LIVES IN LIMBO: STATELESSNESS AFTER TWO WORLD WARS

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“The passport is the most noble part of the human being. It also does not come into existence in such a simple fashion as a human being does. A human being can come into the world anywhere, in the most careless way and for no good reason, but a passport never can. When it is good, the passport is also recognized for this quality, whereas a human being, no matter how good, can go unrecognized.” Thus wrote Bertolt Brecht in his *Refugee Conversations* in 1940, still deeply affected by his own experience of exile.1 His view illustrates the vital importance that a seemingly simple administrative act—the issuance of personal identification papers—could acquire. The possession of correct papers legitimated a person’s right to be accepted as a human being and as part of the collectivity defined by the nation-state. The passport, which has been the most important document for regulating the interstate movement of people since the First World War, quickly became the most obvious symbol of this belonging, offering proof and recognition of one’s status.

The reverse was also true: The lack of valid papers expressed one’s lost link to human society. Brecht’s dark observation, therefore, highlighted the logical conclusion of a historical process that Gerard Noiriel has termed an “identificatory revolution.”2 The stateless person emerged as a sort of inevitable byproduct of the nationalization process that began in the nineteenth century with the rise of European national movements which defined the state as a nationally homogeneous entity. Within these newly conceived states, belonging became synonymous with possessing the correct nationality, verifiable through the proper documentation, which was necessary to open paths to social participation and interaction with the state’s citizenry.3 Consequently, those who were displaced by flight, deportation or other means during the two world wars and thereby lost their formal

3 Definitions of citizenship are culturally determined and change over time. In pre-modern times, citizenship referred to membership in a municipality, but a few new concepts emerged after the French Revolution wherein nationality came to constitute an institutionalized link between citizen and state. >> See Thomas Faist, “Transnationalization in International Migration: Implications for the Study of Citizenship and culture,” *Ethnic and Racial Studies* 23, no. 2 (March 2000): 189–222. From the early nineteenth century, new citizenship laws were issued throughout Europe that defined who belonged to a state and who did not. First and foremost intended to protect citizens from being deported for reasons such as poverty, these laws were closely linked to the emerging social welfare system. In international law today, the terms citizenship and nationality are used synonymously (see Carol A. Batchelor, “Statelessness and the Problem of Resolving Citizenship Status,” paper presented at UNHCR Conference “People of Concern” (November 21–24, 1996, Geneva), yet there still are differences between them, both historically and in their qualitative essence: “Citizen” puts much more emphasis on an individual’s political status within a state and expresses more clearly the sense of his belonging to a certain group and being able to participate actively in society. “Nationality” ("Staatsangehörigkeit"), in turn, emphasizes the more contractual agreement between an individual and a state. Modern nationality typically combines these features and is—together with aspects of territoriality—one of the main characteristics of modern statehood, as Charles Maier has shown. See, for example, Charles S. Maier, “Consigning the Twentieth Century to History: Alternative Narratives for the Modern Era,” *American Historical Review* 105 (2000), 807–31.
state affiliation constitute an unintended result of the nation-state system. Indeed, these stateless people seem to be the mirror image and negative counterpart of citizens. Yet, although the history of citizenship and nationality has been well researched, these stateless groups have largely been left out of it. In fact, they only came into view after the historiographical gaze recently shifted toward the transnational, revealing groups that transcended national boundaries and were, in some cases, stuck outside them. Responsibility for such persons fell to supranational organizations. Statelessness is basically a state of legal limbo, of mostly temporary non-status, of not belonging to any of the modern national frameworks. Whether a product of free will or force, statelessness always expresses a form of marginalized existence in the middle of society. Hannah Arendt describes the exclusion of a stateless person from a community of citizens as a violent act that denies him even the “right to have rights,” whereas citizens can at least fight for their rights.

My research project traces how statelessness arose and how people and institutions came to grips with this challenge in Europe after each of the world wars. In particular, it focuses on how these developments shaped international relations and on the framework within which they were addressed, which from 1948 was supposed to apply norms such as those formulated in the Universal Declaration of Human Rights.

The very diverse and heterogeneous group of stateless people constituted the counterpart to passport holders. From the First World War on, passports provided proof of identity and nationality. While the passport first appeared as part of the democratization process during the French Revolution and mainly served as a travel document, it became the modern symbol par excellence for defining inclusion and exclusion in the nation-state system in place by the twentieth century.
The experience of statelessness as a life in legal limbo thus corresponds to the ever-growing importance of the passport system in the twentieth century. After the “long nineteenth century,” an era of national movements and the attendant emergence of new nation-states, the twentieth century was an era not only of world wars but also of nation-states in flux, newly forming, collapsing, and being reconfigured. Numerous violent, but also internationally sanctioned revisions of territories and borders accompanied these developments, eventually resulting in a growing number of stateless people with no legal protections.9

In my overall project, I focus on the historically and culturally specific practices of actors who experienced or dealt with statelessness. The geographic starting point is Switzerland, insofar as it was the center of all international efforts to address statelessness—the first country to provide a setting for international discussions in each of the two postwar periods that saw the European state system in tatters. International organizations such as the League of Nations and the International Committee of the Red Cross, the first institutions to react to the problem of statelessness on a large scale, had their headquarters in Geneva. However, the supranational decisions made there then had to be applied within the different nation-states, so my project concentrates on Germany (in the post-1945 era, on West Germany) and the United States to examine how this worked in these two Western nation-states.

This geographic emphasis corresponds to a three-step approach in researching the subject of statelessness. First, I focus on the supranational level, that is, the discussions of the League of Nations and later the United Nations on the issue of statelessness that eventually led to broad changes in international relations and international law. Next, I analyze the positions and approaches of the nation-states in direct interaction with the supranational institutions. Finally, I turn to the implementation of international agreements on the nation-state level, examining the everyday practices and experiences of the actors and groups involved: the stateless themselves, individuals and support groups who worked with them, and national as well as supranational organizations.

In this introduction to my project, I begin with a brief sketch of the fundamental causes of statelessness as well as the national and international responses that typified or reshaped the problem. In the second section, I build on this framework by examining three brief

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9 Enzo Traverso, for example, sees the stateless person as the epitome of the twentieth century, which he describes as a period of “European Crisis”; see Enzo Traverso, Im Bann der Gewalt: Der europäische Bürgerkrieg 1914–1945 (Munich, 2008), esp. 38 and 51. Eric Hobsbawm makes a similar point in his The Age of Extremes: A History of the World, 1914–1991 (New York, 1994), esp. 50–51.
but consequential periods that made statelessness a characteristic problem of the twentieth century. In the third section, I present the main perspectives that inform my research, using concrete examples to address the following questions: How was statelessness dealt with on a supranational level? What did it mean for those who experienced statelessness? How did cultural imaginations process the historical experience of statelessness? Finally, to what alternative, that is, post-national, concepts of belonging did the experience of statelessness lead in some cases?

Writing a history of statelessness in Europe requires both legal and cultural approaches. Jurisdictions’ methods for addressing the problem of statelessness always stood at the beginning of discourses concerning the issue because the first definitions were legal. Contemporaries utilized a variety of terms to categorize and grasp stateless persons as such, describing them as persons of “abnormal status,” “homeless,” a “new class of international people,” “undesirables,” and so on. The leitmotif of all these discussions was clearly first to define, then solve. Only after legal delineation did “stateless” and related terms such as “homeless” and *apatride* (French for “stateless”) enter broader societal discourses about people who, for various reasons, had lost their citizenship. However, we cannot describe and study statelessness in legal terms alone but must analyze the legal approaches themselves since they were culturally constructed and subject to historical change. If, instead of focusing too narrowly on legislation and state bureaucracy, we observe interpretations of statelessness and the ways such ideas were mirrored in discourses at a broader societal level, we can find many reflections of statelessness in literature and film. Moreover, these cultural responses influenced the legal discourses that had initially spawned them.

To flesh out the three-step approach, this project therefore goes beyond the mere reconstruction of the legal history of statelessness to investigate the experience of statelessness on legal, cultural, and everyday levels after 1918 and 1945. Besides laying out the causes of widespread statelessness after both world wars, the project focuses on solutions that newly emerging supranational organizations such as the League of Nations came up with and how the discussions they engaged in changed the arena of international politics. Next, it seeks to shed light on how the nation-states applied the internationally agreed-upon solutions in international conventions and other such accords. Then, to get as close as possible to the experience of statelessness, it turns towards those most affected by statelessness—that is, the stateless themselves.

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10 For one of numerous examples, see Bericht über die Sitzung des Expertenkomitees Terminologie am 15. August 1956 in Vaduz, Archives of the Comité International du Croix Rouge, Geneva, BAG 234.

and those who sought to help them. One way to do this is to analyze lawsuits filed to combat discrimination against the stateless—such as disputes over property, social welfare, pensions, and so on. With this multistep approach, it is possible to see how a seemingly marginal phenomenon such as statelessness lay at the heart of much broader issues including the question: Who, in times of crisis, defined state affiliation and how? More importantly, considering the growing power and relevance of international politics after the two world wars, how vital was national belonging in the modern and crisis-ridden system of nation-states? What relevance did collective belonging in a presumably modern civil society resulting from the experience of World War II still possess in the postwar years? What does research on statelessness reveal about the historically changing conceptions of what a modern state collective—and the individual’s role within it—could and should be?

In recent years, a number of scholars have done research on citizenship, nationality, and documenting identity. Some works compare different national approaches to citizenship laws, while others concentrate on the entanglements of national belonging, ethnicity, and participatory citizenship rights. The development of the passport system has also been the subject of important research. The most recent scholarly approaches to the relationship of citizenship rights and international politics, however, are primarily inspired by a new interest in the development of international and supranational organizations such as the League of Nations and the United Nations, as well as the notion of human rights in international politics. Some scholars have also done some exploratory research on particular aspects or legal issues of statelessness, such as the role of the United States, the notion of human rights in international politics, and the development of international and supranational organizations such as the League of Nations and the United Nations.

12 See especially Rogers Brubaker, Citizenship and Nationhood in France and Germany (Cambridge, MA, 1992); and with a quite different position Dieter Gosewinkel, Einbürgerung und Ausschließung: Die Nationalisierung der Staatsangehörigkeit vom Deutschen Bund bis zur Bundesrepublik Deutschland (Göttingen, 2001); see also Andreas Fahrmeir, Citizens and Aliens: Foreigners and the Law in Britain and the German States, 1789–1870 (New York, 2000). For more general reflections on the history of citizenship, see Rogers Brubaker, Ethnizität ohne Gruppen (Hamburg, 2007); Charles Tilly, Citizenship, Identity and Social History (Cambridge, 1996); Geoff Eley and Jan Palmowski, Citizenship and National Identity in Twentieth-Century Germany (Stanford, 2008); and Andreas Fahrmeir, Citizenship: The Rise and Fall of a Modern Concept (New Haven, 2007); as well as the essay collection edited by Christoph Conrad and Jürgen Kocka, Staatsbürgerschaft in Europa: Historische Erfahrungen und aktuelle Debatten (Hamburg, 2001).


15 See Madeleine Herren, Internationale Organisationen seit 1865: Eine Globalgeschichte der internationalen Ordnung (Darmstadt, 2009).

Nations High Commissioner for Refugees (UNHCR). Following on the heels of these studies, this project emphasizes groups who were no longer part of any nation-state, but whose mere existence helped to shape a new system of international politics after the end of the nineteenth-century Vienna System of international power relations.

By looking at the margins of postwar societies, we can find out more about different modes and models of belonging. For periods of crisis, a perspective on the margins of society can help us learn more about how membership in a particular human society was defined. Furthermore, it helps us untangle how individuals and nonstate organizations reconceptualized ideas of belonging on the basis of humanitarian principles. This approach brings conceptions of social belonging into a picture that eventually moves beyond nation-state affiliation to encompass such ideas as world citizenship and the growing importance of universalist ideals based on human rights.

I. Causes and Responses

An integral part of modern national self-understanding throughout most of the twentieth century was that adopting a different—forbignationality meant giving up one’s former nationality. This crucial aspect of nearly all nationality laws caused nationality changers to fall into a sort of stateless legal limbo as they waited to obtain their new nationality after giving up their old one. But what if their request failed? Or what if the grounds for granting someone a new nationality changed over time? As nation-states increasingly faced stateless people in their midst, they quickly began to seek solutions.

In the two postwar periods, there were five general causes, both historical and personal, of statelessness. The first cause was the actions of states against their own citizens. Nearly all European nationality laws permitted state institutions to expatriate citizens, revoke their citizenship, or both for maintaining permanent residence abroad, accepting a foreign nationality, taking an official post in a different state, or serving in a foreign military, among other reasons. Some countries could expatriate citizens to punish them for criminal offenses or even political opposition. After the First World War and the revolutions that followed, many European countries began to pass laws that allowed them to denaturalize or denationalize their citizens. Such laws and the resulting mass phenomenon of statelessness marked a turning point in the history of the modern nation-state, which
erased any naive notion of the inviolability of one’s membership in the national community. State-generated statelessness continued to grow in the interwar period with more European states issuing laws enabling the expatriation of unwanted citizens. Expatriation became legal in several countries long before National Socialist laws broke any remaining inhibitions on such actions in Germany.

A second cause of statelessness was contradictory nationality laws that allowed some people to fall through the cracks following the dissolution of empires and the creation of new nation-states. The territorial changes in Europe after World War I were dramatic: Old empires like Austria-Hungary collapsed; new nation-states such as Czechoslovakia appeared; and border regions, including Alsace-Lorraine, were transferred to other nation-states. In Eastern Europe, moderate and integrative nationality policies inspired by the Paris Treaties of 1919 as well as the Treaties for the Protection of National Minorities were supposed to prevail. Some contradictory regulations in the treaties, however, rendered people stateless without them ever leaving their homes. These international treaties, though informed by good intentions, lacked sufficient appreciation of local circumstances and therefore produced new problems in many cases. Questions of citizenship and nationality therefore became a major issue in the new transnational order. A third major cause of statelessness was specific to women. Until far into the twentieth century—in international law until 1957—a woman’s nationality was based on the principle of “derivative citizenship.” That is, her citizenship depended on who she “belonged to,” be it her father in her country of origin or her husband of a different nationality. This could be positive if it offered a woman a change in citizenship she desired, such as becoming a U.S. citizen by marrying one. The other side of this principle, though, was that many countries automatically revoked the citizenship of women who married foreign nationals, rendering them dependent on their husbands’ nationality. This often then led to statelessness, for example, if a husband’s land of origin did not grant his wife citizenship in her own right and the marriage later ended in divorce, or if the wife had not yet fulfilled the naturalization


21 See Memorandum on Rights of Citizenship, 29 12 1930, Archives de la Société des Nations, Geneva (SdN), R 2176.

22 See Martha Gardner, The Qualities of a Citizen: Women, Immigration, and Citizenship, 1870–1965 (Princeton, 2005), 14. Furthermore, the restrictions in regulations such as the Chinese Exclusion Act of 1882 stated that this rule only applied when the woman could theoretically also be naturalized without marriage—that is, if she met the racial criteria necessary for naturalization. On this issue in France, see Patrick Weil, “The History of French Nationality. A Lesson for Europe,” in Towards a European Nationality: Citizenship, Immigration and Nationality Law in the EU, ed. Randall Hansen and Patrick Weil (Basingstoke, Hampshire, 2001), 52–68, 59.
requirements of her spouse’s country. As long as that state of “legal limbo” was not resolved, she remained stateless.33

A fourth cause of statelessness was inconsistent laws concerning the nationality of children born to foreign or naturalized citizens. Nationality laws that protected women did not always ensure that nationality was automatically passed on from parents—men or women—to their children, even if one or both had been naturalized.24 Consequently, if parents did not possess valid papers, had lost their nationalities, or had come from different countries with conflicting laws on the nationality of their offspring, children could be born into statelessness.25 As early as in the interwar period, various organizations, and especially religious ones, took up efforts to save “innocent” children from statelessness, yet laws to protect children from becoming trapped in a legal void in the first place were, for the most part, not taken up until after the Second World War. In the 1950s and 1960s, the European Council tried for years to draft a convention on these issues. The question of stateless children always swung between two poles. On the one hand, from early on there was the topos of “innocent” children who should not suffer the consequences of what was implied to have been the parents’ fault. On the other hand, easing the citizenship requirements of children sparked fears that such laws might provide countless parents with leverage to acquire citizenship themselves against the intentions of the lawmakers.

The fifth and final reason for statelessness was—and to a certain extent still is—what has legally been called “de facto statelessness.” People in this category might have been able to produce documents proving their formal affiliation with the state they had left but for some reason refused to affirm this citizenship. Elucidating this cause of statelessness expands the perspective from one primarily of victimization and state-directed actions to one that reveals the potential for agency among the stateless themselves; many of them accepted the possibility of expatriation without acquiring a new nationality when they emigrated to escape authoritarian regimes. Prominent examples, such as Thomas Mann and Hannah Arendt, can be found from the early years of National Socialism. Similarly, quite a number of less prominent Alsatians tried to escape mandatory National Socialist labor service by fleeing to Switzerland and France and obscuring their nationality, more or less knowingly risking statelessness.26 Another group of people who played a more active role in becoming or remaining stateless were the so-called Displaced Persons after the Second


25 Concerning the problems of children’s statelessness, see, for example, the correspondence in the Archives du Comité International du Croix Rouge, Geneva (CICR), CR 163.

26 On Alsatians rejecting German citizenship and choosing to be refugees, see Alexa Stiller, “Grenzen des ‘Deutschen’. Nationalsozialistische Volkstumspolitik in Polen, Frankreich und Slowenien während des Zweiten Weltkrieges,” in Deutschein als Grenzerfahrung, ed. Beer et al., 61–84, 81.
World War who preferred statelessness to forced repatriation to a country they feared or despised and so tried to rid themselves of any national classification.27 International treaties today prohibit states from expelling people in cases that might render them stateless. Refugees, in turn, can instrumentalize such policies combined with the principle of non-refoulement—that is, the doctrine of not deporting people from their current country of residence into potentially dangerous places. By obscuring their country of origin and declaring themselves stateless, they seek to avoid unwanted and feared deportation.28 One may conclude that refugees in the two postwar periods under discussion used the experience of statelessness and the different solutions sought in international law to stay where they were. In other words, the legal responses to statelessness clearly also affected the practices of refugees.

Since the modern problem of statelessness emerged, the question of whether universal legal instruments such as internationally binding conventions should also support those who “voluntarily” give up their citizenship has remained unresolved and controversial.29 This is not surprising as it concerns the question of who gets to define belonging and state sovereignty. During the postwar periods under discussion, most actors, except the de facto stateless themselves, relegated this power to the nation-state. Yet the debate over statelessness discursively challenged and reshaped international relations in postwar societies. The international legal definition of a “stateless person” finally delineated in the United Nations Convention in 1954—“a person who is not considered a national by any State under the operation of its law”—only encompassed the de jure stateless, and thus reflected the challenge the debate posed. The de facto stateless, those supposedly stateless by choice, were not included and therefore not protected. This project, however, by focusing on both the de jure and the de facto stateless, can provide further insight into what the claims of human rights and universal principles really meant to the societies and states that constituted what was called the “international community.”

II. Three Moments

Three historical moments clarify how statelessness emerged and evolved from its first mass appearance in 1918 over the course of the century. The first of these moments occurred in the aftermath of World War I, when the European map was redrawn following revolutions and the dissolution of empires. The second moment began in

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28 For more on refoulement, see Mathias Hong, Asylgrundrecht und Refoulementverbot (Baden-Baden, 2008).

29 See, for example, SdN, C55BibM200b1927, Discussions at the 3. Conference on Communications and Transit in the year of 1927.
the 1930s, when the National Socialist regime in Germany enacted discriminatory citizenship laws against Jews and other presumed “enemies of the Reich,” which rendered many people stateless. The third moment accompanied the dramatic changes in the international political system that followed Germany’s defeat in 1945. All three of these moments highlight statelessness as an intractable characteristic of this “age of extremes,” to borrow Eric Hobsbawm’s felicitous label, that could only be resolved by supranational institutions.

The end of the First World War and the collapse of Romanov, Habsburg, and Hohenzollern rule led to a fundamental restructuring of Europe. New nation-states such as Yugoslavia, Poland, and Czechoslovakia emerged. Since Europe’s ethnic and linguistic boundaries were not as neatly drawn as the new state boundaries, these changes caused many people to lose their nationality with all its attendant rights and privileges. Indeed, some ten million refugees left their countries of origin and, unable to settle permanently anywhere else, found themselves perpetually “on the move.”30 Jews comprised a high percentage of these refugees because they were the most likely to be rendered stateless by the new states’ exclusionary categories of national belonging.31 The strong presence in Europe of both Jews and national minorities called into question the imagined unity of nation, state, and territory that informed nationalism and the modern European state system, creating what Annemarie Sammartino terms a “European crisis of sovereignty.”32

In this extraordinary situation, new institutions emerged that sought ways out of the crisis and eventually shaped the framework and condition of international politics. Supranational organizations such as the newly founded League of Nations and various committees of the International Red Cross assumed responsibility for problems associated with statelessness on both a diplomatic and a humanitarian level. One early achievement was the introduction of an identity document for all the refugees who had been rendered stateless by a Soviet order of 1921 that revoked their citizenship for having left the country following the October Revolution. Called the Nansen passport after Fridtjof Nansen, the High Commissioner of the League of Nations, it was instituted in 192233 and issued by the government in which the stateless individual resided. Although it did not guarantee or grant any citizenship rights, it at least provided stateless people with a legal identity for the first time. This highly symbolic document mainly proved that a person did not belong to any state entity and

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33 For more information about Fridtjof Nansen, see, among other biographies, Roland Huntford, Nansen: The Explorer as Hero (London, 1997).
declared that its holder should be accepted in any state in which he or she produced the document for authorities to examine. Its primary goal was not to document national belonging but to protect its holder from deportation.\textsuperscript{34}

This remarkable step represented a shift in international politics because, for the first time, statelessness was recognized as a problem that went beyond the power of nation-states and could only be solved by international politics.\textsuperscript{36} As the Nansen passport demonstrated, dealing with statelessness often entailed supranational interventions in fields of utmost national sovereignty. Simultaneously, the introduction of the Nansen passport contributed to the establishment of an international passport regime that functions to this day, regulating border crossings and reinforcing the security needs of nation-states.\textsuperscript{35}

The first years after World War I thus made it clear that the international community could only resolve the problem of statelessness by interfering with national sovereignty. In other words, international politics were needed to overcome the issue of not being a national of any nation-state, whereas being a national of a nation-state had to be defined on the nation-state level.

The second historical moment, during the rise of National Socialism in Germany and the run-up to the Second World War, was probably the most prominent and tragic example of state-generated statelessness. As Hannah Arendt showed in her work on totalitarianism, statelessness is fundamental to the origin of all nation-states and results from them, but especially from those founded on authoritarian, nationally inspired theories. Six months after seizing power in January 1933, the Nazis enacted a law enabling the expatriation of all “disloyal” and exiled Germans and began to take the first legislative steps to revoke the citizenship of Jews by July. The German government could now denationalize citizens against their will if it considered them undesirable. Then, early in the summer of 1935, it abolished the legal option of applying for naturalization. Yet another instrument for mass expatriations, which primarily targeted Jews, came later that year with the Nuremberg Laws; these introduced new language to distinguish between “imperial citizens” (Reichsbürger) and supposedly racially inferior “German nationals” (deutsche Staatsangehörige), that is, people who belonged in Germany but not to Germany, and deprived the latter of all the usual rights, privileges, or protections associated with citizenship.\textsuperscript{37} A further amendment to Germany’s citizenship law in 1941 aggravated the situation dramatically by depriving all Jews who had taken residence abroad—several

\textsuperscript{34} Mary Dewhurst Lewis, The Boundaries of the Republic: Migrant Rights and the Limits of Universalism in France, 1918–1940 (Stanford, 2007), 186.

\textsuperscript{35} Salter, Rights of Passage, 77. On the term “passport regime” in the source material, see, for example, Journal Officiel, Société des Nations (August 1926).


hundred thousand—of their citizenship, regardless of whether they had been forced out of the country by deportation or had “voluntarily” chosen to emigrate.

The problem of statelessness after World War II was even more severe than it had been after World War I. First of all, surviving German Jews were still deprived of their citizenship. At the same time, the official national affiliation of the so-called expellees (*Vertriebenen*)—the ethnic Germans who were driven out of Eastern Europe—was uncertain. These very different groups of temporarily stateless people resulting from the cataclysms of the Second World War prompted the international community to seek a solution, although its main goal in the first postwar years was the repatriation of displaced persons (DPs). This task proved to be quite difficult considering the numbers of cases of undefined or undetermined nationality; in 1948, 3 percent, or some 10,000 out of 280,000 displaced persons living in Germany, were stateless. Until a law concerning the legal status as homeless foreigners was passed in April 1951, these DPs were defined as homeless, stateless foreigners under the auspices of the United Nations High Commissioner of Refugees.38

The National Socialist case demonstrates that the expatriation of German Jews, their forced statelessness and loss of legal belonging, was just the beginning of a process of dehumanizing them that ended in their widespread extermination. Nonetheless, the problems persisted after the war with the question of how the national affiliation and belonging of the displaced persons should and could be categorized. This historical experience made it clear that the states had to address the nationally produced problem as an international community. The newly established United Nations urged the nation-states to search for solutions that would prevent the emergence of new statelessness forever, resulting in an international law that obliged states never again to expatriate people who, not being citizens of another country, would be rendered stateless by such an action.39 The law was also intended to protect the existing stateless against the hardships of statelessness and to issue travel documents for their everyday use.

**III. Four Perspectives**

By presenting a history of statelessness after the two world wars and focusing on the moments and forces that challenged rather than strengthened the nation-state system, this project brings seemingly marginal phenomena to the fore. Although the stateless


39 Nevertheless, some states continued to use expatriation as a form of punishment after the Second World War; for example, “collaborators” in Poland were punished this way. See Krzysztof Strykowski, “Nachkriegsfolgen der ‘Deutschen Volksliste’ in Großpolen und das Schicksal der verbliebenen Deutschen,” in *Deutschsein als Grenzerfahrung*, ed. Beer et al., 261-278, here 274. For a comparison of such laws, see Rainer Bauböck, *Transnational Citizenship: Membership and Right in International Migration* (Cheltenham, 1994), 134-35.
never constituted the majority of all refugees, their experiences reflected worldwide developments and bore implications for any individual in the modern international state system. With the 1948 Universal Declaration of Human Rights, individual rights were no longer supposed to depend on one’s status as a citizen in a specific nation-state but on one’s inherent humanity. However, since only nation-states could guarantee any human rights in practice, people continued to fall through the cracks. While these stateless people were a minority, they can be seen as paradigmatic of the increasingly international world, with all its pros and cons. This view, just beyond the edges of national belonging, helps us understand the concepts of national identity and the ideal citizen that were in play.

To investigate how statelessness is produced and perceived as a problem in political, legal, humanitarian, and other debates, this project looks at the phenomenon from a variety of perspectives. It examines both international law and diplomatic discourse, including debates about the definition of statelessness, as well as humanitarian assistance for the stateless. It seeks to understand the issue from the multiple perspectives of the sovereign nation-state, the individuals who became stateless, and those who deliberately made themselves so in an attempt to overcome nation-state belonging (like the so-called world citizens). I argue that the discussions about the problem of statelessness can uncover key aspects of European identity discourse as well as issues of membership embedded in notions of “post-national belonging” or the “international citizen,” for example. Therefore, the project does not focus on the narrative of the nation-state but on its limits and margins.

To analyze stateless persons as both active agents in history and objects affected by history, we must keep the following four perspectives in mind: first, the social practices of dealing with statelessness on the supranational level; second, statelessness as a sphere of lived experience, including the impact of supranational decisions and national and local actions on it; third, cultural conceptualizations of statelessness; and, closely linked to this imaginary sphere, fourth, utopian notions of world citizenship that go beyond conceiving of statelessness as merely a history of victimization. I will provide an example utilizing each of these perspectives below.
1. Supranational Agreements on Statelessness: The example of the UN Convention of 1954

The history of dealing with statelessness on the supranational level essentially began with the aforementioned agreement about the Nansen passport. However, its local implementation, which never really met the high expectations of the international actors, was rather varied, as case studies for Marseille and Lyon demonstrate, revealing that the status of the passholders remained quite insecure.40 The relevant local administration often simply ignored the protected status of so-called Nansen refugees and even continued to deport them.41 The history of the Nansen passport thus shows that analysis of the international discourse and policies concerning statelessness always has to be linked to everyday practices on the ground. While the Nansen passport is a symbol of supranational sovereignty, national responses to it provide insight into whether national sovereignty took precedence over the dictum of such supranational treaties. The global approach of modern international politics based in universalist ideas such as human rights thus always has to be held up against the realpolitik on the local level.

One of the leading questions I investigate in my project is the extent to which international developments in the interwar period questioned the sovereignty of the nation-state, or whether the very establishment of supranational supervisory bodies actually strengthened this sovereignty. Take the following supranational discussions about passports: At the first international conference of the League of Nations on passports, customs, and border traffic in 1920, the League’s first proposal was to abolish passports altogether, though it met, not surprisingly, with opposition from the nation-states. The United Nations adopted a similar approach in 1947 when a meeting of experts proposed a model for an international passport, but they failed to even call another conference on the topic—despite some interest.42 Did these discussions ultimately reinforce the authority of the nation-states?

Although statelessness was a problem produced by nation-states, it was nevertheless of utmost international importance and could only be resolved by means of international politics, and specifically, international negotiations and treaties. In the worst case, such international treaties could even generate new forms of statelessness.43 Which human rights treaty or international law to apply in an individual case was a question that local bureaucrats had to address in their daily

40 Martha Gardner has shown this development in case studies of Lyon and Marseille; see Gardner, Qualities of a Citizen.

41 This is similarly described in Lewis, Boundaries, 157–59. For the particularities of Russian statelessness, see Catherine Gousseff, L’exil russe, and also Sammartino, Impossible Border.

42 See Salter, Rights of Passage, 78–84.

43 For such contradictory clauses, see again Boysen, “Optionen,” 181–83.
practice. This confirms the importance of investigating the local level and the local practices in assessing supranational agreements. Time and again in this study, I go back and forth between the two levels to determine how they are intertwined.

After the Second World War, the United Nations, as the successor of the League of Nations, took over joint responsibility with the International Refugee Organization (IRO) for solving the problem of statelessness. In 1948, the UN called for a study of the situation of stateless persons and formed an Ad Hoc Committee on Statelessness and Related Problems, and in 1951, the UN General Assembly adopted and signed the widely known Refugee Convention. Although this convention did not include a formal protocol for the protection of stateless people, the UN recommended further action on this issue, and thus the UN Secretary-General invited all nation-states to deliver statements on the question of statelessness. This culminated in the 1954 UN Conference of the Plenipotentiaries convened in New York, which issued a convention of its own, the “Convention Relating to the Status of Stateless Persons.” Coming into force in June 1960, the convention aimed to eliminate the “legal void” of the stateless, but, as with the Nansen passport, did not oblige the signatory states to help the stateless but merely to issue travel documents unless the stateless were asylum seekers. The convention aimed to secure the legal status of the stateless and guarantee them fundamental social and economic rights. Various articles regulated particular rights concerning marriage, property, inheritance, travel documents, and the “non-refoulement” policy, that is, protection from expulsion. One of the practitioners involved in the discussions pointed out the guiding principle of this international effort: “The problem of the refugees that are difficult to resettle can be solved if it is shared.” Yet, as the very small number of ratifications of the conventions indicates, little was ultimately shared. The primacy of national sovereignty thus seems to have persisted over the rule of the human rights regime that was established by supranational bodies such as the UN.

In my project, inspired by the idea of making the global local, I begin by conducting a case study of this UN convention to analyze the supranational discussion; then I compare the different approaches of the United States and (West) Germany as nation-states reacting to the convention, as well as the domestic repercussions these demands of the newly formed international community placed on each of these countries. I follow this with further case studies on the implementation
of the different regulations of this particular UN convention on the local level.

2. Experiencing Statelessness: The Example of Albert Einstein

A study focusing on international politics and the shaping and reshaping of international law (increasingly based on human rights principles) easily risks leaving out the very people who were most affected by these supranational decisions. As mentioned above, a study of statelessness must also look at the experience on the individual level, both from the point of view of those rendered stateless by others and those who voluntarily chose this status. The first group—those who experienced statelessness as victims—were mainly migrants who found themselves in between the protection of their state of origin and that of their new country of residence. They did not have a right to work; they were not entitled to social welfare or health care benefits of any kind; they had no right to send their children to school; and even getting married posed huge problems—not to mention traveling or taking on an active part in society and politics. If they wanted to overcome their “betwixt and between” status, they first had to be able to prove their status with documentation. Thus, they had to enter the treadmill of endless definitions. But this again was part of the problem itself. After all, as Carol Batchelor put it, “[p]roving statelessness is like establishing a negative. The individual must demonstrate something that is not there.”

One way of tracking the experience of statelessness in this project is to conduct different case studies of the various non-governmental organizations that dealt with the problem of statelessness, such as the Congres juif mondial, the Ligue internationale des droits de l’homme, and others. Parallel to the supranational organizations in the interwar period, “grassroots” organizations like the Association of Stateless Persons (Verband der Staatenlosen) were also established. Yet an individual perspective is also needed to understand statelessness for both forced and voluntarily stateless persons. For both groups, I look at specific biographies to determine how people dealt with their specific situations and processed their experience of statelessness. For some, statelessness was a necessary step in overcoming a legally unbearable situation by seeking a new nationality with citizenship rights in their country of residence; for others, the experience accompanied an attitude that aimed to move beyond the idea of nation-state belonging altogether and fashion concepts of world citizenship.

One of the more prominent individual examples of statelessness is the case of Albert Einstein (1879-1955). The conflicts over his expatriation from German citizenship illustrates the ways in which the sovereignty claims of a nation-state, an individual’s understanding of belonging to a state out of choice, and the notion of world citizenship can become entangled. After relinquishing his German citizenship in 1896, Einstein was stateless until 1901, when he received his Swiss citizenship. In 1914, he became a German citizen again when the Prussian Academy of the Sciences (Akademie der Wissenschaften) invited him to join; members had to be Prussian and thus German citizens. Thus, it is not so much that Einstein wanted to become a German citizen again but that he had to do so to receive scientific honors. When the Nazis seized power, Einstein, who was in the United States on a trip, asked to be released from his German citizenship.49 This request ended up on the desk of Minister of the Interior Wilhelm Frick in Berlin, who delayed granting Einstein’s request until further clarification could be obtained, not by any means to keep Einstein as a German citizen but rather to demonstrate that he, as a representative of the state, had the power to strip Einstein of his German citizenship and that it was not a matter of individual choice. Frick wanted to be able to apply the above-mentioned law of July 1933, which enabled him to expatriate illoyal citizens as a punishment, on his own terms, but he could hardly punish Einstein by stripping him of his citizenship when this is what Einstein had requested. The Foreign Office, in turn, did not object to Einstein’s request as the diplomats there feared that causing trouble for such a prominent citizen would damage Germany’s reputation abroad. Moreover, they worried that an act of expatriation might lead to unwanted international attention. To be sure, inconspicuously approving his request could have the same outcome, albeit without reputational damage. This power-wrangling went on for about a year until Einstein was finally expatriated in March 1934. Six years later, he was granted U.S. citizenship.

Einstein’s expatriation case exemplifies how “the state” can use the granting or denying of citizenship rights as a symbolic instrument to demonstrate its power and sovereignty though it was far more than merely symbolic for those affected. The state’s efforts to gain and maintain control over questions of belonging to the national entity are striking here; the state would not brook arbitrary individual actions in this realm. It is the goal of my project to analyze such citizenship practices and their correlation to national belonging, and to write

49 On this case, see Eckart Conze, Norbert Frei, Peter Hayes, and Moshe Zimmermann, Das Amt und die Vergangenheit. Deutsche Diplomaten im Dritten Reich und in der Bundesrepublik (Munich, 2010), 82-84.
the history of statelessness as a history of individual experiences of law. Consequently, I always combine supranational discourse with individual and local experiences.

3. Imagined Statelessness: Laurel and Hardy in 1951

With so many individuals like Einstein struggling with the issue of statelessness, it is not surprising that the cultural realm took up the theme with enthusiasm. Numerous novels and films throughout the twentieth century, from B. Traven’s novel Totenschiff (Death Ship, 1926) to Steven Spielberg’s film The Terminal (2004), explored this experience. We must also explore this “imagined” side of statelessness to fully understand its history. Whereas the settings for the stateless encounters have changed over time from ships, sea ports and islands to airports and terminals, the fundamental issue such stories address is still statelessness.

One example is the James Bond story Casino Royale, in which the bad guy—the very personification of evil—is a stateless person. Claiming to have lost his memory in the Second World War, he seems not to know his nationality and thus calls himself “Le Chiffre” (the Cipher). Although the various film versions of the story give only marginal importance to the villain’s statelessness, it is a bigger issue in Ian Fleming’s original novel of 1953. The novel clarifies that Le Chiffre is a Displaced Person, one of the huge group of stateless people after the Second World War, who calls himself Le Chiffre since he is, as he claims himself, “only a number on a passport.”

Common to all cultural representations of statelessness is the depiction of its extremely difficult and untenable nature. In 1951, during the heyday of international discussions on how to deal with the refugees and stateless persons left in a shattered Europe after the Second World War, Stanley Laurel and Oliver Hardy thematized statelessness in their last slapstick comedy, Atoll K. The stage in this case is not an airport, as in The Terminal, but a ship and a lonely island. Following the very real experience of many stateless people in the mid-century, the film’s plot also reflects upon a utopian society that is to be established on the island and thus considers the hope and utopian vision of world citizens as well. Like Fleming’s James Bond novel, Atoll K originated in an era when questions of national and transnational belonging seemed unsettled and open to re-thinking. Likewise, the lessons to be drawn from the experience of exile and flight in the Second World War were not yet clear. Nor had the
Western community of states, experiencing the beginning Cold War, set the tone and direction for future concerted action. The film reflects in miniature the large-scale difficulties concerning citizenship and statelessness that the international community faced and had to address in its supranational discussions.

The Cold War, statelessness, and the question of how a peaceful society should be shaped—these are the three existential themes of the international community after 1945 that Ian Fleming’s novel alluded to and Laurel and Hardy’s final film erected a monument to. The two main motifs of these cultural productions are the person whose lack of papers deprives him of all rights, even the “right to have rights,” as Hannah Arendt famously put it, and the positive, lawless utopia in which everyone is free to pursue his needs. Consequently, these works ostensibly place two types of sovereignty—of the state body and of the subject—in opposition, making way for another, positive interpretation of statelessness: the ideas of world citizenship, wherein the individual sense of belonging can overcome national bonds and boundaries to be part of something far greater.

4. Transcending National Belonging? The Option of World Citizenship

World citizenship, like that depicted by Laurel and Hardy’s *Atoll K*, has sometimes been presented as the historical counterpart to statelessness. Yet utopias of a “borderless world” or “world citizenship” are found not only in the movies. New movements that visualized a world free of nation-states, comprised only of “world” rather than “national” citizens, emerged as early as during World War I, and then again after World War II, and at the beginning of the atomic age. While the term statelessness usually evokes images of refugees and expatriated people, many of them Jews, it can also apply to so-called world citizens and cosmopolitans: groups and individuals who see the dissolution of national citizenship as a welcome opportunity to escape narrow confines of belonging. Cosmopolitan citizens, globalization, and internationalism are neither new nor exhausted topics. Post-national thinkers of world citizenship, world unity, and universal peace draw upon a variety of notions developed by philosophers such as Aristotle, Immanuel Kant, and Albert Einstein.

The fundamental ideas driving world citizenship movements have shifted over time. During and shortly after World War I, world citizenship supporters such as Arnold Toynbee and H. G. Wells mainly
aimed to secure peace and to prevent future wars. In the interwar period, thinkers like Bertrand Russell advocated the development of an international system that could move beyond the powerlessness of the League of Nations. After World War II, with fear of nuclear weapons inspiring supra- and transnational organizations, those who sought alternatives to the failure-prone nation-state system primarily focused on issues such as world peace and disarmament.

The post-World War II movement spurred some people to relinquish their nationality and declare themselves world citizens. One of the first people to do so was peace activist Garry Davis: In June 1948 in Paris, he publicly renounced his US citizenship and declared himself “World Citizen No. 1” on the grounds that this path was essential to peace: “I must extend the little sovereignty I possess, as a member of the world community, to the whole community, and to the international vacuum of its government—a vacuum into which the rest of the world must be drawn if it is to survive, for therein lies the only alternative to this final war. I should like to consider myself a citizen of the world.” In 1949, he then founded the Registry of World Citizens, which issued a world citizen identity card to those who signed up. Within five months, roughly a quarter million people from seventy different countries had registered, with 800,000 signing up by the end of the year.

Yet even these ideas of world citizenship remained embedded in the nation-state system as an organizing structure. The World Movement for World Federal Government (WMWFG), which was an umbrella organization for thirty-seven groups around the world, shows the extent to which this was the case. The movement held its first international congress in 1947 in Montreux—making Switzerland the stage of international efforts once again—where it set forth its goals in the Declaration of Montreux: universal membership and a world passport, limited national sovereignty, world courts, a supranational army, as well as supranational control and possession of nuclear and technological developments. These elaborations also make clear, however, that world citizens in postwar Europe actually re-enacted national citizenship and belonging. Just like other initiatives, such as the Comité permanent mondialiste, this organization receded remarkably in the 1970s when the oil crisis shattered the international, Western postwar order.

Such reenactments of national citizenship point to one of the internal contradictions of world citizenship based on the universal idea of
human rights. The nation-state, with its particular means of state power, possesses the sole instruments for protecting universal human rights in society, yet, at the same time, the state itself also poses the greatest threat to human rights. Consequently, advocates of world citizenship were unable to give up on the nation-state altogether in attempting to overcome state-generated statelessness. This double-bind, however, is one reason statelessness should not be regarded exclusively as a negative result of a presumably declining nation-state system. Rather, attention should also be drawn to developments at the margins of the nation-states after the wars, specifically, the ideas of world citizenship and overcoming national belonging that grew out of the historical experience of statelessness.

IV. Conclusion

Article 15 of the Universal Declaration of Human Rights of December 1948 aimed to put an end to the phenomenon of statelessness, which, though it had only emerged three decades before, had already troubled hundreds of thousands of people worldwide. It declared: “Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality, nor denied the right to change his nationality.” This declaration was supposed to eliminate the stateless individual as a counterpart to the “national.” The link it makes between citizenship and human rights proves the rising influence of supranational institutions and discourses on national citizenship.59

On the one hand, as John Torpey has shown, it was in the particular interest of the nation-state to increasingly monopolize and standardize the “legitimate means of movement.”60 Yet this tendency had created the problems of identification and statelessness in the first place. The lives in limbo, in turn, fundamentally threatened the nation-state and generated a feeling of vulnerability among citizens. On the other hand, very much like in a counter movement, it was explicitly the presence of stateless and other people—such as illegals and undocumented citizens—who questioned the social contract between state and citizen that then again led to increased law enforcement and border restrictions, strengthening the nation-state.

Though statelessness may have been a marginal phenomenon, the experiences of the stateless nonetheless reflect the implications that worldwide developments had for individuals. Moreover, it is precisely at the margins of the nation-state that we can delve further into the meaning and importance of state belonging and thus also into the

59 Bauböck, Transnational Citizenship, 240.
60 Torpey, Invention, 250.
concepts and confines of the state. As two sides of a similar development, stateless persons and world citizens need to be linked analytically. The underlying basic question is how belonging and identity were defined in different historical settings. In the above-mentioned movie of 1951, Laurel gets at the heart of the matter when Hardy tells him that Antoine is “what is known as a stateless man, in other words, a misplaced person.” Beaming in his understanding, Laurel replies: “See—he’s lost and he can’t find himself!” How the experience of losing this sense of belonging changes one’s understanding of it is one of the questions of this research project.