence of ISIS extends beyond Syria’s borders and into the lives of people living in the United States and European

¹³ Elizabeth Ferris and Kemal Kirisci. *The Consequences of Chaos: Syria’s Humanitarian Crisis and the Failure to Protect* (Washington, DC: Brookings Institution Press, 2016), 41, https://www.jstor.org/stable/10.7864/j.ctt1c2cqws.7?seq=1#metadata_info_tab_contents .

¹⁴ Elizabeth Ferris and Kemal Kirisci. *The Consequences of Chaos: Syria’s Humanitarian Crisis and the Failure to Protect* (Washington, DC: Brookings Institution Press, 2016), 41, https://www.jstor.org/stable/10.7864/j.ctt1c2cqws.7?seq=1#metadata_info_tab_contents .

countries. To talk about refugees without mentioning Syria would be short sighted. The crisis that evolved in Syria, however, is not unique. Many conflicts that produce large quantities of refugees have similar roots and similar disputes, leading residents of those areas to flee for similar reasons. The refugee crisis in South Sudan began in 2011, when the country declared independence from Sudan. Since the separation, the Sudan People's Liberation Movement has dealt with internal conflict over the victory, and provoked governmental unrest that has led to widespread violence throughout the new nation's territory. The vast majority of refugees, at 82% according to the United Nations High Commissioner for Refugees (UNHCR), are women and children, most of whom are survivors of famine and violent outbreaks.¹⁵ More devastating to the civilians of the country are the effects of working people turning away from their livelihoods to participate in war efforts, leaving thousands of civilians to starvation. Without a sufficient harvest to support the population, many were forced to flee for reasons similar to Syrians: the inability not only to live peacefully, but to live at all. The number of South Sudanese refugees has now surpassed 2 million.¹⁶ Though crises occur throughout various regions, for various reasons, conflicts of human origin (as opposed to those of nonhuman origin like natural disasters) usually transpire as a result of desperation, where refugees often face a question of life or death for themselves or their children when considering the risk of flight.

¹⁵ "South Sudan Refugee Crisis," United Nations High Commissioner for Refugees, accessed January 25, 2019, <https://www.unrefugees.org/emergencies/south-sudan/>.

¹⁶ "South Sudan Refugee Crisis," United Nations High Commissioner for Refugees, accessed January 25, 2019, <https://www.unrefugees.org/emergencies/south-sudan/>.

European opinion and the refugee crisis

The European continent is no stranger to large influxes of migration, as the wave of refugees that fell upon Europe during and immediately following World War II was one of the largest in all of human history. However, European attitudes towards refugees have scarcely changed since the introduction of laws protecting refugee rights following World War II, namely at the 1951 Geneva Convention on the Status of Refugees. Perhaps the most progressive international legislation regarding forced migration of its time, the Convention determined and signed into international law several agreements between member states, which were to be monitored and upheld by the UNHCR. The Convention defined the refugee as “a person outside their country owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.”¹⁷ Christina Boswell claims in “European values and the asylum crisis” that the Convention determined, on what she calls a “liberalist universalist” platform, that refugees have inalienable rights on the basis of their individual rights. One of the key determinations of the Convention was the “non-refoulement” clause, which determined that refugees could not, under the contract of the Convention, be expelled or sent back (refouled) to their country of origin if their life or liberty would be put at risk. There were many suspicions on the part of the UNHCR that Turkey has violated these provisions of refoulement in response to the Syrian refugee crisis.

Though the Convention instituted a certain set of rights for refugees specifically, European civilian attitudes towards refugees have not always reflected the legislation governing these migrants. Significant economic, social, and political conflicts have surrounded the giant

¹⁷ Christina Boswell, “European values and the asylum crisis”, *International Affairs (Royal Institute of International Affairs 1944-)* 76, No. 3, (2000), 539, https://www.jstor.org/stable/2625953?seq=1#metadata_info_tab_contents.

waves of migration in recent years, as the legislative developments of the Convention are no longer regarded as functional in the modern-day crisis by many citizens of the European Union. Boswell claims that many European nationals believe, “The individual rights-based model is unable to cope with current levels of influx, and its generous provisions impose an excessive financial and social burden on receiving countries.”¹⁸ There are two main arguments among European nationals to restrict immigration policies towards refugees that persist today according to Boswell. The first is,

“a liberal welfare-based argument that is primarily concerned with defending the socio-economic benefits of nationals in liberal democracies. This type of welfare-based claim is used to justify restrictions on access to welfare benefits or employment rights for asylum-seekers, or on access to asylum systems themselves, in order to protect the social and economic interests of current citizens. Second, there is what I shall call an ethnocentric argument for restricting influx, based on claims about the significance of racial, cultural or ethnic characteristics. This second type of argument tends to underlie discriminatory measures to deter specific groups of asylum-seekers or immigrants: tighter visa controls on countries with non-white populations, or preferential immigration schemes for Europeans. In practice, both sets of justification for restriction are often combined in a single nationalist approach.”

Essentially, according to European nationals across many nations, refugees pose a significant burden both economically and culturally. Furthermore, the Pew Research Center has found that overwhelming majorities of EU populations believe that the EU is doing a poor job in handling the refugee crisis. The Center claims,

¹⁸ Christina Boswell, “European values and the asylum crisis”, *International Affairs (Royal Institute of International Affairs 1944-)* 76, No. 3, (2000), 543, https://www.jstor.org/stable/2625953?seq=1#metadata_info_tab_contents.

“Regardless of whether they see refugees as a threat, or whether they think they increase terrorism, crime or take jobs, Europeans overwhelmingly believe that the European Union is doing a poor job of handling the refugee crisis. Majorities in every country surveyed say they disapprove of how the EU is handling refugees, including a staggering 94% of Greeks and 88% of Swedes.”¹⁹

This data about the EU’s handling of the refugee crisis supports Boswell’s arguments about the failure of traditional European ideologies of individual rights surrounding the refugee crisis. It is also an indication of a greater issue among European nationals: the majority negative attitude towards refugees themselves, that extends beyond just the policies.

Among the Pew Research Center’s data are statistics on the associations European nationals make between refugees, specifically those originating from Syria, and violence. The Center explains,

“Many Europeans are concerned that the influx of refugees will increase the likelihood of terrorism and impose a burden on their countries. A median of 59% across 10 EU countries voice concern about the prospect of increased terrorism. This includes 76% who say this in Hungary and 71% in Poland. Around six-in-ten in Germany (61%), the Netherlands (61%) and Italy (60%) also think refugees will increase terrorism in their country. (The survey was conducted prior to terrorist attacks in France and Germany that occurred over the summer.) Additionally, many Europeans believe refugees are a burden to society because they take jobs and social benefits that would otherwise be available to citizens of each nation. Overall, a median of 50% across the 10 countries surveyed says this. Only in Sweden and Germany do majorities say the opposite – that refugees make their country stronger because of their hard work and talents.”²⁰

¹⁹ Jacob Poushter, “European opinions of the refugee crisis in 5 charts,” Pew Research Center, last modified September 16, 2016, <http://www.pewresearch.org/fact-tank/2016/09/16/european-opinions-of-the-refugee-crisis-in-5-charts/>.

²⁰ Jacob Poushter, “European opinions of the refugee crisis in 5 charts,” Pew Research Center, last modified September 16, 2016, <http://www.pewresearch.org/fact-tank/2016/09/16/european-opinions-of-the-refugee-crisis-in-5-charts/>.

A wider contributing factor to this perceived threat are European ideas about the strengths of diversity. The Center's statistics show that the average European does not generally believe that diversity makes their country a better place to live. The Center claims,

“In no EU country surveyed did more than four-in-ten say that having an increasing number of people from many different races, ethnic groups and nationalities makes their country a better place to live. And in two nations, Greece and Italy, more than half said that increasing diversity makes the country a *worse* place to live.”²¹

These surprising statistics show a general lack of acceptance that nations have towards diversity, and they raise many questions regarding the potential for the integration of refugees into national communities.

Throughout my thesis, I will address many related questions regarding the fluctuating relationships between national communities and outsiders, specifically in the case of refugees and stateless peoples. After discussing the meanings of these terms, such as the definition and identities of the refugee and the nation-state, I will delve into a philosophical examination of individual rights, particularly rights that are defended by nation-states, and the relationships between national communities and those existing outside of those communities whose lives may depend on their acceptance into a nation-state. I philosophically outline the likely experiences of refugees as they are faced with statelessness, including what forces push against them, what actions taken by what groups have collaborated to ensure their inability to gain rights, and what

²¹ Jacob Poushter, “European opinions of the refugee crisis in 5 charts,” Pew Research Center, last modified September 16, 2016, <http://www.pewresearch.org/fact-tank/2016/09/16/european-opinions-of-the-refugee-crisis-in-5-charts/>.

attitudes contribute to these actions. My aim throughout this thesis is to understand and analyze the philosophical concepts of statelessness, exclusion, and rights.

I begin my argument by determining what a refugee is, who occupies that identity, and how that identity relates to the opposing force in the refugee crisis, which is the nation-state. In this opening chapter I introduce the term “stateless refugee” to identify the subjects of my primary argument running throughout my thesis, as these individuals occupy the intersection of stateless peoples and refugees: while not all stateless people are refugees, not all refugees remain stateless. I examine those who are refugees from their nations of origin, as well as those who remain stateless, living outside of the theoretical borders of any nation. I look to philosopher Thomas Nail to examine the concept of the “migrant,” and the effects that migration has on national communities. I also examine the concept of the nation-state, and offer my own working definition of the term.

In the following chapter, I analyze Jean-Jacques Rousseau’s *The Social Contract*, which proposes theories of the Rights of Man and the liberties man exercises under the State. Rousseau argues that there are certain inalienable liberties that can be attributed to every man²², so long as he exists and participates in the governmental functioning of the state. These rights are natural, in that each man is born with them on the condition of his birth alone. However, Rousseau gives no indication as to how these rights are preserved. Next, I discuss Hannah Arendt’s *Origins of Totalitarianism*, in which I orient her argument towards the opposition of Rousseau’s claims. Arendt argues that fundamentally stateless peoples are rightless, regardless of the philosophical assertion that all men²³ have natural-born rights. The reality of the situation, Arendt argues in the text, is that rights *must* be defended by an institution more powerful than man himself, and that

²² Rousseau argues on behalf of all men specifically, not all people.

²³ Arendt also uses specifically gendered language in her arguments referring to men.

in the modern world, the nation-state occupies that role. Conceptually, it would be meaningless to claim that all men have natural-born rights when there are people living today that have no such opportunity, as a result of their statelessness. Throughout the chapter, I discuss the relevance of Arendt's argument for the philosophical determination of the defense of rights, and ultimately conclude that it is absolutely imperative that a nation-state, with juridical power over its own territory, stand in defense of individual rights. This, in turn, leaves stateless refugees rightless, and ultimately defenseless in their attempts to regain a nationality.

In light of my discussions of Rousseau and Arendt, I then shift to exploring the oppressive side of the refugee crisis: the exclusive national community within the nation-state, and the attitudes held by these communities that lead to the oppression of stateless refugees and other migrants. I open this section with a discussion of the formation of national communities. Throughout the chapter, I offer examples of exclusive national communities, and examine how exactly these groups form. Ultimately, there are connections within these national communities that unite populations, such as cultural, racial, ethnic, political or religious commonalities that stateless refugees cannot penetrate as foreigners that do not share in the ties that bind. Transitioning from the formation of national communities to the attitudes that these communities hold, I subsequently examine Simone de Beauvoir's *The Ethics of Ambiguity*, in which she argues for the philosophical implications of what she calls the "serious man." De Beauvoir's "serious man" is he who mistakes his own worldview for the universal perspective of the order of things. The serious man makes projections about the world according to his individual position, and fails to recognize or validate the viewpoints of others as a result. Unable to give way to the convictions of others, the serious man sacrifices their freedoms, alongside his own, as he mistakes the subject for the object.

I also turn to Edward Said's *Orientalism* to further illuminate de Beauvoir's conceptions of the serious man. Said asserts that the Western Orientalist projects a predestined idealization of the "Oriental" unto Eastern peoples. With the help of the broader Western societies, these ideals become reinforced continuously through the perpetuation of romanticized conceptions of the "Oriental," without ever truly incorporating Eastern peoples into this narrative of their existence. Throughout *Orientalism*, Said introduces the concepts of the "Self and the Other," in which the Self, often an individual or institution in a position of power, fabricates an identity for the Other, creating distance between that Other and the Self. This binary plays into the rejection of stateless refugees from national communities, because bonds between members of a national community often serve as means of differentiation of those members from foreigners, or Others.

Connecting Said's discussion of Orientalism with de Beauvoir's serious man, I identify the attitudes of nation-states towards stateless refugees, and the ignoring of the rights of stateless refugees that nation-states often practice in their refusal to grant nationality to this group. I argue that nation-states adopt the oppressive attitudes of the Orientalist and the serious man, as many enforce strict immigration policies that prevent stateless peoples from entering their territories without any consideration for their inability exercise rights in the absence of the protection of a state with juridical power. My discussion of de Beauvoir and Said returns us to Arendt's arguments surrounding the need for the nation-state's political capacity in the defense of human rights, especially relating to legal statuses and nationality. Ultimately, the concept of the Self and the Other that Said introduces in *Orientalism* serves as a major explanation for the exclusion of stateless refugees from these communities and states.

I use the following chapter to link my examinations of Said and de Beauvoir to those of Arendt and Thomas Nail, whose concept of the "migrant" was discussed in Chapter 1. Nail

argues that the social progress that migrants allow for societies to achieve is necessary for the forward movement of civilizations. He claims that without the unrecognized work that is achieved by jobs occupied primarily by migrant workers, like maintenance jobs, our societies would be essentially unusable. However, there still remains a societal conception of “stasis,” meaning that often, majority groups within national communities are unable to recognize this work as valuable, or are unable to see the significant contributions that this work offers to societies. This attitude creates what Nail calls a social illusion of stasis, in which real contributions made to civilizations by migrants is seen as lack, or as nothingness. Nail’s argument leads me to examine the question of usefulness, in relation to the role of stateless refugees in societies and national communities. In examining Nail’s conception of social stasis, I compare the attitudes of de Beauvoir’s serious man to Nail’s work. De Beauvoir claims that the serious man sees the world in terms of usefulness, in alignment with his restrictive worldview. The example de Beauvoir provides is of a colonial administrator who is building a highway: the value of “native” peoples is assigned by the colonial administrator, in a position of power over “native” peoples, by their usefulness in building highways. The “native” individual who does not have skills in construction is thus not valuable, and it does not matter if invaluable people die in the process of building. Even those with building skills are only attributed value in this specific context, and remain useful only so long as they maintain their strength and ability to build. The ignorance of the serious man can be understood further by overlaying the concept of the Self and the Other, where the serious man represents the Self creating an identity for the Other in order to distance himself from that. Unable to recognize the worldviews of Others as valid, the serious man projects his own convictions onto the order of things, convinced that his subjectivity is the world’s object. This type of disregard erases the original identities of the Others in a way that

benefits the serious man, or the Self. Stateless refugees, in this sense, are the victim of attitudes like that of the serious man which are adopted by national communities and nation-states, in which their usefulness and their identities are assigned to them, and without rights to contest these assertions, they are left defenseless and unable to live peacefully.

Ultimately, I aim to challenge the existing narrative of statelessness, such as the one I believe relates to de Beauvoir's conceptions of the serious man. I believe that philosophical understandings of statelessness may provide insight into why national communities and nation-states act in the ways that they do that so greatly disenfranchise stateless refugees who live without rights or nationalities as a result of the immigration policies of nation-states. The nature of philosophy is to seek understanding, and I believe in the capacity of reshaping philosophical arguments about stateless refugees to spread true and just ideas regarding their identities and rights.

Section A

In this section, I discuss the definitional meanings of stateless refugees, who will serve as the subjects of my thesis, as well as nation-states. I make a point to define these terms separately, as my arguments focus specifically on a certain category of refugees and stateless peoples, and seek to determine the roles of nation-states in the repression of stateless refugees. Thus, in the evaluation of the rights of stateless refugees and the rights of nation-states in the face of mass migrations, I will evaluate the two categories separately.

Chapter 1: Defining the stateless refugee

Migrants: distinguishing between those who move

Throughout this chapter, I will distinguish between the many forms of motion across boundaries that encompass the idea of migration. While my thesis is principally an analysis of stateless people, I view stateless people as a smaller category of a broader idea of migratory people. In *The Figure of the Migrant*, Thomas Nail broadens the conceptual understanding of migration, emphasizing the expansive abstraction of movement as it relates to the identification of the migrant. Nail claims, “the figure of the migrant is not a ‘type of person’ or fixed identity but a mobile social position or spectrum that people move into and out of under certain social conditions of mobility.”²⁴ The defining characteristic of the migrant, Nail claims, is motion, which appears in *The Figure of the Migrant* in two distinct forms: the spatio-temporal traversal from a place of departure to a place of arrival, and the condition under which societal change is driven. Nail elaborates that the more encompassing definition of the migrant is the latter, as it addresses the true extent to which migrants hold an influence over the progression of societies, keeping them from remaining in stasis. In regards to the second form of motion, Nail asserts,

“The movement of the migrant is not simply from A to B but is the constitutive condition for the qualitative transformation of society as a whole. The migrant not only undergoes an extensive movement but also affects an intensive or qualitative social movement of the whole of society itself. In this sense, the figure of

²⁴ Thomas Nail, *The Figure of the Migrant* (Stanford: Stanford University Press, 2015), 235, <https://ebookcentral.proquest.com/lib/bucknell/reader.action?docID=3568962>.

the migrant is a socially constitutive power. It is the subjective figure that allows society to move and change.”²⁵

The work of migrants, Nail claims, often goes unnoticed, but is critical to the maintenance and continuous reconstruction of society. Everything from jobs related to the maintenance of spaces, cleaning, construction, etc., are disproportionately occupied by migrants: jobs which are underpaid considering cities would be virtually dysfunctional without them. The image of stasis, in the context of migrant work, is related to the “capitalist division between productive and reproductive labor,”²⁶ signifying that while it may seem as though maintenance-related labor is not inherently progressive, it is essential for the forward movement of a society.

The importance of Nail’s interpretation of the role of the migrant is found within his understanding of progression. He claims that the constant flow of progress within the borders of a nation is reliant on the changing social tides brought in waves of migration. In other words, with a constant influx of an evolving labor force, social change is accelerated. However, the critical aspect of this perceived “stasis” in relation to the role of the migrant is the fact that the social progress offered by the arrival of the migrant is ordinarily ignored. On the occasion that a social group enacts real progress that is perceived as stasis, that social group’s significance and value is diminished greatly. As Nail explains, when the credit for societal progress is taken away from the migrant and attributed elsewhere, the presence of this enormous social movement is perceived as motionless, and thus reaches a state of dispensability.

Applying Nail’s broad conception of the migrant towards understanding stateless peoples, I will interpret the “migrant” through a number of different lenses. First, I will define

²⁵ Thomas Nail, *The Figure of the Migrant* (Stanford: Stanford University Press, 2015), 13, <https://ebookcentral.proquest.com/lib/bucknell/reader.action?docID=3568962>.

²⁶ Thomas Nail, *The Figure of the Migrant* (Stanford: Stanford University Press, 2015), 13, <https://ebookcentral.proquest.com/lib/bucknell/reader.action?docID=3568962>.

the “migrant” as the comprehensive category of people who traverse across the boundaries of provinces or nation-states for any wide variety of reasons. Second, I acknowledge migrants collectively as a catalyst for social change, serving to progress societies towards productive movement forward. Third, I will treat the term “migrant” as an overarching category under which stateless people and refugees fall as subcategories. Finally, the term migrant encompasses the aspects of the identities of stateless peoples and refugees that include their movement across state boundaries, their experiences as non-nationals wherever they may land, and the drive that they provide that initiates social change.

Refugees and stateless peoples

As subcategories of the “migrant,” the refugee and the stateless person drive social change insofar as they move across borders. I will use the terms “refugees” and “stateless persons” to address the subjects of my thesis, though the two terms distinctly represent two groupings of identities and experiences. These people are categorized by their very characteristic of un-belonging. It is their rejection from communities on all sides of them, their undesirability as determined by surrounding nation-states, that drives my interest in their inability to access rights. Though I will address the rightlessness of stateless people when outside of the jurisdiction of a state in Chapter 3, here I will discuss stateless people and some refugees insofar as they lack the protection of rights within a nation-state.

In terms of their categorical identification as stateless people or as refugees, these two groupings often overlap. Some refugees are stateless, but not all, while some stateless persons are refugees, but not all. Statelessness can be defined in very simple terms, and I will use the

term statelessness to define an individual's lack of a documented nationality.²⁷ Statelessness can occur as a consequence of many different socio-political uncertainties, including ambiguous nationality laws. Laws of nationality are often divided between *jus soli*, which refers to the right to nationality due to one's birth within the territory of that country (the policy by which the United States extends citizenship rights), or *jus sanguinis*, denoting one's right to nationality based on blood relation to one's biological parents.²⁸ If an individual is born to foreign parents from a country that does not offer nationality by means of *jus sanguinis*, in a country that does not offer rights to nationality by means of *jus soli*, that person would have no national ties, and remain stateless. In this sense, not all stateless people experience leaving their countries of origin due to a forceful and compelling reason, such as civil unrest, prevailing famine, or governmental persecution.

Similarly, not all refugees are stateless. Many refugees are displaced within their own states of origin, either migrating to different cities or moving in and out of camps set up to house the displaced. Alternately, certain refugees are allowed entry into host countries for a variety of reasons, usually after being legally approved for a special visa. In an American context, refugees are considered to be of "special humanitarian concern to the United States,"²⁹ meaning distinctive visas are issued to those who fall under the United States' definition of a refugee. The definition adopted by the United States appears in the Refugee Act of 1980, which was a revision of the Immigration and Nationality Act of 1965. The definition of a refugee was found to be distinct from that of other immigrants in the Act of 1980; it was thus conceptually separated

²⁷ Here, I reference nationality insofar as it is offered by a juridico-political body, rather than an identity such as ethnicity. Documented nationality, in this sense, refers to a registered documentation as a member of a political state, specifically citizenship, but also extending to any legal status such as permanent residency or visa possession.

²⁸ James Brown Scott, "Nationality: Jus Soli or Jus Sanguinis." *The American Journal of International Law* 24, no. 1 (1930): 58-64, <https://doi.org/10.2307/2189299>.

²⁹ Refugee Act of 1980, United States national archive.

through the creation of a new act, meant to address the increasingly widespread global issue of the flight of refugees from their homes. In light of decision to escape that many are compelled to risk because they are powerless in the face of persecution, the definition that appears in the Refugee Act of 1980 is as follows:

“The term ‘refugee’ means any person who is outside any country of such person’s nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.”³⁰

In terms of distinguishing a refugee from other categories of immigrants, the special nature of persecution is the focal point of discussion. The inclusion of this definition as relating specifically to the persecution that an individual may experience implies that persecution is a critical aspect of one’s categorization as a refugee.

Matthew Gibney contests this definition in the essay, “The Ethics of Refugees,” arguing that persecution, while a well-founded reason to receive asylum or refugee status in a host state, is not the *only* well-founded reason. Gibney argues,

“From an ethical point of view, a major concern with the UN definition lies in the arbitrariness of using ‘persecution’ an essential criterion for refugeehood. Why should one distinguish between someone whose life or liberty is endangered because they have been specifically targeted for bad treatment and someone who, while equally endangered, is escaping the indiscriminate violence of civil war? If, as seems plausible,

³⁰ Refugee Act of 1980, United States national archive.

the reason we want a category of people called “refugee” is to identify individuals with a need for the protection of a new state, the inappropriateness of this distinction seems obvious. One should no more distribute asylum on the basis of *why* someone is endangered than one should allocate access to hospital beds according to the how an individual came to be injured.”³¹

The definition, that continues to be used as governmental policy of the United States is undeniably a contributing factor to the low intake of refugees per year. The number of refugees admitted into the U.S. throughout the years of Barack Obama’s administration held steady at 110,000. However, under the administration of President Donald Trump, that number was lowered significantly to 45,000. Though the numbers stand to represent the maximum capacity for refugee intake, the standards for obtaining refugee status in the United States are founded on the principle that demonstrated persecution must be provided upon application. Thus, the application process is extremely competitive and creates what feminist writer Audre Lorde would call a “hierarchy of oppression,” in that one form of expulsion from one’s homeland is interpreted as more pressing and more legitimate than another.³² Notably, Lorde argues that there is no hierarchy of oppression, as one form of oppression just as real, just as debilitating as another. The only result that can arise from the comparison of oppressions to one another, Lorde claims, is the undermining of an oppression perceived to be less severe.

The definition upon which Gibney ultimately settles is that of David Miller’s *Strangers in Our Midst*. Gibney claims, “the key question is whether an individual has to cross into another

³¹ Matthew Gibney, “The ethics of refugees,” *Philosophy Compass* 13, no. 10, (2018): 2, <https://doi.org/10.1111/phc3.12521>.

³² Lorde, Audre. “There is no hierarchy of oppressions,” *Homophobia and Education* (New York: Council on Interracial Books for Children, 1983).

state in order to have his or her human rights protected. Refugees, [Miller] suggests, are individuals ‘whose human rights cannot be protected except by moving across a border, whether the reason is state persecution, state incapacity, or prolonged natural disasters.’”³³ This definition of the refugee turns the issue on its head: rather than focusing on one’s reason for expulsion or compelled migration, which creates an unnecessary hierarchy and turns the responsibility of acceptance on the individual, Miller’s definition holds nation-states accountable for the protection of human rights. In the following section, I will look to Hannah Arendt’s *Origins of Totalitarianism* to explain the necessity of an organized state in the protection of human rights. Throughout my thesis, I will use Miller’s definition as referenced in Gibney to define the term “refugee.”

Though refugees and stateless peoples hold separate categorical identities, the focus of my thesis extends to individuals who occupy a third category, in which these two classes of identity intersect. While some refugees are stateless and some stateless people are not refugees, I hope to address the particular struggle of individuals with whom both of these identities resonate. Throughout my thesis, I will therefore use the term “stateless refugees” to refer to this particular grouping, which is the exact overlap between people who identify as both stateless *and* as refugees.

³³ Matthew Gibney, “The ethics of refugees,” *Philosophy Compass* 13, no. 10, (2018): 3, <https://doi.org/10.1111/phc3.12521>.

The nation-state

In order to demonstrate the existence of national identities, we must examine the concept of the nation-state. To begin, nations are made up by a grouping of people, who collectively occupy a national identity, while states are territories governed by a sovereignty. Typically, that sovereignty can be attributed to the nation. National identities thus differ when crossing an international border. While borders act as physical boundaries to a state, in many cases they also act as cultural, political, economic, and social boundaries as well. In this section, I will focus on the national groupings that exist within nation-states, that heavily influence the decisions and policies that are enforced by the state. I seek to determine what it is that binds these groupings of individuals together to form these national identities. I will additionally determine the relationship between the people within a nation and the state in which they live. Therefore, in order to address both the physical and societal denial of access that stateless refugees experience, I will refer to these groups as combined “nation-states” throughout my thesis.

The formation of the nation is built from a common understanding of national identity, which is shared among brethren forming a sense of unwritten unity. Samuel Scheffler discusses in the essay, “Immigration and the Significance of Culture,” that immigrants are often thought to be a disturbance to this sense of unity:

“A country’s unity is both expressed in and sustained by its citizens’ shared sense of history; by their mutual recognition of national holidays, symbols, myths, and ceremonies; by their allegiance to a common set of values; and by their participation in a range of informal customs and tendencies covering virtually every aspect of life, including modes of dress, habits of thought, styles of music, humor, and entertainment, patterns of work and leisure, attitudes toward sex and sexuality, and tastes in food and drink. Immigration

transforms these sources of cultural unity into grounds of contention and conflict. Immigrants arrive with their own histories and traditions, customs and values, habits and ceremonies. The features and practices that define the host nation's distinctive identity--the very features that give its nonimmigrant citizens the sense of belonging to a single people--are experienced by immigrants as unfamiliar at best, and alienating or oppressive at worst."³⁴

The unity created by this sense of commonality, Scheffler explains, is what preserves the will in the people to continue to coexist in harmony. The immigrant, representing a breach to this harmony in every cultural and at times, ethnic way, can be considered a threat to the stability of the nation.

In order to govern these encountered differences, the state must either decidedly allow or forbid the entry of immigrants within its borders. Just as there are rights that can be attributed to individuals, there are also sets of rights that may be ascribed to states. In the essay, "The Ethics of Immigration: Self-Determination and the Right to Exclude," Sarah Fine discusses the broad topic of state rights within the field of immigration ethics. She claims,

"The subject includes, but is not limited to, questions related to forced migration, particularly the nature and extent of duties towards refugees, as well as the very definition of a refugee... ..what states owe to those immigrants they admit, especially in terms of access to citizenship and its accompanying rights, as well as the ethics of guest-worker programmes... ..what, if anything, states owe to those would-be immigrants they refuse to admit... ..and what, if anything, they owe to those who are present without authorisation... ..whether states may exclude would-be immigrants according to any selection criteria... ..whether states have special responsibilities to particular would-be immigrants, such as those from their former colonies, or to family members of their citizens and residents, or to long-term undocumented

³⁴ Samuel Scheffler. "Immigration and the Significance of Culture," *Philosophy & Public Affairs* 35, no. 2 (2007): 93-94, <http://www.jstor.org/stable/4623784>.

migrants, and/or to prospective immigrants from poor countries... ..[and] what, if anything, states may demand of immigrants once they have been admitted.”³⁵

Fine references the work of Michael Walzer, who declares, “Admission and exclusion are at the core of communal independence.”³⁶ She mentions the idea of self-determination as a right of the people in the interest of setting, “the terms of their common lives,”³⁷ as well as the state’s right to exclude as critical to self-determination. The idea of a collective nationality ties into the idea of self-determination and exclusion; the creation of a national identity is reliant on common attributes or aspects of lifestyle. National identities can be grouped by any number of categories, such as race, religion, ethnicity, tradition, tribal identity, and others. Therefore, as national identities are categorized, methods of exclusion become rather simple: when an individual fails to meet the specified category of identity, they become an alien to what has collectively been recognized as the standard of membership. Fine claims,

“Liberal nationalists maintain that one of the legitimate roles of the modern (nation) state is to protect its distinctive national culture. The national culture (‘a set of overlapping cultural characteristics—beliefs, practices, sensibilities’) is important for its members’ sense of their collective identity and belonging, as well as providing them ‘with a background against which more individual choices about how to live can be made.’”³⁸

Such a claim made by liberal nationalists raises a question: is the collective “people,” or nation, of a state distinct from the state itself? To claim that a state reserves the right to self-

³⁵ Sarah Fine, “The Ethics of Immigration: Self-Determination and the Right to Exclude,” *Philosophy Compass* 8, no. 3 (2013): 255, <https://doi.org/10.1111/phc3.12019>.

³⁶ Sarah Fine, “The Ethics of Immigration: Self-Determination and the Right to Exclude,” *Philosophy Compass* 8, no. 3 (2013): 258, <https://doi.org/10.1111/phc3.12019>.

³⁷ Sarah Fine, “The Ethics of Immigration: Self-Determination and the Right to Exclude,” *Philosophy Compass* 8, no. 3 (2013): 258, <https://doi.org/10.1111/phc3.12019>.

³⁸ Sarah Fine, “The Ethics of Immigration: Self-Determination and the Right to Exclude,” *Philosophy Compass* 8, no. 3 (2013): 261, <https://doi.org/10.1111/phc3.12019>.

determination and exclusion, referring to the state as a territorial body, is to claim that a state has the right to determine who is permitted to occupy what space. This notion becomes even more complex when it is taken into account that often, states hold sovereignty over one nation, but sometimes, multiple nations occupy one state. In that sense, some members of a certain nation may be forbidden from occupying specified territories, while others are able to move freely throughout. The question is then raised whether territorial occupation should be segregated by national identity. Ideally, territorial occupation would be even distributed by population size and regardless of socio-economic class, but ultimately it is the state's responsibility to legally determine who should occupy what space.

The distinction between a nation, comprised of “the people,” and the state brings me to a foundational text for my thesis, Hannah Arendt's *Origins of Totalitarianism*. Arendt addresses the issue of nationhood in relation to the state and stateless peoples, arguing that without membership within the jurisdiction of a state, an individual's rights are not properly protected. She claims that a collective national identity based on common attributes or aspects of lifestyle are often a reason behind exclusion of others. In the context of exception laws under the League of Nations for minority groups in Europe following World War II that allowed migrants to live within nation states, Arendt claims that “the minority” became a permanent institution that would, from that point in time onward, require addressing from nations within the League. Once these nation-states realized the extent of their responsibilities towards refugees and stateless peoples, “the transformation of the state from an instrument of the law into an instrument of the nation had been completed; the nation had conquered the state.”³⁹ In this sense, the nation holds primary control, as a result of the importance of shared national interests, over how the state

³⁹ Hannah Arendt, *Origins of Totalitarianism* (New York: Harcourt, Brace and Company, 1951), 274.

presides over its people, and the people existing directly outside its physical and metaphysical borders. Though the state does not always bear the burden of obeying the people's demands, the will of the people certainly has a heavy influence on the decisions the state makes in relation to their interests.⁴⁰

Arendt claims that the conquering of the nation by the state, and the dissolution of the "rule of law," occurred, "at precisely the moment when the right to national self-determination was recognized for all of Europe, and when its essential conviction, the supremacy of the will of the nation over all legal and 'abstract' institutions, was universally accepted."⁴¹ In this sense, the rise of populism, in the context of the citizen as opposed to the foreigner, arose as a result of the right of self-determination for the nation-state. Arendt will also claim that any natural-born rights held by stateless refugees, that are championed by many philosophers, cannot practically be upheld unless that individual exists within a nation-state willing to protect it.

Another issue raised by the division of the nation from the state is the question of whether nations have the right to occupy certain territory under the control of a state. In the essay, "Territorial Rights and Exclusion," Lea Ypi examines the ties that bind certain nations to the territory which allows them to function as a nation-state. Ypi explains that any agent, whether that be a family, state, company or individual, can have control over a territory, but there remains a question of who *should* be entitled to exercise those territorial rights. Territorial rights, Ypi claims, involve three distinct elements:

"The first is what we might call a right to jurisdiction, i.e. the entitlement to make and enforce rules over a bounded geographical area. The second should be understood as a right to control, use, exchange, or

⁴⁰ Arendt makes her arguments on the basis of the typical European state, not necessarily considering how non-republic states would act.

⁴¹ Hannah Arendt, *Origins of Totalitarianism* (New York: Harcourt, Brace and Company, 1951), 274-275.

transfer natural resources available in the territory. Finally, the third involves a right to control the movement of people across the borders of the territory and to exclude others from entering it.”⁴²

Ypi subsequently introduces the argument of acquisition theorists, who believe that the universe, “initially belongs to humankind in common, and agents’ subsequent way of intervening over resources (by making efficient use of them, working on them, deserving the benefits they produce etc.) justifies their establishment of property claims.”⁴³ A state’s right to self-determination, if the right to territory is based on one’s efficient use of its resources, extends to the members of that governing body’s right to provide for the residents of their nation. In terms of Arendt’s claims about the rightlessness of stateless people without the protection of a nation-state, the practical right of a nation to exclude would override that of a refugee seeking to occupy territory within a state.

However, in response to these issues surrounding the legitimacy of rights upheld by nation-states, Fine considers a philosophical argument raised to oppose the rights of states and of individual migrants and refugees. Fine claims,

“[a] challenge faced by each attempt to defend the state’s right to exclude (as with any defence of a right) is to indicate why the state’s interests in exclusion outweigh the claims of would-be immigrants to be admitted to the territory and/or membership, such that it can be said to have a general right to exclude. Each of the arguments about self-determination that I have outlined go some way to showing why the state’s control over immigration is usually important to the state and its members, but we also know that would-be immigrants typically have significant interests in being admitted. The conventional move here is to argue that the state’s/citizens’ claims to exclude would-be immigrants are weakest and even may be defeated where the would-be immigrants in question have the strongest claims to be admitted, as in the case of those

⁴² Lea Ypi, “Territorial Rights and Exclusion,” *Philosophy Compass* 8, no. 3, (2013): 242, <https://doi.org/10.1111/phc3.12018>.

⁴³ Lea Ypi, “Territorial Rights and Exclusion,” *Philosophy Compass* 8, no. 3, (2013): 243, <https://doi.org/10.1111/phc3.12018>.

fleeing for their lives and seeking sanctuary. And so if the state has a general right to exclude, either that right does not extend to excluding refugees, for example, or at times may be defeated by the competing rights of refugees.”⁴⁴

I will adopt Fine’s point that ethically, the right of a refugee to live in safety, insulated from persecution, civil war, political unrest, or natural disasters that may cause them harm or death supersedes the right of the nation-state to exclude individuals based on reasons of nonconformity to a national identity, or economic concerns regarding overuse of a state’s resources. In some cases, the exclusion of a stateless refugee from a nation matters less than one’s exclusion from the state, as safety exists primarily within the borders of a host country, and secondarily within the national community. Despite any territorial control a nation-state may have over an area of land, their right to exclude people from the use of resources from that land is exceeded by the compelling need of a stateless refugee to occupy that land.

When considering that stateless refugees are without protected rights when they are removed, and subsequently forcefully excluded, from the jurisdiction of a nation-state, their collective prohibition from nation-states becomes pressing. Throughout my thesis, I will use Arendt’s analysis of the ways in which the nation-state functions to exclude minority groups to address how this exclusivity of national communities within nation-states contributes to the continued repression of stateless refugees. I will also further address Nail’s argument regarding the social movement catalyzed by the movement of migrants across borders in order to defend my conclusion about the worldview through which we should think about stateless refugees. In the case of stateless refugees and their movement in and out of nation-states, I will also discuss

⁴⁴ Sarah Fine, “The Ethics of Immigration: Self-Determination and the Right to Exclude,” *Philosophy Compass* 8, no. 3 (2013): 263, <https://doi.org/10.1111/phc3.12019>.

the social and political change that is driven both from their movement, and from their lack of movement.

Section B

Chapter 2: Conceptualizing natural-born rights

Throughout this chapter, I will examine Jean-Jacques Rousseau's *The Social Contract*, a prominent 18th-century Enlightenment-era proclamation of rights, in order to raise questions about the liberties of stateless peoples. I challenge the ways in which all people are afforded rights in his theory, including the participating citizens of nation-states. In the analysis of the liberties of people belonging to a collective social body that Rousseau calls "the people," I draw attention to the exclusion of stateless people from those liberties. I argue that Rousseau's definition of individual rights in tandem with the State is inadequate: in arguing that liberties can be achieved only under the assurance of equality on the part of the State, Rousseau's argument fails to address statelessness. Rousseau discusses the liberties afforded to all people both naturally upon birth, and within the confines of an organized society. In this chapter, I will primarily address Rousseau's conception of the achievement of liberty within a nation-state, and will address the concept of natural-born liberty in the following chapter.

The presumption of natural-born liberty

In *The Social Contract*, Jean-Jacques Rousseau examines the relationship between individual liberty and the functioning of the "State" as a collective group of individuals. In the well-known first line of the text, Rousseau outlines both the natural-born rights of all men and the limitations of liberty that man faces when existing within the confines of a state: "Man is

born free; and everywhere he is in chains.”⁴⁵ There, Rousseau introduces the philosophical decree of natural-born rights, which I will follow Rousseau and define as the right to protected liberties and involvement in a collective state of inalienable equality on the basis of one’s mere existence, or, more specifically, existence and active presence within the State. The State, in the manner that Rousseau addresses it, is the governing body in which all men, alongside their liberties, are entitled to participate.

In his examination of liberty, Rousseau introduces the dynamics of liberty within the family in Chapter II of Book I, “The First Societies,” in which he identifies the family as the first structure in which one’s liberty is in question. Arguing that the family structure is the “first model of political societies,” Rousseau identifies that early in life, children are alienated from their liberties, due to their inability to self-preserve, or to care for themselves. Once a man reaches the age of competency, or the age at which he becomes able to self-preserve, he must “become his own master.”⁴⁶ Nonetheless, each child, solely because of their birth as men, are entitled to the same rights and liberties as their fathers: “Even if each man could alienate himself, he could not alienate his children: they are born men and free; their liberty belongs to them, and no one but they has the right to dispose of it.”⁴⁷ The only factor, then, in the maintenance of one’s liberty is one’s personhood. Rousseau claims that the decision to either alienate one’s liberty in the interest of self-preservation, or to relinquish one’s liberty to another, is always that of an individual. One person’s liberty does not extend to the infringement of another’s. In this sense, liberty is the essence of one’s condition: one must always enact one’s liberty in the form

⁴⁵ Jean Jacques Rousseau, *The Social Contract* (Open Library, 2018), Ii, <https://ebookcentral.proquest.com/lib/bucknell/reader.action?docID=5605470>.

⁴⁶ Jean Jacques Rousseau, *The Social Contract* (Open Library, 2018), Iii, <https://ebookcentral.proquest.com/lib/bucknell/reader.action?docID=5605470>.

⁴⁷ Jean Jacques Rousseau, *The Social Contract* (Open Library, 2018), Iiv, <https://ebookcentral.proquest.com/lib/bucknell/reader.action?docID=5605470>.

of self-preservation, and only alienate one's liberty under the condition that one is not able to self-preserve.

The difficulty is how to maintain one's liberty while living within the limits of a society that requires sometimes yielding to the needs of others. Rousseau addresses this difficulty by claiming at its core the clauses of the social contract can be reduced to one sentence: "the total alienation of each associate, together with all his rights, to the whole community for, in the first place, as each gives himself absolutely, the conditions are the same for all; and, this being so, no one has any interest in making them burdensome to others."⁴⁸ Only within a society of absolute equality can liberty be exercised to its fullest extent: "Finally, each man, in giving himself to all, gives himself to nobody; and as there is no associate over whom he does not acquire the same right as he yields others over himself, he gains an equivalent for everything he loses, and an increase of force for the preservation of what he has."⁴⁹ The exact balance between existing in a society and still exercising one's liberty, Rousseau proposes, is in a republic in which everything that is lost is gained back through societal returns; these may range from the protection of rights to private property, social benefits, a justice system, and a myriad of other resources a government may provide for its people. When each individual contributes a necessity to a society's prosperity, no more and no less than other individuals, the collective obtains this return.

In Rousseau's reasoning, the natural-given presumption of liberty is afforded to every man, on the sole condition that he exists. Even if someone chooses to alienate their own liberty, that choice is undeniably their own, and one person's liberty cannot extend to the infringement of another's. The gift of liberty, however, as a right that all men are born to actualize in the context

⁴⁸ Jean Jacques Rousseau, *The Social Contract* (Open Library, 2018), Ivi, <https://ebookcentral.proquest.com/lib/bucknell/reader.action?docID=5605470>.

⁴⁹ Jean Jacques Rousseau, *The Social Contract* (Open Library, 2018), Ivi, <https://ebookcentral.proquest.com/lib/bucknell/reader.action?docID=5605470>.

of a collective society, is an assumption about the accessibility of society to all men.⁵⁰ The mere nature of a stateless refugee, which I have defined as the overlap between refugees and stateless people, arises in opposition to Rousseau's conception of liberty. Rousseau's argument highlights both one's liberty when independent from a state, in addition to ways that one's liberty may be actualized within a state. In the following chapter, I will problematize Rousseau's assertion of natural-born liberties existing independently of a state. However, Rousseau's central argument emphasizes the achievement of liberty within a civilized state, as living freely outside of an organized society is now unattainable. Since the birth of neighboring nation-states, it is now impossible to resort back to one's original state of living according to human nature alone, and thus Rousseau proposes methods of achieving liberty within an ordered society. Only those who participate in a nation-state, such as citizens or anyone eligible to vote, can fulfill their destined liberty in the form of contribution to their government. Stateless peoples may have previously been unable to fulfill their liberty due to differing governmental styles than the republic that Rousseau describes,⁵¹ or civil unrest in their home countries. After fleeing their respective nations of origin, they are unable to exercise these natural-born liberties to their fullest extent, as they are unable to access nation-states due to immigration restrictions. Thus, the significance of natural-born liberties for all becomes contradictory when applied to the scenario of stateless peoples who are unable to exercise these supposed rights.

Furthermore, Rousseau's assertion of natural-born rights for all men relies on the universality of their distribution among people. Rousseau asserts that one's ability to exercise their liberties is contingent on the guarantee of equality for all under the sovereignty of the state,

⁵⁰ Comment acknowledging my decision to disregard feminism in this particular concept solely due to the breadth of research that a feminist perspective on the issue would require.

⁵¹ Contextually, certain liberties under forms of government unlike the republic described by Rousseau can be lost. In certain autocratic or monarchical governments, Rousseau's conception of absolute liberty could not be achieved. Many stateless people may originate from countries like such.

based the foundational belief that all men are entitled to rights solely on the basis of their personhood. If only certain people, such as those belonging to nation-states, are afforded equality at the hands of the state, the conceptual conviction of natural-born rights disappears, as Rousseau's abstraction of equality is no longer upheld. Within Rousseau's given argument, in order to exercise one's liberty (within a nation-state) to its fullest extent, the state must guarantee equality for all participants.⁵² When the state's sovereignty is only able to extend equality to those recognized as citizens, the concept of natural-born rights for all becomes null. Ultimately, Rousseau attempts to apply the philosophical concept of universal natural-born rights to a world now occupied by nation-states, and fails to address the complications that arise as a result of the exclusivity of their borders.

"The people" as an exclusive collective

Rousseau refers to this collective as "the People." The participation of the people in their government goes as follows: "Each of us puts his person and all his power in common under the supreme direction of the general will, and, in our corporate capacity, we receive each member as an indivisible part of the whole."⁵³ The collective formed by the people, thus, is entirely reliant on universal participation. Each member's offering is critical to the overall functioning of the state, as well as the maintenance of liberty for every individual. Individuals, thus, are undeniably equal in the provision of returns by the state, in exchange for the participation they offer.

⁵³ Jean Jacques Rousseau, *The Social Contract* (Open Library, 2018), Ivi, <https://ebookcentral.proquest.com/lib/bucknell/reader.action?docID=5605470>.

The equality between all individuals presented by Rousseau creates an image of collectivity, or a collaborative group identity between all participants in a people. In giving and receiving to the state, each individual serves an equal role in an expansive force, and thus is emancipated in its sheer allied power. Rousseau, in referencing the formation of societies, mentions that in a state, “the people” hold power: “A people, says Grotius, can give itself to a king. Then, according to Grotius, a people is a people before it gives itself. The gift is itself a civil act, and implies public deliberation. It would be better, before examining the act by which a people gives itself to a king, to examine that by which it has become a people; for this act, being necessarily prior to the other, is the true foundation of society.”⁵⁴ Later, Rousseau explains the significance of “the people,” as a governmental force: “At once, in place of the individual personality of each contracting party, this act of association creates a moral and collective body, composed of as many members as the assembly contains votes, and receiving from this act its unity, its common identity, its life and its will.”⁵⁵ The only prerequisite to contribute to this collective body is one’s personhood. However, once a member, this body forms a national identity, or a sense of mutual belonging within the bounds of the state to which “the people” gives itself, based on a mutual awareness of the contributions made by every participating member to the group.

Not only are individuals within this collective bound by their mutual decision to participate, but they are bound by national identity and by a mutual desire to protect their own interests in regards to the sovereignty of the state. As Rousseau mentions with regard to Grotius, the collective of “the people” holds more power united than a system of government itself.

⁵⁴ Jean Jacques Rousseau, *The Social Contract* (Open Library, 2018), Iv, <https://ebookcentral.proquest.com/lib/bucknell/reader.action?docID=5605470>.

⁵⁵ Jean Jacques Rousseau, *The Social Contract* (Open Library, 2018), Ivi, <https://ebookcentral.proquest.com/lib/bucknell/reader.action?docID=5605470>.

Collectively, “the people,” empowered in number, jointly form a group identity as members of a shared nationality. In mutually belonging and participating in a nation-state, “the people” not only become the foundation of the state that Grotius describes, but in a republic, the basis from which a government will make all types of decisions regarding the treatment of its citizens and foreign affairs.

If “the people” hold a collective identity due to their mutual concern for the protection of their interests through voting and participating in their government, those unable to participate in government are not part of this collective identity, nor the process by which governments make decisions regarding its own people. All non-citizen residents, stateless people living in camps on the borders of countries, or illegal foreigners are actively⁵⁶ excluded from “the people,” and from the opportunity to reap the benefits associated with membership to this collective identity, whether that be camaraderie, the identification with a nationality, a common ethnicity, or the ability to have a voice in one’s government.

Again, the idea of natural-born liberty falls short within the idea of the collective “people.” Whereas citizens are afforded liberty through their participation in the state, stateless peoples without access to membership or even residence in a nation-state are left unable to achieve liberty in this sense. Because the idea of natural-born liberty is reliant on the universal distribution of that liberty to all persons, natural-born liberties cannot exist while the idea of “the people,” a governmental group excluding certain identities, persists. Those who are denied the liberties associated with membership in “the people” exist outside of both the collective identity formed by “the people” *and* their own recognized personhood.

⁵⁶ I describe the exclusion of stateless peoples from collective groups and from nation-states as active because it is continuous and deliberate.

The liberated man's transcendence of nature

Rousseau recognizes the potential differences between individuals that form the communal state. There are natural inequalities that account for the distinctions between people. However, inequality does not affect one's natural-born right to liberty. On inequality, Rousseau comments, "instead of destroying natural inequality, the fundamental compact substitutes, for such physical inequality as nature may have set up between men, an equality that is moral and legitimate, and that men, who may be unequal in strength or intelligence, become every one equal by convention and legal right."⁵⁷ Therefore, under the state, people see the formation of artificial equality, or state-sanctioned compensation for natural inequalities. Therefore, through a recognition of difference, Rousseau crafts a state where undeniable equality based on one's natural right to liberty is granted, regardless of one's circumstances.

The benefits to the formation of a state of artificial equality is the emergence of people from a condition of nature to a state transcending the boundaries of nature. Though one's natural right to liberty is the basis of one's membership in a state, the state allows all members to surpass the line between civilization and nature. Rousseau claims,

"The passage from the state of nature to the civil state produces a very remarkable change in man, by substituting justice, for instinct in his conduct, and giving his actions the morality they had formerly lacked. Then only, when the voice of duty takes the place of physical impulses and right of appetite, does man, who so far had considered only himself, find that he is forced to act on different principles, and to consult his reason before listening to his inclinations. Although, in this state, he deprives himself of some advantages which he got from nature, he gains in return others so great, his faculties are so stimulated and developed, his ideas so extended, his feelings so ennobled, and his whole soul so uplifted, that, did not the

⁵⁷ Jean Jacques Rousseau, *The Social Contract* (Open Library, 2018), Ivii, <https://ebookcentral.proquest.com/lib/bucknell/reader.action?docID=5605470>.

abuses of this new condition often degrade him below that which he left, he would be bound to bless continually the happy moment which took him from it forever, and, instead of a stupid and unimaginative animal, made him an intelligent being and a man.”⁵⁸

The state, in this sense, is the voice of reason that complements the presence of human nature within a person. While the purely raw existence of one’s natural “inclinations” is the manifestation of the truest liberty, an individual who resigns their personhood to a nation-state receives a separate, higher liberty in return: one that allows him to transcend the mere liberties of acting on instinctive predispositions. Rousseau presents the idea of membership in a nation-state as a transformative experience for an individual, claiming that only the experience of what can be described as citizenship (membership of “the people,” and active participation in government) within this state can lead one out of one’s natural state of disorganization and into an intelligent, enlightened existence, in which one lives harmoniously with one’s fellow persons.

If this form of membership within a nation-state is the only form of liberated, intelligent existence beyond the natural instinctive behavior governed by human nature, then only members of functioning nation-states will have the opportunity to achieve this accession. The active exclusion of stateless peoples in Rousseau’s argument appears not only within the exclusivity of membership within a nation-state, but also in the impossibility of a rational existence without that membership. Thus, stateless peoples, in their inability to access membership to any particular nation-state, are bound to lives lacking meaning beyond their natural instincts, in addition to lacking the liberties provided to members of a state by a government.

⁵⁸ Jean Jacques Rousseau, *The Social Contract* (Open Library, 2018), Iviii, <https://ebookcentral.proquest.com/lib/bucknell/reader.action?docID=5605470>.

Chapter 3: Hannah Arendt's *The Origins of Totalitarianism* and the role of statehood in the protection of rights

In light of Rousseau's analysis of "the people" in relation to the state, we can now investigate his claim that natural-born liberties apply universally to all men. In this chapter, I address the issue in my exploration of Hannah Arendt's, "The Decline of the Nation State and the End of the Rights of Man" in *The Origins of Totalitarianism* and determine the role the nation-state plays in the continued exclusion of stateless refugees from society and from the physical territory of a state. I turn to Arendt's analysis of the nation-state in order to contest Rousseau's assertion that natural-born liberties are afforded to all due to one's existence as a human being.

The Minority Treaties and collective national identities

Arendt begins her analysis of the nation-state in the context of the condition of many European states immediately following World War I, when the first mass movement of migrants afflicted European nations. Arendt discusses "the minority" as a collective issue for many of those states, in which "minority treaties" were formed.⁵⁹ Minority treaties were essentially the legal creation of a separate nationality, based at times on ethnicity or religion. These treaties ensured that only the "trusted" citizens of the state held positions of power. Arendt claims, "The result was that those peoples to whom states were not conceded, no matter whether they were official minorities or only nationalities, considered the treaties an arbitrary game which handed

⁵⁹ Hannah Arendt, *Origins of Totalitarianism* (New York: Harcourt, Brace and Company, 1951), 269.

out rule to some and servitude to others.”⁶⁰ The treaties essentially allowed for large portions of the populations of newly-formed states following the war to go unnoticed in the eyes of law and political participation. The minorities affected, thus, soon discovered that without the recognition that accompanied citizenship and political association, rights were difficult to defend:

“The worst factor in this situation was not even that it became a matter of course for the nationalities to be disloyal to their imposed government and for the governments to oppress their nationalities as efficiently as possible, but that the nationally frustrated population was firmly convinced--as everybody else was--that true freedom, true emancipation, and true popular sovereignty could be attained only with full national emancipation, that people without their own national government were deprived of human rights.”⁶¹

The treaties came to be known as an alternative method of forced assimilation for minority populations affected, as, “the representatives of great nations knew only too well that minorities within nation-states must sooner or later be either assimilated or liquidated.”⁶² The maintenance of a nation, in this sense, was dependent on the preservation of commonalities between members, so much so that ethnic, religious or ideological difference could be considered a threat to the cohesion of the populace. Minorities for nations within the League of Nations were now an insistent force that could not be ignored. Arendt claims,

“The real significance of the Minority Treaties lies not in their practical application, but in the fact that they were guaranteed by an international body, the League of Nations. Minorities had existed before, but the minority as a permanent institution, the recognition that millions of people lived outside normal legal protection and needed an additional guarantee of their elementary rights from an outside body, and the

⁶⁰ Hannah Arendt, *Origins of Totalitarianism* (New York: Harcourt, Brace and Company, 1951), 269.

⁶¹ Hannah Arendt, *Origins of Totalitarianism* (New York: Harcourt, Brace and Company, 1951), 271.

⁶² Hannah Arendt, *Origins of Totalitarianism* (New York: Harcourt, Brace and Company, 1951), 272.

assumption that this state of affairs was not temporary but that the treaties were needed in order to establish a lasting *modus vivendi*--all this was something new, certainly on such a scale, in European history.”⁶³

The Minority Treaties represent a form of institutionalized “othering” on the part of nations under the influence of the League of Nations. In Section C, I will return to the analysis of Arendt to discuss reasons behind the othering of stateless refugees. This fabricated chasm between citizens and minority residents of nations created a stark contrast of rights:

“The Minority Treaties said in plain language what until then had been only implied in the working system of nation-states, namely, that only nationals could be citizens, only people of the same national origin could enjoy the full protection of legal institutions, that persons of different nationality needed some law of exception until or unless they were completely assimilated and divorced from their origin.”⁶⁴

Here, Arendt nails down the critical point in her argument that protected rights can only be achieved with membership within a nation-state. The primary concern at hand for minority groups was exclusion on the basis of their identities, and the realization that non-membership signified a lack of protected rights.

The defining factor in the exclusion of minority groups, Arendt argues, is the predominant role of the nation within a nation-state. While the nation and the state maintain some level of distinction, the nation acts upon the functioning of the state, inextricably linking the two. Since the nation, as a collective grouping of people sharing a national identity within a state, heavily influences the actions of a state, the exclusion of minorities that initially lack this national identity becomes clear in the form of populism. Populism refers to the collective

⁶³ Hannah Arendt, *Origins of Totalitarianism* (New York: Harcourt, Brace and Company, 1951), 274.

⁶⁴ Hannah Arendt, *Origins of Totalitarianism* (New York: Harcourt, Brace and Company, 1951), 274.

interests of average citizens. Average, in the context of the nation-state, refers to those holding citizenship, and those who belong to the dominant national identity. In light of her claim that only nationals could hold citizenship, and “only people of the same national origin could enjoy the full protection of legal institutions,” Arendt notes, “the transformation of the state from an instrument of the law into an instrument of the nation had been completed; the nation had conquered the state, national interest had priority over law long before Hitler could pronounce ‘right is what is good for the German people.’”⁶⁵ This attitude of collectivity creates a dynamic of opposition: that familiar aphorism of “us versus them.” The “us versus them” attitude plays into populism, in that the “ordinary” citizen’s interests are always recognized, while those deviating from a sense of collectivist populism are rarely acknowledged in a political setting. The significance of Arendt’s claim in this matter, however, is the inherent integration of these exclusionary attitudes in the institutional structure, and thus outward functioning, and governing, of the nation-state. If popular opinion, originating from the collective stance of the nation, influences government in the way that Arendt asserts, then stateless peoples, who do not occupy any place of membership within a national identity, are systematically ostracized from the foundational composition of a nation-state. ⁶⁶

⁶⁵ Hannah Arendt, *Origins of Totalitarianism* (New York: Harcourt, Brace and Company, 1951), 274.

⁶⁶ Arendt uses the term “stateless peoples” to refer to individuals or groups holding no national identity. I define stateless peoples differently in Section A, claiming that all stateless peoples exist outside of the borders of nation-states. However, when referencing Arendt’s claims, I will use the term “stateless peoples” in reference to her definition, and the term “stateless refugees” when applying her assertions to my own argument.

The origins of stateless refugees

Arendt examines the origins of stateless people in Europe and the exclusion of stateless peoples from nation-states, resulting from the rise of totalitarian regimes. Both during and immediately following the World Wars, new legislation arose in nearly every country on the European continent. As a result, millions of minority groups throughout varying nation-states on the continent were denationalized. Arendt claims that these denationalizations were a result of a rise in totalitarianism, and though a state may not yet have reached full totalitarianism, it, “at least would not tolerate any opposition and would rather lose its citizens than harbor people with different views.”⁶⁷ The connection between totalitarianism and the exclusion of minority groups is bound by the link between populism and national identity. As populist notions of collective interest dominate a governmental system, the nation supersedes the state, and the rule of law is overcome by national opinion. It is the concept of national identity used within government that allowed totalitarian rulers, such as Adolf Hitler, to dominate the political scene by promoting ideas of exclusion and intolerance of difference.

Even though denationalization is a solution to the existence of minority groups within a nation, it does not necessarily resolve the issue of the occupation of space by unwanted residents of a state. The complication that arose following mass migrations of groups from neighboring countries for many European nations was the physical exclusion of foreigners or previous citizens who had been denationalized. Arendt mentions,

“The second great shock that the European world suffered through the arrival of the refugees was the realization that it was impossible to get rid of them or transform them into nationals of the country of

⁶⁷ Hannah Arendt, *Origins of Totalitarianism* (New York: Harcourt, Brace and Company, 1951), 277.

refuge. From the beginning everybody had agreed that there were only two ways to solve the problem: repatriation or naturalization.”⁶⁸

The two options for handling mass migration, repatriation and naturalization, were impossible to accomplish when European nations were met with thousands upon thousands of displaced persons. Repatriation, which is the deportation of stateless peoples to another host country, became literally impossible, as, “there was no country to which these people could be deported.”⁶⁹ Undoubtedly, measures of repatriation were countered by the recent mutual acceptance of European states of the right to self-determination. Self-determination, as Sarah Fine claims, includes, in the practice of some nation-states, the right to exclude would-be immigrants from their national identity and their territory, for any reason that they deem sufficient.⁷⁰ In regards to repatriation, Arendt claims:

“[Measures of repatriation] failed not because of consideration for the stateless person... ..and not because of humanitarian sentiments on the part of the countries that were swamped with refugees; but because neither the country of origin nor any other agreed to accept the stateless person. It would seem that the very undeportability of the stateless person should have prevented a government’s expelling him; but since the man without a state was ‘an anomaly for whom there is no appropriate niche in the framework of the general law’ --an outlaw by definition--he was completely at the mercy of the police, which itself did not worry too much about committing a few illegal acts in order to diminish the country’s burden of *indésirables*.”⁷¹

⁶⁸ Hannah Arendt, *Origins of Totalitarianism* (New York: Harcourt, Brace and Company, 1951), 279.

⁶⁹ Hannah Arendt, *Origins of Totalitarianism* (New York: Harcourt, Brace and Company, 1951), 281.

⁷⁰ Sarah Fine, “The Ethics of Immigration: Self-Determination and the Right to Exclude,” *Philosophy Compass* 8, no. 3 (2013): <https://doi.org/10.1111/phc3.12019>.

⁷¹ Hannah Arendt, *Origins of Totalitarianism* (New York: Harcourt, Brace and Company, 1951), 281.

Repatriation therefore was not possible, and what became of efforts of repatriation was the mere expulsion of stateless people, leaving them to fend for themselves on the literal geographic margins of society. Evidently, naturalization was not an appealing option for nation-states; as mass influxes of stateless refugees were showing up at their borders, the individual nation-states had no desire to take on the responsibility of thousands of stateless bodies. In addition to the quantity of persons, the intake of thousands of foreigners poses a serious risk to the contamination of the existing national identity, with a mix of differing cultural practices and ethnic origins. Rather than determining how to legalize stateless peoples, the question of the era, Arendt claims, was, “How can the refugee be made deportable again?”⁷²

Throughout several philosophical texts, sweeping ethical claims are made regarding the rights that stateless people deserve, or the rights reserved by human beings. In *The Social Contract*, Rousseau insists upon the natural-born rights reserved by human beings, due to their mere existence, claiming this is sufficient means to participate in the operations of a nation-state. These rights, because they are attributed to all men, exist independently of the nation-state. Following this assertion, Rousseau argues that it is the collective participation of men in the nation-state that creates and redistributes equity among all members. In regards to stateless people specifically, in “The Ethics of Immigration: Self-Determination and the Right to Exclude,” Sarah Fine claims that the refugee’s right to safety from turmoil in their nation-state of origin supersedes a host state’s right of self-determination to exclude that refugee. These ethical claims, though idealistically valuable, cannot be upheld in the reality of statelessness. Though we may have ethical convictions on how stateless refugees *should* act within a nation-state, these concepts are inconsequential without the institutional support of a nation-state. In the following

⁷² Hannah Arendt, *Origins of Totalitarianism* (New York: Harcourt, Brace and Company, 1951), 282.

section, I use Arendt's arguments on the Rights of Man to discuss why, philosophically, systematic support of a nation-state is necessary for the maintenance of individual rights.

Arendt on the Rights of Man

Ethical convictions of human rights throughout Enlightenment-era philosophy were defined by their inalienability, as they maintained their continuous existence autonomously from the nation-state. Arendt poses an argument in response to this assertion that inalienability, in this sense, is merely conceptual. The theory of inalienable rights does not account for the requirement that a state with juridical power must be present in the defense of individual rights. While one may think freely without saying a word, speaking one's mind publicly is a right that requires protection by a nation-state, and many nation-states hold policies against free expression like such. The process by which a stateless person becomes rightless, Arendt explains, begins with the loss of their home:

“The Rights of Man, supposedly inalienable, proved to be unenforceable--even in countries whose constitutions were based upon them--whenever people appeared who were no longer citizens of any sovereign state... ..The first loss which the rightless suffered was the loss of their homes... ..What is unprecedented is not the loss of a home but the impossibility of finding a new one. Suddenly, there was no place on earth where migrants could go without the severest restrictions, no country where they would be assimilated, no territory where they could found a new community of their own... ..The second loss which the rightless suffered was the loss of government protection, and this did not imply just the loss of legal status in their own, but in all countries. Treaties of reciprocity and international agreements have woven a web around the earth that makes it possible for the citizen of every country to take his legal status with him

no matter where he goes... ..Yet, whoever is no longer caught in it finds himself out of legality altogether (thus during the last war stateless people were invariably in a worse position than enemy aliens who were still indirectly protected by their governments through international agreements).”⁷³

Thus, citizenship is entirely exclusive to those who already possess it, with no place in the intertwining web for people who have left what may have been their own protected rights behind (though some stateless people are born without a nationality). The reasoning, however, behind rightlessness furthers the complication of that matter: while stateless people find it difficult or impossible to find a host country, this universal rejection means the loss of rights in their entirety. Arendt explains:

“The fundamental deprivation of human rights is manifested first and above all in the deprivation of a place in the world which makes opinions significant and actions effective. Something much more fundamental than freedom and justice, which are rights of citizens, is at stake when belonging to the community into which one is born is no longer a matter of course and not belonging no longer a matter of choice, or when one is placed in a situation where, unless he commits a crime, his treatment by others does not depend on what he does or does not do. This extremity, and nothing else, is the situation of people deprived of human rights. They are deprived, not of the right to freedom, but of the right to action; not of the right to think whatever they please, but of the right to opinion.”⁷⁴

Here is where Arendt continues with the intangibility of inalienable rights: the protection of rights by the nation-state is absolutely necessary for the maintenance of rights because of their representation in government. A restriction of rights involves not one’s ability to eat, but the ability to find work to then make enough to afford food. In a very physical sense, nation-states

⁷³ Hannah Arendt, *Origins of Totalitarianism* (New York: Harcourt, Brace and Company, 1951), 290-291.

⁷⁴ Hannah Arendt, *Origins of Totalitarianism* (New York: Harcourt, Brace and Company, 1951), 293-294.

hold this control over stateless refugees. In their rejection of masses of stateless refugees, nation-states have ensured on an expansive scale that some have unlimited liberties, while some live on the outskirts of societies, with no option but to live in a state of rightlessness.

Section C

Chapter 4: The formation of national identities

Recall that in *The Social Contract*, Rousseau references Dutch jurist Hugo Grotius' stance on the collective identity of "the people." Though essentially powerless individually, "the people" hold enormous power when banded together in defense of their mutual interests in the face of the state. Discussing the role of the nation, Rousseau mentions Grotius:

"A people, says Grotius, can give itself to a king. Then, according to Grotius, a people is a people before it gives itself. The gift is itself a civil act, and implies public deliberation. It would be better, before examining the act by which a people gives itself to a king, to examine that by which it has become a people; for this act, being necessarily prior to the other, is the true foundation of society."⁷⁵

If the foundation of society is "the people," and the state builds itself atop this collective, then "the people" must be the basis upon which law and order is established. As the people determine their rights collectively, how do those common interests lead to policies that greatly affects the freedoms and rights of stateless refugees? Throughout this section, I critique the formations of national identities, and the differentiation between self-identified national communities and those existing outside of these groups. I examine the intertwining relationships that migrants and stateless refugees hold with these national communities, and seek to uncover the attitudes that lead to the exclusion of outsiders.

In his discussion of cultural bonds, Samuel Scheffler highlights the significant role that culture plays in the formation of mutual ties within a national community. When a people share similar origins, even from living in the same territory, a very particular bond is formed among

⁷⁵ Jean Jacques Rousseau, *The Social Contract* (Open Library, 2018), Iv, <https://ebookcentral.proquest.com/lib/bucknell/reader.action?docID=5605470>.

them, which grows to isolate that group from others who do not share in that common experience. Scheffler writes:

“A country’s unity is both expressed in and sustained by its citizens’ shared sense of history; by their mutual recognition of national holidays, symbols, myths, and ceremonies; by their allegiance to a common set of values; and by their participation in a range of informal customs and tendencies covering virtually every aspect of life, including modes of dress, habits of thought, styles of music, humor, and entertainment, patterns of work and leisure, attitudes toward sex and sexuality, and tastes in food and drink.”⁷⁶

This relationship is defined by the harmony between members of a national community in the mutual defense of their own interests, as they contribute to the governing of their state by participating as active citizens.⁷⁷ However, when this collective, built on mutual understanding, is confronted with individuals or a group cultivated by different worldviews and an entirely variant understanding of culture, that harmony becomes antagonism. In this regard, Scheffler claims,

“Immigrants arrive with their own histories and traditions, customs and values, habits and ceremonies. The features and practices that define the host nation’s distinctive identity--the very features that give its nonimmigrant citizens the sense of belonging to a single people--are experienced by immigrants as unfamiliar at best, and alienating or oppressive at worst.”⁷⁸

⁷⁶ Samuel Scheffler, “Immigration and the Significance of Culture,” *Philosophy & Public Affairs* 35, no. 2, (2007): 93-94, <https://doi.org/10.1111/j.1088-4963.2007.00101.x>.

⁷⁷ Naturally, this statement refers to governmental systems that allow the participation of their citizens in government. While some governments may not allow the participation of their citizens, many still form internal and foreign policies on the basis of the benefit of the majority of its citizens, which is the national community. Even so, there are certainly exceptions.

⁷⁸ Samuel Scheffler, “Immigration and the Significance of Culture,” *Philosophy & Public Affairs* 35, no. 2, (2007): 94, <https://doi.org/10.1111/j.1088-4963.2007.00101.x>.

The nation's "distinctive identity" formed from all the factors that Scheffler describes above serves as oppressive to immigrants when they arrive in their host nation, where the national community makes up the majority of citizens and the attitude to this confrontation is exclusive rather than inclusive. Scheffler notes, "All too often, the symbols of inclusion and commonality are thus transformed into emblems of exclusion and discord."⁷⁹ Thus, unable to conform to the cultural identity of the majority, resident migrants are forced to endure this hostility.

The state's response to the confrontation of differing cultures, Scheffler claims, could only take one of three forms:

"It can resort to a kind of cultural apartheid, refusing to grant equal recognition or status to the traditions and practices of the newcomers, and enforcing as best it can the symbols of the old identity. Or it can abandon the old identity and reconceive itself as a multicultural society with a new, pluralistic identity. In practice, of course, there is also a third option, which may be the most popular one of all. This is to avoid honestly confronting the choice between the first two options, and to muddle along trying to have it both ways: paying lip service to the ideas of pluralism and multiculturalism without abandoning the privileged position of the dominant culture, and resorting to serious national soul-searching only when, periodically, the conflict simmering just below the surface of the social fabric erupts into a full-fledged crisis."⁸⁰

This third option, seen often in racial crossroads in the United States, is often what leads to the continued discrimination of resident migrants in a host nation-state, as the state makes no effort to defend the clear minority from the oppressions of the majority. With subtle reinforcements of

⁷⁹ Samuel Scheffler, "Immigration and the Significance of Culture," *Philosophy & Public Affairs* 35, no. 2, (2007): 94, <https://doi.org/10.1111/j.1088-4963.2007.00101.x>.

⁸⁰ Samuel Scheffler, "Immigration and the Significance of Culture," *Philosophy & Public Affairs* 35, no. 2, (2007): 94, <https://doi.org/10.1111/j.1088-4963.2007.00101.x>.

the “old identity,” the minority forms a grouping of second-class citizens who are permitted to exist, but not in a robust way. Racial conflicts in the United States have come to mirror this “option” that Scheffler discusses. The state, in the post-slavery era, refuses to politically address the racial difference and discrimination against people of African descent, meaning that laws governing the population did not defend people of African descent from the discrimination they faced as a result of their visible difference from the white majority and national community. Enforcements of the “old identity” appear in the form of segregation in the 20th century or white nationalism, remaining confederate monuments, and disproportionate police brutality against people of color. Though Black people are now permitted to exist as citizens, they may not exist, in the 21st century United States, in a way that would disrupt the privilege of the dominant culture, which has a strong history of white supremacy. In this way, like migrants living in host nation-states, their existence is marginal: not only do they lack full citizenship (regardless of their immigration statuses), but they are forcibly distinguished from the majority and the privileges associated with membership.

The stateless refugee, like the person of African descent, cannot conform to the cultural majority defined by Scheffler, as they share in none of the cultural commonalities that define national communities. Stateless refugees, though not residents within a state like African-Americans, still share the experience of exclusion that African-Americans have living in a culture dominated by white supremacy. Being outsiders, stateless refugees may share no cultural, racial, or historical ties to the United States that many Americans recognize as a crucial part of the American identity. Like Black people in the United States, stateless refugees cannot be fully seen as American by the dominant groups because of their origins, however ancient, as foreigners. However, the stakes for stateless refugees are higher. Unlike resident migrants,

stateless refugees exist marginally in a literal sense: they are unable to cross international borders, as they face rejection on all sides from neighboring nations. Remaining completely rightless without a national identity, stateless refugees garner no mercy from nation-states who maintain the third route of cultural confrontation that Scheffler presents. I will come to address later in this section the question of the usefulness of the refugee, in which I will question the relationship between the national community and the outsider.

Race also plays an extremely important role in the exclusion of stateless refugees from national communities, especially ones that share racial identities. Many European countries are faced with the brunt of the refugee crisis of the 21st century have strong cultural ties to racial identities, many of which have been in existence for hundreds of years. In *The Origins of Totalitarianism*, Hannah Arendt discusses the development of a national community in England throughout the 18th century, during which social classes in England were surprisingly collaborative in building a political system in which liberty could essentially be “inherited” by any man. This concept mirrors Rousseau’s suggestion in *The Social Contract* that liberties are afforded to every man solely because of his existence and willingness to actualize these liberties within a functioning society. The idea of the inheritance of liberty was closely tied to land ownership and the holding of titles, including citizenship and the ability to participate in government on that basis. Although the concept of the Rights of Man, inherently including all men, would have normally seemed intimidating to the wealthy classes in Britain, the concept of the inheritance of liberty manifested itself in a way that satisfied all class levels. Arendt writes,

“Without encroaching upon the rights of the privileged class within the English nation, [Irish statesman and philosopher Edmund] Burke enlarged the principle of these privileges [of inheritance] to include the whole

English people, establishing them as a kind of nobility among nations. Hence he drew his contempt for those who claimed their franchise as the rights of men, rights which he saw fit to claim only as ‘the rights of Englishmen.’”⁸¹

Though these rights were inherited universally among English men, applying these same privileges to men existing outside of the British kingdom is another philosophical question.

The inheritance of rights created a society in which widespread responsibility for the good of the nation was distributed among social classes. Though there still remained a certain level of social control held by the wealthiest, most powerful class, there was significant involvement of the lower classes in the running of the government:

“In England nationalism developed without serious attacks on the old feudal classes. This has been possible because the English gentry, from the seventeenth century on and in ever-increasing numbers, had assimilated the higher ranks of the bourgeoisie, so that sometimes even the common man could attain the position of a lord. By this process much of the ordinary caste arrogance of nobility was taken away and a considerable sense of responsibility for the nation as a whole was created.”⁸²

Sharing in the inherited liberties of British men, a national community was created. With the inclusion of the lower classes in this identity, the juridical power of the nation-state grew even stronger both in number and in moral assertions surrounding the liberties of men, so it seemed.

⁸¹ Hannah Arendt, *Origins of Totalitarianism* (New York: Harcourt, Brace and Company, 1951), 176.

⁸² Hannah Arendt, *Origins of Totalitarianism* (New York: Harcourt, Brace and Company, 1951), 176.

The exception to the seemingly universal axiom that liberty can be inherited by all men presented itself throughout the age of colonialism, in which the African man first forced himself into the philosophical equation. Unable to ignore this puzzling complication on the basis of logic, Europeans who had long believed in the inalienability of rights, like Rousseau and other philosophers had argued during the age of Enlightenment, were forced to confront the “physical differences” between whiteness and non-whiteness. The response to these people, Arendt claims, was complicated:

“Ever since the European peoples made practical attempts to include all the peoples of the earth in their conception of humanity, they have been irritated by the great physical differences between themselves and the peoples they found on other continents. The eighteenth-century enthusiasm for the diversity in which the all-present identical nature of man and reason could find expression provided a rather thin cover of argument to the crucial question, whether the Christian tenet of the unity and equality of all men, based upon common descent from one original set of parents, would be kept in the hearts of men who were faced with tribes, which, as far as we know, never had found by themselves any adequate expression of human reason or human passion in either cultural deeds or popular customs, and which had developed human institutions only to a very low level.”⁸³

Though philosophical thought regarding the existence of a variety of races differed among philosophers and among nations, the idea of inherited freedom certainly did not immediately apply to people of color in European colonies, nor on European soil. Colonization and slavery still took place following the development of these ideals of liberty, regardless of the questioning of slavery’s validity that took place under Christian moral declarations.⁸⁴

⁸³ Hannah Arendt, *Origins of Totalitarianism* (New York: Harcourt, Brace and Company, 1951), 176-177.

⁸⁴ Arendt claims that American slave-holders throughout the eighteenth century considered the institution to be temporary, maintaining that it was to be eventually abolished due to the conflicts with Christian ideals that the institution created.

Though attempts were made to justify the philosophical claim that men inherit inalienable liberties, this assertion was only true within the context of the nation-state, and only applied internally. The formation of a national community under the inheritance of liberties that developed in England was a direct result of the exclusivity of the condition that these liberties only apply to Englishmen. There is a difference, Arendt points out, between the “Rights of Englishmen” and the Rights of Men. The prioritization of the liberties of one’s community over the liberties of all men is a contributing factor to the exclusion of stateless refugees from nation-states, and from national communities. In what follows, I will examine the ways in which stateless refugees are identified as outsiders from national communities, and how their ostracization is maintained through exclusionary attitudes.

Chapter 5: An analysis of the attitudes of the serious man in Simone de Beauvoir's *The Ethics of Ambiguity*

Freedom and choice as they are intertwined with institutional powers

In *The Ethics of Ambiguity*, Simone de Beauvoir builds an analysis of freedom as it relates to gender, individuality, and one's relationality to the real course of events in the world around them. De Beauvoir identifies certain all-encompassing attitudes towards the world and towards others that are primary factors leading to the treatment of others as insignificant. She begins her analysis of freedom by discussing free choice in the context of Kantian and Marxist notions of free will. De Beauvoir claims,

“[Marxists today] declare authoritatively that the existence of freedom would make any concerted enterprise impossible. According to them, if the individual were not constrained by the external world to want this rather than that, there would be nothing to defend him against his whims. Here, in different language, we again meet the charge formulated by the respectful believer of supernatural imperatives. In the eyes of the Marxist, as of the Christian, it seems that to act freely is to give up justifying one's acts. This is a curious reversal of the Kantian ‘you must; therefore, you can.’ Kant postulates freedom in the name of morality. The Marxist, on the contrary, declares, ‘You must; therefore, you can not.’ To him a man's action seems valid only if the man has not helped set it going by an internal movement. To admit the ontological possibility of a choice is already to betray the Cause.”⁸⁵

On one hand, the Kantian perspective of free will is highly individualized, holding that individual actions are directly connected to the eventual outcome. On the other hand, the Marxist

⁸⁵ Simone de Beauvoir, *The Ethics of Ambiguity*, (New York: Open Road Media, 2018), 12-13, <https://ebookcentral.proquest.com/lib/bucknell/detail.action?docID=5375926>.

holds the conviction that the individual holds no influence over the external world, and that human action has virtually no effect on the ultimate outcome of the order of the universe. Arendt introduces her arguments surrounding individuality and relationality with others by presenting these schools of thought, both totalizing in their certitude, as two extreme worldviews too polarized in their foundational assertions to represent the reality of the truthful order of things. De Beauvoir believes that reality can be pinned somewhere on a spectrum stretching between these belief systems.

However, de Beauvoir introduces the Marxist and the Kantian argument to introduce a player in the grand scheme of order, which she calls the “serious man.” Unable to see the forest for the trees, the serious man represents an embodiment of willful ignorance in which, terrified of the reality of the unpredictability of the universe, he sacrifices his freedom to an invented and arbitrary order, bringing down with him the freedom of others. Though I will discuss in detail the particularities of the serious man later in this section, it is important to introduce him in order to understand how his role in the order of the universe contributes to the role of “othering” throughout de Beauvoir’s text, and the perpetuation of othering through de Beauvoir’s arguments surrounding the serious man as they implicate many global citizens of the societal exclusion of stateless refugees. As the stateless refugee is often the victim of othering by being assigned a given and inextricable identity of “Other” as a result of their very existence at the margins of society and of the nation-state, the distinction between the Self and the Other as expressed through de Beauvoir’s arguments about the serious man will speak volumes about the exclusion of stateless refugees.

“Othering,” Orientalism, and the serious man

Edward Said discusses othering, which can be defined by the segregation of the Other by the Self, in his work *Orientalism*. Said argues that Western perceptions of the “East” created an alternate, invented identity for “Eastern” peoples through Orientalism, and that these perceptions eventually have real influence on the lived experiences of people originating from the East in the United States. For example, the “Arab,” Said argues, lives entirely outside of American society, for constructed perceptions of his culture and his values prevent him from engaging in politics and thus he becomes nonexistent. These perceptions, Said claims, are created entirely by Westerners: “it is Europe that articulates the Orient; this articulation is the prerogative, not of a puppet master, but of a genuine creator, whose life-giving power represents, animates, constitutes the otherwise silent and dangerous space beyond familiar boundaries.”⁸⁶ The Orient without the West exists, but has no place in discussion in Western society without Orientalism.

Additionally, people originating from the places which are typically fetishized through Orientalism have no say in their constructed identities:

“The Orient was Orientalized not only because it was discovered to be ‘Oriental’ in all those ways considered common-place by an average nineteenth-century European, but also because it could be—that is, submitted to being-made Oriental. There is very little consent to be found, for example, in the fact that Flaubert’s encounter with an Egyptian courtesan produced a widely influential model of the Oriental woman; she never spoke of herself, she never represented her emotions, presence, or history. He spoke for and represented her. He was foreign, comparatively wealthy, male, and these were historical facts of

⁸⁶ Edward Said, *Orientalism*, (New York: Pantheon Books, 1978), 57.

domination that allowed him not only to possess Kuchuk Hanem physically but to speak for her and tell his readers in what way she was ‘typically Oriental.’”⁸⁷

The formation of the “Oriental” on the part of Eurocentric minds, specifically an undesirable Oriental, allowed for a point of differentiation against which European values and societal strengths were idealized. Not only were Europeans distinguished from the Orient, but their superiority was romanticized:

“Orientalism is never far from what Denys Hay has called the idea of Europe, a collective notion identifying "us" Europeans as against all "those" non-Europeans, and indeed it can be argued that the major component in European culture is precisely what made that culture hegemonic both in and outside Europe: the idea of European identity as a superior one in comparison with all the non-European peoples and cultures.”⁸⁸

The interesting dynamic presented by Said between the European Self (they who other) and the Oriental Other is more than a simple differentiation. As the Orient is by nature invented, the continual construction of the Oriental other to the European becomes all that the European is not. While the Self is intelligent, militarily strong, reliable and beautiful, the Other is foolish, weak, unreliable and exotic. Therefore, following Said’s argument, when the vantage point of the Self positions the Self as human, the Other, opposite in nature, is not human.

Othering can be understood through a theoretical binary, as the Other is always existing in opposition to the Self. Philosophically, and as othering most likely manifests practically, it is *she who distinguishes* that determines the conditions of differentiation. When applied practically

⁸⁷ Edward Said, *Orientalism*, (New York: Pantheon Books, 1978), 5-6.

⁸⁸ Edward Said, *Orientalism*, (New York: Pantheon Books, 1978), 7.

to human beings, othering occurs most commonly in situations of notable difference, in which *she who others* creates a vantage point of determining who and what can be differentiated from herself. This vantage point creates the foundation for the “other,” which is that which the Other becomes at the hands of they who others, or the Self. The Other, formed as a result of the act of othering, exists only after a vantage point is created and upheld by she who determines. The inhumanity of the Other, then, is only asserted once the Self has been self-identified as human. This assertion explains the philosophical nature of the development of the Self and the Other abstractly, rather than conforming to a singular example.

In the context of the refugee crisis, the Self and the Other are certainly prevailing categories that regulate political policies and social attitudes toward stateless refugees. The formation of the Self and the Other nestles in the rifts between nationalities, cultural belonging, ethnicities, and other forms of identity. It becomes far easier to geographically and socially exclude a group of stateless people when there exists a widely-accepted understanding that stateless people lack humanity. As Said argues, the collective identity of “us,” which pertains to a national group backed by the political and juridical power of a nation-state, is distinguished from “those,” who exist outside of borders, beyond the reach of protected rights. When the national collective “us” self-identifies as human in direct opposition to “those,” exclusion of the inhuman outsider is easily justified. How can someone who lacks humanity provide anything of value to the national community?

Said’s arguments relate heavily to de Beauvoir’s analysis of the serious man, as he represents the formation of the idea of the Self and the Other, in which an individual is blinded by their own conception of the order of all things to believe that their worldview is superior to that of others. The serious man holds strong convictions regarding the order of things, and

believes wholeheartedly in the objectivity of his world. In believing so, he is imposing his convictions on all who live within his realm. Any view that differs from his fundamental ideologies falls into question, and he does not hesitate to question the seriousness of another. As the serious man wholly believes in the superiority of his worldview, he is inclined to impose it upon others. Similar to the arguments that appear in *Orientalism*, the serious man distinguishes between himself and the Other, but is unable to see the Other for what it is independently of himself, and instead takes his worldview as the objective truth.

The submission and subjugation of the serious man

Throughout section II of *The Ethics of Ambiguity*, de Beauvoir discusses differing attitudes that lead to varying types of freedoms depending on how one places oneself in the order of the world. One's relationality to others affects one's freedoms, and thus the freedoms of others as well. In particular, de Beauvoir focuses on the egocentrism of the serious man. She introduces the concept of the serious man in terms of an attitude of fearing one's own existence in the unpredictable world. The serious man, afraid of his own subjectivity, holds a wholehearted fear of the "unforeseen," which may only remind him of his own consciousness. About the serious man, de Beauvoir claims, "[the serious man] forces himself to submerge his freedom in the content which the latter accepts from society. He loses himself in the object in order to annihilate his subjectivity."⁸⁹ The serious man ignores his own subjectivity, and thus, that of others, by clouding it with a supposed objective truth that deflects the reality of uncertainty in the world.

⁸⁹ Simone de Beauvoir, *The Ethics of Ambiguity*, (New York: Open Road Media, 2018), 45, <https://ebookcentral.proquest.com/lib/bucknell/detail.action?docID=5375926>.

The underlying claim in her argument is that true freedom arises from one's embrace of the unknown, of the reality of the world which lies in the unforeseen. In his rejection of the unseen, the serious man is not truly free.

The serious man poses a critical danger to the freedom of others. If the serious man is willing to sacrifice his own freedom to live in an alternate reality of ignorance, he must be willing to sacrifice the freedoms of others. Regarding this claim, de Beauvoir asserts,

“If one denies the subjective tension of freedom one is evidently forbidding himself universally to will freedom in an indefinite movement... ..It is natural that he makes himself a tyrant. Dishonestly ignoring the subjectivity of his choice, he pretends that the unconditioned value of the object is being asserted through him; and by the same token he also ignores the value of the subjectivity and the freedom of others, to such an extent that, sacrificing them to the thing he persuades himself that what he sacrifices is nothing.”⁹⁰

In this sense, the serious man is a danger to others in that he is entirely ignorant of the effect his sacrifice will have on others, and genuinely takes his own worldview for the objective truth. In deliberately imposing this viewpoint over others at the cost of their freedoms, he becomes a tyrant. Thus, with little regard for the freedoms of others, the serious man is dangerous, as he is a threat not only to himself but to the universal liberties of others. In attempt to control his surroundings, he “stubbornly engulfs his transcendence in the object which bars the horizon and bolts the sky.”⁹¹ Though the serious man already holds a position of power over others, as he is willing to sacrifice their freedoms, the serious man in a position of institutional power holds all

⁹⁰ Simone de Beauvoir, *The Ethics of Ambiguity*, (New York: Open Road Media, 2018), 48-49, <https://ebookcentral.proquest.com/lib/bucknell/detail.action?docID=5375926>.

⁹¹ Simone de Beauvoir, *The Ethics of Ambiguity*, (New York: Open Road Media, 2018), 51, <https://ebookcentral.proquest.com/lib/bucknell/detail.action?docID=5375926>.

the more leverage. A prime minister, for example, with an attitude of seriousness in which he is in complete denial of the uncertainties of the world, would likely attempt to control the fates of others when implementing legislation regarding immigration policies in his land. De Beauvoir calls out the serious man in past attempts at colonialism:

“In order to justify the contradictory, absurd, and outrageous aspects of this kind of behavior, the serious man readily takes refuge in disputing the serious, but it is the serious of others which he disputes, not his own. Thus, the colonial administrator is not unaware of the trick of irony. He contests the importance of the happiness, the comfort, the very life of the native, but he reveres the Highway, the Economy, the French Empire; he reveres himself as a servant of these divinities.”⁹²

Serious men in positions of power, such as the colonial administrator, not only pose a risk to others in their attitudes, but a risk to others with the extent of the power that they hold in office to disenfranchise others.

In the sacrificing of his own freedom, the serious man sacrifices the freedoms of others. In the sacrificing of the freedoms of others, and in the questioning of their happiness, their behavior, and the legitimacy of their lifestyles, he differentiates between himself and others. The serious man creates a chasm of identity between himself and the others which he willingly subjugates to his own senseless repression of subjectivity. What is important to the serious man is what is important to all, for in rejecting his own subjectivity the serious man negates the subjectivity of others. The freedoms of others are inherently tied to the freedoms of the serious man, because in the ignorance of passing his own subjectivity for the objective truth, he ignores the subjectivity of others, and thus constructs a comprehension of the universe in which others

⁹² Simone de Beauvoir, *The Ethics of Ambiguity*, (New York: Open Road Media, 2018), 50, <https://ebookcentral.proquest.com/lib/bucknell/detail.action?docID=5375926>.

have no opportunity or right to hold a worldview that differs from his invented truth. In deliberately blinding himself from the objective truth of the unforeseen nature of the world, the guiding ethical principles followed and held in reverence by the serious man become universally applicable in his worldview, and the guiding values of others fall into his question.

The concept that responsibility for all men is contained in the actions of one man has been discussed widely by existentialist philosophers. Jean-Paul Sartre examined the concepts of subjectivity and “will” in a lecture given at the Club Maintenant in Paris on October 29, 1945. Sartre delves into the idea that in Atheist existentialism, man precedes his own essence:

“If God does not exist, there is at least one being in whom existence precedes essence--a being whose existence comes before its essence, a being who exists before he can be defined by any concept of it. That being is man, or, as Heidegger put it, the human reality. What do we mean here by ‘existence precedes essence’? We mean that man first exists: he materializes in the world, encounters himself, and only afterward defines himself... ..Man is not only that which he conceives himself to be, but that which he wills himself to be, and since he conceives of himself only after he exists, just as he wills himself to be after being thrown into existence, man is nothing other than what he makes of himself.”⁹³

Analyzing the existence of “human nature,” Sartre insists that because man is left to define himself and because he precedes his essence, there must be no such thing as human nature, as the concept of human nature is defined by man’s actions. Sartre then examines the subjectivity of man, stating,

“Man first exists; that is, that man primarily exists--that man is, before all else, something that projects itself into a future, and is conscious of doing so. Man is indeed a project that has a subjective existence,

⁹³ Jean-Paul Sartre, *Existentialism is a Humanism*, trans. Carol Macomber (New Haven: Yale University Press, 2007), 22.

rather unlike that of a patch of moss, a spreading fungus, or a cauliflower. Prior to that projection of the self, nothing exists, not even in divine intelligence, and man shall attain existence only when he is what he projects himself to be--not what he would like to be.”⁹⁴

In claiming that subjectivity is man’s consciousness of his projection of self, he asserts that “man is responsible for what he is.”⁹⁵ However, Sartre implies with his claim of the subjectivity of man that subjectivity can, in fact, mean both, “the freedom of the individual subject to choose what he will be, and, on the other, man’s inability to transcend subjectivity.”⁹⁶ Sartre explains,

“When we say that man chooses himself, not only do we mean that each of us must choose himself, but also that in choosing himself, he is choosing for all men. In fact, in creating the man each of us wills ourselves to be, there is not a single one of our actions that does not at the same time create an image of man as we think he ought to be.”⁹⁷

As man precedes his own essence and is left to define himself through what he wills for himself, he cannot will anything at all without willing that same thing for all men, who are collectively creating the essence that they lacked. This essence cannot be individual, as by nature it is representative of “man” in an overarching sense, including all men. Therefore, Sartre claims, “When we say that man is responsible for himself, we do not mean that he is responsible only for

⁹⁴ Jean-Paul Sartre, *Existentialism is a Humanism*, trans. Carol Macomber (New Haven: Yale University Press, 2007), 23.

⁹⁵ Jean-Paul Sartre, *Existentialism is a Humanism*, trans. Carol Macomber (New Haven: Yale University Press, 2007), 23.

⁹⁶ Jean-Paul Sartre, *Existentialism is a Humanism*, trans. Carol Macomber (New Haven: Yale University Press, 2007), 23-24.

⁹⁷ Jean-Paul Sartre, *Existentialism is a Humanism*, trans. Carol Macomber (New Haven: Yale University Press, 2007), 24.

his own individuality, but that he is responsible for all men.”⁹⁸ In relation to de Beauvoir’s text, the serious man exhibits behavior that implies that he is entirely ignorant of the responsibility that Sartre discusses. Unable to recognize the consequences for others as a result of his actions, the serious man remains in a constant state of internal ethical controversy, and remains a threat to the liberties of others.

De Beauvoir illustrates how the life conditions for many people could result from attitudes such as those of the serious man. De Beauvoir begins the second section of *The Ethics of Ambiguity* with an analogy, in which she compares the lives of many people deprived of liberty with those of children. Children, like the serious man, live in a constricted reality. However, de Beauvoir claims that while the child’s reality is inflicted upon them, the serious man willingly sacrifices his freedoms to the object to which he is committed, in attempt to forget the painful reality of his own subjectivity. The child, de Beauvoir claims, enters the world completely unaware of their surroundings, why their environment is the way that it is, or how it came to be. De Beauvoir uses the term “ready-made” to describe the surroundings of a child as they grow into the world around them, as they have no power in determining the conditions of their surroundings. The child, de Beauvoir claims, is:

“cast into a universe which he has not helped to establish, which has been fashioned without him, and which appears to him as an absolute to which he can only submit. In his eyes, human inventions, words, customs, and values are given facts, as inevitable as the sky and the trees. This means that the world in

⁹⁸ Jean-Paul Sartre, *Existentialism is a Humanism*, trans. Carol Macomber (New Haven: Yale University Press, 2007), 23.

which he lives is a serious world, since the characteristic of the spirit of seriousness is to consider values as ready-made things.”⁹⁹

Thus, the serious man evolves from a childhood of forced submission to his environment into a state of adult ignorance, in which he receives an opportunity for freedom. Once realizing the true reality of the uncertainty of the world, the adolescent is faced with a choice: they may either recognize the conditions of reality or continue to submerge themselves in the interest of ignoring their own subjectivity. The serious man, in choosing to sacrifice his freedoms, chooses to live in an infantile world like the very child that de Beauvoir describes.

Though the serious man, upon reaching adolescence, has the choice to withdraw himself from a life of ignorance and avoidance of the stress of his own existence, some are not afforded that liberty. De Beauvoir discusses the dismal existence of many who are held captive by this infantile world, disenfranchised from their ability to opt out of a life of ignorance by social, economic or political limitations that do not allow them to fully embrace freedom. Of these groups, de Beauvoir claims,

“These are beings whose life slips by in an infantile world because, having been kept in a state of servitude and ignorance, they have no means of breaking the ceiling which is stretched over their heads. Like the child, they can exercise their freedom, but only within this universe which has been set up before them, without them... ..This is also the situation of women in many civilizations; they can only submit to the laws, the gods, the customs, and the truths created by the males. Even today in western countries, among women who have not had in their work an apprenticeship of freedom, there are still many who take shelter in the shadow of men; they adopt without discussion the opinions and values recognized by their husband or lover, and that allows them to develop childish qualities which are forbidden to adults because they are

⁹⁹ Simone de Beauvoir, *The Ethics of Ambiguity*, (New York: Open Road Media, 2018), 35, <https://ebookcentral.proquest.com/lib/bucknell/detail.action?docID=5375926>.

based on a feeling of irresponsibility... ..the child's situation is imposed upon him, whereas the woman (I mean the western woman of today) chooses it or at least consents to it. Ignorance and error are facts as inescapable as prison walls."¹⁰⁰

For those living in an infantile world, there is hardly an opportunity for freedom to be truly employed all of the time, though de Beauvoir claims that under a state of oppression, the oppressed may realize a perfect assertion of their freedom. However, she claims, "once there appears a possibility of liberation, it is resignation of freedom not to exploit the possibility, a resignation which implies dishonesty and which is a positive fault."¹⁰¹ This opportunity, for many, may never arise.

Though it is the serious man that consistently reaffirms his alternate reality for himself, some are bound by their surroundings to the ignorance of the pain of existence. Some lack an instrument of escape, or are enslaved. De Beauvoir claims, "The less economic and social circumstances allow an individual to act upon the world, the more this world appears to him as given."¹⁰² Therefore, the less one possesses the proper tools to combat the oppression of their surroundings, the more submissive one is to the illusion of their environmental conditions.

Somewhat like the western woman who is de Beauvoir's subject, the stateless refugee severely lacks the social, economic or political tools to combat their oppressive surroundings. As shown by Arendt's *The Origins of Totalitarianism*, the stateless person exists constantly on the edge of legality, and outside of the realm of human rights. Without the protection of a nation-state, the stateless refugee remains quite literally in the most vulnerable position in terms of

¹⁰⁰ Simone de Beauvoir, *The Ethics of Ambiguity*, (New York: Open Road Media, 2018), 37-38, <https://ebookcentral.proquest.com/lib/bucknell/detail.action?docID=5375926>.

¹⁰¹ Simone de Beauvoir, *The Ethics of Ambiguity*, (New York: Open Road Media, 2018), 38, <https://ebookcentral.proquest.com/lib/bucknell/detail.action?docID=5375926>.

¹⁰² Simone de Beauvoir, *The Ethics of Ambiguity*, (New York: Open Road Media, 2018), 48, <https://ebookcentral.proquest.com/lib/bucknell/detail.action?docID=5375926>.

facing the onslaught of oppressive social, political and economic exclusion directed towards them. Like de Beauvoir claims about individual circumstances, the stateless refugee is bound by the physical and juridical borders set in place by countries aiming to prevent their entry into private territories. Many forces work simultaneously to create an infantile existence for stateless refugees: physical borders, such as walls, fences, border security and refugee camps keep stateless refugees physically stationary, while international immigration laws, frequent rejection of asylum applications and extremely difficult and competitive visa applications maintain the prevention of stateless refugees from entering the territories of neighboring nation-states. Regardless of their efforts to obtain legal statuses, these forces create an enormous wave of rebuttal.

In many ways, then, the stateless refugee is forced to live in the infantile world that de Beauvoir describes. The stateless refugee experiences the “ready-made” environment that the child does, upon leaving their country of origin. Whether the stateless refugee arrives in a refugee camp for the first time, or lives on the border of a neighboring nation-state, unable to enter, their circumstances are likely to be entirely out of their control. Surrounding the stateless refugee are borders, both physical and metaphysical, and many pressing collaborative forces to push them back and forth, away from the physical borders of neighboring nation-states. The stateless refugee lacks the rights, as they lack a nation-state to protect those rights, and the political tools to fight back against these forces, and thus remains in a condition of unwanted stasis, where neither progress nor personal choice is allowed. Like de Beauvoir’s child, or enslaved persons, the stateless refugee cannot contribute to the outcome of their own fate due to their lack of political tools, but still must surrender their liberties as a result of the serious man’s persistence. Only in exceptional circumstances does an opportunity to seek escape prevent itself,

and this occurs most regularly for those with monetary resources to support that endeavor. Similar to de Beauvoir's claim regarding enslaved peoples, the less access one has to resources of combating oppression, the more likely one is to succumb to a life dominated by that subjugation. Boxed in from all sides, the stateless refugee with no access to resources can only approach the world as a given, like de Beauvoir's child.¹⁰³ Unlike the serious man, the stateless refugee has no opportunity to make choices about their oppression, and remains helpless in their experience of forced exclusion.

The institutions that withhold the stateless refugee from a life of free choice act in the exact manner to as de Beauvoir's serious man, in the attitudes he expresses regarding the ignorance of others' subjectivities. De Beauvoir never speaks of the serious man in a collective sense, only addressing his attitudes at an individual level. However, at a systematic level, the same willful ignorance, the same careless sacrifice of the freedoms of others for which the stateless man is responsible is carried out by nation-states in their enforcement of immigration law. Like the serious man, nation-states hold the freedoms of others in their hands, by willingly sacrificing their own freedom to a certain order, rather than the reality of the world. Borders, in many senses, are arbitrary boundaries, created by a state to maintain a certain sense of exclusivity and protection from external threat. The stateless refugee poses a risk to the nation-state in several ways that have been discussed in previous chapters: in cultural disruption, in use of resources and the occupation of space, and in the breach of a collective national identity. This supposed order, namely the rule of (immigration) law, is created by the nation-state to maintain this sense of protection. However, according to de Beauvoir's analysis of the attitudes of the serious man, it is only the fear of his own existence, of his own subjectivity, that causes the

¹⁰³ Ironically, de Beauvoir's analogy of infantilism is not far off from the representation of stateless refugees offered by media coverage of the refugee crisis, often labeling stateless refugees as helpless individuals trapped by enormous governmental orders, unable to handle themselves.

serious man to subscribe to the protection of his constructed objective truth. The protection that the serious man's subjective viewpoint offers him is none other than the protection from the painful experience of the truthful order of the world. Using de Beauvoir's argument structure in the context of institutional borders, it would seem that the protection a nation-state seeks when actively denying access to a stateless refugee is that from the truthful order of the world, which is that all races and national identities can exist alongside one another, and that stateless refugees, like the citizens of a nation-state, have inherent freedoms.¹⁰⁴

Collectively, the collaborative opposing forces of many nation-states have an even greater effect on the exclusion of the stateless refugee. Though de Beauvoir discusses the serious man in an individual context, when theoretically applying her argument structure to a greater context one can see the serious man in the actions nation-states take to protect their national communities from the invasion of foreigners. When not just few, but many nation-states share the attitudes of the serious man, the stateless refugee experiences an even greater sense of betrayal: not only are their freedoms sacrificed by one nation-state, but a vast number of institutional systems together. These systems act as an oppressive force that permeates all aspects of the freedoms of stateless refugees. In the case of a stateless refugee relegated to life in a refugee camp, the life they lead is a liminal existence; without the protection of rights state under a state, the refugee lives without recognition from neighboring populations and juridical bodies. Under the shield of the protection of their citizens, nations that contribute to the exclusion of stateless refugees willingly sacrifice their freedoms.

Beginning with the Self and the Other, the exclusion and oppression of the Other occurs as a result of the imposition of the Self's beliefs on the Other. Throughout the works of Said and

¹⁰⁴ De Beauvoir's argument surrounding the universality of freedoms differs from Rousseau's, and from my own, in terms of the need of institutional protection of rights.

de Beauvoir, the Self, becomes a dangerous weapon of control, in which the Other becomes subjugated to the whims of the Self, unable to escape the worldviews that have been imposed upon them. While the Orientalist in Said's work constructs an identity of the "Orient" and the people within it, de Beauvoir's serious man asserts his own subjective worldview to be objective truth, enforcing his worldview on all. The opposition between the Self and the Other lingers throughout the philosophy of statelessness, which I will explore in the following chapter.

Chapter 6: A collective examination of Thomas Nail's *The Figure of the Migrant*, Simone de Beauvoir's *The Ethics of Ambiguity*, Edward Said's *Orientalism*, and Hannah Arendt's *The Origins of Totalitarianism*

Throughout the discussion of statelessness there persists the issue of usefulness. As in de Beauvoir's discussion of the serious man, only the usefulness of migrants in the context of immigration is questioned, while the usefulness of nationals, or those holding membership within the dominant national community, is never challenged by the dominant social narrative. In Thomas Nail's *The Figure of the Migrant*, he proposes an interpretation of social illusions of stasis directed towards migrants, which I will claim is a result of this notion of usefulness. While all-powerful, the social illusion of stasis is indeed an illusion. Nail claims that stasis is the impression that many naturalized citizens, or holders of "productive" jobs, have of maintenance jobs held disproportionately by migrants, which are not seen as valuable contributions to society. Nail identifies his conception of stasis, and claims that it is nothing but a social illusion that has grand consequences for those oppressed by the impressions left by the illusion. He provides an example as such:

"to understand migration and movement as lack is to accept the banality of social dispossession. For example, every day our cities must be maintained, remade, built up, torn down, and cleaned. Our office buildings and homes are cleaned and maintained while we are away by an underground and largely invisible reproductive labor force disproportionately composed of migrants. What appears to be the relatively static place we call "society" is constantly being modified through the cleaning and maintenance of labor. Without this labor, our cities, homes, and streets would be unusable. Yet these sorts of reproductive labor are often paid less and are less valorized than their "productive" counterparts are. The

appearance of social stasis in this case is an illusion of the capitalist division between productive and reproductive labor.”¹⁰⁵

Nail argues that we should not understand migration and movement as “lack,” but rather that migration and movement provide progress for societies. To see productive work, such as the maintenance of cities as anything other than linear movement is to misunderstand the significance of migrant work.

In fact, Nail defines migration by its productivity. Recalling the definition of migration that Nail provides, he claims:

“The movement of the migrant is not simply from A to B but is the constitutive condition for the qualitative transformation of society as a whole. The migrant not only undergoes an extensive movement but also affects an intensive or qualitative social movement of the whole of society itself. In this sense, the figure of the migrant is a socially constitutive power. It is the subjective figure that allows society to move and change.”¹⁰⁶

Not only is the migrant defined by the progression it institutes in societies, but societies are actually reliant on this catalyst to function at all. Although not all work to maintain cities is done by migrants, Nail identifies that statistically, maintenance jobs that are deemed invaluable or “unproductive” by nationals are often adopted by migrants, thus leaving the majority of societal maintenance to migrants. Without this work, societies would fail to operate.

How, then, is such a force of advancement reduced to such deep disregard as to be presumed as stasis, as non-movement, when it is inherently positionally progressive? The social

¹⁰⁵ Thomas Nail, *The Figure of the Migrant* (Stanford: Stanford University Press, 2015), 12-13, <https://ebookcentral.proquest.com/lib/bucknell/reader.action?docID=3568962>.

¹⁰⁶ Thomas Nail, *The Figure of the Migrant* (Stanford: Stanford University Press, 2015), 13, <https://ebookcentral.proquest.com/lib/bucknell/reader.action?docID=3568962>.

illusion of stasis brings up the overarching issue of usefulness, the same issue that de Beauvoir's serious man asks of minority groups. Following Nail's proposal that migrants indeed drive social change, it would be senseless to seriously question their usefulness. However, the idea of stasis begs exploration. The imposition and continual perpetuation of the social illusion of stasis creates an existence in silence for those who complete work that is deemed invaluable by a collective of citizens, consisting of identities belonging to the majority, who are and perpetuate a narrative of a national group. Migrants, being outside of the majority and national group, are immediately thrown into an identity of uselessness, where their work is perceived to hold no value. While some migrants (notably, not all) are permitted to exist within the bounds of a nation state, their existence cannot be robust, as their value to society is determined by their contributions of labor which are rendered invisible. Keeping in mind the many barriers to becoming a member of a national community that migrants may face that have been discussed throughout previous chapters, such as language, cultural difference, and ethnicity, one may come to realize the inescapability of this identity of uselessness. Due to this inescapability, vast numbers of migrants resort to jobs thought of by nationals as unproductive, and thus "useless" jobs and the identity of migrant come to be closely associated with one another. If one's contribution to society is understood as stasis, it fails to be recognized for its true worth, and one adopts the identity of the useless. In addition to this perception, many occupational avenues are closed to migrants, perhaps due to a lack of an educational background or a language barrier. Nail argues that to many citizens who themselves have never worked a maintenance job, that the images of stasis and the migrant have become one and the same.

The spectrum of usefulness for residents of a nation-state, temporarily excluding stateless refugees from the equation, begins with undocumented migrants and ends with those holding full

citizenship. Though people of all immigration statuses may hold high-paying, high-powered jobs, this is not statistically reflective of the general population. While many undocumented migrants hold low-paying jobs, citizens hold high-paying jobs at drastically higher rates in comparison, and this is the case due to a variety of political and economic factors. However, this division is powerfully reflected in Said's analysis of the Self and the Other in *Orientalism*. While the citizen in a position of power and authority, in the context of the spectrum of usefulness, adopts the place of the Self, the migrant who holds no economic, socio-political, or legal authority adopts the place of the Other without choice. As the citizen belongs to the majority, the collective and exclusive national community, the citizen is permitted to adjust the vantage point of the general public, and to identify as the Self. In Chapter 2, I discussed the significance of creating nationalized narratives of the Self, based on the vantage point of the public. If the Other is everything that the Self is not, and the Self is proclaimed as useful, then the Other is not useful, and forcibly adopts the collective identity of "useless." The division between the Self and the Other on the spectrum of usefulness is continuously reinforced by the social, political, legal, and economic limitations that many migrants face when entering and remaining in the workforce of a host nation-state. When it is ensured, through policy and social exclusion on the bases of these barriers, that many migrants are never allowed the opportunity to join a national community, the chasm between the Self and the Other is reinforced.

The division between the Self and the Other could also be seen as the reason why many stateless refugees remain excluded from national communities and from the physical occupation of states. As I discussed in Section A, the preservation of the existing majority national community almost always comes before the needs (often desperate) of stateless refugees in the

priorities of the nation-state as reflected in policy. Furthering a narrative of “us vs. them,” the preservation of the Self as opposed to the accommodation of an Other is always prioritized.

The Self and the Other manifest quite interestingly in Simone de Beauvoir’s notions of the serious man, in which the serious man himself is he who controls the vantage point of determining what is and is not important, and what does and does not hold value. De Beauvoir explains throughout *The Ethics of Ambiguity* that the serious man sacrifices the freedoms of others in conflating his own subjectivity with the unconditional object. Convinced that his ideations are universal the serious man is oblivious to the freedoms of others, always living as though his own ambitions are all that exist. On the question of the useful, the serious man is unable to discern that what may be useful to him is not universally applicable. Worse, the serious man is uninterested and seemingly entirely unaware of any ideations held by others. De Beauvoir explains,

“[The serious man] accords an absolute meaning to the epithet *useful*, which, in truth, has no more meaning if taken by itself than the words *high*, *low*, *right*, and *left*. It simply designates a relationship and requires a complement: useful *for* this or that. The complement itself must be put into question, and, as we shall see later on, the whole problem of action is then raised.

But the serious man puts nothing into question. For the military man, the army is useful; for the colonial administrator, the highway; for the serious revolutionary, the revolution--army, highway, revolution, productions becoming inhuman idols to which one will not hesitate to sacrifice man himself. Therefore, the serious man is dangerous. It is natural that he makes himself a tyrant. Dishonestly ignoring the subjectivity of his choice, he pretends that the unconditioned value of the object is being asserted through him; and by the same token he also ignores the value of the subjectivity and the freedom of others, to such an extent that, sacrificing them to the thing, he persuades himself that what he sacrifices is nothing. The colonial administrator who has raised the highway to the stature of an idol will have no scruple about

assuring its construction at the price of a great number of lives of the natives; for, what value has the life of a native who is incompetent, lazy, and clumsy when it comes to building highways?"¹⁰⁷

In this way, the colonialist creates a vantage point from a position of power and positions himself as the Self and the indigenous man as the Other, while imposing that viewpoint, because of his position of power, on the indigenous man. The idolization of the colonialist, the highway, is not a universally-worshipped icon, but the colonialist is uninterested in and unable (because he has convinced himself otherwise) to see another worldview. Unable to empathize or realize the ontologies of the indigenous man, the colonialist sacrifices the freedoms of the Other in the name of his invented universal truth.

Like the colonialist, the concept of usefulness becomes a complication of the opposition between the Self and the Other when applied to stateless refugees in the context of the nation-state. There remains an idolization, analogous the colonialist, but the situation is more expansive, as it is globalized. The idol is the national community, while the stateless refugee is a useless asset, or even a potential threat, to the stability of that sacred assembly. In order to protect the sanctity of the community, which is exclusive in terms of national identity, cultural practice, race and ethnicity, and many other points of distinction, the nation must become impenetrable. With unforgiving immigration policies reflecting the exclusivity of the national community, the nation-state preserves itself, at the cost of the lives of those living outside the border. Appearing to differ greatly from the members of a national community, through the lens of the nation the stateless refugee has nothing of value to contribute to the preservation or progression of the

¹⁰⁷ Simone de Beauvoir, *The Ethics of Ambiguity*, (New York: Open Road Media, 2018), 49, <https://ebookcentral.proquest.com/lib/bucknell/detail.action?docID=5375926>.

nation-state, and thus remains condemned to live outside of a border, beyond the reach of juridical protection of rights.

Returning to the arguments of Thomas Nail, there is undoubtedly a link between the perception of stasis and the perception of stateless refugees as useless, as viewing progress as “lacking” implies that said progress is contributing nothing to society. As Nail discusses, the social illusion of stasis originates from the association of migrant workers with menial jobs, such as maintenance jobs that, while contributing greatly to the overall functioning of a society, do not hold the same social standing as white-collar work or jobs that require education or higher levels of applied skills. This impression, though both incorrect and sweepingly discriminatory in nature, creates the social illusion of stasis, or that this work actually contributes nothing at all to the progression of society. Stateless refugees, who fall under the greater category of the term “migrant” (which I defined specifically in Section A), are yet to reach the stage of working within a nation-state like the migrants that Nail discusses, as they are still not permitted to enter. However, stateless refugees still retain the identity of a “migrant” because of their inherent movement across borders. Interestingly, the category of “migrant” holds no specifications on one’s ethnic identity or national origin: it contains and refers only to one’s movement across an international border, beginning always, and for stateless refugees, ending following the crossing of the border of one’s home country, into unmarked territory or into another nation-state. While some migrants fare well, usually white migrants originating from European countries, those who face discriminatory social attitudes, like the social illusion of stasis, are usually migrants of color. Some racial groups are stereotypically prized for their perceived usefulness, such as white Europeans with bachelor’s degrees, or wealthy, educated East Asian immigrants, while other racial groups, such as refugees of civil war from South Sudan or El Salvador, who often come

with little educational background, receive rejection, racism and detention at the borders of the United States specifically. Nail's theory, specifying no nation in particular, can apply to the experiences of many migrants globally, working within a range of countries that vary greatly in culture. Therefore, stateless refugees, experiencing rejection on all sides as a result of a universal stereotype, remain trapped in "no man's land." Unable to enter a new country, return to their homelands, or escape the identity of "migrant," stateless refugees are helplessly static.

The connection between the arguments of Simone de Beauvoir and Thomas Nail lies in the projection of one's worldview unforgivingly unto another. Both the serious man and the society that projects the illusion of stasis onto the work of migrants share in their imposition of their own ideations onto others, who, obliged to live with the real socio-political consequences of these unsolicited convictions, remain in a state of real stasis, as the oppression of the majority is inescapable. For stateless refugees, the arguments raised by Hannah Arendt in *The Origins of Totalitarianism* ring eerily true: without the protection of rights that a nation-state provides, this oppression is quite literally undeniable and relentless. When a majority group in a position of power over a minority group perpetuates a specific narrative oppressing that minority, that narrative will hold enormous socio-political weight, especially if that minority group has no means of combatting that narrative.

Conclusion

Currently there exists a dominating narrative about refugees and migrants that controls political decisions about their legal statuses, social norms surrounding where in national communities they are accepted, and immigration policies regarding their admittance into host countries following their flight. These narratives originate from sources other than stateless refugees themselves: from oppressive majority groups like exclusive national communities, and from nation-states with juridical power over them. Throughout my thesis, I have discussed the origins of these narratives, in addition to the repercussions that they have on the ability of stateless refugees to find citizenships and legal residences, to live with defended rights, and to integrate into national communities within states in order to benefit equally from their resident state as other members of those communities. From the theories of Jean-Jacques Rousseau, I have examined traditional conceptions of natural-born rights, and through the arguments of Hannah Arendt in *The Origins of Totalitarianism*, determined that rights, in order to function effectively as they are intended to, must be protected by a nation-state with the juridical capacity to enforce them. With Arendt's arguments, I have determined that the concept of inalienable rights cannot function as intended to under the circumstances of a world of nation-states. Affording rights to all people, on the basis of their existence or birth as people, does not function in a world of nation-states that hold interests in protecting their own populations. The model of inalienable rights does not account for the existences of stateless people, who live without protected rights as they are forced to claim no affiliation to any nation-state.

With Arendt's arguments in mind, I discussed the attitudes of individuals and populations that lead to the exclusion of stateless refugees from national communities. Looking to Simone de

Beauvoir's text *The Ethics of Ambiguity*, I analyze her theory of the "serious man," who conflates his subjective worldview for the objective order of the universe. I analyzed the attitude of the serious man, who is either unaware of or uninterested in the worldviews of others, alongside the philosophical proposition of Edward Said of the Self and the Other. Delving into a philosophical argument, I concluded that the attitudes of the Self and the Other, which places a privileged vantage point of the Other in the hands of the Self, and of the serious man, which prioritizes a privileged perspective of objective truth, are adopted by nation-states in their treatment of stateless refugees seeking legal statuses in their jurisdiction.

Finally, I sought to connect Said's and de Beauvoir's arguments to the greater question of the usefulness of the refugee that dominates national conversations about immigration policy. I looked to Thomas Nail's *The Figure of the Migrant*, in which he proposes a theory of social stasis, in which occupational fields primarily upheld by migrants were considered to be useless by portions of populations. Seeing migrant work as useless is an attitude that contributes to the continued oppression of stateless refugees, as they are perceived to have nothing to contribute to any given nation-state even before they are permitted entry. Ultimately, the perspectives of the serious man and the Self, who prioritize their own worldviews and even see them as objective, do not see stateless refugees as useful. It is when the nation-state adopts the attitudes of the serious man and the Self that the struggle of the stateless refugee persists, as immigration policies are formed from these attitudes.