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Beyond the Ethics of Admission:  
Stateless People, Refugee Camps and Moral Obligations

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Statelessness, the existence of millions of people who do not belong in a meaningful sense to any political community, is an increasingly important political problem. On the one hand, there are 72 million people who have been forcibly displaced from their homes and have no effective citizenship,<sup>1</sup> the majority of whom remain in this situation for more than 15 years or permanently.<sup>2</sup> On the other hand, each state – rightly or wrongly – believes that it is justified in including only those individuals that they choose to admit. In other words, most states do not acknowledge an obligation to admit people who have nowhere else to live; and when they do accept refugees, it is considered an *ex gratia* policy, arising out of generosity rather than the fulfillment of a moral or legal norm.<sup>3</sup> The result is a

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<sup>1</sup> This surprising large number is from the most recent report of the International Federation of Red Cross and Red Crescent Societies, *World Disasters Report 2012: Focus on Forced Migration and Displacement*. The figure of 72 million displaced people encompasses both people who are displaced within their home countries and who have crossed borders due to conflict, repression, persecution, disasters, environmental degradation, development projects, poverty and poor governance. Importantly, it does not include “economic migrants,” people who choose to leave their countries to pursue economic opportunities, but only people who “are forced to leave their homes due to events beyond their immediate control” (International Federation of Red Cross and Red Crescent Societies 2012, 14).

<sup>2</sup> This is another of the important findings in the report cited above: “most migrants are either in protracted displacement situations or permanently dispossessed” (International Federation of Red Cross and Red Crescent Societies 2012, 9).

<sup>3</sup> The 1980 Refugee Act in the United States, the act that set the legal framework for the US action on refugees, states the following: “the underlying principle is that

situation in which a population larger than that of the United Kingdom – one in every 100 of the world’s citizens – lives more or less permanently outside the nation-state system and no state acknowledges political or moral responsibility for this group.

Given the political importance of this phenomenon, I argue in this paper that philosophers ought to be concerned with clarifying our moral obligations to people living in a condition of statelessness. By “our” moral obligations, I mean the obligations of states who at least potentially have the resources to address the situation, and who play a meaningful role in the current global community (via the United Nations and its affiliated institutions, as well as other international organizations like the World Bank, the International Monetary Fund, and the World Trade Organization), as well as the obligations of individuals as members of a global community concerned with human rights. To do this, I argue that we need to both reframe our understanding of the problem of statelessness in the contemporary world and our understanding of the obligations that this situation gives rise to.

This paper has two parts. In the first part, I critically assess philosophical analyses of the problem of refugees and stateless people. Philosophical discourse has focused on whether or not we in the West have moral obligations to admit refugees, or whether we can morally justify closing our borders. In other words, philosophers have largely focused on an *ethics of admission*. I show that though this is an important question, it is too narrow. By focusing on admission, philosophers

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refugee admissions is an exceptional *ex gratia* act provided by the United States in furthering foreign and humanitarian policies” (quoted in Singer and Singer 1988, 116).

have been effectively concerned with only de jure refugees, people who are eligible for admission to a new country, and have failed to consider the obligations we may have to people who remain outside of all political communities for prolonged periods of time. The focus on the ethics of admission renders the vast majority of stateless people normatively invisible and does not fully address the situation of statelessness in the global context described above.

In the second part of the paper, I argue that in order to understand our moral obligations to stateless people, both de jure refugees and de facto stateless people, we ought to reconceptualize the harm of statelessness as entailing both a legal/political harm (the loss of citizenship) as well as an *ontological* harm, a deprivation of certain fundamental human qualities. To do this, I draw on the work of Hannah Arendt and show that the ontological deprivation has three distinct though interconnected elements: a reduction to the merely human or bare life, a separation from the common realm of humanity and abandonment, and the diminishment of agency or ability to *act* in the Arendtian sense. Yet it is important to note that for Arendt, though the ontological deprivation of statelessness is a fundamental one, it is not absolute. By this I mean that though stateless people have a diminished capacity to *act* in Arendt's distinct sense, they always retain this ability at a fundamental level. This is because for Arendt action is rooted in the human condition of *natality*, the fact that we are beings who are born and are by our very nature beginners. Thus stateless people always have the possibility for action, and Arendt herself is fond of discussing examples of action that emerge from people who have been marginalized in various ways. However, what is important about the

ontological deprivation is that stateless people, in virtue of this status, are deprived of two other conditions that are essential for action – a public space to make opportunities for action more than rare exceptions, and an ability to be judged as speaking and acting agents. Consequently, I argue that Arendt is able to give us a framework for understanding why statelessness is a fundamental harm, yet without denying that stateless people retain their humanity and capacity for agency in a basic way. As such her understanding of the harm of statelessness – as fundamental but never absolute – provides the best framework for addressing this contemporary political problem.

On my reading of Arendt, the problem with statelessness is that it has these two distinct, though interrelated, harms – a legal/political harm and an ontological one. The main goal of this paper is to establish that statelessness ought to be understood as entailing both sets of harms. If we pull these two sets of harms apart, we are better able to see that we can address some of the features of the ontological deprivation even though we may not be able to rectify the political harm through resettlement. I conclude by suggesting that our obligations to stateless people will consist in changing our policies and practices towards refugees in order to minimize, if not eliminate, the ontological deprivation. Ultimately, the challenge will be to create spaces and conditions where refugees and stateless people can be seen and heard, where their action and speech can gain meaning, so that ultimately we can see them as equal members of our common humanity, whether or not we also acknowledge them as citizens.

## Part I: Refugees and The Ethics of Admission

Michael Walzer was one of the first philosophers to discuss our moral obligations to refugees and he initiated the debate by stressing that refugees differ from immigrants in general because of the *moral* dimension of their claims. Refugees, he writes, “make the most forceful claim for admission. ‘If you don’t take me in,’ they say, ‘I shall be killed, persecuted, brutally oppressed by the rulers of my own country’” (Walzer 2008, 163). Walzer defined refugees as people whose moral claims, “cannot be met by yielding territory or exporting wealth, but *only* by taking people in” (Walzer 2008, 163). Because he understands refugees as suffering a political loss, the loss of political belonging, he argues that our moral obligations to them can *only* be met by admitting them to our country. This definition laid the foundation for the contemporary debate around moral obligations to refugees in philosophy.

Since Walzer put forth this view, a number of other philosophers have entered the debate. For example, Barbieri (1998), Carens (1992), Cole (2000), Gibney (2004), Nyers (2006), Singer and Singer (1988), and Wellman (2008), among others, have all written about our moral obligations to refugees. Although there is no consensus on the question of what these obligations are exactly, there is one important point that is agreed upon by all these authors: the question of whether we are obliged to admit refugees to our country is *the* primary moral question. In other words, the ethics of admission has come to dominate the philosophical landscape and be the almost exclusive focus of normative philosophy. This is due in no small part to Walzer’s initial definition of refugees as people whose

legitimate moral claims can only be met by admission to a state. Since Walzer, all philosophers stress the legal/political dimension of the harm of statelessness and the importance of ethical consideration of admission standards.

The philosophical debate over the ethics of admission entails a debate over how to give a foundation for our moral obligation to admit refugees, due to the urgency and uniqueness of their needs, while simultaneously maintaining an ethical basis for closure, which would preserve the self-determination of a given community. One of the reasons that this question became so philosophically important is because it goes to the heart of a tension in liberal political theory: how to balance treating all people equally while at the same time protecting a democracy's ability to exclude some people from citizenship. In other words, the ethics of admission posed a challenge for liberalism: any liberal position that holds that we can deny refugees admission to our country must do so in a way that does not deny the fundamental equality of refugees and stateless people. So difficult is this balance to reach that Philip Cole has argued that it reveals "an irresolvable contradiction between liberal theory's apparent universalism and its concealed particularism" (Cole 2000, 2).

Michael Walzer tried to balance moral equality with political closure by stressing the importance of distinctive "communities of character" for human existence. According to his argument, because unique political communities give meaning to our lives, and in order to be unique, communities require closure, we can conclude that closure at some level is morally justifiable. In other words, we have the right to exclude people for the sake of maintaining these important

“communities of character.” This does not mean that we have *no* obligations to refugees or other outsiders. He stresses that because of the urgency of the moral claims of refugees, we are obliged to admit at least some refugees, but it is up to particular communities to decide which refugees we take in and how many. Thus Walzer is able to acknowledge a moral basis for our obligations to refugees but simultaneously provides an ethical basis for closure that preserves equality.

More recently, Seyla Benhabib (2004 and 2011) has also taken up this task through a consideration of the nature of “just membership practices.” By this she means, “principles and practices for incorporating aliens and strangers, immigrants and newcomers, refugees and asylum seekers into existing polities” (Benhabib 2004, 1; Benhabib 2011, 138-9). In other words, for Benhabib, like Walzer, the primary ethical question concerning refugees is the moral basis for admission or exclusion. Benhabib (2004) argues that we have a robust obligation to allow refugees into our country, but not one that is unrestricted. According to her view of discourse ethics, we are justified in excluding refugees only if we can show them good grounds, “grounds that would be acceptable to each of us equally, why you can never join our association and become one of us. These must be grounds that you would accept if you were in my situation and I were in yours” (Benhabib 2004, 138).<sup>4</sup> Despite differing from Walzer in fundamental ways, Benhabib too considers the ethics of admissions to be the central ethical question. Indeed, this question remains the dominant one whether you agree that we have much stronger

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<sup>4</sup> Good reasons include a lack of qualifications, skills or resources, but not some unalterable feature of yourself such as your gender or ethnicity, since the former would not deny your communicative freedom.



obligations to admit refugees than we currently do (as people like Benhabib, Barbieri, Carens and Singer and Singer do) or that states are justified in closing their doors to “all potential immigrants, even refugees desperately seeking asylum from incompetent or corrupt political regimes” (Wellman 2008, 109). Regardless of the outcome, justifying including or excluding the displaced from our political communities has been *the* primary task for philosophers

Though the ethics of admission remains an important area of concern, I argue below that we ought to expand the philosophical analysis beyond it. There are two reasons for this. First, concentrating exclusively on an ethics of admission focuses too narrowly to only one subset of stateless people – those deemed refugees and thus eligible for resettlement by the UN High Commissioner for Refugees (UNHCR). For the vast majority of stateless people, admission to a Western state isn’t even a possibility in the current international framework. Only about one fifth of the people who are stateless are eligible for resettlement because they meet the UN’s criteria of a refugee; of those eligible, only a fraction are ever resettled (less than 1%).<sup>5</sup> As Loescher puts it, “the majority of the world’s refugees are not offered permanent asylum or opportunity to integrate into local communities by most Third World governments. Rather, they are kept separate and dependent on external assistance provided by the international community” (Loescher 1993, 9). As I show below, our ethical norms must be brought to bear on all people who are “kept

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<sup>5</sup> Specifically, less than 1% of the 10.5 million people that the UNHCR considers refugees are ever recommended by the agency for resettlement (cited on the website for the United Nations High Commissioner for Refugees: <http://www.unhcr.org/pages/4a16b1676.html>).

separate” from the rest of humanity. The exclusive focus on the ethics of admission renders normatively invisible the largest group of stateless people.

Second, the ethics of admission does not take into consideration the unique way that living more or less permanently outside of a political community and dependent on the assistance of the international community harms stateless people. There has been much scholarly literature examining the problems with the “refugee regime” (the international humanitarian organizations and domestic policies by various states that deal with controlling stateless populations) in recent years. As many scholars have shown, the refugee regime is at best morally problematic, and at worst, manifests a unique form of control and domination. This has led one scholar to refer to the treatment of refugees and stateless people by humanitarian organizations as “often callous, sometimes cruel, and – nearly always – ineffectual” (Verdirame and Harrell-Bond 2005, 333). The kind of harm that is suffered by stateless people living outside of political communities, under the control of humanitarian organizations, is not taken seriously or treated as morally salient by normative philosophers. It is important to think about the contemporary phenomena of prolonged encampment, humanitarian control, and long-term displacement as serious moral issues.

Because normative philosophy conceives of statelessness as primarily a legal and political harm – the loss of citizenship – it is unable to incorporate the deeper harm of statelessness in their analysis of our moral obligations to people in this situation. Consequently, I argue that we ought to turn to the work of Hannah Arendt to develop an understanding of statelessness that is more fitting for the

contemporary global situation. As I show below, Arendt conceives of statelessness primarily in ontological terms, and consequently, her analysis will provide a richer ground for understanding our ethical obligations to stateless people.

## Part II: Arendt on Statelessness – the Legal Dimension

Arendt begins her analysis of statelessness in *The Origins of Totalitarianism* with the observation that starting shortly after World War I, the nature of forced migration began to change. While there had always been “war refugees” (as we would call them), what was unique about people fleeing after WWI is they “were welcomed nowhere and could be assimilated nowhere. Once they had left their homelands they remained homeless, once they had left their state they became stateless; once they had been deprived of their human rights they were rightless, the scum of the earth” (Arendt 1978, 267). For Arendt, when a person lost her national citizenship and became stateless, she became “rightless” as well.

To clarify her terminology, Arendt distinguished between *de jure refugees* and *de facto stateless* people. *De jure* refugees are people who meet the legal definition of a refugee, as someone fleeing individual political persecution. Such people were not the real issue for Arendt. In fact, she claimed that they were not a “genuine political problem,” since besides being relatively few in number, the asylum laws that existed at the time did act as a genuine substitute for national laws (Arendt 1978, 295). By contrast, *de facto* stateless people, people who are effectively without citizenship regardless of their legal status, comprised the “core of statelessness” for Arendt and were in her view identical with “the refugee question”

(Arendt 1976, 279). For Arendt, de facto stateless people included all people who are forcibly displaced and without any form of effective citizenship or political belonging, regardless of how they are categorized legally (i.e., as refugees, asylum seekers, forcibly displaced, *sans papiers*, internally displaced persons, war refugees, etc.). People in this situation are, in her words, fundamentally rightless; they belong “to no internationally recognizable community whatever” and are thus outside “of mankind as a whole” (Arendt 2003, 150).

What did it mean to become rightless for Arendt? For Arendt, the rightlessness that accompanies statelessness has two dimensions: a legal/political dimension and an ontological one. Legally, it meant that once you cease living under the jurisdiction of your domestic law, you were without the protection of any other law (Arendt 1976, 286). In other words, once you are removed from your own national law there is no effective way to treat you as a legal subject. This is tied to her critique of human rights, which were understood as natural and inalienable and thus without the need for positive law to protect them. For her, “the loss of national rights was identical with the loss of human rights” (Arendt 1978, 292). Thus for stateless people, as soon as they lost their citizenship and had only their humanity and human rights to protect them, it turned out that there was no institution willing and able to guarantee them. Human rights proved impossible to enforce outside of a political community.

This point has been somewhat mitigated since Arendt wrote this in 1948, with the advent of numerous human rights treaties and declarations, especially the UN Refugee Convention (1951) and its 1967 Protocol, and other treaties concerning

stateless people, which were all designed precisely to address people who had lost the protection of their home states. Yet despite this legal progress, the consensus among many scholars is that the legal protections of refugees and stateless people is at best precarious and at worst, non-existent.<sup>6</sup> Though there is a legal framework in existence for the protection of refugees, many states are still reluctant to acknowledge significant *obligations* to refugees. The most widely accepted obligation, non-refoulement, is often respected in principle through not in practice. Further, few states acknowledge positive obligations to help refugees by admitting them to their states or granting them the right to residence. Most nations feel that they *ought* to help refugees and that it would be wrong simply to let them die of starvation or exposure, but few see it as a moral, political, or legal obligation except in the most minimal sense. The US, for example, firmly asserts that its policies concerning refugees are not rooted in the fulfillment of any international obligation but ought to be understood as “an exceptional *ex gratia* act provided by the United States in furthering foreign and humanitarian policies.”<sup>7</sup> Given this, Arendt’s fundamental critique of the way stateless people are treated when they are outside of their state remains true: “the prolongation of their lives is due to charity and not to right, for no law exists which could force the nations to feed them” (Arendt 1978, 296).

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<sup>6</sup> The title of a recent book of the subject is telling: *Are There Human Rights For Migrants?* (Dembour and Kelly, 2011). For a more Arendtian analysis, see Gündogdu 2012 (also see her forthcoming article, “Rightlessness in an Age of Rights”). Klabbers notes that one reason for this continuing precarious situation is that neither “the 1951 Refugee Convention nor the 1967 Protocol thereto provide anything by way of political rights” (Klabbers 2012, 244).

<sup>7</sup> From the 1980 US Refugee Act (quoted in Singer and Singer 1988, 116).

To summarize, Arendt's first critique of statelessness is that it entails the loss of a political community, and it is only within this political community that human rights can be protected. Despite over 50 years of changes in international law and human rights conventions around stateless people and refugees, their rights – both legal and human – remain fundamentally precarious outside the nation-state. Though this is a crucial point in understanding statelessness, it is not Arendt's most fundamental critique of statelessness. If this were the only harm of statelessness, we might say that the ethics of admissions is sufficient to deal with it. However this is not the case. As I argue below, Arendt demonstrated that there is a much more fundamental loss that comes with statelessness. I refer to this loss as the ontological deprivation.

### Part III: The Ontological Deprivation

In this section, I turn to Arendt's analysis of the ontological deprivation and argue that it has three different dimensions: the loss of identity and reduction to bare life; the expulsion from common humanity and inability to speak and act meaningfully; and finally, the loss of agency understood not as a subjective disposition, but an ability to have your words and actions be recognized as meaningful and politically relevant. After explaining these in some detail, I address the criticism that Arendt does not adequately describe the experience of stateless people and gives insufficient weight to their agency. I show that with a nuanced understanding of Arendt's conception of action, this objection does not hold and Arendt can and ought to be used to ground our understanding of statelessness.

## Bare Life and Individual Identity

One aspect of statelessness that Arendt was the first to notice is the way in which this process transformed a person's identity. This transformation had two dimensions – it both deprived a person of their former identities and replaced them with new ones. In her words, statelessness deprived a person “of all clearly established, officially *recognized* identity” (Arendt 1978, 287; italics added). This was the basis of the most common complaint of refugees, from all levels of society, that “nobody here knows who I am” (Arendt 1978, 287).<sup>8</sup> The loss of a unique personal identity came hand in hand with being given a new identity – that of a human being in general, “without a profession, without a citizenship, without an opinion, without a deed by which to identify and specify himself” (Arendt 1978, 302). Stateless people appeared to the outside world as “nothing but human beings,” entirely innocent and without responsibility (Arendt 1978, 295).

Importantly, this new identity rooted in our humanness did not give rise to respect, awe, or humanitarian sentiment as Enlightenment thinkers thought it would but quite the opposite: “the world found nothing sacred in the abstract nakedness of being human” (Arendt 1978, 299). According to the traditional understanding of human rights, if a human being loses her political status, she should be able to fall back on her natural, inalienable human rights. “Actually the opposite is the case,” writes Arendt. “It seems that a man who is nothing but a man has lost the very qualities which make it possible for other people to treat him as a

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<sup>8</sup> This is a sentiment that Arendt reported in her own biographical account of life as a refugee in “We Refugees” (Arendt 2008).

fellow-man” (Arendt 1978, 300). In other words, to be purely human is actually to be less than human or at least, to be human in a way that people cannot recognize.

Why is this necessarily the case? Arendt was the first to observe that once a person is stripped of her political persona and citizenship, she appears as an abstract human being who, precisely because of this abstraction, does not appear to be fully human. Taking up this idea, Giorgio Agamben developed the concept of “bare life” to describe precisely what Arendt was referring to.<sup>9</sup> For Agamben, bare life refers to the separation of biological life from political existence. Agamben claims that the original foundation of politics is the exclusion of bare life. This can be traced to Aristotle’s distinction between two fundamental kinds of life: *zoë*, the biological life that we share in common with animals, and *bios*, the kind of life that is distinctive to human beings, embodied in our political capacities for speech and action. Aristotle argued that *zoë*, biological life, ought to be excluded from the polis since politics was concerned with what was distinctly human. For Agamben, though the relationship between bare life and political life is complicated in modernity, bare life still cannot be part of political life and must remain separated from the polis. He gives an account for why the modern nation-state, premised on the separation of *bios* and *zoë*, is incapable of dealing with stateless people who have become “nothing but human” and must keep them in a permanent state of exclusion.<sup>10</sup> This

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<sup>9</sup> That Agamben’s concept of bare life is the necessary consequence of Arendt’s view of statelessness is a position also held by Jacques Rancière. For him, “the radical suspension of politics in the exception of bare life is the ultimate consequence of Arendt’s archipolitical position” (Rancière 2004, 301).

<sup>10</sup> That refugees and stateless people are exemplars of bare life has been much discussed in recent years. For examples of scholars using Agamben to discuss the problem of refugees and statelessness see Basaran 2008, Coleman and Grove 2009,



is why he argues that, “there is no autonomous space in the political order of the nation-state for something like the pure human itself” (Agamben 1998, 20).<sup>11</sup>

Taking his cue from Agamben and Arendt, the French anthropologist, Michel Agier, documents the way that bare life manifests itself in the current refugee regime. As he puts it, refugees “are certainly alive, but they no longer 'exist', that is, they no longer have a social or political existence apart from their biological one” (Agier 2008, 49). This is in part because of the rationale for the existence of humanitarian agencies – they are supposed to protect people *qua* human being, not *qua* particular identity. Stateless people must assume the standpoint of bare life in order to receive aid. Indeed, refugees can *only* make claims for humanitarian aid and protection as *bare life*, or more specifically, bare life in need of protection as victims. With the loss of identity and reduction to victimhood, aid can come from states or regions that may be either friendly or hostile. Humanitarian aid thus requires the “social and political non-existence of the beneficiaries of aid” (Agier 2011, 133). Rather than being political *subjects*, they become *objects* of humanitarian aid, bodies to be cared for and protected.

In sum, the first aspect of the ontological deprivation is that stateless people are turned into human beings in general and bodies to be cared for, rather than retaining their status as individuals with unique identities or political subjects

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Doty 2007, Hagmann and Korf 2012, Jennings 2011, Jenkins 2004 and Owens 2009.  
<sup>11</sup> To be clear, I do not mean to suggest that we follow Agamben’s analysis concerning refugees to its conclusion. For one, as this statement indicates, Agamben leaves no room for the limited but still present agency of people rendered bare life. Owens (2009) argues persuasively that he takes the idea of a refugee as bare life too far. I do, however, want to argue that his development of the concept of bare life and the relation of abandonment remain important concepts in helping us develop a fuller understanding of statelessness in the modern world.

whose particular existence matters. This ontological deprivation is solidified in the political structure such that humanitarian aid is only available on the basis of this transformation.

### Rejection from the Common World and Abandonment

The second dimension of the ontological deprivation has to do with the exile from the common world that comes with statelessness. For many, refugee camps are a matter of practical necessity – there is nowhere else to put large groups of unwanted people; they are pragmatically, politically, and economically necessary. Yet for Arendt, I argue, it is important to see these camps as morally problematic because they effectively exclude people from what she referred to as “the common world.” This expulsion from the common world is a fundamental aspect of the ontological deprivation. To further nuance this idea, I argue that we must understand this exclusion from the common world as a form of *abandonment*, with both ontological and political dimensions. I draw on Agamben’s use of this term and show that for him, abandonment does not mean that stateless people are left on their own, but rather that they remain directly impacted by us through their formal exclusion. Their very identities and modes of existence are defined almost entirely by their exclusion. Agamben terms this form of abandonment as the *inclusive exclusion*. Both these aspects are important to understand the ontological harm of statelessness.

Politically speaking, stateless people are forced outside of our common political community. As Agier puts it, refugees are often *physically* outside of the

geographically recognized world. Refugee camps, for example, are often not even on maps through they may have existed for a decade or longer.<sup>12</sup> Stateless people are *economically* outside the common world, since the stateless are not permitted to engage in the global economy except through being passive recipients of, and entirely dependent on, the world's charity for their minimal biological existence. Finally they are *socially and politically* outside the common world, since they are denied social integration and political rights or agency in the states where they reside (Agier 2008). Since refugees are not permitted to integrate into the communities where they reside and very few are ever resettled, stateless people spend the duration of their lives outside of any social or political community and thus are effectively excluded from the common realm.

For Arendt, this physical, economic, social and political exclusion has an extra dimension – taken together, they represent the exclusion of stateless people from the “common world,” participation in which is necessary for our humanity. This exclusion constitutes part of the ontological deprivation because this means that an individual loses her place in a common public space from which action, speech, and hence identity become meaningful. For her, the common world “is not identical with the earth or with nature...It is related, rather, to the human artifact, the fabrication of human hands, as well as to affairs which go on among those who inhabit the man-made world together” (Arendt 1998, 52). The common world is (at times) synonymous with the public realm which “gathers us together and yet prevents our falling over each other” (Arendt 1998, 52). In other words, the common world is

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<sup>12</sup> See Bauman 2007, 38 for examples of this.

both what relates us to each other as being who must share the same worldly space, and separates us from each other and allows us to maintain our individual identities. In the sense, the common world is the ground of plurality, our uniqueness and difference that is so fundamental to politics.

Having been excluded from this realm of shared meaning, experience, and fabrication, stateless people have a kind of worldlessness, and are uprooted and rendered superfluous. She writes that to be “uprooted means to have no place in the world, recognized and guaranteed by others; to be superfluous means not to belong to the world at all. Uprootedness can be the preliminary condition of superfluousness” (Arendt 1978, 475). To be rendered superfluous means that you cease to matter to the world and cease to be able to affect the world in a meaningful way. She writes that when a stateless person represents “nothing but his own absolutely unique individuality,” this individuality loses significance because it is deprived of “expression within and action upon a common world” (Arendt 1978, 302).

In short, for Arendt, to be excluded physically, economically, socially, and politically, as stateless people are, from the common world constitutes part of the ontological deprivation because with this comes the loss of an individual place in a common public space from which action, speech, and hence identity become meaningful. It is the loss of the *ground* from which one can engage meaningfully with others and with the world that is shared in common.

The exclusion from the common world and the worldlessness of stateless people constitutes the ontological deprivation in a second way, described by

Agamben. For Agamben, being excluded from the common realm means that stateless people remain in a state of *abandonment*. Because modern nation states cannot deal politically with bare life, they are forced to keep it outside of political life in what he refers to as a state of abandonment. To be abandoned for Agamben does not mean that states simply put aside stateless people and no longer have anything to do with them. Rather, in Agamben's analysis, states remain in a relationship with what that they have abandoned in the form of an *inclusive exclusion*. States formally exclude stateless people as non-citizens, yet stateless people remain dependent upon a given state both for their material needs (recall that since they are formally excluded from economic activities, they are reliant on the international community and their states of residence for all material goods), as well as their identities. They are defined by their exclusion – as either refugees, asylum seekers, failed asylum seekers, economic migrants, etc. – and this definition has a direct bearing of their chances for survival and integration. In this sense, to say that stateless people are abandoned by humanity is not simply to say that they are left alone; rather, they continue to exist in relation to the other entities – developed countries, developing countries, the UNHCR, other NGOs – through their vulnerability and dependence on them, both for their material needs and their status and definition. Stateless people are excluded as members of a given state but included by virtue of the fact that they receive their identity and status via this exclusion.

## Speech, Action, and the Thorny Question of Agency

In this paper, I have argued that the harm of statelessness occurs on two levels – the legal/political and the ontological. Thus far, we have seen that the ontological deprivation consists in a transformation in identity from individual citizen to human being in general or “bare life,” and the effective removal of stateless people from the common realm of humanity and abandonment. There is one more crucial element in the ontological deprivation that arises directly as a result of the first two transformations: statelessness diminishes a person’s ability to speak and act in a meaningful way. In this sense, a stateless person has her political *agency* diminished, her ability to act in the specific Arendtian sense of the term, as the freedom to act *with* others and have actions and speech recognized as meaningful.

Action for Arendt is connected to *plurality*, the fact that as human we are both alike in fundamental ways, and different. This urge to assert our difference within equality is the ontological root of action. This is why for Arendt it is only through action (rather than labor or work) that we reveal who we are as individuals and are able to mark our place in the world. Arendt often speaks as though action and speech were the same thing because they both, “contain the answer to the question asked of every newcomer: ‘Who are you?’” (Arendt 1998, 178). In action and speech, “men show who they are, reveal actively their unique personal identities and thus make their appearance in a human world” (Arendt 1998, 179). In this sense, action can be understood as an existential *achievement*, something to be accomplished in a human life.

Yet action is similarly a basic human capacity that is rooted in *natality*, the fact that we are beings who are by nature beginners. In this sense of the term, action is not an achievement but a fundamental human capacity. To act in the most general sense means to begin, to set something into motion that can neither be predicted nor controlled. Action thus is “unexpected” and the “fact that man is capable of action means that the unexpected can be expected from him, that he is able to perform what is infinitely improbable” (Arendt 1998, 178). This aspect of action is crucial because it demonstrates that Arendt is committed to the idea that even in the worst conditions – whether it be refugee camps today or concentration camps in the past – humans retain this powerful and surprising capacity to act and to begin.

Action’s power to disclose human identity is connected with another fundamental feature of action: to act and to be *free* are the same thing. “Men *are* free,” writes Arendt, “as long as they act, neither before nor after; for to *be* free and to act are the same” (Arendt 1993, 153). This aspect of Arendt’s thought is often jarring to contemporary readers who understand freedom as the an inner disposition or subjective state connected to the will, where I am free when I can do what I will or desire to do. Freedom is not a subjective state or inner disposition for Arendt. For her, freedom is a fundamental human experience that is actualized primarily in political action, where a person discloses their uniqueness in conjunction with other people. Freedom, writes Arendt, “is actually the reason that men live together in political organization at all. Without it, political life as such would be meaningless” (Arendt 1993, 146). Action is by definition *intersubjective* in that it requires the presence and recognition of others in a common, public realm.

“Without a politically guaranteed public realm, freedom lacks the worldly space to make its appearance” (Arendt 1993, 149).

Given Arendt’s understanding of action, and its connection to freedom and the public realm, it is not surprising that the fundamental harm of statelessness is that it diminishes a person’s ability to speak and act in a meaningful way. This occurs in several ways. First, because they are outside of the common world they lack a reliable, durable space in which their actions can be seen and words understood. Recall that for Arendt, without “a politically guaranteed public realm, freedom lacks the worldly space to make its appearance” (Arendt 1993, 149). This is not to say that Arendt believe that action can only occur in an institutionalized public setting or that only citizens can act. For Arendt, action requires a “space of appearance” (Arendt 1998, 199) and this emerges when people come together to act. Within these minimal conditions, stateless people and refugees do act and speak. But what is lost with statelessness is the reliability and durability of a space of appearance that is “politically guaranteed.” Without this space, there is not consistently a public to acknowledge and judge their actions as meaningful. Without these, the political action of refugees and stateless people is possible and does occur in exceptional circumstances, but lacks the conditions that make action consistently meaningful.

This is why Arendt insists that stateless people are in a fundamental condition of rightlessness even though they have certain rights in principle, such as freedom of expression or opinion. Without a political community, regardless of whether one is able to say what they think and believe, opinions and actions cease



to matter. So fundamental is the intersubjective nature of speech and action that Arendt defines the most fundamental right, the right to have rights, as the right “to live in a framework where one is *judged* by one’s actions and opinion” (Arendt 1978, 296, italics added). Conversely, the 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” (Arendt 1978, 296). One no longer has a common public realm to give one’s actions and identity meaning. To be sure, its not that stateless people are no longer capable of speech and action but rather, in their condition of rightlessness, it becomes hard if not impossible to recognize their words and actions as meaningful.<sup>13</sup> In Hayden’s words, the problem with statelessness is that stateless people are at risk of “becoming irrelevant to the world in that their actions and opinions no longer matter to anyone” (Hayden 2010, 65).

I want to stress that for Arendt, the ontological deprivation is such a fundamental loss not because it means that a person *can* no longer speak or act, but because they are no longer *judged* by their words and deeds and are judged instead according to what is “merely given” about their existence – the fact that they are human beings in general and bodies in need of protection. Because action is rooted in natality, it remains a fundamental human capacity even in the most extreme conditions; yet because speech and action are *intersubjective*, they require the presence and *recognition* of others. To be without a meaningful public persona and public stage on which to appear, stateless people are judged not according to their actions and opinions – according to “who” they are – but according to how they are

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<sup>13</sup> Rancière takes up this point and argues that politics is precisely about deciding what counts as genuine political speech and what is mere noise (Rancière 2004).

seen by others – according to “what” they are. This is why stateless people can be treated as bare life, as a body without a meaningful identity, a life to be cared for indistinguishable from other suffering bodies.

I have argued above for a nuanced reading of Arendt’s discussion of statelessness as an ontological deprivation, taking seriously the ontological root of action in natality that stateless people retain even while they lose other important criteria for action, such as a durable public space and community to judge the action and speech as meaningful. I turn now to a common objection leveled against Arendt’s view of statelessness: that it fails to adequately represent the *agency* of refugees and stateless people and thus her position is too extreme a critique of statelessness. This criticism is made in a few different ways.

A first criticism is based in what many people know about refugee camps: namely, that in many cases, they are breeding grounds for various forms of political violence. Hamas in the Palestinian territory, and the Interahamwe in Rwanda are all examples of political agency exercised by refugees. Given this, it appears that Arendt is overstating the extent to which refugees become bare life and cease to be political agents. A second criticism comes from people working in refugee camps who note that in these places, though life is difficult, refugees are able to build a relatively “normal” life in the sense are able to have social and economic lives that are more than just mere biological survival.<sup>14</sup> “It’s a life that, however makeshift, unpleasant, or uncomfortable is stable and relatively predictable, and which makes sense”

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<sup>14</sup> See, for example, Nyers 2006, Dunn and Cons 2012, and Kraus 2008. Even Agier, despite his sympathy with Arendt and Agamben’s interpretation of the refugee experience, also notes many way that refugees exercise agency in camps (Agier 2011).

(Dunn and Cons, 2012)<sup>15</sup>. Thus rather than being seen as devoid of agency, they must be understood as exercising a “burdened agency” (Myers 2012) in that though they have to work within enormous constraints, they are still able to reassemble a regular existence.

Finally, a similar but more philosophically grounded criticism can be found in Jacques Rancière’s reading of Arendt. Rancière is critical of Arendt’s interpretation of human rights as ending in “either a void or a tautology” (Rancière 2004, 302). If human rights are the rights of citizens, then they are simply the rights of people who already have rights, and thus a tautology. If they are the rights of the unpoliticized person, the person who is “nothing but a human being” and thus without rights, then they amount to nothing and are simply void. What he argues instead is that politics is precisely about staging a *dissensus* (a dispute about what is given) over this exact question.<sup>16</sup> Politics is about the back and forth between the first inscription of rights and the dissensus where they are put to the test – and this is why they can be invoked even in refugee camps (Rancière 2004, 305). “These [rights] are theirs when they can do something with them to construct a dissensus against the denial of rights they suffer. And there are always people among them who do it” (Rancière 2004, 305-6). In Schaap’s interpretation of Rancière, politics is precise the staging of a dissensus in which those who are deemed to lack speech make themselves heard as political animals (Schaap 2011). In other words, Arendt is wrong to think that

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<sup>15</sup> This criticism is leveled by Dunn and Cons at Agamben’s understanding of refugees as bare life, but applies to Arendt as well.

<sup>16</sup> In Rancière’s well-known phrase, the Rights of Man are the rights of those who have not the rights that they have and have the rights that they have not (Rancière 2004, 302).

stateless people lack agency. For Rancière, stateless people are able to stage a dissensus to demand their rights and challenge the status quo, and thus can speak and act in a very meaningful way.

In response to these critiques, it is important to note two things. First, they are correct in their observation that in becoming stateless and “nothing but a human being,” it does not mean that a stateless person becomes incapable of doing anything meaningful or acting in important and powerful ways. Yet this capacity is part of Arendt’s understanding of action. As I tried to stress above, action for Arendt is rooted in natality, the very nature of our existence as creatures who are beginners. Thus Arendt would agree with the authors above that many stateless people contest this status, engage meaningfully and creatively with each other and the communities that they find themselves in, and maintain agency in important ways.

What is so useful about Arendt’s framework, however, is that she is able to explain how stateless people retain this fundamental capacity and are able to act politically, yet why statelessness for the most part remains a fundamental deprivation. Politically and publicly, stateless people are still for the most part treated as bare life or “nothing but human” in that their words and deeds are often not recognized as political or meaningful. Politically speaking, their words, opinion, and actions still do not “matter,” in the sense that they are not consistently acknowledged or valued by others – either by the humanitarian organizations that care for and control them, nor by states where they reside or hope to reside. This is evident in the ways that their interests are taken or failed to be taken into consideration; the way that their claims are assessed in asylum hearings; and the

more general way that stateless people are represented in our political landscape. Though there are exceptions to this – people who are able to make themselves seen and heard – the vast majority of stateless people remain a “what,” a body to be cared for, a life to be preserved, rather than a political subject.

For Arendt, what the ontological deprivation entails is that speech and action are no longer meaningful, not to ourselves and those close to us, but to those who are different from us and in front of whom we try to distinguish ourselves. In other words, without a political persona, speech lacks meaning; it is a “fool’s freedom” because it gains no recognition either from local NGOs, the UN, host states, or Western states that may resettle them. What they have lost is action in the Arendtian sense as self-disclosive and world-building. On the contrary, because stateless people are seen merely as “what” they are – bodies to be cared for or people who threaten the state – they are often considered to be liars who will say anything to get into “our” country or take more resources. Their speech is thus disvalued, dismissed, and certainly not seen as meaningful. Without a meaningful political identity within the context of the common world, a fundamental dimension of speaking and acting is lost. That is, under the condition of epistemic injustice – where stateless people are not recognized as agents who speak meaningfully but as objects to be cared for or protected, this capacity is precisely what is erased (though never entirely eliminated). This is why the deprivation of statelessness is an *ontological* deprivation – it deprives people precisely of this human capacity in a fundamental, though never absolute, way.

Let me draw on an example discussed by Didier Fassin to make this point clearer. He tells the story of Marie, a Haitian woman who sought asylum in France in 2000 after being gang raped in Haiti in the context of generalized political violence. She was denied asylum in France because the gang rape was not thought to be politically motivated and too ordinary to amount to persecution to justify asylum (only 3.3% of Haitian applicants received asylum during that period in France) (Fassin 2012, 142). Like the 80% of asylum seekers whose applications are turned down, she became an illegal immigrant. After two years of living in isolation and becoming increasingly sicker, malnourished, and depressed she finally saw a doctor. They learned that she was HIV positive and suffering from advanced AIDS, the result of the gang rape experienced in Haiti. She sought and won asylum on medical grounds, granted under the so-called humanitarian rationale. “Her words about the violence she had suffered were doubted,” writes Fassin, “but ultimately her body spoke for her” (Fassin 2012, 142). I use this example to show that for Marie, her words and actions were meaningless to the authorities who had the power to define her either as a legitimate person entitled to asylum and citizenship, or as illegitimate, a liar, and illegal. It was only when her body, her bare life, made her suffering and trauma clear that she could be believed. This, I think, is what Arendt has in mind when she argues that stateless brings with it the diminishment of meaningful speech and action – there was simply nobody who found her words meaningful.

In sum, though stateless people retain the capacity for action because it is rooted in natality, statelessness deprives them of other fundamental requirements of action

– a community to judge their action and speech as meaningful and the possibility for a reliable public space in which to act. The problem with refugee camps is that they systematically deny refugees these latter two conditions and thus make agency as difficult as possible. Life in refugee camps and other spaces of containment amount to systematic obstacles to agency that systemically undermine the political life of stateless people. Again, its not to say that its impossible to act – something Arendt explicitly denied – but it creates the conditions where such action is unlikely and difficult, and without a reliable political space where you are judged according to your words and deeds, even our ontologically rooted capacity is not sufficient.<sup>17</sup>

## Conclusion

To summarize, I have argued above that philosophers ought to take more seriously the ontological deprivation of statelessness described by Arendt in considering our moral obligations to refugees and stateless people. The ontological deprivation contained three separated but interdependent elements that together showed that statelessness deprives people of certain essential features of their

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<sup>17</sup> How to understand the place of action in the lives of rightless people is a current debate among Arendt scholars. Schaap (2011) and Rancière (2004) stress that for Arendt rightless people are unable to act and claim their right to have rights because they are politically impotent for her without a political community. By contrast, Barbour argues that for Arendt, rightless people retain the capacity to act since nothing more is required for action than a space of appearance and this space takes shape “anywhere humans come together in word and deed” (Barbour 2012, 315). I situate my reading of Arendt between the two. I agree with Barbour against Schaap and Rancière that because action is rooted in natality it remains a capacity for even rightless people. Yet against Barbour, I want to stress that action requires more than just a space of appearance – it requires a public who will *judge* the action and speech as meaningful. Intersubjective recognition as well as a durable, reliable public space are missing for stateless and rightless individuals.

humanity in a fundamental though never absolute way. So understood, this view of statelessness gives rise, I will argue, to a different understanding of our obligations to stateless people. Given that the vast majority of stateless people are never resettled and remain displaced for prolonged periods of time, philosophers ought to be concerned with ethical norms that will help stateless people mitigate, if not entirely overcome, the ontological deprivation and be included in the common realm of humanity. I conclude this paper by discussing some suggestions that follow from a recognition of the reality and harm of the ontological deprivation.

One ethical obligation that follows from my analysis is to rethink the ethics of long-term encampment and reconsider it as a morally acceptable solution since it effectively excludes people from the common realm and contributes to the diminishment of their ability to speak and act. One way to overcome this aspect of the ontological deprivation then, is to think of ways that the long-term displaced can be reintegrated back into the common world, even though they may remain without citizenship. For example, some NGOs, such as the US Committee for Refugees and Immigrants (USCRI), advocate for the “temporary local integration” of refugees while a permanent durable solution is negotiated. Here the UNHCR would fund programs that allow stateless people to integrate locally such as by funding educational programs, primary schooling for children, and co-op and other work programs. Rather than funding camps that segregate people from the common world, the UNHCR would fund education, employment, social services within states that host refugees that would both allow stateless people to be integrated into a political community (temporarily, until a more permanent solution is found) and



would be materially beneficial to host states (Smith 2004).

Second, given the influence (financially and politically) that Western states exercise at the UNHCR, members of these states ought to advocate for a more ethical aid policy concerning stateless people, one that respects them as members of the common realm and as political agents. This may entail, for example, insisting that when refugee camps are necessary as the only way to provide aid, they respect human rights. Currently, though the Refugee Convention lists rights that all refugees have even while displaced – including the right to earn wages, the right to education, the right to public assistance at the same level as nationals, the right to courts and travel documents, and, perhaps most importantly, the right to freedom of movement – they are routinely denied to stateless people and this is seen as morally unproblematic. An ethical policy ought to take more seriously the ontological deprivation of statelessness and include ways to mitigate this in our policies concerning stateless people.

To be sure, I do not mean to claim that the above suggestions would provide a comprehensive solution to the global refugee crisis. Rather, they are meant simply to point in the direction that our ethical thinking might take. I began this paper by arguing that normative political philosophy is mistaken to think that our *only* ethical obligation to refugees consist in admitting them to our country. My aim in arguing for the ontological deprivation is that when the harm of statelessness is reframed in this way, we see that many other obligations become at least conceivable. If the harm is partly that stateless people are excluded from the common realm and are not consistently recognized as political agents, then philosophers ought to be

concerned with thinking about ways that this harm can be mitigated if not entirely eliminated in the current global political context. We must be concerned with our ethical obligations to the millions of people who will never be resettled and will spend decades living in refugee camps that are supported, at least in part, by the policies of our states. Given the current global reality, overcoming the ontological deprivation must be seen as a moral imperative.

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