

Statelessness and Gender Justice: A Critical Feminist Approach to Conceptions of Statelessness

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I. Introduction

The problem of statelessness is a significant but often overlooked moral issue. The United Nation estimates there may be as many as 12 million stateless people.¹ It is difficult to accurately determine the number of stateless people; the actual numbers are likely much higher than the reported count. This is due to a number of variables, including bureaucratic complications and overlapping refugee counts. Regardless of the exact number, it is definitively in the millions,² and a significant global justice concern.

A stateless person, by legal definition, is a “person who is not considered a national by any State under the operation of its law”.³ For the purposes of this paper, I will

1. UN High Commissioner for Refugees (UNHCR), *Helping the World's Stateless People*, (2011), UNHCR / DIP / Q&AA4 / ENG 1, 2. <https://www.refworld.org/docid/4e55e7dd2.html>

2. Idem, 2.

3. UN General Assembly, *Convention Relating to the Status of Stateless Persons*, (1954), Treaty Series, vol. 360, p. 3, <https://www.refworld.org/docid/3ae6b3840.html>

be focusing on *de jure* statelessness. This is contrasted with *de facto* statelessness in which individuals may technically have a nationality, but their state is ineffective in rights provision and the individual cannot derive any benefits from their nationality.⁴

De jure forms of statelessness can be caused by a number of factors: changes in nationality laws, state succession or dissolution, specific citizenship laws, or revocation of citizenship, to name a few.⁵ These causes are all human-made and a result of various state institutions.

Statelessness is fundamentally a result of the conflict between a state's *prima facie* right to exclusion, grounded in the principle of self determination,⁶ and an individual's right to a nationality or membership.⁷ This individual's right is fundamental for human rights considerations and provisions. While states may claim a right to self-

4. Weissbrodt, David, and Clay Collins, "The Human Rights of Stateless Persons." *Human Rights Quarterly* 28, no. 1 (2006): 252. <http://www.jstor.org/stable/20072730>.

5. Ibid.

6. Mathis, Stephen E, "The Statist Approach to the Philosophy of Immigration and the Problem of Statelessness." *Global Justice : Theory Practice Rhetoric* 11, no. 1 (2018): 4. <https://doi.org/10.21248/gjn.11.1.139>.

7. Note: In line with Belton's approach, "nationality" and "citizenship" will be used interchangeably, as is common practice in statelessness literature.

determine, exercised through membership laws, being stateless is fundamentally a human rights issue, which can constrain this state right.⁸ I conceptualize statelessness as a denial of the right to not be rendered stateless, or equivalently, as a right to nationality, in line with Article 15 of the Universal Declaration of Human Rights.⁹ In refusing access to membership, a fundamental human right is being denied.¹⁰ Conditions of statelessness are especially critical, given human rights are a state's moral responsibility to provide and protect for their citizens,¹¹ both internationally and domestically. When one is rendered stateless, their access to this rights protection is absent. Further discussion of the human rights aspect will occur in section II of this paper. This is a global justice issue at its core; with no state to appeal to, the stateless are in a serious condition of vulnerability to rights violations. Political philosophy has begun to treat the issue of statelessness as distinct from other global theories of immigration or refugees,¹² however

8. Mathis, "Statist Approach and Statelessness".

9. UN General Assembly, *Universal Declaration of Human Rights*, (December 10, 1948), 217 A (III), Article XV, <https://www.refworld.org/docid/3ae6b3712c.html>

10. Weissbrodt and Collins, "Human Rights of Stateless", 246.

11. Idem, 248.

12. Belton, Kristy A, "The Neglected Non-Citizen: Statelessness and Liberal Political Theory." *Journal of Global Ethics* 7, no. 1 (April 15,

I argue that conceptions of statelessness have not yet been comprehensively treated.

My central thesis for this paper is that conceptions of statelessness cannot be treated as distinct from questions of gender justice. Firstly, I argue that being rendered statelessness is fundamentally a human rights violation. Secondly, certain gendered citizenship institutions directly contribute to statelessness and disproportionately affect women.¹³ These institutions uniquely violate a woman's basic human dignity and create a distinct and inherently gendered vulnerability to being rendered stateless. In order for conceptions of statelessness to be morally comprehensive, they must include all human rights considerations, including that of gendered vulnerabilities. It is for these reasons that conceptions of statelessness cannot treat gendered dimensions as a distinct issue.

I will first begin by presenting the argument for statelessness as a human rights violation, the common approach to problems of statelessness. I will then present the framework for global gender justice and examine several key

2011): 59–71. <https://doi.org/10.1080/17449626.2011.558733>.

13. UN High Commissioner for Refugees (UNHCR), *Background Note on Gender Equality, Nationality Laws and Statelessness* 2022, (2022), 2. <https://www.refworld.org/docid/6221ec1a4.html>

institutions of citizenship that are problematic (dependent nationality and *jus sanguinis* laws). This argument will apply Allison Jaggar's framework on transnational cycles of gendered vulnerabilities to the gendered dimension of statelessness. Using this framework, I will then argue why conceptions of statelessness cannot be separated from questions of gender justice.

II. Statelessness as a Human Rights Violation

In order to ground the moral importance of this argument, it is necessary to conceptualize statelessness as a human rights violation, and not merely a lack of civic access. Treating statelessness from the human rights lens is the primary philosophical and international treatment of statelessness.¹⁴ There are several arguments for how statelessness constitutes a rights violation. Hannah Arendt famously categorized political membership as the right to have rights,¹⁵ as it is a precondition for the protection of all other human rights. For Arendt, human rights only exist in the political context; when rendered stateless their

14. Weissbrodt and Collins, "Human Rights of Stateless", 245.

15. Arendt, Hannah, *Origins of Totalitarianism*, (New York: Meridian Book, Inc., 1958), 296.

connection to this scheme of rights is also lost. Citizenship can also be understood as a right to membership or a right to nationality, a positive right, or, similarly, a right not to be rendered stateless, a negative right.¹⁶ The right not to be rendered stateless is the conceptualization used throughout this paper, given both the stronger moral duty attached to negative rights, and the focus on state institutions that precisely do “render” one stateless. This conceptualization also requires a stronger obligation from the state, which can arguably deny a right to citizenship on the basis of state sovereignty claims.¹⁷ I am taking this stance by leaning on the natural school of thought that considers human rights as absolute and inherent to being human.¹⁸ Many of the current conceptions of statelessness, including the authors presented here, assume this position. As my dialogue is with existing conceptions, I do not wish here to challenge this conception of human rights but rather enter into the conversation from the same stance. Furthermore, utilizing the strongest iteration of these rights, through the negative right to “not be rendered stateless”, I aim to strengthen

16. Weissbrodt and Collins, “Human Rights of Stateless”, 246.

17. Mathis, “Statist Approach and Statelessness”, 6.

18. Dembour, “Four Schools of Thought”, 2.

my argument and exemplify the need for all human rights considerations, namely that of gender injustice.

While conditions of statelessness obviously violate the right not to be rendered stateless, this is not a sufficient argument to understand the human rights implications. Stephen Mathis argues that citizenship is a prerequisite for a minimally flourishing life because “the liberties and privileges associated with a nationality are fundamental ones.”¹⁹ Numerous human rights treaties enshrine a right to nationality²⁰ precisely because of the various denial of other rights resulting from statelessness, including freedom of movement and legal equality, economic and social rights such as employment, education, and healthcare opportunities.²¹ Access to and protection of social, economic, civil, and political rights is possible only within the context of the state.²² While human rights are granted as a function of being human, these have been adopted by states as their responsibility,²³ stateless people are therefore treated as

19. Mathis, “Statist Approach and Statelessness”, 6.

20. Weissbrodt and Collins, ‘Human Rights of Stateless’, 245.

21. McBride, Kelly A., and Lindsey N. Kingston, “Legal Invisibility and the Revolution: Statelessness in Egypt.” *Human Rights Review* 15, no. 2 (June 2014): 159–75. <https://doi.org/10.1007/s12142-013-0298-7>.

22. Weissbrodt and Collins, “Human Rights of Stateless”, 248.

23. Ibid.

outside of this scope of responsibility. They can therefore be deprived of their rights and are much more susceptible to state-inflicted abuse and human rights violations.

A possible objection to this argument is that a right to a nationality is not in fact a human right because states and citizenship are man-made and not inherent to being human. Mathis responds to this, arguing that the prevalence and dominance of states in the global stage make it practically impossible to achieve this minimal flourishing without a nationality.²⁴ Furthermore, states have adopted the responsibility to provide nationalities, and therefore have an obligation to do so.²⁵ Despite the attention to nationality access paid by international laws and treaties, denials of nationality still occur. Certain forms of *de jure* statelessness are created by states themselves through citizenship rules and institutions.

III. The Feminist Critique

Understanding the moral significance of these non-ideal conditions of gender oppression & discrimination that create salient vulnerabilities is fundamental to my

24. Mathis, "Statist Approach and Statelessness", 6.

25. Idem, 7.

argument. Stateless people are vulnerable, given the lack of rights access. However, degrees of vulnerability within the group are also morally worthy of consideration. When considering morally problematic aspects of gender injustice, the term “dignity” will be used. This refers to a definition of *human* dignity, the basic unearned equal worth of a human,²⁶ considered a fundamental human right.²⁷ “Vulnerability” is a concept central to my argument. Here, the general definition of an increased exposure to harm will suffice. “Oppression” and “domination” are utilized throughout, and their common usage will suffice for understanding.²⁸

For this approach, Allison Jaggar’s framework of global gender justice is central. She examines ways in which global processes and institutions are gender biased (though technically gender-neutral), creating systemic disadvantages and consequences for women, which I argue certain citizenship laws exemplify. This feminist framework is morally important because of the vast extent and effect of

26. Kateb, George, “The Idea of Human Dignity”, *Human Dignity*, (Harvard University Press, 2011), 5. <https://doi.org/10.2307/j.ctvjnr-t4r.5>.

27. UN General Assembly, *Declaration of Human Rights*, Article I.

28. Note: It is not my aim here to further explore philosophical conceptions of oppression and domination, but rather to understand them in common terms, such as gender oppression, and the domination of women.

gender inequalities globally. It is also useful for presenting challenges to 'Western', and primarily male-dominated philosophy, including conceptions of membership itself, though I do not aim to do so here. Furthermore, this feminist framework includes a previously neglected domain of philosophy: that of the family and household.²⁹ Dependent nationality, as shortly discussed, is a question of law but also of marriage practices and familial relationships. These are often considered outside the scope of global philosophy; however, Jaggar argues the arrangements of the household are often created and reinforced by global practices,³⁰ and should therefore be considered.

Specifically, this paper will utilize Jaggar's model of transnational cycles of vulnerabilities.³¹ Initially argued by Susan Moller Okin in the context of marriage, Okin argued that gendered institutions of marriage reinforce vulnerabilities of women to poverty and abuse.³² Iris Young expanded this limited scope to a global scale, arguing that law and public policy reinforced gendered division of labor.

29. Jaggar, "Rethinking Some Basic Assumptions", 13.

30. Ibid.

31. Jaggar, Alison M, "Transnational Cycles of Gendered Vulnerability," in *Gender and Global Justice*, (Cambridge: Polity, 2014), 18–39.

32. Idem, 24.

Gendered role assignments are a crucial factor in creating cycles of vulnerabilities that are inherently gendered.³³ Jaggar argues this framework can be applied to understand patterns of gender inequality globally, as *transnational cycles of vulnerabilities*. These disparities, she argues, are a result of underlying unjust institutions which create systemically gendered vulnerabilities.

Her work is centered on the examples of domestic labor and sex work. For example, she argues gendered assignments of domestic labor create vulnerabilities for domestic workers internationally that can then expose them to domination and exploitation.³⁴ I argue this approach can also be applied to questions of statelessness. Given that the right not to be rendered stateless can be violated by states through their citizenship laws, in particular those that are gendered, these are precisely forms of unjust institutions that can create significant vulnerabilities to human rights violations. This is not simply a domestic justice issue; understanding the distribution of rights along gender lines domestically is also critical for understanding gender

33. Jaggar, "Transnational Cycles", 26.

34. Ibid.

justice beyond state boundaries.³⁵ Properly understanding these citizenship institutions and the way statelessness is perpetuated, especially along gender lines, is a central issue for global justice and conceptions of statelessness.

A. Dependent Nationality Practices

Dependent nationality is best defined as the linking of the nationality of a married woman to that of her spouse.³⁶ It is therefore *dependent* on the citizenship status of another (in contrast to independent nationality), and inherently gendered. These institutions can result in statelessness in numerous ways, as outlined by Weissbrodt and Collins. If strictly applied by a state, a woman could lose her nationality upon a husband's death or as a result of divorce, or if the husband loses his nationality for any reason.³⁷ Statelessness could also occur if a woman, originating from a state with dependent nationality that revokes her citizenship upon marriage, marries someone from a state that does not grant marriage-based citizenship. She would have no citizenship from her state of origin nor

35. Silvey, "Transnational Rights and Wrongs", 88.

36. Weissbrodt and Collins, "Human Rights of Stateless", 257.

37. Ibid.

from the state of her husband's, rendering her stateless.³⁸ Furthermore, if a woman loses her nationality, it is possible she may not be able to reenter her state of origin, removing the possibility of passing on citizenship to her children, rendering them stateless as well.³⁹ Dependent nationality is both morally and practically problematic. As argued, statelessness is inherently a human rights violation, but this form of denial is particularly morally troublesome. Citizenship, and, subsequently, the right to not be rendered stateless, is intrinsically tied to another person, and not granted to the woman as a human in and of herself. Not only is her citizenship dependent, but the ability for rights access and protection is inherently dependent on another. This is a violation of the dignity of women as individuals, there is no equal status of worth: the worth of her husband is valued above her own. This practice is inherently gendered; one could conceive of a female-dependent citizenship practice, however there is little evidence of this, and overwhelmingly male-dependent practices are the norm. While some matriarchal societies certainly exist,⁴⁰

38. Ibid.

39. Idem, 258.

40. Goettner-Abendroth, Heide, "Re-Thinking 'Matriarchy' in Modern Matriarchal Studies Using Two Examples: The Khasi and the

they are few and far between, and the reality of global gender domination is still overwhelmingly that of women. Furthermore, this citizenship practice is a fossil of gender domination and the historical conception of “men” as the center of political and philosophical questions,⁴¹ including those surrounding membership. Practically, dependent nationality is further problematic. It could make decisions of divorce much more difficult. In abusive or exploitative marriages, women would be less likely to leave, in fear of losing their citizenship and therefore human rights access. This is especially a notable problem for parts of the world in which decisions to leave marriages are already difficult. The resulting problem is women trapped between being rendered stateless following a divorce, or remaining in a potentially harmful marriage. This is evidently an example of a gendered institution, dependent nationality, resulting in women being systemically and unequally vulnerable to social domination and the human rights violations involved in being rendered stateless.⁴²

In the world today, dependent nationalities are

Mosuo.” *Asian Journal of Women’s Studies* 24, no. 1 (February 15, 2018): 3–27. <https://doi.org/10.1080/12259276.2017.1421293>.

41. Jaggar, “Rethinking Some Basic Assumptions”, 12.

42. Jaggar, “Transnational Cycles”, 35.

outlawed in international conventions, but this is still a practice that historically has and potentially could continue to lead to statelessness. While the exact number of states with these laws is difficult to ascertain, several states have discriminatory practices including the loss of a woman's nationality upon marriage to a foreign spouse or divorce, including Yemen, Guatemala, and Iran.⁴³ Prior to the First World War, practically all nations had a form of dependent nationality,⁴⁴ creating paths to statelessness that still have global impact. International law has addressed this in several ways. The Convention on the Nationality of Married Women states "that neither the celebration nor the dissolution of a marriage between one of its nationals and an alien, nor the change of nationality by the husband during marriage, shall automatically affect the nationality of the wife."⁴⁵ The Convention on the Elimination of All Forms of Discrimination against Women explicitly states that women should have equal rights to nationality as

43. Equality Now, *The State We're In: Ending Sexism in Nationality Laws*, Equality Now, (2022), 27.

44. Makarov, A.N., "La Nationalité de La Femme Mariée", *Collected Courses of the Hague Academy of International Law* 60 (n.d.), 119. https://doi.org/10.1163/1875-8096_pplrdc_a9789028609723_02.

45. UN General Assembly, *Convention on the Nationality of Married Women*, (29 January 1957), Article I, <https://www.refworld.org/docid/3ae6b3708.html>.

men.⁴⁶ Despite these conventions, dependent nationality practices, a gendered institution, have violated the dignity of women and created gendered conditions of vulnerability to being rendered stateless.

B. Paternally-Linked Citizenship

Though dependent nationality may no longer be as prevalent in creating statelessness as it once was, other forms of citizenship institutions are still directly relevant. *Jus sanguinis* laws are a prime example of this. *Jus sanguinis* laws declare that nationality is passed through family heritage and descent, in comparison to *jus soli*, or ‘law of the land’, in which nationality is awarded through birth within the state’s territory, regardless of parental origin. Most states have a combination of the two,⁴⁷ it is when states have exclusively *jus sanguinis* law that it becomes a concern, as this can create a path towards statelessness. *Jus sanguinis* laws are usually paternally-linked: children gain nationality through their father. In these cases, women are

46. UN General Assembly, *Convention on the Elimination of All Forms of Discrimination Against Women*, (18 December 18, 1979), United Nations, Treaty Series, vol. 1249, p. 13, Article IX. <https://www.refworld.org/docid/3ae6b3970.html>

47. Weissbrodt and Collins, “Human Rights of Stateless”, 254.

unable to pass on citizenship directly to their children.⁴⁸ This can create pathways to statelessness through various ways. If a child is born to a stateless or unknown father, the maternal citizenship cannot be passed on to them (usually, however some states include a provision for stateless fathers).⁴⁹ In some strict cases, if a child is born to an unmarried couple, or out of wedlock, the child is also rendered stateless. The Universal Declaration of Human Rights (UDHR) does protect children born out of wedlock,⁵⁰ however, practically, this protection does not always occur. Furthermore, if a child is born abroad and the laws are such that the father cannot pass on his nationality in this case (a child born on foreign soil), then the child is rendered stateless.⁵¹ Additionally, in cases where the father is either unwilling or unable to provide the required documentation or administrative steps (in cases of abandonment, death, or lack of documentation) the child can further be rendered stateless.⁵² These evidently gendered laws create distinct vulnerabilities to statelessness, which then create

48. *Idem*, 258.

49. UNHCR, *Gender Equality*, page 8.

50. UN General Assembly, *Declaration of Human Rights*, Article XXV.

51. UNHCR, *Gender Equality*, 3.

52. *Ibid.*

generations of stateless people.⁵³

As of 2022, twenty-five countries globally still do not have equal status between men and women in terms of passing on their nationality to their children.⁵⁴ In Kuwait, for example, there are no options for a child born to stateless parents. If a father is stateless, he must petition the government for his child to acquire citizenship.⁵⁵ In Qatar, women cannot pass on nationality to their children or foreign spouses, and can lose their original citizenship through marriage.⁵⁶ During the Gulf Cooperation Council Crisis, many children of cross-national families were rendered stateless and undocumented in part because of these gendered laws.⁵⁷ This problem has been addressed by numerous international treaties as well as the United Nations “I Belong” campaign,⁵⁸ however it remains a significant issue for causes of statelessness. It has been

53. Weissbrodt and Collins, “Human Rights of Stateless”, 258.

54. UNHCR, *Gender Equality*, 2.

55. Weissbrodt and Collins, “Human Rights of Stateless”, 255.

56. Abu-Ras, Wahiba, et al., “Gendered Citizenship, Inequality, and Well-Being: The Experience of Cross-National Families in Qatar during the Gulf Cooperation Council Crisis (2017–2021).” *International Journal of Environmental Research and Public Health* 19, no. 11 (May 29, 2022): 6638. <https://doi.org/10.3390/ijerph19116638>.

57. Ibid.

58. UNHCR, *Gender Equality*, 5.

argued that *jus sanguinis* itself is problematic,⁵⁹ and several philosophers argue for the need for *jus soli* in addition to *jus sanguinis*.⁶⁰ My focus here, however, is on the gendered aspects of these laws and not an argument in favor of any specific legal institution.

Mathis categorizes statelessness as an acute and particular harm⁶¹ because the rights and privileges attached to citizenship are fundamental ones. He argues that statelessness of children, or ‘innocents’, is especially morally troublesome, declaring “states have a strong duty to avoid rendering stateless a child born within their borders, on pains of being responsible for a significant harm to an innocent.”⁶²

C. Jaggar’s Framework Reapplied

With these concrete examples of the forms of gendered citizenship institutions established, reapplying Jaggar’s framework will illuminate the necessity of vulnerability and gender oppression in conceptions of statelessness. As she

59. Carens, Joseph H. “In Defense of Birthright Citizenship.” *Migration in Political Theory*, 2016, 205–24. <https://doi.org/10.1093/acprof:oso/9780199676606.003.0010>.

60. McBride, “Legal Indivisibility”, page 171.

61. Mathis, “Statist Approach and Statelessness”, 6.

62. Idem., 8.

argues, gender disparities are a result of underlying unjust institutions creating systemically gendered vulnerabilities. Here, gendered inequalities in citizenship laws are causally linked to statelessness of women and children. Moreover, gendered social power differences in marriages, including abandonment, the withholding of citizenship, abuse, and the stigma against wedlock or single mothers (in some paternal *jus sanguinis* cases), are all reinforced by these laws, and contribute to the pathway towards statelessness. These are a result of patriarchal norms and gendered oppression, and can be generational and cyclical in their codified reinforcement; these laws allow for cases of stateless people having children then also rendered stateless, creating an issue that spans generations. Therefore, through institutions of citizenship laws and practices of gender oppression, a systemic vulnerability to being rendered stateless for women is created. As argued, this is a denial of a fundamental human right not to be rendered stateless, as well as a denial of women's dignity, a further human rights concern. There is a clear vulnerability that raises significant human rights concerns. Given the focus on rights in contemporary conceptions of statelessness, this flagrant

violation cannot be ignored philosophically.

If treatments of statelessness are to be morally comprehensive, they must be able to account for all human rights considerations associated. Given that human rights access is the central aspect of many philosophical treatments of statelessness, the gender oppression inherent in causing statelessness and the subsequent loss of human rights access cannot be ignored. The significant issue of gender inequality is missing from dialogues surrounding statelessness, an oversight of a human rights violation that is inexcusable for a comprehensive moral theory. As explained by Jaggar: “no comprehensive account of global justice can afford to ignore such far-reaching inequalities”.⁶³

IV. The Need for Inclusion in Other Theories

In order to illuminate this argument, I present several conceptions of statelessness. This is not aimed to be a comprehensive review, and I grant that for many of the following conceptions gender was not a primary focus of their writing. Rather, this section aims to highlight the need for considerations of gender justice in treatments of

63. Jaggar, “Transnational Cycles”, 20.

statelessness. As these examples will show, conceptions of statelessness must include gendered vulnerabilities, i.e., they cannot be treated as distinct from questions about gender justice.

Kristy Belton argues for the need for a distinct framework of conceptualizing statelessness, in response to the common categorization of the stateless with refugee or immigration philosophy.⁶⁴ She does not present a framework for statelessness nor mention any gender or vulnerability distinctions, though as mentioned, this was not the paper's aim. She examines several theories of membership and the ways in which they do not sufficiently account for questions of statelessness. One such example is Barbieri's argument for membership, based on the right to non-domination,⁶⁵ which Belton argues can be extended to cover statelessness. Belton argues, "Statelessness is a prime example of the domination of one type of people – citizens – over another – the stateless [...]"⁶⁶ Missing in this argument is the specific form of domination that affects women. The tying of one's human rights intrinsically to another (as in

64. Belton, "Neglected Non-Citizen".

65. Ibid.

66. Ibid.

dependent nationality) or the denial of the right not to be rendered stateless for some children and women due to their codified inferior status (as in paternally-linked nationality) are fundamental forms of domination that operate against the larger backdrop of gender oppression. Domination does not affect all equally because not everyone is equally vulnerable to domination. Women are more vulnerable and affected by these forms of domination because of institutional injustices.⁶⁷ If, as Belton argues, Barbieri's theory of membership ought to be expanded to cover statelessness on the basis of non-domination, all forms of domination must be included, a morally salient one being that of gender oppression.

Weissbrodt and Collins provide the conception of statelessness as a violation of the right not to be rendered stateless that I use throughout this paper. The examples of statelessness-rendering citizenship institutions presented in this paper are primarily sourced from their work. The unequal treatment of women in these institutions, and the ways in which they are "mechanisms of *de jure* statelessness" are discussed but not sufficiently addressed.⁶⁸ They

67. Jaggar, "Transnational Cycles", 35.

68. Weissbrodt and Collins, "Human Rights of Stateless", 254.

describe how these citizenship institutions create pathways to statelessness, but the further moral significance of this is not presented. Given their primary concern of human rights and statelessness, the concerns of the inherent gender injustice, oppression, and subsequent human rights violations are not adequately fleshed-out. The most developed analysis surrounding gendered vulnerabilities is seen in a mere sentence: “stateless women are often particularly vulnerable to the vagaries of stateless life.”⁶⁹ The distinction of increased vulnerabilities of women is therefore seen, but only in the context of conditions of stateless living. The ways in which they are initially vulnerable to being rendered stateless and the necessity of including this throughout is not present. Human rights access is the central point of their argument, however, the ways in which these citizenship practices uniquely violate the human rights of women are not treated adequately. For their theory to be a comprehensive account of statelessness, the inherently gendered aspects must be included.

These theories can easily address my argument; there must simply be more attention to distinctions of

69. Idem. 270.

vulnerabilities to being rendered stateless. In both cases, stateless people are treated as a whole; there is no distinction or nuance of vulnerabilities within the population. For Belton, this is a lack of consideration of levels of domination. For Weissbrodt and Collins, this is a lack of consideration of the inherently gendered causes of statelessness, and the special violations of women these incur.

V. Possible Objections and Responses

An initial possible objection is that these citizenship laws are simply a matter of patriarchal cultural norms.. In response, Silvey argues that the historic roots of systemic injustice are never exclusively the result of local cultures and norms. She argues, through the context of migrant's rights, that the global and historical processes must be considered: "the historic and systemic roots of [migrant's rights] abuses [...] are never reducible to local cultural practice nor separable from global processes and inequalities".⁷⁰ Here too, the global causes must be considered. Certain citizenship customs are relics of colonial legal impositions,⁷¹ or the result of states following the accepted international

70. Silvey, "Transnational Rights and Wrongs", 86.

71. UNHCR, *Gender Equality*, 3.

norm (as dependent nationality was prior to the First World War), as well as the cycles of gender inequality being reproduced on both the local and global scale. Though some cultural sensitivity is deserved, the systems of gendered vulnerabilities are not simply a question of cultural norms but of larger global processes and interactions. Furthermore, given the crucial importance of the lack of human rights in conditions of statelessness, as presented in section II, one cannot treat this issue as merely one of cultural norms. Access to a full scheme of rights is denied by being rendered stateless, an issue morally significant enough to override cultural norm concerns. From the stance of human rights as fundamental and absolute, nothing can usurp these rights, including cultural practices.

Another potential objection is that the feminist framework categorizes women as a sort of “super victim.” One could argue that, by focusing on these inequalities, the power and status of women can be diminished. This vulnerability framework could be an exaggeration of the difficulties and status of women, which would be potentially damaging to equality movements and the treatment of women. I argue not that women are more victimized by these

practices in virtue of being women and inherently more vulnerable, but rather that the reality of these institutions is that they are operating within the context of gendered injustice which creates this vulnerability. People are not equally vulnerable to conditions of injustice, but, rather, these gendered institutions specifically make women more vulnerable.⁷² Women are subject to greater vulnerabilities and oppression, but this is a result of the underlying institutions, not a condition of women themselves.

Another possible objection is that gender is not the only dimension in need of inclusion, and that aspects such as race also create vulnerabilities to statelessness and are equally salient human rights questions. This could be argued especially because of ethnic group-targeted citizenship practices that are exclusionist and racist,⁷³ usually the result of historical factors. These laws create a vulnerability to being rendered stateless and deny the equal status, or dignity, of members of this race. This can certainly be an expansion of my argument; I aim here to open the door to the entire realm of human rights aspects in need of consideration. Gender injustice being

72. Jaggar, "Transnational Cycles", 35.

73. Weissbrodt and Collins 'Human Rights of Stateless', page 252.

an expansive issue across statelessness made it a clear example of vulnerabilities in need of being addressed. That does not, however, negate this expansion of vulnerability in conceptions of statelessness to additionally include racial dimensions; future research could show this to be another central human rights consideration in conditions of statelessness.

VI. Conclusion

In this paper, I argue that conceptions of statelessness must include gendered vulnerabilities, or, in other words, they cannot be treated as distinct from questions about gender justice. I argue there is a basic human right to not be rendered stateless, with a special consideration for the most vulnerable groups. Citizenship practices such as dependent nationality and paternally-linked nationality are gendered institutions that disproportionately create a vulnerability of being rendered stateless for women and their children. In both of these practices, the dignity of a woman is overlooked or denied. Given the right not to be rendered stateless is intrinsically tied to human rights provision, the denial of this right, on a systemically gendered basis, means

that gender discrimination is a fundamental moral issue for the problem of statelessness. Conceptions of statelessness, given their focus on rights issues, must adequately treat all human rights considerations linked to statelessness to be morally comprehensive; a vital one being the systemically gendered vulnerabilities to being rendered stateless. For these reasons, adequate conceptions of statelessness cannot be treated as distinct from aspects of gender justice.

Continued research on this subject should include expanding the relationship between statelessness and gender inequality. This framework could also be applied to questions of *de facto* statelessness, not here addressed, but certainly also subject to vulnerability and gendered oppression. This framework could also be expanded to address dimensions of racial and other discrimination in nationality laws that contribute to statelessness, as mentioned above. Finally, continued work on gender global justice and the inclusion of more intersectional approaches to other domains is a worthwhile task. Expanding beyond, albeit important, women-centered dimensions such as genital mutilation, sex trafficking, and domestic labor, all of which are the primary focuses of gender justice now,

would also provide greater insight and important moral findings. Applying a feminist framework to questions such as that of membership, immigration, political participation, for example, would provide important findings to domains often considered outside the scope of gender justice. The necessity of examining the role of gender in questions of global justice philosophy cannot be understated, and it is my hope that this paper exemplifies this need.

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