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Living on the Margins: 'Illegality', Statelessness and the Politics of Removal in 20th Century Europe and the United States. Washington DC: Kathleen Canning, University of Michigan, Ann Arbor; Jana Haeberlein, University of Basel; Barbara Luethi, University of Cologne; Miriam Ruerup, German Historical Institute, Washington DC, 09.02.2012-11.02.2012.

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Living on the Margins: 'Illegality', Statelessness and the Politics of Removal in 20th Century Europe and the United States

In contemporary history, both stateless people and âillegal aliensâ have been referred to as the âcitizenâs othersâ (Linda Kerber), whose lack of citizenship rights prevents them from participating in social and political life. Throughout the twentieth century, illegality, statelessness, and forced removals have represented political processes with roots in historical forms of inclusion and exclusion, definitions of citizenship and belonging, and different forms of deportation and expulsion. These phenomena are linked, first, by the affected people often being constituted as lacking subjectivity. Second, the people are physically removed from the social landscapes they inhabit and rendered nearly invisible. Third, these states of being are frequently âcoercedâ phenomena that involve (non-)spectacular violence, while they also generate resistance in non-state actors such as migrants or illegals, human rights organizations, and others.

In her keynote, MAE NGAI (New York) traced the origins of the US-specific topos of the "Nation of Immigrants." She pointed out the range of actors who influenced this concept of immigration, which moved from being normatively open to normatively closed, including scholars, politicians, and migrants themselves, shifting their self-definition over time from "emigrants" to "immigrants." Another important shift occurred in the classification of immigrants â in the early 1900s, it was racial but eventually moved to legal vs. illegal â so that "illegality today does the work of race" in defining inclusion and exclusion.

The first papers concentrated on the emergence of statelessness. MIRA SIEGELBERG (Boston) discussed the first mass of stateless people the international community helped by issuing an internationally accepted travel document called the âNansen Passport.â She contextualized the debate concerning stateless refugees in the interwar years with reference to the International Declaration of the Rights of Man in 1929, which conceived of statelessness as mankind's most salient problem. By linking these two discourses, Siegelberg highlighted the view of statelessness not as a *humanitarianism* but as a *rights* issue, which Russian Ã©migrÃ© lawyers especially advocated.

ANNEMARIE SAMMARTINO (Oberlin) then discussed three primary groups of vulnerable legal status in Weimar Germany whom the Nansen Passport helped: the Russians, Jews from Eastern Europe, and groups like the Baltendeutsche, whose citizen status was uncertain despite their ethnic Germanness. She introduced the aspect of an imaginary element of citizenship: The Nansen-Passport, she argued, could only succeed because it implied a promise to nation-states that its holders did not want to become citizens.

TOBIAS BRINKMANN (Penn State) spoke of yet an-

other apparent promise concerning the stateless territory of the port city of Danzig in the 1920s. It admitted people without asking for passports or visas, developing into both a seemingly safe haven for (Jewish) refugees and a neighboring territory where Poland could âdumpâ unwanted people. For Jews, Danzig proved to be a battleground for differing approaches to helping each other: Again, the dichotomy of the humanitarian approach (Western Jewish relief organizations) vs. the fight for Jewish rights (Eastern and Zionist support groups) came into play here.

The diverse efforts to solve the problem of statelessness were also addressed in the following papers. ATINA GROSSMANN (New York) remapped the landscape of survival and rescue of Jews during and after World War II by tracing refugee routes from Poland to Siberia and, after warâs end back, to Poland and into the DP camps. She analyzed how aid groups such as the Jewish Joint Distribution Committee (JDC), transnationally active in such seemingly remote theaters as Iran and India, suggested different solutions for Jewish refugees. Palestine proved to be more imaginary than real as a place of rescue. This was a controversial issue with the Jewish Agency, which promoted immigration to Palestine only. Here again, a fundamental difference emerged between humanitarian rescue and political solutions.

KATHRIN KOLLMEIER (Paris/Potsdam) looked at France as a place of rescue, examining how France turned from an international to a national protection regime in the 1950s. The OFPRA (French Office for the Protection of Refugees and Stateless Persons) was established after a long debate that led France to insist on the right of national sovereignty concerning statelessness in French territory. OFPRA then helped shape a new bureaucracy (âKnowledge Agencyâ) and also gave new agency to the stateless people who registered with it.

The decade after World War II saw new supranational attempts to overcome statelessness. The 1954 UN Convention on the Status of Stateless Refugees was a first major achievement in the postwar world of newly shaped international politics. LINDA KERBER (Iowa) showed how one of the major players at this convention, Louis Henkin, represented a nation that never ratified any of the postwar UN conventions on refugees: the United States. As Henkin was present at all the debates, the US left its âfingerprintsâ all over the convention. While statelessness was generated by nation-states, it clearly could only be solved supranationally. Yet national sovereignty proved to be key in preventing the international community from really solving the problem of statelessness.

The third panel dealt with the ongoing struggle over defining inclusion in citizenship. Statelessness first emerged primarily because of denaturalization and denationalization policies that many nation-states considered their national sovereign right. DANIELA L. CAGLIOTI (Napels) showed how denaturalizing citizens in World War I was a radical yet ubiquitous means states utilized to push unwanted people to the margins and to thus be able to remove them more easily. Consequently, World War I generated a new system of populations management that reshaped the notion of citizenship by differentiating between aliens and citizens. ILSE REITER-ZATLOUKAL (Vienna) retraced how denationalization in the twentieth century became an instrument authoritarian and totalitarian regimes mainly used to punish âilloyalâ citizens. Prime privileges of nation-states, the granting and revocation of citizenship were finally reluctantly banned after lengthy discussions in the Convention on the Reduction of Statelessness in 1961 â in cases where denationalization would lead to statelessness.

MIRIAM RUERUP (Washington) then looked back at the first apparent course of action the UN took to solve the problem of statelessness: paving the way for the new state of Israel in 1948. Exploring the specific framing of Israeli citizenship as a possible reaction to the Jewish experience of statelessness, she argued that the Israeli Law of Return changed the concept of Jewish belonging: While having been defined in non-territorial terms in the Diaspora, after 1948 the previously utopian notion of "Zion" transformed into a trans-territorial idea of Israeli citizenship. Although based on an idea of supranational identity, this notion of citizenship was territorially grounded in the ethnically defined nation-state in the Land of Israel.

At this point, the focus shifted to groups of people actively and decisively left out of citizenship: the illegalized migrants and the state actions of removals. MARIANNE PIEPER (Hamburg) spoke about migrants' ability and strategies to actually "do borders" by permanently questioning them, for example, by violating border restrictions and being transnationally mobile. Her analysis of a variety of interviews with transnational migrants showed how border spaces were "contested terrains" with the migrants as active agents in this process and not merely victims of the ever changing means of controls in the European border regime. AYSEN USTUBICI (Istanbul) then focused on two case studies of

border migration in Turkey and Morocco. Her paper supported the idea of migrant agency, that is, their claim to being agents in the migration process. She highlighted how they change the character of the "receiving" countries, for example, by affecting legal discourse on defining the status and rights of citizens.

The removal of unwanted foreigners was subject of CHRISTOPH RASS's (OsnabrÃ¼ck) paper. He compared various policies of removal in Imperial Germany and in postwar West Germany, demonstrating that social arguments and policy have persistently been entangled in German citizenship policy. In Imperial Germany, it was people who might fall into the social network as dependents who were removed. From the 1950s onwards, the pattern of deportations in West Germany remained strikingly detached from shifts in migration policies, yet it seems likely that removals followed a sort of symbolic policy to appease public anger about changes in the social welfare state.

FRIEDERIKE KIND-KOVACS (Regensburg) analyzed another case of refugees of uncertain status becoming pawns in the game of national politics. She focused on ethnic Hungarians who had fled from Transsylvania to Budapest and become a symbol for the social decline of the middle class. They were regarded as the embodiment of the national disaster and loss of territory that had befallen the Hungarian Empire. The Hungarian refugees were in a state of legal limbo until the Treaty of Trianon provided them with a legal framework that included opting for the nationality of their state of residence. In Hungary, however, they were not instantly integrated but continued to live in broken-down railway coaches at railway stations. Thus, while unable to integrate these displaced families called "Vagonlakok," the Hungarian regime nonetheless instrumentalized them in an effort to revise its territorial loss.

The final panel turned to "Illegalizing Migrants." SERHAT KARAKAYALI (Halle) began by stressing the problem with categorizations such as legal/illegal. He argued that different shades of legalization are important, just as differentiations between the interests of state, municipal, and individual actors are. In the guestworker recruitment regime in postwar Germany, he argued, the term "illegal" served as an argument in labor recruitment and policies of migration - sometimes even causing conflicts between companies that were becoming non-governmental transit stations for immigration and government agencies that were trying to control migration. The question of who the sovereign is in defining legal and illegal and determining citizenship again proved to be in flux if not contingent.

INSA BREYER (Berlin) compared different attitudes towards undocumented migrants in Germany and France, including the terminology: while the term "Sans Papiers" is not neccessarily judgmental in France, it implies a criminalization in Germany. This corresponds to different legal approaches: in Germany illegalized migrants are perpetually in danger of being expelled, while in France they are constantly on the verge of becoming legalized. This sheds light on the nations' different understandings of society and belonging, as well as pathways to joining it.

Focusing on "gypsies" in postwar West Germany, JENS RÃSCHLEIN (MÃ¼nster) turned to a group that could not be physically removed from German territory, since they long ago had settled in Germany and had obtained citizenship, but nevertheless remained "unwanted." German authorities in the 1950s and 1960s sometimes ignored Sinti's legal citizenship and refused to extend their German passports, provided them with alien passports, or even forced them into lengthy naturalization processes.

The final discussion pointed to contingency as a recurrent theme of the conference: the changing standards of passport controls as well as of passports themselves, for example, while unwelcome to state authorities for the fluidity they introduced, were welcome to migrants as they gave them agency to travel, say, with forged passports. The ambiguity of terms was another key issue: while it contributes to the ambiguity of the person's status, it also offers options for migrants to choose to be categorized as "stateless," "uncertain nationality" and thus protected from deportation, rather than as a "refugee" and thus often involuntarily "repatriable" to a country they chose to leave. It seems that non-state actors embraced contingency and liminality, especially in the early appearances of statelessness and illegality, as these qualities invited them to actively manufacture their stories and have a say in the overall power of the system of border regimes of the sovereign nation-state.

Conference Overview:

Keynote: Mae Ngai (Columbia University) Impossible Subjects: A Problem of Law and History

Panel 1: Early Emergences of Statelessness
Chair: Kathleen Canning (University of Michigan)

Introduction (Jana HÃ¤berlein and Barbara LÃ¼thi)

Mira Siegelberg (Harvard University) Politics on the Periphery: Varieties of Statelessness, Varieties of Internationalism, and the Politics of the Nansen Passport in Central Europe between the Wars

Annemarie Sammartino (Oberlin College) Imagining the Future between the Citizen and the Stateless in Weimar Germany

Tobias Brinkmann (Penn State University) From Transterritorial Subjecthood to Transnational Displacement: Jewish Migrants in the Free City of Danzig after 1918

Panel 2: Rescue and Relief: Statelessness in the Transnational Realm
Chair: Daniel Cohen (Rice University)

Atina Grossmann (Cooper Union) Remapping Relief and Rescue: Flight, Displacement, and International Aid for Jewish Refugees during World War II

Kathrin Kollmeier (ZZF Potsdam) âAllons enfants de lâapatrideâ: Statelessness, Protection Rights, and Bureaucracy in France after Two World Wars

Linda Kerber (University of Iowa) Louis Henkin and the 1951 UN Convention on the Status of Refugees and Stateless Persons

Panel 3: Who is a Citizen? Naturalizing and Denaturalizing Citizens
Chair: Lisa Leff (American University)

Daniela Caglioti (University di Napoli) Citizens and Aliens in Wartime: Naturalizing and Denaturalizing in Europe during World War I

Ilse Reiter-Zatloukal (University of Vienna) Nationality and Politics: Goals and Motivations of Denationalization in the Twentieth Century

Miriam RÃ¼rup (GHI) Overcoming Statelessness by Creating New Citizens? Implications of Jewish Homelessness and Israeli Citizenship

Panel 4: At the Periphery of Border Regimes
Chair: Anna von der Goltz (Georgetown University)

Marianne Pieper and Vassilis Tsianos (University of Hamburg) European Border Regimes and Escaping Subjectivities of Transnational Illegalized Migration

Aysen Ustubici (Koc University, Istanbul) Country of Transit or Transition? Legal Discourse on International Migration in Turkey and Morocco

Panel 5: Expulsion and Removals
Chair: Deirdre Moloney (Princeton University)

Christoph Rass (University of OsnabrÃ¼ck) The âRemoval of Foreignersâ from the German Empire (1871-1918) and its Implications for the Practice of Expulsion in the Federal Republic between 1951 and 2009

Friederike Kind-Kovacs (University of Regensburg) âThe Children of the Railway Coachesâ: The Removal, Temporary Statelessness and (Delayed) Integration of Hungarian Refugees from Transylvania in Budapest after World War I

Panel 6: Illegalizing Migrants
Chair: Jana HÃ¤berlein (University of Basel)

Serhat Karakyali (University Halle) Illegal Migration and the Emergence of Guest-Worker Regimes

Insa Breyer (Humboldt University, Berlin) Undocumented Migrants in France and Germany: Identitypapers, Social Rights, and Anonymization

Jens RÃ¶schlein (University of MÃ¼nster) Practices of Exclusion of "Gypsies" in Postwar West Germany

Final Remarks and Discussion
Chair: Barbara Luethi (University of Cologne)

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