

# Rethinking refugeehood: statelessness, repatriation, and refugee agency

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**Abstract.** Hannah Arendt's characterisation of the refugee as rightless and stateless has become a touchstone for scholars grappling with the nature of forced migration and exile. While aspects of Arendt's depiction continue to resonate, the notion of refugees as stateless, rightless 'scum of the earth' is now in many cases anachronistic, and no longer clearly reflects the challenges now faced by the majority of the world's refugees. This is attributable to structural changes in the refugee regime, particularly the increased focus on repatriation and the reconstitution of the relationship between refugees and their states of origin, a possibility largely unforeseen by Arendt. Drawing on the example of the Guatemalan repatriation movement, this article contends that indiscriminately portraying refugees as stateless represents a potential disservice to the displaced, as it may inadvertently undermine refugees' claims against their states of origin for the redress of their rights as citizens. There is a need to expand theorising on refugees from a narrow focus on the refugee as rightless and stateless to a broader conception of the refugee as a bearer of claims for the renegotiation of her relationship with her state.

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Historically, relatively few political theorists have grappled with the nature of refugeehood, and its implications for understanding politics. Hannah Arendt stands as an important exception to this trend, and her work on the problems of refugees and statelessness has become a touchstone for scholars concerned with questions of forced migration and exile.<sup>1</sup> While Arendt's reflections on refugeehood focus on the plight of Europeans uprooted in the first half of the twentieth century, and are grounded in her historical analysis of the nature of the European nation state and the rise of totalitarianism, many subsequent scholars have applied her ideas in an effort to situate and illuminate later refugee crises in Africa, Asia and Latin America, and the problem of forced migration generally.<sup>2</sup>

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<sup>1</sup> Other important theorists include Michael Walzer, Seyla Benhabib, and Giorgio Agamben. For a compelling refutation of Agamben's theorising of the refugee predicament, see Patricia Owens, 'Reclaiming "Bare Life"?: Against Agamben on Refugees', *International Relations*, 23:4 (2009), pp. 567–82.

<sup>2</sup> Amongst the many possible examples, see Loren B. Landau and Tamlyn Manson, 'Displacement, Estrangement and Sovereignty: Reconfiguring State Power in Urban South Africa', *Government and Opposition*, 43:2 (2008), pp. 315, 332; Reiko Shindo, 'Struggle for Citizenship: Interaction between Political Society and Civil Society at a Kurd Refugee Protest in Tokyo', *Citizenship Studies*, 13:3 (2009), pp. 219–37; Mark F. Franke, 'The Displacement of the Rights of Displaced Persons: An

Of course Arendt's thinking on refugees was not solely the result of abstract theorising and historical research. Almost invariably, discussions of Arendt's conception of refugeehood and statelessness, which she saw as two sides of the same coin, are prefaced by the recognition that Arendt herself was a Jew stripped of her German citizenship by the Nazis, and compelled to flee first to France and then to the United States. Arendt's views on refugees and statelessness were undoubtedly influenced by her own experiences, and her personal stake in these issues has arguably lent a somewhat sacrosanct character to her work.<sup>3</sup> While many scholars concerned with refugees draw on her arguments to position their own research, far fewer critically engage with the ideas she advanced, or question their assumed contemporary applicability.<sup>4</sup> Without dismissing or diminishing Arendt's personal insights on the horror of the loss of home, or the importance of her observations on the meaning of the refugee problem in Europe in the first half of the twentieth century, the goal of this article is to critically examine the extent to which Arendt's characterisation of refugeehood and statelessness advances understanding of the problems posed by forced migration in the contemporary context.

To be sure, important aspects of Arendt's argument continue to resonate. However, in this article I will endeavour to bring into focus some of the important ways and circumstances in which Arendt's depiction of refugees as stateless, rightless 'scum of the earth' has become anachronistic, such that it does not clearly reflect some of the most critical challenges faced by many current refugees.<sup>5</sup> I will suggest that this is attributable to changes in the international system and the refugee regime, particularly increased focus on voluntary repatriation and the reconstitution of the relationship between refugees and their states of origin, a possibility largely unforeseen by Arendt. This article argues that the persistent and un-nuanced conflation of refugeehood and statelessness represents a potential disservice to the displaced, as it may perpetuate a mistaken impression of refugees as politically impotent victims,

Irreconciliation of Human Rights between Place and Movement', *Journal of Human Rights*, 7 (2008), pp. 262–81; Michel Agier, *Managing the Undesirables: Refugee Camps and Humanitarian Government* (Cambridge: Polity Press, 2011); Howard Adelman and Elazar Barkan, *No Return, No Refuge: Rights and Rites in Minority Repatriation* (New York: Columbia University Press, 2011); Patricia Owens, 'Beyond "Bare Life": Refugees and the "Right to Have Rights"', in Alexander Betts and Gil Loescher (eds), *Refugees in International Relations* (Oxford: Oxford University Press, 2011), pp. 133–50; Alexander Betts and Gil Loescher, 'Refugees in International Relations', in Alexander Betts and Gil Loescher (eds), *Refugees in International Relations* (Oxford: Oxford University Press, 2011), pp. 1–52; Carl Levy, 'Refugees, Europe, Camps/States of Exception: "Into The Zone", the European Union and Extraterritorial Processing of Migrants, Refugees, and Asylum-seekers (Theories and Practice)', *Refugee Survey Quarterly*, 29:1 (2009), pp. 92–119; Peter Nyers, *Rethinking Refugees: Beyond States of Emergency* (London: Routledge, 2005).

<sup>3</sup> For biographical examinations of Arendt, see Patricia Owens, 'Hannah Arendt: A Biographical and Political Introduction', in Anthony F. Lang Jr. and John Williams (eds), *Hannah Arendt and International Relations: Readings Across the Lines* (London: Palgrave, 2005), pp. 27–40; and Elisabeth Young-Bruhl, *Hannah Arendt: For Love of the World, 2nd Edition* (New Haven: Yale University Press, 2004).

<sup>4</sup> For example, in her seminal article 'Refugees and Exile: From "Refugee Studies" to the National Order of Things', Liisa H. Malkki states that Arendt 'insisted on the necessity of examining displacement through the prism of the often xenophobic national states, and she explicitly traced the political and symbolic logics that had the effect of pathologizing and even criminalizing refugees . . . The contemporary linkages amongst nationalism, racism, and immigration in Europe and elsewhere attest to the continued relevance of Arendt's observations.' Reflecting a concerning trend in refugee studies scholarship, Malkki simply asserts rather than demonstrates the continued prescience of Arendt's reflections, and does not engage the challenges that accompany attempts to generalise from Arendt's historically contingent account of the refugee's predicament.

<sup>5</sup> Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt, 2001), p. 267.

and inadvertently undermine refugees' compelling claims against their states of origin for the redress of their rights as citizens.<sup>6</sup> Especially in light of extremely limited access to resettlement in Western states as a solution to large-scale refugee crises, this article underlines the need to expand theorising on refugees from a narrow focus on the refugee as stateless to a broader conception of the refugee as a political actor bearing claims for the renegotiation of her relationship with her state.<sup>7</sup> Theorists such as Agamben have drawn on Arendt to position the refugee as the 'central figure of our political history'; my contention is that by widening our field of vision to take in the *returnee* alongside the refugee, scholars may obtain a sharper understanding of the complex relationships between forced migration, political membership, and sovereign power.<sup>8</sup>

At the outset, it is important to clarify that due to space limitations, this discussion focuses principally on Arendt's explicit examinations of refugeehood, particularly in *The Origins of Totalitarianism*. Admittedly, 'definitive statements about Arendt's position on a particular issue cannot be based on what she writes in one book'; Arendt's broader body of work offers significant theoretical insights into the issues this analysis raises, including refugee agency, political action, and political homes.<sup>9</sup> However, a focused, critical analysis of her specific reflections on refugees, statelessness, and the 'right to have rights', and the ways in which these ideas have been deployed by subsequent scholars, is warranted because of the considerable influence of this account, and the growing interest in the interface between Arendtian theory and International Relations, a field in which refugees represent a significant and growing concern.<sup>10</sup>

Before proceeding, it is also important to stress that my aim is not to idealise repatriation as the natural or preferable 'durable solution' to displacement, but to explore some of the implications of the rise of voluntary return as the predominant solution to displacement in the context of the international refugee regime. An implicit argument running throughout this article is the view that theorising on refugees

<sup>6</sup> As Belton suggests, the uncritical conflation of refugees and stateless populations may also have negative ramifications for stateless persons, exacerbating the marginalisation of those who have no country against which they may make claims for the protection of their rights as citizens. On the need for a liberal political theory of statelessness, see Kristy A. Belton, 'The neglected non-citizen: Statelessness and liberal political theory', *Journal of Global Ethics*, 7:1 (2011), pp. 59–71. See Audrey Macklin, 'Who is the Citizen's Other? Considering the Heft of Citizenship', *Theoretical Inquiries in Law*, 8:2 (2007), p. 336 for a compelling discussion of the view that in order to better understand the nature of citizenship, it may be necessary to retrieve 'statelessness from its tangled relationship with refugeehood', while avoiding a 'stark and totalizing binary of stateless/citizen'.

<sup>7</sup> To date, research – particularly theoretically oriented research – on repatriation has been limited. On this point, see Roger Zetter, 'Returning to Yerusalem': Exile, Return and Oral History', *History Workshop Journal*, 58 (2004), p. 299. Like returnees, *de jure* stateless persons (as distinguished from refugees) have also been relatively 'invisible' in scholarship and in practice.

<sup>8</sup> Giorgio Agamben, 'We Refugees', trans. M. Roche, *Symposium*, 49:2 (1995), pp. 114–19.

<sup>9</sup> Patricia Owens, 'Humanity, Sovereignty and the Camps', *International Politics*, 45 (2008), p. 522. On political action, see Hannah Arendt, *The Human Condition* (Chicago: University of Chicago Press, 1998). The notion of a political home emerges as a theme in several of Arendt's essays published in Jerome Kohn (ed.), *Essays in Understanding, 1930–1954* (New York: Schocken, 2005), including 'The Aftermath of Nazi Rule'.

<sup>10</sup> Growing interest in the intersection of International Relations, international studies, and Arendtian theory is evidenced in works such as Anthony F. Lang Jr. and John Williams (eds), *Hannah Arendt and International Relations: Readings Across the Lines* (London: Palgrave, 2005); Patricia Owens, *Between War and Politics: International Relations and the Thought of Hannah Arendt* (Oxford: Oxford University Press, 2007); and Alison Kesby, *The Right to Have Rights: Citizenship, Humanity and International Law* (Oxford: Oxford University Press, 2012). On the significance of refugees for the study of International Relations, see for example, Gil Loescher and Alex Betts, *Refugees in International Relations* (Oxford: Oxford University Press, 2010).

should be reoriented so that it speaks to the predicament of the vast majority of contemporary refugees who remain in the developing world, without the opportunity to secure membership in new political communities beyond the gates of refugee camps or the boundaries of urban slums.<sup>11</sup> Scholars such as Benhabib have helpfully built on Arendt's articulation of the dilemmas posed by lack of protection and disenfranchisement from the political community by arguing for the right of refugees to gain new citizenships.<sup>12</sup> However, the significance of this type of project is limited by the current political reality in which only a tiny minority of refugees (typically the most well-educated and the wealthiest, relatively speaking) have the opportunity to seek asylum or acquire citizenship in the affluent, multicultural democracies of primary concern to Benhabib. Rather than assuming that the answer to the refugee's dilemma lies in the acquisition of a new political community, this article will focus theoretical attention on voluntary repatriation, which more than 24.7 million refugees have undertaken over the past twenty years.<sup>13</sup>

The structure of the article is as follows: I will begin by examining Arendt's conceptualisation of refugeehood, statelessness, and the 'right to have rights', focusing on the most detailed treatment of the refugee issue Arendt offers, in *The Origins of Totalitarianism*, incorporating insights from her 'Jewish writings'. I will then explore changes that have unfolded since the end of World War II that may challenge the contemporary prescience of elements of Arendt's account, including the increased practice of voluntary repatriation. Next, I will examine Arendt's views on repatriation, and will advance the argument that despite the risks and limitations inherent in return, in some instances this process may be a significant opportunity to reframe the relationship between the state of origin and its returning citizens, and that portraying refugees as stateless may represent an inadvertent disservice to the displaced as they attempt to advance their claims and concerns with their states of origin. To illustrate the possibility of refugees contesting their relegation to the sidelines in the 'struggle of [their] time', by coming together to demand recognition of their rights as citizens, in the final section I will briefly consider the case of Guatemalan refugees' negotiation of their collective return from exile in Mexico in the early 1990s. These arguments are premised on the view that '[c]itizenship as an ideal is understood to embody a commitment against subordination', but I recognise that 'citizenship can also represent an axis of subordination itself'.<sup>14</sup> The questions this analysis raises for citizenship theory and the nature of postcolonial states are unfortunately outside the scope of this article.

Since the way in which refugeehood and statelessness are understood is at the heart of this discussion, it is difficult to offer pithy definitions of these terms at the outset. However, for the sake of clarity, in this article I am focusing on refugees as people who have fled their countries due to persecution or a lack of effective state protection. The terms 'return' and 'repatriation', which I use interchangeably, also demand a word of clarification. I define these terms minimally, as the movement of refugees back to the state in which they lived, typically as citizens, before their exile. I

<sup>11</sup> 80 per cent of the world's refugee population remains in the global South. See UNHCR, *2009 Global Trends* (Geneva: UNHCR, 2010), p. 8.

<sup>12</sup> Seyla Benhabib, *The Rights of Others: Aliens, Residents and Citizens* (Cambridge: Cambridge University Press, 2004).

<sup>13</sup> UNHCR, *2009 Global Trends*, p. 12.

<sup>14</sup> Linda Bosniak, *The Citizen and the Alien: Dilemmas of Contemporary Membership* (Princeton: Princeton University Press, 2006), p. 1.

do not presuppose that return is the inherently preferable solution to displacement, that refugees necessarily identify strongly with their state of origin, or that some primordial connection links exiles to their 'homelands'. As Ranger points out,

The concept of 'repatriation' derives from the idea of a 'patria' and this in turn implies that an individual's primary identity, rights and obligations derive from the membership in a 'nation'. The nation encapsulates 'home' in terms of language, culture, rights to citizenship and land. Yet this is precisely what is at stake in many countries which generate refugees and returnees . . . Even where the idea of return to one's 'country' is a national as well as a local sentiment, that idea co-exists and sometimes conflicts with many other senses of identity and entitlement.<sup>15</sup>

While some scholars and advocates define return more narrowly as refugees' resumption of residency in their former homes, or on their ancestral lands, conceptualising repatriation principally in terms of returnees' geographic location and land claims obscures the broader political challenges at stake in the repatriation process. In my view, repatriation is not so much about crossing a border, returning to a particular physical location or reviving lost ways of life, as it is a possible opportunity to restructure political relationships between states and citizens, with a view to ensuring a more equitable future.

### Stateless, rightless 'scum of the earth': Arendt's conception of refugeehood

In some of her writing, Arendt uses the term 'refugee' loosely to refer simply to those forced from their homes, but she also developed a particular, historically informed account of refugeehood, which was intimately tied to her reflections on the nation state; the fate of millions of unwanted minorities stripped of their citizenship by European governments; and her personal experiences of displacement. 'With us', Arendt wrote from exile in 1943, 'the meaning of the term "refugee" has changed.'<sup>16</sup> The 'new refugees were persecuted not because of what they had done or thought, but because of what they unchangeably were – born into the wrong kind of race or the wrong kind of class or drafted by the wrong kind of government'.<sup>17</sup> At the heart of Arendt's account of refugeehood is the view that 'the core of statelessness . . . is identical with the refugee question', and the conviction that the loss of membership in the political community of a state entailed the loss of the 'right to have rights' and the opportunity to undertake meaningful political action.<sup>18</sup>

The denationalising and arbitrary displacement of citizens is now explicitly forbidden under international law, but in Europe in the first half of the twentieth century, international law was much more ambiguous, and the formal practice of denationalisation became pivotal to the creation of the continent's refugee crises. However, Arendt's concerns with statelessness ran much deeper than questions of legal status. While cognisant of the technical difference between *de jure* and *de facto* statelessness, she was dismissive of legalistic efforts to distinguish between refugeehood and statelessness, arguing that the 'many and varied efforts of the legal profession to simplify the problem by stating a difference between the stateless person and

<sup>15</sup> T. Ranger, 'Studying Repatriation as Part of African Social History', in T. Allen and H. Morsink (eds), *When Refugees Go Home* (Trenton, NJ: Africa World Press, 1994), p. 289.

<sup>16</sup> Hannah Arendt, 'We Refugees', in Jerome Kohn and Ron H. Feldman (eds), *Hannah Arendt: The Jewish Writings* (New York, Schocken, 2007), p. 264.

<sup>17</sup> Arendt, *Origins*, p. 294.

<sup>18</sup> *Ibid.*, p. 279.

the refugee – such as maintaining ‘that the status of a stateless person is characterized by the fact of his having no nationality, whereas that of a refugee is determined by his having lost diplomatic protection’ – were always defeated by the fact that ‘all refugees are for practical purposes stateless’.<sup>19</sup> Arendt’s aim in examining the displacement of refugees across Europe was to expose the poverty of human rights rhetoric, and the ‘fiction’ of justifying the state system in terms of the protection and promotion of human rights.<sup>20</sup> Although Arendt writes that ‘the very phrase “human rights” became for all concerned – victims, persecutors, onlookers alike – the evidence of hopeless idealism or feeble-minded hypocrisy’, she is nonetheless committed to the political and ethical value of this very discourse.<sup>21</sup> Her principal observation and concern was that refugees were powerless to stop their state from robbing them of their rights as citizens. Left without the protection of a state, refugees were unable to find ‘a community willing and able to guarantee any rights whatsoever’.<sup>22</sup> The ‘right to have rights’, Arendt concluded, depended on membership in a political community; as membership was distributed according to the prerogative of states, citizens risked being rendered stateless refugees or, as Arendt put it even more bluntly, ‘superfluous’.<sup>23</sup> In other words, ‘the loss of citizenship rights . . . contrary to all human rights declarations, was politically tantamount to the loss of human rights altogether’.<sup>24</sup>

In *The Origins of Totalitarianism*, Arendt maps out both the process through which refugees were created, and the results of this enforced alienation. Arendt writes,

The first loss which the rightless suffered was the loss of their homes, and this meant the loss of the entire social texture into which they were born and in which they established for themselves a distinct place in the world. This calamity is far from unprecedented; in the long memory of history, forced migrations of individuals or whole groups of people for political or economic reasons look like everyday occurrences . . . [yet] Suddenly, there was no place on earth where migrants could go without the severest restrictions, no country where they would be assimilated, no territory where they could found a new community of their own.<sup>25</sup>

The ‘second loss which the rightless suffered was the loss of government protection, and this did not imply just the loss of legal status in their own, but in all countries’.<sup>26</sup> This double unmooring rendered the refugees of Europe not only stateless but ‘worldless’, left without a political space in which their actions could be meaningful, and thus robbed of their ‘political status in the struggle of [their] time’.<sup>27</sup> In her 1943 essay, ‘We Refugees,’ and in some of her later correspondence, Arendt

<sup>19</sup> Arendt, *Origins*, p. 281, citing John Hope Simpson, *The Refugee Problem* (Oxford: Institute of International Affairs, 1939), pp. 232, 4.

<sup>20</sup> Agamben, ‘We Refugees’.

<sup>21</sup> Arendt, *Origins*, p. 344; Jeffrey C. Isaac, ‘Hannah Arendt on Human Rights and the Limits of Exposure, or Why Noam Chomsky is Wrong about the Meaning of Kosovo’, *Social Research*, 69:2 (2002), p. 507; Jeffrey C. Isaac, ‘A New Guarantee on Earth: Hannah Arendt on Human Dignity and the Politics of Human Rights’, *American Political Science Review*, 90:1 (1996), pp. 61–73.

<sup>22</sup> Arendt, *Origins*, p. 297.

<sup>23</sup> *Ibid.*, p. 296.

<sup>24</sup> Benhabib, *Rights of Others*, p. 50.

<sup>25</sup> Arendt, *Origins*, p. 293.

<sup>26</sup> *Ibid.*, p. 294.

<sup>27</sup> *Ibid.*, p. 301. See also Patricia Owens, ‘Xenophilia, Gender and Sentimental Humanitarianism’, *Alternatives*, 29:3 (2004), pp. 285–304.

suggested that refugees could ‘demonstrate political self-confidence as pariahs’ or could even ‘represent the vanguard of their peoples – if they keep their identity’.<sup>28</sup> However, in her work refugees are predominantly characterised as having been stripped of their capacity for political agency.

Although Arendt herself eventually secured a solution to her statelessness by acquiring citizenship in the United States, and invested considerable energy into resolving the Jewish refugee problem through resettlement to Palestine and then the newly created state of Israel, Arendt’s writings on refugeehood reflect a conception of exile and statelessness as *permanent* conditions. If refugeehood ended, it was more often with the death of refugees in internment or concentration camps than with one of the so-called ‘durable solutions’ to displacement – voluntary repatriation, local integration in the country of asylum, or resettlement to a third country. Arendt wrote that what was ‘unprecedented’ about the European displacement crisis was ‘not the loss of a home but the *impossibility* of finding a new one’.<sup>29</sup> Once the refugees ‘had left their homeland they remained homeless, once they had left their state they became stateless; once they had been deprived of their human rights they were rightless, the scum of the earth. Nothing which was being done . . . could be undone or prevented’.<sup>30</sup>

Arendt was particularly sceptical of the extent to which the creation of new states dedicated to protecting the national rights of the displaced could serve as an avenue for the resolution of refugeehood. As the uprooting of some 750,000 Palestinians in the course of the conflicted creation of the state of Israel demonstrated, ‘refugees and the stateless’ are attached ‘like a curse to all the newly established states on earth which were created in the image of the nation state’.<sup>31</sup> This Sisyphus-like relationship between the resolution and creation of refugee situations further underlined the permanence of the phenomenon in Arendt’s eyes. Arendt was also dubious of other approaches to resolving displacement, dismissing as ‘ironical’ the argument that ‘The status of a refugee is not, of course, a permanent one. The aim is that he should rid himself of that status as soon as possible, either by repatriation or by naturalization in the country of refuge.’<sup>32</sup> Although Arendt does not elaborate on the precise reasons for her scepticism, her pessimistic outlook on the possibility of resolving displacement is presumably attributable to the fact that all of the purportedly durable solutions to displacement remain predicated on the state system, the vagaries of which are responsible for the mass exodus of refugees in the first place. In the absence of solutions that transcend the sovereign power of the state to include and exclude, voluntary repatriation, local integration and resettlement cannot eliminate the risks of rightlessness, but provide at best temporary relief.

<sup>28</sup> Arendt, ‘We Refugees’; Wolfgang Heuer, ‘Europe and its refugees: Arendt on the politicization of minorities’, *Social Research*, 74:4 (2007), pp. 1161, 1169; Hannah Arendt and Kurt Blumenfeld, ‘*In keinem Besitz verwurzelt: Die Korrespondenz*’, Ingeborg Nordman and Iris Philling (eds) (Nordlingen: Rotbuch, 1995), p. 66 (quoted in Heuer, ‘Europe and its refugees’, p. 1169).

<sup>29</sup> Arendt, *Origins*, p. 293, emphasis added.

<sup>30</sup> *Ibid.*, p. 267.

<sup>31</sup> *Ibid.*, p. 290.

<sup>32</sup> *Ibid.*, p. 281, quoting R. Yewdall Jermings, ‘Some International Aspects of the Refugee Question’, *British Yearbook of International Law* (1939).

### Considering the contemporary salience of Arendt's account of refugeehood

Many scholars hold that Arendt's account of refugeehood and statelessness remains as pertinent today as it was in 1951, suggesting that her reflections provide insight not only into the historically contingent circumstances facing European refugees in the first half of the twentieth century, but also into the plight of refugees writ large.<sup>33</sup> For example, while recognising that statelessness has been somewhat 'redefined in the present context', Agier contends that 'the half century that followed [Arendt's] characteristic reflections has only confirmed them'.<sup>34</sup> Similarly, Bernstein maintains that '[r]eading what Arendt wrote in 1951 has the hyper-real quality of a commentary on our contemporary world situation'.<sup>35</sup> Bernstein argues that Arendt considered the 'sudden emergence of new stateless masses to be one of the most intractable problems of the twentieth century – a problem that outlasted totalitarian regimes'.<sup>36</sup> Quoting from *The Origins of Totalitarianism*, he asserts that 'totalitarian solutions may well survive the fall of totalitarian regimes in the form of strong temptations which will come up whenever it seems impossible to alleviate political, social, or economic misery in a manner worthy of man'.<sup>37</sup> While many researchers hold that Arendt's insights remain pertinent despite the political changes that have unfolded since the early post-war period, it is not clear that Arendt herself was so firmly convinced that the particular forms of refugeehood and statelessness that she witnessed in Europe would endure in the long term, or that her explanation of them could be generalised to illuminate subsequent instances of forced migration. Reflecting on 'Arendt's sociology of modern institutions and her distinction between the social and the political', Benhabib argues that elements of her theories are 'so problematic that it is hard to see where or how her normative vision of the political could be anchored in contemporary institutions. What we need is not only a reinterpretation of Hannah Arendt's thought, but a *revision* of it as well'.<sup>38</sup> It may be that a revisioning of her contributions to understanding refugeehood is equally necessary.

To be sure, aspects of Arendt's argument continue to resonate: despite the evolution of international humanitarian, human rights and refugee law, states undeniably retain the power to persecute and exclude citizens and non-citizens alike, and their efficacy and creativity in this respect has rarely been matched by idealistic advocates

<sup>33</sup> In addition to the scholarship cited in notes 3 and 5, for examples of scholarship premised on the view that Arendt's conception of the refugee continues to pertain today, see Wolfgang Heuer, 'Europe and its refugees'; Patrick Hayden, 'From exclusion to containment: Arendt, sovereign power, and statelessness', *Societies Without Borders*, 3 (2008), pp. 248–69; Patrick Hayden, 'Citizens of nowhere: the evil of statelessness', in Patrick Hayden (ed.), *Political Evil in a Global Age: Hannah Arendt and International Theory* (London: Routledge, 2009); Monika Krause, 'Undocumented migrants: An Arendtian perspective', *European Journal of Political Theory*, 7:3 (2008), pp. 331–48; Vanessa Pupavac, 'Refugee Advocacy, Traumatic Representations and Political Disenchantment', *Government and Opposition*, 43:2 (2008), pp. 270–92; Richard J. Bernstein, 'Hannah Arendt on the Stateless', *Parallax*, 11:1 (2005), pp. 46–60. For a helpful discussion of how Arendt's broader theoretical work may advance understanding of the circumstances facing refugees today, see Patricia Owens, 'Reclaiming "Bare Life"?' as well as Serena Parekh, 'A meaningful place in the world: Hannah Arendt on the nature of human rights', *Journal of Human Rights*, 32 (2004), pp. 41–53 (on statelessness and human rights) and Leora Bilsky, 'Citizenship as mask: Between the imposter and the refugee', *Constellations*, 15:1 (2008), pp. 72–97.

<sup>34</sup> Agier, *Managing the Undesirables*, pp. 15–16.

<sup>35</sup> Bernstein, 'Arendt on the Stateless', p. 51.

<sup>36</sup> *Ibid.*

<sup>37</sup> *Ibid.*, quoting Arendt, *Origins*, p. 459.

<sup>38</sup> Seyla Benhabib, *The Reluctant Modernism of Hannah Arendt* (London: Sage, 1996), p. 198; Parekh, 'A meaningful place', p. 52.



seeking to restrain them. Why then might we think that Arendt's account of refugees as stateless and powerless is at least in some senses anachronistic? Legally, politically, and theoretically, 'the *meanings* of statelessness have changed over time' as the condition is 'dynamically created and re-created by sovereignties in their own interests'.<sup>39</sup> Now that states increasingly see voluntary repatriation as the 'preferred' durable solution to displacement, governments and inter-governmental agencies question or simply reject the designation of refugees as stateless. Refugees who aspire to exercise their right to return to their country of origin in safety and dignity, or to hold their states of origin accountable for the crimes at the root of their displacement may also resist their identification as stateless, as this absurdly implies they have no greater claim against their state of origin than any other non-citizen.<sup>40</sup> While the implications of repatriation for conceptualisations of the refugee as stateless will be discussed in the upcoming section, there are several other reasons for rethinking the contemporary prescience of Arendt's account of the nature of refugeehood. These reasons include shifts in the geographic origins and political impetus of refugee flows; the nature of the states exiling refugees; and the practice of denationalisation.<sup>41</sup>

As Gibney suggests, 'the circumstances that confronted Europe with refugees between 1930 and 1950 had their source in what turned out to be relatively transient forces ... that emanated from *within* Europe'; most refugee crises now originate *outside* Europe, due to civil wars, external invasions, ethnic strife, and the persistent difficulties associated with building solid, representative, and accountable state structures in conditions of impoverishment and global structural inequality.<sup>42</sup> While Arendt was concerned with refugees driven from European nation states, contemporary refugee-creating countries are typically colonial-era constructs characterised by unilaterally-drawn borders that divide national groups and arbitrarily lump together dozens if not hundreds of diverse peoples.<sup>43</sup> Even in Europe, Arendt opined, the "'national state", having lost its very foundations, leads the life of a walking corpse, whose spurious existence is artificially prolonged by repeated injections of imperialist expansion'.<sup>44</sup> In many of the regions from which refugees now originate, the nation state was never a coherent historical or political proposition, and state institutions remain relatively weak. It therefore behoves scholars to be cautious in applying a conception of refugeehood intimately tied to the power and logic of the European nation state to understand refugee flows motivated by diverse factors in regions of the world where the concept of the nation state has limited salience.<sup>45</sup>

<sup>39</sup> Linda Kerber, 'The Stateless as the Citizen's Other: A View from the United States', *American Historical Review*, 111:1 (2007), pp. 7, 9.

<sup>40</sup> UNHCR often claims that refugees themselves, like states, prefer return as the durable solution to their displacement. However, the evidence supporting such claims is in many instances thin; in general, there is a lack of data on refugees' preferences regarding durable solutions. For more on this issue, see Saul Takahashi, 'The UNHCR Handbook on Voluntary Repatriation: The Emphasis on Return over Protection', *International Journal of Refugee Law*, 9:4 (1997).

<sup>41</sup> On the importance of reading Arendt's work on refugees, statelessness, and citizenship in its historical, geographical, and political context, see Macklin, 'Who is the Citizen's Other' (on refugees and statelessness), and Patricia Owens, 'Not Life but the World is at Stake: Hannah Arendt on Citizenship in the Age of the Social', *Citizenship Studies*, 16:2 (2012) (on citizenship and 'the social').

<sup>42</sup> Matthew Gibney, *The Ethics and Politics of Asylum* (Cambridge: Cambridge University Press, 2004), p. 4.

<sup>43</sup> This is not to suggest that in these states there is no contestation between ethnic or national groups for power and place in the political community.

<sup>44</sup> Hannah Arendt, 'The Seeds of a Fascist International', *Essays in Understanding* (New York: Harcourt Brace, 1994), p. 143, quoted in Owens, 'Humanity, Sovereignty and the Camps', p. 523.

<sup>45</sup> Macklin, 'Who is the Citizen's Other', p. 339.

Beyond changes in the location and nature of refugee-creating states, the past sixty years have also witnessed significant changes in legal frameworks and practices relating to refugees and stateless persons. The inclusion of individuals as subjects of international law and the codification of human rights norms has undoubtedly been one of the defining features of international politics since the end of World War II. To be sure, many of the international legal provisions designed to protect individuals' human rights remain notoriously weak, particularly due to the absence of effective and accessible domestic and international enforcement mechanisms. However, international law has at least limited the ability of states to violate the rights of their citizens without consequences, and increased the ability of refugees and their advocates to voice compelling claims for assistance and recompense against not only host states and international organisations, but also the states and leaders responsible for their displacement in the first place.<sup>46</sup> These developments may give scholars concerned with refugees reason to pause before drawing on Arendt to uniformly label the displaced rightless and stateless.

Equally, changes in the practices of states regarding denationalisation may also prompt scholars to rethink the contemporary applicability of Arendt's equation of refugeehood with statelessness. When European governments, including the Third Reich, began stripping millions of their citizenship as a precursor to expelling them, this legal manoeuvre was 'something new and entirely unforeseen'.<sup>47</sup> It is again relatively rare for states to explicitly denationalise their citizens before displacing them.<sup>48</sup> UNHCR, the international agency charged with responsibility for assisting the stateless, estimates that there may be as many as 12 million stateless persons around the world today, but whereas denaturalisation and forced migration were intimately intertwined processes in the first half of the twentieth century, many of those recognised as stateless today are not in fact physically displaced. Although the consequences of statelessness remain extremely troubling, the leading causes of technical statelessness today are comparatively banal: administrative glitches and conflicts in domestic nationality laws.<sup>49</sup> While the drafters of the 1951 Refugee Convention presumed an overlap between refugeehood and *de facto* statelessness in light of refugees' inability to access effective national protection, the fundamental assumption underpinning the 1951 Convention is that 'refugees already possess birthright citizenship – that is, they

<sup>46</sup> Forced migration has long been sidelined from the push for accountability for violations of human rights. However, recent years have seen an increased push for accountability for displacement as a human rights violation. See, for example, Roger Duthie, 'Displacement and Transitional Justice', *International Journal of Transitional Justice*, 5 (2011), pp. 241–61.

<sup>47</sup> Arendt, *Origins*, p. 278.

<sup>48</sup> Macklin, 'Who is the Citizen's Other', p. 347. Important exceptions include Bhutan's denationalisation and expulsion of ethnic Nepalese citizens (Lhotshampas) in the late 1980s and early 1990s, and the increasing interest in the denationalisation of Muslim citizens expressed by Western states such as the United States and the United Kingdom after the attacks of 11 September 2001. Interestingly, the case of the Lhotshampas demonstrates that repatriation may be a relevant (if elusive) solution even for the *de jure* stateless. See Bill Frelick, 'For Bhutan's Refugees, there's No Place Like Home' (2011), {[www.hrw.org/news/2011/03/30/bhutan-s-refugees-there-s-no-place-home](http://www.hrw.org/news/2011/03/30/bhutan-s-refugees-there-s-no-place-home)}; and Michael Hutt, *Unbecoming Citizens: Culture, Nationhood and the Flight of Refugees from Bhutan* (Oxford: Oxford University Press, 2003). For *de jure* stateless people who are not displaced, or do not see themselves as having any 'country of origin', repatriation is not a pertinent solution to their predicament.

<sup>49</sup> C. A. Batchelor, 'Statelessness and the Problem of Resolving Nationality Status', *International Journal of Refugee Law*, 10:1/2 (1998), p. 175; UNHCR, *The World's Stateless People: Questions and Answers* (Geneva: UNHCR, 2006), pp. 8–9.

are *not* stateless'.<sup>50</sup> The fact that refugees today are not generally seen as stateless by key actors in the refugee regime, including UNHCR and host states, is reflected in bureaucratic practices such as photocopying the passports asylum seekers carry from their country of origin when they apply for refugee status. Even when refugees come from countries such as Somalia that have at previous times lacked the institutions to produce legitimate passports, those responsible for refugee status determination dutifully copy and file the passports refugees purchased from market vendors, reflecting the regime's ideological commitment to the notion that refugees remain linked to a state to which they will one day, ideally, return.<sup>51</sup> Strikingly, many (but certainly not all) contemporary states of origin are not overtly opposed to the return of their displaced citizens, but simply lack the capacity to adequately guarantee their security and wellbeing – a dramatic shift from the position of refugee-creating states in decades past.

To be sure, for the *de jure* stateless – whether or not they are physically displaced – the nature of their political problem remains much the same as it did in Arendt's time: in the absence of membership in the political community of a state, they lack the 'right to have rights'.<sup>52</sup> Furthermore, many of the refugees caught up in this system may *see themselves* as stateless, in the sense of being alienated from their country of origin, possibly on a number of levels including physically, emotionally, and socially. Yet given their inability to shed their link with their state of origin in the eyes of the principal actors in the refugee regime, for many refugees their condition may perhaps be better described as a Kafkaesque 'statefulness'.<sup>53</sup> (For a more detailed discussion of the origins and development of this perspective, see the subsection below on 'The rise of repatriation'.) This situation represents a fundamental shift from how the figure of the refugee was perceived in Europe before and during World War II, and departs from the explanation of refugeehood Arendt offers in *The Origins*. In Arendt's account, states are the ultimate arbiters of statelessness. For Arendt, the critical issue was not whether the refugees perceived themselves to be stateless, but whether they were deemed as such by their country of origin, and the other states in the international system. The designation of the European refugees as stateless was widely accepted by states themselves, and so no state, neither the state of origin nor potential countries of asylum, was seen as bearing responsibility for the refugees of Europe. Today, host states and donor states often refuse to recognise refugees as being in any sense stateless; instead of accepting that refugees' citizenship claims in their country of origin are (perhaps permanently) defective and actively pursuing solutions such as local integration or resettlement that involve other states

<sup>50</sup> Ayelet Shachar, 'Against birthright privilege: redefining citizenship', in Seyla Benhabib, Ian Shapiro, and Danilo Petranović (eds), *Identities, Affiliations, and Allegiances* (Cambridge: Cambridge University Press, 2007), p. 267. Shachar is referring here to *de jure* statelessness.

<sup>51</sup> See Mohammed Adow, 'Somali passports for sale', *BBC News* (12 May 2004), {<http://news.bbc.co.uk/2/hi/africa/3704127.stm>}. The author witnessed this practice while working for UNHCR. After being granted refugee status, refugees are typically issued alternative identification, such as a Travel Document, but copies of the passport are retained.

<sup>52</sup> See Kesby, *The Right to Have Rights* for a detailed discussion of this issue.

<sup>53</sup> I borrow this term from Kerber, 'Citizen's Other', p. 7, but use it in a different sense. While the maintenance of a link between the state of origin and the refugee may potentially be beneficial when it comes to negotiating repatriation and reconstituting the relationship between the returning refugee and the state, 'statefulness' may be highly problematic when safe and dignified repatriation opportunities are not forthcoming. The perception that the state of origin is primarily responsible for resolving refugees' predicament may undercut efforts to convince other actors such as host states and resettlement countries that they should make local integration or resettlement opportunities available to the displaced.

accepting responsibility for the displaced, refugees are often simply ‘warehoused’ until their state of origin is willing and able to exercise responsibility towards its exiled citizens by enabling voluntary return. Increasingly, the wait for this return spans generations.<sup>54</sup> Thus the situation for refugees remains paradoxical, but the paradox has evolved from that which Arendt identified in 1951. While in exile, refugees typically still lack the chance to participate in effective politics in their countries of origin, but the emergence of repatriation movements suggests that in reflecting on contemporary refugeehood, there is a need to move beyond ‘binary oppositions between citizenship and statelessness, between national territory and its absence’.<sup>55</sup> Rather, as Macklin suggests, ‘citizenship might be [better] thought of in terms of a container that is seldom completely empty (statelessness) or completely full’.<sup>56</sup> An analysis of repatriation politics and the figure of the returnee suggests some of the ways in which refugees’ citizenship claims may become ‘fuller’.

### **Reclaiming a ‘place in the world’? Implications of repatriation for Arendt’s account of refugeehood**

The section above suggested that scholars have a number of reasons to rethink the extent to which Arendt’s historically contingent depiction of refugees as stateless and rightless can be neatly applied to illuminate the predicament facing contemporary refugees. It introduced the view that often states and other actors in the refugee regime such as UNHCR no longer recognise refugees as stateless; rather, they maintain that refugees remain linked as citizens to their states of origin, and that voluntary repatriation is thus the ‘preferred’ solution to displacement. Bearing in mind that ‘statelessness’, like refugeehood, ‘is not a static conceptual matter’, this section will briefly examine the emergence of repatriation as the predominant durable solution to displacement, as well as Arendt’s views on repatriation.<sup>57</sup> It will then elaborate on the implications of the rise of repatriation for Arendt’s account of refugeehood and statelessness.

#### *The rise of repatriation*

The refugee regime in the first half of the twentieth century paid little attention to the possibility of repatriation. This was evident in the use of the Nansen Passport, which enabled stateless refugees to depart their countries of origin without the right of return.<sup>58</sup> In the aftermath of the Holocaust, it was inconceivable to Arendt’s contemporaries that Jewish refugees should be expected to return to and reconcile with their states of origin and former neighbours. Indeed, Holocaust survivors who returned to their homes were often cast out of what remained of the Jewish community as

<sup>54</sup> By 2003, the average duration of a refugee’s exile was 17 years. See James Milner, ‘Refugees and the Regional Dynamics of Peacebuilding’, *Refugee Survey Quarterly*, 28:1 (2009), p. 18.

<sup>55</sup> Aihwa Ong, ‘(Re)articulations of citizenship’, *PS: Political Science and Policy*, 38 (2005), p. 697.

<sup>56</sup> Macklin, ‘The Citizen’s Other’, p. 337.

<sup>57</sup> Kerber, ‘Citizen’s Other’, p. 30.

<sup>58</sup> *Ibid.*, p. 21; John Torpey, *The Invention of the Passport: Surveillance, Citizenship and the State* (Cambridge: Cambridge University Press, 2000), pp. 127–9.

traitors.<sup>59</sup> During the Cold War, this marginalisation of voluntary repatriation persisted, as millions of refugees who ‘voted with their feet’ against repression and abuse in Communist-aligned countries were offered permanent resettlement in the West, effectively transforming resettlement into a sharp political slight against the eastern bloc.<sup>60</sup> However, with the decline of Cold War rivalries, the political logic underpinning large-scale refugee resettlement evaporated, and permanent resettlement opportunities ‘largely withered away’.<sup>61</sup> By the late 1980s, UNHCR, donors, and many host states were broadly united in the effort to transform return into the predominant durable solution for refugees, dubbing the 1990s the ‘Decade of Repatriation’. During this period, return programmes expanded considerably, framed as a contribution to regional stability and international security. Virtually all of the dozens of peace agreements concluded since 1995 recognise the right of the displaced to return not only to their country, but to their original homes or lands.<sup>62</sup> The upshot of these changes is that between 1998 and 2007, 11.4 million refugees returned to their countries of origin through more than 25 large-scale voluntary repatriation operations. Although voluntary repatriation rates have been declining since 2004, return remains the predominant solution to displacement: for every refugee resettled since 1998, 14 have returned to their home countries.<sup>63</sup>

International law states that refugee returns must be voluntary, safe and dignified, and internationally-supported voluntary repatriation programmes are predicated on the assumption that the conditions that caused refugees to flee have been resolved.<sup>64</sup> However, in many cases refugees are pushed to return in the early days of peace processes, when conditions remain unstable. This is in part because repatriation is widely interpreted by international actors as an essential component of peacebuilding, and a sign of confidence in fledgling peace processes. This view is reflected in former United Nations Secretary-General Kofi Annan’s 2005 statement that ‘[t]he return of refugees and internally displaced persons is a major part of any post-conflict scenario. And it is far more than just a logistical operation. Indeed, it is often a critical factor in sustaining a peace process and in revitalizing economic activity.’<sup>65</sup> Although some

<sup>59</sup> J. Borneman, ‘Returning German Jews and Questions of Identity’, in L. D. Long and E. Oxfeld (eds), *Coming Home? Refugees, Migrants and Those Who Stayed Behind* (Philadelphia: University of Pennsylvania Press, 2004), p. 129.

<sup>60</sup> Susan Martin et al., *The Uprooted: Improving Humanitarian Responses to Forced Migration* (Lanham: Lexington Books, 2005), pp. 81–6; Gil Loescher, *The UNHCR and World Politics: A Perilous Path* (Oxford: Oxford University Press, 2001).

<sup>61</sup> James Hathaway, ‘The Meaning of Repatriation’, *International Journal of Refugee Law*, 9:4 (1997), p. 53. In 2009, only one per cent of refugees around the world were resettled. See UNHCR, *2009 Global Trends*, p. 12.

<sup>62</sup> Catherine Phuong, *Forcible Displacement in Peace Agreements* (Geneva: International Council on Human Rights Policy, 2005).

<sup>63</sup> UNHCR, *2007 Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons* (Geneva: UNHCR, 2008), p. 10.

<sup>64</sup> On norms surrounding refugee repatriation, see for example M. Zieck, ‘Voluntary Repatriation: Paradigm, Pitfalls, Progress’, *Refugee Survey Quarterly*, 23:3 (2004); Simon Bagshaw, ‘Benchmarks or Deutschmarks? Determining the Criteria for the Repatriation of Refugees to Bosnia and Herzegovina’, *International Journal of Refugee Law*, 9:4 (1997); Megan Bradley, ‘Back to basics: The conditions of just refugee returns’, *Journal of Refugee Studies*, 21:3 (2008).

<sup>65</sup> Kofi Annan, ‘United Nations Secretary-General’s address’, Statement delivered to the UNHCR Executive Committee’, Geneva (6 October 2005). While some scholars have questioned the widespread assumption that there is a mutually reinforcing relationship between the success of peace and repatriation processes, the close relationship between peacebuilding and repatriation movements has been established through the work of scholars such as Patricia Weiss Fagen, Richard Black, and Michael Dumper. See

states of origin such as Bhutan and Israel continue to ardently oppose repatriation, it is now more common for refugee-creating states emerging from conflict to accede to return for a variety of reasons, including to demonstrate their legitimacy and bolster their international support.

### *Arendt's views on repatriation*

This shift towards large-scale post-conflict repatriation was largely unanticipated by Arendt, although she was initially optimistic about the possibilities of reforming Germany into a state open to the return or immigration of Jewish refugees. In a 1945 letter to Karl Jaspers, Arendt wrote that she envisioned a new German republic 'in which every Jew, no matter where he was born, could become a full citizen at any time if he wishes, simply by virtue of his Jewish nationality, without abandoning being Jewish'.<sup>66</sup> However, she ultimately saw repatriation as an exceptional process that could not make a significant contribution to resolving the refugee predicament. This view was perhaps shaped by her own experiences of returning to post-war Germany. Arendt first returned to Germany from August 1949–March 1950, and then made regular, sometimes lengthy visits for the rest of her life. Rensmann argues that Arendt arrived with 'hope for the possibilities of the country's political and moral renewal', and was motivated by 'her desire and commitment to help the Germans build a new society – one based on a truthful acknowledgement and working through of the past'.<sup>67</sup> (In this sense, Arendt clearly did not see her ideas on the political impotency of the refugee as applying to herself. Even before resettling to the United States and gaining citizenship there, Arendt was highly active in opposition to Nazism.) Yet upon her arrival she encountered strong opposition from Germans to Jewish returnees, which she noted in her 1950 essay, 'The Aftermath of Nazi Rule: Report from Germany'.<sup>68</sup>

This hostility perhaps shaped Arendt's view that ultimately repatriation could make no more than a marginal contribution towards resolving the problem of refugeehood. She asserts that 'from the beginning' of the European refugee crises, 'everybody agreed that there were only two ways to solve the problem: repatriation or naturalization'.<sup>69</sup> However, efforts to apply the solution of repatriation did not

for example Patricia Weiss Fagen, 'Post-Conflict Reintegration and Reconstruction: Doing it Right Takes a While', in N. Steiner, G. Loescher, and M. Gibney (eds), *Refugee Protection: Ethical, Legal and Political Problems and the Role of UNHCR* (New York: Routledge, 2003); various contributors in Michael Dumper (ed.), *Palestinian Refugee Repatriation in Global Perspective* (London: Routledge, 2006); and various contributors in Richard Black and Khalid Koser (eds), *The End of the Refugee Cycle? Refugee Repatriation and Reconstruction* (Oxford: Berghahn Books, 1999).

<sup>66</sup> Quoted in Lars Rensmann, 'Returning from forced exile: Some observations on Theodor W. Adorno's and Hannah Arendt's experience of postwar Germany and their political theories of totalitarianism', *Leo Baeck Institute Year Book*, 49 (2004), p. 189.

<sup>67</sup> Rensmann, 'Returning from forced exile', pp. 177–8. Rensmann (pp. 176–7) suggests that unlike many Jewish refugees, Arendt was able to contemplate and ultimately act on her intention of returning to Germany because she saw the Holocaust as a product of 'modern social conditions in general', a view which left 'the role of political culture and (anti)democratic tradition, human action and responsibility, and in this case specific German culpability ... by the wayside'. Rensmann (p. 177) argues that Arendt's experiences of return 'did lead to a shift, albeit one that was limited, contradictory and fragmented' in her interpretation of the Third Reich and the Shoah.

<sup>68</sup> This essay is available at: {[http://www.stanford.edu/dept/DLCL/files/pdf/hannah\\_aftermath\\_of\\_nazi\\_rule.pdf](http://www.stanford.edu/dept/DLCL/files/pdf/hannah_aftermath_of_nazi_rule.pdf)}.

<sup>69</sup> Arendt, *Origins*, p. 281.

yield 'tangible results' because states of origin could simply refuse to readmit those whom they had deported.<sup>70</sup> 'Repatriation measures naturally failed', Arendt writes, 'when there was no country to which these people could be deported. They failed not because of consideration for the stateless persons . . . and not because of humanitarian sentiments on the part of the countries that were swamped with refugees; but because neither the country of origin nor any other agreed to accept the stateless person.'<sup>71</sup> Repatriation was therefore in Arendt's eyes likely to be nothing more than a small-scale endeavour achieved through the smuggling of individual refugees across national borders.<sup>72</sup>

Arendt recognised that repatriation is at odds with the notion that refugees are stateless, and noted that while in exile, refugees would often band together to 'insist on their nationality'; indeed, Arendt argues that 'not a single group of refugees or Displaced Persons has failed to develop a fierce, violent group consciousness and to clamour for rights as – and only as – Poles or Jews or Germans, etc.'<sup>73</sup> But because the refugees had been ousted from the political community of the state, these protestations were futile, and as the horrors awaiting members of unwanted groups became abundantly clear, refugees would abandon their membership claims. In the face of enforced return, refugees would cling to their 'stateless' label:

The postwar term 'displaced persons' was invented during the war for the express purpose of liquidating statelessness once and for all by ignoring its existence. Nonrecognition of statelessness always means repatriation, i.e. deportation to a country of origin, which either refuses to recognize the prospective repatriate as a citizen, or, on the contrary, urgently wants him back for punishment . . . Once the government tried to use its right and repatriate a resident alien against his will, he would do his utmost to find refuge in statelessness.<sup>74</sup>

Arendt's contemporary political theorist and fellow German-Jewish refugee Judith Shklar was similarly unable to conceive of the large-scale repatriation of refugees and the reconstruction of the relationship between returnees and their state of origin. Shklar argues that refugees such as the Holocaust survivors 'have been expelled beyond all hope of return . . . After such an expulsion, there is no point in trying to reclaim one's rights'.<sup>75</sup> Shklar explains the expellees' condition in 'Lockean terms': 'both contracts had been broken, the first between members of society as well as the second between citizens and the state. They were betrayed at both levels, excluded from civil no less than from political society.'<sup>76</sup> While her analysis effectively illuminates refugees' disenfranchisement from the state as well as from their fellow citizens, neither Shklar nor Arendt's theorisation of exile can fully explain the current political problem confronting refugees. Shklar presciently suggests that psychologically, many refugees may be past the point where they could ever hope for return or reconciliation with their state of origin. Yet in the contemporary refugee regime, fewer and fewer refugees, neither victims of the Taliban nor orphaned Tutsis, are 'expelled beyond all hope of return'. Too often, finding secure and permanent

<sup>70</sup> Ibid.

<sup>71</sup> Ibid., p. 283.

<sup>72</sup> Ibid., p. 284.

<sup>73</sup> Ibid., p. 292.

<sup>74</sup> Ibid., pp. 279, 286.

<sup>75</sup> Judith Shklar, 'Obligation, Loyalty, Exile', *Political Theory*, 21:2 (1993), p. 193.

<sup>76</sup> Shklar, 'Obligation, Loyalty, Exile', p. 193.

asylum is an even bleaker prospect than repatriation, and the ‘hope of return’ must be faced, regardless of whether it is a welcome homecoming.

*Implications of repatriation for Arendt’s account of refugeehood*

What then are the implications of the rise of repatriation for Arendt’s account of refugees as fundamentally stateless and rightless? First, one might react with scepticism to the suggestion that large-scale return processes challenge Arendt’s account of refugeehood. Repatriation operations are often seriously flawed processes that subject refugees to major risks as states of origin and their agents may not necessarily be fully able or uniformly willing to protect the rights and wellbeing of returnees. In some cases, refugees have been pushed by recalcitrant host states, fatigued donors, and over-strapped humanitarian agencies to repatriate to states that have not yet undergone significant reform, and upon return have been exposed to violence, discrimination, and impoverishment. In these cases, the argument could be made that return simply perpetuates the condition of *de facto* statelessness. Refugees and returnees in such circumstances certainly lack effective state protection, but this is unfortunately true of almost every citizen of deeply dysfunctional states such as Afghanistan and Haiti, displaced or not. If it is to maintain its analytic incisiveness, ‘statelessness’ cannot simply mean a lack of robust state protection. Very different courses of action are required to resolve the predicament of people who are literally stateless (in the sense of having no state against which to make claims for protection and assistance), and to ensure that the citizens of abusive or failing states, including refugees and returnees, can benefit from stronger state protection systems. While a stateless person must carve out a fresh space for herself as a member of a state’s political community, a refugee can already lay claim to such a space, albeit one in marked need of improvement.

Second, an examination of repatriation underlines the significant ways in which some of the parameters of the problem of refugeehood have shifted since 1951, when Arendt offered her most sustained discussion of refugees and statelessness in *The Origins of Totalitarianism*. At the time, Arendt wrote that refugees were people for whom ‘suddenly the rules of the world around them had ceased to apply ... the abstract nakedness of being nothing but human was their greatest danger’.<sup>77</sup> No doubt many refugees forced from their homes still experience a horrible vertigo as they attempt to navigate a world not grounded by familiar rules and customs. But states, who in Arendt’s account ultimately determine the meaning of refugeehood, are today much more insistent on the continued application of ‘the rules of the world’, particularly as they pertain to citizenship. Accordingly, refugees are seen not as stateless victims but as citizens of the state that exiled them, and in many cases the assumption – even insistence – is that they will eventually return to their country of origin. In those cases where refugees are pushed to ‘voluntarily’ return before conditions in their country of origin are secure, it is now not the ‘abstract nakedness of being nothing but human’ that poses the greatest danger, but the perception that as a citizen of the state of origin, the refugee can be required to return and address

<sup>77</sup> Arendt, *Origins*, pp. 267, 300.



her claims for protection and assistance to her own government, even when these are very unlikely to be heard.

Third, as aforementioned, another important change that has taken place since Arendt developed her ideas on refugeehood pertains to the nature of the states from which refugees flee – and to which they return. Arendt was sceptical of repatriation in part because it ‘left the system itself untouched’, to the extent that displaced populations could be ‘unscrambled’ and ‘returned’ to national states where their group was in the majority.<sup>78</sup> Given the highly diverse nature of many of the developing states that now generate refugees, it is no longer possible – if it ever was – to ‘represent political subjectivity in terms of state/nation/territory’.<sup>79</sup> Contemporary repatriation is not so much about membership in a particular national group as it is a site for contestation over the content of citizenship in multiethnic countries emerging from colonialism and conflict, and who has the opportunity to claim the rights associated with it.

Fourth, the practice of repatriation should prompt a rethinking of Arendt’s conception of refugeehood because the return process brings into focus the ways in which refugees may function effectively as political actors. In the paragraphs above, I have highlighted some of the ways in which the refugee regime’s increased focus on repatriation may be troubling for all those concerned about the dignity and wellbeing of refugees. However, it is important to recognise that return processes are not uniformly disempowering. Particularly when a conflict has ended and the state of origin has been fundamentally reformed, refugees may actively desire the opportunity to return to their country of origin, and may use the repatriation process as an opportunity to renegotiate their relationship with their state of origin by asserting their rights claims and challenging the state’s prerogative in deciding which citizens can participate in the political community of the state.<sup>80</sup> Whereas Arendt typically depicted refugees’ efforts to organise themselves to demand their rights as futile in light of their stateless status, an examination of political mobilisation in recent and contemporary refugee communities demonstrates that even while displaced, many refugees are engaged in the process of pursuing political membership in their state of asylum or, more importantly for the purposes of this article, regaining space in the political community of their country of origin. Arendt argued that the life of a refugee separated from his community is ‘mere existence in all matters of public concern. This mere existence ... can be adequately dealt with only by the unpredictable hazards of friendship and sympathy, or the great and incalculable grace of love.’<sup>81</sup> However, many refugees have proven themselves to be astute political actors in multiple arenas, using diaspora networks to affect political change in their country of asylum and in their home communities.<sup>82</sup> In particular, some refugees take up arms to return and reclaim their rights by force, while other groups, such as the Guatemalan refugees

<sup>78</sup> *Ibid.*, p. 276.

<sup>79</sup> Owens, ‘Reclaiming “Bare Life”’, p. 568.

<sup>80</sup> These processes of rights assertion are often supported by international actors and include, for example, efforts to ensure that the rights of refugees and other displaced persons are recognised in peace agreements and national constitutions, and campaigns to secure the restitution of refugees’ lost property. See for example Scott Leckie (ed.), *Returning Home: Housing and Property Restitution Rights of Refugees and Displaced Persons* (New York: Transnational Publishers, 2003).

<sup>81</sup> Arendt, *Origins*, p. 301.

<sup>82</sup> See, for example, Nicholas Van Hear, *New Diasporas: The Mass Exodus, Dispersal and Regrouping of Migrant Communities* (Seattle: University of Washington Press, 1998).

exiled to Mexico in the 1980s, manage to leverage the rights accorded to them under international law to negotiate the conditions of their return with their states of origin. Indeed, by demonstrating how refugees may position themselves as political actors to claim their rights as citizens and contribute, however modestly, to the re-envisioning and reform of their state, the case of the Guatemalan returnees challenges many of the central precepts of Arendt's account of refugeehood.

*'Becoming equal'?: The Guatemalan collective return*

'Equality', Arendt writes, 'in contrast to all that is involved in mere existence, is not given to us, but is the result of human organization insofar as it is guided by the principle of justice. We are not born equal; we become equal as members of a group on the strength of our decision to guarantee ourselves mutually equal rights.'<sup>83</sup> The collective return of Guatemalan refugees from Mexico was an instance of a diverse group of impoverished exiles coming together to demand recognition by the largely recalcitrant Guatemalan state of their status as equal citizens, and to help guarantee one another's rights in the context of a negotiated repatriation process. By demonstrating the potential power of refugees as political actors, this case challenges the view that 'Those most in need of so-called "inalienable" rights – stateless persons and refugees, those without a right to citizenship – are in no position to claim them.'<sup>84</sup>

The civil war that prompted an exodus of refugees from Guatemala in the 1980s was not an aberration from the historical trajectory of the Guatemalan state, but a direct consequence of the racism and class discrimination that have characterised the country since Spanish *conquistadores* and their descendents evicted indigenous Maya from their traditional territories and claimed ownership over the vast majority of the country's arable land. The civil war was sparked in 1954 when President Jacobo Árbenz, who attempted to implement modest land redistribution measures, was overthrown in a CIA-orchestrated coup. Heavy-handed military rule and rampant social inequality fuelled a leftist insurgency movement based in the country's remote highlands. In 1982, four of these rebel groups united to form the *Unidad Revolucionaria Nacional Guatemalteca* (URNG), a political and military movement that boasted 6,000–8,000 fighters and 500,000 supporters at the height of its power in the early 1980s. In response, the military initiated a scorched earth campaign that aimed to 'remove the water from the fish' – in other words, to undercut the rebels' support base by depopulating the highlands.<sup>85</sup> Anyone considered a 'sympathizer or potential sympathizer' was a legitimate target; the indigenous *campesinos* (peasants) presumed to form the backbone of the insurgents' support network bore the brunt of the violence.<sup>86</sup> Guatemala's national truth commission eventually found the state responsible for 93 per cent of the violence and violations committed during the civil war. 80 per cent of the victims were Maya, prompting Guatemala's truth commission

<sup>83</sup> Arendt, *Origins*, p. 301.

<sup>84</sup> Owen, 'Reclaiming "Bare Life"?', pp. 576–7.

<sup>85</sup> P. Costello, *Guatemala: Displacement, Return and the Peace Process* (Geneva: UNHCR, 1995); Finn Stepputat, 'Repatriation and the Politics of Space: The Case of the Mayan Diaspora and Return Movement', *Journal of Refugee Studies*, 7:2/3 (1994), p. 179.

<sup>86</sup> Paula Worby, 'Security and Dignity: Land Access and Guatemala's Returned Refugees', *Refuge*, 19:3 (2001), p. 17.

to declare the state guilty of genocide.<sup>87</sup> Displacement figured centrally in the genocide, with at least 20 per cent of the population forced from their homes, often under gruelling conditions specifically intended to cause death.<sup>88</sup> Although some 1.5 million were displaced within Guatemala, political, humanitarian, and scholarly attention focused on the 45,000 Guatemalans who took shelter in Mexico, were recognised as refugees by UNHCR, and established in camps in the border state of Chiapas.

By 1986, the army recognised the need to revive Guatemala's abysmal international reputation by restoring civilian rule in word if not in deed, and three decades of military rule gave way to a civilian, elected president and regional peace negotiations, although in practice the military continued to hold the lion's share of power in Guatemala. While regional negotiations were under way, the new Guatemalan government dispatched delegations to Mexico to 'woo the refugees home' (despite the persistent opposition of the military) in a bid to restore the state's credibility and attract aid.<sup>89</sup> Would-be repatriates were promised property restitution and an amnesty covering their purported support for the insurgents. However, deep scepticism regarding the government's promises prompted the exiles to establish a network of Permanent Commissions of Guatemalan Refugees (CCPP) dedicated to achieving a collective and organised return. Although many of the refugee leaders were poorly educated *campesinos* with little political experience, they built on efforts amongst indigenous communities to fight poverty and racism, inspired in part by the tenets of liberation theology. Participants in the collective return movement were known as *retornados*, and distinguished themselves morally, politically, and socially from the *repatriados* who returned on the government's terms. In the movement's discourse, a *retornado* was a 'real refugee' who 'perceives exile as transient and therefore does not attach himself too much to life in Mexico'.<sup>90</sup> Whereas Arendt opened her influential essay 'We Refugees' with the admission that '[i]n the first place, we don't like to be called "refugees"', in this case the Guatemalans appropriated the term 'refugee' as a marker of pride and as a membership claim.<sup>91</sup> The refugees' slogan 'Return is struggle, not resignation' reflected their awareness of the risks inherent in repatriation, but also their conviction that engaging in the struggle was a powerful expression of their dignity as individuals, indigenous peoples, and Guatemalans.<sup>92</sup>

Participation in the collective return movement stoked the creation of new political identities amongst the refugees, as many began to reflect on themselves as Guatemalans, while a concept of their collective identity as indigenous peoples emerged that spanned linguistic and cultural subdivisions within the population. These new

<sup>87</sup> Commission for Historical Clarification, *Guatemala: Memory of Silence – Report of the Commission for Historical Clarification* (Guatemala City: CEH, 1999), Conclusions, Section I, paras 2, 15, 25, Section II, paras 111, 122.

<sup>88</sup> Worby, 'Security and Dignity', p. 17; Paul Seils, 'Reconciliation in Guatemala: The role of intelligent justice', *Race and Class* 44:1 (2002), p. 43.

<sup>89</sup> Costello, 'Guatemala'; Worby, 'Security and Dignity', p. 18.

<sup>90</sup> Stepputat, 'Repatriation and the Politics of Space', p. 181.

<sup>91</sup> Arendt, 'We Refugees', p. 264.

<sup>92</sup> S. Riess, "'Return is struggle, not resignation": Lessons from the repatriation of Guatemalan refugees from Mexico', *UNHCR New Issues in Refugee Research Working Papers*, 21 (2000). Riess and other scholars of the Guatemalan return demonstrate that the 'retornados' challenged not only their relationship with their state of origin, but also with UNHCR and the broader refugee regime.

identities were buttressed by the appropriation of a 'new language of rights', which pervaded the agreement on return signed by the CCPP and Guatemalan government on 8 October 1992.<sup>93</sup> Known as the October Accord, it was the first repatriation agreement negotiated between a government and its exiled citizens. The Accord stipulated that the 'return of refugees must be a voluntary decision, individually expressed, undertaken in a collective and organized fashion, under secure conditions and with dignity.' More specifically, it recognised returnees' right to personal and community security; free association and organisation; and freedom of movement. The most detailed provisions in the October Accord focused on remedial rights and access to land. The *retornados* envisioned creating a number of return communities in which some families would remain, while others eventually moved on to their original lands. Accordingly, the agreement set out a property restitution process, and pledged that all landless adult returnees could become landowners through a 'revolving credit' scheme under which land purchase loans would be repaid to a community development fund, rather than to the state. The refugees celebrated this solution as both a just response to their displacement during the civil war, and reparation for the systematic dispossession of the Maya since the colonial era.<sup>94</sup> However, even CCPP supporters 'wondered at the government's apparent demagoguery in promising generous terms that at best would not be replicable to any group in Guatemala other than the refugees and at worst would simply be unworkable because of the resources they would require.'<sup>95</sup>

When the first group of 2,500 returnees re-entered Guatemala in January 1993, they were welcomed by hundreds of activists, diplomats, officials, reporters, and fellow *campesinos*. Before returning to the land set aside for them, and despite strenuous opposition from the military, the returnees undertook a three-week, cross-country caravan designed to raise awareness of their experiences and goals. The 'grand tour' was both a 'symbolic reappropriation of citizenship' and an astute strategy based on the returnees' recognition that their security depended on 'popular support and visibility in (the very limited) public opinion'.<sup>96</sup> In the return community, christened Victoria 20 de Enero (Victory 20th of January), the state's ambivalence towards the return was reflected in the army's attempts to intimidate the community, and delays in negotiating restitution and securing alternative land. Coupled with a coup in May 1993, these problems thwarted refugee advocates' prediction that the October Accord would result in a 'quantum leap in repatriation'.<sup>97</sup> When civilian rule was restored and collective returns resumed at the end of 1993, they took place with much less fanfare, but in equally insecure circumstances, characterised by sporadic attacks against *retornados* and culminating with the October

<sup>93</sup> R. Krznaric, 'Guatemalan Returnees and the Dilemma of Political Mobilization', *Journal of Refugee Studies*, 10:1 (1997), p. 71.

<sup>94</sup> M. Leffert, 'Women's Organizations in Guatemalan Refugee and Returnee Populations', in Ian Smillie (ed.), *Patronage or Partnership: Local Capacity Building in Humanitarian Crises* (Bloomfield: Kumarian Press, 2001); Worby, 'Security and Dignity', p. 20. On the significance of the evolving indigenous identities of the Guatemalan refugees and returnees, see, for example, R. Krznaric, 'Guatemalan Returnees, and Finn Stepputat, 'Repatriation and the Politics of Space'.

<sup>95</sup> Worby, 'Security and Dignity', pp. 19–20.

<sup>96</sup> Stepputat, 'Repatriation and the Politics of Space', p. 178.

<sup>97</sup> Washington Office on Latin America (WOLA), *Uncertain Return: Refugees and Reconciliation in Guatemala* (Washington: WOLA, 1989), p. 5.

1995 massacre by Guatemalan soldiers of 11 returnees in Xaman who were peacefully protesting army presence in their community. Following the Xaman massacre, return rates slowed considerably, with the last collective returnees arriving in April 1999.<sup>98</sup>

Although return rates were modest, many officials, scholars, and refugees contend that the return made a direct and substantial contribution to peace in Guatemala.<sup>99</sup> Returnees advanced the peace process by bringing issues of violence and repression into the public arena for discussion, while their efforts set the stage for extensive popular participation in the national peace process. Furthermore, the October Accord served as a 'partial blueprint' for the June 1994 Accord on the Resettlement of Populations Uprooted by the Armed Conflict (Resettlement Accord), one of the 13 agreements reached by the government and the URNG to officially end the civil war.<sup>100</sup> This agreement specifically connects durable solutions with the need for state reform, underlining that one of the main objectives of return is to 'develop and strengthen the democratization of State structures, ensuring that the constitutional rights and duties of the uprooted population groups are respected at the community, municipal, departmental, regional and national levels'.<sup>101</sup> Suggestions that the Guatemalan operation represents a 'best-case scenario' must be tempered by the recognition that the agreements negotiated by the refugees in Mexico directly benefitted only a fraction of the total displaced population, and were not fully honoured by the Guatemalan government. Ultimately, the return movements and the broader peace process have in many senses failed to substantively transform the Guatemalan state: more than ten years after the end of the civil war and the conclusion of refugee repatriation, impunity, systematic discrimination, and impoverishment prevail.<sup>102</sup> Yet, this case demonstrates how marginalised citizens, even while in exile, may contest the assumed power of the state to determine membership and recognise rights. Returnees remain involved in ongoing efforts to commemorate and repair unresolved grievances, testifying to their determination to change the character of their state and the quality of political life in Guatemala. The returnees' mantra 'Struggle to return! Return to struggle!' underlines that they never thought this would be a simple or short undertaking.<sup>103</sup> The Guatemalan refugees' experience therefore provides an alternative vision to Arendt's conceptualisation of refugees as stateless, rightless souls left in the margins of political struggle, and should serve as a caution to scholars who attempt to universalise Arendt's historically contingent arguments on the nature of refugeehood.<sup>104</sup> In contrast to researchers and practitioners who assume that solu-

<sup>98</sup> Krznaric, 'Guatemalan Returnees', pp. 64–5; Paula Worby, *Lessons learned from UNHCR's involvement in the Guatemalan refugee repatriation and reintegration programme (1987–1999)* (Geneva: UNHCR, 1999), pp. 13–14.

<sup>99</sup> See, for example, various contributors in L. North and A. Simmons (eds), *Journeys of Fear: Refugee Return and National Transformation in Guatemala* (Montreal: McGill-Queen's University Press, 1999).

<sup>100</sup> A. Jamal, *Refugee Repatriation and Reintegration in Guatemala: Lessons from UNHCR's Experience* (Geneva: UNHCR Evaluation and Policy Analysis Unit, 2000), p. 5.

<sup>101</sup> Resettlement Accord 1994, Section I, Objectives, Article 4.

<sup>102</sup> Worby, 'Security and Dignity', p. 17; K. Long, 'State, Nation, Citizen: Rethinking Repatriation', *Oxford Refugee Studies Centre Working Papers*, 48 (2008).

<sup>103</sup> C. Taylor, *Return of Guatemala's Refugees: Reweaving the Torn* (Philadelphia: Temple University Press, 1998), p. 10.

<sup>104</sup> While there are certainly unique elements of the Guatemala return movement, the case is not *sui generis*. The 'retornados' derived inspiration from the organised return of refugees to El Salvador from Honduras in the 1980s, and the use of repatriation movements as campaigns for the reassertion

tions for refugees' displacement are to be found primarily, if not exclusively, through the resettlement of refugees to Western democracies where they may obtain new citizenships, this case suggests a different approach of recognising the legitimacy of refugees' citizenship claims in their states of origin, and – if this is the solution refugees choose – backstopping their efforts to make these claims effective.

## Conclusion

At the time of the world wars, the construction of internment and ultimately concentration camps represented states' answer to the critical question around which 'all discussions about the refugee problems revolved': 'How can the refugee be made deportable again?'<sup>105</sup> Since the mid-1980s, states' answer to this question has been to reframe the refugee problem so that the displaced are no longer seen as stateless and rightless, but as citizens of their state of origin, with the right to return in safety and dignity. Political pressure and a range of incentives have been marshalled to convince states of origin to agree to readmit their exiled citizens, thereby relieving the 'burden' on asylum countries. To be sure, this is a shift that serves the interests of the most powerful states in the international system. Yet enabling safe, dignified, and durable voluntary returns must also be an important part of upholding some degree of state responsibility for displacement; indeed, failure to enable voluntary repatriation after conflicts may in some cases be seen as tantamount to acquiescing to ethnic cleansing. Furthermore, as the Guatemalan case demonstrates, in some instances, particularly when uprooted populations actively seek out the opportunity to return to their country of origin, voluntary repatriation may also empower those individuals who have been exiled by challenging the state's prerogative to unilaterally eject its own citizens. The Guatemalan case also shows that exile does not necessarily entail complete expulsion from the political community of the state. Even while displaced, refugees may contribute to the development of new political visions for the state, and engage the state in debating their claims. Although the degree of political organisation demonstrated by the Guatemalan refugees is rare, it is not unique. In the context of repatriation operation around the world, returnees engage in the process of renegotiating their relationship with their state of origin, through acts such as filing property restitution claims, testifying before truth commissions or tribunals, and assuming leadership positions in new governments.<sup>106</sup> The Guatemalan *retornados* were themselves inspired by activism amongst Salvadoran refugees, and their expe-

of political claims is a well-established practice in the Great Lakes region of Africa. That said, it should be noted that my goal is not to generalise from this analysis of the Guatemalan return, but to use this case as an entry point for rethinking the implications of repatriation for conceptualisations of refugees as rightless and stateless.

<sup>105</sup> Arendt, *Origins*, p. 284.

<sup>106</sup> On the spread of international norms on property restitution for repatriating refugees, see, for example, Rhodri Williams, *The Contemporary Right to Property Restitution in the Context of Transitional Justice* (New York: International Center for Transitional Justice, 2007). On the involvement of displaced populations in transitional justice mechanisms, see, for example, Duthie, 'Displacement and Transitional Justice'; and Laura Young and Rosalyn Park, 'Engaging Diasporas in Truth Commissions: Lessons from the Liberia Truth and Reconciliation Commission Diaspora Project', *International Journal of Transitional Justice*, 3 (2008). Returnees have assumed leadership positions in various governments, including in Timor-Leste and in Somalia's transitional administration.

periences have in turn served as an example to Burmese refugees encamped on the Thai border, awaiting an eventual return to their country.<sup>107</sup>

In light of these significant changes, it is not only conceptually inaccurate but also a potential disservice to the displaced to generalise Arendt's depiction of refugees as stateless, rightless, and politically adrift. As Turton writes,

to emphasize the horror and pain of the loss of home ... and to say nothing – or little – about the work of producing a new home or neighborhood, whether in a refugee camp, resettlement site, detention centre, city slum or middle class suburb, is to treat the displaced as fundamentally flawed human beings, as lacking what it takes to be social agents and historical subjects. It is to see them ... as a category of 'passive victims' who exist to be assisted, managed, regimented and controlled.<sup>108</sup>

While Arendt saw the European refugee as robbed of 'his political status in the struggle of his time', the actions of refugees and returnees not only from Guatemala but also in countries from Mozambique to Timor-Leste have shown this theoretical picture to be incongruous with the reality of refugees as political actors on many different levels.<sup>109</sup> 'Displacement', David Turton insists, 'is not just about the loss of place, but also about the struggle to *make* a place in the world, where meaningful action and shared understanding is possible'.<sup>110</sup> Equally, it may be about the struggle to *regain* a place in the world – a process that merits greater attention as geo-political changes and alterations in the structure of the international refugee regime have pushed repatriation to the forefront of efforts to find durable solutions to displacement. Cleaving so closely to an account of refugeehood and statelessness that Arendt articulated in response to particular historical and political circumstances, and that is now in some ways anachronistic, risks misinterpreting the contemporary nature of these problems, and may also undermine refugees' claims to equal standing as citizens in their countries of origin. Overlooking refugees' status as citizens and defining them as uniformly stateless undercuts refugees' political foundation for advancing claims against their states of origin, and leaves them reliant on charity and compassion, which Arendt convincingly argued are inadequate bases for developing the public realm.<sup>111</sup> This reading also overlooks the contributions Arendt's broader body of work may make to understanding how the refugee predicament may be resolved through 'creative, transfigurative action' in the public sphere.<sup>112</sup> Over the course of her life and work, 'Arendt pleaded for the dissolution of the unity of nation, territory, and state as the basis of modern nation states in favour of a state in the sense of a political space with political citizens.'<sup>113</sup> The Guatemalan repatriation movement is but one example of how refugees and returnees may contribute as rights-bearing citizens to this ongoing struggle for state transformation.

<sup>107</sup> Krznaric, 'Guatemalan Returnees', p. 71; Inter Pares, 'Building the Road Home', *Inter Pares Bulletin*, 25:4 (2003).

<sup>108</sup> David Turton, 'The Meaning of Place in a World of Movement', *Journal of Refugee Studies*, 18:3 (2003), p. 278.

<sup>109</sup> Arendt, *Origins*, p. 301.

<sup>110</sup> Turton, 'Meaning of Place', p. 258.

<sup>111</sup> See Owens, 'Xenophilia', pp. 297–8 for a more detailed discussion of this point.

<sup>112</sup> Isaac, 'A New Guarantee', p. 64.

<sup>113</sup> Heuer, 'Europe and its Refugees', pp. 1163–4; see also Isaac, 'A New Guarantee', pp. 61–4.