

Statelessness

Hannah Arendt

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Vorbemerkung der Redaktion: Unter dem Titel „Statelessness“ und dem Datum 22. April 1955 hat Hannah Arendt eine vierseitige Vortragsskizze hinterlassen, die unter den „Hannah Arendt Papers“ der Library of Congress eingesehen werden kann. Das Manuskript enthält ausserdem von Arendts Hand den Hinweis „Berkeley“, woraus zu schließen ist, dass es sich um einen Vortrag an der University of California at Berkeley handelt, wo Arendt im Frühjahrssemester 1955 lehrte. In einem Brief vom Dienstag, den 19. April 1955, schreibt Arendt an ihren Mann, Heinrich Blücher: „Morgen muß ich im Historiker-Club sprechen, Freitag bei den Vereinigten Soziologen und Political Science-Studenten [...]“. Der letztgenannten Vortragsverpflichtung ordnen wir das Manuskript „Statelessness“ zu. Wir haben es transkribiert, durchgesehen und reproduzieren es hier mit freundlicher Genehmigung des Hannah Arendt Bluecher Literary Trust.

Zur Erläuterung sei noch angefügt:

- John Hope Simpson veröffentlichte 1939 sein Buch *The Refugee Problem*, auf das sich Hannah Arendt offenbar bezieht.
- Mit „Childs“ ist wahrscheinlich der folgende Titel gemeint, den Hannah Arendt mehrfach in *Elemente und Ursprünge totaler Herrschaft* zitiert: Stephen Lawford Childs, „Refugees – A Permanent Problem in International Organization“, in: *War Is Not Inevitable, Problems of Peace*, 13th series published by the International Labor Office, London 1938.

1. Topical problem even in this country.
2. Recent phenomenon after WWI: Before this a freak: either de nationalité indéterminée or denaturalization by US. Both not important, except the only ones which are recognized.

3. Important after WWI.
After WWI: Russia, Armenia, Hungary, Italy, Germany, the Balkans, Spanish Army.
Spread after WWII. India and Arabs: Solution of Jewish homelessness created immediately another problem of homelessness.

4. The spread of the evil surprising because of the attention of the statesmen. First: Hope that temporary, and therefore Nansen passport: International status under the auspices of the League [of Nations].

When it turned out that this is not temporary and that more are to come: No Nansen passport. Instead: Attempt to deny the problem[,] ignore it.

5. The two ways of ignoring:

a) Through legal distinctions: Refugees and stateless: [John Hope] Simpson already said for practical purpose every refugee is stateless.

Today we have the same attempt: De facto and de iure stateless people. (Times)

b) "Refugee work must be liquidated with utmost rapidity".

The second is the consequence of the first: By ignoring statelessness one makes the situation much worse for the stateless: He becomes "undesirable", as the Dutch government defined all refugees in a circular letter.

6. The term: Displaced persons tries to eliminate these difficulties: It shows the stubbornness to recognize and the deterioration of status. To change stateless people into refugee [people] held out the hope

a) that right of asylum would work

b) that one did not have to bother because this is a matter of charitable organization.

c) resided in wishful hope that this is a temporary phenomenon – a hope one had no longer any right to entertain.

ad a) Right to asylum broke down for two reasons: refugees too great in number and most of them could not qualify: They had not committed anything. (Example from Armistice and UStates) Alternative would have been: Evacuation of all European Jews, then all people from Eastern territories, etc.

ad b) Charity is no right, charity should come after justice is done. This as old as the hills. To throw them into the lap of charity organizations meant practically: They are completely rightless: No right to live in the sense [of] no business to be on the earth.

7. No ill will involved. The two legitimate ways of solving the problem within the limitations of national sovereignty were a) Naturalization; b) Repatriation or expulsion.

a) Naturalization: Broke down with exception of UStates which treat their immigrants as prospective citizens. Question of apparatus and homogeneous population: Example of 45,000 Armenians and law of 1936 in Greece.

b) Repatriation or expulsion not possible: The first because country of origin usually refused to take him back, the second because he was undeportable.

8. The whole problem began to turn around the question[:] How to make him deportable, as though being deportable is the highest right. Childs, f.i. [for instance] who deplores the lack of a right to asylum in UN Charter, finds finally only one solution: Internment camps to which one may return him.

9. Internment camps have become the rule, if they are not worse, namely concentration camps. Internment camps not supervised by international bodies can become concentration camps every minute and are, legally speaking, no longer discernible from them: French internment camps for Nazi [refugees], i.e. enemy aliens, but ccs [concentration camps] for refugees.

10. Let us now turn to stateless people themselves: best way may be to distinguish them and their status – „anomaly for whom there is no appropriate niche in the framework of general law” – from a) the criminal b) the enemy alien in times of war. The first distinction shows their rightlessness in terms of domestic law[,] the second in terms of international law.

a) Criminal: what happened to him the consequence of a deliberate act and not at all outside the law. The police has a very restricted right to deal with him. He always [has the] right to appeal. His punishment is his right and again it is regulated by law. Jail and food is given him not out of charity but out of right.

Stateless: No deliberate act necessary, but his mere presence: No right to stay anywhere, not in prison either. Except he commits a crime. The normalization. The exception for which the rule provides: The criminal in case of law; the genius in case of society: Normalization through being an exception to the norm. Very few people in either case.

b) Enemy aliens in times of war can be interned according to certain international conventions: Their status always supervised and much better than that of refugees whose only refuge was – the *Légion Etrangère*.

11. If we look at it from the point of view of the nations: Enormous influx of people to whom no law applies, who have no right to reside, are illegally in the country. Spread of lawlessness.

To this corresponds its remedy: They are put under police supervision, but police now loses its constitutional character of being only the executor of laws and becomes the legislator as well as the executor: It rules over people, acquires subjects, becomes a state within the state, a kind of Kingdom.

They finally establish concentration camps, i.e. acquire even a kind of territory, because they had the subjects anyhow already.

12. What happens to these people under police rule is no longer the concern of anybody: With their citizenship they lost as it were the contact with mankind.

The Nazis who were such legal pedants therefore always were careful to deprive those whom they intended to exterminate of their citizenship: First Jews who were deported and every Jew who had left the country lost his citizenship (1940); Second: Against [Alfred] Rosenberg, that the people of the Eastern occupied territories do not have any “*staatsangehörigkeit*” [*Staatsangehörigkeit*] (Trial of Major War Criminals, Nuremberg 1947, vol. 26, p. 604 Undated Memorandum for the Administration.)

13. Last point: Question of human rights: Obviously should apply when nationality and citizen-rights do not function. Yet, the opposite was true: Even the most elementary human rights function only as citizen-rights. No international body can supplant because of sovereignty. The only inter-nation guaranteed human right could be: No person should be rightless, or: No state, no matter how draconic its laws, should have the right to deprive of citizenship.

14. For: We live in a world which has been divided, where there are no empty spaces in the sense of non-owned spaces. Moreover: We live in a web of international relationships where our legal status is portable and we remain under protection no matter where we go. Once we lose this protection, it is as though we fall into a void.

If we look at the whole of our human civilization, then the fact of statelessness and our incapacity to deal with it shows clearly that there is a danger from within, that lawlessness or destruction may come through processes of decay. This could happen only because we live already in One World, which means nobody can go anywhere any longer. Those who

for whatever purposes propose denaturalization as punishment show only how little they know of the conditions and necessities of our century. –

If we ask ourselves what this danger is, the best answer may again be taken from the ruthless extremism of Nazi-logics: Foundling is “stateless” as long as his racial belonging has not been determined. We know now that stateless means rightless, everything can be done, only decency or charity preserve the right to live. Therefore: ~~If we say that every human being is born with rights, the Nazis have hit with their definition~~ [crossed out in original]

Here our position of human rights reversed: Every man born with inalienable rights. Theirs: All men born without any rights. And the right is the right to have rights, this right is guaranteed by citizenship. If we do not stop this by having – not a bill with innumerable human rights which only the highest civilizations enjoy – but one internationally guaranteed right to Citizenship – whatever this citizenship may happen to be –, we shall have more and more people who with respect to their legal status no longer are human, who have no longer a place within humanity.