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Who Counts as a Citizen? Toward an Interdisciplinary Understanding of Statelessness

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Abstract: *This paper highlights several limitations of the dominant legal framework for addressing statelessness and incorporates sociological understandings of citizenship and nationality into a revised approach to the issue. The analysis examines various national group dynamics surrounding the issue of statelessness for the Rohingya of Myanmar and concludes that legal citizenship status is neither the sole cause of nor the sole solution for the crisis that has emerged. It concludes with an assessment of the social dynamics that lead to statelessness and recommendations for future research.*

Introduction

International actors are becoming increasingly aware of a dilemma that long-standing institutions promoting the maintenance and expansion of human rights face: they are not all-inclusive. International human rights law and its instruments are not dependent upon the individual but rather on the state, which is, in turn, obligated to extend those protections to its citizens. Political theorists, then, have observed somewhat of a paradox in human rights mechanisms, in that empirically, they are not 'human-centered' as much as they are 'citizen-centered.' This observation, in a world where not every individual possesses legal citizenship status, led political theorist and Jewish survivor of Nazi Germany Hannah Arendt to famously define citizenship as "the right to have rights," underlining the lack of protections to which non-citizens are subject (Arendt 1966).

The United Nations High Commissioner for Refugees (UNHCR) has detailed the problems non-citizens, or stateless persons. The High Commissioner reports they are often "excluded from cradle to grave—being denied a legal identity when they are born, access to education, health care, marriage and job opportunities during their lifetime and even the dignity of an official burial and a death certificate when they die" ("Ending Statelessness Within 10 Years" 2014:2). An estimated 4.2 million people are stateless today, and nearly 70,000 children are born into statelessness each year; in 2017, however, only 56,500 stateless people acquired citizenship, meaning that the size of the stateless population is continually growing (Institute of Statelessness and Inclusion 2018a, United Nations High Commissioner for Refugees 2020a).

The United Nations defines a stateless person as "a person who is not considered as a national by any State under the operation of its law" ("Convention Relating to the Status of Stateless Persons" 1954:6). The condition of being stateless—statelessness—is an infringement of international human rights standards, violating the basic human right to a nationality laid out

in Article 15(1) of the 1948 Universal Declaration of Human Rights ("Universal Declaration of Human Rights" 1948:4). The international community formally recognized the issue of statelessness with the 1954 Convention Relating to the Status of Stateless Persons. More recently, the UNHCR launched a campaign to eradicate statelessness by 2024 (United Nations High Commissioner for Refugees 2014). The dominant understanding of statelessness, primarily influenced by the United Nations High Commissioner for Refugees, relies on its legal conception in the 1954 Convention: the condition of not being a national of any country. The overwhelming approach to ending statelessness, therefore, has been focused on states acceding to UN statelessness conventions and revising discriminatory policies and nationality laws to create a world where every person is considered a legal national of some country (United Nations High Commissioner for Refugees; Belton 2011; de Groot and Vonk 2012; Howard 2016).

These approaches to understanding and explaining statelessness as a condition emphasize the possession—or lack thereof—of legal nationality as a determinant of one's access to international legal protections. This point of departure produces state-centered political and legal recommendations to mitigate the problem, mainly the more rigorous development of international standards for nationality laws (de Groot and Vonk 2012; Howard 2016) and improved refugee resettlement practices (Kingston 2016). While these contributions are essential to any multilateral attempt to mitigate the issue, the legalistic approach to statelessness from which they depart is inherently limited. It does not consider the social processes that influence ideas of nationhood and thus citizenship in its legal definition. Scholars such as Sköld have posited that sociological understandings of nationality and citizenship should supplement their legal counterparts to create more nuanced frameworks for addressing statelessness, arguing that even "the idea of being 'full citizen' is not synonymous with acquiring a formal legal status" in the field of citizenship studies (2019:221).

This paper seeks to contribute to a growing number of works that argue for more nuanced frameworks for understanding statelessness beyond its legal definition. First, this article will outline the dominant legal understanding of statelessness and highlight gaps in the field. Second, this paper will explain how literature in the field of sociology can serve to fill in gaps in the legal understanding of statelessness, ultimately using Theiss-Morse's Social Theory of National Identity to exemplify a sociological understanding of the issue (Theiss-Morse 2009). The article will conclude with a case study of stateless Rohingya of Myanmar, applying social theory of national identity to offer a more nuanced picture of statelessness. This work seeks to demonstrate that the dominant legal framework for statelessness must be supplemented by an interdisciplinary approach in order to address the complexities of the issue.

Problematizing the Dominant Legal Understanding of Statelessness

Overview of the Dominant Legal Approach to Statelessness

The dominant understanding of statelessness within the field emphasizes the possession—or lack thereof—of legal nationality as the determinant of one's access to international legal protections. This approach is conceptually informed by the 1954 Convention Relating to the Status of Stateless Persons definition of a stateless person as "a person who is not considered as a national by any State under the operation of its law" ("Convention Relating to

29

the Status of Stateless Persons" 1954, 6). Dominant literature regarding statelessness differentiates a person who is *de facto* stateless from a person who is *de jure* stateless. The former refers to a person who is "outside the State of their nationality and lacking in that State's protection" (Massey 2010:26). In other words, *de facto* statelessness describes a condition where a person has a legal nationality, but their nationality is ineffective in that they are unprotected by their respective state. The latter distinction, on which most scholarship and advocacy related to statelessness focus, refers to the condition of statelessness as described in the 1954 Convention; therefore, a person who is *de jure* stateless is not considered as a national by any State. Consequently, the dominant literature on statelessness identifies the lack of state-sponsored identity as the root cause of the negative impacts of statelessness, thus maintaining the issue within the sphere of international law.

Scholars and organizations that study and work with the issue of statelessness incorporate its legal understanding into recommendations for the international community. Accordingly, four common recommendations informed by the legal approach can be observed in the literature. This overview of recommendations is not exhaustive but provides current context regarding the prominent ideas in the field. First, the United Nations, in particular, advocates for states to accede to the statelessness conventions, which require the nullification of discriminatory nationality laws and the introduction of processes to ensure individuals are not rendered stateless (United Nations 1954, United Nations 1961, United Nations 2014). Second, scholars and other international organizations that work within the field, such as the Institute for Statelessness and Inclusion (ISI), advocate setting international standards for procedures to determine whether an individual is stateless and introducing changes to domestic nationality laws per the UN conventions ("Addressing Statelessness in Europe's Refugee Response" 2018; Howard 2016:312).

Third, a number of actors also advocate building capacity for citizenship registries by improving data collection, monitoring, and reporting to be able to better identify and break the cycle of statelessness (Shaheen 2018:15; "Addressing Statelessness in Europe's Refugee Response" 2018:18). Lastly, scholars have observed that formerly stateless individuals still face barriers to fully enjoying their rights after acquiring citizenship. Such as a lack of educational opportunities and obstacles in gaining reliable employment, and, noting that these issues are also associated with refugee resettlement, recommend improved refugee resettlement policies (Kingston 2016:402). Thus, the overwhelming discourse on statelessness advocates for mechanisms to ensure every individual's possession of formal citizenship—or at least some sort of formal residency status—as the solution to statelessness.

Limitations of the Dominant Legal Approach to Statelessness

Legal scholarship has made significant progress in identifying and offering solutions to statelessness, but law alone cannot account for the complexities of the problem. The legal understanding of citizenship acquisition as a solution to the negative impacts of statelessness is only practical if citizenship also entails automatic access to inclusion and rights. However, the very concept of *de facto* statelessness—holding legal nationality without being protected by the respective nation—illustrates the limitations of formal citizenship; enjoying the full privileges and protections of a state is not tantamount to possessing formal legal status there.

30

Along this line of thought, Kingston introduces a concept of 'functioning citizenship' to approach statelessness, according to which full citizenship, or 'functioning citizenship', "requires an active and mutually-beneficial relationship between the state and the individual" (Kingston 2014:127). Kingston conceptualizes the rights and privileges associated with citizenship as existing along a spectrum and, in doing so, demonstrates that while the importance of formal citizenship status should not be diminished in conversations about statelessness, the functionality of that status is what ultimately determines human rights outcomes. This notion of statelessness, then, centers not only on ensuring every individual's possession of legal citizenship but also fundamentally on ensuring the functionality of that status.

Statelessness and the International State System

A key aspect of any legal framework for understanding statelessness is its dependence upon the modern international state system. Influenced by Hannah Arendt's reflections in "The Decline of the Nation-State and the End of the Rights of Man," statelessness is typically approached as a paradox of the modern international state system, in which nation-states possess the sovereign right to define the boundaries of who is and who is not considered a national (Arendt 1966:267). Although Arendt recognizes this fallacy, she and most actors within the field propose that its solution lies within that same system through citizenship acquisition, as demonstrated above. Gabiam, on the other hand, views statelessness as caused by "a political order built on the false assumption that the entirety of the world population can be neatly divided into sovereign nation-states consisting of citizens" (Gabiam 2015:486).

Problematizing the contemporary political world order generates an altered set of implications for considering the problem of statelessness. Gabiam differentiates between a "stateless individual" and a "stateless people," referring to the former in its legal sense per the UNHCR definition, but distinguishing the latter as raising "issues about group identity, belonging, and legitimacy" in addition to its legal implications (Gabiam 2015:487). Gabiam exemplifies this distinction with an analysis of the Palestinian diaspora throughout Europe, noting that, while some members of the population may be stateless in the sense that they lack citizenship of any country, others may hold citizenship of some country that does not reflect their true national identity as Palestinian (487). Eliassi echoes this line of thought by exploring the experiences of Kurdish nationals residing in the states of Iran, Iraq, Syria and Turkey, where they are commonly treated as 'pseudo-citizens' due to state-sponsored constructions of unitary nationalist ideology and authoritative rule. In this light, although the Kurds within these states typically hold citizenship there, they are a 'stateless people,' in that they do not possess a state through which their Kurdish identity can be expressed and their rights effectively protected (Eliassi 2016:1404).

Similarly, Kingston notes that relying on the acquisition of legal nationality to mitigate statelessness forces groups that do not conform to the international state system to accept citizenship in exchange for the protection of their human rights (Kingston 2014:133). In this sense, minority groups such as the Kurds, many indigenous tribes throughout the world, and the Roma of Europe are coerced into accepting state-sponsored identities. The result of forcing such groups into cooperation with the international state system is a category of second-class 'partial

citizens' that are vulnerable to social marginalization and rights abuses because of their divergence from the idea of the typical citizen within their state (134).

The intention of this portion of the paper has been neither to detract from the importance of the common legal understandings of statelessness nor to understate the experiences of *de jure* stateless individuals, but rather to demonstrate that citizenship acquisition by itself is not likely to guarantee improved human rights outcomes for stateless individuals and stateless peoples. In order to fully understand the nuances of statelessness as a lived condition, the issue must be considered beyond the traditional legal framework and outside of the international state system. After all, the issue with stateless individuals is that they are without a state and, by extension, are without access to the protections of the law. Surely it would be insufficient to attempt to grasp an all-encompassing picture of exclusion from the international political order by only examining that exclusion from within it. The limitations of the dominant discourse surrounding statelessness necessitate a more nuanced understanding of the issue that allows for a critical consideration of international law and the system within which it exists. Sociology as a discipline lends itself very well to this aim.

The remainder of this paper seeks to address the aforementioned limitations of the legal approach to statelessness using contributions from the discipline of sociology. The next section will apply sociological ideas of nationality and citizenship to the topic of statelessness before exploring the implications of examining statelessness under Theiss-Morse's social theory of national identity. A case study of statelessness for the Rohingya of Myanmar will follow, applying both the legal and sociological concepts under scrutiny in this article.

Toward a Sociological Understanding of Statelessness

The Sociology of Citizenship and Nationality

One fundamental advantage of using a sociological lens to discuss statelessness is a more nuanced vocabulary for concepts related to the field, enabling a fuller picture to emerge. As demonstrated in the previous section, those who study statelessness within the dominant legal framework predominantly use the terms 'citizenship' and 'nationality' interchangeably, referring to the formal legal status of membership to a nation-state. In sociology, conversely, the literature differentiates between the two terms and explores the social aspects of each. Sociologists Schinkel and van Houdt define citizenship as "a state-regulated mechanism of inclusion and exclusion" and introduce concepts of "formal citizenship," or citizenship as formal legal status, and "moral citizenship," which refers to a societal concept of what a good citizen 'should be' (2010:697). Isin and Turner further deconstruct the concept of citizenship, contending that it is best explained as existing along three axes: "*extent* (rules and norms of inclusion and exclusion), *content* (rights and responsibilities) and *depth* (thickness and thinness [the extent to which citizenship reflects collective identity—a thick notion of citizenship—or a only formal legal status—a thin notion of citizenship])" are issues that orbit a sociological understanding of citizenship under their framework (2002:2). Considering citizenship from a sociological point of departure problematizes the notion that the lack of access to human rights protections associated with statelessness can be remedied by the universal granting of 'formal' or 'thin' citizenship

because many of the rights and privileges in question are not as much associated with legal citizenship status as they are with informal group inclusion.

The 'group' in this analysis refers to the concept of a nation-state, as the previous section laid out the nature by which the international human rights regime depends upon the international state structure for its implementation. In this context, it is fitting to discuss the concept of nation to better understand the processes through which membership status, or nationality, is determined. According to Miller, nations exist "when their members recognize one another as compatriots and believe that they share characteristics of the relevant kind" (1995:22). In this regard, Miller sees the existence of a nation as dependent upon a shared belief among its members that they constitute a national group. Similarly, Anderson defines the nation as an "imagined political community" that is imagined as both limited and sovereign (2006:5). It is imagined, Anderson explains, that no member of even the smallest nation will ever meet every co-national but will still acknowledge shared belonging to the community (6). The nation is limited, Anderson continues, because it has boundaries outside of which other nations exist, and it is sovereign because it governs itself (7). Thus, both Miller and Anderson understand the concepts of nation and, by extension, nationality largely as social phenomena that hinge on members' collective belief that they share a common 'national identity'. In this light, as Sköld contends, "it must be recognized that nation-states' criteria for citizenship are deeply reflective of their dominant understanding of nationhood and of who is included and excluded within this idea" (2019:219).

Sociological understandings of citizenship and nationality allow citizenship to be understood, then, as a mechanism through which dominant subgroups of a state can institutionalize their 'imagined' idea of who belongs within the national group. In other words, citizenship can be thought of as a tool for regulating a state's national identity. Approaching statelessness in this light, the stateless can be conceived as individuals who have been institutionally excluded from the international state system via exclusionary boundaries of national identity reflected in exclusionary national identity laws. Following this line of logic, statelessness is less an issue of a lack of citizenship and more an issue of exclusionary boundaries of national identity. The following subsection offers an in-depth exploration of this idea using Theiss-Morse's social theory of national identity.

A Social Theory of National Identity and Statelessness

In her book *Who Counts as an American? The Boundaries of National Identity*, Theiss-Morse, lays out a social theory for national identity to explain the processes that influence group members' attitudes and behaviors toward other group members. Theiss-Morse contends that the consequences of national identity can be understood by considering two group dynamics: the level of commitment to the group and the setting of group boundaries (2009:8). These dynamics, Theiss-Morse contends, supplemented by distinguished sets of group norms, explain much of national group behavior (8). This subsection will briefly summarize the two group dynamics that are central to Theiss-Morse's social theory of national identity in the context of statelessness.

Level of Commitment to the Group

National identity, Theiss-Morse explains, "like any social identity, is a continuum running from no sense of identity with the group to having the identity be fully and completely part of one's sense of self" (2009:10). Because membership to a national group is typically involuntary, meaning that the general path to citizenship is birth, individuals vary greatly in their attachment to the group. In contrast, groups that are entered on a voluntary basis most often demand higher commitment (10). Unlike other types of groups, however, the national group is constantly reinforced via symbols, language, culture and politics, making national identity especially potent for those that are highly committed (10). Strong identifying individuals are more likely to behave in a group-oriented manner and to hold and follow group norms (9). Likewise, they are motivated to feel good about their membership in the national group because of its centrality to their sense of self and will therefore be more likely to act to promote the group's well-being (9).

The factor of the level of commitment to the national group alone offers little to understand about statelessness. The fact that a person may be very attached or not at all attached to a national group does not explain why some groups of people are excluded from the international state system altogether. It is when this factor is combined with the setting of group boundaries that a picture of statelessness as a consequence of national identity begins to emerge.

The Setting of Group Boundaries

Drawing on Marilynn Brewer's optimal distinctiveness theory, Theiss-Morse states that individuals are drawn to fulfill two social needs: inclusion in a larger group and differentiation from others (2003; 2009:11). Membership in exclusive social groups satisfies both of these needs by allowing one to assimilate into a larger group that has defined terms of ingroup and outgroup members (Theiss-Morse 2009:11). From this perspective, the national group can satisfy these two needs with well-demarcated legal boundaries of inclusion and exclusion, which at times function well to distinguish the ingroup from the outgroup (11). Elaborating on this line of thought, Theiss-Morse explains:

> When an American tourist in Brazil runs into another American in
> a local bar, the shared citizenship can create a connection that sets
> the pair off from the surrounding Brazilians. But if Anderson
> (1991) is right that the national group is an imagined community,
> then legal citizenship may not be the deciding factor. We might
> agree that everyone with U.S. citizenship is an American, but some
> U.S. citizens might not be imagined in the national group [11].

In this regard, an individual may have full citizenship rights to a group, but may find themselves outside of the imagined national community.

The boundaries of the national community are dependent in part on the past, but can change over time, while the stereotypes that also define the group and its 'prototypical' members

34

are much more difficult to change (Theiss-Morse 2009:12). The difficulty in changing the defining stereotypes of a national group is owed to the fact that they are determined and maintained by the prototypical group members who most exemplify the group's defining stereotypes that distinguish it from other groups (12). Theiss-Morse explains that these stereotypes are so ingrained that prototypical group members often do not think about them, while marginalized members are constantly reminded that they belong to the group, but are not prototypical members of it (12). In this way, "marginalized group members are part of the group in the sense that they are group members, but they are not always treated as members of the group" (12). As such, the boundaries of national identity do not only differentiate the ingroup from the outgroup, but also define 'ideal' member characteristics and hierarchy within the group.

Those who are more strongly committed to the national group are most driven to set narrow boundaries for inclusion in it because of their motivation to promote group well-being (Theiss-Morse 2009:13). Because of this, Theiss-Morse argues, strong identifiers are not only more likely to hold a strict, ethnocultural understanding of the boundaries of a national community, distinguishing the ingroup from the outgroup along racial, ethnic, religious and linguistic lines, but are also more likely to set narrow boundaries of national identity in general (13).

Considering the relationship between the level of group commitment and the setting of group boundaries, along with the linkage between the latter and a group's prototypical members in the context of statelessness, raises interesting questions about the contexts surrounding stateless populations. However, to fully grasp Theiss-Morse's theory of national identity, it is appropriate to briefly explain norms in the group context.

Group Norms

Theiss-Morse describes group norms as "expectations that guide behaviors and attitudes of a social group" (2009:13). Those who strongly identify with the national group see group norms as important and follow them closely because those who do not follow group norms are considered deviants and are marginalized (14). All groups have norms, and many groups may share some similar norms, but the content of norms varies significantly from group to group (14).

Group Dynamics and Statelessness

By considering national identity in the context of social theory, the idea of what constitutes a given national group becomes a constantly evolving group 'consensus,' determined by the level of commitment, the setting of boundaries, and group norms at the individual and collective levels simultaneously. Under this framework, then, statelessness can be interpreted as an extreme consequence of national group dynamics. When a national group predominantly demonstrates a high commitment to national identity, its members will set more narrow boundaries for inclusion in that group. If, in the process of strengthening national identity, a subgroup is seen as deviating from the boundaries of the group or violating group norms, it can be 'unimagined' from the group, thus rendering it stateless. The following section illustrates this argument employing a case study of the stateless Rohingya of Myanmar.

35

Case study: Statelessness for the Rohingya of Myanmar

Background of the Rohingya Crisis

Myanmar (formerly Burma), made up of 135 constitutionally-recognized 'national races,' is one of the most ethnically diverse countries in the world (United Nations 2019). Formerly a British colony, the country had long been ruled by an oppressive military junta until 2010, when, under increasing domestic and international pressure, the regime began domestic political reforms and relinquished a portion of state power to a democratically-elected, military-backed civilian government (Akins 2018). The new regime, under military-backed President Thein Sein of the Union Solidarity and Development Party (USDP), released political prisoners, began to permit peaceful demonstrations, and allowed the registration of new political parties as early steps of democratic experimentation (2018). In the country's first truly contested election of 2015, the opposing National League for Democracy (NLD), under the leadership of Aung San Suu Kyi—a Nobel Peace Prize laureate and the daughter of the 'father of Burmese independence'—, secured a parliamentary majority by a landslide (2015).

Despite these significant steps toward democracy, religious and ethnic minorities in Myanmar continue to be the targets of increasing communal and state-sponsored violence. Since the state's liberation from colonial rule in 1948, the government has pursued—to varying degrees—a Buddhist-nationalist rhetoric as a state-building strategy to achieve national stability (Akins 2018). The military regime currently sharing power with Aung San Suu of the NLD has historically persecuted the Muslim Rohingya ethnic minority that resides in the rural Western Rakhine State, having deprived them of citizenship status and rendering them stateless in 1982 in a claim that they were 'illegal Bengali immigrants' that entered the state during colonial rule (2018).

Following an attack on a border police post in October 2016, the Myanmar government dispatched troops to the Rohingya areas of Rakhine State to participate in a 'security lockdown' of the region. The 'security lockdown' resulted in the loss of civilian life, torture and other cruel punishment, forced labor, and sexual and gender-based violence, overwhelmingly targeting the Rohingya minority (United Nations 2019). By late 2017, more than 600,000 Rohingya had fled West across the Naf river into Bangladesh, where they now reside in Kutupalong, the world's largest refugee settlement (Refugees). The United Nations gathered evidence in a fact-finding mission and inferred "genocidal intent" in the actions of the Myanmar government, and Human Rights Watch has warned that the 600,000 Rohingya remaining in the region are at severe risk (United Nations 2019, United Nations 2020b). In 2018, the Institute on Statelessness and Inclusion estimated that more than 1.5 million Rohingya remained stateless ("Statelessness in Numbers: 2018" 2018:1).

Commitment to Ethnic and National Identities in the Region

Before understanding the crisis as it is today, it is appropriate to briefly explore the historical cleavages that have existed between ethnic groups in Myanmar. Alam, through a historiographical methodology, develops a convincing argument that fissures between the majority Burman and the ethnic Rohingya minority originated in various practices and policies

implemented by the British during the period of colonization (2019:5). For example, the British used "the Village Act" to control the region, by which they divided Burma into the central areas where the ethnic Burman were concentrated, which were directly ruled by the British, and the rural, peripheral regions where the ethnic minorities resided, which were loosely and indirectly managed by village headmen as the lowest representatives of the Crown (6). This divide-and-rule strategy caused the erosion of centuries of myo-level social ties, which were the non-territorial ties between indigenous groups that served as traditional social controls, and resulted in mistrust between the rural minorities and the majority Burmans (6).

Moreover, in British census practices, Muslim minorities in the Arakan state—where most Rohingya historically resided—were recorded as either assimilated to the Burman majority group or as migrants belonging to the Indian race (6). In this way, the British fomented a classification system of nationals/indigenous and foreigners that "laid the foundations for the subsequent racialization of citizenship" (6). On top of that, the British historically preferred ethnic minorities to serve as soldiers in the British Burma Army, rarely allowing ethnic Burmese to enlist, even though they constituted 75 percent of the population (Akins 2018:233).

The ethnic minority soldiers were then used against the Burman majority to quell several rebellion movements, leading to further demonization of the ethnic minority populations by the Burmese (Akins 2018:233). Early nationalist movements, most of which were Burman, emerged largely in protest to British rule and the ethnic minorities that were perceived to disproportionately benefit from it (233). One Burmese nationalist group that formed in the 1930s was called "Our Burma Association," which opposed what members called "their Burma," employing the slogan, "Master race we are, we Burmans" (233). Thus, the social cleavages that define ethnic relations in Myanmar today are seen to have roots tracing back to the British conquest of the area from 1824 to 1885 and on to 1948. Considering this and applying social theory of national identity, the British administered differentiated policies for the various groups residing in the region, which in turn fueled Burmese nationalism, increasing commitment to the national group.

The Narrowing of Burman National Group Boundaries

Upon liberation from British rule in 1948, the dominant Burman majority continued with the nationalist trajectory that had been fomented during colonization. The country's first Prime Minister, U Nu, pursued Buddhist nationalism as a strategy to create national stability, declaring Buddhism to be the national religion but officially recognizing the status of the Rohingya and other ethnic minorities in the territory (Akins 2018:235). After 14 years of struggling to confront the rebellion of marginalized ethnic minorities and economic stagnation, however, the civilian government was overthrown by the Burmese Armed Forces in a coup d'etat led by General Ne Win (Alam 2019:6; Akins 2018:236). Ne Win continued with the Buddhist ethno-nationalist approach as a means to pursue national stability, renaming the country from Burma to Myanmar—a literary term for the Burmese ethnicity—and the Arakan State, which was the historic seat of the Arakan Empire with ties to ethnic Muslim groups in the territory, to Rakhine State after the Buddhist Rakhine ethnic minority that resided there (Alam 2019:9). This can be interpreted as a symbolic measure to create a nation that is religiously Buddhist and ethnically Burman, excluding those that fall outside of those boundaries.

37

Furthermore, under Ne Win's leadership, the military dictatorship formulated a constitution in 1974 that removed the Rohingya and several other Muslim minority groups from the list of nationally recognized ethnic minorities in a first step of setting more narrow boundaries for belonging in the country (Alam 2019:9). The new constitution was followed by Operation Naga Min, which was a military-led campaign to account for citizens and 'illegal immigrants' within the country (Akins 2018:238). When the operation reached Rohingya populated areas, "arbitrary arrests, desecration of mosques, destruction of villages, and confiscation of lands" resulted in the flight of nearly a quarter of a million Rohingya to neighboring Bangladesh in only three months (238).

Several years following, the regime passed the Citizenship Law of 1982, which revised nationality determination procedures, basing them on *jus sanguinis* principle, effectively preserving citizenship for those that had proven blood ties to the historically Buddhist ethnic groups (2018:238). It was the Citizenship Law that stripped the Rohingya of their legal status in the region, enabling the military regime to target them as 'illegal Bengali immigrants,' using brutal strategies of forced displacement and targeted mass killing to remove them from the territory (Zarnit and Cowleyt 2014:687).

These actions coincided with various Buddhist nationalist social movements led by political and religious elite in Myanmar. Various demonstrations against the Rohingya and other Muslims in the country have been linked to a social movement called Buddhist 969, which sees the presence of Muslims in the country as a threat to a Burman national identity based on the Buddhist faith (Akins 2018:241). The spiritual leader of the movement, a Buddhist monk named U Wirathu, said in a TIME magazine interview that Muslims, "are breeding so fast, and they are stealing our women, raping them […]. They would like to occupy our country, but I won't let them. We must keep Myanmar Buddhist" (Beech 2013).

Statelessness for the Rohingya and Social Theory of National Identity

Considering the colonial and post-colonial past of Myanmar in light of social theory of national identity reveals a history of group dynamics that have led to today's extreme exclusion of the population. British colonialism, by dividing Burma into two separate entities—the urban Burmese populated areas and the rural minority populated areas—for administrative purposes created two divergent experiences for the majority and minority populations. These divergent experiences resulted in a strong Burmese nationalist movement that perceived ethnic minorities to be outsiders and threats from the beginning. The nationalist movement was supplemented by a dichotomy that equated the indigenous with characteristics of the majority ethnic Burmese and determined deviants to be foreigners, in addition to the frequent use of troops consisting disproportionately of ethnic minority soldiers to quash rebellion movements by the majority Burmese. The rise of Burmese nationalist social movements in response to British colonial practices illustrates a collective increase in commitment to the national group that has persisted to today.

Following Burma's liberation from British colonial rule, the rise in Burmese nationalism was accompanied by an incremental narrowing of national group boundaries. The first sovereign

government of Burma recognized the Rohingya as citizens and as one of many indigenous ethnic 'nationalities' that had historically resided in the territory, despite actively pursuing Buddhist nationalism as a strategy to build national stability. However, the 1962 military coup represented a shift in the approach to ethnic minorities in the territory by instituting symbolic changes to reflect a nation that was exclusively Buddhist and Burman, despite its remarkable diversity. These symbolic changes were followed by the 1974 Constitution, which withdrew the official recognition of the Rohingya as an indigenous minority, and the 1982 Citizenship Law, which dispossessed the Rohingya of their citizenship status and limited citizenship qualification based largely on ties to ethnic majority groups. In hindsight, each of these actions constituted a legal reflection of the ongoing narrowing of national group boundaries, resulting in statelessness for the Rohingya minority.

The case of the Rohingya of Myanmar illustrates the complex social processes that precipitate a large population's exclusion from formal citizenship status within a country. Even during the period of 1948 to 1982, when the Rohingya had formal citizenship status, they were subject to severe human rights abuses due to extreme communal violence. They were also consistently the targets of state-sponsored violence, exemplified by Operation Naga Min. This underlines that, even historically, formal belonging to a national group did not prevent the severe human rights abuses to which we observe stateless populations to be more vulnerable today. The underlying cause of the negative human rights outcomes associated with the Rohingya of Myanmar has not been the exclusionary Citizenship Law of 1982, but rather an exclusionary understanding of who belongs in the 'imagined political community' of Myanmar.

Discussion

While a legal approach to statelessness is crucial for any organized effort to combat the issue, the dominant legal framework must be supplemented by an interdisciplinary approach in order to understand and address its underlying causes. The case of the Rohingya of Myanmar supports the argument that legal citizenship status is neither the sole cause nor the sole solution for the crisis that has emerged. Rather, by approaching the issue employing social theory of national identity, it becomes clear that the setting of increasingly exclusive national group boundaries over the course of many decades has resulted in the dispossession of both legal and social belonging to any state-sponsored group for the Muslim minority.

The growing consensus of genocidal intent by the state toward the Rohingya makes a future in their home Rakhine State ever more insecure. The approximated remaining 600,000 Rohingya in the borders of Myanmar must be protected from continued communal and state-sponsored violence, and an independent tribunal should hold perpetrators of violence accountable. These recommendations seem unlikely under the current government, as the same military regime that has been responsible for many violent actions toward ethnic minorities remains in power. Nevertheless, in order for the Rohingya to return to Myanmar and enjoy their full rights as citizens, not only must their legal citizenship status be reinstated, but the state-sponsored Buddhist nationalist ideology must be supplanted by an inclusive idea of who belongs in the national group—a 'Burman national' must be socially redefined to include the ethnic minorities that have historically inhabited the territory.

39

Conceptualizing statelessness as a consequence of national identity also produces creative approaches for its solution. Theiss-Morse proposes that the negative effects of national identity can be mitigated by changing the stereotypes and norms of the national group to include those that have been marginalized (Theiss-Morse 2009:180-183). These approaches are admittedly limited in that they entail social processes that lag generations in producing observable outcomes, but, understanding the atrocious paths that narrow ideas of national group belonging can take, it is necessary to assess and address exclusionary nationalist social movements before they take hold. An arguably determining factor leading to the Rohingya crisis was the adoption of a Buddhist nationalist ideology by the government from its independence in 1948. Had the political elite pursued a more inclusive strategy of nation-building from the state's conception, very different outcomes may have emerged. Ultimately, as Theiss-Morse observes, "the solution that could possibly work attempts to break down the setting of exclusive boundaries while keeping intact the sense of community that leads to good group outcomes" (Theiss-Morse 2009:183), suggesting that civil society involvement could be a promising strategy.

There is also much to understand about the multiplicity of the facets of statelessness. From a sociological perspective, it is fitting to ask: when is national identity likely to become exclusionary? The case study employed in this work indicates that state-sponsored, ethno-nationalist ideology can be employed as a strategy of state-building when a regime attempts to consolidate its power, and similar instances have been recorded by other scholars (Chakma 2010; Mulaj 2007; Preece 1998). But under what other conditions do the boundaries of national identity become so narrow so as to render a group of people *de facto* or *de jure* stateless? Along this line of inquiry, it must also be understood how society and politics interact to determine the boundaries of national identity. How can the political elite leverage group dynamics achieve their most ambitious political goals? Such gaps in the current understanding of statelessness indicate the valuable perspectives that sociology and political science offer.

In addition to sociology and political science, however, it holds true that a historical approach to instances of statelessness is necessary to understand their causes and, because of the role of norms in national group dynamics, it is appropriate to suppose that anthropology as a discipline has much to offer to the current understanding of nation-state belonging. In this regard, an interdisciplinary statelessness framework is necessitated.

The postwar construction of the international human rights regime, along with its dependency upon the modern international state system, was arguably one of the most impressive cases of international collaboration in history. Statelessness, however, constitutes a formidable barrier to its effective realization. By better understanding the dynamics of inclusion and exclusion that regulate who is included in state-sponsored national groups, the international community can work to devise a pathway to ensuring the universality of human rights.

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42

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