BACKGROUND AND CONCEPTS. A READER

# ATLAS OF THE STATELESS

Facts and figures about
exclusion and displacement

ROSA LUXEMBURG STIFTUNG

# IMPRINT

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# ATLAS OF THE STATELESS

## BACKGROUND AND CONCEPTS. A READER

This supplementary reader presents articles on statelessness that address this human rights issue from a philosophical or practical-political point of view. The texts complement the geographically oriented Atlas of the Stateless.

# RETHINKING BIRTHRIGHT

**In the United States, two powerful myths – a person's birthplace and their ancestry – are the basis of citizenship, of being an American. For immigrants, though, U.S. citizenship law is fraught with injustices and dangers. By Stephanie DeGooyer**

On May 6, 2019, Archie Harrison Mountbatten-Windsor was born in a private London hospital to an American mother (Meghan Markle) and an English father (Prince Harry). Archie came into this world seventh in line to inherit the English Crown. He also came into the world the first member of the Royal family to be a citizen of both the United Kingdom and the United States. Importantly, however, at his birth, Archie became not only a citizen of the United States, he became a "natural born" citizen. This is the status first mentioned in Article II, Section 1 of the U.S. Constitution, which stipulates that "No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President."

Baby Archie could thus grow up to be what America's founding fathers feared most: an English prince as president. In recent years, however, the "natural born" clause has been the subject of different preoccupations. During the 2016 debates for the Republican Party presidential nomination, for example, Ted Cruz and Donald Trump squared off on the issue of whether Cruz – who was born in Calgary, Canada, to an American mother and a Cuban father – was eligible to be president. Trump argued that the framers of the Constitution had the principle of *jus soli* (right of the soil) in mind when they wrote that a president had to be a "natural born" citizen. In response, Cruz argued that he was "natural born" according to another principle of nationality, the principle of *jus sanguinis* (right of blood), which awards citizenship on the basis of a biological connection to an American citizen.

Most constitutional lawyers agree with Cruz's interpretation. Although natural birth seems to be premised on the territory in which an individual is born, according to a 2011 report from the Congressional Research Service, there are three ways that individuals can claim the status in the United States: "either by being born 'in' the United States and under its jurisdiction, even those born to alien parents; by being born abroad to U.S. citizen-parents; or by being born in other situations meeting legal requirements for U.S. citizenship 'at birth'". To be "natural born", a person must have a biological attachment to the United States, whether through the physical location of their birth or the body of a parent.

The pertinence of "natural born" status is not limited to the highly select people who run or consider running for president every four years. "Natural birth" has an everyday purchase on the American populace, splintering citizens into two groups: natural citizens who claim citizenship as an automatic *right* and naturalized citizens who passively receive citizenship as a gift. This distinction became palpable recently when Trump tweeted that four female congresswomen of color should "go back" to where they came from. Many news reports rushed to point out that three of the four women were born in the United States. That difference set the fourth congresswoman, Rep. Ilhan Omar, apart. As a naturalized citizen – born in Somalia – Omar becomes distinct in the American psyche not merely, because she applied for citizenship, but because the biological definitions attached to birthright *make* her unnatural.

Consider the case of another baby born in London the same year as Archie. This child was born via surrogate to a male same-sex couple from the United States. The baby's parents were married and both were U.S. citizens, though one of the parents – crucially, the sperm-donating parent – was originally born in Britain. Shortly after the birth, the U.S. State Department issued a letter informing the couple that their child was not a citizen of the United States at birth. The parent with a genetic attachment to the child had not lived long enough in the United States as a citizen to pass his citizenship down (five years is the minimum). The other parent, who was a natural born citizen, could not establish a "blood connection" to the child. Thus, according to the principles of *jus soli* and *jus sanguinis,* the child was an alien to the United States.

*Baby Archie could thus grow up to be what America's founding fathers feared most: an English prince as president.*

Why is it that a child born to a British princess who will likely never again live in the United States has a *right* to U.S. citizenship, while a child born to two U.S. citizens must apply for a tourist visa to visit its parents in the United States? Why is it that a crowd will chant

"send her back" about a U.S. congresswoman? On what moral and historical ground is birth a more meaningful register of civic attachment?

These questions became particularly pressing after Trump declared in an interview with "Axios on HBO" that he would sign an executive order to end birthright citizenship in America. "We're the only country in the world", Trump insisted, "where a person comes in and has a baby, and the baby is essentially a citizen of the United States [...] with all of those benefits." (This is not correct: more than thirty other countries maintain a policy of birthright citizenship.) Trump vows to end birthright citizenship for the same reason that he wants to build a wall and separate families at the border: to

*Today, the law devised to help former slaves after the abolishment of slavery, protects the children of undocumented immigrants.*

stop the "invasion" of immigrants at the southern border (and rally his base in preparation for the next election). Defence of birthright at this moment thus joins wider resistance against Trump's xenophobic policies. Historically, as many people have recalled, birthright was introduced to protect vulnerable populations in the United States, namely freed slaves after the abolishment of slavery. Today, the same law devised to help former slaves protects the children of undocumented immigrants. If we care about just citizenship practices, it makes sense that we would want to continue to uphold birthright.

It is true that birthright citizenship offers protection for U.S. born children of immigrants. But it is also true that this right does nothing to protect the parents of these children or any siblings brought to the United States as young children. Birthright citizenship is stopgap citizenship; it helps some people, but the very principle of birthright is the source of inequality for many others. Fairer and more just practices of citizenship require abolishing the distinction between natural and naturalized citizens under law. This does not mean that citizens do not acquire citizenship when they are born in the United States. Instead, it prevents the arbitrary factor of birth from carrying protections and allowances unavailable to naturalized citizens.

Of course, citizenship is fundamentally a form of division and inequality. Borders are in themselves a massive source of inequality, reserving resources and benefits for those considered "insiders". Today many on the left are calling for open borders, a proposition that involves, among other things, the expansion of sanctuary protections for migrants and the erosion of territorial definitions of national membership. It is not entirely clear to what extent the realization of open borders requires the overthrow of citizenship and revolutionary dismantling of the global nation-state system. As long as there is a constitutive "we" that defines the people, citizenship will continue to formalize privileged membership. Which is why we need to ensure that more people can access its protections. One powerful, and maybe even bipartisan, way of doing this would be to eliminate the distinctions that conceive of birth as a preeminent form of national belonging.

For much of the early history of the United States, birth was actually a secondary source of citizenship. The 1790 United States Naturalization Law, which first laid out the rules for national citizenship, limited citizenship to immigrants who were free white persons of "good character". Native Americans, slaves, free blacks, and indentured servants were all prohibited citizenship. State and federal tribunals argued that Indians, though born within the territorial limits of the United States, could not be citizens because they were born with allegiance to their tribes, which were alien to U.S. law. The counsel from the 1823 case *Johnson vs. McIntosh* held that native Americans were "not citizens, but perpetual inhabitants, with diminutive rights". Free blacks born in the United States were also excluded from citizenship because Southern courts argued, paradoxically, that birth did not make a citizen; entitlement to rights and privileges did.

After the Thirteenth Amendment abolished slavery, Congress passed the Civil Rights Act in 1866 to guarantee the citizenship of freed slaves. "All persons born in the United States," it read, "and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the United States." To protect this new view of citizenship and to make citizenship a

*Borders are in themselves a massive source of inequality, reserving resources and benefits for those considered "insiders".*

national rather than state mandate as it had been, Congress then approved the Fourteenth Amendment. In 1868, Section I of the Fourteenth Amendment was added to specify the conditions of citizenship: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside."

Before the Fourteenth Amendment, naturalization had been the primary citizenship practice. The United States needed immigrants; its naturalization policies,

which had no stipulations up until 1790, reflected this need. Citizenship preferences, however, shifted after the nineteenth century. As the nation began to perceive itself as self-sufficient, and as the Fourteenth Amendment receded into settled history, birth was mythologized anew as a necessary requirement for authentic national belonging. Naturalized citizens were those who had had to prove their allegiance.

Yet naturalized citizens are asked to demonstrate skills and knowledge that birthright Americans might never possess. Naturalization requires a lengthy procedure, and to be eligible, an applicant must reside in the United States and prove that they are able to read, write, and speak English. (These naturalization tests call to mind the historical use of literacy tests as a means to disenfranchise racial minorities.) They must also possess a solid understanding of U.S. history and government. Additionally, a person eligible for naturalization must demonstrate that they are "a person of good moral character, attached to the principles of the Constitution of the United States, as well disposed to the good order and happiness of the United States during all relevant periods under the law". We can imagine how many natural born citizens would stumble over naturalization test questions such as "What did the Declaration of Independence do?" or "How many U.S. senators are there?" And we can easily call to mind many natural born Americans, including many presidents, with questionable "moral character".

Moreover, naturalized citizens are also vulnerable to losing their citizenship in ways that natural born citizens are not. A naturalized citizen can be denaturalized if the government discovers that they falsified or concealed facts on their naturalization application, or if they refuse to testify to Congress. A naturalized citizen can also be denaturalized if they are discovered to be a member of a terrorist organization such as the Nazi Party or Al Qaeda, or because of a dishonourable discharge from the military.

*Denaturalization was a crime worse than capital punishment because it banished people from U.S. law, Hannah Arendt argued.*

These might seem like legitimate reasons to cancel citizenship. But denaturalization was introduced not just as a punishment, but also to make naturalization a more consistent and fair procedure. The 1906 Nationalization Act included a clause about denaturalization to help state and federal offices streamline the practice by cancelling redundant or faulty naturalizations. Once it was technically possible, however, denaturalization began to be used by the government to target and expel unwanted individuals.

In the first half of the twentieth century, some women (even natural born citizens) who married foreigners were stripped of their citizenship, as were Asian persons whose race was considered "un-American". In 1956, the U.S. Attorney General Herbert Brownell proposed a plan to punish communists by stripping them of their citizenship. In reaction to Brownell's proposal, political theorist Hannah Arendt characterized denaturalization in a letter to Robert Maynard Hutchins as a "crime against humanity". Denaturalization, she argued, jeopardized not only communists, but all citizens, especially stateless persons who had no former state to which they could be repatriated. Denaturalization was a crime worse than capital punishment because it banished people from U.S. law. For this reason, Arendt insisted that "it should be constitutionally impossible to deprive naturalized citizens of their citizenship – which, for various historical reasons, they can now lose more easily in this country than anywhere else – except in cases of dual allegiance (where statelessness anyhow would not ensure) and of fraud about personal identity (name, place, and date of birth, etc.) in the process of naturalization. All other cases of fraud should be punished under law, but not by denaturalization."

Arendt made her case for a constitutional amendment to protect citizenship in the context of postwar statelessness. As a stateless refugee from Germany, she knew how easily denaturalization could become a totalitarian weapon to put people beyond the pale of law. Yet her call for a constitutional amendment to make denaturalization impossible should have included no exceptions. In focusing her protection on stateless persons, she too quickly conceded the rightfulness of denaturalization for persons who commit basic identity fraud or hold a second passport. If we leave open denaturalization for some citizens, we retain a two-tier model of citizenship – one that rests on shaky moral ground.

Moreover, even the legal ground of denaturalization is difficult to establish. Last June, for example, U.S. Citizenship and Immigration Services (USCIS) announced the opening of a new office to investigate decades-old naturalization fraud cases. Interest in naturalization fraud first began under the Obama administration after the government discovered that fingerprint data for 13,000 people was missing from a centralized fingerprint database. This new office was tasked with looking through these files to identify cases wherein individuals may have applied for naturalization under a different name. In 2018, a citizen named Baljinder Singh was the first person to have a naturalization certificate annulled

under this operation. Singh was admitted to the United States in 1991 under an asylum application using the name Davinder Singh. After he abandoned that application, he was ordered deported, but continued to live in the United States. After marrying a U.S. citizen, he received citizenship in 2006 as Baljinder without disclosing that he made an earlier application for asylum under another name.

Singh's case seems like a clear example of fraud. "The defendant exploited our immigration system and unlawfully secured the ultimate immigration benefit of naturalization," said the Acting Assistant Attorney General Chad Readler. But it remains legally uncertain how Singh "exploited" the immigration system because his case requires us to understand the conditions in which a former deportation order can be considered materially relevant to a naturalization application. Does the fact that Singh did not present the deportation order show that he had bad moral character and was therefore ineligible for naturalization? Or does the nonadmission itself make him ineligible to be a citizen?

These are the kinds of questions that have been asked of other denaturalization cases, all of which demonstrate just how difficult it is to understand what facts matter in naturalization cases and when denying or concealing those facts warrants denaturalization as punishment.

In one ongoing case, for example, a 62-year old man from Florida, Parvez Manzoor Khan, faces denaturalization on the grounds that he had failed to disclose a previous deportation order when he applied for naturalization. Khan argued that he had not known about the deportation order when he filed for citizenship. He was never provided with translation services, and his lawyer, who was later disbarred for misconduct, failed to notify him about his immigration court hearing. His counsel contends that even if he had known about the order and told immigration officials about it, it was not clear how this deportation order would be materially relevant to his naturalization case.

Similarly, in the Supreme Court case *Maslenjak v. United States*, a Serbian woman was accused of lying on her naturalization application about her husband's involvement in the Bosnian army. When Maslenjak applied for refugee status, she told an immigration official that she and her family were targets of persecution because her husband had evaded conscription into the army. She was granted asylum as a refugee. In a later application for naturalization, Maslenjak swore under oath that she had never lied to a U.S. immigration official. After Immigration and Customs Enforcement (ICE) uncovered evidence that her husband had in fact been an officer in the Bosnian army, Maslenjak stood trial for procuring her naturalization contrary to law. In 2014, a jury convicted Maslenjak of fraudulently applying for naturalization and her citizenship was revoked. In 2017, the Supreme Court vacated the decision of the lower court, remanding the case on the grounds that it was unclear if Maslenjak's falsehood about her husband was "sufficiently relevant" to her application for citizenship.

All of these cases involve ordinary citizens who have lived in the United States for long periods of time. Their "crimes" are that they failed to reveal some information to government officials when they sought asylum or naturalization and that this evidence *may* have been material to their application for citizenship. They reveal why many naturalized citizens panicked when USCIS announced that it would more aggressively examine fraud; what if they had written an address down wrong on their application, or had not included their mother's second middle name? One friend of mine, a permanent resident hoping to file for naturalization, worried that an accidental failure to report a new address to USCIS within ten days of moving made her eligible for deportation. (According to the Nationality Act, failure to report a new address as a permanent resident is a deportable offense).

*According to the Nationality Act, failure to report a new address as a permanent resident is a deportable offense.*

As long as it exists as an option, denaturalization will perpetuate inequality, even when it is not actively being employed. This is because fear, even if unwarranted, can make some people act differently. Even though, in reality, the applications of most naturalized citizens will never be reopened, the fear of denaturalization means that naturalized citizens might not exercise their right to protest the government, fearing retaliation. Or maybe a permanent resident will opt not to apply for naturalization in the first place, losing out on a right to vote. Because journalistic interventions can only go so far to quell these fears, I now insist, like Arendt, that we need to pursue a constitutional amendment to protect citizenship for naturalized citizens. There should be only one kind of citizen in the United States: a citizen.

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# THE FOUNDATION OF ALL RIGHTS

**Dignity is the inherent equal worth of every person, everywhere. It travels with us everywhere we go. It cannot be lost. Dignity demands that, no matter what, everyone should be treated as a person.**
**By Erin Daly and James R. May**

Dignity is universal in that it is valid for every human being who has ever been born and ever will be born. It is inherent in that it does not require government or law to recognize it; it simply is within each of us. Dignity also defines our relationships to others, our sense of belonging to a community, our need to be treated *as a person* and the obligation we have to respect the dignity of others. Dignity recognizes that every person has value, and that every person's value is equal. Worth gives rise to agency – to a sense of control over one's life – and agency gives rise to rights, including for those who are stateless.

Dignity is more than an inherent human quality. It is a right that has been recognized under international law, in 160 domestic constitutions, and in thousands of courts decisions around the world, sometimes as connected with other rights (including the right to free expression, the right to public participation, the right to travel, the right to housing and to education, and more). It is sometimes described as a foundational right or a "mother" right in that it is the source of all others. To expand on Hannah Arendt's famous observation, dignity is the right to have, and claim, other rights. For some, it is so fundamental to the system of rights that it is considered a fundamental value of a legal or constitutional system, its foundation and its purpose, the alpha and the omega of a just rule of law. Indeed, we could say that the only reason we have laws and rights and governments is to protect and promote human dignity. States are thus the means by which dignity is protected and respected; they should not be barriers to it.

People who are stateless are especially vulnerable to deprivations of rights. If they become stateless during their lives, they often lose the rights that they held as citizens in their home state. When they leave, they leave behind more than their rights – they leave behind family and friends and familiar places, things they have cherished, places they have called home, and the landscapes of their lives. They may leave everything behind. Except their dignity. Whatever the circumstances, dignity should remain intact. So too for those who are born stateless: they may have none of the attachments of citizenship, but they have an attachment to their own human dignity. The original drafters of the Universal Declaration of Human Rights chose to highlight the primacy of the individual person over any group or entity, real or imagined, and to attach dignity to birth of every "member of the human family".

Because human dignity exists independently of any state and does not need any government to create or define or grant it, it has special salience for those who find themselves stateless. For those who are stateless, human dignity is the energy that animates their rights to claim rights from one state or another, or none at all.

Because dignity is the quality of being human, it connects to all shared facets of the human experience. When people lose access to health care and education, when they lose their jobs and their means of support, when their families are dispersed and their sense of community is shredded, their sense of dignity is under threat. When people lose their voice in their political communities, when they are deprived of a voice in decision making, when they are denied access to justice, their dignity is compromised. Whether civil and political or socio-economic, all rights are important precisely because they touch on a person's dignity. And for people who have no permanent connection to state, preserving their dignity in all of these interconnected and interdependent ways is imperative. Dignity unifies all other rights and manifests their indivisibility. It is what makes us alive to our own entitlement to a decent life, and to recognition "as a person." Dignity and rights are therefore enmeshed in a tight circle: dignity animates the right to claim rights, and rights are claimed in order to protect and promote human dignity.

*Those who are born stateless may have none of the attachments of citizenship, but they have an attachment to their own human dignity.*

This means that stateless people are entitled to respect "as a person" by all other persons whether acting privately or under public authority. It means that their lives matter and they cannot be dismissed or disposed of or treated as mere objects for the advancement of state policy. It means that they are entitled to individualized treatment, so that circumstances unique to each individual situation are appropriately assessed. It means that punishments and hardships should be pro-

portionate to need, but no more.

What is ultimately important, then, is not so much citizenship or nationality and the rights that derive from it, but human dignity and the rights that derive from that dignity – the rights to be treated as a person, no matter where.

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# PROTECTING THE VULNERABLE

**The rights to life, liberty and personal security mean little if you have nothing to live on. Social security includes unemployment benefits, health insurance, pensions, as well as access to housing, education and clean water. It is the state's duty to ensure stateless people have these. It is in society's own interest too.**
**By Ulrike Lauerhaß and Eva Wuchold**

Stateless people often describe themselves as "invisible" because they are not registered in any official documents. As a result, they are subject to all kinds of discrimination and restrictions, and may even be excluded from society altogether. Citizenship is associated with emotional values such as a sense of belonging and of identity, basic civil and political rights as well as access to the social security system. The state has a duty to protect everyone on its territory from abuse and to ensure the full realization of their human rights. But in the case of stateless persons, this principle is in practice often restricted or even violated. This is particularly true of social rights, the so-called "second-generation" human rights.

Social rights are individual basic and human rights to which every single person is entitled simply by virtue of his or her humanity. They are intended to protect the person from exploitation and guarantee him or her the right to take part in the richness of society. They are considered innate, inviolable, inalienable and independent of citizenship. The right to social security is a central component of social rights. Article 22 of the 1948 Universal Declaration of Human Rights, like Article 9 of the UN Social Covenant, states that as a member of society, every human has the right to social security. The decisive factor in this legal status is that civil and political rights will remain an illusion if people lack material security, social and cultural rights.

The state is obliged to provide the basis for the pursuit of social rights, insofar as it has the means to do so. If not, it is the duty of the community of states and international organizations. However, one problem is that Article 9 of the UN Social Covenant does not create an obligation under international law to put social security into practice. The right to an adequate standard of living is anchored in Article 25 of the Universal Declaration, and minimum standards of social security are defined in Convention 102 of the International Labour Organisation. While the "what" is clear, there remains a wide margin of manoeuvre as to the "how" – in what way social security should be realized in accordance with the Convention.

"For whom" is also particularly controversial: who should be included in the social security system. As a rule, states interpret this in a very restrictive way. This means that stateless people cannot invoke national laws, and are therefore in a legal vacuum. Their access to basic social services is impeded; the stateless can rarely obtain school and university qualifications; they are subject to discrimination and harassment by the authorities and at risk of exploitation. Without identity documents they cannot open a bank account, travel freely, vote, or register themselves or their family members.

As the philosopher Hannah Arendt noted in 1949, this implies that they are excluded not just from a particular society, but also from the whole "family of nations". The exclusion is a process that involves a mix of individual local, national and global factors. It is driven by unequal power relationships. One approach to overcome these is Global Social Rights. These are based on human rights, but are not directed at a national or supranational organization that grants such rights. Instead, people should together assert their basic rights (justice, freedom and dignity) as well as work, nutrition and health (for example) and appropriate them for themselves by ensuring political and social changes, so becoming self-determining members of society.

The exclusion of stateless people, like social exclusion in general, is a multidimensional process that is fuelled by unequal power relationships. It takes place at different levels: individual, household, group, community, state, and global. One way to overcome such exclusion is to secure "global social rights". These are based on a human-rights framework, but do not depend on a state or supranational organization to grant them. On the contrary, they call for the active appropriation of rights that are recognized as legitimate. They stimulate collective processes because they are founded on the assumption that every individual is entitled to these rights.

The concept of global social rights implies emancipation by appropriating universal human rights. The concept should be applied in such a way as to ensure that the "right to rights" becomes embedded in everyday life throughout the world. Thus, ending statelessness worldwide is only a first step. The goal is to end the need for citizenship because all humans are truly free and equal. As the German sociologist Niklas Luhmann wrote, this means a world society in which there is no outside, a world in which no one can be excluded or lose their social rights because of a lack of citizenship.

To resolve the discrepancy between global justice and the nation state and to establish global social rights, wealth would have to be redistributed on a global scale. That is possible. In 2019, over 600 million people lived in extreme poverty, surviving on less than US$1.90 a day. Some 55 percent of the world's population received no form of social protection benefits in the form of social assistance, unemployment benefits or disability pensions. But at the same time, global annual income exceeded $11,000 per person. Transferring just one percent of the income of the rich to the poor countries – or $500 billion from $90 trillion a year, would be enough to achieve the right to social security.

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# THE IDEA OF BELONGING

**Western culture contains strands of cold rationalism that regards relationships as business transactions, as well as inward-looking localism that places the homeland on a pedestal but views outsiders with xenophobic suspicion. These are unsuited to modern society where people from many backgrounds find themselves living as neighbours. Instead, we need an ethic that welcomes strangers. By Rachid Boutayeb**

*We are all foreigners.* Does this statement, written on the wall of a German university, address people in general – people who tend to treat foreigners with suspicion? Or is it directed at students in particular? Or simply at philosophers who dream of a better world?

The "superfluous man" of modernity, "moral panic", and "the politics of securitization" of which Zygmunt Bauman spoke,[1] are deeply connected. But politicians on the hunt for votes, and alarmists in the media, prefer to be silent on the aetiology of this situation because they have already identified a culprit: foreigners. Today, it is mainly Muslims who are doomed to fulfil this role. The paranoia about Islam is the big lie in neo-liberalist discourse. Hannah Arendt goes so far as to say that the political lie in modernity has become "complete and definitive".

The industry of fear is based on ideas, or rather prejudices, inherited for a large part from the Middle Ages and the Enlightenment. Despite an increase in knowledge, it continues to dominate the symbolic links between the West and Islam, as if Islam had not existed as an intrinsic element of Western culture and history since late antiquity. By pushing it away, the West merely confirms the presence of Islam, at least as something incomprehensible and foreign. But given the political instrumentalization of Islam and the rise of a bloody ideology in its name, we can and must also speak of a legitimate fear. But it is a fear that is constantly being exploited in the West and elsewhere. Instead of repudiating the instrumentalization of Islam, we content our-

1 Zygmunt Bauman, Wasted lives: Modernity and Outcasts, 2004. Cf. Bauman's Liquid Modernity, 2000, and Liquid Fear, 2006. All three at Polity Press, Cambridge

selves with placing the blame on culture. By condemning Islam, Western modernity condemns itself.

This is why I believe that the issue perceived as "problems of integrating Muslims" is the wrong debate. While certain immigrants ghettoize themselves in the name of an illusory sense of belonging, and their misconduct attracts a disproportionate amount of media attention, the political and media discourse in countries like Germany and France fails to note that we are dealing with *religiosity*, not with a *religion*. This religiosity is linked to a condition of marginalization and rejection, even social invisibility, to quote Axel Honneth.[2]

Immanuel Kant criticized Judaism as "unfreedom". And many modern thinkers such as Peter Sloterdijk say that it is impossible to be a Muslim as well as a citizen of a democracy. Hegelian philosophy "does not travel", and is nevertheless driven by a fervent need to judge others. Like a child, it seeks to dominate the other, to civilize it, to bring it back to complete obedience. Cold reason, in its disregard of intercultural relationships, does not differ from this intellectualism, in which meaning (as Emmanuel Levinas has shown) is reduced to "contents given to consciousness".[3]

I propose an alternative to the sense of belonging that assaults the other, seeks to assimilate it and thereby stay the same. Instead, I propose a "rationality of the neighbourhood": an ethic of compassion and tolerance for ambiguity. This is a rationality knowingly articulated in the language of spontaneity, empathy and cooperation. In other words, it counters the overvaluation of cognitive, abstract thinking and works against the expansion of power and the cruel rejection of others. Its logic is not one of objective thought but of subjective gratitude – gratitude that cannot be reduced to a businesslike response to a benefit received. This is an ethical vision promoted by the great monotheistic religions[4] that has today fallen into disuse.

Nevertheless, the German idea of *Heimatdenken* ("homeland thinking") is a misguided response to the social winter of reason. *Heimatdenken* is an irrational reaction that emanates from this very reason and reproduces its own logic of exclusion. "Homeland" implies possession, not sharing. And such thinking remains rooted in the logic of kinship, in a specific genealogical myth. Levinas rightly sees in this fetishization of place, the homeland, the destruction of those who are not (and should not be) part of it.

I therefore reject, without any sense of oikophobia (dislike of one's own home), the view that it is in relation to the *oikos* that we can speak of neighbourhood. In the neighbourhood, we are tied to others, which makes the neighbourhood an ontological constituent of each person. Further, the neighbourhood represents a withdrawal from oneself, a dissociation of place, since neighbours, in democratic societies, have replaced kin; a kind of "free union", according to Hélène L'Heuillet.[5]

But for those trapped in a nationalist paradigm, the neighbour can only be a kinsman. There is no place for what Jacques Derrida calls the "absolutely unlike", of that face which, in the sense given by Levinas, unseats any objectifying intentionality, or of the God, friend of strangers, that Hermann Cohen spoke of. We can clearly see what form humans can assume – or lose – when *Heimatdenken*, the ethnocultural approach that defines social groups according to their origins or membership, the temptation par excellence to build walls, the political dictatorship of the brother, takes over the world.

*I only have one country, but it is not my own.*

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2 Axel Honneth, Invisibility: On the Epistemology of ‚Recognition', in: Aristotelian Society Supplementary Volume, v. 75, issue 1, pp.111–126, July 2001

3 "contenus donnés à la conscience", Emanuel Levinas, Humanisme et l'autre homme, Paris 1987, p.18

4 Elisabeth Conradi, Forgotten Approaches to Care. The Human Being as Neighbour in the German-Jewish Tradition of the Nineteenth Century, in: Care in Healthcare, ed. Franziska Krause, Joachim Boldt, Cham 2018, pp.13–35

5 Hélène L'Heuillet, Du voisinage, Paris 2016

**Birthright citizenship is stopgap citizenship;
it helps some people, but the very principle of birthright
is the source of inequality for many others.**

from: **RETHINKING BIRTHRIGHT** by Stephanie DeGooyer, page 5

**For those who are stateless, human dignity is the
energy that animates their rights to claim rights from
one state or another, or none at all.**

from: **THE FOUNDATION OF ALL RIGHTS** by Erin Daly and James R. May, page 8

**The goal is to end the need for citizenship
because all humans are truly free and equal.**

from: **PROTECTING THE VULNERABLE** by Ulrike Lauerhaß and Eva Wuchold, page 10

**I propose a "rationality of the neighbourhood":
an ethic of compassion and tolerance for ambiguity.**

from: **THE IDEA OF BELONGING** by Rachid Boutayeb, page 11