

UNRECOGNIZED CITIZENSHIP: STATEHOOD AND THE OPPRESSION OF NONRECOGNITION

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I dedicate this dissertation to my parents and husband. First, to my father, Samih Elhajibrahim, who I lost before he could see this journey's end. I love you Baba, your unconditional love has made me who I am today. You died before you became a citizen of any country, but some of your beautiful family and grandchildren are citizens now. I promise you to teach them to never take that for granted. Second, to my mother, Salwa Kablawi, who has been my constant pillar of support with her encouragement and prayers. Mama, you are my role model and the first feminist in my life. I'm so proud to be a "copy of you" as my dad used to say. Last but not least, to my partner, Bassil Kublaoui. Without you, I would have not completed this journey. You believed in me when I didn't believe in myself. I thank you for your endless, unwavering love and support.

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# ABSTRACT

## UNRECOGNIZED CITIZENSHIP: STATEHOOD AND THE OPPRESSION OF NONRECOGNITION

Samah Elhajibrahim

Nancy Hirschmann

This dissertation seeks to examine citizenship in unrecognized states. Unrecognized states are state-like entities without widespread international recognition of their proclaimed sovereignty. Unrecognized states lack external sovereignty, and thus are not full members of the international system of sovereign states. Some scholars argue that there can be no statehood without internationally recognized sovereignty. The question then arises whether it is conceptually even possible to conceive of citizenship in unrecognized states. If the answer is yes, then what kind of citizen and citizenship emerge from the context of contestation and nonrecognition? This is what this dissertation attempts to answer. The dissertation delves into the concepts and practices of citizenship, sovereignty, and statehood. It approaches citizenship as a multidimensional phenomenon and adopts Linda Bosniak's four dimensions of citizenship, namely, legal status, rights, participation, and identity. The dissertation also considers citizenship as a spectrum rather than a singular position. It problematizes the conventional understanding of the state and sovereignty and provides an alternative approach that allows for the inclusion of unrecognized states. I argue that an unrecognized state is a state despite lacking external sovereignty. This implies that citizenship in an unrecognized state is possible, and it occurs not

in the absence of a state but rather in a particular form of statehood that is constrained by the lack of recognition. I argue that unrecognized states produce a distinct form of quasi-citizenship, which I call “unrecognized citizenship”. Unrecognized citizenship emerges from the ambiguous status of the contested states that do not fit neatly into the established global order. While I affirm that nonrecognition does not render citizenship impossible, I argue that it diminishes the effectiveness of citizenship and hinders citizens’ ability to assert their rights and participate in citizenship practices. I demonstrate through different examples, and interviews conducted in 2022 in the West Bank and Gaza, how the lack of recognition disempowers citizens of unrecognized states and hinders their ability to create an accountable culture. Drawing on Hegel, Axel Honneth and Charles Taylor, among other scholars, I argue that nonrecognition is a form of international oppression, which continuously exerts power and reinforces invisibility. In exploring citizenship in unrecognized states, this dissertation provides a starting point to talk about and understand the nuances of citizens’ experiences in unrecognized spaces and gives a language with which to express that phenomenon. The dissertation contributes to a lesser-known aspect of citizenship and highlights the statuses that exist between full citizenship and statelessness.

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# CHAPTER 1: ORIENTATION TO THE PROJECT: EXPLOING THE INVISIBLE

New approaches to citizenship have broadened our theoretical horizon from the narrow notion that citizenship is about “full and equal membership in a political community” to a more nuanced understanding of citizenship. Scholars have showed that historically citizenship has never been a unified category but that there has always been differentiated forms of citizenship.<sup>1</sup> The different statuses and rights held by naturalized citizens, citizens by birth within the territory, and citizens at birth through parental heritage in the U.S.; denizens in Europe and the status and rights of residents of unincorporated territories, such as Puerto Ricans, demonstrate that in between the citizen and the non-citizen there exists a multitude of different quasi-citizenships. This has led scholars to question the binary position between full citizens and non-citizens. Lately, a growing body of work within political science views citizenship not as all or nothing but rather as a continuum and a multidimensional concept. Elizabeth Cohen has introduced the concept of semi-citizenship, asserting that citizenship can exist in gradation and that one can have more or less of it.<sup>2</sup> To embrace the complexity of citizenship with all its meanings and contextual variations, scholars including Irene Bloemraad, Rainer Baubock, and Linda Bosniak have adopted a multidimensional understanding of citizenship that allows for various forms of citizenship to exist.<sup>3</sup> Such approaches have helped develop a language of

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<sup>1</sup> See, Judith Shklar, *American Citizenship: The Quest for Inclusion* (Harvard University Press, 1998). Rogers Smith, *Civic Ideals: Conflicting Visions of Citizenship in U.S. History* (Yale University Press, 1999). Ruth Lister, *Citizenship: Feminist Perspectives*, 2nd ed. (Washington Square, NY: New York University Press, 2003). Nancy Cott, “Marriage and Women’s Citizenship in the United States, 1830-1934.” *The American Historical Review* 103, no. 5 (1998): 1440–74. <https://doi.org/10.2307/2649963>.

<sup>2</sup> Elizabeth Cohen, *Semi-Citizenship in Democratic Politics* (Cambridge University Press, 2009).

<sup>3</sup> See Irene Bloemraad, “Citizenship and Immigration a Current Review,” *Int. Migration & Integration* 1 (2000): 9-37. <https://doi.org/10.1007/s12134-000-1006-4>; Rainer Baubock, *Transnational Citizenship and Migration*

citizenship that can be used to explore the invisible statuses that exist between full citizenship and non-citizenship. This dissertation is aligned with this body of scholarship. The conceptualization of citizenship as a multidimensional, gradient category provides a useful lens to analyze the different forms of citizenship held by individuals who, for various reasons, are neither full citizens nor non-citizens. Understanding citizenship as existing on a spectrum serves as the theoretical starting point of this study, which seeks to examine citizenship in unrecognized states.

Citizens in unrecognized states embody this in-between category situated along the continuum from full to non- citizens. From the international community's point of view, however, inhabitants of these entities are considered stateless since they are not recognized as states. Unrecognized states are state-like entities without widespread international recognition of their proclaimed sovereignty. In other words, they lack external recognition of sovereignty. According to some scholars, there can be no statehood without internationally recognized sovereignty.<sup>4</sup> The question then arises whether it is conceptually even possible to conceive of citizenship in unrecognized states. If the answer is yes, then what kind of citizen and citizenship emerge from the context of contestation and nonrecognition? This is what this dissertation attempts to answer. I seek to show and argue that unrecognized states produce a distinct form of quasi-citizenship, which I call "unrecognized citizenship". Unrecognized citizenship emerges from the ambiguous status of the contested states that do not fit neatly into the established global order. While I argue that nonrecognition does not render citizenship impossible, I affirm that it

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(Routledge, 2017); Linda Bosniak, "Citizenship Denationalized." *Indiana Journal of Global Legal Studies* 7, no. 2 (2000): 447–509. <http://www.jstor.org/stable/20644737>.

<sup>4</sup> See J. D. B. Miller, *The World of States: Connected Essays* (London, 1981).

diminishes the effectiveness of citizenship and hinders citizens' ability to assert their rights and participate in citizenship practices. I then argue that ultimately nonrecognition is a form of international oppression, which continuously exerts power and reinforces invisibility.

I develop my argument in four steps. First, I define citizenship. I believe the answer to almost every question depends on how someone chooses to define the term/s used in question. Thus, I first present my understanding of citizenship and since inhabitants of unrecognized states are often considered stateless in the international arena, I also offer a definition of statelessness, juxtaposing the two concepts. Second, I problematize the conventional understanding of the state and sovereignty. I provide an alternative approach that allows for the inclusion of unrecognized states. I argue that an unrecognized state is a state despite lacking external sovereignty. This implies that citizenship in an unrecognized state is possible, and it occurs not in the absence of a state but rather in a particular form of statehood that is constrained by the lack of recognition. Third, I discuss the unique characteristics of unrecognized states and the limitations and challenges such states face due to nonrecognition and the implications on citizenship. Finally, I use my conceptualization of citizenship developed at the beginning of the study to explore "unrecognized citizenship". In today's globalized world, recognition is not only beneficial but also crucial for living a normal life. The denial of recognition oppresses citizens of unrecognized states and imprisons them in a diminished, incomplete form of citizenship. I present detailed examples of the specific forms the oppression of nonrecognition takes, highlighting particularly how it denies citizens of unrecognized states the "right to live in the world".

The introductory chapter of this dissertation provides an overview of the chapters, in which I discuss the theoretical framework guiding the study. I want to stress that while this dissertation is about citizenship in unrecognized states, it is also about statehood, sovereignty,

recognition, and statelessness. A comprehensive analysis of citizenship in unrecognized states requires a certain understanding and conceptualization of the above concepts. What does statehood entail? Can statehood exist without external sovereignty? Can sovereignty be divided? Are the benefits of recognition by other states so important that citizenship becomes inconceivable without it? Does the denial of recognition of an entity condemn its people to statelessness? Or can citizenship be constructed within the framework of nonrecognition? The topic of citizenship in unrecognized states is a paradox that requires rethinking and problematizing a number of assumptions related to the above key concepts. This study intends to do just that by including inhabitants of unrecognized states in the framework of citizenship while also recognizing their unique experiences due to the lack of recognition.

## **Motivation for this Study**

This dissertation was born out of my visit to the Palestinian territories in 2013, specifically to the West Bank.<sup>5</sup> Although Palestine never fails to attract media attention for its politics and conflicts, it is an entity that has failed to gain full international recognition and thus remains outside the international system of sovereign states. The U.S. among other western countries does not recognize the Palestinian territories as a state. Some countries even refrain from using the word Palestine. As Edward Said once put it, “Palestine is a much debated, even

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<sup>5</sup> I entered the West Bank from Israel’s Ben Gurion airport using my American passport. I was not sure what to expect. Due to my Palestinian Arab background, I was held for seven hours in the airport and interrogated twice before I was given permission to enter Israel.

contested notion.”<sup>6</sup> In this study, I use the word Palestine and the Palestinian territories to refer to the West Bank and Gaza.<sup>7</sup>

Having never visited an unrecognized state before, I envisioned a Hobbesian state of nature. I anticipated chaos and disorder. Like most unrecognized states, Palestine is frequently portrayed as unsafe and dangerous: a place where law and order do not exist; a place where existence itself is suspended somewhere between recognition and the lack of it.<sup>8</sup> However, what I saw in the West Bank, except for the occupation and the checkpoints, was quite orderly and ordinary. The West Bank looks like any other country in the region.<sup>9</sup> It has basic public services and institutions, such as schools, hospitals, hotels, traffic lights, police enforcement powers, courts, media, newspapers, restaurants, nightclubs, etc. There was order and lawfulness. I saw people stopping at traffic lights and Palestinian civil police on the streets maintaining public order. Shockingly, the West Bank looked more like a state to me than Lebanon, where I grew up. But what struck me the most during my visit was to find the language of citizenship employed in an unrecognized state. The language of citizenship was surprisingly pervasive. I was invited to a couple of workshops about citizenship and the rights and duties of citizens. One of the workshops I attended was about empowering Palestinian women by educating them about their citizenship rights as well as human rights. I also participated in a protest against gender-based

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<sup>6</sup> Edward Said, “The Idea of Palestine in the West,” *Middle East Research and Information Project* (Sep., 1978): 3-11.

<sup>7</sup> While the Palestinian Authority (PA) and Hamas government oversee domestic affairs in the West Bank and Gaza respectively, Israel maintains security and borders. Both the West Bank and Gaza are governed by a combination of Jordanian law and PA decisions. For more on this see John Quigley, *The Statehood of Palestine* (Cambridge University Press, 2010).

<sup>8</sup> To clarify, life in Palestine can be quite dangerous to the Palestinians, primarily due to Israel’s blockade, occupation, and settlement enterprise.

<sup>9</sup> I say a country because the West Bank is bigger than some countries in the region. The West Bank is 7.39 times as big as Bahrain. Nonetheless, geographically, the West Bank looks like Swiss cheese because of all of the Israeli colonies in it.

violence where protesters invoked citizenship to demand equal treatment and protection. They argued that, as citizens, the government has a responsibility towards protecting and promoting their rights. The speeches were replete with the words, “citizens” and “citizenship”. To my surprise, the concept and the practice of citizenship were very much present in the West Bank.

This experience drew my attention to citizenship in unrecognized states.<sup>10</sup> It prompted so many questions about “places that don’t exist” in international relations and the people who inhabit them, and who are invisible internationally but are nonetheless recognized and governed by such unrecognized entities. How does the context of nonrecognition affect citizenship? Does the absence of a fully-fledged state simply render citizenship impossible? Does it have no effect or does it lead to a new form of citizenship? What kind of citizenry evolves in the context of nonrecognition? And how do unrecognized states try to legitimize themselves domestically and construct citizenship? I was motivated after my visit to delve into these unknown entities and study these challenging questions.

## **What do we Know about Unrecognized States?**

In the last two decades, scholars and particularly international relations theorists have succeeded in placing unrecognized states in academic political inquiry after they have been neglected and under-studied for so long. However, despite a new interest in them, unrecognized states remain poorly understood and often surrounded by myths and misconceptions. Their tenuous status and their limited representation on the highest political stage make them a pariah.

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<sup>10</sup> The concept of citizenship has always been an interest of mine. As I was stateless for 25 years, I had a love-hate relationship with citizenship. I was jealous of citizens and wanted to explore what I was deprived of for so long. Admittedly, some of my understanding of citizenship stems from my statelessness experience. I felt the power of citizenship through statelessness and the vulnerability and the alienation that stems from the lack of it. I was able to recognize that what I encountered in the West Bank was not a stateless society, nor a stateless people.



They are “informational black holes,”<sup>11</sup> often portrayed in negative terms in the media and in some academic literature. Unrecognized states have been depicted as violent, unstable, anarchic and havens for criminal activities. For example, according to Walter Kemp, “These autonomous grey zones (or black holes) are risky yet attractive environments for traffickers, profiteers and mercenaries. They may even be a haven or market place for terrorists.”<sup>12</sup> While there is some truth to this general characterization, it is an exaggeration and simplification of the subject. As Nina Caspersen explains, “the context of nonrecognition and unresolved conflicts results in a complexity that is overlooked in most descriptions of these entities. For example, in the context of nonrecognition it is often difficult to distinguish illegal trade driven by criminal intent from illegal trade driven by the need for survival.”<sup>13</sup> Nonrecognition locks many of the unrecognized states out of international organizations and trade agreements. Nonrecognition also reduces access to foreign aid and discourages foreign investors. Consequently, the black market becomes the only alternative for survival. For example, in the 1990s the trade blockade on Abkhazia made any international trade illegal, including selling tangerines, Abkhazia’s main source of income.<sup>14</sup> Thus, in the context of nonrecognition, illegality does not necessarily mean the commission of a malicious crime: it encompasses any international trade, including something as banal as tangerines. That being said, some unrecognized states are certainly dominated by local autocrats looking to benefit from illegal smuggling.

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<sup>11</sup> Charles King, “The Benefits of Ethnic War: Understanding Eurasia’s Unrecognized States.” *World Politics* 53, no. 4 (2001): 524–52. <http://www.jstor.org/stable/25054164>.

<sup>12</sup> Walter, Kemp “Selfish Determination: The Questionable Ownership of Autonomy Movements, *Symposium, Ethnopolitics*, 4, no.1(2005): 85-104, DOI: [10.1080/17449050500072531](https://doi.org/10.1080/17449050500072531)

<sup>13</sup> Nina Caspersen, *Unrecognized States: The Struggle for Sovereignty in the Modern International System* (Polity, 2012): 22.

<sup>14</sup> See “Tangerine Fever Grips Abkhazia,” *Institute for War and Peace Reporting* (November, 2002). <https://iwpr.net/global-voices/tangerine-fever-grips-abkhazia>

While the negative image of unrecognized states is a dominant one, there is another vein of literature on unrecognized states that describes these entities as “states in all but name”.<sup>15</sup> Researchers and observers such as Thomas De Waal, argue that some unrecognized states operate like genuine states.<sup>16</sup> Certainly, there is some truth to this claim too. Like recognized states, unrecognized states have governments, organized political leadership; parties, courts; police forces; public services such as hospitals, schools, restaurants, hotels, and ceremonial structures, such as flags, anthems, and holidays. They conduct elections, provide passports, and keep public records. Recent literature has also pointed out the relative success of some unrecognized states in building effective state institutions and governing with a high level of popular consent that in certain cases exceeds that of some fully-fledged states.<sup>17</sup> The cases of Somaliland and Taiwan are often brought up as examples to support this positive view of unrecognized states.

The disagreement between scholars on the topic of unrecognized states is also reflected in the different terms used to refer to these entities. There exists no terminological consensus about what to call these entities. Scholars have labeled them as de facto states (Florea 2014, Pegg 1998, Tozun Bahcheli et al 2004), pseudo states (Kolossoff; O’Loughlin 1998), unrecognized states (Chirikba 2004, Caspersen 2012, King 2001), quasi-states (Baev 1998, Chirikba 2004, Kolstø 2006, Rywkin 2006, , Stanislawski et al 2008,), para states, almost states (Pelczynska-Nalecz, Stanislawski 2008, Strachota and Falkowski 2008) pariah states (Payne; Veney 2001), separatist

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<sup>15</sup> See Scott Pegg, *International Society and the De facto State* (Aldershot/Brookfield, 1998).

<sup>16</sup> See Thomas De Waal, “The Strange Life and Curious Sustainability of Fe Facto States,” *Carnegie Europe* (April 26, 2018). <https://carnegieeurope.eu/2018/04/26/strange-life-and-curious-sustainability-of-de-facto-states-pub-76431>.

<sup>17</sup> See Nina Caspersen, ‘Separatism and Democracy in the Caucasus’ *Survival* 50, no.4 (2008): 113-136; Pal Kolstø and Helge Blakkisrud, *Living with Non-recognition: State-and nation-building in South Caucasian quasi-states*, *Europe-Asia Studies* 60, no.3 (2008): 483-509.

states (Lynch 2004), contested states (Geldenhuis, 2009), self-proclaimed states (Geldenhuis, 2014), and informal states (Isachenko 2012) to name a few.<sup>18</sup>

The variety of approaches with regard to the terminology employed describing these entities is telling. It signals the ambiguity of their international status and the anomaly of quasi-membership in a world dominated by full-fledged nation-states as the primary legitimate actors. Although none of the above labels is without its problems, some are less desirable and more derogatory than others. For example, the term pseudo-state implies that the state is a lie. As Pal Kolstø puts it, the term pseudo-state contains an “unnecessary value judgement.”<sup>19</sup> Similarly, the label pariah state is pejorative and is not necessarily characteristic of these entities. In fact, some full-fledged states could be described as pariah states due to their flagrant human rights abuses and violations of established international norms.<sup>20</sup>

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<sup>18</sup> See Adrian Florea, “De Facto States in International Politics (1945–2011),” *A New Data Set, International Interactions* 40, no.5, (2014): 788-811; Scott Pegg, *International Society and the De facto State* (Aldershot/Brookfield, 1998); Tozun Bahcheli, Barry Bartmann, and Henry Felix Srebrnik, *De Facto States the Quest for Sovereignty* (London: Routledge, 2004); Kolossov, V., & O’loughlin, J. (1998). New borders for new world orders: Territorialities at the fin-de-siecle. *GeoJournal*, 44(3), 259-273. Chirikba Viacheslav. “Geopolitical Aspects of the Abkhazian Statehood: Some Results and Perspectives.” *Iran & the Caucasus* 8, no. 2 (2004): 341–49; Caspersen, *Unrecognized States*; King, *The Benefits*; Pavel K Baev. *Russia's Policies in Secessionist Conflicts in Europe in the 1990s*. (Norwegian Atlantic Committee, Security Policy Library 1998). Bartosz H Stanislawski, Pelczyńska-Nałęcz Katarzyna, Strachota Krzysztof, Falkowski Maciej, David M. Crane, and Melvyn Levitsky. “Para-States, Quasi-States, and Black Spots: Perhaps Not States, but Not ‘Ungoverned Territories,’ Either.” *International Studies Review* 10, no. 2 (2008): 366–96. Also see Eiki Berg and Raul Toomla, “Forms of Normalisation in the Quest for De Facto Statehood,” *The International Spectator* 44, no. 4 (December 2009): 27–45, doi:10.1080/03932720903351104; Deon Geldenhuis, *Contested States in World Politics* (Houndmills, Basingstoke, Hampshire: Palgrave Macmillan, 2009); Pal Kolstø, “The Sustainability and Future of Unrecognized Quasi-States”, *Journal of Peace Research* 43 (2006):725; Payne, Richard John and Cassandra Rachel Veney. “Taiwan and Africa: Taipei’s Continuing Search for International Recognition.” *Journal of Asian and African Studies* 36 (2001): 437 – 450; Dov Lynch, *Engaging Eurasia’s Separatist States: Unresolved Conflicts and De Facto States*, (United States Institute of Peace, 2004); Deon Geldenhuis, *Contested States in World Politics* (Palgrave Macmillan, 2009); Daria Isachenko. *The Making of Informal States: Statebuilding In Northern Cyprus and Transdnistria*. Houndmills, Basingstoke, Hampshire: Palgrave Macmillan, 2012.

<sup>19</sup> Kolstø, *Sustainability*, 725.

<sup>20</sup> While there are no agreed criteria of what constitutes a pariah state, many scholars include human rights violation as an important category to qualify as a pariah state. In 2014, Noam Chomsky described the U.S. as a Pariah state due to its violation of international law. See Noam Chomsky, “The Politics of Red Lines” (May 1, 2014). In these times, however, according to Geldenhuis, major superpowers by definition cannot be pariah states since they cannot be isolated or harmed. See Deon Geldenhuis, “Pariah States in the Post-Cold War World: A Conceptual Exploration,” *Saia Reports* 2 (March 5, 1997).

For some scholars, the term quasi-state is the most precise term to describe such entities, as it implies that these states have some but not all of the features of the state.<sup>21</sup> Pal Kolstø views the term to be free of value judgements.<sup>22</sup> However, Thomas De argues that the term is “derogatory and not satisfactory to describe somewhere that has functioned on its own for a quarter of a century.”<sup>23</sup> Today, many scholars, including Kolstø, have discontinued using the term quasi-state, as it has been associated with Jackson’s (1993) classic work *Quasi-States: Sovereignty, International Relations and the Third World*. In this work Jackson was referring to entities that have external sovereignty, lacking internal sovereignty. In a critique of Jackson’s work, Kolstø attempted to rework the terms, arguing that the entities Jackson is referring to should be called “failed states”, and that quasi states should be used to refer to entities that lack external sovereignty. However, the term failed to achieve widespread use and continued to be defined in the manner of Jackson.

The term that has so far found wider acceptance and usage among scholars is “de facto state”. Although not without its critics, the term is perceived as the most neutral and the least negative. Yet, for Donnacha O Beachain et al. the term ‘de facto state’ is of little use given that all states, recognized or not (including de jure state), exist de facto.<sup>24</sup> Another term that has become widespread and popular especially outside academia is “unrecognized state”. This term

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<https://web.archive.org/web/20150610031805/http://dspace.africaportal.org/jspui/bitstream/123456789/29746/1/SAIA%20Reports%20no%202.pdf?1>.

<sup>21</sup> See Sacha Bachmann and Martinas Prazauskas, “The Status of Unrecognized Quasi-States and Their Responsibilities Under the Montevideo Convention” *The International Lawyer*: Chicago 52, (no.)3, (2019): 393-437.

<sup>22</sup> Kolstø, *Sustainability*, 723.

<sup>23</sup> De Waal, *The Strange Life*, <https://carnegieurope.eu/2018/04/26/strange-life-and-curious-sustainability-of-de-facto-states-pub-76431>.

<sup>24</sup> Donnacha Ó Beacháin, Giorgio Comai, and Ann Tsurtsumia-Zurabashvili, The secret lives of Unrecognised States: Internal Dynamics, External Relations, and Counter-recognition Strategies, *Small Wars & Insurgencies* 27, no. 3 (2016): 440-466.

has also been criticized for its negative undertone as it focuses on what these entities have failed to achieve, ignoring their many achievements. Another important critique of this term is that it suggests that entities enjoy no recognition at all. As will be demonstrated in this study, there are different types of recognition: some of these entities have been recognized by many UN members (for example, Palestine and Kosovo), some by only their patron state (such as South Ossetia and the Turkish Republic of Northern Cyprus (TRNC)), and others by none (Somaliland is such as example). Nonetheless, none of these entities have gained widespread international recognition and thus they are not full members of the international system of sovereign states. In other words, the lack of widespread international recognition is what distinguishes these entities from full-fledged states. Note, this does not mean that all unrecognized states are identical in every way. Taiwan is not like Abkhazia and similarly Afghanistan is not like France, yet they are grouped in one category based on the presence or absence of widespread recognition.

The absence of widespread recognition means that these entities are perceived as illegitimate in the eyes of the international community. Thus, the element of nonrecognition is not an insignificant feature of these entities but rather *the* feature that defines them, shapes them, and limits them. The lack of recognition, as I will argue in this dissertation, has a significant impact on the kinds of entities that develop and the type of citizenship that emerges as a result. For these reasons, the entities that are the subject of this thesis will from this point onwards be referred to as unrecognized states, with the understanding that nonrecognition does not imply lack of any recognition but rather the lack of “*imprimatur of international recognition.*”<sup>25</sup>

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<sup>25</sup> King, *Benefits*, 525.

In addition to the various terminologies describing these entities, there are also several competing definitions in the literature and different views on how viable, strong, weak, and democratic these entities are. In what follows, I will provide a brief overview of the most influential works on the subject of unrecognized states, highlighting the different definitions and characteristics. I will then conclude the section with my own definition, which will be discussed in more detail in chapter four.

## Literature Review on Unrecognized States

*International Security and the De Facto State* (1998) by Scott Pegg is the first book to introduce the concept of unrecognized states as a subject of theoretical analysis.<sup>26</sup> In this work, Pegg argues that unrecognized states not only exist but that they are a coherent phenomenon, distinct from other actors in international politics, and worthy of analysis in their own right.<sup>27</sup> Pegg starts by addressing the question “what is an unrecognized state?”, which he defines as “a secessionist entity that receives popular support and has achieved sufficient capacity to provide governmental services to a given population in a defined territorial area over which it maintains effective control for an extended period of time.”<sup>28</sup> He then goes on to examine four

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<sup>26</sup> Pegg used the term “de facto state.” Note the term “de facto state” was used by Sean Randolph in 1981 (before Pegg’s article, 1998) to refer to Taiwan. Also, Michael Gunter used the term in 1993 to refer to the Kurdish state in North Iraq. But neither of them has studied the concept as a phenomenon on its own. See Sean Randolph, “The Status of Agreements between the American Institute in Taiwan and the Coordination Council for North American Affairs.” *The International Lawyer* 15, no. 2 (1981): 249–62. <http://www.jstor.org/stable/40706354>. See Michael Gunter, “A de Facto Kurdish State in Northern Iraq.” *Third World Quarterly* 14, no. 2 (1993): 295–319. <http://www.jstor.org/stable/3992569>.

<sup>27</sup> Scott Pegg, *International Society and the De facto State* (Routledge Rvivals, 1998), 250-251.

<sup>28</sup> Scott Pegg, “De facto states in the International System,” *Institute of International Relations* (The University of British Columbia, February 1998).

<https://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.695.2796&rep=rep1&type=pdf>

unrecognized states: Eritrea prior to its independence, the Turkish Republic of Northern Cyprus (TRNC), Somaliland, and the Tamil Eelam. Pegg makes a key observation about the diversity of these entities in terms of their territorial justification, degrees of democracy, and the nature of their relations with international society. He also shows that many of these entities have managed to survive for extended periods of time. Pegg concludes his book by making the case that these entities have some impact on international politics and, therefore, they should neither be neglected in academic discussions nor be viewed solely in negative terms.

Although Pegg's definition of unrecognized states is the most used in the literature, it has also been contested and criticized. For example, Pegg considers an unrecognized state a secessionist entity by default. While some scholars, like Tozun Bahcheli et al., agree with such characterization, others do not.<sup>29</sup> James Harvey and Gareth Stansfield argue that secession should not be incorporated into the definition of unrecognized states.<sup>30</sup> Harvey and Stansfield explain that secession is only a phase in the creation of de facto independence and is not a permanent existence as unrecognized states move on to form state-like constructs. Also, Pegg has been criticized for using popular support as a criterion of unrecognized states even though it is not required for full-fledged states. Overall, though, Pegg's major contribution is that he did place these entities on the map of academic research. His work succeeded in stirring serious scholarly discussions and examination of the unrecognized states phenomenon.

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<sup>29</sup> See Tozun Bahcheli, Barry Bartmann and Henry Srebrnik, *De Facto States the Quest for Sovereignty* (Routledge, 2016).

<sup>30</sup> See chapter 1, "Theorizing Unrecognized States: Sovereignty, Secessionism, and Political Economy," James Harvey and Gareth Stansfield in *Unrecognized States in the International System* edited by Nina Caspersen and Gareth Stansfield (Routledge, 2014).

In *Engaging Eurasia's Separatist States: Unresolved Conflicts and De Facto States* (2004), Dov Lynch offers an analysis of four unrecognized states that emerged out of the breakup of the Soviet Union: Abkhazia, South Ossetia, Nagorno-Karabakh, and Transnistria. Lynch defines unrecognized states similarly to Pegg, but unlike Pegg, Lynch gives a bleak account of unrecognized states within the specific context. He argues that any positive effects of de facto status of the unrecognized states are far outweighed by negative costs, including impoverishment, high level of criminality, devastated economies, and poor state infrastructures. This is in contrast to Charles King, who a few years before the publication of Lynch's work, wrote an article on unrecognized states in which he argued that most of the unrecognized states on the territory of the former Soviet Union are quite strong, "The territorial separatists of the 1990s have become state builders in the early 2000s, creating de facto countries whose ability to field armies, control their own territory, educate their children, and maintain local economies is about as well developed as that of the recognized states of which they are still notionally a part."<sup>31</sup> Contrary to King, Lynch argues that unrecognized states are failing because "they have the institutional fixtures of statehood, but they are not able to provide for its substance. The wars of the early 1990s devastated their economies and exacerbated the difficulties that resulted from the Soviet collapse."<sup>32</sup> Note that Lynch's argument applies to these four specific unrecognized states that have emerged from the former USSR. According to Lynch, these unrecognized states seem "destined to collapse."<sup>33</sup> However, eighteen years on from the publication of his work, these separatist entities, as he calls them, show little sign of disappearing.

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<sup>31</sup> King, *Benefits*, 525.

<sup>32</sup> Dov Lynch, "Separatist States and post-Soviet Conflicts", *International Affairs*, 78, no. 4, (October 2002): 831–848, (841) <https://doi.org/10.1111/1468-2346.00282>.

<sup>33</sup> Dov Lynch, *Engaging Eurasia's Separatist States: Unresolved Conflicts and De Facto States*, (United States Institute of Peace, 2004): 141.



Lynch is not alone in this conviction. In fact, much of the literature treats unrecognized states as a transient phenomenon. In his article, “The Sustainability and Future of Unrecognized Quasi-States”, Pal Kolstø points out that despite the “impressive longevity” of unrecognized states, they are “essentially transient phenomena and it is generally expected that they will sooner or later disappear.”<sup>34</sup> According to Kolstø, unrecognized states are weak but they have not collapsed due to strong internal support from their population, which has been built up through propaganda.<sup>35</sup> For Kolstø, to qualify as an unrecognized state, the entity must fulfill three criteria: “its leadership must be in control of [most of] the territory it lays claim to, it must have sought but not achieved international recognition... have persisted in this state of non-recognition for less than two years.”<sup>36</sup>

Deon Geldenhuys offers different criteria of what constitutes an unrecognized state. In his book, *Contested States in World Politics* (2009), Geldenhuys provides an exhaustive overview of these entities. Unlike most of his predecessors, who have restricted their studies of unrecognized states to the former Soviet Union breakaway republics, Geldenhuys examines ten case studies: the Eurasian Quartet (this includes Abkhazia, South Ossetia, Transdniestria, and Nagorno Karabagh), Kosovo, Somaliland, Palestine, Northern Cyprus, Western Sahara, and Taiwan. Geldenhuys insists that unrecognized states deserve to be called states “because nearly all of them satisfy the basic, formal requirements of statehood in international law save for recognition.”<sup>37</sup> Geldenhuys draws his definition of unrecognized states from the criteria of statehood specified by the Montevideo Convention on the Rights and Duties of the State (1933),

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<sup>34</sup> Kolstø, *Sustainability*, 735.

<sup>35</sup> Kolstø, *Sustainability*, 735

<sup>36</sup> Kolstø, *Sustainability* 726.

<sup>37</sup> Deon Geldenhuys, *Contested States in World Politics* (Palgrave Macmillan, 2009).

which include: population, territory, governments, and their ability to conduct international relations. Thus, for Geldenhuys, unrecognized states are like confirmed states minus the international de jure recognition. The lack of de jure recognition is seen as the sine qua non characteristic of unrecognized states. Geldenhuys focuses on the life cycle of unrecognized states, examining why they emerge, how they behave, how others deal with them, and where they may be heading to.<sup>38</sup> While Geldenhuys acknowledges that some of these entities have existed for well over ten years and some might survive several more years, he argues that they will ultimately disappear.<sup>39</sup>

Another study that currently stands as the core text on unrecognized states is the work of Nina Caspersen, *Unrecognized States: The Struggle for Sovereignty in the Modern International System* (2012). Unlike previous scholarship on the subfield, which have concentrated on the entities' place in the international system and the way in which confirmed states interact with them, Caspersen's work examines the internal political structures of these entities. Closson notes that prior to Caspersen's work, "[p]revious literature, particularly of monograph length on *internal* developments of unrecognized states is dated or, with one exception (Pegg 1998), not grounded in theory."<sup>40</sup> Caspersen departs from the previous studies to look within the unrecognized states. She posits that in order to be considered an unrecognized state, the entity must "control two third of the territory they claim, seek to build state institutions, has declared formal independence or demonstrated clear aspirations for independence, has not gained

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<sup>38</sup> Geldenhuys, *Contested*: 8-23.

<sup>39</sup> Geldenhuys devotes most of chapter three considering the different paths and alternative destinations for unrecognized states as he believes that the status quo will cease at some point.

<sup>40</sup> Stacy Closson, Pal Kolsto, Lee J M. Seymour and Nina Caspersen, "Unrecognized States: The Struggle for Sovereignty in the Modern International System," *Nationalities Papers: The Journal of Nationalism and Ethnicity* (2013): 675.

international recognition, and finally has existed for at least two years.”<sup>41</sup> Caspersen goes on to analyze the impact of nonrecognition on the character of statehood in unrecognized states and asks whether there is something qualitatively different about such states. She finds that unrecognized statehood develops in ways that differ remarkably from that of their recognized counterparts. Consequently, she argues that unrecognized states are not like recognized states without recognition but rather they are a distinct form of statehood as they are subject to specific tensions. As she puts it, “unrecognized states are consequently not simply ‘states in waiting’, identical to recognized states aside from their lack of recognition. No matter where they fall on the spectrum between ‘failed’ and ‘strong’ unrecognized states, they are subject to specific tensions that lend them an almost transient quality.”<sup>42</sup> Caspersen shows the complexity of these entities and highlights the contradictions and the tensions they face. She demonstrates the heterogeneity of unrecognized states and challenges the widely held notion that unrecognized states are “anarchical badlands”, arguing that while some are failing, others can be described as democratic. She also acknowledges that the lack of recognition places these entities in “an ambiguous and largely transient position.”<sup>43</sup> However, she points out that “these entities may therefore not be permanent, but they are not completely transient either,”<sup>44</sup> reflecting once again on their complexity and the contradictory limbo state they live in.

It is important to note that the many definitions of the phenomenon of unrecognized states lead to different number of entities included in the category of unrecognized states. For instance, according to Pegg’s definition, there are six entities that could be called unrecognized

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<sup>41</sup> Caspersen, *Unrecognized States*, 11.

<sup>42</sup> Caspersen, *Unrecognized States*, 150.

<sup>43</sup> Caspersen, *Unrecognized States*, 121.

<sup>44</sup> Caspersen, Stansfield (2011): 88.

states. Caspersen counts sixteen unrecognized states, excluding entities like Palestine and Western Sahara and classifying Kosovo and Taiwan as borderline cases. Other scholars' definitions allow for a greater number of cases. For example, Adrian Florea identified thirty-four unrecognized states between 1945 and 2011.<sup>45</sup>

While the literature has not come to any consensus about how to define these entities, what constitutes them, what to call them, and how many of them exist, it has nonetheless revealed some important features of unrecognized states. First, it has highlighted that these entities possess some but not all of the features of fully confirmed states. The definitions and terminologies used to describe these entities indicate that unrecognized states are state-like entities. All of the terms employed include the word "state". Unrecognized states are "states" but with a qualification that reflects their deficit in de jure recognition, which sets them apart from full-fledged states. Second, it has demonstrated that unrecognized states are not identical. Studies have come to different conclusions when evaluating these entities and their capabilities of carrying out statehood functions. Some have described them as "strong well-functioning states,"<sup>46</sup> while others called them "the weakest of the weak."<sup>47</sup> This makes sense: unrecognized states like confirmed states constitute a whole spectrum of entities stretching from stable to collapsed states. Finally, scholarly literature has emphasized the importance of recognition and how the absence of it renders them invalid in many eyes. Although the lack of recognition does

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<sup>45</sup> Adrian Florea, "De Facto States in International Politics (1945–2011)," *A New Data Set, International Interactions* 40, No. 5, (2014): 788-811.

<sup>46</sup> See King, *Benefits*.

<sup>47</sup> See Charles H. Fairbanks, "Weak States and Private Armies" in *Beyond State Crisis? Postcolonial Africa and Post-Soviet Eurasia in Comparative Perspective* 132 (Washington, D.C.: Woodrow Wilson Center Press, 2002).

not necessarily doom the state to failure, literature suggests that it nonetheless creates major obstacles and challenges, as it puts them at the margins of the international system of states.

In this study an unrecognized state is defined as follows: *a political entity with a territory, a population, and a government exercising sovereign control to a greater or lesser extent over its territory and providing governmental services to the given population without substantive recognition as a sovereign state, yet seeking and striving for that recognition.* This working definition obviously comprises a number of different elements and each of these elements will be discussed in detail in chapter four. For now, however, it is important to underscore that the term “state” in unrecognized state is justified on the grounds that these entities have the semblance of the state in their function and structure. In addition, the lack of recognition by the international society is a defining feature of these entities.

The plethora of conceptual approaches to unrecognized states has certainly helped to improve our understandings of some of the key features of these entities. However, despite the advancement made in this incipient subfield of study, when it comes to the breadth of issues pertaining to unrecognized states, progress has been minimal. The study of unrecognized states has been limited or more accurately stuck around two main questions: what to call these entities and how do they manage to survive? As Pegg has recently noted, “two decades later, we are still arguing about what to call these entities, how many of them exist, and what their prospects for survival are or are not.”<sup>48</sup> Taking a cue from Pegg’s observation, this dissertation departs from previous research practices and approaches by venturing into an understudied aspect of

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<sup>48</sup> Scott Pegg, “Twenty Years of de facto State Studies: Progress, Problems, and Prospects”, *Oxford Research Encyclopedia of Politics*, (July 2017) <https://doi.org/10.1093/acrefore/9780190228637.013.516>

unrecognized states, namely citizenship. The study attempts to contribute to the scarce knowledge concerning citizenship in unrecognized states and advance this line of research.

### **Citizenship and/or Statelessness in Unrecognized States**

In the context of nonrecognition, citizenship is often regarded as an oxymoron. To be a citizen, we are told, is to be a member of a given state. Since unrecognized states are not considered official states by the international community, inhabitants of such states are perceived and almost always labeled as stateless. Their statelessness is often taken at face value without any analytical examination and investigation of their unique situation. And even within the statelessness literature with which they are lumped, people of unrecognized states are rarely considered; and so there is a lack of understanding surrounding the realities of their existence. We know very little about the political life of inhabitants of these entities. How does nonrecognition affect them? What is their status? Do they have any citizenship rights in these entities? Are they able to practice citizenship? How do they relate to their governments? How are they being affected by the policies of their own governments and the policies from abroad and how do they maneuver between these two forces? How do they identify? How do they construct a sense of belonging in the context of nonrecognition? There are so many unexplored questions regarding people who live within these unrecognized entities. However, as academia and specifically scholarship on citizenship seem to have adopted the international community's view on this matter, inhabitants of unrecognized states are rendered invisible.

Admittedly, people of unrecognized states do not fit neatly into either of the two standard categories of citizenship and statelessness. Contemporary academic literature has challenged and destabilized these categories. Statelessness, for example, has been considered equivalent to the lack of functioning citizenship as well as the result of systematic discrimination and

marginalization. Therefore, the term has been used in many different contexts and applied to various people, including legal citizens. Some scholars use the term stateless to refer to refugees who have lost the protection of their state and were forced to leave their country due to persecution, war, or violence. Others have applied the term to victims of Hurricane Katrina, due to their trying experience. Lolita Inniss criticizes media outlets for describing those made homeless by Katrina as refugees and argues that the term that best describes their conditions is stateless.<sup>49</sup> Like stateless persons, Inniss argues that Katrina victims were stripped of their dignity; they were in despair and destitution and in this sense they were stateless. From this perspective, statelessness is not a matter of not being legally a member of a state, it is a matter of being abandoned by your own country. Similarly, in her book, *Genealogies of Citizenship*, Margaret Somers claims that Katrina victims “were no longer in any meaningful sense citizens; they were now, in effect, stateless people ... they have become the socially and morally excluded—invisible, dispensable, and forgotten.”<sup>50</sup> Somers compares stateless refugees from post war-Europe to victims of market fundamentalism's erosion of social protections, symbolized by the Katrina crisis. According to Somers, both victims have been robbed of their humanity and stripped of moral recognition. She argues that poor people around the world are becoming effectively stateless people due to market fundamentalism, which had the effect of eroding the foundations of inclusive citizenship.

Like statelessness, the scope of citizenship has also been broadened. In the last two decades, there have been some push back against a state-based approach to the concept of

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<sup>49</sup> B. Lolita Inniss, "A Domestic Right of Return? Race, Rights, and Residency in New Orleans in the Aftermath of Hurricane Katrina," *Boston College Third World Law Journal* 27, no. 2 (April, 2007): 331.

<sup>50</sup> Margaret R. Somers, *Genealogies of Citizenship: Markets, Statelessness, and the Right to have Rights* (Cambridge, UK; New York: Cambridge University Press, 2008):114.

citizenship. A growing body of literature conceives of citizenship in ways that locate it beyond the state and particularly beyond the nation-state. John Hoffman, for instance, argues that the state is a barrier to egalitarian and emancipatory forms of citizenship.<sup>51</sup> Some scholars, such as Iris Young, focus on post-national citizenship, emphasizing the need to transcend the nation-state framework to allow for the inclusion of migrants in a wide global community of citizens.<sup>52</sup> Engin Isin moves beyond the statist realm completely to deterritorialize citizenship practices and identities. Isin argues that citizenship depends on the action of the subjects, defining citizenship as a mode of public engagement that requires not membership in a state but rather activity.<sup>53</sup> According to Isin, an individual can transform oneself into a citizen through action.

Although I do empathize with the above approaches, this study explores citizenship in unrecognized states by depicting both citizenship and statelessness as they are, as statist and territorial markers. Citizenship and statelessness are expressions of state power. As much as we might like to think that citizenship is decoupled from the state, the reality on the ground tells us otherwise. At least ten million people in the world today are stateless because no state recognizes them as members of their political community, and no matter how much they engage in acts of citizenship their status remains unchanged. Of course, that is not to imply that citizenship is only about status. As I mentioned earlier and as will be demonstrated in the next chapter, citizenship is a multidimensional concept and a gradient category that ranges from full citizenship to non-citizenship. In this sense, some citizens can indeed experience certain aspects of statelessness if they are closer on the spectrum to non-citizenship than to full citizenship. The key point here is

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<sup>51</sup> See John Hoffman, *Citizenship Beyond the State* (SAGE publications, 2004).

<sup>52</sup> See Iris Young, *Justice and the Politics of Difference* (Princeton University Press, 1990).

<sup>53</sup> See Engin Isin, "Theorizing acts of Citizenship" in: Engin Isin and Greg Nielsen, eds. *Acts of Citizenship*. (London, UK: Palgrave Macmillan, 2008): 15–43.



that this study focuses on the need to include inhabitants of unrecognized states in citizenship scholarship, and it does so not by dissociating citizenship from the state or converging citizenship and statelessness but rather by acknowledging the reality that the state remains a significant power in defining and constructing citizenship. The state is the sole custodian of formal citizenship. It transforms subjects into citizens. It defines the rights and responsibilities of citizens. It also provides the structural anchor for the formation of citizenship. The state is a crucial aspect of this study, to which I devote an entire chapter.

This dissertation builds on previous studies that have indicated that, despite the lack of recognition, these entities are states.<sup>54</sup> Consequently, I argue that inhabitants of unrecognized states are citizens not because they perform acts of citizenship or feel a sense of belonging, but rather because they are recognized as members by their unrecognized states. Nonetheless, I argue that this citizenship is limited in nature and incomplete due to their states' international nonrecognition, asserting that a new form of citizenship emerges from the context of this nonrecognition. The lack of recognition engenders unique citizenship, characterized by specific tensions and ambiguities that are unlikely to be found in recognized entities. Building on Charles Taylor's analysis of recognition, this dissertation argues that the lack of recognition not only produces a complicated model of citizenship but also a dangerous one.

## **The “So What” Question: Aims and Objectives**

Why study citizenship in unrecognized states? Why attempt to include inhabitants of these unrecognized entities in the framework of citizenship? While in the last decade studies of

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<sup>54</sup> See Pegg, *International Society*; Kolstø, *Sustainability*; Caspersen, *Unrecognized States*.

unrecognized states have burgeoned and have greatly increased our understanding of these entities, citizenship in the context of nonrecognition has never been explored. In fact, citizenship and unrecognized states are rarely if at all found in one sentence. As I mentioned earlier, the scholarship coming from this new subfield is very limited in its scope. Therefore, one reason to study citizenship in unrecognized states is to fill this gap in the literature and advance the debate around unrecognized states. Thus, in a way, this dissertation is a continuation of an ongoing conversation and investigation about unrecognized states.

A second more compelling reason to study citizenship in unrecognized states is to better understand the impact of nonrecognition on people and their daily lives. Recognition and the lack of it have been mainly examined in relation to the state. The lack of widespread international recognition is a central concept in international relations discipline and, therefore, it is often discussed from that standpoint. Most of the studies try to make sense of how such unrecognized entities survive in a system of sovereign states. But what about the people who live in these entities? How do they manage to survive without existing internationally? How do they participate in politics, contest in courts, and educate their children in a state that the international community considers fake or non-existent? Such questions fall within the grand domain of citizenship studies, but have not yet attracted any academic attention in the field. By dismissing the issue of citizenship in unrecognized states, we miss an opportunity of studying the impact of lack of external sovereignty on the quality and functionality of citizenship. Citizenship in unrecognized states may be a useful vehicle from which to generate insights on larger questions of citizenship and sovereignty and the different degrees and in-betweenness of citizenship. Studying citizenship in unrecognized states helps open up the field for other hyphenated citizenships. My intention is to expand citizenship studies' gaze to critically engage with

unrecognized citizens and their relationship with their governments. My hope is that if we have an understanding of how nonrecognition affects the daily lives of citizens of these entities, we would be in a better position to shape policies and develop practical proposals.

If we are, then, to identify possible solutions to problems facing unrecognized citizens, it is of crucial importance to differentiate them from stateless persons, who deal with a qualitatively different struggle and thus require different solutions. Unlike stateless people, the problem for citizens of unrecognized states is not they are not recognized by any state but that their state that recognizes them as citizens is not recognized. Unrecognized citizens are engaged in a struggle of self-determination and survival, which shapes their citizenship perceptions and practices.

What is more, when we mistakenly place unrecognized citizens under the rubric of statelessness, we undermine their compelling claims of accountability against their governments and relieve these governments of the responsibilities they have towards their citizens. Scholarship on this subject shows that many unrecognized states manage to survive and endure for quite a long time. Thus, inhabitants of these entities have been governed and policed by their own governments despite the international communities' refusal to recognize them as legitimate states. Inhabitants of unrecognized states, as this dissertation will demonstrate, have managed to constitute themselves as citizens and establish a reciprocal relationship with their political communities. Thus, placing them in the rubric of citizenship not only gives this population a voice, which is a necessary step towards making them visible and raising awareness towards their unique situation, but it also validates their rights as citizens and empowers them to hold their leaders accountable. Unrecognized citizens and their claims are disempowered when their reality goes unacknowledged. Thus, this study pushes against the exclusion of inhabitants of

these entities from the theoretical, conceptual, and categorical space occupied by citizens of confirmed states.

This dissertation seeks to shed light on the complexities of the situation of citizens of unrecognized states and stimulate theoretical discussions about citizenship outside the context of settled nation-states. While Pegg's work has helped place unrecognized states on the map of academic research, I hope to place citizens of these entities on the map of citizenship scholarship. In addition to investigating unrecognized citizenship, this study also attempts to challenge and problematize the dominant conceptions of statehood and sovereignty while demonstrating at the same time the power of the paradigm. After all, the mere existence of these entities challenges conventional understandings of statehood and sovereignty in the international system. As Laurence Broers puts it, "*de facto* states present an existential paradox in their simultaneously transgressive and mimetic qualities: they both challenge the international state order by violating *de jure* borders, and replicate it by seeking to exhibit the normal appearance of a state."<sup>55</sup> Thus, this dissertation is also inevitably about statehood and sovereignty. The traditional understandings of statehood and sovereignty demand that unrecognized states be approached as something else other than states and for inhabitants of these entities to be considered as stateless persons despite the fact that they are regarded as citizens by their governments. Scholars such as Crawford and Coggins argue against including unrecognized states in the statehood framework. Coggins asserts that "without recognition, those actors may be

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<sup>55</sup> Laurence Broers, "Recognising Politics in Unrecognised States: 20 years of Enquiry into the De Facto States of the South Caucasus," *Caucasus Survey*, 1, 1 (2013): 59.

many things: secessionists, liberation movements, anti-colonialists, terrorists, ethnic rebels, or indigenous people, but they may not be states.”<sup>56</sup>

Idealized understandings of statehood and sovereignty cannot be taken as a starting point for examining unrecognized states. The reality is considerably more complex and the conventional understandings of these concepts ill-apply to the realities of the twenty-first century. Thus, this dissertation attempts to provide an alternative understanding of statehood and sovereignty that allows for a meaningful distinction between the different categories and models of statehood in terms of territorial control, degree of recognition, and independence.

## **Methodology**

First and foremost, it is important to note that this dissertation approaches the subject matter from a political theory perspective. What I mean by that not that it is a qualitative study, although it is, but that it uses political theory as an “enterprise of discovery”.<sup>57</sup> As a student of political theory, I have been trained to engage in conceptual clarification using analytical traditions of thinking. In political theory, concepts are the main tools of the trade, guiding one to navigate and interpret the political world around us. Yet like any tool, in order for it to work, concepts must be used well. Political theory applies conceptual analysis in order to make these concepts more effective in describing the world around us and to propose ideas that would not be perceptible otherwise. In political theory, concepts are fundamental and never incidental. Concepts are not taken at face value but rather carefully examined and their logic and implications critically explored. They are not merely defined and operationalized in order to test

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<sup>56</sup> Bridget Coggins, “Statehood in Theory and Practice,” in *Power Politics and State Formation in the Twentieth Century: The Dynamics of Recognition* (Cambridge: Cambridge University Press, 2014), 14-43 (27).

<sup>57</sup> Thomas Nagel, *Equality and Partiality*, (Oxford University Press, 1991):6.

or measure something, but they are research objects and are subject to political controversy and struggle. As Skinner puts it, “Our concepts form part of what we bring to the world in our efforts to understand it...”<sup>58</sup> Concepts are lenses through which we observe and interpret the world and make invisible phenomena visible. This study seeks to explain the world of unrecognized states through the lens of citizenship. It explores citizenship’s applicability to people beyond full-fledged sovereign states and strives to make a phenomenon I call “unrecognized citizenship” visible.

All concepts have a domain of application. For example, the domain of the concept democracy is all systems of government, and, therefore, we can meaningfully ask whether socialism can be democratic or not. It makes, though, no sense to ask whether an ocean can be democratic or not. Most concepts also have defining conditions, which helps determine if the phenomenon described falls under the given concept or not. In addition, the terms we use to express our concepts have a history and hence come laden with meaning. Concepts are socially constructed, always changing, contested, and their applicability is uneven over time and space. As such, they must be analyzed in light of the social and political practices of their times. They must be problematized and explored against their specific intellectual and historical background.

Accordingly, concepts and specifically citizenship, statelessness, state, sovereignty, and recognition occupy a big portion of this dissertation. This study will examine the domain of citizenship, analyze the defining conditions of the state, discuss the meaning of sovereignty in today’s situation of worldwide economic and political interdependence, and explore recognition as a power relation that can be read as a source of oppression. It will do so by drawing on the

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<sup>58</sup> Quentin Skinner, Rhetoric and Conceptual Change. *Redescriptions: Political Thought, Conceptual History and Feminist Theory* 3 no.10 (1999): 62.

work of various theorists including Hannah Arendt, Linda Bosniak, Jacobus tenBroek, and Charles Taylor.

In addition, the study uses the lived experiences of citizens of unrecognized states to capture the uniqueness of their citizenship. I was able to make use of my connection to Palestine and my fluency in Arabic to interview a number of Palestinian citizens in the West Bank and Gaza. The interviews were conducted in 2022, using Zoom and WhatsApp. I interviewed a total of twenty-five Palestinian citizens, six live in Gaza and the rest in the West Bank, and fifteen of the twenty-five interviewees are women. I was able to obtain these interviews through friends and families' connections and acquaintances. Thus, I did not pick the gender of the participants, rather, I interviewed whoever was willing to speak to me. The only requirement was that they are adults who either live in Gaza or the West Bank. The interviews focused on four dimensions of citizenship, namely status, rights, participation, and identity. I started every interview by introducing the four aspects of citizenship and explaining that the main goal of the meeting was to hear their experiences pertaining to these specific aspects. Most interviews lasted for at least an hour, where I listened to whatever they wanted to tell me about their experience of citizenship and how they perceive it, perform it, and enact it in the context of nonrecognition. One question I asked all interviewees was "Do you consider yourself a stateless person?" With the exception of that question, my interviews consisted of open-ended questions, such as tell me about your citizenship status? How do you relate to your government? What rights do you have? How do you practice these rights? My general interview style was semi-structured to allow participants to respond in their own words, lead the discussion, and freely share information in a comfortable and confidential form. The purpose of the interviews was to hear as much as possible in the person's own voice about their experience of citizenship. My aim was to present the participant's

world and to gain a better understanding of that world, the presence of which is politically rendered invisible.

It is important to note that since the majority of my participants were women, the experiences they convey reflect their gendered identities as well as the gendered reality of citizenship. Although normatively citizenship tries to transcend differences, it is a gendered construct in the sense that responsibilities are understood as gender-specific and the ideal citizen is often defined by masculine features.<sup>59</sup> It is, however, beyond the scope of this study to delve deeply into gender issues, mainly because the phenomenon of citizenship in unrecognized states has not been sufficiently examined in the literature, which needs to be introduced to academic attention and analyzed before contentious and deeper issues such as gender and women's citizenship can be addressed. That being said, I still attempt to highlight the gendered consequences of nonrecognition and the implications for women. After all, my interviews exposed a gender battle within citizenship that cannot be dismissed. The gendered dynamics of citizenship, I argue, add an extra layer of nonrecognition and quasi-citizenship when it comes to women.

## **Outline of the Dissertation**

Chapter two answers two fundamental questions: what is citizenship and what makes it indispensable to the individual? I start the chapter by differentiating between citizenship and statelessness, demonstrate the importance of having citizenship, and the consequences of not having it. I then survey the different definitions of citizenship and argue that citizenship can be

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<sup>59</sup> The gendered dynamics of citizenship will be discussed in the next chapter. Although, as I mentioned above, gender is not the subject of this study, it has to be considered, even briefly, as it informs citizenship.



analyzed in terms of dimensions. The main purpose of this chapter is to provide the necessary understanding of citizenship as a concept that can then be applied to examine the lived experiences of citizens in unrecognized states.

Chapter three focuses on the state as well as the relationship between citizenship and the state. The aim of the chapter is to provide an understanding of the state that recognizes the existence of different models of states, including unrecognized states. I demonstrate that there is no clear-cut sovereignty for all states but that there are different forms of sovereignty and they can be present to a smaller or larger degree. I argue that statehood without recognition, an attribute conventionally associated with sovereignty, is possible but takes a different form. Drawing on Stephen Castle's notion of a hierarchical nation-state system and hierarchical citizenship, I assert that unrecognized states and unrecognized citizens are at the bottom of the hierarchy.

Chapter four concerns itself primarily with unrecognized states. The analysis draws on several examples of unrecognized states, including Abkhazia, Somaliland, Palestine, Transnistria, Northern Cyprus, Taiwan, and Kosovo. The first section presents some background on unrecognized states. It explores their history, their paths of creation, their limitations, and how they differ from other entities in international politics. Section two looks at how unrecognized states manage to survive. It discusses external support such as patron states and the degree of international isolation and/or engagement. It demonstrates the differences that exist between unrecognized states in terms of the kind of political system that they have developed and the extent of their internal sovereignty. It also examines how nonrecognition impacts their attempts to establish effective states. The aim of this chapter is to highlight the

peculiarities of unrecognized states and illustrate what makes them differ in important respects from their recognized counterparts.

Chapter five highlights the impact of non-recognition on citizenship, and argues that the absence of widespread international recognition shapes, and constrains the kind of citizenship that can develop in these entities. Drawing on Hegel, Charles Taylor, Axel Honneth, Iris Young, and Jacobus tenBroek, I assert that international nonrecognition is a form of oppression that reduces citizens' mode of being. I analyze how unrecognized citizens are misrecognized as stateless, highlighting the distinction between unrecognized citizenship and statelessness. I also demonstrate how the lack of recognition disempowers citizens of unrecognized states and hinders their ability to create an accountable culture.

Chapter six provides an analysis of the four dimensions of citizenship in unrecognized states. It explores the different ways in which citizenship is imagined, performed, and imposed in these entities and specifically in Palestine where I conducted interviews and gained further understanding of citizenship in the context of nonrecognition. The chapter concludes with the assertion that the lack of recognition is a form of oppression that denies citizens of unrecognized states the right to live normally in the world.

Finally, chapter seven closes this dissertation, highlighting the contributions of the study and making recommendations for future works. The chapter summarizes important themes explored in the study and offers some final reflections.

# CHAPTER 2: CITIZENSHIP: BETWEEN ASPIRATION AND REALITY

## Citizenship from a Stateless Perspective

As tears were streaming down her face, she hugged me and said, “For the first time I feel that I am a human, that I exist and that I have rights.” It was a Friday in late September 2014 when my mother was sworn in as a United States citizen. The mood was jubilant in the ceremony hall. Everyone was dressed up. Families took countless photos of their loved ones displaying their citizenship certificates and waving American flags. Everyone was joyful that their journey towards obtaining American citizenship was officially over. In my mother’s case, this pivotal day marked the moment when, in her words, “the birth of my rights and the *recognition* of my existence” came to be. This event definitively represented her birth as a legal person. Living for sixty-two years as a stateless person, she had never been in a relationship with any state as a citizen. She was born in Lebanon, yet she was not a citizen of Lebanon. Her father was a Palestinian who fled Palestine for Lebanon during what Palestinians call *Al-Nakba*, or the 1948 Palestinian exodus, when there was a mass expulsion of Palestinian Arabs due to the creation of the state of Israel.<sup>60</sup> Her family, along with 750,000 Palestinians, became immediately stateless. For my mother, statelessness meant being at the mercy of a host country, being excluded,

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<sup>60</sup> *Al Nakba* translated into English is “the catastrophe”. As Lila Abu -Lugoud and Ahmad Sa’idi eloquently put it, “The Nakba has become a key event in the Palestinian calendar- the baseline for personal histories and the sorting of generations.” Ahmad H. Sa’idi and Lila Abu-Lughod, *Nakba: Palestine, 1948, and the Claims of Memory* (New York: Columbia University Press, 2007), 5. For more about Al Nakba see Ilan Pappé, *The Ethnic Cleansing of Palestine* (Oxford: Oneworld, 2006), 313. <http://www.loc.gov/catdir/toc/fy0801/2007407207.html>; Nur Masalha, *The Palestine Nakba: Decolonising History, Narrating the Subaltern, Reclaiming Memory* (Zed Books: London and New York, 2012); Rawan Damen “Palestine Remix: Al Nakba”, *Aljazeera* <https://interactive.aljazeera.com/aje/palestineremix/al-nakba.html#/17>.

vulnerable, invisible, and unwanted everywhere. Becoming a citizen, for my mother, implied security, visibility, recognition, and a guaranteed place in the world.

The importance of citizenship is more discernible when seen through the hardships of stateless people. The German, Jewish author, Stefan Zweig, who fled Austria to escape Hitler, recounts that he understood the importance of citizenship the day he experienced the crude reality of his own statelessness. Zweig reflects on how at one time he believed statelessness to be a positive thing associated with freedom. He looked at it as freedom from being beholden to any country and as independence from any obligations and duties of citizenship. After he became stateless, however, Zweig realized the real meaning of statelessness, a dehumanizing condition that turns you into nobody.<sup>61</sup> In his autobiography *The World of Yesterday*, Zweig writes:

The fall of Austria brought with it a change in my personal life which at first I believed to be a quite unimportant formality: my Austrian passport became void and I had to request an emergency white paper from the English authorities, a passport for the stateless... [E]very foreign visa on this travel paper had thenceforth to be specially pleaded for, because all countries were suspicious of the 'sort' of people of which I had suddenly become one, of the outlaws, of the men without a country, whom one could not at a pinch pack off and deport to their own State as they could others if they became undesirable or stayed too long... Since the day when I had to depend upon identity papers or passports that were indeed alien, I ceased to feel as if I quite belonged to myself. A part of the natural identity with my original and essential ego was destroyed forever.<sup>62</sup>

Although citizenship, as this chapter will illustrate, might not eliminate invisibility, insecurity, and vulnerability, its importance can never be underestimated. Even the most tyrannical regime understood the significance and implication of citizenship. Hence, German Jews were turned into non-citizens before they were sent to the gas chambers and treated as non-humans. The

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<sup>61</sup> Donald A. Prater, *European of Yesterday: A Biography of Stefan Zweig* (Oxford: Clarendon Press, 1972), 8.

<sup>62</sup> Stefan Zweig, *The World of Yesterday: An Autobiography* [Welt von gestern.] (Lincoln, Nebraska: London: University of Nebraska Press, 1943), 412.

Nuremberg Laws defined who was and who was not a German and, thereby, marked an essential step on the road to genocide.<sup>63</sup>

In her book, *The Origins of Totalitarianism*, Hannah Arendt, influenced by her own experience of statelessness, argues that citizenship is the “right to have rights” and that to be stateless is to lack “the right to have rights.” Arendt clarifies that many people have experienced the loss of rights: “The dispossessed middle classes, the unemployed, the small rentiers, the pensioners whom events had deprived of social status, the possibility to work, and the right to hold property.”<sup>64</sup> Furthermore, “the soldier during the war is deprived of his right to life, the criminal of his right to freedom, all citizens during an emergency of their right to pursue happiness.”<sup>65</sup> However, because they are members of a given political community, they retain a number of other rights. They can still turn to the police and the courts to contest their violation and loss. Moreover, by virtue of this membership their “loss does not entail absolute rightlessness.”<sup>66</sup> Undoubtedly, the loss of rights is unjust and painful. However, even more profound, Arendt argues is what the stateless people have lost, namely the “right to have rights.” This right does not pertain to a specific set of rights but, instead, is about the right “to live in a framework where one is judged by one’s actions and opinions.”<sup>67</sup> Arendt affirms that before one can enjoy any specific rights of education, work, voting, etc., one must first enjoy the right to be recognized as a member of a political community. In other words, the right to citizenship, specifically the right to be a part “of a community willing and able to guarantee any rights

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<sup>63</sup> Myanmar, today, is following a similar pattern. They have stripped the Rohingya of their citizenship and spread a campaign of dehumanization. Two necessary preconditions for genocide.

<sup>64</sup> Hannah Arendt, *The Origins of Totalitarianism*. (New York: Harcourt, 1973), 268.

<sup>65</sup> Arendt, *Totalitarianism*, 295.

<sup>66</sup> Arendt, *Totalitarianism*, 295

<sup>67</sup> Arendt, *Totalitarianism*, 296.

whatsoever,”<sup>68</sup> must be prior to any other rights. As this chapter will make clear, citizenship is a fundamental condition that legally connects individuals to other rights.

This chapter will unpack the complexity of citizenship by breaking it into dimensions and dealing with it in those subdivisions. The chapter is one of conceptual tool building that helps in understanding what kind of realities citizenship stands for, so it can then be applied to examining the lived experience of unrecognized citizenship. It aims to identify citizenship and its main elements of discussion. In what follows, I highlight the historical origins of citizenship to elucidate the ways in which it has been constructed and defined in the modern era. I survey definitions of citizenship and adopt one that emphasizes the legal aspect of citizenship, which enables and provokes its performativity. Nonetheless, I assert that legality alone cannot provide a comprehensive understanding of citizenship. Citizenship - or better the reality represented by it - can be interpreted in many different ways. I argue that citizenship is better understood through a methodology that takes into account the changing nature of the concept and its different meanings. Finally, the chapter illustrates how citizenship is a spectrum rather than a dichotomy. Citizenship, I claim, is composed of several dimensions that citizens possess to greater or lesser degrees.

## **Citizenship: The Concept**

*Citizenship is not an eternal essence but a cultural artifact; and like language, it depends on and changes with usage.*

Van Gunsteren<sup>69</sup>

The concept of citizenship has undergone enormous changes since its earliest origins in

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<sup>68</sup> Arendt, *Totalitarianism*, 297.

<sup>69</sup> Van Gunsteren H, *A Theory of Citizenship: Organizing Plurality in Contemporary Democracies*. (Boulder, CO: Westview Press, 1998), 11.

classical antiquity. It is, after all, one of the oldest institutions in western political thought.<sup>70</sup> It has served many different societies and political environments. The city-states of ancient Greece, which first gave rise to the notion of citizenship, differed from the ancient Roman Republic as well as from the city-states of Renaissance Italy. The political structure in these city-states also varied tremendously from the nation-states that emerged in the late eighteenth and early nineteenth centuries, and which provide the main context for citizenship today. Citizenship has evolved with and adapted to changes in political, economic, and cultural contexts. In Aristotle's time, citizenship was restricted to a miniscule minority. In the modern world, however, citizenship has become the norm rather than the exception. Today, citizenship is considered the normal human and political condition. It is a commonly held status throughout the world. Ninety-seven percent of the world's population are legally defined as citizens- rather than as subjects of monarchs or dictators.<sup>71</sup> Of course, not all of the world's citizenship-conferring jurisdictions are democracies. Rather, regardless of the form of government (e.g., democracy, oligarchy, monarchy, dictatorship) citizenship has been instituted in almost every country. It has become an international norm and an important feature of modern international society. It expanded from the particular to the universal and has undergone processes of mass equalization

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<sup>70</sup> The practice of citizenship could go back long before the Greeks. The Sumerians, the Egyptians, the Hebrews, and the Phoenicians all lead an organized civic life and developed laws and institutions, by which members of the community were recognized by some sort of special status and duties. Although the Greeks were not the first to practice life in an organized community, they were the first to analyze and develop a theory of citizenship. Plato and Aristotle created the first works of Western political thought and provided the earliest thorough discussion of citizenship. As noted by Reisenberg, "Part of what makes citizenship a historic Western phenomenon is its literary formulation and critical examination by Plato and Aristotle...Together they gave the institution a core meaning and an aura or network of associations which have lasted through the centuries...". Peter N. Reisenberg, *Citizenship in the Western Tradition: Plato to Rousseau* (Chapel Hill: University of North Carolina Press, 1992), 47. For More on this see Maurice Sartre, *Histoires Grecques: Snapshots from Antiquity*, (Cambridge, Mass.: Belknap Press of Harvard University Press, 2009), 2.

<sup>71</sup> See, Ayelet Shachar. *The Birthright Lottery: Citizenship and Global Inequality*. (Cambridge, Mass: Harvard University Press, 2009), 7.

however incomplete. The acquisition of citizenship is generally viewed as a human right, an essential right that generates many other rights.<sup>72</sup> Yet, admittedly, in recent years, there has been a renewed emphasis on citizenship as a privilege rather than a right.<sup>73</sup> Citizenship deprivation has been introduced and attempted in a number of countries, especially in relation to the threats posed by terrorism and terrorists.<sup>74</sup> Overall, citizenship acquisition remains the norm rather than the exception.

The earliest conceptions of citizenship come from the political traditions of ancient Greece and Rome. Most notably, the political (Greek) and legal (Roman) views of citizenship have come to be associated with two distinct traditions of political thought: the republican and the liberal. The republican tradition, deeply influenced by ancient Greece, has tended to conceive of citizenship in terms of active involvement in public and community affairs. Active participation in the political process is what differentiated a citizen from a subject. Citizenship was an intimate bond between the city-state and its citizens, one that emerged from citizens' participation in public debates and involvement in the making of political decisions and public policies.<sup>75</sup> This conception of citizenship as a duty was adopted by Machiavelli and later Rousseau, who also stressed civic duty and civic virtue. In the twentieth century, the republican

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<sup>72</sup> See Arendt, *Totalitarianism*, 278-293.

<sup>73</sup> See Christian Joppke, *Citizenship and Immigration*, (Cambridge: Polity Press, 2010), 59.

<sup>74</sup> The French Civil Code (Articles 25 and 25-1) provides that an individual "who has acquired the quality of French" may be deprived of citizenship within fifteen years following the acquisition, if he is convicted of a crime or an offense constituting an "attack on the fundamental interests of the Nation" or an "act of terrorism" and within ten years for other reasons. In 2014, Canada enacted a law to revoke the citizenship of dual citizens convicted of terrorism, but the law was repealed in 2017. For more on this see Maarten Bolhuis and Wijk van Joris, "Citizenship Deprivation as a Counterterrorism Measure in Europe; Possible Follow-Up Scenarios, Human Rights Infringements and the Effect on Counterterrorism", *European Journal of Migration and Law* 22, 3 (2020): 338-365.

<sup>75</sup> See Philip Brook Manville, *The Origins of Citizenship in Ancient Athens* (Princeton, N.J.: Princeton University Press, 1990), 265; Jean-Pierre Vernant, *The Origins of Greek Thought* [Origines de la pensée grecque.] (Ithaca: Cornell University Press, 1982); 144. Raphael Sealey, "How Citizenship and the City began in Athens," *American Journal of Ancient History* (2017), 97-129; Christian Meier, *The Greek Discovery of Politics* [Entstehung des Politischen bei den Griechen.] (Cambridge, MA: Harvard University Press, 1990), 305.



tradition of citizenship witnessed a revival, yet on the whole the liberal conception of citizenship remained dominant.<sup>76</sup>

The liberal tradition of citizenship has its roots in ancient Rome, which emphasized legal citizenship. Legal status eclipsed political status as the primary determinant of citizenship. To be a citizen under this model is to possess the legal status of citizenship, which brings with it certain rights and obligations. Unlike the Athenian citizen, the Roman citizen did not have much influence over political decision-making. The Roman citizen was not a political being who enjoyed the liberty to rule and be ruled but rather a legal, rights-bearing being who was free to act by law and who, in turn, could expect the law's protection.<sup>77</sup> Influenced by this Roman legacy, and the liberal accounts of Locke, Paine, and Mill, the liberal tradition conceives of citizenship as entitlement and enjoyment of rights.<sup>78</sup> The liberal model of citizenship emphasizes protection by the law rather than participation in its formulation. Compared to the republican conception of citizenship, liberal citizenship is much less demanding of the individual.<sup>79</sup> It offers the citizen a legal status in exchange for only a small handful of obligations, such as paying taxes

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<sup>76</sup> See Philip Pettit, *Republicanism: A Theory of Freedom and Government* (Oxford; New York: Clarendon Press; Oxford University Press, 1997), 8.

<sup>77</sup> See Derek Heater, *Citizenship: The Civic Ideal in World History, Politics and Education*, 3rd ed. (Manchester: Manchester University Press, 2004b), 17.

<sup>78</sup> See John, Locke, *Second Treatise of Government*, C.B. Macpherson (ed.) Hackett Publishing Company, Inc.; 1st edition (June 1, 1980); Paul, Ellen Frankel, Fred D. Miller, and Jeffrey Paul. *Natural Rights Liberalism from Locke to Nozick*. (Cambridge, UK; New York: Cambridge University Press, 2005); A. John Simmons, *The Lockean Theory of Rights* (Princeton, N.J.: Princeton University Press, 1992), 387; John Stuart Mill, *On Liberty*, Utilitarianism and other Essays (Oxford University Press, 2015.); David Lyons, *Rights, Welfare, and Mill's Moral Theory* (New York: Oxford University Press, 1994); Thomas Paine and Hypatia Bradlaugh Bonner, *Rights of Man* (London: Watts & Co., 1921), 153; Ian Shapiro, *The Evolution of Rights in Liberal Theory* (Cambridge, England; New York: Cambridge University Press, 1986), 326.

<sup>79</sup> See Richard Dagger, *Civic Virtues: Rights, Citizenship, and Republican Liberalism* (New York: Oxford University Press, 1997), 258; Lawrence Quill, *Liberty After Liberalism: Civic Republicanism in a Global Age* (Basingstoke, England; New York: Palgrave Macmillan, 2006), 178; Philip Pettit, *Republicanism: A Theory of Freedom and Government* (Oxford; New York: Clarendon Press, 1997), 304; Iseult Honohan, "Liberal and Republican Conceptions of Citizenship," in Ayelet Shachar et al., *The Oxford Handbook of Citizenship*, 1<sup>st</sup> ed. (New York, NY: Oxford University Press, 2017).

and obeying the law. Whereas liberalism defines citizenship as a legal status and a bundle of rights, republicanism defines it as an activity or a practice.<sup>80</sup> There have been numerous articulations of republicanism and liberalism thereby producing a diversity of imaginings of citizenship within the broader parameters of the two traditions. The liberal and republican traditions have not only competed with one another, but they have also been fused together by later thinkers who produced new visions of citizenship encompassing elements of both traditions.<sup>81</sup> Citizenship has also been linked to other ideas besides participation, rights, and status. Some scholars assert that the idea of community is at the core of the concept of citizenship, for citizenship implies membership of a political community.<sup>82</sup>

Certainly, the meaning of citizenship has never been univocal. Citizenship is a multi-layered concept that takes on different aspects and significance for political actors in diverse contexts.<sup>83</sup> It has many important social and political meanings. It generally imparts equal membership status in the state; it determines many of the privileges and obligations of

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<sup>80</sup> Adrian Oldfield, *Citizenship and Community: Civic Republicanism and the Modern World* (London; New York: Routledge, 1990), 5. Derek Benjamin Heater, *Citizenship: The Civic Ideal in World History, Politics and Education*, 3rd ed. (Manchester: Manchester University Press, 2004), 388.

<sup>81</sup> See Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford; New York: Clarendon Press, 1995), 280; Seyla Benhabib, *The Rights of Others: Aliens, Residents and Citizens*, vol. 5 (Cambridge; New York: Cambridge University Press, 2004), 250; Linda Bosniak, *The Citizen and the Alien: Dilemmas of Contemporary Membership* (Princeton, N.J.: Princeton University Press, 2008).

<sup>82</sup> This belief in the importance of community in the functioning of political life has produced the term “communitarian” to describe this thinking. Communitarians argue that the liberal conception of citizenship has led to a weak feeling of community. They argue that citizenship is rooted in a culturally defined community and thus it is culturally specific. Communitarians conceive of citizens not as autonomous individuals but rather as part of an organic community, who are socially embedded and constructed within that community. Communitarians seek to modify liberalism by demanding recognition, accommodation, and preservation of cultural community, while being anchored to the liberal principle of equality. See Michael Walzer, “The Communitarian Critique of Liberalism” *Political Theory* 18 (1990): 20. See also Chantal Mouffe, “Citizenship and Political Identity” (*October* 61 1992).

<sup>83</sup> See Ulrich Preuss, “The Ambiguous Meaning of Citizenship,” (paper presented at the University of Chicago Law School to the Center of Comparative Constitutionalism Chicago, IL, December 1, 2003). <https://pdfs.semanticscholar.org/5d77/de0cd4cc66ce8b0cd76cbe78648151e225b4.pdf>; John Clarke et al., *Disputing Citizenship* (Bristol, UK: Policy Press, 2014); Ruth Lister, *Citizenship: Feminist Perspectives*, 2nd ed. (Washington Square, N.Y.: New York University Press, 2003), 323; David Thunder, *Citizenship and the Pursuit of the Worthy Life* (New York, NY: Cambridge University Press, 2014).

membership; it legally establishes a shared civic identity in diverse societies; and, at its best, it sustains political freedom and self-government by providing a set of civic virtues and practices. Citizenship also helps regulate the boundaries between insiders and outsiders. It encompasses a range of relationships, practices, and activities, thereby allowing it to be taught and practiced in and across diverse formal and informal venues. The concept has grown to encompass a range of activities, ideas, and geographical spaces. In sum, citizenship has evolved by following a long historical trajectory.<sup>84</sup>

## Citizenship: Definition

Despite the prolific scholarship on citizenship, there is often little agreement among scholars on how to define the term. Citizenship has been defined in many different ways. For instance, T. H. Marshall defines citizenship as “a status bestowed on those who are full members of the community.”<sup>85</sup> Carole Pateman views citizenship as a relationship between a state and a citizen, as well as between individual citizens.<sup>86</sup> Chantal Mouffe perceives citizenship to be a form of political identity.<sup>87</sup> Bryan S. Turner takes citizenship to be a set of practices within civil

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<sup>84</sup>See Peter N. Riesenber, *Citizenship in the Western Tradition: Plato to Rousseau* (Chapel Hill, NC: University of North Carolina Press, 1992), 324; Derek Benjamin Heater, *A Brief History of Citizenship* (New York: New York University Press, 2004a), 155; Bryan S. Turner, *Citizenship and Social Theory* (London; Newbury Park, CA.: SAGE Publications, 1993), 194; Keith Faulks, *Citizenship* (London; New York: Routledge, 2000a), 190; Charles Tilly, *Citizenship, Identity and Social History*, vol. 3 (Cambridge; New York, NY, USA: Cambridge University Press, 1996), 236; J. Pocock, “The Ideal of Citizenship Since Classical Times,” in Ronald Beiner, *Theorizing Citizenship* (Albany: State University of New York Press, 1995), 335; Claudia Wiesner, *Shaping Citizenship: A Political Concept in Theory, Debate and Practice*, vol. 9 (New York, NY: Routledge, Taylor & Francis Group, 2017); Juergen Mackert, Bryan S. Turner (ed.), *The Transformation of Citizenship: Struggle, Resistance and Violence* (London; New York: Routledge, 2017); Jo Shaw and Igor Štiks, *Citizenship Rights* (Farnham, England: Ashgate, 2013).

<sup>85</sup> T. H. Marshall, *Citizenship and Social Class, and Other Essays* (Cambridge, England.: University Press, 1950), 78.

<sup>86</sup> Carole, Pateman, *The Problem of Political Obligation: A Critical analysis of Liberal Theory*, (University of California Press, 1985).

<sup>87</sup> Mouffe, Chantal. “Citizenship and Political Identity.” *The Identity in Question* 61 (October 1992): 28-32.

society.<sup>88</sup> Other scholars such as, Ruth Lister, Josine Blok, Engin Isin, and Patricia Wood adopt more than one definition simultaneously. For Lister, citizenship is both a status and a practice linked through the notion of human agency.<sup>89</sup> According to Josine Blok citizenship can be viewed as membership in a community as well as the ability to participate in the political activities of the community.<sup>90</sup> In their book, *Citizenship and Identity*, Isin and Wood define citizenship as both a “set of practices (cultural, symbolic, and economic) and a bundle of rights and duties (civil, political, social).”<sup>91</sup> The list of citizenship definitions is long. It includes citizenship being a status, a practice, a form of identification, an institution, a praxis, a process, a relationship, and a performance.<sup>92</sup> These divergent definitional approaches reflect the complexity of citizenship in all its academic and practical significations. As Audrey Macklin eloquently puts it:

Citizenship describes status, rights, practices and performances. It applies at the level of the state (national citizenship), below the state (urban citizenship), across states (supranational citizenship), between states (transnational citizenship), beyond states (cosmopolitan and global citizenship), and in deterritorialized socio-political spaces (the market, terrorist networks, the internet). It specifies relationships between the state and individual or group identities (multicultural citizen, queer citizen, gendered citizen), denotes various degrees of membership (virtual citizen, full citizen, partial citizen, flexible citizen) and describes idealized subjects of governance (market citizen, neo-liberal citizen), and that is only a partial list. If citizenship were a home appliance, it would be the only one you would ever need.<sup>93</sup>

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<sup>88</sup> Bryan S. Turner, *Citizenship and Social Theory* (London; Newbury Park, CA.: SAGE Publications, 1993), 131-133.

<sup>89</sup> Ruth Lister, *Citizenship: Feminist Perspectives*, 2nd ed. (Washington Square, N.Y.: New York University Press, 2003), 8.

<sup>90</sup> Josine Blok, *Citizenship in Classical Athens*, (Cambridge University Press, 2017).

<sup>91</sup> Engin F. Isin and Patricia K. Wood, *Citizenship and Identity*, (Sage Publications Ltd., 1999), 4.

<sup>92</sup> A representative sample of a thorough survey of definitions of citizenship include: T.H. Marshall, *Class, Citizenship and Social Development: Essays*. (Garden City, N.Y.: Doubleday, 1964); Ruth Lister, *Citizenship*; Rogers Brubaker, *Citizenship and Nationhood in France and Germany*, (Cambridge, Mass.: Harvard University Press, 1992). Chantal Mouffe, *Democratic Citizenship and the Political Community*, (London; New York: Routledge, 1992); Carole Pateman, *The Sexual Contract*, (Stanford, Calif.: Stanford University Press, 1988). Anne Philips, *Engendering Democracy*, (University Park, Pa.: Pennsylvania State University Press, 1991); Engin Isin and Bryan S Turner, *Handbook of Citizenship Studies*. (London: SAGE, 2002); Derek Heater, *What is Citizenship?* (Cambridge, UK: Polity Press, 1999).

<sup>93</sup> Audrey Macklin, “Who Is the Citizen's Other? Considering the Heft of Citizenship” *Theoretical Inquiries in Law* 8, no.2 (July 2007), 334.

It is unlikely for a definition to encompass all of the meanings and elements of a manifold concept such as citizenship. Rather, a definition can provide us with a general understanding and a simplified picture of the concept. It gives the semantic characteristics that distinguish one concept from all others. It also creates boundaries for ideas and phenomena so that we know what is being discussed. A definition needs to be broad enough so it can encompass different types and forms of the thing we are defining. It also needs to be specific enough to capture its fundamental properties, without which that thing in question would either cease to exist altogether or become something else. For example, a triangle is defined as three connected sides and angles. If we were to just say a triangle consists of sides and angles without being specific of how many sides and angles, we might get something else, namely a polygon. If we were to say that a triangle has three equal sides, then we will be defining a specific kind of triangle, namely, an equilateral triangle, and excluding other kinds, such as isosceles and scalene triangles. Of course, it is easier to search for the definition of something tangible, such as a triangle, than a concept that takes on different meanings and applications in different contexts. That is, though, precisely why we need to be careful when defining citizenship so we do not end up excluding a group of citizenries by being too specific or including a group of foreigners by being too broad. For instance, if we define citizenship as a set of rights or an activity and some individuals whom we call “citizens”, such as children, felons, and mentally ill persons, do not have some of these rights and cannot perform these actions, we are then forced to say that these individuals are not

citizens. Also, if we were to define citizenship as an identity, we might well have to include illegal immigrants as citizens since they identify with the country in which they live.<sup>94</sup>

The rights, duties, and sense of identity that citizenship comprises can vary. Citizenship, like marriage, can be defined not by whether the constitutive relationship is strong, detached, or weak, but only by the fact of a legal bond between two entities. It can be a legal-institutional designation. From this point of view, what one does under its auspices may give the relationship its particular character; however, it does not change the underlying reality of the relationship. Just as one can have an estranged marriage, one can experience estranged citizenship, in which the legal bond exists but nothing more. The legal rights associated with marriage persist regardless of whether the marriage relationship is a good or bad one. Similarly, one can live in another country without the slightest emotional or civic relationship to one's country of citizenship and still remain a citizen. In both cases, the failure to behave in a certain way does not negate the fact of the legal relationship.

There are differentiated forms of citizenship just like there are different kinds of triangles and marriages. But on the view adopted here, what defines citizenship at a fundamental level is *the legal status* linking the individual to the state and the collective, which in turn generates rights and responsibilities. One can argue that citizenship has always been about distinguishing between members and outsiders of a political community. Even in ancient Greece, where active participation was vital to citizenship, the legal status of citizens was a prerequisite for participation and not the other way around. It was not that you participated in public affairs and

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<sup>94</sup> Many native Americans identify more strongly with their tribes and less as Americans. See J. Milton Yinger and George Eaton Simpson, "The Integration of Americans of Indian Descent", *The Annals of the American Academy of Political and Social Science*, vol. 311 (1957): 158–65.

therefore you were a citizen, but rather you were able to participate because you were a citizen. The legal status granted individuals the right to participate in decision making. For example, not participating in Athens' public affairs did not make Aristotle a non-citizen, rather because he was not legally considered a member of the city-state, he was not able to participate. Therefore, even then, the legal status was a defining feature of citizenship. As Rogers Smith explains, citizenship's "oldest, most basic and most prevalent meaning is a certain sort of membership in a political community."<sup>95</sup>

Citizenship is defined in this work as a *legal status that conveys membership in a political entity*. It is a status of legal recognition that indicates that the individual is a *member* of a state. The concept and the definition of the state will be discussed in detail in the next chapter, but for now suffice it to say that a state is a defined territory with a permanent population and a government with its own institutions. This definition of state is broad and includes entities such as city-states, nation-states, empires, failed states, and unrecognized states. Different states produce different models and practices of citizenship. The practice and the experience of citizenship in a strong democratic state is different than in an authoritarian failed state or an unrecognized one.

Although the definition of citizen that I offer may seem broad, it reflects the contemporary historical moment. The complexities of mobile groups in states, including immigrants, refugees, and guest workers, has transformed citizenship. Contemporary citizenship is not homogenous and fixed for all members of the community. As Macklin suggests, "Citizenship might be [better] thought of in terms of a container that is seldom completely empty

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<sup>95</sup> Rogers Smith, "Citizenship: Political," in Neil J. Smelser and Paul Baltes, eds., *International Encyclopedia of the Social & Behavioral Sciences* (New York: Pergamon, 2001), 1857-60.

(statelessness) or completely full.”<sup>96</sup> Like Macklin, I believe that citizenship is not binary; instead, there are in-between categories within citizenship. There is an array of membership statuses within citizenship. The rise in global mobility and mass immigration has created new modes of citizenship. For instance, many countries today grant legal long-term residents, partial membership in the state. This status is formalized through privileged residence permits, such as the Green Card or Permanent Residence Card in the U.S., C EU/EFTA permit or settlement permits in Switzerland, or residence entitlements in Germany. The rights of these legal residents or denizens vary from country to country.<sup>97</sup> Some of them have been accorded a set of rights, such as permanent security of residence status; the right to work and run a business; and the right to education, health, and entitlement to social security benefits. Several European countries have even granted their denizens the right to vote in local elections. Such arrangements have produced degrees of membership within the citizenship status. It is a type of a quasi-citizenship through which long-term residents are granted some but not all of the rights of citizenship. Quasi-citizenship falls in between full citizenship and non-citizenship. The construction of in-between categories within citizenship is also evident in territories such as Puerto Rico, the U.S. Virgin Islands, the British Virgin Islands, Aruba, and other former colonies. The next section will further demonstrate the different degrees of citizenship status.

My proposed definition reflects the complexity of the contemporary world by making space for those who are in between full citizens and non-citizens. It encompasses the different

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<sup>96</sup> Audrey Macklin, "Who is the Citizen's Other? Considering the Heft of Citizenship," *Theoretical Inquiries in Law* (2007).

<sup>97</sup> The contemporary use of the term denizen is tied to the work of Tomas Hammar "State, Nation, and Dual Citizenship", in W.R. Brubaker, ed., *Immigration and the Politics of Citizenship in Europe and North America*, (Lanham; London: German Marshall Fund of the US, 1989). The term is often used for immigrants in Europe who are granted the same rights as nationals without formal citizenship status.



kinds and degrees of citizenship that citizens experience. It does not restrict citizenship to a specific set of rights, practices, or even statuses. The only status required is legal recognition of membership by the state. The membership status within citizenship can vary, as was discussed above. A good analogy would be airline mileage plans. The mileage number given to you by the airline indicates that you are a member of this system. Membership, however, varies. Some members hold gold status, platinum status, yet others have diamond or silver status. Each of these tiers enjoy different benefits and privileges. The key component here is the recognition of your membership status. Thus, my definition includes not only full citizens but anyone who is recognized by the political entity as a member of the polity. The definition, however, excludes illegal immigrants, stateless people, or legal visitors, since they are not legally recognized as members of the polity.

There is a growing body of literature on different forms and levels of citizenship that defies the simplistic dichotomy between citizenship and non-citizenship and asserts the notion of “in-between citizenships”. In recent years, scholars have captured the realities of groups of people who fall between full citizenship and non-citizenship by creating partial, contested, and incomplete citizenships.<sup>98</sup> Undoubtedly, there is a difference between a citizen and a non-citizen, but the line between the two consists of various kinds and degrees of citizenship. Citizenship exists in a spectrum. However, an understanding of the full spectrum of citizenship requires us to

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<sup>98</sup> L. Bosniak, *The Citizen and the Alien: Dilemmas of Contemporary Membership*. (Princeton, N.J.; Oxford: Princeton University Press, 2008); Elizabeth Cohen, *Semi-Citizenship in Democratic Politics*, (Cambridge University Press, 2009); A. McNevin, “Ambivalence and Citizenship: Theorizing the Political Claims of Irregular Migrants”, *Millennium-J. Int. Stud.* 41, no. 2 (2013), 182-200; P. Nyers, “The Accidental Citizen: Acts of Sovereignty and (Un)making Citizenship,” *Economy and Society* 35, no.1 (2006), 22-41; P. Nyers, *Irregular Citizenship, Immigration, and Deportation* (Routledge, 2019); E. Rigo, “Citizens Despite Borders: Challenges to the Territorial Order of Europe”, in V. Squire (ed.), *The Contested Politics of Mobility: Borderzones and Irregularity*, (Routledge, 2012). 199-215.

go beyond the definition. As previously mentioned, a definition furnishes a basic understanding of the concept under inquiry, but it does not convey the full story. Once again, marriage is a good example here. Marriage is defined as a “legally or formally recognized union between two people as partners in a personal relationship.”<sup>99</sup> Yet, we know that marriage is not only a legal agreement but also bears connotations of love, intimacy, loyalty, religion, reproduction, and other things. Similarly, my definition of citizenship provides only a glimpse of what is commonly understood by the term. To develop a rounded understanding of citizenship, we must explore its elements and examine how these elements work together and/or determine each other.

## Dimensions of Citizenship

Citizenship is a multidimensional phenomenon and it is better explored as such. Several scholars have unpacked the complexity of citizenship by dividing it into different dimensions. For example, Joseph Carens divides citizenship into three dimensions: legal (includes formal rights and duties that one possesses as a member of a political community), psychological (indicates a sense of identification with the political community), and political (refers to one’s sense of representational legitimacy of those who act authoritatively on behalf of and in the name of the political community).<sup>100</sup> Faist, Gerdes, and Rieple argue that citizenship “essentially comprises three mutually qualifying dimensions: first and foremost, the notion of collective self-determination and democracy; second, the legally guaranteed status of equal political freedom and other rights; and third, membership in a political community.”<sup>101</sup> Richard Bellamy proposes

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<sup>99</sup> English Oxford Dictionary, s.v. “marriage”, <https://en.oxforddictionaries.com/definition/marriage>

<sup>100</sup> Joseph Carens, *Culture, Citizenship, and Community: A Contextual Exploration of Justice as Evenhandedness*. (New York: Oxford University Press, 2000), 162.

<sup>101</sup> Thomas Faist, Jurgen Gerdes, & Beate Rieple, “Dual Citizenship as a Path-Dependent Process.” *International Migration Review*, 38(3), (2004), 913–944, 917.

a triad of citizenship as rights, belonging, and participation.<sup>102</sup> In his book *Citizenship and Immigration*, Christian Joppke draws a distinction between citizenship as status, as rights, and identity.<sup>103</sup> Finally, Linda Bosniak suggests that citizenship can be divided into four dimensions: status, rights, political participation, and identity.<sup>104</sup>

Thinking of citizenship as a multidimensional concept creates flexibility. It sheds light on various forms of citizenship that otherwise go unnoticed. Unrecognized citizenship and other differentiated forms of citizenship have been largely eclipsed by rigid definitions. An approach that considers citizenship in terms of its multiple dimensions helps to move beyond binaries in order to recognize the gradation of citizenship. Rather than excluding groups of citizens because they do not fully conform to the standard definitions of citizenship, this approach takes into account the different levels of citizenry and, therefore, encompasses all of the categories between full citizenship and non-citizenship/statelessness. I argue that whenever any of the dimensions of citizenship is lacking or is less than optimized, an incomplete model of citizenship is produced, such as second-class citizenship, quasi-citizenship, and unrecognized citizenship. This will be further explained at the end of this section. This dissertation adopts Bosniak's four dimensions of citizenship consisting of legal status, rights, political participation, and identity. These four dimensions cover most definitions, understandings, and usages of citizenship. They are core components of citizenship, but their relative weight varies between different approaches. They encompass the liberal tradition of citizenship, the republican tradition, and the communitarian

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<sup>102</sup> Richard Bellamy, "Introduction: The Making of Modern Citizenship in Richard Bellamy, D. Castiglione and E. Santoro, eds. *Lineages of European Citizenship: Rights, Belonging and Participation in Eleven Nation States*. (Basingstoke: Palgrave, 2004), 1-21.

<sup>103</sup> Christian Joppke, *Citizenship and Immigration*, (Cambridge: Polity Press, 2010).

<sup>104</sup> Bosniak, *The Citizen*, 20.

approach without being limited to one. In what follows, I will discuss each dimension and how they are interwoven and interact.

### **Citizenship as a Legal Status/ Membership**

Citizenship as a legal status is key to the whole concept. It is an important part of citizenship without which full citizenship is impossible. It is a necessary precondition for full participation in a country's political system including voting and running for office. Although citizenship as a legal status is not sufficient, it is an essential element that links the individual to the state, the collective, and generates rights and responsibilities. As will be demonstrated in this section, citizenship as a legal status is critical to the other three dimensions of citizenship.

Citizenship as a legal status refers to “formal or nominal membership in an organized political community.”<sup>105</sup> It defines the demos in a polity and determines who is a member and who is not. Historically, the status of citizenship was based on ethnicity, race, gender, and property. Membership criteria have evolved and grown to be more inclusive over the years. This legal status is formally codified in terms of qualifications, rights, and obligations by constitutions and laws. Today, most countries have three categories of acquiring citizenship status: *jus soli*, (right of soil or birthright citizenship), *jus sanguinis* (right of blood), and naturalization (through marriage, family ties, work, or military service and usually with citizenship/civics and language requirements). Under the *jus soli* system, citizenship is determined by the place of birth regardless of parental citizenship. It is acquired automatically by virtue of the person's birth in the country. Some countries, however, offer conditional birthright citizenship. For example, Malaysia's constitution explicitly states that to become a citizen a child born on their soil must

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<sup>105</sup> Linda Bosniak, “Citizenship Denationalized”, *Indiana Journal of Global Legal Studies* 7, (2000), 456.

be born to citizens or permanent residents.<sup>106</sup> Jus sanguinis is another system of claiming citizenship that can be conferred at birth. Under this system, citizenship is a form of inherited property; it is passed on from one generation to another. This means that if one or both parents are citizens, their offspring are endowed with citizenship regardless of place of birth. In some countries, the citizenship of the father but not the mother determines that of the child. The third category, naturalization, is a multi-step process which can conclude with the acquisition of formal citizenship status. The applicant must first meet certain criteria to apply for citizenship. Countries have their own rules of naturalization.

In the United States, for instance, there are several pathways to obtain permanent residency and subsequently citizenship, including family-based immigration (through spouse, unmarried child under the age of twenty-one, or parent), work-based immigration (it is possible to become a permanent resident if you are sponsored by a U.S. employer), and refugee or asylee immigration (if you are admitted to the U.S. as a refugee or granted asylum status, you may be eligible to apply for permanent status). Once you are a permanent resident you are a partial member and thereby acquire certain rights and responsibilities. Permanent residents enjoy many of the same benefits and freedoms of U.S. citizens: the right to live and work permanently in the U.S; obtain social security and Medicare benefits; apply for a driver license; own property; join certain branches of U.S. armed forces; and vote in certain local elections. There are, however, important limitations on permanent residents' rights. Permanent residents do not have the right to vote in general elections nor can they run for federal office. In addition, if a permanent resident spends more than six months outside the U.S., the authorities may presume that person has

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<sup>106</sup> Cristina Burack, "Which Countries Grant Unconditional Birthright Citizenship?" *DW.com* (2018), <https://www.dw.com/en/which-countries-grant-unconditional-birthright-citizenship/a-46102184>.

abandoned their residency. Another important limitation on permanent residents is that if they commit certain crimes or security violations, they are subject to deportation. Denizens in Europe have a status akin to permanent residency in the U.S. The term denizen carries with it connotations of quasi-citizenship or semi- citizenship. It describes this in between status that is similar but not identical to those who have full formal citizenship status. These two statuses provide a partial form of membership in the polity.

U.S. permanent residents can choose to apply to change their status into naturalized citizens. There are several requirements for being eligible for citizenship through naturalization, including residency requirements, age requirements, and interestingly English language and civic requirements. Applicants must demonstrate English language skills as well as certain civic and history knowledge. They are given 100 questions to study, covering United States history and government. During the citizenship interview, the officer quizzes the applicant on these topics and tests the applicant's ability to speak, read, and write English. This is not unique to the U.S.; many countries, including Canada, the United Kingdom, Australia, Austria, and Denmark have adopted similar citizenship testing. Such requirements highlight the close connection between citizenship as a legal status and citizenship as an identity. Of course, not every country equates citizenship status with national membership. In addition, not every country requires applicants to know the language or the culture of the country before granting citizenship status. Some countries sell citizenship status. Thousands of passports are bought and sold every year through what is called "citizenship by investment". Foreigners can invest a certain sum of money in a

country in exchange for citizenship and a passport. Depending on the country, the investment amount can vary from \$100,000 to over \$2.5 million (see Table #1)<sup>107</sup>.

Table 1: List of countries with citizenship by investment

Country	Started in	Minimum Investment	Residency requirements	Time for citizenship + passport	Visa free countries
Malta	2013	<b>€ 900,000</b>	12 months	12 months	182
Cyprus	2011	<b>€ 2,150,000</b>	6 months	6 months	173
Dominica	1993	<b>\$100,000</b>	none	3 months	137
Vanuatu	2015	<b>\$135,000</b>	none	1 month	129
St Kitts & Nevis	1984	<b>\$150,000</b>	none	2 months	151
Antigua & Barbuda	2013	<b>\$100,000</b>	5 days	3 months	150
Grenada	2014	<b>\$150,000</b>	none	3 months	143
St Lucia	2015	<b>\$100,000</b>	none	3 months	145
Turkey	2017	<b>\$250,000</b>	none	4 months	111
Jordan	2018	<b>\$1,000,000</b>	3 years	36 months	92
Moldova	2018	<b>€ 100,000 (suspended / closed)</b>	none	3 months	122
Montenegro	2018	<b>€350,000</b>	3 weeks	3 months	123

Applicants under these programs are granted membership in the polity regardless of residency (some have never visited the country before becoming citizens) and let alone integration. Other

<sup>107</sup> Prabhu Balakrishnan, “10 Countries that Sell Instant Citizenship for Cash,” *Citizenship by Investment* (21 August, 2022) <https://corpocrat.com/2019/11/01/10-countries-that-sell-instant-citizenship-or-passports/>. For more on this see Rainer Bauböck, “What Is Wrong with Selling Citizenship? It Corrupts Democracy!” in: Rainer Bauböck (eds) *Debating Transformations of National Citizenship* (IMISCOE Research Series. Springer, Cham, 2018).

countries also offer “elite residency”. For instance, in Fiji you only need to invest a minimum of \$125,000 in a property in Fiji to qualify for permanent residency.<sup>108</sup>

Different policies produce degrees of statuses within citizenship. For example, unlike jus soli citizens, naturalized and jus sanguinis citizens in the U.S. may not be eligible to the office of the president, though this has not been tested. Also, a naturalized citizen in the U.S. can be stripped of one’s citizenship. In *Knauer v. United States* (1946), the court allowed for the denaturalization of a German-born man who was a Nazi and faithful of Adolf Hitler on the grounds that his citizenship was obtained by fraud due to taking a false oath of allegiance. In his dissent, Justice Rutledge pointed out that by revoking citizenship from a naturalized citizen, the court had demonstrated that birthright citizens have a higher status than naturalized citizens. He noted that Knauer was

...a thorough-going Nazi, addicted to philosophies altogether hostile to the democratic framework in which we believe and live...” But since, “no native-born American’s birthright could be stripped from him for such a cause or by such a procedure as has been followed here...Naturalized citizens are no more free to become traitors or criminals than others and may be punished as they are when they commit the same offense. But a process which takes away their citizenship for causes or by procedures not applicable to native-born citizens places them in a separate and inferior class.<sup>109</sup>

Other countries have even more limits around naturalized citizen requirements, resulting in clear, distinctive statuses. For instance, in Nepal as well as in Mexico naturalized citizens are not allowed to hold any vital government offices.

The varying degrees of citizenship status is not limited to naturalized and jus sanguinis citizens, but it also cuts across jus soli citizenship. For instance, Puerto Ricans are U.S. citizens

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<sup>108</sup> “30 Countries where buying a home will get you a passport”, *Love Money*  
<https://www.lovemoney.com/gallerylist/69672/30-countries-where-buying-a-home-will-get-you-a-passport>.

<sup>109</sup> *Knauer v. United States*, 328 U.S. 654 (1946).



under jus soli. Their citizenship, though, is distinct from citizens of the United States' fifty states. Puerto Ricans who are native to the unincorporated territory have the right to live and work in the mainland, but they do not have the right to vote in federal elections while residing in Puerto Rico and their civil rights and citizenship are subject to congressional power and jurisdiction. As explained by Rogers Smith, "As an unincorporated territory, Puerto Rico does not benefit from the full protections of the U.S. Bill of Rights...Citizenship for Puerto Ricans is granted by Congressional statute rather than under the constitution, which means Puerto Ricans could conceivably lose their citizenship through an act of Congress."<sup>110</sup> These differentiated statuses blur the image of a binary distinction between citizens and non-citizens and challenge the notion that there is only one membership status within a political community. In practice, as demonstrated above, there are degrees or levels of membership status within citizenship. Citizenship encompasses different membership statuses, but each and every status indicates that the individual is a legally recognized member of a country. In other words, citizenship as a status signifies that you are a member, but it does not specify your position in this hierarchy of statuses. According to my definition of citizenship permanent residents, denizens in Europe, and natives of unincorporated territories-such as Puerto Rico, are all citizens of different degrees, since they are given some form of membership status by the state.

Having membership in a state is indispensable, regardless of where you are on this hierarchy of statuses. State membership is a prerequisite for the possibility of enjoying social and political goods. As pointed out by Michael Walzer, "It is only as members somewhere that men and women can hope to share in all the other social goods- security, wealth, honor, office and

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<sup>110</sup> Rogers M. Smith, "Omnia, Q&A: Puerto Rico's Distinct Identity" Omnia: All Things University of Pennsylvania Arts and Sciences (25 October, 2017), <https://omnia.sas.upenn.edu/story/omnia-qa-puerto-ricos-distinct-identity>.

power-that communal life makes possible.”<sup>111</sup> In a similar vein, Arendt argues that before one can enjoy any specific right, one must first enjoy the right to be recognized as a member of a political community. The right to membership in a polity must be prior to any other right. For this reason, this dimension, namely citizenship as a legal status, is in my view the most important feature of citizenship as a whole. Its presence or absence influences the other three dimensions of citizenship. Being legally recognized as a member of a state gives the individual a special standing and legitimacy. Recognition creates a status, a right. As put by Seyla Benhabib, “One’s status as a rights-bearing person is contingent upon the recognition of one’s membership.”<sup>112</sup> Membership enables people to enter into “patterns of relationship, networks of power, and communities of meaning.”<sup>113</sup> Membership has an empowering function. It is a necessary condition for meaningful individual choice and individual autonomy.

It is almost impossible to overestimate the importance of state membership in today’s world. Although cosmopolitans and theorists who are sympathetic to the concept of global citizenship might reject the prominence of state membership, it remains a reality hard to deny. Advocates of global citizenship argue that rights associated with citizenship should transcend political boundaries and be made available to all human beings on an equal basis, regardless of membership. In the absence of supranational governance, however, discussions of global citizenship ring hollow. My disagreement with cosmopolitans and globalists is not based on a moral principle but a practical one. The discussion of the location of citizenship will be explored in the next chapter. My main claim here, however, is that membership in a political community

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<sup>111</sup> Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (Willey: Blackwell, 1983), 62.

<sup>112</sup> Seyla Benhabib, *The Reluctant Modernism of Hannah Arendt*, new ed.(Lanham, MD: Rowman & Littlefield, 2000), 57-58. <http://lib.myilibrary.com?ID=510829>.

<sup>113</sup> Michael Walzer, "The Communitarian Critique of Liberalism," *Political Theory* 18 (1990), 10.

(in the modern era, the political community is most often the nation-state) lies at the heart of citizenship, and its absence results in statelessness and all of the hardships it entails.

Notwithstanding the disparities between different statuses of citizens, the simple possession of formal-legal citizenship—as opposed to experiencing a condition of statelessness—is highly consequential. Citizens have a legal claim to the benefits of citizenship even if, for whatever reason, they are currently unable to enjoy them. In other words, their *entitlement* to citizenship rights and privileges is what differentiates them from stateless people. Although similarities exist between stateless people and citizens who are systematically denied rights, citizens maintain a sense of entitlement to rights and can, thus, fight for their rights in the legal system within the framework of citizenship, something a stateless person cannot do.<sup>114</sup> For example, under Jim Crow laws African Americans were deprived of many citizenship rights, including the right to vote. Their legal status of citizenship, however, made them legitimate claimants of rights and allowed them to set their fight within the framework of citizenship. Thus, occupying the role of citizen is a matter of legality. A citizen is an individual who is recognized by a political community in a specific legal sense and who, because of this legal recognition, is *entitled* to the rights and protections associated with citizenship. A non-citizen, on the other hand, lacks the recognition that binds the individual to a political territory and, therefore, has no legitimate legal entitlement to any of the rights of citizenship. Legal documentation of the relationship between an individual and the state is thus a crucial feature of citizenship. Certainly, the status of citizen is not always a sufficient guarantee of effective entitlement to rights, as the

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<sup>114</sup> I take the word entitlement to mean a legitimate claim rather than a charity or something undeserved. Entitlements are not discretionary but rather codified in law and therefore the political community is obligated to respect them.

dimension of citizenship as rights will demonstrate next. It is, however, necessary in order to be recognized as a legitimate claimant of rights and privileges.

In sum, citizenship as a status is foremost about legal recognition and membership in a polity. The status cannot be self-ascribed. It is granted by the state through the different modalities described above. This section highlighted the importance of the status dimension as a prerequisite for the other three dimensions. Rights, identity, and the legitimacy of one's political practices are all contingent on the ability to claim legal citizenship status. The status defines the relationship between the individual and the state, thus granting the member a legal identity with specific right and responsibilities. This connection between the different dimensions of citizenship will be further examined after having defined each dimension.

### **Citizenship as Rights**

Rights are the second most important feature of citizenship after status. Citizenship is often described as a legal status through which the individual can access rights and benefits in the state. The formal legal status of citizenship is the key factor in the assignment of rights. Without the legal status of citizenship, citizenship rights come to be replaced by charity and humanitarian assistance. Also, without citizenship rights, membership in a state becomes less meaningful. The implicit mechanism by which citizenship has value is through the rights and benefits reserved exclusively to members of the polity. There is no legal status without acquired rights. The most fundamental right is obtaining documents confirming the individual's legal status as a member of the polity. Functioning citizenship necessitates rights; it needs to be accompanied by rights for it to have any impact on people's lives.

As was discussed at the beginning of this chapter, the relationship between rights and citizenship can be traced back to ancient Rome and the liberal tradition, which regarded the citizen as a legal being with rights and possessions regulated by law.<sup>115</sup> As Pocock explained, in Rome “citizenship has become a legal status carrying with it rights to certain things-perhaps possessions, perhaps immunities, perhaps expectations-available in many kinds and degrees, available or unavailable to many kinds of persons for many kinds of reasons.”<sup>116</sup> Today, most definitions of citizenship rarely fail to mention rights as an essential component of citizenship. Some scholars go as far as defining citizenship as a bundle of rights. For example, Rainer Baubock views citizenship as a “set of rights exercised by the individuals who hold the rights, equal for all citizens, and universally distributed within a political community...”<sup>117</sup> But what are these rights?

What should and should not be included in citizenship rights has always been subject of debate and of political struggles. Academic discussions about citizenship rights often start with T.H. Marshall and his influential tripartite typology of citizenship. Drawing on the context of post-war Britain, Marshall argued that citizenship rights developed over time from civil through political to social rights. Civil rights emerged in the eighteenth century and included the rights necessary for individual freedom, such as the right to own property and the rights to freedom of speech and religion. Political rights, Marshall argued, developed in the nineteenth century and involved the right to participate in political decision making by voting or running for office.

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<sup>115</sup> See Michael Walzer, “Citizenship,” in *Political Innovation and Conceptual Change*, T. Ball, J. Farr, R. L. Hanson, eds., (Cambridge: Cambridge University Press, 1989).

<sup>116</sup> John Pocock, “The Ideal of Citizenship since Classical Times”, in *Theorizing Citizenship*, R. Beiner (ed.), (Albany: State University of New York Press, 1995), 36.

<sup>117</sup> Rainer Baubock, “Immigration and the Boundaries of Citizenship” (Research Memorandum, No 280, April, 1991) <https://irihs.ihs.ac.at/id/eprint/280/1/fo280.pdf>.

Finally, social rights were constructed in the twentieth century and encompassed services such as education, housing, health, and “the whole range [of social rights] from the right to a modicum of economic welfare and security to the right to share to the full in the social heritage and to live the life of a civilized being according to the standards prevailing in the society.”<sup>118</sup> To enjoy these three fundamental sets of rights, according to Marshall, is to be a full member of a community or a citizen. Marshall defined citizenship as a legal status bestowed on full members of a political community who are entitled to these three packages of rights. Although Marshall’s analysis of citizenship has been widely criticized by many scholars for various reasons (its linear sequence of rights, its Anglo and Eurocentric bias, as well as for its racial and gender biases), his introduction of social rights has had a profound influence. Historically, the liberal view of citizenship has always been connected with rights, focusing primarily on the protection of civil and political rights. Marshall’s contribution was to expand the idea of citizenship to include social rights. He laid important theoretical grounds for recognizing the significance of social rights on the attainment of full citizenship. His analysis has drawn attention to the relationship between citizenship and social inequality. Marshall argued not for an elimination of inequalities but rather for the protection of basic socio-economic rights. He contended that citizens have a right to their minimal social and economic needs and that the state should provide these needs. The important conclusion to his argument is that the expansion and deepening of citizenship rights to include social rights leads to achievement of greater social justice as well as attainment of full citizenship.<sup>119</sup>

Like Marshall, John Rawls saw socio-economic inequalities as key impediments to

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<sup>118</sup> T.H. Marshall, *Citizenship and Social Class, and Other Essays* (Cambridge Eng.: University Press, 1950), 78.

<sup>119</sup> Marshall, *Citizenship*, 30.

enjoying full citizenship. Rawls worked to integrate a just economic system into the framework of citizenship. He argued that citizenship should not only protect civil and political rights, but that it should also be concerned with the quality of citizens' lives. Rawls believed that poverty hinders a citizen's ability to fully exercise one's civil and political rights. As a remedy, he proposed integrating economic equality into the framework of liberal citizenship through the introduction of his "difference principle." This principle holds that socioeconomic inequalities are permissible only when they are "to the greatest benefit of the least advantaged members of society."<sup>120</sup> In addition, Rawls maintains that social rights are necessary to improve the position of the worst off so they can enjoy their citizenship status. While Rawls' principles of justice seem to be universal (regardless of citizenship), the terms person, peoples, and, citizens in his work are somewhat puzzling. In his article titled "Justice as Fairness," Rawls speaks of citizens as the object of justice.

It is a commonplace of moral philosophy to require first principles to be general and universal. Principles are general when it is possible to state them without the use of proper names or rigged definite descriptions. They are universal when they can be applied without inconsistency or self-defeating incoherence to all moral agents, in our case, to all citizens in the society in question...citizens are represented solely as free and equal persons...primary goods, we said, are things persons need as citizens, rather than as human beings apart from any normative conceptions.<sup>121</sup>

The shift from "all moral agents" to "all citizens" happens without any argument or explanation. Rawls moves from the fundamental moral equality of a person (as a person) to the fundamental equality of a (person as a) 'citizen.' Rawls declares that "the fundamental status in political society is to be equal citizenship, a status all have as free and equal citizens."<sup>122</sup> In his later work,

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<sup>120</sup> John Rawls, *Political Liberalism*, vol. 4 (New York: Columbia University Press, 1993), 5-6.

<sup>121</sup> John Rawls and Erin Kelly. *Justice As Fairness: A Restatement*. (Cambridge, Mass.: Harvard University Press, 2001), 86.

<sup>122</sup> Rawls and Kelly, *Justice*, 132.

*The Law of Peoples* (1999), Rawls expands the subject beyond the citizen.<sup>123</sup> Nonetheless, individuals in Rawls' theory might well be entitled to basic human rights but that entitlement could only arise from a positive agreement of citizens and not from any metaphysical source. My concern here is not so much with Rawls' conception of persons and citizens as with his conception of equality. Like Marshall, Rawls's theory is too focused on economic inequalities, such as wealth and income. They both ignored other inequalities organized around group identities such as sex and race. Contemporary societies are characterized by social differences and inequalities that are based not only on class but also on culture, language, nationality, religion, disability, sexuality, and race. As Benjamin Barber asks, "Who then is to be regarded as least-advantaged: the prosperous black or the poor white?"<sup>124</sup> While integrating a just economic system into the framework of citizenship is beneficial, it is not sufficient to take on the complex nature of these inequalities.

This dissertation views citizenship rights differently than Marshall and Rawls in two important ways. First, it conceives of citizenship rights as perpetually in formation. Citizenship rights are always in the making in response to various challenges and rights demands. They are continually constructed and reconfigured. They are broadened, deepened, and sometimes contracted, both by new ideas and scholarship as well as by struggles and social movements. The modern history of citizenship, as Bryan Turner argues, should be "conceived as a series of expanding circles which are pushed forward by the momentum of conflict and struggle."<sup>125</sup>

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<sup>123</sup> John Rawls, *The Law of Peoples: With, "the Idea of Public Reason Revisited"*. (Cambridge, Mass.: Harvard University Press, 1999).

<sup>124</sup> Benjamin Barber, Review of *Justifying Justice: Problems of Psychology, Measurement, and Politics in Rawls*, by John Rawls. *The American Political Science Review* 69, no. 2 (1975): 667.

<sup>125</sup> Bryan Turner, *Citizenship and Capitalism*, (Unwin Hyman, 1986), xii.



Similarly, David Held emphasizes the struggle element of the rise of citizenship rights and argues that “the very meaning of particular rights cannot be adequately understood if the range of concerns and pressure which have given rise to them is not properly grasped.”<sup>126</sup> Rights are not created only by governments but also by citizens and activist groups who have been responsible for defining these rights. Citizens’ political struggles and reform movements are the driving force behind achieving and expanding citizenship rights. For example, women’s suffrage was a result of years of demands and struggles. In the U.S., it took women seventy-five years of hunger strikes, marches, jail time, and constant pressure before women’s suffrage was considered a right. Similar struggles went on in the United Kingdom. Emmeline Pankhurst, one of the pioneers of the suffragette movement, was arrested seven times before women achieved the right to vote. Pankhurst saw imprisonment as a tactic to publicize women’s suffrage. As she wrote, “You have to make more noise than anybody else, you have to make yourself more obtrusive than anybody else, you have to fill all the papers more than anybody else, in fact you have to be there all the time and see that they do not snow you under.”<sup>127</sup> Citizenship rights are, to a certain extent, the outcome of struggles and an active process of negotiations. The collective action of citizens in the form of movements, such as women’s movements, civil rights movements, environmentalist, and disabled movements, have been significant in shaping the struggle for citizenship rights. For instance, labor movements, after decades of intense struggles, strikes and even violent clashes, were able to attain social and economic rights, such as the eight-hour workday, the weekend, and sick days. Marshall and Rawls paid very little attention to these struggles and the activities of social movements that have been crucial in the development of

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<sup>126</sup> David Held, *Political Theory and the Modern State*, (Stanford: Stanford University Press, 1989), 200.

<sup>127</sup> Shehan Constance (ed.), *Gender Roles on American Life*, (Santa Barbara, California: ABC-CLIO, 2018), 207.

citizenship rights. Their analyses emphasized only how citizenship can mitigate class conflicts and not how citizenship rights were achieved through class struggles. By doing that they overlooked how citizenship rights are always open to reinterpretation and renegotiation. Understanding citizenship rights as a product of different struggles and movements indicates that citizenship rights will continue to change. Consider for example the right to privacy in the United States. Since the U.S. constitution does not explicitly include the right to privacy, the government, and specifically the Supreme Court, has been upholding privacy in some cases, arguing against it in others, and sometimes overturning it. The U.S. Supreme Court first recognized the right to privacy in 1965 in *Griswold v. Connecticut*.<sup>128</sup> In 1973 (*Roe v. Wade*), the Supreme Court extended the right to privacy to include access to abortion, ruling that restrictive abortion laws are unconstitutional and violate a woman's right to privacy.<sup>129</sup> In June 2022, the Supreme Court overturned the previous cases (*Roe* and *Casey*) thereby allowing states once again to restrict and ban abortion.<sup>130</sup> Continuous changes in citizenship rights can also be observed in education, voting, and welfare. Like the right to privacy, the right to education is not recognized in the U.S. constitution but included in many state constitutions.<sup>131</sup> Nonetheless, recently there has been a push to consider education, including higher education, a right rather than a luxury. In the 2016 presidential election, Bernie Sanders campaigned for tuition-free

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<sup>128</sup> *Griswold v. Connecticut*, 381 U.S. 479 (1965).

<sup>129</sup> In *Roe v. Wade* (1973), the U.S. Supreme Court ruled that the constitution protects a woman's right to an abortion prior to the viability of the fetus. The ruling allowed a woman the right to abort through the end of the first trimester and permitted states to regulate but not restrict a woman's access to abortion during the second trimester. During the third trimester, the state can restrict all abortions unless the mother's health or life is in danger. See, *Roe v. Wade*, 410 U.S. 113 (1973).

<sup>130</sup> June 2022, decision on *Dobbs vs. Jackson women's health organization*. *Dobbs v. Jackson Women's Health Organization*, 1392, U.S. 597 (2022).

<sup>131</sup> Even the right to primary education is not considered a fundamental right in the United States. In *San Antonio Independent School District v. Rodriguez*, the Supreme Court in 1973 declared, "Education, of course, is not among the rights afforded explicit protection under our Federal Constitution. Nor do we find any basis for saying it is implicitly so protected." See *San Antonio Independent School District v. Rodriguez*, 411 U.S. 1 (1973).

public universities and colleges. This, mobilized millions of young voters to act and demand free or inexpensive higher education. The dialogue about affordable higher education has been successful in making some strides. In 2017, New York became the first state to provide free college tuition at four-year colleges.<sup>132</sup> Ultimately, the debate over free college is a part of the larger debate over government entitlements, including welfare, which remains a work in progress. Welfare in the United States has expanded and contracted over the last century in response to social, economic, and political changes throughout the country. The struggle over voting rights is another important area that has evolved and continues to change. In the U.S., voting used to be a right solely afforded to white male landowners and it has expanded over time. In 1870, the Fifteenth Amendment granted African men the right to vote, yet through poll taxes, literacy tests and other means, many states were able to disenfranchise African American men. In 1920, the Nineteenth Amendment gave women access to the voting booth though in practice many women of color were excluded from voting. In 1924, Congress enacted the Indian Citizenship Act, which granted citizenship to all Native Americans born in the U.S. They still did not, however, have full suffrage rights as states barred Native Americans from voting.<sup>133</sup> In 1971, the Twenty-sixth Amendment lowered the voting age from twenty-one to eighteen, expanding political rights to more people. Almost all states today restrict voting for those who are currently incarcerated for a felony offense. Some states restore voting rights to individuals automatically after they exit prison, and others continue the bar on voting. Today the struggle has

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<sup>132</sup> See Judith Scott- Clayton, CJ Libassi, and Daniel Sparks, “The Fine Print on Free College: Who Benefits from New York’s Excelsior Scholarship?” *Urban Institute* (May 12, 2022).

<https://www.urban.org/research/publication/fine-print-free-college-who-benefits-new-yorks-excelsior-scholarship>.

<sup>133</sup> In 1948, Arizona Supreme Court struck down disenfranchisement of its Native American populations and other states did as well. New Mexico was the last state to enfranchise its Native American populations in 1962. For more on this see Daniel McCool, Susan M. Olson, and Jennifer L. Robinson, *American Indians, the Voting Rights Act, and the Right to Vote*, (Cambridge University Press, 2007).

shifted to issues of the fairness of the election system and the machinery of elections. The main point I am attempting to get across through all of these examples is that citizenship rights are always a contested terrain where governments and citizens are constantly engaged in defining, expanding, and sometimes contracting.

Accordingly, the set of rights compatible with citizenship has to be understood more extensively than Marshall and Rawls have allowed. Although Marshall and Rawls' works on citizenship have had a profound impact on our understanding of citizenship by extending citizenship rights to encompass socio-economic rights, there is a need to extend citizenship rights beyond their analysis in order to take into account issues sparked by contemporary movements and conditions. For instance, today a new set of rights have been advocated in the struggle for citizenship, including environmental (Dobson, 2003), sexual (Richardson, 2000, 2015), genetic (Heath, et al., 2004) and cultural rights (Beaman, 2016).<sup>134</sup> Citizenship rights are contextualized; they are produced in specific contexts, conflicts, and negotiations. Marshall's work on citizenship captured the outcomes of particular struggles and conflicts. Therefore, the set of rights he identified, namely civil, political, and social, may not be the same elsewhere. I believe that citizenship rights are not fixed, but rather as Lister notes, "They remain the object of political struggles to defend, reinterpret and extend them. Who is involved in these struggles, where they are placed in the political hierarchy, and the political power and influence they can yield will help to determine the outcomes."<sup>135</sup> Different groups and movements, such as

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<sup>134</sup> Andrew Dobson, *Citizenship and the Environment* (Oxford University Press, 2003); Diane Richardson, "Constructing Sexual Citizenship: Theorizing Sexual Rights", *Critical Social Policy* 20 (1) 2000; Diane Richardson, "Rethinking Sexual Citizenship," *Sociology* 51 no. 2 (2016), 208–224; Deborah Heath, Rayna Rapp, & Karen Sue Taussig. "Genetic Citizenship". In David Nugent, and Joan Vincent (Eds.), *A Companion to the Anthropology of Politics*. (Blackwell, 2004), 152-167; Jean Beaman, "Citizenship as Cultural: Towards a Theory of Cultural Citizenship", *Sociology Compass* 10 no. 10, 2016.

<sup>135</sup> Ruth Lister, "Citizenship: Towards a Feminist Synthesis", *Feminist Review* 57 no. 1 (1997), 35.

feminism, ethnic minorities, the black movement, environmentalists, the MAGA movement, the Tea Party, neoliberal think tanks, etc., will continue to shape and define citizenship rights.

Second, rather than Marshall and Rawls' optimistic view that all citizens are equal with respect to rights and duties, this dissertation holds that different groups of citizens experience different types of rights on account of differences in both de facto and de jure rights. As previously mentioned, Puerto Ricans have different de jure rights than citizens who live in the mainland. As an example of variation of de facto rights, African Americans and other minority groups experience limited rights due to inequality and discrimination. In reality, there are differentiated forms of citizenship resulting in variable rights. However, both Marshall and Rawls present idealistic visions of citizenship. They both considered citizenship as a uniform status. According to Marshall, citizenship is a principle of equality. It promotes equality of status and "All who possess the status are equal with respect to the rights and duties with which the status is endowed."<sup>136</sup> He argues that only those who enjoy full rights and inclusion can be deemed citizens.<sup>137</sup> Thus, according to Marshall one is not a citizen unless he or she enjoys a complete array of rights. However, as was discussed before, citizens who are members of minority or marginalized groups, including immigrants, women, indigenous peoples, and the poor, frequently enjoy only a limited set of rights. Scholars have shed light on the different ways

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<sup>136</sup> T. H. Marshall, *Citizenship and Social Class, and Other Essays* (Cambridge, England.: University Press, 1950), 28-29.

<sup>137</sup> With exceptions for children, the mentally ill, and felons. For more on this see Tom Cockburn, *Rethinking Children's Citizenship* (Basingstoke, England; New York: Palgrave Macmillan, 2013), 262; Antonella Invernizzi and Jane Williams, *Children and Citizenship* (Los Angeles: SAGE Publications, 2008); Elizabeth Hull, *The Disenfranchisement of Ex-Felons* (Philadelphia, PA: Temple University Press, 2006), 217; Pippa Holloway, *Living in Infamy: Felon Disfranchisement and the History of American Citizenship* (Oxford; New York, NY: Oxford University Press, 2014); Joren Lyons, "Mentally Disabled Citizenship Applicants and the Meaning full Oath Requirement for Naturalization," *California Law Review*, 87, (1999); Michael Rowe and Jean-Francois Pelletier, "Mental Illness Criminality and Citizenship Revisited," *The Journal of the American Academy of Psychiatry and Law* 40, no 8 (2012).

that the institution of citizenship has created hierarchies within citizenries. In her book, *Genealogies of Citizenship: Markets, Statelessness, and the Right to Have Rights*, Margaret Somers argues that a significant proportion of citizens in the U.S. experience statelessness due to racial inequalities. Roger Smith's *Civic Ideals* similarly illustrates how, at certain points in American history, the U.S. legal system has denied full access to citizenship on the basis of ethnicity, race, and gender.<sup>138</sup> Suzanne Mettler's *Dividing Citizens* highlights the way U.S. social policy has constructed unequal citizenships for men and women.<sup>139</sup> The differential allocation of citizenship rights has always existed even in liberal democracies.

I do share Marshall's conceptualization of citizenship as a status and as a kind of membership, but I take his definition of "full membership" to be more of an ideal description of citizenship, a telos to be realized rather than an empirical portrayal of reality. Marshall himself was aware of his utopian, aspirational, and overly ambitious view of citizenship. He believed his conception of citizenship to be a valuable normative project that is worth striving for, "an image of an ideal citizenship against which achievements can be measured and towards which aspirations can be directed."<sup>140</sup> Thus, Marshall's theory describes not what citizenship *is* but what citizenship *ought* to be. Ideally, citizenship would grant citizens equal rights. This feature of equality of rights is what enables citizenship to serve as an emancipatory tool and a source of empowerment for citizens. It holds the potential to free people from subjugation and domination. By invoking the language of citizenship and its premise of equality, women and minorities have

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<sup>138</sup> Rogers Smith, *Civic Ideals: Conflicting Visions of Citizenship in U.S. History* (Yale University Press, 1999).

<sup>139</sup> Margaret Somers, *Genealogies of Citizenship: Markets, Statelessness and the Right to have Rights* (Cambridge University Press, 2008).

<sup>140</sup> T. H. Marshall, *Citizenship and Social Class, and Other Essays* (Cambridge, England.: University Press, 1950), 29.

been able to demand equal treatment and rights. More reason, it might be argued, for us to aspire to the ideal and change what is to what ought to be. Nevertheless, it is important not to conflate citizenship in its idealistic vision with citizenship as practiced in real life. As Elizabeth Cohen puts it, “extrapolating what citizenship is from a notion of what citizenship ought to be has the tendency to produce misleading and sometimes troublesome conclusions.”<sup>141</sup> For example, if we say that citizenship ought to entail active participation and decision making, we would perceive individuals who do not participate as non-citizens. To claim that citizenship ought to be based on legal equality and take no account of racial and group characteristics, is not cause to proclaim that those individuals who are not treated equally are not citizens. Citizenship persists in spite of its normative shortcomings. The fact is there is a clear gap between the ideal of uniform equal citizenship and the reality where many citizens have been and are still excluded from certain rights and benefits. In reality, Marshall’s full citizenship is rarely experienced. It requires citizens to enjoy and have equal access to their civil, political, and social rights. Very few members are able to reach this high bar of full citizenship.

As was discussed in the preceding section, “citizenship as a status,” there are differentiated forms and statuses of citizenship. These forms and statuses are partially a result of the disparity of rights between citizens. When rights are conferred on some citizens and not on others, an incomplete form and status of citizenship emerges. For example, before suffrage, women received a partial bundle of rights, and thus they possessed a different citizenship status. Similarly, before same sex marriage was recognized as a constitutional right in the U.S. in 2015, homosexuals were legally granted a different citizenship status than heterosexual citizens.

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<sup>141</sup> Elizabeth Cohen, *Semi-Citizenship in Democratic Politics*, (Cambridge University Press, 2009),18-19.

Today, the majority of ex-felons in the United States do not have the right to vote or hold office, and, as a result, they hold an incomplete form of citizenship. In addition, when some citizens have no access to the full range of their citizenship rights, another incomplete citizenship is produced. For instance, some groups of citizens, such as indigenous populations, disabled persons, ethnic minorities, and the LGBTQ community, are endowed with all of the rights of citizenship by law but they have no way to access or exercise some of these rights. These are often referred to as second class citizens. Some citizens, such as children and ex-felons have no right to vote, while others have the right to vote but have no access to exercise such a right. The thesis that all citizens are equal and enjoy the same rights and duties is not well founded in real life. Nonetheless, it is an aspiration that we should nurture.

### **Citizenship as Activity/Participation**

While active citizenship is not a prerequisite for being a member of the community, sustaining citizenship requires some activity on the part of citizens. Historically, citizenship has been conceptually linked to active engagement in the life of the political community. As was discussed earlier in the chapter, this understanding of citizenship is derived from the ancient Greeks. According to Aristotle, the citizen is one “who participates in the rights of judging and governing,”<sup>142</sup> and who can “rule and be ruled.”<sup>143</sup> The citizen in this tradition is expected to actively participate in public affairs, to commit to the public good, and to possess civic virtue. The citizen is like a member of an orchestra; without his action the orchestra cannot produce a good symphony. This tradition emphasizes duties over rights. Rights are regarded as the products

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<sup>142</sup> See Sir Ernest Barker, *The Political Thought of Plato and Aristotle*, (New York: G.P. Putnam’s Sons, 1959), 294.

<sup>143</sup> Aristotle, *The Politics*, Bk. 3, Ch. 1, at 4 (Carnes Lord trans., 1984).



of the political process. They are there not to protect the citizen from the state but rather to strengthen the relationship between the two.

Proponents of active citizenship today argue that the importance of citizenship lies in the active involvement in public and community affairs. For Michael Sandel, citizenship is more than a right; it is an obligation and a calling to participate and actively engage in one's community.<sup>144</sup> According to Miller, citizenship requires some engagement in political debate, "so that the laws and policies of the state do not appear to him or her simply as alien impositions but as the outcome of a reasonable agreement to which he or she has been party."<sup>145</sup> Jurgen Habermas believes that what makes one a citizen is the ability to participate in collective decision making.<sup>146</sup> Similarly, for Oldfield, "Citizenship is an activity or a practice, and not simply a status, so that not to engage in the practice is, in important senses, not to be a citizen."<sup>147</sup> According to this approach, participation is a requirement for citizenship. However, in practice civic engagement cannot make one a citizen, nor can a lack of participation deprive one of citizenship. For example, when noncitizens obey the law, pay taxes, or participate in civil rights marches, they do not become citizens. Rather, their non-citizen status persists despite their civic engagement. Also, as evidenced by the high rate of nonvoting in the U.S., all of those who do not vote do not lose their citizenship. Ruth Lister addresses this relationship between status and practice by differentiating between being a citizen and acting as a citizen. She argues that, "To be a citizen, in the legal and sociological sense, means to enjoy the rights of citizenship

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<sup>144</sup> Michael Sandel, *Democracy's Discontent*. (New York: Belknap, 1998), 209-215.

<sup>145</sup> David Miller, *Citizenship and National Identity* (Polity Press, 2000), 58.

<sup>146</sup> Jurgen Habermas, and William Rehg. *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*. (Cambridge, Mass.: MIT Press, 1996), 308-315.

<sup>147</sup> Adrian Oldfield, "Citizenship and Community: Civic Republicanism and the Modern World," in *The Citizenship Debates: A Reader* (Gershon Shafir, ed., Univ. Minnesota Press, 1998), 75.

necessary for agency and social and political participation. To act as a citizen involves fulfilling the full potential of the status. Those who do not fulfill that potential do not cease to be citizens...”<sup>148</sup> In other words, being a citizen and acting as a citizen are independent of one another. In practice, as well as by law, one can be a citizen while not acting as a citizen, and vice versa. In this sense, practicing citizenship is not a requirement but a benefit of becoming a member. It is also a mechanism to protect us from tyrannical government and making elected leaders accountable for their decisions. Without active citizens willing to take part in making decisions, freedom and rights cannot be sustained.

Some scholarship on participatory citizenship has been shifting the discourse from duty and obligations to practices and activities. Many scholars who champion the concept of active citizenship speak not of duty and obligations but of empowerment, democratic deliberation, and of variety of practices. For example, Ruth Lister views participatory citizenship as an expression of agency.<sup>149</sup> Chantal Mouffe speaks of differential powers that allow citizens to shape their community according to their visions, including symbolic power, psychological power, material power, and political power.<sup>150</sup> Marian Barnes also emphasizes the sense of empowerment that participation engenders. Working with groups of people with disabilities in the UK, Barnes asserts that engaging in the decision-making process created a sense that rather than being passive beneficiaries, they were actors in governance; they were “active agents making and

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<sup>148</sup> Ruth Lister, *Citizenship: Feminist Perspectives*, 2nd ed. (Washington Square, N.Y.: New York University Press, 2003), 42.

<sup>149</sup> Ruth Lister, “Citizenship: Towards a Feminist Synthesis”, *Feminist Review* 57 no.1 (1997), 35.

<sup>150</sup> Chantal Mouffe, ed., *Dimensions of Radical Democracy: Pluralism, Citizenship, Community* (London: Verso, 1992).

creating the services they receive.”<sup>151</sup> Participatory citizenship is becoming less and less conceived of as an obligation imposed by the state, like in Athens, and more a means of achieving citizens’ democratic empowerment.

Furthermore, several scholars have proposed alternative ways of conceptualizing active citizenship to include a wide range of activities undertaken by citizens. The first thing that comes to mind when talking about participatory citizenship are acts such as voting, jury duty, and serving in the military. What make these acts unquestionably acts of citizenship is that, in most countries, they are exclusive to citizens. Also, these acts are political in nature. They involve taking part in governance, which has traditionally been a major feature of citizenship. However, some scholars argue that participatory citizenship includes not only activities that are located in the political sphere but also a constellation of practices that diverge radically from conventional models of political participation. For example, Engin Isin distinguishes between active citizenship, which consists of formally defined activities of citizens (voting and taxpaying) and what he calls activist citizenship, which “impels individuals to break with prevailing routines and practices.”<sup>152</sup> Similarly, Faranak Miraftab, in her discussion of feminist grassroots activism, suggests a difference between the *invited* spaces (existed, offered, and formal) and the *invented* spaces (created, conquered, and informal). Citizenship practices, as Miraftab puts it, “are imaginative in promoting... a different world as being... both possible and necessary.”<sup>153</sup>

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<sup>151</sup> Marian Barnes, “Users as Citizens: Collective Action and Local Governance”, *Social Policy Administration* 33 no. 1 (March 1999), 73-90.

<sup>152</sup> Engin Isin, “Theorizing Acts of Citizenship” in: Engin Isin and Freg M. Nielsen, eds., *Acts of Citizenship*. (London, UK: Palgrave Macmillan, 2008), 15–43).

<sup>153</sup> Faranak Miraftab, "Insurgent Planning: Situating Radical Planning in the Global South," *Planning Theory* 8, no. 1 (Feb, 1, 2009): 46.

Citizenship practices are embedded in the everyday lives of individuals. A body of writing has emerged emphasizing the significance of political action within the informal arena where citizenship is practiced.<sup>154</sup> Some have argued that limiting participatory citizenship only to actions within formal political channels disregards women's and other disadvantaged groups' experiences and expressions of citizenship, which often take place in the informal arena of politics. As argued by Lister, women are most active and effective in grassroots neighborhood and community based-groups. For many women, she argues, "involvement in community organizations and social movements can be more personally fruitful than engagement in formal politics which is often more alienating than empowering."<sup>155</sup> Some feminist scholars have argued that care work represents "an active form of participatory citizenship with far-reaching civic benefits,"<sup>156</sup> asserting that care constitutes a form of political citizenship. During my stay in the West Bank in 2013, I talked to numerous working women about the concept of citizenship and how it is practiced in the Palestinian territories. Most of them considered childbearing as one of women's most important citizenship activities. Regarding this act as a citizenship act invokes a long tradition of "Republican motherhood". Under this ideology, women were expected to reproduce a societal value system that promotes liberty, allegiance, and passion for the public good. Women were encouraged to look upon their roles as wives and mothers as a form of

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<sup>154</sup> See Morris B. Kaplan, *Sexual Justice: Democratic Citizenship and the Politics of Desire*. (New York: Routledge, 1997); Nancy Naples, *Community Activism and Feminist Politics: Organizing across Race, Class, and Gender*. (New York: Routledge, 1998). Elizabeth Jelin, "Citizenship and Alterity: Tensions and Dilemmas." *Latin American Perspectives* 30, no. 2 (2003): 101–17. Ruth Lister, "Citizenship: Towards a Feminist Synthesis." *Feminist Review*, no. 57 (1997): 28–48; Lynn A. Staeheli, Meghan S. Cope, "Empowering Women's Citizenship", *Political Geography*, Volume 13, Issue 5, (September 1994):443-460.

<sup>155</sup> Ruth Lister, *Citizenship: Feminist Perspectives*, 2nd ed. (Washington Square, N.Y.: New York University Press, 2003), 31.

<sup>156</sup> See Pamela Herd and Madonna Harrington Meyer, "Care Work: Invisible Civic Engagement," *Gender and Society* 16, no. 5 (2002): 665-88; Raia Prokhovnik, "Public and Private Citizenship: From Gender Invisibility to Feminist Inclusiveness." *Feminist Review* 60 (1998): 84-104.

service to the state. Their primary citizenship activity was “the moral regeneration of the citizen.”<sup>157</sup> What is important to highlight here are two points. First, that an otherwise banal, everyday act can take on a radically political character and become a vital citizenship act in a particular context. It is not the act that is politically determinative but the context. As Bonnie Honig puts it, “It is simply the case that nothing is ontologically protected from politicization, that nothing is necessarily or naturally or ontologically not political.”<sup>158</sup> Any act has the potential to become a citizenship act once it is politicized and interpreted as such. The second point is that this dimension of citizenship entails not only conventional models of political participation but also encompasses practices that take place in the informal arena of politics beyond the formal apparatus of government. Without this expansive understanding of participatory citizenship, many acts would go unrecognized and many active citizens would appear as spectators rather than participants.

Citizens often invent new spaces and forms of action to tangibly claim and access their rights. The Civil Rights Movement is full of examples of unconventional citizenship practices, from sit-ins to freedom rides to the freedom summer. A recent example of an innovative citizenship practice was the U.S. national anthem protests. National Football League (NFL) players created an unconventional space for protest. By refusing to stand for the national anthem, NFL players were deliberately asserting their right to claim rights. Kneeling in this context became a symbolic action and a protest against racial injustice, exclusion, and police brutality. As Eric Reid explained, “We chose to kneel because it’s a respectful gesture. I remember

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<sup>157</sup> James McMillan, *France and Women 1789-1914: Gender, Society and Politics* (New York: Routledge, 2000).

<sup>158</sup> Bonnie Honig, *Political Theory and The Displacement of Politics*, (Ithaca, London: Cornell University Press, 1993, 121-122).

thinking our posture was like a flag flown at half-mast to mark a tragedy.”<sup>159</sup> More often than not, unconventional practices of citizenship, and particularly civil disobedience, are met with outright rejection by the authorities. States depend on most citizens obeying the law, and for this reason are highly invested in cultivating a specific kind of citizenry and promoting a more rigid conception of citizenship practices. Citizens, though, regularly challenge, renegotiate, and recreate the civil order as a means of contesting the existing system, which in turn brands their actions as contradictory to the practices of citizenship. Practices of citizenship can take many shapes, from reproducing, caring for children, keeping alive traditional cultural values, to resistance, demonstrations, street camping (like Occupy Wall Street), hunger strikes, or self-immolation, such as the one that kick-started the Arab Spring.

This understanding of active citizenship captures unorthodox instances of participation. It widens the zone of applicability and influence by placing less emphasis on the boundary between public and private and more emphasis on how individuals constitute themselves and articulate the right to claim rights through actions. Rather than dwelling on abstract conceptions of democratic practice, examining citizenship practices in the places where they occur can provide clear characterizations of how citizenship is experienced in everyday life.

In conclusion, this dimension of citizenship has evolved from its origin, in ancient Greece, where participating in the affairs of the polis was regarded as a duty. Today, many perceive participation in governance as a fundamental citizenship right. Lister, for example,

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<sup>159</sup> Eric Reid, “Why Colin Kaepernick and I Decided to take Kneel”, *The New York Times*, Sep, 25, 2017, <https://www.nytimes.com/2017/09/25/opinion/colin-kaepernick-football-protests.html>.

asserts that participation in political processes first requires a sense of the right to do so.<sup>160</sup> This active dimension of citizenship can thus also be viewed as a right that might or might not be exercised. Participation is not a requirement for citizenship. In other words, not participating does not negate citizenship but it is necessary to the full meaning and experience of it. Those who choose and are able to participate experience a fuller sense of citizenship than those whose participation has been hindered by discrimination on the basis of minority status, socio-economic condition, ethnicity, gender, disability, or any other prohibited ground.

### **Citizenship as Identity/ Sense of Belonging**

The proposition is that those who share an interest share an identity; the interest of each requires the collaboration of all...Those who share a place share an identity. Prima facie this is a fair statement, whether 'the place' is taken to be 'spaceship earth'; or a beloved land; or a desolate slum or public housing scheme.

W.J. M. Mackenzie<sup>161</sup>

Citizenship as identity is often referred to as the 'psychological dimension' of citizenship.<sup>162</sup> Unlike the other three dimensions of citizenship, this dimension relies to a great extent on subjective attributes. It requires a sense of belonging, a sense of uniqueness, and an emotional connection to the political community. It is the least straightforward of the three dimensions, as scholars tend to invoke different concepts related to identity, such as loyalty, patriotism, nationality, integration, narrative, differences, similarities, solidarity, and belonging to name a few. Identity formation is not a simple process. It is a relational construct formed in

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<sup>160</sup> See Ruth Lister, *Citizenship: Feminist Perspectives*, 2nd ed. (Washington Square, N.Y.: New York University Press, 2003). Gay Seidman, "Gendered Citizenship: South Africa's Democratic Transition and the Construction of a Gendered State," *Gender and Society* 13, no. 3, (1999): 287-307.

<sup>161</sup> W.J.M. Mackenzie, *Political Identity* (Harmondsworth: Penguin, 1978), 124, 130.

<sup>162</sup> Joseph Carens, *Culture, Citizenship and Community: A Contextual Exploration of Justice as Evenhandedness*, (Oxford University Press, 2000), 166.

interaction with others. It involves recognition and the social position of self and other. Put another way, identity is intertwined with people's sense of who they are and who others are in relation to themselves. Identity picks up on differences and similarities to mark one person or group in a binary opposition to another. The sense of belonging and solidarity are created by both the similarities that we share with our fellows and the dissimilarities which mark us off from those with different identities.

The concept of citizenship as identity is intertwined with a sense of national identity and national pride. The next chapter will discuss, in detail, citizenship and its link to the modern-nation state. For now, what is most important about nationality is not its political dimension but rather its cultural one. Nationality as a cultural identity creates a coherent and shared sense of reality around which citizens coalesce despite their differences. Some scholars, such as David Miller, contend that citizenship requires national identity. Miller argues that without the bond that nationality provides—through shared history, political culture, and language—citizenship loses its meaning and becomes merely a “strict reciprocity” between self-interested individuals.<sup>163</sup> Citizenship as identity is anchored to the social fact of living together and creating not just a political community but also a cultural one. Thus, in this respect citizenship implies in addition to “state membership”, a “nation membership”, in which “the political community should be simultaneously a cultural community, a community of language, mores, or belief.”<sup>164</sup> To be a citizen in this sense indicates belonging to a nation and possession of a national identity.

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<sup>163</sup> David Miller, *Citizenship and National Identity* (Cambridge, UK; Malden, MA: Polity Press; Blackwell Publishers, Inc., 2000), 216.

<sup>164</sup> William Brubaker, “Immigration, Citizenship and the Nation-State in France and Germany: A Comparative and Historical Analysis”, *International Sociology* 5, (1990): 379- 407.



This connection between citizenship and national identity is notably illustrated by the citizenship civics and language requirements of some countries. For example, the content of the citizenship test in Denmark includes cultural and lifestyle questions. Applicants should know:

...that during the twelfth century, Saxo Grammaticus wrote *Gesta Danorum*, which is an essential source of Danish history; that the story of ugly Duckling was written by Hans Christian Andersen; that John Utzon is a Danish architect who designed the Sydney Opera House; that Vilhelm Hammershoi is a Danish painter; that Niels Bohr is a Danish scientist who won a Noble Prize in physics; that Denmark won the European Football Championship in 1992; and that Erik Balling is the director of the film *The Oslen Gang*. Other questions focus on Constitutional issues, such as abortion, equality or free speech<sup>165</sup>.

The content covers famous scientists, authors, painters, architects as symbols of the nation, and its achievements. Knowledge of these people and their achievements does not test your ability to be a productive citizen but rather it tests your Danishness. It evaluates if the applicant has become a member of the Danish nation. The test questions are not published but are kept secret from the applicant. Thus, unlike in the U.S, applicants for Danish citizenship cannot pass the test by studying or memorizing the answers. Rather, the content of the test can only be learned through engagement and integration. By keeping the content secret, the test seems to assess the integration of the applicant and functions to prevent those who have not integrated from becoming citizens. Netherland has a similar secret civic test. Joppke notes that the Dutch believe that “one cannot study to be Dutch, one has to feel Dutch.”<sup>166</sup> This suggests that the status of citizenship is tied to a national identity. Requiring citizenship applicants to know the national-culture of the citizenship-granting state, demonstrates that citizenship is not just about rights, obligations, and participation, but also about norms and values of a culturally defined

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<sup>165</sup> Liav Orgad, “Illiberal Liberalism Cultural Restrictions on Migration and Access to Citizenship in Europe”, *The American Journal of Comparative Law* 58, no. 1 (Winter 2010): 53-1-05.

<sup>166</sup> Christian Joppke, *Citizenship and Immigration*, (Cambridge: Polity Press, 2010), 56.

community. Having said that, it is important to note that citizenship identity is also shaped and influenced by the other three dimensions of citizenship.

Citizenship identity is experienced differently given the context in which citizens are located. In contexts where citizens occupy positions of disadvantage in society, having a strong sense of belonging becomes problematic. Thus, this sense of belonging is somewhat linked with the quality of citizenship that a person experiences. A full sense of belonging requires but is not limited to the fulfillment of the three dimensions of citizenship, namely status, rights, and participation. Each one of these dimensions, if fulfilled, helps generate and strengthen a sense of belonging and a shared identity with members of the state.

The legal status of citizenship has a function of turning former foreigners or others into fellow citizens and creating a sense of community. Membership implies a sense of belonging and affiliation. As Hugh Starkey, a professor of citizenship and human rights education, noted, citizenship is always a matter of belonging to a community.<sup>167</sup> Formal, legal designation as a citizen fosters a feeling of attachment to the political community and its other members. This, however, does not mean that non-citizens cannot feel a sense of attachment or belonging towards a community in which they are not legally members of. For example, in the U.S. some undocumented migrants identify as American.<sup>168</sup> Similarly, in France, fifty-two percent of non-citizens said that they feel French despite lacking citizenship status.<sup>169</sup> Absence of citizenship status does not prevent people from feeling a sense of belonging to the country they live in.

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<sup>167</sup> Audrey Osler and Hugh Starkey. "Education for cosmopolitan citizenship: A framework for language learning", *Argentinian Journal of Applied Linguistics*, 3 no. 2 (2015): 30-39.

<sup>168</sup> See Irene Bloemraad and Alicia Sheares, "Understanding Membership in a World of Global Migration: (How) Does Citizenship Matter?", *International Migration Review* 51, no.4 (2018).

<sup>169</sup> Bloemraad and Sheares, *Understanding Membership*.

Feeling at home and that you belong can occur to a certain extent, but it will always be insufficient without the legal status of citizenship. Compared to the fifty-two percent of non-citizens who feel French, ninety-eight percent of French citizens reported feeling French. Possessing a citizenship status has a positive influence in creating a sense of belonging and a shared identity.<sup>170</sup>

Access to citizenship rights and participation also helps shape people's sense of community. As Marshall puts it, citizenship rights "serve to promote a direct sense of community membership."<sup>171</sup> Citizenship rights perform a vital integrative function that helps form a shared identity. Habermas also asserts that the exercise of citizenship is crucial for the development of a citizenship identity and sense of belonging. Participating in government gives citizens a civic identity and creates a perception of common fate. When citizens are deprived of their rights or have limited or no access to participation in decision making bodies, feelings of belonging are questioned. What comes to mind here is Sojourner Truth's question, "Ain't I a Woman?" At that time women were told that they "need to be helped into carriages, and lifted over ditches, and to have the best place everywhere."<sup>172</sup> Yet, Truth was not treated like that, which made her question if she is included in the 'women' category. Similarly, citizens who are not treated as such, not given their due process rights or are discriminated against and cannot participate on an equal basis with other citizens, ask "Ain't we citizens?" The feeling of exclusion hinders the construction of a shared identity and a sense of unity in the country. Full attainment of a shared collective identity that is based on membership in a political community requires equal inclusion

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<sup>170</sup> Bloemraad and Sheares, *Understanding Membership*.

<sup>171</sup> T.H. Marshall, "The Right to Welfare," *The Sociological Review* 13, no.3, (1965).

<sup>172</sup> Sojourner Truth, "Ain't I a Woman?" in Nell Painter, *Sojourner Truth: A Life, A Symbol*, (W.W. Norton, 1997).

of citizens.

Unlike other identities, citizenship as an egalitarian membership status imposes a single identity on diverse members. It allows individual members of the state to bind together and share an identity despite their differences. For example, a female Muslim of high-caste Indian origin living in New York may think of herself as sexually, religiously, and racially different from a Catholic male from Texas. Yet they are both American citizens. Citizenship identity does not annihilate differences but produces a collective identity despite their differences and helps “tame the divisive passions of other identities.”<sup>173</sup> As this chapter made clear, though, in practice, citizenship is not equal. Some citizens are more secure in their status than others and some have more rights and access to participation than others. This inequality shakes the very core of citizenship identity.

## **Citizenship: Intertwined Dimensions**

Having provided analysis of four core dimensions of citizenship, I want to make the obvious point that these are inextricably interwoven. It has already been mentioned that legal status, rights, and participation have an effect on a citizen’s identity and sense of belonging. Likewise, identity has decisive influence on participation. Citizens’ political engagement is often guided by their collective identities based on shared in-groups’ membership, such as union workers, immigrants, or other specific groups. Also, participation is crucial to the institutionalization and realization of different kinds of citizenship rights. The interaction between the four dimensions is complex and multidirectional. Although the four dimensions are

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<sup>173</sup> Derek Benjamin Heater, *Citizenship: The Civic Ideal in World History, Politics and Education*, 3rd ed. (Manchester: Manchester University Press, 2004), 184.

interwoven and not sequential, I believe legal status to be the key that unlocks the other dimensions. Formal membership gives citizens legitimacy to claim rights, engage in the process of governance (including to make demands to the governments and holding them accountable), and express their identity as members of the political community.

In light of the argument developed thus far, this study perceives citizenship not as static, fixed, or complete, but rather as an ever changing, politically, and socially constructed concept. Citizenship is subject to constant change and revision and always involves tensions, competition, and conflicts.<sup>174</sup> As Etienne Balibar puts it, citizenship is “always and inevitably imparfaite or unfinished, constantly being reworked and reimagined both in government narrative and discourse, and in experiences and responses to the state by citizens themselves.”<sup>175</sup> All four dimensions of citizenship can be understood as struggles for realization of full citizenship. Unlike Elizabeth Cohen, who views full citizenship as a “myth”, I view it as an aspirational category that we may or may not achieve and thus the struggle is always ongoing.<sup>176</sup> However, I do share Cohen’s understanding of citizenship as a spectrum rather than a singular position. Most citizens fit somewhere between full citizenship at one end and non-citizenship at the other. This spectrum is primarily determined by the identified dimensions of citizenship. Some fall closer to non-citizens than to full citizens on the spectrum, depending on the extent to which each dimension is fulfilled. Citizens are categorized according to their legal status (natural born citizens, naturalized citizens, citizens of unincorporated territories, and denizens), rights (some

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<sup>174</sup> See, Michael Mann, “Ruling Class Strategies and Citizenship,” *Sociology* 21, no. 3 (1987): 339-354. Engin F. and Patricia K. Wood, *Citizenship and Identity*, (Sage publications, 1999). Nancy Fraser, “Mapping the Feminist Imagination: From Redistribution to Recognition”, *Constellations*, 12 (3), 2005, 295-307.

<sup>175</sup> Etienne Balibar, cited in *Disputing Citizenship*, by John Clarke, et al. (Bristol, Policy Press, 2014).

<sup>176</sup> Elizabeth Cohen, *Semi-Citizenship in Democratic Politics* (Cambridge University Press, 2009).

citizens do not have the right to vote in federal elections, such as felons, children, the mentally ill, and denizens), participation (no or limited access to participation due to discrimination and marginalization), and identity (cultural exclusion). To illustrate this point further, I created the Venn diagram (see Figure 1) below to demonstrate the multidimensional configuration of citizenship.

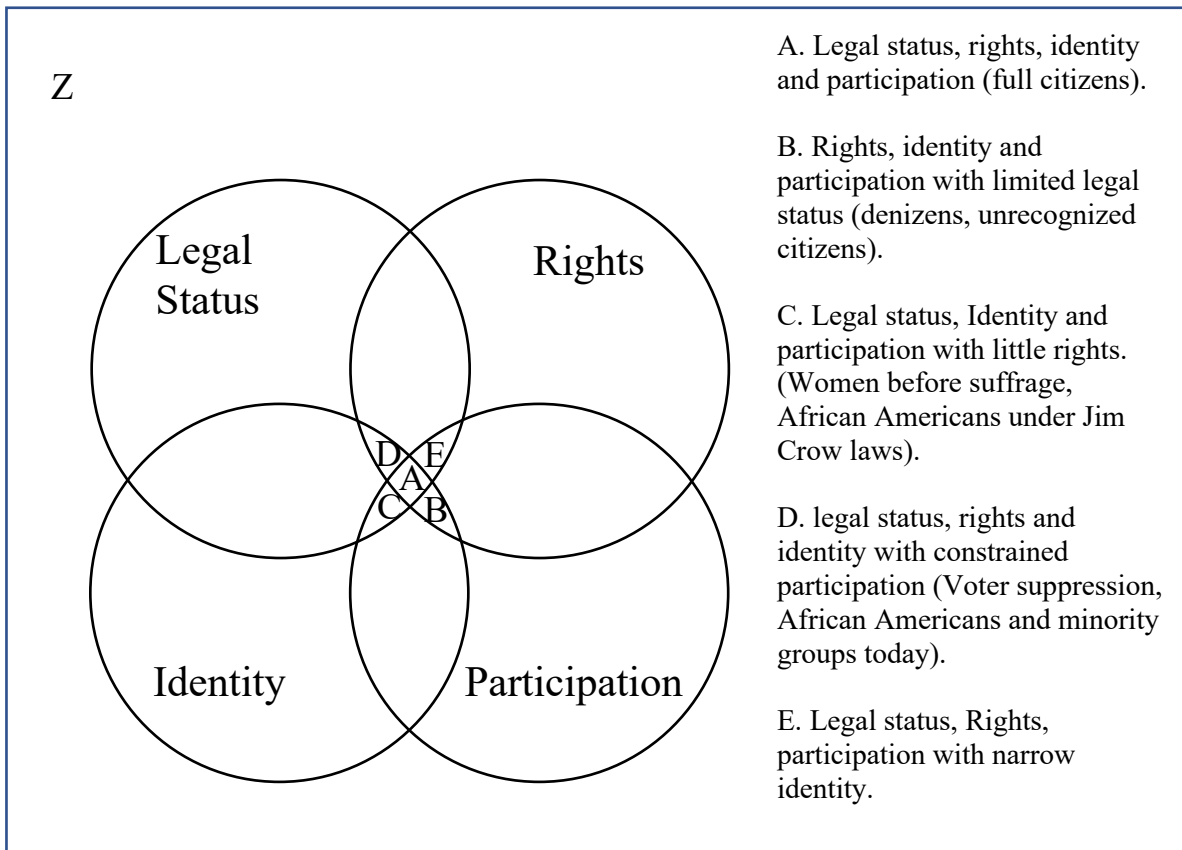


Figure 1: Venn Diagram of the different configurations of the four dimensions of citizenship.

Figure 1 is only one example of how there are varying degrees of citizenship. There are many other configurations. For instance, some citizens can have the legal status but little access to participation, limited rights, and a weak sense of identity (for example, Israeli citizens with

Palestinian origins and Native Americans).<sup>177</sup> These citizens are discriminated against and their participation is thereby restricted. Their identity is also affected by their colonial experiences. Other citizens have the legal status and the identity dimensions with few rights and little participation (such as felons and the mentally ill).<sup>178</sup> It is important to note here that participation is not limited by their own free choice but is imposed on them by law, stigma, or discrimination. In general, very few citizens possess all four dimensions fully. This suggests that in practice citizenship is not a singular condition but rather a range of conditions depending on the dimensions possessed.

To sum up, this chapter made three major claims. First, it argued that citizenship is a legal status that conveys membership in a political community. Although the chapter emphasized the significance of legal status when it comes to defining citizenship, it acknowledged that the legal relationship does not exhaust the meaning of citizenship. Second, it asserted that citizenship is a multidimensional concept and thus divided citizenship into four dimensions: status, rights, participation, and identity. Third, and most importantly, it argued that although in theory or at least in many theories, citizens are all equal. In practice there are degrees of citizenship and that citizenship is somehow hierarchical. Some citizens are closer to non-citizens than to full citizens. This hierarchy becomes even deeper and more complicated when put in context of different territories and statehood. This will be the subject of the next chapter. Chapter three will add more layers to the already complex concept of citizenship. It will examine the relationship between

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<sup>177</sup> See Shira Robinson, *Citizen Strangers: Palestinians and the Birth of Israel's Liberal Settler State* (Stanford, CA: Stanford University Press, 2020); Patty Ferguson-Bohnee. "How the Native American Vote Continues to be Suppressed." *Human Rights* 45, no.1 (2020): 16-18.

<sup>178</sup> Christopher Uggen, Jeff Manza, and Angela Behrens. "'Less than the Average Citizen': Stigma, Role Transition and the Civic Reintegration of Convicted Felons." In *After Crime and Punishment: Pathways to Offender Reintegration*. (Cullompton, Devon, U.K.: Willan Pub, 2004).

citizenship and the state, providing a new conceptualization of the state that takes into consideration the varieties of statehood that exist today, including unrecognized states.



# CHAPTER 3: CITIZENSHIP AND THE STATE

Since its inception in ancient Greece, citizenship has always been closely bound-up with the state. When the Greeks developed the institution of citizenship, the state was the sole object of that system.<sup>179</sup> Citizenship was inconceivable without the state and vice versa. Although the concept of the state has changed in time and space regarding size, role, and function, as will be illustrated in this chapter, citizenship, I argue, is still closely connected and tied up with the evolution of the state. There is a world order that privileges the state as a primary political unit that governs, defines, and regulates citizenship. This connection between citizenship and the state makes the topic of citizenship in unrecognized states appear paradoxical and contradictory at first. How can there be citizenship if there is no state? As mentioned in the introductory chapter, some scholars argue for disentangling citizenship from the state.<sup>180</sup> While this approach undoubtedly solves the paradox, as it allows for citizenship to exist anywhere, including unrecognized states, it is not the approach I take in this dissertation. Rather than decoupling citizenship from the state, this dissertation reconceptualizes the state as a continuum concept that can exist in degrees. As will become evident, this reconceptualization of the state allows for the inclusion of unrecognized states and citizenship therein, thereby arguing for an atypical form of citizenship.

The aim of this conceptual chapter is to problematize the conventional understanding of

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<sup>179</sup> See Derek Heater, *Citizenship: The Civic Ideal in World History, Politics and Education*. (Manchester University Press: Manchester and New York, 2004), 3.

<sup>180</sup> See John Hoffman, *Citizenship Beyond the State* (SAGE Publication, 2004). Also see Engin Isin and Greg Nielsen *Acts of Citizenship* (Zed Books, 2008).

the state and instead provide a new one that recognizes the existence of different models of states, including unrecognized states. The chapter is divided into three sections. In the first section, I examine the connection between citizenship and the state in today's era of intensified globalization. I argue that the state is the sole custodian of citizenship and the basic unit of international interaction and representation. Nevertheless, I assert that there are new forms of statehood in the 21<sup>st</sup> century that require us to rethink and redefine the state. Thus, in the second section, I provide a non-dichotomous understanding of the state. I argue that it is more useful to think of the state not as a static entity, but rather a dynamic process that continuously evolves, pointing to the need to distinguish between the characteristics that are temporary and transient versus those that are more stable. I specifically examine sovereignty, a concept that has been historically and inextricably tied to the image of the state. Sovereignty and the recognition of it undermine unrecognized states in their claim of statehood. However, I assert that statehood without sovereign recognition is a reality, although controversial and problematic. I demonstrate that states across the world display dramatic variance regarding their capacities and autonomy, stressing the state's deep heterogeneity. Finally, I examine how various conditions of states, including the absence of sovereign recognition, change the meaning and experience of citizenship. The discrepancy of power and capacities between states spills into the institution of citizenship, creating an uneven and hierarchical citizenship across nations. I assert that the condition of the state (failed, weak, and unrecognized) can diminish or enhance the effectiveness of citizenship and how it is experienced.

## **What is the Relationship Between Citizenship and the State?**

Citizenship and the state are often thought of as inseparable. The basis of the concept of

citizenship first appeared on the historical stage in the city-state of Sparta in Ancient Greece. While the state has changed dramatically since then, the connection remains and is undeniable. When one speaks of citizenship, the implication is that there is a state that supports this phenomenon by defining it, regulating it, and creating its institutions. It is the state that transforms subjects into citizens. It is also the state that defines the rights and responsibilities of citizens. It provides the structural anchor for the formation of citizenship: “By its actions (rules, regulations, and institutions), the state thus creates awareness within the citizenry of the reciprocal nature of duty, obligation, and responsibility.”<sup>181</sup> After all, one cannot unilaterally declare oneself a citizen of a state or become a citizen by simply acting as one. Citizenship requires the authority of the state. As Derek Heater points out, “Citizenship needs the legal construct of the state to which the individual can relate.”<sup>182</sup> Similarly, T. K. Oommen argues that citizenship is meaningless unless it is anchored to the state.<sup>183</sup> By adopting this line of thinking, I part company with cosmopolitan scholars such as Martha Nussbaum, Yasemin Soysal, and Jean Cohen, among others who dismiss the significance of state citizenship in today’s era of globalization and claim that global citizenship is already a reality.<sup>184</sup>

Globalization has unleashed an intense academic debate about the location of citizenship

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<sup>181</sup> Andrew Kakabadse, Kalu N. Kalu, and Nada Kakabadse, *Citizenship: A Reality Far from Ideal* (London: Springer Nature, 2009).

<sup>182</sup> Derek Benjamin Heater, *Citizenship: The Civic Ideal in World History, Politics and Education*, 3rd ed. (Manchester: Manchester University Press, 2004), 29.

<sup>183</sup> T.K. Oommen, *Citizenship, Nationality, and Ethnicity: Reconciling Competing Identities*. (Cambridge [England]: Polity Press, 1997), 224.

<sup>184</sup> Yasemin Soysal argues that global mobility has delinked citizenship from its territorial attribute and produced a new and more universal concept of citizenship. See Yasemin Soysal, *Limits of Citizenship: Migrants and Postnational Membership in Europe* (Chicago, IL: University of Chicago Press, 1994). Martha Nussbaum has declared herself a citizen of the world and argued that the state is nothing more than a “morally arbitrary boundary.” See Martha Nussbaum, “Patriotism and Cosmopolitanism” in J Cohen (Ed.), *For Love of Country: Debating the Limits of Patriotism* (Boston Beacon Press, 1996). Also see Luis Cabrera, *The Practice of Global Citizenship* (Cambridge University Press, 2010).

as membership of a territorially defined state. The possibility of global governance has led many scholars to stretch the concept of citizenship to encompass different geographic spaces by speaking of “global citizens,” “world citizens,” and the like. Some scholars strongly believe that the global movement of cultures, ideas and information, the emergence of a single global capitalist economy, the expansion of transnational activism and social movements have all resulted in an irreversible decline of traditional territorially based citizenship. Richard Falk and Peter Spiro, for example, argue that globalization is weakening the traditional bonds between citizens and the state and thereby eroding the power and autonomy of the state.<sup>185</sup> Other analysts go further to argue that globalization renders the state irrelevant not only as an economic actor but also as a production of boundaries and jurisdiction when it comes to citizenship. Scholars such as Yasemin Soysal and David Jacobson point to the existence of transnational institutions, such as the EU, the supra -state protection of human rights, as well as the expansion of dual citizenship and denizen status, as signs of the erosion of the significance of the state in citizenship. Yishai Blank similarly observes how states are granting “an impressive and ever-growing catalogue of social and economic rights, as well as various political rights” to noncitizens.<sup>186</sup> And so, the question that arises here is whether the state is truly irrelevant to citizenship in a world of globalization, or if globalization has transformed state power and with it the role and function of the state and its relation to citizenship? I argue that it is the latter.

The impact of globalization on the state and the relationship between the state and

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<sup>185</sup> See Peter, J. Spiro, *Beyond Citizenship: American Identity After Globalization* (Oxford University Press, 2008). Also see “Dual Citizenship: A Postnational View,” in *Dual Citizenship in Global Perspective*, eds. T. Faist and P. Kivisto (Basingstoke: Palgrave Macmillan, 2007), 189-202. Richard Falk, (2000); “The Decline of Citizenship in an Era of Globalization,” *Citizenship Studies*, 4 (1): 5-17, 6.

<sup>186</sup> Yishai Blank, “Spheres of Citizenship,” *Theoretical Inquires in Law* 8, no. 2, (July 2007): 438.

citizenship is evident. Note that the state is by no means static, and, regardless of globalization, the state is going to continuously change and evolve. This will be discussed in the next section. Nonetheless, globalization like industrialization before it, is a powerful force that has significant influence on the state and the institution of citizenship. Following the end of the Cold War and the establishment of the European Union, many countries experienced a dramatic increase in foreign laborers and refugees fleeing nearby conflict. This international migration has undoubtedly transformed citizenship regimes throughout the world. Some, as discussed in the previous chapter, have conferred their permanent residents/denizens with partial or quasi-citizenship, granting them several dimensions of citizenship. Others, such as Ecuador, have gone further than allowing dual or partial citizenship to abolishing the notion of illegal foreigners. Under the Ecuadorean constitution, “all the foreigners in the Ecuadorean territory will have the same rights and duties that Ecuadoreans have.”<sup>187</sup> The constitution explicitly asserts that Ecuador will not “identify nor will [it] consider any human being as illegal due to his/her migratory condition.”<sup>188</sup> Unequivocally, these continuing developments of globalization have affected the state and its relationship to citizenship.

This, however, is only one side of the story. Today’s globalizing environment also offers us a contradictory image of a powerful state that has increased in size and reach. Border walls, detentions, and police making immigration arrests do not indicate that the state has become obsolete or that we have global citizenship. The reality is there is no global governance that can protect and provide membership for individuals as global citizens. A look at the refugee situation

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<sup>187</sup> Republic del Ecuador Constitution of 2008, Article 9, <https://pdba.georgetown.edu/Constitutions/Ecuador/english08.html>

<sup>188</sup> *Republic*, Article 40.

that plagues the world today shows just how far we are from global citizenship. Who is a global citizen? Are the Haitians at the U.S.- Mexico border global citizens, or the Afghans in the Kosovo camp, or the Yemeni refugees in South Korea?<sup>189</sup> How can we consider global citizenship a reality, when we have all seen the horrible images of people, including children, drowning as they cross water boundaries fleeing war and poverty? If global citizenship were a reality, there would be no refugees or stateless people. The dangers of being a refugee, a stateless, a passport-less, and visa-less person attests to the continuing significance of territorial state citizenship.

While I do not oppose the normative concept of global citizenship and the descriptive claim that globalization has had a great impact on citizenship and its relationship to the state, I contend that global citizenship is an aspirational demand rather than an empirical fact. Global citizenship may emerge in the future, but “is nowhere currently embodied in the life-world of the planet.”<sup>190</sup> Thus, sounding the death knell for state citizenship may be premature. As Keith Faulk rightly notes, “the label of ‘transnational citizen’ is not deserved unless the means exist for effective participation. So far, it seems premature to proclaim the existence of transnational

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<sup>189</sup> See Natalie Kitroeff, et al. “How Hope, Fear and Misinformation Led Thousands of Haitians to the U.S. Border,” *New York Times* (Sept, 17, 2021). <https://www.nytimes.com/2021/09/17/us/haitians-border-patrol.html>. For the Afghans’ situation in Kosovo camps see, *PBS*, “Stuck in Limbo in Kosovo Camp, Afghan Evacuees Await Entry to the U.S.” (June, 5, 2022). <https://www.pbs.org/newshour/world/stuck-in-limbo-in-kosovo-camp-afghan-evacuees-await-entry-to-the-u-s>. Only two of the 500 Yemeni asylum seekers who flee the catastrophic war in their home country have been granted refugee status. The Yemenis capitalized on the Jeju Island’s (South Korea) no-visa entry policy. But after the influx of asylum seekers, the government changed its policy to acquire visas for citizens of Yemen. See Choe Sang- Hun, “Just Two of More than 480 Yemenis Receive Refugee Status in South Korea,” *New York Times* (Dec, 14, 2018). <https://www.nytimes.com/2018/12/14/world/asia/yemen-south-korea-refugees.html>. Even the European Union protect its borders and pays private militias to keep unwanted immigrants away from the white beaches in Europe. See Shirin M. Rai, “The Dilemmas of Performative Citizenship” in *Gendered Citizenship: Manifestations and Performances* eds. Bishnupriya Dutt, Reinelt Janelle, and Sahai Shrinkhla (Springer, 2018). Also see Paul Kramer, “The Harsh World of Offshore Borders”, *The New Republic* (Dec, 14, 2018). <https://newrepublic.com/article/154703/harsh-world-offshore-borders>. See David FitzGerald, *Refuge Beyond Reach: How Rich Democracies Repel Asylum Seekers*, (Oxford University Press, 2019).

<sup>190</sup> Keith Faulks, *Citizenship* (London; New York: Routledge, 2000), 212.

citizenry.”<sup>191</sup> Supranational institutions are currently incapable of providing an alternative to state citizenship. Despite the *United Nations Declarations of Human Rights* claims to universality, it is still states that are entrusted in securing and maintaining those rights. Even European citizenship, the consummate example of a supra national institution, is secured only by virtue of state citizenship in any one of the 27-member states. The international community, which is often regarded as a protector of human rights, is a community of states acting in the interests of states. Globalization is also produced by states. In other words, states made today’s global era possible. As Martin Wolf argues, “Globalization is not destined. It is chosen. It is a choice made to enhance a nation’s economic well- being.”<sup>192</sup> Thus, he asserts that globalization “cannot render states impotent. Their potency lies in the chances they made.”<sup>193</sup> He concludes that “Global governance will come not at the expense of the state but rather as an expression of the interests that the state embodies. As the source of order and basis of governance, the state will remain in the future as effective and, will be as essential, as it has ever been.”<sup>194</sup> While I cannot foresee the future, I can say that currently the state is an important actor in today’s political landscape. Globalization has influenced the state’s role and its power but has not made the state superfluous and definitely not when it comes to citizenship.

Territorial state citizenship continues to be an important reality that holds tremendous power in shaping people’s rights and determining who is a member and who is not. In fact, each one of the four dimensions of citizenship discussed in the previous chapter, depend primarily on the state. The legal status of citizenship is conferred by the state. Rights, freedoms, protections,

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<sup>191</sup> Faulks, *Citizenship*, 212

<sup>192</sup> Martin, Wolf, “Will the Nation-State Survive Globalization?” *Foreign Affairs* 80, no. 1 (2001): 178–90 (182).

<sup>193</sup> Wolf, *Nation-State*, 183.

<sup>194</sup> Wolf, *Nation-State*, 190.

as well as most kinds of formal participation in decision-making and political life are all determined by the state and the possession of formal citizenship in the state. Even the identity dimension of citizenship is to a certain extent shaped by the state, which produces and disseminates certain historical narratives and collective memory. Note that this connection between citizenship and the state should not imply that the relationship is fixed and unchanging. To the contrary, the relationship is predicated on unceasing power struggles. This nexus between citizenship and the state is always being renegotiated and readjusted rather than disconnected and attenuated. Furthermore, none of this means that the state is the only actor in the production of citizenship; but it is a key actor in both domestic and international arenas. In the end, the state is not withering away but is certainly being challenged and reoriented. It is pushed in opposite directions. As a result, sometimes it looks visible and encroaching and sometimes it is less relevant and less effective. Therefore, rather than marking the death of the significance of the state in citizenship, we need to rethink the state. This is the focus of the following section.

## **Rethinking the State**

Now that I have made a case that citizenship and the state are still interconnected, I will examine the state in its modern form. Like citizenship, the state is also a highly complex phenomenon that has undergone a great deal of change over time. It is a historical product of centuries of evolution. States are heterogenous in terms of their size, population, power, capacity, development, as well as in their economic and political cultures. Some states are weak, and some are strong; some are authoritarian, others democratic; some are secular, others are religious; some are recognized, and others are not. There are many ways in which states are not uniform.



For instance, the state of Monaco is distinctively different from the state of Germany.

Unlike Germany, which is a federal state, Monaco looks more like a city-state; it is a micro state with a small population inhabiting a small territory. Monaco has little control of domestic or foreign policy and its existence depends largely on its treaty with France, which tends to exert considerable control over it.<sup>195</sup> The point is that the state is historically and geographically variable. Yet, it is often described as a monolithic and static entity. In what follows, I will review several impactful theories about the state, examine the limitations of this scholarship in the contemporary era, and then propose an approach to the state that emphasizes its changing nature and appreciates its unfolding as relational and dynamic.

## Modern Scholarship on the State

In 1931, Charles Titus reported that political scientists have provided 145 definitions of the state.<sup>196</sup> Today, there are at least double that. Numerous scholars and intellectuals have offered varying and contradictory understandings of the state. Some consider the state to be a community of “men” exercising control over the actions of others.<sup>197</sup> Others render it synonymous with government and institutions that use power and maintain order.<sup>198</sup> Some

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<sup>195</sup> See *Monaco: Assessment of the Supervision and Regulation of the Financial Sector by International Monetary Fund*, (August, 26, 2003), 11. <https://www.imf.org/en/Publications/CR/Issues/2016/12/30/Monaco-Assessment-of-the-Supervision-and-Regulation-of-the-Financial-Sector-Volume-I-Review-16831>

<sup>196</sup> Charles H. Titus, “A Nomenclature for Political Science.” *American Political Science Review* 25, no.1 (1931): 45-60.

<sup>197</sup> See Westel W. Willoughby, *An Examination of the Nature of the State: A Study in Political Philosophy*. (New York: Macmillan, 1928).

<sup>198</sup> R.M. Maclver, *The Modern State*. (New York: Oxford University Press, 1926). See Maclver, *The Web of Government*. (New York: The Free Press, 1965). Also see Henri J.M. Claessen, “The Early State: A Structural Approach,” in *The Early State*, eds. Henri J.M. Claessen and Peter Skalnik (The Hague: Mouton Publisher, 1978), 533-596.

authors identify state with nation.<sup>199</sup> Others treat it as a universal, abstract, and ideal notion. Hegel and his followers, for instance, see the state as the alpha and the omega. According to Hegel, the state fulfills humankind's greatest possibilities; it is "the world the spirit has made for itself."<sup>200</sup> The state here is viewed as an end in itself, in which the Spirit finds its final embodiment. It is the embodiment of rationality and universality. Others, however, argue that the state is a made-up concept that exists merely as a collection of people organized in specialized institutions and departments. The anthropologist Radcliffe-Brown wrote that the state is:

...usually represented as being an entity over and above the human individuals who make up a society, having as one of its attributes something called 'sovereignty', and sometimes spoken of as having a will or as issuing commands. The state in this sense does not exist in the phenomenal world; it is a fiction of the philosophers. What does exist is an organization, i.e. a collection of individual human beings connected by a complex system of relations.<sup>201</sup>

According to Radcliffe-Brown, the state is a special kind of human political organization but is not an entity that exists in any other sense. Similarly, Philip Abrams argues that the state is not a material thing or settled relationship. He wrote, "The state ... is not an object akin to the human ear. Nor it is even an object akin to human marriage. It is a third object, an ideological project. It is first and foremost an exercise of legitimation."<sup>202</sup> Abrams refuses to see the state as a material object of study but proposes the study of the idea of the state. Using the Marxist concept of mystification, Abrams explains that the state is:

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<sup>199</sup> See Walker Connor, "A Nation is a Nation, is a State, is an Ethnic Group, is a ...", 1/4 *Ethnic and Racial Studies*, (1978), 379-88.

<sup>200</sup> Georg Wilhelm Friedrich Hegel, Allen W. Wood, and H. B. Nisbet, *Elements of the Philosophy of Right* [Grundlinien der Philosophie des Rechts.] (Cambridge England; New York: Cambridge University Press, 1991), 514.

<sup>201</sup> Radcliffe-Brown, *African Political Systems*, eds. M. Fortes and E. E. Evans-Pritchard. (Oxford University Press, London, 2008), xxiii.

<sup>202</sup> Philip Abrams, "Notes on the Difficulty of Studying the State", *Journal of Historical Sociology* 1, no. 1 (March 1988), 76.

in every sense of the term a triumph of concealment. It conceals the real history and relations of subjection behind an a-historical mask of legitimating illusion: contrives to deny the existence of connections and conflicts which would if recognised be incompatible with the claimed autonomy and integration of the state. The real official secret, however, is the secret of the non-existence of the state.<sup>203</sup>

Abrams' argument brings me to the Marxist understanding of the state as the executive body of a specific ruling class. Thinkers in the Marxist tradition view the state as a juridical fiction that upholds the rule and the profits of the capitalist class. As Marx wrote in the Communist Manifesto, "The executive of the modern state is but a committee for managing the common affairs of the whole bourgeoisie."<sup>204</sup> From this standpoint, the state is a manifestation of irreconcilable class differences. In his work, *The Origin of the Family, Private Property and the State*, Engels traces the history of the rise of the modern state and concludes,

The state is therefore by no means a power imposed on society from without; just as little is it "the reality of the moral idea," "the image and the reality of reason," as Hegel maintains. Rather, it is a product of society at a particular stage of development; it is the admission that this society has involved itself in insoluble self-contradiction and is cleft into irreconcilable antagonisms which it is powerless to exorcise.<sup>205</sup>

While Marxist theorists perceive the state as an instrument for exploitation of the oppressed class, liberal theorists view the state as an instrument to protect the citizens. Jean Bodin, who is considered to be the philosophical father of the modern state, asserts that the state is a necessary power to avoid the problem of declining order.<sup>206</sup> Bodin's own experience of living through the religious wars in France was a key motivation behind his theory of the

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<sup>203</sup> Abrams, *Notes*, 77.

<sup>204</sup> Karl Marx, *The Communist Manifesto*, ed. Fredric L. Bender. (University of Colorado at Colorado Springs, 1988), 57.

<sup>205</sup> Friedrich Engels and Ernest Untermann, *The Origin of the Family, Private Property and the State* [Ursprung der Familie...] (Chicago: C.H. Kerr & company, 1902), 217.

<sup>206</sup> Daniel Lee, *The Right of Sovereignty: Jean Bodin on the Sovereign State and the Law of Nations* (Oxford, 2021), <https://doi-org.proxy.library.upenn.edu/10.1093/oso/9780198755531.003.0002>

sovereign state.<sup>207</sup> Bodin, a lawyer and a practitioner of the legal science perceives the state as a bearer of rights and duties. He argues that states are embedded within legal order from which they derive their rights as well as their obligations as sovereign entities.<sup>208</sup> In his book *Method for Easy Comprehension of History*, Bodin defines the state as follows, “The state is nothing else than a group of families or fraternities subjected to one and the same rule.”<sup>209</sup> A decade later Bodin wrote his most prominent book, the *Six Books of Commonwealth*, in which he delved into the concept of the state, asking what is it and how is it constructed. He wrote, “A commonwealth may be defined as the rightly ordered government of a number of families, and of those things which are their common concern, by a sovereign power.”<sup>210</sup> Thus, the Bodinian state is an association of families recognizing a sovereign power. It is an entity that has a monopoly over the legal right to engage in war and accomplish peace. Bodin specifies that it is a structure of *droit government* (lawful or legal government) not a brute force without right. States, according to Bodin, have exclusive legal rights which he calls “the rights of sovereignty.” Bodin’s comprehensive doctrine of sovereignty will be discussed in detail later in this section. But I want to emphasize that for Bodin sovereignty is a definitive quality of statehood that distinguishes states from non-states. For Bodin, the state alone has the legal capacity to declare war and, by implication, the capacity to have war declared on them. He writes, “An absolute sovereign is one who, under God, holds by the sword alone. If he holds of another, he is not sovereignty.”<sup>211</sup> In

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<sup>207</sup> Lee, *The Right*.

<sup>208</sup> Lee, *The Right*.

<sup>209</sup> Jean Bodin, *Method for the Easy Comprehension of History*, The Type of Government in States, Chapter VI, (New York: W.W. Norton 1969), 158.

<https://hdl-handle-net.proxy.library.upenn.edu/2027/heb05975.0001.001>. PDF.

<sup>210</sup> Jean Bodin, *The Six Books of the Commonwealth*. The Final End of the Well-ordered Commonwealth, Chapter I. Abridged, tran. M. J. Tooley, 1, (Basil Blackwell Oxford), 1.

[https://www.yorku.ca/comminel/courses/3020pdf/six\\_books.pdf](https://www.yorku.ca/comminel/courses/3020pdf/six_books.pdf).

<sup>211</sup> Bodin, *Six Books*, Concerning Feudatory and Tributary Princess, Chapter IX, 36.

chapter ten, he continues to say that the making of war and peace is “one of the most important rights of sovereignty, since it brings in its train either the ruin or the salvation of the state.”<sup>212</sup>

The most authoritative source of this line of thinking today, which conceives of the state as a power-system and gives great prominence to the control of the means of violence by the state, is still the work of Max Weber.

Unlike most of his predecessors who defined the state in terms of its functions, Weber defines the state in terms of its distinctive *means*. He argues,

The state cannot be defined in terms of its ends. There is scarcely any task that some political association has not taken in hand, and there is no task that one could say has always been exclusive and peculiar to those associations which are designated as political ones...Ultimately, one can define the modern state only in terms of the specific *means* peculiar to it, as to every political association, namely, *the use of physical force*.<sup>213</sup>

Weber points out that defining the state based on function lacks specificity as many non-state actors perform these same functions. Weber affirms a diversity of purposes performed by different states and that states might entail heterogenous and contradictory interests and values which prohibits using purpose as a defining feature of the state. The diversity of purposes of different states suggests the presence of different species of states. What Weber has done in his analysis of the concept of the state is to shift the discussion away from the meaning and purpose of the state to its means: “So for example Adam Smith no longer, like Steuart, asked after the meaning and purpose of the economy, Durkheim no longer – as did Marx – asked after the meaning and purpose of society, and Max Weber no longer – as did Hegel – asked after the meaning and purpose of the state.”<sup>214</sup> The modern state, according to Weber, is a particular form

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<sup>212</sup> Bodin, *Six Books, The True Attributes of Sovereignty*, Chapter X, 44.

<sup>213</sup> Max Weber, *Politics as a Vocation*, vol. 3 (Philadelphia: Fortress Press, 1965), 57.

<sup>214</sup> Quoted in Andreas Anter, *Max Weber's Theory of the Modern State: Origins, Structure and Significance*. (Palgrave Macmillan, 2014), 22.

of a state that claims a monopoly of legitimate force over a territory. Territory, violence, and legitimacy are the three main characteristics of the modern state for Weber. He asserts that this control of the means of violence is a defining feature of the modern state: “Today, the use of force is regarded as legitimate only so far as it is either permitted by the state or prescribed by it. The claim of the modern state to monopolize the use of force is as essential to it as its character of compulsory jurisdiction and continuous operation.”<sup>215</sup> According to this view, the state is sovereign and exercises legitimate control over a given territory.

Today, most of the scholarly research in political science has adopted this Weberian notion of the state. However, there is a flaw in this definition, namely the issue of legitimacy. From Weber’s standpoint, legitimation is a subjective process that emanates from the people over whom it is exercised. He writes, “The basis of every system of authority, and correspondingly of every kind of willingness to obey, is a belief, a belief by virtue of which persons exercising authority are lent prestige.”<sup>216</sup> According to Weber, legitimacy is continuously negotiated and conferred by local populations. He identifies three inner justifications of legitimate rule, all related to different value systems, which according to citizens, entitle an authority to exercise power: tradition, charisma, and legality. Traditional legitimacy is when people have faith in a particular order because it has been there for a long time. Charismatic legitimacy is based on the

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<sup>215</sup> Max Weber, *Economy and Society: An Outline of Interpretive Sociology* [Wirtschaft und Gesellschaft.] (New York: Bedminster Press, 1968), 56. Charles Tilly also discussed state violence and differentiated it from other types of violence. He wrote, “What distinguished the violence produced by states from the violence delivered by anyone else? In the long run, enough to make the division between ‘legitimate’ and illegitimate’ force credible...The distinctions between ‘legitimate’ and ‘illegitimate’ users of violence came clear only very slowly, in the process during which the state’s armed forces became relatively unified and permanent.” Charles Tilly, “War Making and State Making as Organized Crime,” in *Bringing the State Back In*, eds. Peter B. Evans et al., (Cambridge Cambridgeshire; New York: Cambridge University Press, 1985), 390.

<sup>216</sup> Max Weber. *The Theory of Social and Economic Organization*, ed. Talcott Parsons (New York: Free Press, 1964), 382.

belief of people in the extraordinary qualities of a leader. And finally legal legitimacy rests on citizens' belief in formal rules and a functioning bureaucracy.

Weber regards legitimacy as a defining feature of the modern state: "Legitimacy is the twin sister of the modern state."<sup>217</sup> Yet, he treats it as a matter of fact rather than an area of inquiry. Weber does not offer a clear definition of legitimacy and his way of using the term is circular. As was noted by Robert Grafstein, Weber's conception of legitimacy is based on the "belief of citizens that the regime is, to speak in circles, legitimate. Legitimacy becomes, for Weber, simply a matter of fact, the fact that citizens hold a certain belief."<sup>218</sup> The problem of Weber's conception of legitimacy is that it rests on the characteristics of the citizen's belief and not on the characteristic of the system directly. If legitimacy, though, is simply the belief of citizens that the regime is legitimate, then at what point can legitimacy be said to be present? And how can legitimacy be articulated? Many people today consider police violence as illegitimate. Recently, the use of force by the French police - an organ of the state and an expression of a legitimate monopoly of violence- has fueled riots and unrest in French cities. If we are to apply Weber's definition of the modern state, we can easily say that France has lost its legitimacy and thus it ceases to be a state. In fact, by Weber's definition, many governments would not qualify as states- at least not all of the time- because they cannot always effectively claim to have a legitimate monopoly of force. The Egyptian government is a case in point for the shortcoming of Weber's definition. Al-Sisi government came to power in a coup after he removed a democratically elected president and suspended the constitution of 2012. If

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<sup>217</sup> Andreas Anter, *Max Weber's Theory of the Modern State: Origins, Structure and Significance* (Palgrave Macmillan, 2014), 55.

<sup>218</sup> Robert, Grafstein, "The Failure of Weber's Conception of Legitimacy: Its Causes and Implications." *The Journal of Politics* 43, no. 2 (1981): 456-72, 456. <https://doi.org/10.2307/2130377>.

legitimacy, as Weber argues, is a prerequisite to the state's very existence, then Egypt is not a state. This understanding of the state is flawed as it does not apply to polities, independently of the degree of legitimate monopolization of force. By this definition, very few entities can be considered states.

Furthermore, scholarly research that adopts Weber's definition of the state, tends to overlook the fact that this definition of the state in terms of the monopoly of violence was to a large extent a reflection of the historical context in which the German nation found itself in the year of 1919 and may need revision.<sup>219</sup> In fact, Weber makes no claim to have once and for all defined the state. Weber is aware of the historical contingency of the state and its variable nature. For Weber, this work of construction is always unfinished: "For as the state changes so does its ideal type need to be reformulated on the basis of fresh empirical materials."<sup>220</sup> In this vein, the question that needs to be asked here is what it takes to be a state in the twenty-first century. In this century even the monopoly of violence comes into question, when supranational institutions routinely interfere in many important affairs of state, when large outside states play a major role in the affairs of weaker and/or smaller states, and when some governments have ceased to function and some have been occupied by a foreign army. Some states lack sovereignty or fail to establish a monopoly of violence. For example, in the 1990s the states of Somalia, Sierra Leone, Liberia, and the Congo all collapsed; yet, they were still considered states. Pakistan, despite being a nuclear power, has had no control of large swaths of land in the tribal areas since its

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<sup>219</sup> See Philipp Lottholz and Nicolas Lemay-Hébert, "Re-reading Weber, Re-conceptualizing State-building: From neo-Weberian to post-Weberian Approaches to State, Legitimacy and State-building," *Cambridge Review of International Affairs* 29, no.4 (2016), 1467-1485.

<sup>220</sup> Andreas Anter, *Max Weber's Theory of the Modern State: Origin Structure and Significance* (Palgrave Macmillan, 2014), 25.



formation in 1947. Similarly, in Lebanon, the state lacks monopoly of violence in that militias of the various sects carry arms and control their regions. These examples suggest that Weber's defining element of the state, namely, the monopoly of violence or sovereignty over the state's territory, has to be taken with some reservation today. Certainly, not all states have the same capacity to monopolize violence and control their territories. A great number of states have either a weak monopoly on violence or none at all.<sup>221</sup> These entities have been labelled as failed or quasi-states. Thus, any definition of a state should take into account these variations.

This brief overview of the various conceptualizations of the state in the modern era gives us food for thought. It raises some introductory thoughts and questions regarding the nature and function of the state. Should the state be treated as a concept or a concrete thing? Should the state be considered in its ideal form or empirical reality? Should the state be defined by its function? Is sovereignty a necessary attribute of the state? These guiding questions frame what follows next, which is an alternative approach to the state. Before I proceed, though, it should be noted that the need for an alternative approach to the state is primarily due to the fact that the predominant understanding of the state, namely the Weberian model, is not inclusive of all possible forms of state that currently exist. The Weberian state fails to encompass the heterogeneity of the state. While it might well be the case that such a state is desirable, the theory is still unable to make sense of states that deviate from the ideal, including failed and weak states, never mind unrecognized states. To capture its various forms across countries, as well as its complex and fluid nature, the state needs to be conceptualized at more than one level. The

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<sup>221</sup> BTI (2014a): Bertelsmann Transformation Index 2014 - Dataset. As the Bertelsmann Transformation Index (BTI 2014a) dataset shows, in 2014 only half of the 129 countries in transformation had a full monopoly on violence. About 40% had a partial monopoly while ten countries had no monopoly on violence at all. <https://www.bertelsmann-stiftung.de/en/publications/publication/did/transformation-index-bti-2014-1>.

state is greater than the sum of its parts. The state has a government but is not reducible to a government. The state is an abstract community, yet it is not equated with nation. It is a concept but also an empirical reality. Reductionist conceptualizations of the state do not do justice to the complexity of the state. Also conceptualizing the state as an abstraction or as an all-powerful and mysterious force, do not provide much insight. For example, Ronald Cohen has described the state as “the most powerful organization structure ever developed in the history of the planet. It literally moves mountains and redirects rivers, and it has on occasion sent untold thousands, even millions to their death.”<sup>222</sup> In a similar vein, Donald Kurtz wrote, “The state seeks legitimacy, employs symbols, polices markets, enforces laws, exacts tribute, promotes a national language, engages in terror, educates children, resettles people...”<sup>223</sup> While there is truth to the reductionist and the idealistic approaches, neither of them get us very far in terms of understanding the state in its various forms. When combined, though, they give us greater insights into the nature of the state and its significance.

## **Alternative Approach to the State**

I have already argued and demonstrated that states are heterogenous, historical phenomena that change over time. As the examples provided earlier show, states vary widely in their size, population, sovereignty, governance, function, and power. These entities we call “states” are not clearly delineated; they are neither uniform nor static. In his article, “The State as a Conceptual Variable” J.P. Nettl highlights the varying levels of state-ness in Europe and America. He argues that rather than looking for a universal definition of the state, scholars

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<sup>222</sup> Ronald Cohen, “Introduction” in *The Origin of the State: The Anthropology of Political Evolution*. (Philadelphia: A Publication of the Institute for the Study of Human Issues, 1978), 1.

<sup>223</sup> Donald Kurtz, “Peripheral and Transitional Markets: The Aztec Case,” *American Ethnologist* 1 (1973): 685-706.

should be examining the state as a variable. Thus, “it [the state] can be made into an operating variable that points up significant differences and discontinuities between societies, making possible systematically qualitative or quantitative distinctions...”<sup>224</sup> In a similar vein, Christopher Clapham argues that states exist in gradations. He writes, “...rather than distinguish sharply between entities that are, and are not, states, we should regard different entities as meeting the criteria for international statehood to a greater or lesser degree.”<sup>225</sup> My approach follows a similar line of thought as Nettl and to a certain extent Clapham with some qualifications. I believe that this conceptualization of the state as a heterogeneous variable opens the possibility for a meaningful distinction between the different categories and models of statehood that stem from distinct state -society relations and particular historic structures.

Accordingly, we want to avoid a definition that is too restrictive and that does not account for variations of statehood or changes within the modern state system. To do so, we need to first determine how to conceptualize and study something that is historical, fluid, and dynamic. One approach is to abandon the ideal sovereign state model and focus only on the empirical reality at hand. While it might be tempting to reject an idealized concept of the state, since most states do not possess the properties that are associated with that conception of statehood, for example a monopoly of the legitimate use of violence, this temptation should be resisted. This normative ideal conception of the state, as I will argue, plays an important role in the empirical reality of the state and thus it should not be easily dismissed. The ideal conception of the state does not help us understand the nature of the state, but it does contribute to the

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<sup>224</sup> J. P. Nettl, “The State as a Conceptual Variable,” *World Politics* 20, no. 4 (July, 1968): 559-592, (562).

<sup>225</sup> Christopher Clapham, “Degrees of Statehood,” *Review of International Studies* 24, no. 2 (April 1998): 143-157, (143).

practices of the states. What I mean is that despite being far removed from the reality of actual states, the idea of sovereign statehood shapes most states in their attempt to reach such an ideal. Because of the predominance of this model and how deeply entrenched this specific view of statehood is, both domestically and internationally, states are involved in “politics of pretending” to “simulate sovereignty,” as was noted by Cynthia Weber. What is important for statehood is not possessing sovereignty but having the “ability to access the code of sovereignty (obtain diplomatic recognition as ‘sovereign’ state or membership in the United Nations) and the ability to simulate the foundation of sovereign authority (the people).”<sup>226</sup> This is very much the case, particularly for unrecognized states, as we will see in the next chapter. The relationship between sovereignty and recognition of sovereignty will be discussed later in the chapter. There are two main points I am trying to make here. First, is that this idea of the sovereign state should be understood as a significant element that shapes all states as they are compelled to try to approach this ideal. As Gopal Balakrishnan points out, this idea of the state has become an “objectively operative fiction.”<sup>227</sup> And therefore, I argue, it must be understood exactly as that: a false assumption or a false theory that nonetheless has an impact on states’ actions and practices. Second, actual states are affected by the idea of the state and thus as much as the state is a concrete array of institutions and a set of processes, it is also an idea that contributes to producing the state. This means that instead of viewing the idea of the state as completely separate from the state system or perceiving it as a measure to analyze statehood, the state idea and the state system should be regarded as two aspects of the same process. The thinking behind

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<sup>226</sup> Cynthia Weber, *Simulating Sovereignty: Intervention, the State and Symbolic Exchange* (Cambridge Studies in International Relations, 1994), 127.

<sup>227</sup> Gopal Balakrishnan, “The Age of Warring States,” *New Left Review*, 26 (2004): 148-60.

the approach I am suggesting here is to shift our focus towards the inter-relationship between the idea of the state and actual state practices. This allows us to conceptualize the state not as a static ideal or a concrete state system but more as a dynamic process between these two contrasts. My approach combines both the state idea and actual states, with the understanding that the state idea is a constitutive part of social reality.

In view of this, I define the state by its most stable characteristics while including and acknowledging its transient and ideal features. I start with the assumption that all states in the contemporary world have a territory, a population, and a government. These three elements can be considered the basic components of modern states. Other features, such as sovereignty and the kind of services they provide are variables and thus should not be considered as defining features of the state but as practices and attributes that correlate to the state idea or the ideal state. A state *is a political entity with a territory, a government and a permanent population*. In part, this definition is derived from the traditional criteria for statehood in international law, which were specified in the Montevideo Convention on Rights and Duties of States (1933). According to this convention, “The State as a person of international law should possess the following qualifications: a) a permanent population; b) a defined territory; c) government; and d) capacity to enter into relations with other states.”<sup>228</sup> My definition of the state considers criterion (d) a function that states perform and not a requirement of statehood. The capacity to negotiate trade agreements, treaties, and maintain diplomatic missions or receive ambassadors is not a criterion of statehood but an accepted function of government in the conduct of foreign relations. Having

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<sup>228</sup> The Montevideo Convention on the Rights and Duties of States 1933 was adopted by the seventh International Conference of American States in 1933. The Convention was held to end the role played by the United States in the Latin states in the early years of the twentieth century.

said that, the capacity to enter into relations with other states is a consequence of statehood and an implication of some recognition. I take this criterion as an attribute that correlates to the idea of the state and its image. I will return to this later in the section. First, I will address the three basic components of the state and then elaborate on the concept of sovereignty and recognition as significant elements of the idea of the state.

## **Population**

A permanent population does not mean that people cannot migrate across state boundaries but that there must be a group of individuals living together in a specific territory. Oppenheim defines a population or people as “an aggregate of individuals who live together as a community, though they may belong to different races or creeds or cultures or be of different color.”<sup>229</sup> The population need not have inhabited the territory for many centuries or be ethnically homogenous. The population may belong to different races, ethnic groups, religions, or culture. The size of the population does not matter. The Vatican has a population of 800 people.<sup>230</sup> Monaco’s population is around 38,000.<sup>231</sup> For some scholars this criterion indicates a requirement that “there must be people identifying themselves with the territory.”<sup>232</sup> However, this criterion is not a subjective one that concerns a sense of belonging and loyalty to an ethnic group or a national community but an objective fact that indicates a stable community of people

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<sup>229</sup> Lassa Oppenheim, eds. Robert Jennings and Arthur Watts, *Oppenheim’s International Law* Vol. 1, *Peace*, (Oxford University Press, 1992), 21.

<sup>230</sup> See Prabhu Balakrishnan, “Why Vatican Citizenship is Unique and Difficult” (February 21, 2021) <https://best-citizenships.com/2021/02/21/why-vatican-citizenship-is-unique-and-difficult/>

<sup>231</sup> See Embassy of Monaco, <https://monacodc.org/keyfacts.html>

<sup>232</sup> See Jianming Shen, “Sovereignty, Statehood, Self-Determination, and the Issue of Taiwan.” *American University International Law Review* 15, no. 5 (2000): 1101-1161.

living together. Thus, the only requirement here is that there must be some settled rather than nomadic population to have a state.

## **Territory**

States are quite clearly territorial entities. The territory is the space where the state governs and exercises its power. But what are the features of state-territory? The territory of a state does not need to have a prescribed minimum size. Indeed, there are large and small states, as the cases of Russia (6,592,771 square miles) and the Vatican City (0.19 square miles) illustrate.<sup>233</sup> The territory of a state can be disconnected. This means that a state may consist of separated territories between which lies a territory of a foreign entity. An example of this is Alaska, which is separated from the United States by approximately 12,000 miles of Canadian territory. Argentina is another example of a non-contiguous state, as it is separated from its southern region of Ushuaia by Chilean territory. Furthermore, the territory does not need to have precisely demarcated boundaries. While the Montevideo Convention calls for a defined territory, the cases of Israel, Pakistan, India, Russia, China, and Ukraine illustrate that to satisfy this criterion, borders need not be definitely defined. In fact, most states are constantly involved in boundary disputes. The International Court of Justice said in the North Sea Continental Shelf cases that “... there is... no rule that the land frontiers of a state must be fully delimited and defined, and often in various places and for long periods they are not.”<sup>234</sup> Some scholars opine that what underlies this criterion of territory is a component of governance. That is to say that the state needs a certain level of control over that territory. The problem with this line of thinking, is

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<sup>233</sup> See *Nations Encyclopedia*, <https://www.nationsencyclopedia.com/geography/Morocco-to-Slovakia/Russia.html>

<sup>234</sup> North Sea Continental Shelf Cases, 32. <https://www.icj-cij.org/files/case-related/51/051-19690220-JUD-01-00-EN.pdf>.

that it conflates the territory criterion with the government criterion. Overall, I argue that the territory component of the state is a geographical space within which acts of the state are expected.

## **Government**

A state must have a government. But what does government mean in the context of statehood? This is probably the hardest element of statehood to pin down. Scholars have provided different answers and theories as to how government should be interpreted. Some injected into this criterion the necessity of an effective and legitimate government.<sup>235</sup> Those who adhere to the theory of effectiveness focus on a government's effective capacity to control its territory. Under this construction, for the purpose of statehood, the government has to be functioning and able to exercise effective internal administration. However, the reality on the ground refutes this theory of effectiveness. There are many examples of ineffective, nonfunctioning governments. More recently South Sudan, which became independent in 2011, had no effective institutions when it achieved statehood. Another example is Somalia, which despite the collapse of the government in the 1990s, continued to be regarded as a state and remained a member of the UN. Thus, there is no requirement for "effective" government for an entity to be called a state. This is another example of definitions of the state that fit the ideal state but are not present in reality and so ought to be questioned and modified.

The other theory regarding the government component of statehood is the theory of legitimacy. According to this theory, the emphasis should not be on the effectiveness of the

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<sup>235</sup> See James Lindsay and Mikulas Fabry, *Secession and State Creation* (Oxford University Press, 2022), 12. Also see Rosalyn Cohen, "The Concept of Statehood in United Nations Practice." *University of Pennsylvania Law Review* 109, no. 8 (1961): 1127–71. <https://doi.org/10.2307/3310588>.



government but on the legality of the government. The government should have the legal right to govern a territory. This legal criterion of government is often interpreted to mean democratic government or government that is based on popular consent. However, if the theory of legitimacy is correct, many states would be considered illegal under international law. The current Egyptian government was installed by a military coup, which removed a democratically elected president, namely Mohamed Morsi. In 1980, twenty-two percent of all governments were established by coup.<sup>236</sup> In fact, given that states have various forms of government, it is fair to assume that the form of government and its degree of democracy do not matter in this respect. Thus, government in the context of criteria for statehood does not mean that an entity needs to conform to a particular form of government. A government can be a democracy, a monarchy, a theocracy, etc.

Given the fact that governments differ in their efficiency, capabilities, and legitimacy claims, I argue that government is to be understood in a broad sense so as to comprise the diverse range of governments existing today. Thus, in this context of statehood, government can be understood as *an organized political leadership that has the responsibility to provide a degree of governmental services*. This is certainly a weaker formulation of what government is. It does not refer to government's efficiency and capability to function or provide services. Rather, it is the duty of the government to provide health, education, jobs, water, electricity, and protection. From this standpoint, a state could have a nonfunctioning government that fails in its responsibility to provide basic services to its citizens.

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<sup>236</sup> Robert A. Hanneman, "The Military's Role in Political Regimes." *Armed Forces & Society* 12, no. 1 (1985): 29–51. <http://www.jstor.org/stable/45304824>.

In the end, government is an important element of statehood but is not synonymous with statehood. A government can very much collapse or fail without the state disappearing. Similarly, the combination of state and people is another significant component of the state but is not enough to distinguish the state from any other entity. In other words, the state is much more than its parts. As was highlighted by Michel Bouchard, an anthropologist, “Once a state has been formed, it assumes an existence that is seen as greater than the sum of its parts and this is done through the merging of the material and the ideological.”<sup>237</sup> As much as the state is a material object made of people, territory, and government, it is also an ideological project. As mentioned earlier, the state is a dynamic and constantly unfolding system that materializes out of the interaction and the interplay between the state idea and the material state. The state idea is also not fixed but it evolves over time. The relationship between the state idea and the material state is a dialectical one in which each creates changes in the other over time. Sovereignty is a significant idea that is strongly embedded in the image of the state and to which I turn my attention next.

## **Sovereignty**

I mentioned this quote before, but it bears repeating here: “For as the state changes so does its ideal type need to be reformulated on the basis of fresh empirical materials.”<sup>238</sup> This is what I intend to do in this section, namely to re-examine and reformulate the sovereign ideal state. The sovereign ideal state, an “objectively operative fiction,” has changed and evolved over time. Therefore, it is essential that we revise this ideal, considering that it changes as it emerges

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<sup>237</sup> Michel Bouchard, “The State of the Study of the State in Anthropology,” *Reviews in Anthropology* 40 (2011): 33

<sup>238</sup> Andreas Anter, *Max Weber’s Theory of the Modern State: Origin Structure and Significance* (Palgrave Macmillan, 2014), 25.

in and through the material state. In what follows, I will examine this change and its relevance to this study.

The notion of sovereignty entered the vocabulary of political discourse in the sixteenth century, at a time when absolute monarchy and the modern state were taking shape in Europe.<sup>239</sup> In the pre-modern era, political authority was shared between different institutions and individuals. Popes, kings, emperors, bishops, and nobles all lacked supreme authority. The modern European state replaced a fragmentary order in which numerous small and overlapping jurisdictions had both coexisted and clashed.<sup>240</sup> Jean Bodin (1530-1596) and Thomas Hobbes (1588-1679) have been particularly influential for the conceptualization of sovereignty. Jean Bodin was the first philosopher to analyze the concept of sovereignty systematically. In his seminal work, *Six Books of the Commonwealth*, Bodin described sovereignty as absolute, indivisible, and perpetual. He writes, “Sovereignty is the absolute, perpetual power of the state, superior to the laws.”<sup>241</sup> According to Bodin, sovereignty has certain characteristics. It is indivisible and absolute; it is either attributable to a given agent or not.<sup>242</sup> Sovereignty is supreme authority; it involves a supreme will, which must be *legibus solutus* (not bound by the laws).<sup>243</sup> The power of the sovereign could not be limited or subjected to any external human law or authority. A sovereign, says Bodin, can only be bound by natural and divine law. He writes,

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<sup>239</sup> See Robert Jackson, “Sovereignty in World Politics: A Glance at the Conceptual and Historical Landscape,” *Political Studies* 47, no.3 (1999): 431-456; Stephen D. Krasner, “Abiding Sovereignty,” *International Political Science Review* 22, no. 3 (2001): 229-251; Daniel Philpott, “Sovereignty: An Introduction and Brief History,” *Journal of International Affairs* 48, no. 2, *Transcending National Boundaries* (Winter 1995): 353-368; Linda Weiss, *The Myth of the Powerless State* (Ithaca, NY: Cornell University Press, 1998), 260.; Alan James, *Sovereign Statehood: The Basis of International Society 2* (London ; Boston: Allen & Unwin, 1986), 288.

<sup>240</sup> John Miller, *Absolutism in Seventeenth-Century Europe* (New York: St. Martin's Press, 1990), 268.

<sup>241</sup> Jean Bodin, *Six Books of the Commonwealth*, tran. M.J. Tooley (Basil Blackwell: Oxford), Book I, Chapter VIII, p. 26. [https://www.yorku.ca/comminel/courses/3020pdf/six\\_books.pdf](https://www.yorku.ca/comminel/courses/3020pdf/six_books.pdf)

<sup>242</sup> Bodin, *Six Books*, 25-32. See also F. H. Hinsley, *Sovereignty* (New York: Basic Books, 1966), 255.

<sup>243</sup> See Winston P. Nagan and Aitza M. Haddad, *Sovereignty in Theory and Practice*, 13 (San Diego Int'l L.J., 2012), 429. <http://scholarship.law.ufl.edu/facultypub/293>.

“Sovereignty rests in being above, beyond or excepted from the law...This power is absolute and sovereign, because it has no other limit than what the law of God and of nature commands.”<sup>244</sup>

Bodin asserts that kings do not discover law but make the law and deliver it to their subjects.

Furthermore, Bodin affirms that sovereignty is undelegated and is not subject to consent (with the exception of taxation).<sup>245</sup> For Bodin, just like no father is appointed by his children to rule over them, no sovereign comes into being by the consent of his subjects.<sup>246</sup> This is in contrast to Hobbes who argues that consent is the occasion for the establishment of the sovereign power.

Like Bodin, Hobbes’s sovereign wields absolute, unitary authority. With Hobbes, however, sovereignty took a democratic shape. Hobbes argues that sovereignty is authorized either by covenant or by acquisition, in both cases they do it for fear. In chapter eighteen of his classical book the *Leviathan*, Hobbes describes the formation of the sovereign.

...made by Covenant of every man with every man, in such a manner, as if every man should say to every man, *I Authorize and give up my Right of Governing my selfe, to this Man, or to this Assembly of men, on this condition, that thou give up thy Right to him, and Authorize all his Actions in like manner.* This done, the Multitude so united in one Person, is called a Common-Wealth...This is the Generation of that great Leviathan...For by this Authoritie, given him by every particular man in the Common-Wealth, he hath the use of so much Power and Strength conferred on him...And in him consisteth the Essence of the Common-Wealth; which (to define it,) is one Person, of whose Acts a great Multitude, by mutual Covenants one with another, have made themselves every one the Author, to the end he may use the strength and means of them all, as he shall think expedient, for their Peace and Common Defence. And he that carryeth this Person is called Sovereaigne, and said to have Sovereaigne Power.<sup>247</sup>

And this kind of Dominion [commonwealth by conquest], or Sovereignty, differeth from Sovereignty by Institution, onely in this, That men who choose their Sovereaign, do it for

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<sup>244</sup> Bodin, *Six Books*, 212.

<sup>245</sup> See Andrew Edward, “Jean Bodin on Sovereignty,” *Republics of Letters: A Journal for the Study of Knowledge, Politics, and the Arts* 2, no. 2 (June 1, 2011). <http://rofl.stanford.edu/node/90>.

<sup>246</sup> See Daniel Lee, *The Right of Sovereignty: Jean Bodin on the Sovereign State and the Law of Nations* (Oxford, 2021). <https://doi-org.proxy.library.upenn.edu/10.1093/oso/9780198755531.003.0002>

<sup>247</sup> Thomas Hobbes, *Leviathan*. Edited with an introduction by C. B. Macpherson (Penguin Books, 1968), Chapter XVIII, 227-228.

fear of one another, and not of him whom they Institute: but in this case, they subject themselves, to him they are afraid of. In both cases they do it for fear: Which is to be noted by them, that hold all such Covenants, as proceed from fear of death, or violence, voyd...<sup>248</sup>

By arguing that the sovereign by institution exists because the majority has authorized his rule by giving up their right to him, Hobbes paved the way for popular sovereignty. However, this popular sovereignty existed only momentarily in Hobbes's theory. Hobbes asserts that the sovereign, namely the Leviathan, possesses undivided power in legislative, judicial, and executive matter. Even though the Leviathan is born out of a social contract, he can do nothing that violates the covenant. Hobbes explains that this contract was between people and not between people and the sovereign. He writes, "Because the Right of bearing the Person of them all, is given to him they make Sovereigne, by Covenant onely of one to another, and not of him to any of them; there can happen no breach of Covenant on part of the Soveraigne."<sup>249</sup> For Hobbes, the sovereign is created by, but is not a part to the covenant. The sovereign can do no "injustice, or injury in the proper signification...What soever the Soveraigne doth, is unpunishable by the subject."<sup>250</sup> Thus, Hobbes' sovereign is given authority that is irrevocable, indivisible, and absolute.

It should be pointed out that, it was not until 1648 with the Peace of Westphalia, which ended a thirty-year war in Europe, that power became consolidated into one entity, namely the modern state.<sup>251</sup> The Peace of Westphalia marked the recognition of states as sovereign and independent political bodies. This agreement changed the balance of power and instituted the

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<sup>248</sup> Hobbes, *Leviathan*, XX, 252.

<sup>249</sup> Hobbes, *Leviathan*, XVIII, 230.

<sup>250</sup> Hobbes, *Leviathan*, XVIII, 232.

<sup>251</sup> See Stephen D. Krasner, *Sovereignty: Organized Hypocrisy* (Princeton, N.J.: Princeton University Press, 1999), 24-29.

modern state represented by the monarch as the supreme authority. The modern state claimed an absolute sovereignty over a given territory. This model of state was exported through colonization to the United States in the eighteenth century and to Latin America and the Middle East in the nineteenth and twentieth centuries. Charles Tilly tells us “[over] the next three hundred years the Europeans and their descendants managed to impose that system on the entire world. The recent wave of decolonization has almost completed the mapping of the globe into that system.”<sup>252</sup> After World War II the sovereign nation-state model became the standard institution by which the world is currently organized.<sup>253</sup>

This early theorization of the concept of sovereignty continues to inform some of the scholarly commentary and discussion today. The vocabulary of sovereignty is still very much influenced by Bodin and Hobbes, as some scholars persist in viewing absolutism and indivisibility as the fundamental elements of sovereignty. Kalevi Holsti, for instance, writes, “A state either is sovereign or it is not...It cannot be partly sovereign or have ‘eroded’ sovereignty

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<sup>252</sup> Charles Tilly, Gabriel Ardant, and Social Science Research Council Committee on Comparative Politics, *The Formation of National States in Western Europe*, vol. 8 (Princeton, N.J.: Princeton University Press, 1975), 45.

<sup>253</sup> The modern nation-state, successor to a multitude of earlier political forms, became the center of political power and the main form of social organization by the nineteenth century. The French Revolution, as Brubaker notes, “invented not only the nation-state but the modern institution and ideology of national citizenship.” See Rogers Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge, MA: Harvard University Press, 1992), 35. The bond between citizen and state became dependent on one’s belonging to the nation, and the boundaries between nationality and citizenship were blurred. The French Revolution replaced the monarchy and its hierarchical view of society with the nation-state. In its early stages, the Revolution promoted a progressive, inclusive, and cosmopolitan idea of citizenship. It at first attempted to give legal personality to the human race regardless of nationality, but ultimately ended up solidifying the boundaries between states and inventing not only the modern citizen but also the foreigner as a legal and political category. As Brubaker puts it, “The development of national citizenship represents a displacement of personal boundaries, i.e. boundaries between personal statuses - from within to between nations.” (ibid. 44). In this sense, citizenship became synonymous with nationality and, therefore, contingent on cultural integration and ethnic origin. By the nineteenth century, nationality, with its racialized and gendered attributes, became the cornerstone of modern citizenship, and the nation-state became the primary location where citizens exercised their rights and duties, gained access to political institutions, and formed a sense of common citizenship. Today, to be a citizen indicates belonging to a nation and possession of a national identity.

no matter how weak or ineffective it may be.”<sup>254</sup> Similarly, J.D.B. Miller perceives sovereignty as a straightforward, simple concept: “Just as we know a camel or a chair when we see one, so we know a sovereign state.”<sup>255</sup> Sovereignty is conceived of as a bounded whole, that is a binary, either/or concept. Based on this fixed and indivisible understanding of sovereignty, some international legal scholars argue that there is no such a thing as a de facto or unrecognized states.<sup>256</sup> Unrecognized states get dismissed as non-state entities on the basis of lacking de jure (legal) sovereignty (also referred to as legal independence or international legal sovereignty). Unlike de facto sovereignty, also known as Weberian sovereignty, which depends on actual possession and control of territory, de jure sovereignty depends on meeting the subjective criteria of the international legal system. De jure sovereignty is a status attributed to states according to the international community and unrecognized states have not secured that status. According to the classical view of sovereignty, which insists on its indivisibility, a state is sovereign if it possesses both de jure and de facto sovereignty. The absence of de jure sovereignty diminishes the meaningfulness of any other form of sovereignty. Therefore, from this perspective it is meaningless to talk about statehood in the absence of de jure sovereignty.

However, this monolithic understanding of sovereignty should be viewed as a product of the sixteenth century and specifically of the experience of the religious wars in France and England and thus cannot be fully applicable to today’s world of global culture and politics, not even as an ideal. Most fully-fledged states today lack full sovereignty. In his book *Failed States*,

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<sup>254</sup> K. J. Holsti, *Taming the Sovereigns: Institutional Change in International Politics*, vol. 94 (Cambridge; New York: Cambridge University Press, 2004), 114.

<sup>255</sup> J.D.B. Miller, *The World of States: Connected Essays* (New York: St. Martin's Press, 1981), 16.

<sup>256</sup> See James Crawford, *The Creation of States in International Law* (Oxford; New York: Clarendon Press; Oxford University Press, 2006).

Noam Chomsky shows that the United States shares some features with so called “failed states.”<sup>257</sup> Furthermore, states continue to exist even when their de facto sovereignty is in question. For example, the state of Lebanon is recognized as a state despite the fact that it lacks absolute sovereignty internally or externally. In the past thirty years, Lebanon has had foreign troops on its soil for the majority of the time. Lebanon has never had control of its air space. Also, since the country’s civil war (1975-1990), non-state militias have continuously usurped monopoly over violence from the state. However, all of these incidents did not result in Lebanon being demoted to the status of non-state. Shibley Telhami, a professor of peace and development at the University of Maryland, points out that,

There is a bias in favor of legal sovereignty over the other forms of sovereignty: whereas Lebanon has full international legal sovereignty, it has neither full Westphalian nor domestic sovereignty. Indeed, in the limited territories that the less-than- sovereign Palestinians controlled following the Oslo accords, it maintained more Westphalian and domestic authority than did Lebanon...<sup>258</sup>

The international system contains weak states, failed states, unrecognized states, and a number of autonomous territories (the Cook Islands, Faroe Islands, etc.), all of which pose a challenge to this fixed, binary conception of sovereignty. This observation is congruent with Bahcheli et al. As they write:

We are thus faced with an absurd combination of states and would-be states existing in a legal fog: some widely-recognized states can claim only the rudimentary conditions for statehood; indeed, in some instances, even those minimal conditions seem ephemeral and random. In other cases, full functioning and self-contained states are guaranteed as pariahs, excluded from the mainstream channels of international diplomacy, existing in conditions beyond the pale of normal international intercourse.<sup>259</sup>

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<sup>257</sup> Noam Chomsky, *Failed States: The Abuse of Power and the Assault on Democracy* (New York: Metropolitan Books/Henry Holt, 2006), 311.

<sup>258</sup> Shibley Telhami, “The Road to Palestinian Sovereignty,” in Stephen D. Krasner, *Problematic Sovereignty: Contested Rules and Political Possibilities* (New York: Columbia University Press, 2001), 367.

<sup>259</sup> Bahcheli, et al. *De Facto States: The Quest for Sovereignty*, (London: Routledge, 2004), 12.



Moreover, contemporary developments in the international scene, such as the emergence of the World Trade Organization (WTO), supranational institutions such as the EU and the United Nations, as well as global terrorism, all have called into question the notion of sovereignty as understood in the classical framework.<sup>260</sup> The reality on the ground reveals that this conception of sovereignty is not only unreachable but more importantly undesirable. Today, sovereignty as an absolute power vested in one authority is not considered an ideal image of a state but rather a tyrannical one. With the development of international law and international institutions most states pursue a different type of sovereignty: one that is shared and flexible.

Indeed, many academics, specifically international relations theorists, have been emphasizing the need to problematize and rethink sovereignty.<sup>261</sup> Sovereignty cannot be understood by establishing a universal, timeless definition that restricts its scope and fixes its meaning and content. As Christian Reus-Smit explains, “Sovereignty is a social norm, subject to the same constitutive processes as all other norms, rules and principles.”<sup>262</sup> Accordingly, scholars, such as Richard Ashley, Thomas Biersteker, and Cynthia Weber, assert that sovereignty is not static but rather “evolves in a way reflecting the consensus among statesmen.”<sup>263</sup> Other scholars have criticized the view that sovereignty is indivisible. For instance, Stephen Krasner argues that sovereignty has four different elements: 1) international legal sovereignty involves

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<sup>260</sup> See Jean L. Cohen, *Globalization and Sovereignty: Rethinking Legality, Legitimacy and Constitutionalism* (Cambridge: Cambridge University Press, 2012); Julian Ku and John Yoo, *Taming Globalization: International Law, the U.S. Constitution, and the New World Order* (Oxford ; New York: Oxford University Press, 2012), 272.

<sup>261</sup> See Richard K. Ashley, “The Poverty of Neorealism,” *International Organization* 38, no. 2 (1984): 225-286; Thomas J. Biersteker and Cynthia Weber, *State Sovereignty as Social Construct*, vol. 46 (Cambridge: Cambridge University Press, 1996), 298.

<sup>262</sup> Christian Reus-Smit, “Human Rights and the Social Construction of Sovereignty” *Review of International Studies*, 27 (2001): 519, 527.

<sup>263</sup> Richard K. Ashley, “The Poverty of Neorealism,” *International Organization* 38, no. 2 (1984), 286.

the status of the political entity in the international system (it is also known as de jure sovereignty as mentioned earlier); 2) Westphalian sovereignty refers to independence from interference by outside actors; 3) domestic sovereignty (Weberian sovereignty) refers to the authority of the state to rule the populace in the state's territory; and 4) interdependence sovereignty pertains to the ability of the state to control movement across their borders.<sup>264</sup>

According to Krasner, a state can have some of these elements but not necessarily all. This introduces the possibility of conceptualizing sovereignty as a matter of degree based on state performance.

Sovereignty, thereby, is better understood as incremental rather than absolute. Shared sovereignty can be seen in the extradition laws between countries. For instance, if I break the law in Italy, though I am a U.S. citizen, I will be subject to Italy's sovereign power. However, the U.S. can use cooperative law enforcement processes to ask for extradition. In this case, sovereignty is shared between two countries over someone who is a citizen of one sovereign power and not of the other. The European Union offers another good example of how sovereignty can be shared. The creation of the European Union demonstrates that supremacy or absolute control is not a necessary element for a body to be considered sovereign. Members of the European Union lack exclusive control over their territory. In certain sectors, such as trade policy and internal border control, sovereignty of the EU and its member states overlap.<sup>265</sup> With the EU taking over some essential functions of the state, a shared, divided sovereignty has and continues to be produced and reproduced. Furthermore, sovereignty is often negotiated in and through global norms. With the establishment of international human rights, sovereignty took a

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<sup>264</sup>Stephen Krasner, "Abiding Sovereignty," *International Political Science Review* 22, no.3 (2001): 229–251

<sup>265</sup> Martin Loughlin, "The Erosion of Sovereignty," *Netherlands Journal of Legal Philosophy* 45, no. 2 (2016).

far more multi-layered, overlapping, and multi-directional form. In human rights emergencies, the international community authorizes interventions regardless of the consent of governing authorities (for example Kosovo, Rwanda, and Somalia). Interventions have been taking place not only when there are human rights violations but also when it is in the interest of the rulers or powerful states. Small states often have no alternatives but to accept the demands of major powers. Foreign aid given by developed countries often entails powerful states dictating their will on weaker nations thus undermining their sovereignty and usurping their freedom to make their own decisions. Sanctions are another way in which powerful states impose and force weaker states to undertake political changes. Although sanctions are often imposed with the declared purpose of ending human rights violations, they are also used coercively in the context of power politics. In his book, *Sovereignty: Organized Hypocrisy*, Krasner illustrates how sovereignty is often violated and that leaders endorse sovereignty when the paradigm helps them maintain their positions of power and ignore it when it is expedient to do so.<sup>266</sup>

All of the above suggests that sovereignty is shared, unbundled, and fragmented. Sovereignty is not a binary concept but a series of tradeoffs. Therefore, I define sovereignty as a *range of authorities*. These authorities are rested in territorial political organizations that we refer to as “states”, and expressed in their various activities and relations both domestic and foreign. Sovereignty is a representation of power and authority, which can be present to a greater or lesser extent.<sup>267</sup> Thus, an ideal sovereign state that fits the times is not absolute but is subject to

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<sup>266</sup> Stephen D. Krasner, *Sovereignty: Organized Hypocrisy* (Princeton, N.J.: Princeton University Press, 1999), 264. Krasner points out four different modalities in which violations of international legal or Westphalian sovereignty occur: convention, contracts, coercion, and imposition. He explains that the difference between convention and contract is that a “Convention makes rulers better off...even if not all parties honor its terms. Contracts make at least one ruler better off and none worse off, but only if the participants honor their commitments,” 30-32.

<sup>267</sup> See Georg Sørensen, (1999). “Sovereignty: Change and Continuity in a Fundamental Institution.” *Political Studies* 47, no. 3 (1999): 590–604; Cynthia Weber, *Reconsidering Statehood: Examining the*

constitutional limitations and international law. It enjoys a degree of de facto sovereignty according to a rule of law as well as de jure sovereignty. Although de jure sovereignty has no material or effective power by itself, it has some form of normative power. An investigation of this is the subject of what follows, as it relates to statehood and the realization of its ideal.

## **International Recognition: De Jure Sovereignty**

At first, any discussion of international recognition or de jure sovereignty can easily become snarled in semantics or caught up in circular reasoning. After all what is being recognized is sovereignty, yet what makes a power sovereign is that others recognize it as sovereign. It seems that recognition is nothing but recognition of sovereignty. While it is true that what is being recognized is sovereignty, it is not clear which one should come first. In other words, does sovereignty create recognition of sovereignty or does recognition create sovereignty?

According to some international relations theorists, in order to be sovereign a state must be recognized as such by other sovereign states.<sup>268</sup> We find a parallel to this view in the constitutive approach to international law. The main tenet of this approach can be traced back to the Congress of Vienna (1814-1815), which established that any future state could only become a legal international body through the acceptance of prior existing states.<sup>269</sup> Such views can also be found in the works of Hegel who claimed that every state “is sovereign and autonomous against its neighbors, [being] entitled in the first place and without qualification to be sovereign from

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Sovereignty/Intervention Boundary, *Review of International Studies* 18, no. 3 (July 1992): 199-216.; Stephen D. Krasner, “Sovereignty,” *Foreign Policy* 122 (Jan. - Feb., 2001).

<sup>268</sup> Kalevi Jaakko Holsti, *Taming the Sovereigns: Institutional Change in International Politics*, (Cambridge University Press, 2004), 128-129.

<sup>269</sup> Hersch Lauterpacht, *Recognition in International Law* 3 (Cambridge, England: University Press, 1974), 442.

their point of view, i.e. to be recognized by them as sovereign.” He also further stressed that “recognition [...] is conditional on the neighboring state’s judgment and will.”<sup>270</sup> Similarly, L.F.L. Oppenheim emphasizes the importance of recognition when arguing that, “International Law does not say that a State is not in existence as long as it isn't recognized, but it takes no notice of it before its recognition. Through recognition only and exclusively a State becomes an International Person and a subject of International Law.”<sup>271</sup> International recognition is said to reinforce the legitimacy of the state. It grants states membership in the international community in which they can then participate in the usual kinds of international activities. In some cases, international recognition creates a reality of statehood, and in other cases it recognizes a reality that already exists. There are some ambiguities as to whether entities are denied recognition because they lack sovereignty, or they are unrecognized and, therefore, they are outside of the international system of sovereign states. The constitutive theory fails to explain the rules in the international sphere that govern the issue of recognition and its role in determining whether a particular entity is a state.

Thus, as a response to the constitutive model, the declaratory theory came about. According to this theory the absence of recognition does not by itself deny statehood.<sup>272</sup> Proponents of this view argue that the granting of recognition to a state is nothing more than the admission of the reality on the ground and a willingness of other states to have relations with it. Under the declaratory theory, an entity does not obtain international legal personality through the recognition of others. However, statehood depends on meeting the Montevideo criteria (territory,

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<sup>270</sup> G.W.F. Hegel, *Elements of the Philosophy of Right* (Oxford University Press), 2000, 212.

<sup>271</sup> Lassa Oppenheim, *International Law. A Treatise*, vol. 1 (The Lawbook Exchange, Clark, 2005), 135.

<sup>272</sup> See Hersch Lauterpacht, *Recognition in International Law*, vol. 3 (Cambridge Eng.: Univ. Press, 1974), 442.

population, government, and the capacity to maintain relations with other states).<sup>273</sup> An entity should merely be able to demonstrate that it meets the qualifications to have a legitimate claim to recognition of its statehood. Although this theory is presumably predominant and mostly followed by the international community, in practice not all confirmed states comply with the Montevideo criteria as mentioned earlier. The Vatican, for example, is a recognized sovereign state that maintains diplomatic relations with 178 other states and holds membership in many international organizations; yet it fails to meet the Montevideo criteria of statehood.<sup>274</sup> The Vatican lacks an actual government since Italy provides most of the services. A similar case is the Order of Malta, a religious order of the Catholic Church. The Order of Malta is a sovereign entity that maintains diplomatic relations with other states, has embassies in fifty-nine countries, holds a permanent observer status at the UN, and yet has no real territory.<sup>275</sup> Furthermore, if an entity is widely recognized as a state and then later ceases to meet the Montevideo criteria, it becomes difficult to argue that it is not a state. As Geldenhuys points out, “‘Once a state is duly baptized and confirmed as a sovereign,’ the world community relaxes or even ignores the requirement of domestic political supremacy.”<sup>276</sup> Thus, on one hand we have states, such as The Congo, Somalia, Liberia, and Sierra Leone, who gained the title of a state and despite their failure to function as states continue to be guaranteed statehood. On the other hand, we have entities, such as Taiwan, the Republic of Somaliland, and Kosovo, that failed to attract

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<sup>273</sup> See James Crawford, *The Creation of States in International Law* (Oxford; New York: Clarendon Press; Oxford University Press, 2006), 498. Deon Geldenhuys, *Contested States in World Politics* (Houndmills, Basingstoke, Hampshire: New York, NY: Palgrave Macmillan, 2009), 295. Anthony Murphy and Vlad Stancescu. "State formation and recognition in international law," *Juridical Tribune, Bucharest Academy of Economic Studies, Law Department* 7 no. 1 (June 2017), 6-14.

<sup>274</sup> Nina Caspersen and Gareth Stansfield, *Unrecognized States in the International System* (Milton Park, Abingdon, Oxon; New York: Routledge, 2011), 253.

<sup>275</sup> Caspersen and Stansfield, *Unrecognized States*, 253.

<sup>276</sup> Geldenhuys, *Contested States in World Politics* (Houndmills, Basingstoke, Hampshire: New York, NY: Palgrave Macmillan, 2009), 295.

international recognition but have been functioning as states for years. The international community is clearly inconsistent and discriminatory in its approach to state recognition.

However, regardless of whether recognition is necessary or not for bringing an entity to statehood, the lack of it undoubtedly keeps an entity illegitimate in the eyes of the international community. It situates these aspirant states outside the international mainstream and severely circumscribes their participation in international relations. Absence of the baptism of conventional recognition produces what I call *unrecognized-states* or what some scholars refer to as de facto or contested states. These unrecognized-states live in international limbo. These entities have some but not all of the features of fully confirmed states. As noted in the introduction, an unrecognized state is an entity with a population and a government exercising sovereign control to a greater or lesser extent over a territory and providing governmental services to the given population without widespread international recognition as a sovereign state. Even if an aspirant state's right of statehood is universally recognized, the translation of this right into a political reality can be challenged by several countries. In the case of Palestine, the *right* of the Palestinian people to have a state has been recognized internationally on the basis of the right to self-determination, yet state recognition is withheld by some countries.<sup>277</sup> It must be noted that the recognition deficit varies. This issue of international recognition will be revisited and discussed in greater detail in the next chapter.

There are two important points that need to be stressed here. First, recognition does not have to be universal. Some fully confirmed states, such as China, Israel, and North Korea, are not recognized by all members of the international community. Yet, what seems to be crucial, is

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<sup>277</sup> John Quigley, *The Statehood of Palestine* (Cambridge: Cambridge Univ. Press, 2010).

the recognition of global elites, that is the world's most powerful countries. As the last section of this chapter will show, there are hierarchies of states. Simply put, to be recognized by Djibouti is not the same as being recognized by the U.S. or China. Second, recognition is a political act that is clothed in legal reasoning. It is often used by powerful countries as a political weapon. A case in point is Palestine. Even though 136 states of the 193 members states of the United Nations had recognized the State of Palestine since 2015, the question of Palestinian statehood has not been settled within the international community. Powerful states such as the United States and some other European countries are holding out a recognition as a "carrot to encourage Palestine to reach an accommodation with Israel."<sup>278</sup> The same happened when Israel first applied to UN membership in 1948, right after its establishment. Israel's membership was denied twice before it was admitted in 1949 on condition that it will accept and implement the partition plan and Resolution 194, which pertains to the status of Jerusalem and the Palestinian refugees among other things.<sup>279</sup> This suggests that Palestine, Taiwan, and unrecognized states of the South Caucasus will not be recognized on the basis that they act like a state, have de facto sovereignty, or that they comply with the Montevideo criteria of statehood. They will become states in the eyes of the international community only after negotiation with Israel, U.S.-China, and U.S.-Russia, respectively. Accordingly, recognition of sovereignty does not necessarily stem from having achieved sovereignty but can very much be more a "matter of realpolitik,...than an act that must conform to rules of law."<sup>280</sup> In the end, while recognition is not the be-all and end-all of state creation, the absence of it creates an unrecognized-state that depends on the support of

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<sup>278</sup> Quigley, *The Statehood*, 227.

<sup>279</sup> After admission to the UN, Israel refused to abide by these plans. For more on this see Arie Geronik, "Israel-UN Relations: Three Phases and Three Questions," *Israel Studies*; Bloomington 25, no. 1, (Spring 2020): 73-98.

<sup>280</sup> Quigley, *The Statehood*, 227.



transnational networks, including patron states and international aid organizations. This in turn affects the lives of the people living in these entities and their citizenship building process. Unrecognized states are far from ideal as their lack of de jure sovereignty leaves them in a state of limbo. Nevertheless, not all unrecognized states are created equal. Taiwan is not Palestine and Palestine is not Transnistria. The hierarchy of recognizers creates a hierarchy of recognition.

## Hierarchical States and Hierarchical Citizenship

Although every state is made up of similar ingredients, namely, a population, a territory, and a government, states are not all equal. According to Stephen Castles, a sociologist and a political economist, the global order that has emerged since the end of the Cold War is fundamentally unequal. It is composed of a hierarchical nation-state system. Castles explains that this system is “based on a single dominant superpower at its center, but this center is surrounded not by powerful vassals, but by a hierarchy of states with varying levels of dependence on the center and varying levels of power towards other state.”<sup>281</sup> Castles identifies five tiers of nation states:

*Tier 1:* The USA — the globally dominant power in military, economic, political and cultural affairs.

*Tier 2:* Highly developed countries like the EU member states, Japan, Canada, and Australia.

*Tier 3:* Transitional countries like Russia and newly industrializing countries like Brazil or Malaysia.

*Tier 4:* The less-developed countries of the South, such as Thailand and Bangladesh.

*Tier 5:* Failed states like Afghanistan or Somalia; countries defined as 'rogue states' by the USA, such as Iraq and North Korea; and peoples without states like the Palestinians and Kurds.<sup>282</sup>

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<sup>281</sup> Stephen Castles, “Nation and Empire: Hierarchies of Citizenship in the New Global Order, Castles,” *International Politics*, 42 (2005): 203, 214.

<sup>282</sup> Castles, *Nation*, 214.

This hierarchy of power wielded by nation states, Castles argues, results in a similar hierarchy of rights and freedoms of their peoples. Castles refers to this as hierarchical citizenship. Thus, congruent with the five tiers of nation states, citizens in the international sphere, according to Castles, can also be divided into five levels: 1) the citizens of the United States; 2) the citizens of highly developed countries, such as United Kingdom, Germany, and Norway; 3) the citizens of countries in transition and recently industrialized countries, such as Brazil; 4) the citizens of poor, less developed countries, such as Pakistan; and 5) the citizens of failed-states, such as Somalia, Sierra Leone, and Afghanistan.<sup>283</sup>

Although Castle's thesis, which was published in 2005, is no longer completely accurate as it pertains to which countries belong in a given tier, the general thesis still has merit. In our current world, there remains a hierarchy of nation states and this hierarchy translates into a hierarchy of citizenship. Admittedly, it is a gross oversimplification today to claim that there is a single dominant superpower. In the last two decades we have witnessed many changes in the international arena. While the U.S. is still a superpower, others are catching up and the global power politics is shifting towards a multipolar system.<sup>284</sup> The issue of who belongs to what tier and if there is a unipolar or multipolar system is peripheral to the fact that states are tiered, and this directly impacts their citizens. What concerns us most here is how this hierarchy of nation states shapes citizenship and the conditions of citizens in the lower tiers and specifically in unrecognized states. In unrecognized states, the lack of recognition by the international

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<sup>283</sup>Castles, *Nation* 203.

<sup>284</sup> Shortly after the fall of the Berlin wall, Charles Krauthammer, a conservative, American political pundit, declared that the world was in a "unipolar moment," in which global power was dominated by an unchallenged superpower. This moment however has ended. China, for example which was not mentioned by Castles is now challenging the superpower. China looms large around the globe as its influence rises. One can also argue that Russia is again an increasingly important player and an influential member of the international community.

community places them near the bottom of the hierarchy with no protection from complete collapse or external invasions. I argue that the conditions of the citizens of a certain country hinge on this hierarchical system.

The hierarchy of nation-states has major implications on citizens of the lower tiers. As an illustration, citizens who live in a country where state institutions have disintegrated, such as Afghanistan, Yemen, and Libya, are not prosecuted through a legal process or even renditioned but rather droned to death with bombs shooting them down. These countries are towards the bottom of the hierarchy and thus their citizens enjoy very little protection. An Egyptian citizen can be droned because his citizenship has hardly any value in this hierarchical system. In contrast, a British citizen with a dual citizenship has to be stripped of his British nationality before being droned to death. From 2010 to 2013, Prime Minister Theresa May revoked the British nationalities of sixteen individuals because they were suspected of terrorism.<sup>285</sup> In one of the cases, the UK government revoked the same person's citizenship twice. The Supreme Court ruled against the home secretary's move to strip an Iraqi born man of his British citizenship, on the basis that it would illegally make him stateless. Yet, few weeks after the ruling, the Home Secretary issued a new order revoking his British citizenship.<sup>286</sup> Mohamad Sakr, a British citizen who was of Egyptian origin, was involved in terrorist activities. In 2010, Theresa May revoked Sakr's citizenship while he was in Somalia. Sakr was targeted until he was finally killed by a US drone in 2012. News agencies reported that a high-ranking Egyptian terrorist was killed. Yet,

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<sup>285</sup> See, Alice Ross, "Home Security Strips Two More People of British Citizenship," *The Bureau of Investigative Journalism* (16 May, 2013), <https://www.thebureauinvestigates.com/stories/2013-05-16/home-secretary-strips-two-more-people-of-british-citizenship>.

<sup>286</sup> See Alice Ross, "Home Secretary strips man of UK citizenship- for the Second Time." *The Bureau of Investigative Journalism* (2 December, 2013). <https://www.thebureauinvestigates.com/stories/2013-12-02/home-secretary-strips-man-of-uk-citizenship-for-the-second-time>.

Sakr had no Egyptian citizenship, though he was born to Egyptian parents. As his mother noted, “Mohamed had no other passport, no other nationality. He was brought up here, all his life is here.”<sup>287</sup> Sakr’s father commented after his son’s death saying, “Their [the British government] hands were washed. And that’s what they claimed when the news first came. They announced that Mohamed was Egyptian [cries]. That’s why they tried to show to the rest of the world, He’s an Egyptian. He’s not British.”<sup>288</sup> The UK government treated Sakr as a potential dual citizen, despite having only a British passport. Being born to Egyptian parents means that Sakr can easily get an Egyptian passport. By depriving certain citizens of their nationality, the United Kingdom relieved itself from any responsibility. Note that all of the sixteen British citizens who had their citizenship revoked by Theresa May were of an ethnic minority background. Commenting on this, Asim Qureshi, a research director of CAGE, an advocacy organization with a focus on Muslim detainees impacted by the war on terror, said, “We all feel just as British as everybody else, and yet just because our parents came from another country, we can be subjected to an arbitrary process where we are no longer members of this country anymore.” Asim added, “I think that’s extremely dangerous because it will speak to people’s fears about how they’re viewed by their own government, especially when they come from certain areas of the world.”<sup>289</sup> Sakr’s story illustrates not only the citizenship hierarchy that exists between the nation-states system, but also the hierarchy that resides within a nation-state and how those two systems of

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<sup>287</sup> Chris Woods, “Parents of British Man Killed By US. Drone Blame UK Government,” *The Bureau of Investigative Journalism* (15 March, 2013). <https://www.thebureauinvestigates.com/stories/2013-03-15/parents-of-british-man-killed-by-us-drone-blame-uk-government>.

<sup>288</sup> Woods, *Parents of British*. Also see Sandra Mantu, “Citizenship in Times of Terror: Citizenship Deprivation in the UK”, Paper prepared for *ECPR Standing Groups* (Warsaw, Poland, 29 March - 2 April 2015) <https://ecpr.eu/Filestore/PaperProposal/2ab106b5-1c2a-4be4-9313-8d858890cb39.pdf>

<sup>289</sup> Chris Woods, Alice K. Ross, and Oliver Wright, “British Terror Suspects Quietly Stripped of Citizenship... then Killed by Drones,” *Independent* (28 February, 2013). <https://www.independent.co.uk/news/uk/crime/british-terror-suspects-quietly-stripped-of-citizenship-then-killed-by-drones-8513858.html>.

hierarchies interact with each other. Even though they are at the top of the global hierarchy as British citizens, they are at the bottom of the hierarchy within the UK. Thus, their citizenship was never secure and was treated like a privilege (that could be taken away) rather than a right. As Castles has noted, “The international hierarchies of citizenship have not replaced the national hierarchies. Rather they complement them and interact with them in complex ways.”<sup>290</sup>

In many cases, citizens at the lower level of this citizenship-hierarchy are rendered inconsequential. Their voices are often excluded from the decision-making process. They commonly have no real opportunity to elect their leaders. This can be due to a dictatorship regime and/or due to foreign interference. Countries of the first world often meddle in third world affairs, including elections by virtue of advocating for or against certain candidates or by outright overthrow of undesirable or no longer wanted regimes.<sup>291</sup> Take for instance, France’s support of Chad’s longtime autocratic ruler Idriss Deby who seized power in 1990 in a military coup. In February of 2019, French fighter planes repeatedly struck a group of Chadian rebels hindering an attempt to unseat Deby after nearly two decades in power.<sup>292</sup> Powerful and influential states have long supported dictators, as long as those dictators are on their side. Once a regime or dictator becomes undesirable or uncooperative, their dictator status is highlighted in the media in preparation for their overthrow through violent regime change as was the case with Iraq and Saddam Hussein and Libya and Muammar Gaddafi. As noted by Brahma Chellaney, a

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<sup>290</sup> Stephen Castles, “Nation and Empire: Hierarchies of Citizenship in the New Global Order, Castles,” *International Politics* 42 (2005): 203, 219.

<sup>291</sup> See Noam Chomsky, *Understanding Power* (The News Press, 2002).

<sup>292</sup> Christina Okello, “France Accused of Propping up Chad’s Deby with Air Strikes on Rebels,” *The World and All Its’ Voices*, (20 March, 2019). <http://en.rfi.fr/africa/20190320-france-accused-propping-chad-idriss-deby-air-strikes-rebels-africa>. Also see Adam Nossiter, *Can France Ever Leave Africa? Airstrikes in Chad Raise an Old Question*, *The New York Times*, (14 February, 2019). <https://www.nytimes.com/2019/02/14/world/africa/france-airstrikes-chad.html>.

prominent Indian scholar, “The major powers assert one set of rules for themselves and a different set for other states, as if international law were only for the weak.”<sup>293</sup>

Even in unrecognized states that supposedly are isolated internationally and have constraints on their interaction with full-fledged states, such interference is widespread. The Hamas government of Palestine provides an interesting case in point. Hamas won the democratic election fair and square in 2006. According to the Carter Center, the election which was judged by international observers was “genuinely democratic.”<sup>294</sup> This election was in fact pushed for by the U.S., but the outcome was unexpected.<sup>295</sup> In an interview with Noam Chomsky, Hillary Clinton, a senator at that time, admitted exactly that and further said, “I do not think we should have pushed for an election in the Palestinian territories. I think that was a big mistake. And if we were going to push for an election, then we should have made sure that we did something to determine who was going to win.”<sup>296</sup> The U.S. refused to legitimize Hamas’s victory and pressured other countries to do the same. The United States accepted and continues to accept the unelected Mahmoud Abbas as the legitimate president of Palestine while isolating and weakening Hamas. Through economic blockades and financial sanctions, the Palestinians have been punished for their democratic choice. Citizens’ voices are often diminished or completely

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<sup>293</sup> Brahma Chellaney, “International Law only Applies When It Suits the Strong,” *The National* (01 April, 2014). <https://www.thenational.ae/international-law-only-applies-when-it-suits-the-strong-1.262401>.

<sup>294</sup> Carter Center International Observer Delegation to the Palestinian Legislative Council Elections Statement, (January 2006) <http://www.cartercenter.org>.

<sup>295</sup> The American “Roadmap for Peace” that was launched in 2003 created the Prime Minister’s office and pushed for elections. The position was created after Israel and the U.S. refused to negotiate with Arafat. For more on the Palestinian elections and the isolation of Hamas see Jamil Hillal, *Where Now for Palestine?: The Demise of the Two State Solution* (Zed Books: London, 2007); Shira Efron and Ilan Goldenberg, “United States Policy Toward the Gaza Strip,” *Institute for National Security Studies*, 2017 [https://www.rand.org/content/dam/rand/pubs/external\\_publications/EP60000/EP67493/EP-67493.pdf](https://www.rand.org/content/dam/rand/pubs/external_publications/EP60000/EP67493/EP-67493.pdf).

<sup>296</sup> Ken Kurson, “2006 Audio Emerges of Hillary Clinton Proposing Rigging Palestine Election,” *Observer* (28 September, 2016) <https://observer.com/2016/10/2006-audio-emerges-of-hillary-clinton-proposing-rigging-palestine-election/>.

silenced by powerful countries that seek to install ruthless puppet regimes to protect their interests globally.

Furthermore, third world citizens are subjected to severe exploitation by global investors, as economic globalization has justified the restructuring of their economies. The opening up of these economies to foreign investment has authorized the provision of cheap labor to foreign industries. In addition, institutions such as the IMF and the World Bank, which are controlled by creditor nations in Europe and America, have burdened local businesses and indebted local individuals. These institutions have worsened the conditions of citizens of developed countries by reducing governmental social welfare schemes and dictating public spending priorities of a nation. For example, in Zimbabwe, due to the economic structural adjustment policy – a severe fiscal austerity plan that a country must adhere to in order to secure a loan from the World Bank and the IMF- government spending on health fell by one third and on education by twenty-nine percent.<sup>297</sup> The crisis in Argentina in 2001 is another example of how these first world institutions have impacted citizens of developing countries, creating ample space for conflict and exploitation.<sup>298</sup> As a condition of its loan, the World Bank required Argentina to privatize its water system, which resulted in increasing water rates by 88.2%. The same happened in South Africa and Bolivia.<sup>299</sup> In Africa, the conditions put by the IMF and the World Bank have cut water from ten million households and led to Cholera outbreaks affecting more than 140,000

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<sup>297</sup> Kevin Watkins, *The Oxfam Poverty Report*, (Oxfam, GB, 1995), 79-80. See Saliwe M. Kawewe and Robert Dibi, “The Impact of Economic Structural Adjustment Programs [ESAPs] on Women and Children: Implications for Social Welfare in Zimbabwe,” *The Journal of Sociology & Social Welfare* 27 no.4 (December, 2000): 79-107.

<sup>298</sup> See John Cavanagh and Jerry Mander, *Alternatives to Economic Globalization: A Better World Is Possible* (Berrett-Koehler Publishers, 2004).

<sup>299</sup> In Bolivia, water rates increased by as much as 200% and thus families earning only \$60/ month had to pay water bills of \$20/ month. John Cavanagh and Jerry Mander, *Alternatives*.

people. Africa spends about four times more on debt service payment than on health care. In short, foreign aid produces unintended consequences and certainly citizens of the Third World are affected the most. As B.S. Chimni, a legal scholar and professor of international law wrote, “The economic and political independence of the third world is being undermined by policies and laws dictated by the first world and the international institutions it controls.”<sup>300</sup>

All of the above suggests that citizenship has transnational aspects. The conditions of citizens, particularly in less developed countries, are not merely controlled by national governments but also by various types of international interactions and hierarchies. Therefore, it is of great importance when studying citizenship to consider that citizens’ rights and freedoms are determined and impacted by more than one political authority and to analyze the ways in which the national and the international hierarchies interact. Where one is situated in local, national, and global citizenship affects the way one sees and experiences citizenship. For unrecognized citizens it is even more so. Unrecognized states and citizens are towards the bottom of these hierarchies. Unrecognized citizens are severely affected by the rejection of the international community of their states. Their citizenship is very much shaped by the lack of widespread recognition, which puts a lot of constraints on their interaction with the outside world that challenges even their existence. Unrecognized citizens struggle to demonstrate their existence to a world that hardly acknowledges them. As Thomas De Waal eloquently puts it, “The challenge of living in a de facto state is summed up by the drop-down box on an internet

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<sup>300</sup> B.S. Chimni, “Third World Approaches to International Law: A Manifesto,” *Lawyers For International Justice* (2006). A briefing prepared subsequent to the Penang 2002 meeting, available at: [http://vlal.bol.ucla.edu/multiversity/Right\\_menu\\_items/2002conf/Chimni\\_lawyers.htm](http://vlal.bol.ucla.edu/multiversity/Right_menu_items/2002conf/Chimni_lawyers.htm).



form that asks which country a person lives in.”<sup>301</sup> The following chapter will provide a thorough discussion of unrecognized states and the kind of citizenship that emerges from this type of statehood.

## Conclusion

The chapter aimed to problematize the conventional understanding of the state and provide instead a new conceptualization that recognizes the existence of different models of states. The goal is to place unrecognized states on the map and include them as an object of academic inquiry. The chapter contended with the relationship between citizenship and the state and the recent global turn in citizenship studies. It acknowledged the impact that globalization has on citizenship practices, but it also affirmed that citizenship continues to be dependent on a state and that global citizenship is an ideal, an aspiration, yet to establish strong roots. The chapter highlighted the different anomalies that exist in the international system such as the Vatican and Monaco, raising important questions about the nature of sovereignty and statehood. It argued that statehood is not a dichotomous variable and offered an understanding of the state that is dynamic and inclusive. Recent research, as discussed in the chapter, has concluded that there are no fully sovereign states; rather, there are states that exercise sovereignty to a greater or lesser extent. From this unorthodox view of statehood and sovereignty, I then argued that statehood without recognition/de jure sovereignty is possible but takes a different form. Finally, the chapter closed with an examination of how the discrepancy of power between states leads to stratified citizenship across nations, in which the unrecognized states and citizens are at the

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<sup>301</sup> Thomas De Waal, a British journalist and expert on the Caucasus. “The Strange Endurance of De Facto States,” *Carnegie Endowment for International Peace* (December 2018) <https://admin.carnegieendowment.org/2018/12/03/introduction-strange-endurance-of-de-facto-states/jzzu>.

bottom. While this chapter has primarily tried to focus on the concept of the state in general, the following chapter will zoom in on unrecognized states and their main characteristics. It will discuss how unrecognized states manage to survive and govern despite the absence of international recognition. Chapter two and three served as conceptual tools of the dissertation, addressing approaches to citizenship and the state. Chapter four will utilize these concepts to examine the type of statehood that emerges out of the lack of recognition.

# **CHAPTER 4: UNRECOGNIZED STATES: IMAGINED AND PERFORMED STATEHOOD**

This chapter is devoted to unrecognized states. In the previous chapter, I have discussed in detail the relationship between citizenship and the state. I demonstrated how the state is the primary source of authority in which we ground citizenship. I also established that sovereignty and recognition of sovereignty, two important attributes of the state, can be present to various degrees. Thus, I concluded that there are different degrees and models of statehood and that the unrecognized state is one of these models. Unrecognized states, I argued, are states of unique characteristics positioned somewhere on the edge of the international community. In this chapter, I proceed from these premises to examine unrecognized states in detail and their defining characteristics. Unrecognized states are often veiled in mystery, myths, and simplifications. However, if we are to understand how citizenship can be enacted within unrecognized states, which is the main objective of this doctoral dissertation, we must first examine the peculiarities of unrecognized states and explore what makes them differ in important respects from their recognized counterparts.

On the surface unrecognized states look very much like regular recognized states. They enjoy many of the attributes of statehood and the trappings of normal life, such as uniformed traffic police, schools, hospitals, media, etc. They have governments, constitutions, and state institutions. Scholars who worked on and visited unrecognized states report that they have the

semblance of a state. In her book *Unrecognized States*, Nina Caspersen writes, “But what struck me on this trip to Nagorno Karabakh was the sense of normalcy...Although its capital looks more like a dusty provincial town than a capital city, Karabakh certainly has the semblance of a state; its own flag, army, and government; basic public services ...”<sup>302</sup> In the same vein, Thomas De Waal writes, “These places [unrecognized states] now strike visitors with their normality, a fairly successful impersonation of being a regular state...In Sukhumi, Tiraspol, and northern Nicosia, children go to school and businessmen pay taxes. Motorists stop at red traffic lights or traffic police fine them for failing to do so.”<sup>303</sup> De Waal affirms that the visitor’s main impression of these entities is one of normality: “You have to focus hard on your surroundings to work out that things are different here.”<sup>304</sup> When I visited the West Bank in 2013, I witnessed a similar scene of ordinariness, regularity, and normalcy, despite the occupation and the presence of the Israeli checkpoints. While undoubtedly, the Israeli occupation stands in the way of independence and recognition, the Palestinian Authority created a semblance of a state through assuming responsibility for certain state functions, including schooling, policing, health care, and other municipal services. The city of Ramallah offers four-star hotels, museums, restaurants, night clubs, and malls. To my surprise, there is more law and order in Ramallah than in Beirut. Furthermore, the display of different symbols of statehood such as the Palestinian flag and the phrase “State of Palestine” on governmental buildings portrays an image of a normal state. To all appearances, unrecognized states look and act like recognized sovereign states.

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<sup>302</sup> Nina Caspersen, *Unrecognized States: The Struggle for Sovereignty in the Modern International System* (Polity Press, 2012), 1.

<sup>303</sup> Thomas De Waal, “Uncertain Grounds: Engaging with Europe’s De Facto States and Breakaway Territories,” *Carnegie Europe*, 2018, 6. [https://carnegieendowment.org/files/deWaal\\_UncertainGround\\_final.pdf](https://carnegieendowment.org/files/deWaal_UncertainGround_final.pdf)

<sup>304</sup> Thomas De Waal, “The Strange life and Curious Sustainability of De Facto States”, *New Eastern Europe* (April, 26, 2018) <https://neweasterneurope.eu/2018/04/26/uncertain-territory-strange-life-curious-sustainability-de-facto-states/>

Nevertheless, these entities are not like any recognized states. There are significant differences between recognized and unrecognized states. Picking up from the previous chapter, the two main theories of recognition, declarative and constitutive, stand in opposition in their analysis of recognition and its implications. While, I agree with the declarative theory that statehood can exist without being recognized by other sovereign states, I argue that recognition is not merely a formality. The absence of recognition produces a specific state that differs in important ways from a recognized full state. An unrecognized state has not been afforded a place in the international system of sovereign states and this makes it legally illegitimate. The status of a sovereign state, as Alan James points out, “constitutes a material, and not just a nominal, change in a territory’s position. For this alteration in its status is not simply a matter of words but has some practical implications, which can be of considerable significance.”<sup>305</sup> Although as was discussed in the previous chapter, dominant conceptions of sovereignty have been challenged and reshaped by today’s globalized and de-territorialized world, the concept of sovereignty remains a powerful construct. It makes a difference if a state is recognized or not.

Nonrecognition shapes and constrains the kind of statehood unrecognized states can have. It hinders their development and perpetuates an ever-present security threat. The impact of the lack of recognition varies, but it is nonetheless profound. By being outside the international system of sovereign states, unrecognized entities are invisible. They are excluded from the international agenda and even erased from maps. Unrecognized states exist only between quotation marks, as they are often referred to as “states,” who have “presidents,” “citizens,” and “territories.”

Rebecca Bryant and Mete Hatay explain in their book, *Sovereignty Suspended*, that quotation

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<sup>305</sup> Alan James, *Sovereign Statehood: The Basics of International Society* (Allen &Unwin, 1986), 276.

marks “allow one to point to a stubborn reality while at the same time behaving as though it does not really exist. Quotation marks, then, simultaneously acknowledge something as real and say that it cannot or should not be seen as real.”<sup>306</sup> I will be coming back to this point of invisibility and its impact on citizens of unrecognized states in the next chapter, but for now it is important to understand that the international community chooses to ignore the reality of the existence of these entities. They refuse to see them as states. Rather, they regard them as black holes or as dangerous lands ruled by infighting warlords.

Unrecognized states are caught in an ambiguous position. They exist and they do not exist; they exercise sovereignty but they are not sovereign; and they have endured, yet they are unstable. As Ersun Kurtuluş puts it, “They have a legal status that is uncertain, an international standing that is indefinite, a legal existence that is often relative, and a security situation that is at times precarious.”<sup>307</sup> Unrecognized states are full of contradictions. They are anomalies in the international system, yet they project normalcy. At the same time, the lack of recognition works as an incentive to build effective institutions and introduce political reforms.

The chapter tackles these contradictions of unrecognized states. It highlights the main characteristics of unrecognized states, taking into consideration the differences that exist between them. It also examines their limitations and challenges. The chapter is divided into two sections. In the first section I present some background on unrecognized states. I define their main features, explore their history, their paths of creation, and how they differ from other entities in international politics. In the second section I examine their limitations and look at how

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<sup>306</sup> Rebecca Bryant and Mete Hatay, *Sovereignty Suspended: Building the So-Called State* (University of Pennsylvania Press, 2020), 19.

<sup>307</sup> Ersun N Kurtuluş, *State Sovereignty: Concept, Phenomenon and Ramifications* (Palgrave Macmillan, Houndmills, 2005), 105.

unrecognized states manage to survive. I discuss external support, such as patron states and the degree of international isolation and/or engagement. I demonstrate the differences that exist between unrecognized states in terms of the kind of political system that they have developed, and the extent of their internal sovereignty. I also examine how nonrecognition impacts their attempts to establish effective states. Unrecognized states, I argue, are subject to specific tensions due to the lack of recognition, which consequently makes them qualitatively different from recognized states. The analysis draws on several examples of unrecognized states including, Taiwan, Kosovo, Abkhazia, Somaliland, Transnistria, and Palestine. The aim of the chapter is to provide a better understanding of unrecognized states and explore how these entities function under circumstances of non-recognition.

## **Existing Definitions and Historical Background of Unrecognized States**

### **Defining Features**

Before delving into the history and the creation of unrecognized states, it is necessary to return to the definition of these entities as used in this study, analyzing their main characteristics and attributes and expanding upon the definition and its meaning. An unrecognized state is an entity with a territory, a population, and a government exercising sovereign control to a greater or lesser extent over its territory and providing governmental services to the given population without substantive recognition as a sovereign state, yet seeking and striving for that recognition. This working definition is primarily derived from the literature on unrecognized states as well as the Montevideo Convention on Rights and Duties of States. According to the Montevideo convention, which I utilized in chapter three to define the state, there are four main criteria of

statehood, namely permanent population, territory, government, and capacity to enter into relations with other states (this criterion as I explained in the previous chapter is a consequence of statehood as opposed to a requirement for statehood). Unrecognized states, as the label suggests, are states without widespread recognition.

While attempts to define and delineate the phenomenon of unrecognized states have contributed to a better understanding of the complexity and the distinctiveness of these entities, there remains a disagreement on what constitutes them and how to constitute them. Some definitions include secession from an existing state as one of the criteria that distinguishes unrecognized states. Deon Geldenhuys, Adrian Florea, Scott Pegg, and Dov Lynch all view unrecognized states as secessionist entities by default.<sup>308</sup> However, as I will show in the ensuing section, not all unrecognized states emerged from a secessionist conflict. Some, such as Taiwan and Somaliland, resulted from civil war, and some arose as a result of decolonization, like Western Sahara and Palestine. Other definitions presume nonrecognition to strictly mean the absence of recognition by any recognized state other than the patron state. Pal Kolsto for example, excluded Taiwan, which is partially recognized, arguing that because Taiwan is recognized by fifteen countries, it “can be said to be in a category of its own and occupy an intermediate position between a recognized state and a quasi-state.”<sup>309</sup> Indeed Taiwan is unique, but not just because some countries have recognized it as a state. Some unrecognized states, such as Kosovo and Palestine have also been partially recognized. However, Taiwan, unlike any other

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<sup>308</sup> Deon Geldenhuys writes, “A contested state is not recognized by the state from which it is breaking away.” See Deon Geldenhuys, *Contested States in World Politics* (Palgrave Macmillan, 2009), 7-44. Florea and Lynch both refer to unrecognized states as “separatist polities.” See Adrian Florea “De Facto States: Survival and Disappearance (1945-2011).” *International Studies Quarterly* 61, no. 2 (2017). See Dov Lynch, “Separatist States and Post-Soviet Conflicts,” *International Affairs* 4, (2002): 831-848.

<sup>309</sup> Note Pal Kolsto uses the term “quasi-state” to mean “unrecognized state.” Pal Kolsto, “The Sustainability and future of Unrecognized Quasi-States,” *Journal of Peace Research* 43, no. 6 (2006):726.



unrecognized state, was fully recognized as a country by the United Nations from 1949 to 1971. As I will demonstrate in this chapter, unrecognized states have emerged out of different historical circumstances and experiences, which have led to somewhat different positions in the international system.

Another criterion that is often included in defining unrecognized states is independence. However, scholars have different views on how independence should be expressed. For some, a formal declaration of independence is a must for an entity to be labeled as an unrecognized state. Others, however, believe that independence can be declared through acts that signal separate statehood, such as having a constitution. Adrian Florea allows for both, as he asserts that independence can be expressed either explicitly or implicitly, “have either declared independence or demonstrated aspirations for independence.”<sup>310</sup> In addition, Kolsto excluded Palestine and Western Sahara from his category of unrecognized states. According to Kolsto an unrecognized state must be in control of most of the territory it lays claim to, and, therefore, Palestine and Western Sahara are excluded since they do not fulfill this criterion. Overall, attempts to define and delineate unrecognized states are not scarce but are often contradictory.

One of the most widely used definitions of unrecognized states is Scott Pegg’s. In his seminal work, *International Society and the De Facto State*, Pegg offers a detailed definition that deserves to be quoted in full:

A de facto state exists where there is an organized political leadership which has risen to power through some degree of indigenous capability; receives popular support; and has achieved sufficient capacity to provide governmental services to a given population in a specific territorial area, over which effective control is maintained for a significant period of time. The *de facto* state views itself as capable of entering into relations with other states and it seeks full constitutional independence and widespread international

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<sup>310</sup> Adrian Florea “De Facto States: Survival and Disappearance (1945-2011).” *International Studies Quarterly* 61, no. 2 (2017): 338.

recognition as a sovereign state. It is, however, unable to achieve any degree of substantive recognition and therefore remains illegitimate in the eyes of international society.<sup>311</sup>

Pegg adopts the Montevideo criteria but also adds a series of attributes to delineate unrecognized states from recognized states and other actors. For Pegg, unrecognized states must have popular support, the capability to provide government services, and the motivation to seek full constitutional independence and recognition. Like other scholars, Pegg includes secessionism as one of the characteristics of unrecognized states. He writes, “The de facto state seeks to secede from the existing state and take its territory with it.”<sup>312</sup> Pegg also specifies a minimum two-year period of existence for the entity to be considered a *de facto* state. Finally, Pegg adds illegitimacy as another element of de facto states. He explains that being seen as illegitimate in the eyes of the international society, “is not so much a standard for defining the de facto state as it is a means of evaluating its legitimacy and assessing its likely prospects for acceptance in international society...in some ways, this is a forward- looking criterion.”<sup>313</sup> By including all of these criteria, Pegg presumes a static conception of unrecognized states and excludes many entities from the category. Requiring unrecognized states to have popular support is a high threshold that even recognized states are not held to. Some governments of recognized states lack popular support, take for instance the Taliban in Afghanistan or the Al-Kadhimi government in Iraq. Like recognized states, unrecognized states can be authoritarian or democratic. Pegg’s criteria, however, seem to deny unrecognized states fluidity and variability. His definition is so demanding and narrow that it misses the diversity of the cases that fall into this category. That

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<sup>311</sup> Scott Pegg, *International Society and the De facto State* (Aldershot/Brookfield, 1998), 26-27.

<sup>312</sup> Pegg, *International*, 35.

<sup>313</sup> Pegg, *International*, 40.

being said, Pegg's definition still has lots of merit and his distinction between unrecognized states and other entities is very useful and will be dealt with in the next section.

Another commonly used definition for the unrecognized entities that cannot be discounted is Nina Caspersen's. For Caspersen the category of unrecognized states includes the following elements:

An unrecognized state has achieved de facto independence covering at least two-thirds of the territory to which it lays claim and including its main city and key regions; its leadership is seeking to build further state institutions and demonstrate its own legitimacy; the entity has declared formal independence or demonstrated clear aspirations for independence, for example through an independence referendum, adoption of a separate currency or similar act that clearly signals separate statehood. The entity has not gained international recognition or has, at the most, been recognized by its patron state and a few other states of no great importance; it [has] existed for at least two years.<sup>314</sup>

Unlike Pegg, Caspersen did not endorse the four criteria set forth by the Montevideo convention. Rather, she only included the criterion of territory, with the specification that an unrecognized entity should control at least two thirds of its territory and control over main city and key regions. Thus, once again unrecognized states are held to a higher standard than recognized states. Some full states have lost control over its population and territory. The patent collapse of government control in Lebanon, Somalia, Liberia, and Sierre Leone in recent years did not change or even jeopardize the status of these states. They remained legally states with seats in the UN General Assembly. Caspersen does not provide any explanation of how she came up with this two third ratio. It is not clear how an entity that controls less than two thirds of its claimed territory is fundamentally any different from an entity that controls more than two thirds of its territory. However, it is worth noting that while some recognized states have failed to control

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<sup>314</sup> Caspersen, *Unrecognized*, 11.

their territories, some unrecognized states have successfully maintained control and order in their territories. A good case in point here is Somalia versus Somaliland. While Somalia, a fully recognized state, has been without a central government since 1991, Somaliland, an unrecognized state, has a government that is effective and fully functioning in governing the country and its people.

In addition to this very particular two third criterion of territorial control, Caspersen like Pegg affirms that an entity must exist for at least two years to be considered a recognized state. Some scholars, such as Geldenhuys have decided on three years minimum rather than two.<sup>315</sup> The argument behind this threshold seems somewhat arbitrary. In fact, Pegg admits this and states that “This study arbitrarily will establish two years as the minimum period necessary to qualify as de facto state.”<sup>316</sup> Although temporality might be an interesting aspect of unrecognized states - since some of them exist for a short period while others endure longer- it should not be considered a necessary criterion or an essential feature of unrecognized states.

In general, scholars have not taken into account the diversity within the category of unrecognized states. Unrecognized states are far from being homogeneous. They cover a wide range of entities and can vary in their size, strength, economic development, and political system. But by overlooking the heterogeneity of the phenomenon of the unrecognized state, scholars inadvertently mistook some of their qualities to be essential when they are not. For instance, King argued that unrecognized states are effective and stable, while Kolsto and Lynch claimed that they are inherently weak and unstable.<sup>317</sup> The fact is that unrecognized states, much like

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<sup>315</sup> Geldenhuys, *Contested States*, 23-26.

<sup>316</sup> Pegg, *International*, 32.

<sup>317</sup> Charles King, “The Benefits of Ethnic War: Understanding Eurasia’s Unrecognized States,” *World Politics* 53, (July 2001): 524-52. See Dov Lynch, “Separatist States and Post-Soviet Conflicts,” *International Affairs* 4,

recognized states, can be strong or weak. Some unrecognized states are relatively strong, like Taiwan, and some are relatively weak, like Palestine or Western Sahara. Some unrecognized states possess more popular support than others, have more effective control, and/or enjoy more substantive relations with other states. It has already been established in the literature that modern states are multifaceted and complex; some are enormous, while others are small, and some are powerful while others are feeble. The same is true for unrecognized states. There is no reason why unrecognized states cannot be conceived of as being heterogeneous too. I believe that any definition of unrecognized states should reflect and account for the diversity of these entities and avoid essentializing every quality and slipping into the assumption that they are similar in all aspects.

The definition I adopt addresses these concerns. It attempts to capture the diversity and dynamism of the cases that fall into this category, yet at the same time to pin down the essential features of unrecognized states. The definition builds on the existing efforts in the literature. Despite my disagreement with a subset of Pegg's and Caspersen's criteria, the definition I offer incorporates significant elements of both. Like Pegg, I include most of the criteria of the Montevideo convention on the basis that an unrecognized state is a state with specific distinct characteristics but nonetheless fulfills the criteria of statehood. Therefore, like a regular full-fledged state, an unrecognized state has a population, a territory (albeit a disputed one), and a government. As these three criteria of statehood were discussed in detail in chapter three, it suffices to say that they similarly apply to unrecognized states.

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(2002):831-848. Dov Lynch, *Engaging Eurasia's Separatist States: Unresolved Conflicts and De Facto States*, (United States Institute of Peace, 2004).

Furthermore, like Pegg, I argue that to qualify as an unrecognized state, an entity must have the capability to provide governmental services. There need not be a specific percentage of services provided by the government of an unrecognized state. The government may not be able to fulfil or provide all of the possible governmental services to its people, but the idea here is that the entity is capable of some degree of governing. Like fully recognized states, these unrecognized entities have built some governance structures. This criterion is similar to Caspersen's criterion of state institution-building. Caspersen argues that an unrecognized state must seek to build state-institutions. She affirms that unrecognized states attempt to dissociate themselves from images of lawlessness and violence and instead create entities that have the ability to function like states. Unrecognized states attempt to display a certain degree of what is conventionally understood as statehood. Thus, they strive to look like and function as states in order to demonstrate legitimacy. In this sense, my definition echoes Caspersen's on its emphasis on the motivation of these entities to build state-institutions and demonstrate legitimacy. I believe to be labeled as an unrecognized state an entity must have achieved some level of state building. This means that like recognized states, we should expect these entities to have government institutions including courts, health care, schools, and police forces. Like in many confirmed states, these institutions might not be functioning properly, but they are there nonetheless and they demonstrate sovereignty and legitimacy to their people.

As it has been already illustrated in chapter three, sovereignty is not absolute or indivisible but exists in degrees and can be shared. Several authors have identified different forms and elements of sovereignty, which made it possible to distinguish between strong, weak, failed, and even unrecognized states. Scholars, such as Stephen Krasner (discussed in chapter three) have demonstrated that the different elements of sovereignty can be present to smaller or

larger degree and that a state can have one but not the other.<sup>318</sup> Robert Jackson, in his discussion of quasi-states, also known as failed states, distinguished between two kinds of sovereignty, namely internal and external.<sup>319</sup> By noting that quasi states enjoy external sovereignty (granted to them by the international community) but lack internal sovereignty (as they are unable to fulfill the functions of a state), Jackson has introduced the possibility of a disconnect between these two forms. Having adopted this gradational understanding of sovereignty, which was discussed and elaborated on in chapter three, I argue that unrecognized states exercise sovereignty to greater or lesser extent. By providing governmental services to its population on its territory, an unrecognized state is exercising “internal” sovereignty, to use Jackson’s term, or domestic sovereignty according to Krasner. Some authors have referred to this form of sovereignty as positive or empirical sovereignty. This leads me to another important distinctive feature of unrecognized states, namely the lack of substantive recognition which pertains to external sovereignty.

One of the main defining features of unrecognized states is the lack of substantive recognition that denies them legal status and makes them illegitimate in the eyes of the international community. Although the subject of recognition has been discussed in detail in chapter three in the context of statehood criteria, it is worth reiterating some of my arguments within the context of unrecognized states. The issue of recognition is tied to external sovereignty. Unlike internal sovereignty, which can be achieved by having effective government structures

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<sup>318</sup> In chapter three, I introduced Stephen Krasner’s four different forms of sovereignty: 1) international legal sovereignty involves the status of the political entity in the international system (it is also known as *de jure* sovereignty); 2) Westphalian sovereignty refers to independence from interference by outside actors; 3) domestic sovereignty (Weberian sovereignty) refers to the authority of the state to rule the populace in the state’s territory; and 4) interdependence sovereignty pertains to the ability of the state to control movement across their borders.

<sup>319</sup> Robert Jackson, *Quasi-States: Sovereignty, International Relations and the Third World*, (Cambridge University Press, 1990).

and institutions, external sovereignty is granted by the international community. Once an entity is recognized to exist as a full member of the community, it automatically attains legal protection against any external threat and becomes sovereign in this sense. In other words, entities have to seek this legal status from the outside world. This legal status legitimizes the state as a member of the wider international community and provides legal protection. A recognized state is able to make a complaint to the UNO and seek help by asserting external sovereignty. However, an unrecognized state, since it is unrecognized, lacks external sovereignty and the legal status and protection that comes with it. This makes these entities different from recognized states. As was argued, though, in the previous chapter, unrecognized states are states since they comply with the formal criteria of statehood. Without recognition/external sovereignty, statehood is possible but takes a different form. Based on our view of sovereignty and recognition, a state can have some elements of sovereignty and not all. Just like failed states have external sovereignty but no internal sovereignty, unrecognized states can have internal sovereignty without external sovereignty. The lack of external sovereignty manifested by the absence of substantive recognition does not mean a lack of statehood but rather a new type or form of statehood, an unrecognized one. The implication of the lack of substantive recognition will be dealt with in this chapter and the next.

It is noteworthy to highlight the qualifier “substantive,” which is used to indicate that recognition does not have to be absent completely for an entity to be labeled as an unrecognized state. Jens Bartelson has identified three different types of international recognition: legal, political, and moral.<sup>320</sup> Eiki Berg and Raul Toomla speak of four levels of recognition namely,

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<sup>320</sup> Jens Bartelson, “Three Concepts of Recognition,” *International Theory* 5, no. 1, (March, 2013): 107-129.



negation, boycott, toleration, and quasi-recognition.<sup>321</sup> In a similar vein, Deon Geldenhuys distinguishes five degrees of recognition: titular, partial, partly, patron, and zero recognition.<sup>322</sup> My contention is that unrecognized states can vary in their level and type of recognition. For example, Taiwan is recognized by a number of states and enjoys political and economic interaction with a vast number of UN member states. Kosovo and Palestine are recognized by over one hundred states, and they have succeeded in securing broad international sympathy to their cause of self-determination. Thus, one can argue that they enjoy some moral recognition. Other unrecognized states, such as, TRNC, and Ossetia are only recognized by their patron state, while others like Somaliland are recognized by none. Certainly, those that are recognized by some states are at an advantage relative to those that are not. Palestine and Kosovo, for instance, are able to “socialize” with some of the existing members of international society because of the partial recognition that provides them with some degree of international legitimacy. In other words, the level and type of recognition can have significant implications on the entities’ survival and visibility. Nonetheless, these states that are partially recognized are still contested states with no substantive recognition; they might possess some different qualities than other unrecognized states that lack complete recognition, but they are of the same category. This variation in recognition also exists within the category of fully confirmed states. As was mentioned in the previous chapter, China, Israel, and North Korea are not recognized by all members of the international community. However, they all enjoy substantive recognition. The question that arises, then, is by how many states should an entity be recognized to attain substantive

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<sup>321</sup> Eiki Berg and Raul Toomla, “Forms of Normalisation in the Quest for De Facto Statehood,” *The International Spectator* 44, (no) 4 (2009): 27-45.

<sup>322</sup> See Deon Geldenhuys, *Contested States*, 25-26.

recognition? In other words, what distinguishes substantive recognition from non- substantive recognition? Pegg addressed this question specifically, arguing that to attain substantive recognition an entity would need at least a majority of the following:

First, it would secure recognition from some of the major powers of the day...Second, it would secure recognition from the existing juridical state which it was seeking to leave, or at least no objections from them to others recognizing it...Third, it would secure recognition from neighboring countries and countries with which it shares borders. Fourth, it would secure recognition from a majority of countries in the UN General assembly. Fifth, it would be able to participate in global and regional international organizations.<sup>323</sup>

Following this guideline, it becomes clear that all unrecognized states, including those that are partially recognized, have failed to achieve substantive recognition. In the case of Palestine, which is recognized by 138 of 193 UN members, and since 2012 has had the status of non-member observer state in the UN, it still completely lacks the first three criteria. In short, while unrecognized states might have different levels and types of recognition, they all lack “substantive” recognition, and that is a defining feature of these entities. After all, it is the lack of substantive recognition that allows us to put territories as strikingly different as Taiwan, Karabakh, Transnistria, and South Ossetia in one category.

Another criterion has to do with the motivation or the goal of unrecognized states. Despite lacking substantive recognition, these entities strive to achieve universal recognition and specifically constitutional independence. This means that unrecognized states seek to be constitutionally apart, “not being contained, however loosely, within a wider constitutional scheme.”<sup>324</sup> In other words, unrecognized states’ main goal is to achieve sovereign statehood, or

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<sup>323</sup> Pegg, *International*, 38.

<sup>324</sup> Alan James, The Practice of sovereign statehood in contemporary society. *Political Studies*, 47, 3 (1999) 24.

to be their own country. This criterion distinguishes unrecognized states from other autonomous entities who are part of an existing sovereign state and are seeking a different role or a higher level of autonomy but still within that system. The last criterion is the perseverance or temporality criterion. A minimum of one year is set, so an entity could establish itself and develop a governing structure to qualify as an unrecognized state.

It should be noted that unrecognized states are not interested in changing the system like insurgent states; rather, they want to join the system and be part of the exclusive club of sovereign states. As was noted by Caspersen, “They [unrecognized states] want what others have, they want external sovereignty.”<sup>325</sup> While unrecognized states have different approaches and strategies on how to achieve independence, they all aim to gain recognition. Unrecognized states are connected through their fight for international recognition, which remains the main challenge that faces these entities and their residents. It has to be stressed that all of these elements that together make up the notion of an unrecognized state can vary with regard to different situations. Nonetheless, all have to be present for an entity to be considered an unrecognized state. In the Table below, I offer a shortened account of the main features of unrecognized states as was defined by some of the scholars discussed above, adding my own definition.

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<sup>325</sup> Caspersen, *Unrecognized*, 119.

Author	Scott Pegg	Nina Caspersen	Adrian Florea	My criteria
<b>Formal attributes</b>	<ul style="list-style-type: none"> <li>• Territory</li> <li>• Population</li> <li>• Government</li> <li>• Lack legitimacy</li> </ul>	<ul style="list-style-type: none"> <li>• Independence</li> <li>• Territory</li> <li>• Lack recognition (recognized only by a patron, a few other states of no importance or lacking it completely)</li> </ul>	<ul style="list-style-type: none"> <li>• Independence (Independence can be expressed explicitly and/or implicitly)</li> <li>• Territory</li> <li>• Government</li> <li>• Separatist</li> <li>• Lack recognition</li> <li>• Lack external sovereignty</li> <li>• Belong to a recognized state</li> <li>• Not a colonial possession</li> </ul>	<ul style="list-style-type: none"> <li>• Territory</li> <li>• Population</li> <li>• Government</li> <li>• Lack substantive recognition (this renders them illegal and illegitimate in the eyes of the international community)</li> </ul>
<b>Capability</b>	<ul style="list-style-type: none"> <li>• Have popular support</li> <li>• Provide government services</li> <li>• Enter into relations with other states</li> </ul>	<ul style="list-style-type: none"> <li>• controlling at least 2/3 of its territory and control over main city and key regions</li> </ul>	<ul style="list-style-type: none"> <li>• Monopoly on use of violence</li> </ul>	<ul style="list-style-type: none"> <li>• Provide government services (having built some states institutions and exercising internal sovereign control to a greater or lesser extent over its territory and people)</li> </ul>
<b>Motivation</b>	<ul style="list-style-type: none"> <li>• Seek full constitutional independence</li> <li>• Seek widespread international recognition</li> <li>• secessionism</li> </ul>	<ul style="list-style-type: none"> <li>• Seek to build state institutions</li> <li>• Demonstrate legitimacy</li> </ul>	<ul style="list-style-type: none"> <li>• Seek (some degree of) separation from parent state</li> </ul>	<ul style="list-style-type: none"> <li>• Seek international recognition and constitutional independence (through different strategies, such as building state institutions, committing to democratic values and/or building popular support to demonstrate legitimacy)</li> </ul>
<b>Temporality</b>	<ul style="list-style-type: none"> <li>• At least 2 years in existence</li> </ul>	<ul style="list-style-type: none"> <li>• At least 2 years in existence</li> </ul>	<ul style="list-style-type: none"> <li>• At least 2 years in existence</li> </ul>	<ul style="list-style-type: none"> <li>• At least one year</li> </ul>

*Table 2: Features of Unrecognized States*

Unrecognized states are not the only entities that do not fit into the established global order of sovereign states. They are also not the only ones to challenge the classical view of

sovereignty.<sup>326</sup> As was noted in the previous chapter, the international system contains a number of anomalies, illustrating that the world is not neatly divided into sovereign states as often claimed. There are a number of autonomous territories in the world, but not all of them would be considered unrecognized states according to my definition. The criteria I present help delineate unrecognized states from other actors in the international system and map out who is in and who is out of the category of unrecognized states. Kosovo, Somaliland, TRNC, Western Sahara, Taiwan, Palestine, and the Eurasian Quartet (Abkhazia, South Ossetia, and Transdniestria) all meet my criteria for inclusion as unrecognized states. Similarly, Deon Geldenhuys includes the above entities in his category of contested states. According to Caspersen, however, Palestine and Western Sahara are outside of that category as they fail to meet her requirement of controlling at least two thirds of their territories. For Pegg, Palestine is excluded because it has a much higher degree of international legitimacy, “a more secure legal basis as its status is now part of international law after its incorporation into the treaties coming out of the Oslo peace process.”<sup>327</sup> While, I agree that the Palestinian authority enjoys a higher degree of acceptance than other unrecognized states, it still meets my criteria for inclusion, as it is unable to achieve substantive recognition and is deemed illegitimate.

The criteria I provide, however, excludes violent non-state actors (VNSA), like ISIS, Al-Qaeda, and Boko Haram. Admittedly, VNSA have some similarities with unrecognized states, but they are not of the same category. Two of my criteria help tell unrecognized states from

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<sup>326</sup> As was discussed in chapter three, many sovereign states also fall short of the classical view of sovereignty.

<sup>327</sup> See Pegg, *International*, 38-39. It is noteworthy that Pegg wrote his book in 1998, only five years after the signing of the Oslo Peace Process. Pegg might have assumed then that the Oslo accord would evolve to secure a legal status for Palestine in the international community. But now that it has been 29 years since the treaty, it appears that Palestine has not achieved any substantive recognition other than recognition to their right to statehood.

VNSA. First, VNSA do not meet the requirement of government. VNSA do not have formed governments with apparatuses and state institutions. VNSA lack state structure and operate more like an army. They depend primarily on recruiting fighters and gathering equipment and finance for their operations. Second, and more importantly, VNSA lack the hallmark of unrecognized states, namely, the goal to achieve international recognition.<sup>328</sup> Joining the club of sovereign states is a central driving force for unrecognized states, and for this reason they have little incentive to start a war or engage in terrorist attacks. Unrecognized states are more interested in mimicking the state in its structure, function, and performance, than in turning into terrorist havens that would undermine their ability to achieve recognition. As was mentioned above, unrecognized states are not trying to undermine the system of sovereign states but rather are seeking a place in that system. VNSA, however, are not interested in following the rules the international community abides by and are not seeking recognition from other states. ISIS, for example, does not recognize any state as a political form of organization and it does not seek recognition from those that it does not recognize. They are rather interested in undermining the state as a political entity and creating an alternative form of statehood, namely *Khilafa*, and accordingly seeking recognition from other Islamist groups.<sup>329</sup> In some ways, VNSA consider their lack of international recognition advantageous as it releases them from legal entanglements.

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<sup>328</sup> The Palestinian Liberation Organization (PLO) could be described as a VNSA when it was first established in 1964. But by 1974, the PLO was recognized as the “sole legitimate representative of the Palestinian people.” In 1993 Israel recognized the PLO as the legitimate representative of the Palestinian people. The PLO has experienced various organizational developments and change. For more on this see Helena Cobban, *The Palestinian Liberation Organisation: People, Power, and Politics* (Cambridge [Cambridgeshire]: Cambridge University Press, 1984).

<sup>329</sup> For more on this see Anna Geis, Maéva Clément and Hanna Pfeifer, “(Non-)Recognition of Armed Non-State Actors: Risks and Opportunities for Conflict Transformation” (*Hamburg, German Foundation for Peace Research*, June, 2018) [https://bundesstiftung-friedensforschung.de/wp-content/uploads/2019/06/Bericht\\_mit\\_Cover\\_Geis.pdf](https://bundesstiftung-friedensforschung.de/wp-content/uploads/2019/06/Bericht_mit_Cover_Geis.pdf)

In addition, most VNSA lack a permanent population and territory.<sup>330</sup> Both ISIS and Al-Qaeda units have been identified in places as far away as Brazil and Norway.

Moreover, my definitional criteria exclude other autonomous entities, such as the Indian reservations in America and the Basque country. Although both entities demonstrate state-like qualities similar to unrecognized states, they are part of central governments that represent them internationally. Tribes have a unique status in the American government. In the 1832 decision of *Worcester v. Georgia*, U.S. Supreme Court Chief Justice John Marshall described them as “domestic dependent nations.”<sup>331</sup> They are neither foreign nations nor exactly like states. The Supreme Court described the obligation of the United States to tribes as that of “a guardian to his wards.”<sup>332</sup> This unique status has been created by centuries of federal statutes, treaties, and Supreme Court jurisprudence. In general, most indigenous tribes do not seek international recognition and complete constitutional independence from the U.S., but seek to govern their own affairs.<sup>333</sup>

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<sup>330</sup> Admittedly, ISIS was able to provide some basic public services. It managed a civil government with a considerable level of bureaucracy, oversaw a relatively gigantic economy, imposed a school curriculum, controlled border posts and maintained an army and intelligence services. Yet, it did not have a permanent population or a defined territory. Its territory transcended borders of nation-states, and its power projection reached anywhere Muslims live. ISIS units have been identified in places as far away as Brazil and Norway. For more on this see Ufuk Ulutaş, *The State of Savagery: ISIS in Syria* (Seta Yayinlari, 2016). Also see Marco Longobardo, “The Self-Proclaimed Statehood of the Islamic State Between 2014 and 2017 and International Law.” *Anuario Español de Derecho Internacional*, 33(2017) [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3117798](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3117798).

<sup>331</sup> See the United States Department of Justice (DOJ). “Federal Trust Doctrine First Described by Supreme Court” (1831). <https://www.justice.gov/enrd/timeline-event/federal-trust-doctrine-first-described-supreme-court>

<sup>332</sup> DOJ, *Federal Trust*

<sup>333</sup> Some Native American tribes have sought international recognition. In December of 2007, the nation of Lakota submitted its declaration of independence to the U.S. State Department. In order to obtain international recognition of its independence, Lakota also sent copies of its declaration of independence to the embassies of Bolivia, Venezuela, Chile, South Africa, Ireland, East Timor, and other governments. Despite the fact that the nation has pursued international recognition, it does not meet my criteria for inclusion as an unrecognized state, for it lacks the capability to provide government services. The Lakota nation does not have its own state-institutions but it relies on the U.S. for health, school, and other services. For more on the Lakota nation see Hiroshi, Fukurai, “The State Constitution v. the National Constitution: Original Nations’ “Sovereignty-Building” Projects in Asia, North America, and Beyond.” *Asian Journal of Law and Society* 7, no. 1, (2020): 39-60.

In the Basque case, there is a high level of self-government, in which they are able to provide important services, such as education, health, security, housing, and the autonomy to collect and administer public administration. However, this autonomy stems from the statute of Gernika, which was approved in 1979 on the basis that the community continues to be within the Spanish state despite its autonomy. Thus, one can say that since 1979, the Basque country ceased to be an unrecognized state and became almost a confederation, as it accepted its autonomous status inside the state of Spain. Article I of the statute explicitly states,

The Basque people or “Euskal-Herria,” as an expression of their nationality and in order to accede to self-government, constitute an Autonomous Community *within* the Spanish State under the name of “Euskadi” or the Basque country, in accordance with the Constitution and with this statute, which lays down its basic institutional rules.<sup>334</sup>

The Basque country, as it currently exists, does not satisfy my criteria of seeking constitutional independence. The Basque country has accepted a position within an existing sovereign state. Of course, this agreement between the Basque and Spain can be terminated at any time and rather than seeking a role within the state of Spain, the Basque can move towards the goal of achieving constitutional independence. This happened in Catalonia, another autonomous community in Spain. In 2017, the Catalan parliament declared unilateral independence, which was not recognized by Spain or any other country. The declaration conveyed the entity’s desire to secede and not be contained within a “wider constitutional scheme.” Nonetheless, the entity did not proceed to separate its institutions from the national government and provide services but rather continued its shared jurisdiction with the Spanish government regarding education, health, and justice. Thus, as they exist today, both Catalonia and the Basque country are autonomous entities

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<sup>334</sup> See *The Statute of Autonomy of the Basque Country*  
[https://www.basquecountry.eus/contenidos/informacion/estatuto\\_guernica/en\\_455/adjuntos/estatu\\_i.pdf](https://www.basquecountry.eus/contenidos/informacion/estatuto_guernica/en_455/adjuntos/estatu_i.pdf)



within an existing sovereign state. Admittedly, the line between unrecognized states and autonomous entities within-states can be hard to draw. Sometimes these entities, as illustrated above, can develop an independence movement and aspire to separate. Thus, what was once an autonomous entity within-a-state can become an unrecognized state. Furthermore, unrecognized states can transform to different categories at any point. For example, Chechnya from 1991-1994 was an unrecognized state and transformed during the Chechen war from 1996-1999 to a “black spot,” and now it can be categorized as an autonomous region within a sovereign state, namely Russia.<sup>335</sup>

What this illustrates is that unrecognized states are vulnerable to instability and can transform into different categories, as the case of Chechnya demonstrates.<sup>336</sup> Caspersen identifies this fluidity in unrecognized states and considers it an important feature that is specific to them. She writes, “Whereas recognized states are characterized by a certain rigidity, unrecognized states are characterized by their fluidity.”<sup>337</sup> The rigidity of recognized states is particularly obvious in quasi-states. Despite their fragility and inability to provide basic public services to their people, quasi-states maintain their international status as sovereign states. Both the unrecognized state and the quasi-state are born out of the same international system that privileges juridical sovereignty over internal sovereignty. The quasi-state’s juridical sovereignty protects it from complete collapse and external invasion. The international norms that proscribe against the dissolution of existing states serve as the safeguard to ensure the survival of the

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<sup>335</sup> Unlike unrecognized states, which seek recognition and visibility, black spots are interested in keeping themselves invisible in order to maintain their corrupt practices and activities, such as drug trafficking and people smuggling.

<sup>336</sup> The instability of unrecognized states emanates largely from the lack of support of the international community. This does not negate, however, the fact that some unrecognized states have persisted for decades as noted in the introduction.

<sup>337</sup> Caspersen, *Unrecognized*, 150.

quasi-state regardless of its failings. This same logic denies the unrecognized state the support and the protection of the international society. Thus, while the unrecognized state manages to survive without international recognition, the quasi-state is maintained primarily through international recognition and their efforts to bolster and protect them. Quasi-states enjoy the authority to control their states but lack the power to do so. Unrecognized states, on the other hand, enjoy some degree of control through their empirical capabilities but lack the authority/ the formal legal condition that is crucial to their development and stability. This distinction indicates that unlike a recognized full state, an unrecognized state is subject to specific challenges and tensions that emanate from its fluid quality. An unrecognized state is conceived of as a transient condition even by its own people and government; hence, the ultimate objective is to become a full sovereign state (having both de jure and de facto sovereignty). This is particularly important because, as the next chapter will demonstrate, this fluidity or transient quality of unrecognized states affect citizenship in terms of political behavior and attitudes.

### **Origins of Unrecognized States**

Unrecognized states are not a new phenomenon; they have always existed. However, the reason for their lack of recognition has remarkably shifted from “lack of empirical capabilities, to ideologically unacceptable regimes, to contravention of norms of territorial integrity.”<sup>338</sup> In the seventeenth century, statehood depended only on internal sovereignty. Supreme authority was the only criteria for statehood. In other words, recognition came from the people within the territory and did not require other states’ acceptance. Samuel Pufendorf noted that, “it would entail an injury for the sovereignty of such a king to be called into question by foreign

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<sup>338</sup> Caspersen, *Unrecognized*, 27.

powers.”<sup>339</sup> Later, in the nineteenth century, however, sovereignty gained an external dimension and recognition began to attract more detailed consideration. As noted in the previous chapter, sovereignty has changed considerably over time and became less absolute. At this point, states were denied or granted recognition by external forces. Many states existed as unrecognized states while awaiting recognition. For example, when the former Spanish colonies in South America declared independence, they existed without recognition for a good period of time. For example, Colombia declared its independence in 1810, yet it was not formally recognized as an independent state until 1822, when the U.S. decided to recognize it despite Spanish protests.<sup>340</sup>

Over time, internal sovereignty remained an important criterion for recognition, but it was up to existing states to determine if the state had met such a criterion. This situation remained until the end of World War I, when recognition became “imbued with ideological considerations.”<sup>341</sup> Recognition was now withheld from states and governments whose regime or politics were found to be despicable. A case in point was Rhodesia, which was deemed by the UN Security Council as an “illegal racist minority regime” and accordingly was not recognized by any state despite the effectiveness of its governance. This political/ ideological consideration has intensified and continued to this day to be a basis for recognition. Nonrecognition was not always invoked in cases of external aggression or invasion. For example, when Indonesia invaded East Timor in 1975, Australia supported the pro-Western Indonesian government. Similarly, after the Korean War in 1953, the Western bloc recognized the Republic of Korea,

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<sup>339</sup> Quoted in James Crawford, *The Creation of States in International Law* (Oxford: Oxford University, 2006), 10-11.

<sup>340</sup> Crawford *The Creation*, 249.

<sup>341</sup> Yossi, Shain, “Governments-in- Exile and International Legitimation” in *Governments- in-Exile in Contemporary World Politics*, ed. Yossi Shain (London: Routledge, 1991), 219-237.

which was the official name for South Korea, to be the sovereign government over the entire Korean Peninsula. It was not until 1991 that North Korea was recognized and admitted to the UN. Accordingly, invasion or use of force is not necessarily a hindrance to recognition. As was discussed in the previous chapter, recognition today is a political decision that largely depends on strategic interests and pragmatism. As Pegg puts it, “Where recognition was once based on ‘objective’ criteria such as effective control, it is now based on more subjective judgements about a state’s policies and its legality and illegality of origin...recognition today is more discretionary and political than it is objective and legal.”<sup>342</sup> It is against this background that contemporary unrecognized states must be examined. Also, it is of greater importance to not mistakenly assume that contemporary unrecognized states are denied recognition primarily because of lack of sovereignty. Other considerations such as disapproval of a regime’s policies (as was the case with South Africa’s Bantustans), lack of consent of parent states in cases of secession (Kashmir and Serbian Krajina), and of course political interests of powerful states, all play important roles in denying recognition.<sup>343</sup>

The emergence of these entities is often associated with warfare or armed struggles. The majority are located in highly volatile regions and are born out of conflict. Some unrecognized states have emerged as a result of decolonization and movements of self-determination. For example, South Katanga (Democratic Republic of Congo) emerged as an unrecognized state in 1960 and was dissolved in 1963 and reintegrated with the rest of the country. Similarly, Biafra (Nigeria) materialized as an unrecognized state from 1967 till 1970. After Nigeria became independent of the United Kingdom in 1960, Biafra seceded from Nigeria and declared its

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<sup>342</sup> Pegg, *International*, 129.

<sup>343</sup> See Caspersen, *Unrecognized*, 28-38.

independence. The wave of decolonization in the late 1950s and 1960s led to the acquisition of formal recognition. Self-determination rather than demonstrated capacity for self-government became the main criterion for recognition. The UN Resolution 1514 explicitly states that, “inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence.”<sup>344</sup> According to this resolution, colonized countries have a moral right to be recognized and granted independence on the basis of self-determination. Currently, Palestine and Western Sahara are the last notable post-colonial, self-determination cases that have resulted from a thwarted decolonization process and continue to this day to be denied admission to the exclusive club of sovereign states. Most countries with a colonial past have been warranted recognition by virtue of national sovereignty, which “emphasizes a link between sovereign authority and a defined population.”<sup>345</sup> There was a change in how sovereignty was interpreted during and after the anti-colonial movement. During the process of decolonization, national sovereignty gained almost universal acceptance. Barkin and Cronin explained that during that period, the international community was more “sympathetic to pleas for national self-determination, often at the expense of established states.”<sup>346</sup> However, once decolonization ended, state sovereignty predominated in international society, stressing the link between sovereign authority and a defined territory and defending “the rights of established states against nationalist claims of domestic ethnic groups.”<sup>347</sup> According to Scott Pegg, the post-colonial world is marked by avid protection of territorial integrity and inviolability of borders.

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<sup>344</sup> United Nations, *Declaration on the Granting of Independence to Colonial Countries and Peoples*. General Assembly resolution 1514 (XV) of 14 December 1960.

<https://www.ohchr.org/EN/ProfessionalInterest/Pages/Independence.aspx>

<sup>345</sup> J Samuel Barkin and Bruce Cronin, “The State and the Nation: Changing Norms and the Rules of Sovereignty in International Relations,” *International Organization*; Cambridge 48, no.1, (Winter 1994): 107.

<sup>346</sup> Barkin and Cronin, *The State*, 108.

<sup>347</sup> Pegg, *International*, 125.

The sacredness that boundaries acquired post decolonization meant that weak states will be protected and maintained by international efforts no matter how ineffective they are, while challengers to the existing territorial boundaries will be resisted and opposed regardless of the legitimacy of their objectives and the effectiveness of their governing. As Samuel Huntington puts it, “The bias against political divorce, that is secession, is just about as strong as the nineteenth century bias against marital divorce.”<sup>348</sup> After decolonization- and in part because of it- there developed an international consensus against the redrawing of territorial borders and against any entity that would challenge or disrupt the existing state order. This is illustrated in UN Resolution 2625, which was adopted in 1970. After reaffirming the right of all peoples to self-determination, Article 7 states:

Nothing in the foregoing paragraphs [should] be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or color.<sup>349</sup>

There were, of course, exceptions to this international norm. The post-cold war period witnessed a significant departure from the earlier consensus. The end of the cold war and the collapse of the Soviet Union transformed the geopolitical map of the world and presented serious challenges to the international community and the principle of territorial integrity. As Barry Buzan notes,

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<sup>348</sup> Samuel Huntington, foreword to E.A. Nordlinger, *Conflict Regulation in Divided Societies* (Cambridge: Harvard University, 1972), vii.

<sup>349</sup> Declaration on Principles of International Law Concerning Friendly Relations and Co- operation Among States in Accordance with the Charter of the United Nations. 2625 (XXV) <https://www.auswaertiges-amt.de/blob/2165236/b03d8c5c0c74fc7c9947bee51cd27163/un-gv-res-freundschaftliche-beziehungen-data.pdf>

It is not yet clear whether it is the norm of fixed boundaries that is under assault or only the practice in specific locations. But it is clear that this norm is vulnerable to the counter-norm of national self-determination, and that some of the restraints on boundary change have been weakened by the ending of the Cold War.<sup>350</sup>

Following this institutional collapse came an outbreak of secessionist movements, which led to the establishment of fifteen recognized sovereign states. The Baltic states (Estonia, Latvia, and Lithuania) were among the first to declare their sovereignty and their independence was recognized in 1991. The remaining twelve republics of the Soviet Union all seceded shortly thereafter. However, despite this immediate proliferation of independence movements and recognition of statehood by the international community, the dissolution of the Soviet Union also produced the greatest number of unrecognized states. Transnistria in Eastern Moldova, Abkhazia and South Ossetia in northern Georgia are all unrecognized states that exist within the territory of the former Soviet Union. After the fall of the Soviet Union, there were “164 ethno-territorial conflicts within its territory.”<sup>351</sup> In fact, many of the borders drawn by the Soviet Union intentionally divided ethnic groups into different republics in order to weaken these groups. For example, in Abkhazia, the Soviets encouraged the migration of non-Abkhaz into the region, “in order to make the Abkhaz the minority within their own homeland.”<sup>352</sup> Thus, after the dissolution of the Soviet Union, many ethnic tensions were unleashed leading to conflict and secession. Hence, many of the unrecognized states of that region emerged from an ethno-nationalist conflict.

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<sup>350</sup> Barry Buzan, “New Patterns of Global Security in the Twenty-First Century,” *International Affairs*, 67, (1991a): 441.

<sup>351</sup> Behlül Özkan, “Who Gains from the ‘No War No Peace’ Situation? A Critical Analysis of the Nagorno-Karabakh Conflict,” *The Journal of Geopolitics* 13, no. 3 (August 2008): 572-599.

<sup>352</sup> Shireen Hunter, “Borders, Conflict, and Security in the Caucasus: The Legacy of the Past,” *SAIS Review*, 26, no. 1 (Winter-Spring, 2006) :116-120.

Furthermore, some unrecognized states came into being after civil war. Somaliland, for example, emerged out of the ashes of the North-South violence. The Somali National Movement wanted a regime change. However, after the country's central government collapsed during a civil war in 1991, Somaliland declared itself independent from Somalia and there was no longer a functioning Somali state to prevent it. Similarly, Taiwan emerged as an unrecognized state after the Chinese civil war. Taiwan was recognized as the legitimate representative of China until diplomatic relations with the People's Republic of China were restored in the 1970's. Consequently, Taiwan was de-recognized and diplomatic relations were cut off.

These historical dimensions of how unrecognized states came to exist affect their position in the international system, their arguments for recognition as well as their internal dynamics, including their citizenship narratives, and the identity they tend to forge. The previous status of an unrecognized state makes some entities more accepted or less controversial than others. For example, both Kosovo and Palestine were autonomous regions, and this arguably gave these entities some legitimacy when compared to other unrecognized states. Taiwan, which enjoys very extensive trade and diplomatic relations with several countries, including the United States, used to be a state and part of the United Nations until 1971 when it was replaced by China. In short, some of the unrecognized states, due to their previous status, have gained some validity by the international community. The positions of unrecognized states in the international system ranges from almost complete outcast status, in the cases of the Turkish Republic of Northern Cyprus and Republika Srpska Krajina, to vast engagement and membership in international organizations, as is such in the cases of Palestine, Kosovo, and to a certain extent Taiwan. Nonetheless, in spite of their different paths of creation (secession, civil war, and self-determination/decolonization), and their different levels of engagement with the international



community, unrecognized states have failed to persuade the world community of their right of statehood and therefore are destined to hang in international limbo.

## **Surviving Without Substantive Recognition**

### **Challenges and Limitations**

While discussing the main characteristics of unrecognized states, I have been also highlighting throughout the chapter the heterogeneity of the category of unrecognized states. Unrecognized states constitute a spectrum of entities. Like recognized states, unrecognized states can be weak or strong (Nagorno Karabakh and TRNC respectively), democratic or authoritarian (Taiwan and South Ossetia), and isolated or enjoy some international engagement (Somaliland and Palestine). As was also demonstrated in the above section, unrecognized states have had different paths of creation. Some emerged out of secessionist warfare, others born out of state-collapse, and yet others were autonomous regions. Moreover, unrecognized states enjoy different levels of recognition: partial recognition, only patron recognition, or none. In short, the category of unrecognized states is far from being homogenous or monolithic. Keeping in view these differences, there are also significant similarities between unrecognized states. The absence of substantive recognition is associated with costs and consequences for all unrecognized states. Thus, unrecognized states face challenges that differ from those faced by recognized states. Unrecognized states share similar tensions, challenges, limitations, and, most importantly, they share the situation of limbo in which they exist.

As indicated earlier, unrecognized states lack international legitimacy. This means that they are not protected by norms of nonintervention. Accordingly, they face the risk of extinction. In other words, the absence of international legitimacy is an existential threat to unrecognized

states. It de-legitimizes their existence and keeps them vulnerable to parent states that are legally allowed to use force to reintegrate the territory, as was the case of Tamil Eelam/ Sri Lanka, Chechnya/ Russia, and Republika Srpska Krajina/Croatia. This permanent security threat limits the kind of statehood they can be, as siege mentality becomes prominent. I will be coming back to this issue in the ensuing section as I discuss state and nation building as well as in my discussion of citizenship in the next chapter.

Furthermore, the illegality of unrecognized states limits their ability to participate in international affairs. Unrecognized states are unable to benefit from treaties or obtain loans from international credit unions. Most of them are excluded from membership in international organizations. This implies that in times of crisis, these entities cannot appeal to the UN or any other international organization for material assistance. In addition, their uncertain legal status discourages foreign investors and impedes development. Many countries restrict their entrepreneurs and private firms from investing in or capitalizing on natural resources in unrecognized states. Countries are reluctant to engage with an unrecognized state for fear of damaging their relations with the parent state. For example, despite growing economic exchanges between Europe and Taiwan, the European authorities have restricted the entry of Taiwanese officials, as they are worried that any visit could be interpreted as a state visit and would offend China. Thus, the relationship has been limited to the economic and cultural sphere, avoiding any move or transaction that suggests a de facto recognition of Taiwan.

Another challenge that faces unrecognized states pertains to their dependence on external support. Due to their limited access to the international community, unrecognized states turn to different sources of support to survive, including patron states. This will be discussed in detail in the following section. For now, though, I would like to point out that external support can be

problematic for unrecognized states, as it calls into question their internal sovereignty and thus weakens their prospects for recognition. The challenge for an unrecognized state is to receive the support needed from an external source without risking or undermining its claimed independence, which is perceived as essential to its recognition. This dilemma is particular to unrecognized states. That is to say, recognized states do not have to walk this fine line. This is not because recognized states do not need external support -in fact many do- but because they do not need to justify their independence to the international community. For instance, the U.S. financial support to Egypt comes with strings attached. However, this does not raise any question concerning the autonomy or sovereignty of Egypt. Moreover, external support can be problematic, as it impacts citizenship and the trust between the government and the citizen. This of course is not specific to unrecognized states. Nonetheless, because of the unique dynamic between citizens of unrecognized states and their governments, citizens of these entities are affected differently than those in recognized states. The implication of nonrecognition on citizenship will be the focus of the next chapter.

Last but not least, unrecognized states are consumed by international recognition. They are trapped in this position of insignificance and invisibility. As Rebecca Bryant puts it, "...they are permanently liminal, stuck between the political form they once were and the recognized body politic they wish to become."<sup>353</sup> International recognition, as will be demonstrated in the next section, is the center point of their existence. This denotes that anything and everything can be sacrificed for that cause. Some entities embrace democratization as a strategy to gain international recognition. Others focus on building internal legitimacy and popular support.

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<sup>353</sup> Rebecca Bryant, "Living with Liminality: De Facto States on Threshold of the Global," *The Brown Journal of World Affairs* 20, no. 2, (Spring/Summer, 2014) :126.

Overall, in its bid for international support, to create an entity that lives up to international standards, an unrecognized state often struggles to balance the conflicting demands of an internal audience and the external pressures.<sup>354</sup> All of the above limitations are of significant importance to our subject of study, as they have huge impact on citizenship and, therefore, will be revisited in the next chapter.

### **The Struggle to Survive**

Despite their inherent instability and vulnerability to reintegration, many unrecognized states have survived for decades.<sup>355</sup> For instance, Somaliland has existed as an unrecognized state for more than two decades. Also, the Turkish Republic of Northern Cyprus has been in this international “nonexistence” for four decades. Scholars such as Pal Kolsto and Helge Blakkisurd, who studied unrecognized states, have argued that these entities tend to be status quo players.<sup>356</sup> They are not a temporary phenomenon, although, as mentioned before, nonrecognition is perceived- even by themselves- as a temporary status. Unrecognized states have managed to survive and demonstrate their longevity despite existing in a state of limbo, between statehood and lack thereof. In fact, the absence of widespread recognition became an incentive to many leaders of unrecognized states to introduce political reforms in order to improve their international image and win legitimacy, both internally and externally. Surprisingly, some have succeeded in building effective state institutions and imposing control over most of the area to

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<sup>354</sup> Sometimes the external demands coming from a patron state can be more conservative than the internal demands, this is the case in TRNC.

<sup>355</sup> See Pal Kolsto, “The Sustainability and Future of Unrecognized Quasi-States,” *Journal of Peace Research* 43, no. 6 (2006): 723-740. In this article, Kolsto argues that “even in the absence of effective state building, most quasi-states have succeeded reasonably in their nation building efforts.”

<sup>356</sup> Pal Kolsto and Helge Blakkisurd, “Separatism is the Mother of Terrorism,” in *Unrecognized States in the International System*. ed. N. Caspersen and G. Stansfield (London: Routledge, 2010), 112.

which they lay claim. In what follows I will discuss how these entities survive and some even flourish in the absence of international recognition. To that end, I will examine two important aspects that are most essential to their survival, namely, external forces, specifically the involvement of patron states, and the processes of state and nation-building, which are imperative to creating some internal legitimacy.

### *External Forces*

Many of the unrecognized states are dependent on external forces for survival. Some rely on the support of external patrons, others on their diaspora populations, while some have established limited relationships with their neighboring countries. As was mentioned before, unrecognized states vary in their levels of international isolation. Some unrecognized states find themselves in a less isolated position than others. For example, Taiwan has managed to retain links with many countries and to join some international organizations, such as the World Trade Organization and the Asian Development Bank. It also has diplomatic representatives in Moscow and the U.S. In general, Taiwan has been successful in developing extensive worldwide commercial relations. In contrast, Abkhazia enjoys only limited interaction with the outside world. Besides Russia, Nicaragua, Venezuela, and Nauru, Abkhazia has no formal relations, and its diplomats are strictly limited in where they can go. The level of international isolation that face unrecognized states unequivocally affects their ability to survive and build an effective state. The lack of international engagement and the severity of isolation stand in the way of economic developments which are essential to building infrastructure, creating government institutions, and providing basic public services.

Before discussing the different forms of external support, it is important to clarify that there is a difference between lack of recognition and lack of engagement. Although they are related- as

lack of statehood recognition often results in extensive international isolation and disengagement- they remain distinct processes. Today, many countries, such as the U.S., Russia, as well as supranational entities like the EU, have been implementing a so-called “engagement without recognition” policy towards some unrecognized states.<sup>357</sup> Engagement without recognition is becoming more and more widespread, as shown by the Taiwan case. Countries who follow this strategy insist that engagement does not constitute recognition. For example, when Joe Biden, as a United States Vice President in 2014 visited TRNC and met with Dervis Eroglu, the Turkish Cypriot leader, he stressed that his visit does not constitute recognition of the Turkish Cypriot administration. In his remarks to the press, Biden stated, “The United States -- I want to be clear about this -- recognizes only one legitimate government of the Republic of Cyprus, and my visit and meetings throughout the island will not change that. It is my personal position. It’s the position of the United States of America, and it’s the position of the entire world -- save one country.”<sup>358</sup> Even in cases, such as in Palestine, where there are substantial diplomatic activities and engagements from the international community as well as widespread theoretical support for a Palestinian state, most countries remain clear that their engagement does not amount to recognition. That being said, engagement even without recognition can have a significant impact on unrecognized states. It can enhance the status of these contested states, such as in the cases with Palestine and Kosovo, where they are granted observer status at the United Nations General Assembly and the EU respectively. Engagement with the outside world

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<sup>357</sup> James Ker-Lindsay, “Engagement Without Recognition: The limits of Diplomatic Interaction with Contested States,” *International Affairs* 91 no. 2, (2015): 1-16.

<sup>358</sup> Remarks by Vice President Joe Biden to the Press at Larnaca International Airport, Office of the Press Secretary, White House (May 21, 2014). <https://obamawhitehouse.archives.gov/the-press-office/2014/05/21/remarks-vice-president-joe-biden-press-larnaca-international-airport>.

also improves the prospects of survival for these entities. Unrecognized states that receive no external support from the international community and are economically and politically isolated are less likely to survive. This was the case with Republika Srpska Krajina. The Krajina leaders abandoned the idea of attracting international support and engaging with states other than their patron state. They instead worked on strengthening their internal legitimacy and prioritizing effective statehood. This strategy, however, did not bring the desired result, but rather diminished the chances of their survival.<sup>359</sup> In short, engagement with the international community does not necessarily constitute recognition, but nevertheless it helps unrecognized states to at least maintain their status quo, and in some rare cases, the level of engagement can amount to recognition in all but name.<sup>360</sup>

#### Patron States

In general terms, patron state refers to an internationally recognized country that offers political, diplomatic, economic, and/or military support to unrecognized states.<sup>361</sup> Many of the unrecognized states rely heavily on patron states. For the most part, the more isolated the entity, the more influential the patron state becomes. In this sense, reliance on a patron state can be viewed as a byproduct of international isolation. Many unrecognized states have no choice but to accept the support and the involvement of the patron state for survival. Assistance from a patron state can be diplomatic, economic, or military. Diplomatic support eases the isolation of

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<sup>359</sup> Caspersen, *Unrecognized*, 72.

<sup>360</sup> Greece did not officially recognize Kosovo, but when Hoxhaj, the Kosovo foreign minister, travelled to Athens to meet with the Greek foreign minister, Hoxhaj was referred to by his official title, Foreign Minister of Kosovo. Some countries went further to establish permanent diplomatic presence in unrecognized states, while maintaining its nonrecognition position. Some engagement might take place in order to facilitate negotiation or peace process between two sides. Other engagement with unrecognized states can be primarily based on economic and/or strategic interests. For more on this see James Ker-Lindsay, "Engagement Without Recognition: The Limits of Diplomatic Interaction with Contested States," *International Affairs*, 91, no. 2 (2015): 1-16.

<sup>361</sup>See Debski Wisniewski, Lorenz et al. "EU Policy Options towards Post-Soviet De Facto States," *The Polish Institute of International Affairs*, no. 6, (2017): 3.

unrecognized states. Although it stays short of recognition, diplomatic support sends a strong signal to other countries and particularly to parent states that an internationally recognized country provides a political cover to the entity in dispute. It is a strategy of non-interference with the status quo. For instance, the U.S. support of Taiwan does not include recognition of its independence, but it includes a robust unofficial relationship that helps deter a Chinese military offensive. The U.S. also provides defense equipment to Taiwan under the Taiwan Relations Act.<sup>362</sup>

Military support can be vital, as it helps unrecognized states establish and maintain territorial control. In certain instances, troops are deployed in defense of the unrecognized states, as were the cases with Russia's military support in South Ossetia, Transnistria, and Abkhazia; Armenia's support of Nagorno Karabakh; and Turkey's military support of Northern Cyprus. Patron states also tend to provide funding and weaponry for the military. Armenia, for example, accorded financial support for the armed forces in Nagorno Karabakh and supplied them with substantial equipment. This military support of unrecognized states intended to deter the parent state from reversing the secession and preventing military reconquest. In the case of Transnistria, for instance, Kolsto and Blakkisrud point out that the entity relies solely on whether or not the Russian federation is willing to renew its security guarantee.<sup>363</sup>

External patrons also help unrecognized states in creating functioning entities by providing state-building assistance. Patron states serve as a vital economic lifeline to these entities. For instance, Armenia supported Karabakh financially by granting the entity a so-called

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<sup>362</sup> Caspersen, *Unrecognized*, 37-66.

<sup>363</sup> Helge Blakkisrud and Pål Kolstø, "Dynamics of De Facto Statehood: The South Caucasian De Facto States Between Secession and Sovereignty," *Southeast European and Black Sea Studies* 12, no. 2, (2012): 281-298.



interstate-loan. As noted by Caspersen, “when it comes to economy, culture, and defense, Nagorno Karabakh and Armenia can be seen as a single place.”<sup>364</sup> Similarly, Russia supplies Transnistria with subsidized gas and serves as a major market for its exports. It also grants inhabitants of Abkhazia and South Ossetia Russian passports, which makes basic survival possible and helps lessen citizens’ hardship caused by isolation and nonrecognition. Another example is the case of the Turkish Republic of Northern Cyprus, which is supported by Turkey. Citizens of Northern Cyprus are allowed to live and work in Turkey under the same requirements as Turkish citizens and are granted a special type of passport. TRNC does almost all of its trade with Turkey and uses the Turkish lira as its currency. The entity is completely dependent on Turkey’s financial support that comes in the form of aid, loans, and subsidies. Recently, Turkey released a relief package to TRNC worth eleven million dollars to help fight the coronavirus pandemic.<sup>365</sup>

Without this kind of support from patron states, it is questionable if these entities would be able to survive. The external patron’s support helps these entities to have a semblance of a state and their citizens to live a semi-normal life where they can enjoy basic public services and goods. While patrons’ support is crucial for the survival of the unrecognized states, it is not without cost. Depending on a patron state, is a double-edged sword. On one hand, it sustains their de facto statehood, but on the other hand it damages their image internationally and detracts from the substance of their de facto independence. Patron states often interfere and meddle with the internal matters of unrecognized states, which makes them look more like puppet states

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<sup>364</sup> Caspersen, *Unrecognized*, 56.

<sup>365</sup> Ahmet Sertan Usul, “Turkey Provides \$11M aid for Northern Cyprus to Combat Virus,” *Anadolu Agency* (March 2020). <https://www.aa.com.tr/en/turkey/turkey-provides-11m-aid-for-northern-cyprus-to-combat-virus/1774261>

rather than de facto independent entities. For example, in Abkhazia, when Russia's preferred candidate lost the 2004 election, Moscow closed the boarder and threatened to stop the transfer of pensions and the issuing of Russian passports.<sup>366</sup> These bullying tactics might not work with a fully-fledged state, but an unrecognized state with very few alternatives cannot but comply with the patron's wishes. Interference is not only limited to elections and political life but can also extend to social life and the education system. For instance, Turkey's support in TRNC comes with a tremendous amount of pressure to conform to religious expectations. TRNC uses Turkey's textbooks and curriculum, which focuses on the Quran and omits any teaching of evolution. Many citizens of TRNC are concerned about Turkey's effort to Islamize and demographically shape their state. Fiona Mullen, director of a Cyprus-based consulting firm, said that what worries Turkish Cypriots "is the increasing influence of not just Turkey, but AK Party Turkey, in their cultural, social and political life...Turkish Cypriots are very secular. They are children of Ataturk, in that sense, and they don't like what they see as attempts to influence the education system and so on."<sup>367</sup>

Such significant dependence on patron states accordingly affects citizenship and citizens' perceptions of involvement and participation in the decision-making process. Dependence on a patron state is in some cases damaging to the relationship of the citizens and the government. Complete reliance on patron states can hinder the formation of a democratic system and weaken citizens' trust and confidence in their government. In unrecognized states that are heavily dependent on outside patronage for economic survival, citizens are likely to be somewhat cynical

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<sup>366</sup> See Tom Trier, Hedvig Lohm and David Szakonyi, *Under Siege: Inter-Ethnic Relations in Abkhazia*, (London: Hurst, 2010), 10-11.

<sup>367</sup> David Lepeska, "Turkish Cypriots feel bullied by Turkey as vote looms," *Ahval* (Sep. 2020). <https://ahvalnews.com/eastern-mediterranean/turkish-cypriots-feel-bullied-turkey-vote-looms>

and distrustful of government. They find themselves stuck between their government and its patron on one hand and the recognized entity they wish to become on the other. Being in the pockets of a patron state diminishes the citizens' ability to shape decision making and govern their existence via democratic participation. Keeping with Abkhazia's previous example of the 2004 presidential election, we see a serious demonstration of how citizen's voices are ignored for the sake of survival. To keep Russian support and avoid any withdrawal of funds and resources, Abkhazia had no choice but to accept Russia's favored candidate. They had to come up with a power-sharing agreement between the two candidates to escape any backlash from Russia.<sup>368</sup>

Finally, it is worth mentioning that in some cases the relationship between unrecognized states and their patrons can be primarily based on ethnicity and emotional ties and not only the need for resources. For example, Nagorno Karabakh shared close cultural and ethnic ties with Armenia, which made their relationship more mutual. As a Karabakh official once put it, the question is actually, "who depends on whom?"<sup>369</sup> Nagorno Karabakh had a particular importance for the Armenian collective memory, and thus it held some influence over political matters inside Armenia. A case in point, in the late 1990's, the Armenian president Levon Ter-Petrosyan had to resign after he agreed to an unpopular approach to the Karabakh conflict, rather than the one demanded by the Karabakh leader.<sup>370</sup> In short, the patron-client relationship is not straightforward. Unequivocally, the support of a patron state helps an unrecognized state maintain its status quo and secure an impressive longevity. However, this patron-client

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<sup>368</sup> Caspersen, *Unrecognized*, 58.

<sup>369</sup> Caspersen, *Unrecognized*, 58.

<sup>370</sup> Emil Danielyan, "Armenia: President's Resignation Likely To Cause Policy Changes," *Radio Free Europe* (February 1998) <https://reliefweb.int/report/armenia/armenia-presidents-resignation-likely-cause-policy-changes>. Also see R. Panossian, "The Irony of Nagorno-Karabakh: Formal Institutions versus Formal Politics," in *Ethnicity and Territory in the Former Soviet Union*, ed. J. Hughes and G. Sasse (London: Frank Cass, 2002), 152.

relationship can also be revoked at any time as strategic interests can change. This makes unrecognized states extremely vulnerable. As Kolsto and Blakkisurd points out, “borrowed power is unstable power.”<sup>371</sup>

### *Diaspora Support*

Another external support that some unrecognized states lean on is the diaspora population. Somaliland for example, which lacks the support of a patron state, enjoys the assistance of its diaspora communities. The Somaliland diaspora contributes an estimate of \$500 million a year. Unlike a patron state, which can provide military, diplomatic, and economic support as discussed above, the diaspora population mostly can help economically. Diaspora money can be vital as it enables these entities to build the country’s infrastructure and support their state-building efforts. The significance of diaspora communities was highlighted by Kurdistan’s minister of extra-regional affairs who stated that without the financial support of the diaspora communities, “the Kurds would not have been able to rule a village, let alone a de facto state.”<sup>372</sup> Similarly, without the support of the Armenian diaspora, Nagorno Karabakh would not have been able to build an effective entity, providing its citizens with schools, hospitals, and roads. The diaspora population serve as foreign investors that help lift people of these entities out of poverty. Some of the diaspora population have strong connections to the land. Others have robust family links, and some others are connected through ethnicity, language, and culture. The diaspora communities are often described as “long-distance nationalists.” In Karabakh, the main telephone company is owned by a Lebanese Armenian, and most of the major hotels in the entity

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<sup>371</sup> Pal Kolsto and Helge Blakkisurd, “Dynamics of De Facto Statehood: The South Caucasian De Facto States Between Secession and Sovereignty,” *Southeast European and Black Sea Studies*, 12, no. 2, (2012): 281-298.

<sup>372</sup> Quoted in M. Chorev, “Complex Terrains: Unrecognized States and Globalization,” in *Unrecognized States in the International System*, ed. N. Caspersen and G. Stansfield (London: Routledge, 2010), 34.

belong to Swiss Armenians. Some of the diasporas have acquired another nationality and came back to invest and be part of the process of state-building. For instance, Bashar al- Masri, a Palestinian-American entrepreneur, is the developer behind Rawabi, the first planned city in the West Bank.

While playing a significant role in the entity's state-building and democratizing efforts, the diaspora involvement can also be a double-edged sword. Although less likely than a patron state to intervene in internal affairs, in some cases diaspora communities have funded leaders who are more radical and less likely to compromise, since they do not have to live with the consequences. A good example of this is the Dashnak party which was founded by the Armenian diaspora and worked to militarize the conflict in the 1980's. Ultimately, diaspora involvement is vital in a number of unrecognized states, especially those that face international isolation and lack the support of a patron state. Although dependence on the diaspora population is less problematic than dependence on a patron state, nonetheless it also comes at a price and it can have an impact on citizenship and the entity's democratization.

### *State and Nation Building*

State-building is one of the strategies that some unrecognized states undertake to gain recognition. Given the emphasis the international community has placed on democratization, many unrecognized states have worked to create a democratic almost-state or at least the façade of democracy. The assumption is that if they build effective democratic states, they can earn their recognition. Thus, they try to play up their capacity to govern their entities and demonstrate that they are no different from sovereign recognized states (note, not all sovereign recognized states are democratic). Like full-fledged states, unrecognized states are engaged in "simulating sovereignty," to use Cynthia Weber's term. This external legitimizing strategy was underlined by

the speaker of the Nagorno Karabakh parliament, who argued that Nagorno Karabakh had “a serious basis for the international recognition of our sovereignty. These reasons comply with the international law: we have held free elections for 16 years, law enforcement bodies are formed, powers are divided, [the] army is under civil control.”<sup>373</sup> In this respect, building an effective-democratic state (or sometimes rhetorically committing to democratic values) is perceived by some entities as a recipe for establishing external legitimacy. Some scholars have observed that unrecognized states have a stronger incentive to democratize than recognized states.<sup>374</sup> In some cases, such as in Taiwan, the lack of recognition served as an impetus to overthrow decades of authoritarian rule and work towards democratization and institutional reforms. On the other hand, scholars who have studied the democratization process in unrecognized states have concluded that the lack of recognition can limit how far these entities can pursue a fully-fledged democracy.<sup>375</sup> The lack of recognition makes unrecognized states vulnerable to democratic pressures from the outside, which incentivizes democracy. Yet the state of limbo present in these entities acts as an obstacle to democratization as the following discussion will demonstrate. Overall, unrecognized states are concerned about how the world sees them, and since the parent states tend to portray them as illegitimate in terms of their separatism, many of the entities try to compensate by demonstrating their viability and the effectiveness of their state and even claiming that they are more democratic than their parent state.

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<sup>373</sup> “Karabakh has serious grounds for international recognition of sovereignty,” *Armenian Diaspora* (February 2008) <https://www.armeniandiaspora.com/february-2008-a/122518-karabakh-serious-grounds-international-recognition-sovere.html>

<sup>374</sup> See Caspersen (2012) ; Kolsto (2006).

<sup>375</sup> See Caspersen (2012); Vincenc Kopeček, Hoch Tomáš, and Baar Vladimír. “De Facto States and Democracy: The Case of Abkhazia.” *Bulletin of Geography. Socio-Economic Series* 32, no. 32 (2016): 85–104; Yaniv Voller, “Contested Sovereignty as an Opportunity: Understanding Democratic Transitions in Unrecognized States.” *Democratization* 22, no. 4 (2015): 610–630.

Another strategy for attracting international support is nation-building. Internal popular legitimacy is viewed as a significant advantage that can help improve the entities' prospect of surviving and obtaining international legitimacy. Thus, unrecognized states tend to capitalize on the symbolic attributes of statehood, such as a national anthem, national holidays, and a national flag, in order to illustrate that they have developed something akin to full-fledged statehood. The idea that communities are artificially imagined and are constantly being constructed and reconstructed has long been recognized in the literature.<sup>376</sup> In this sense, like recognized states, unrecognized entities attempt to mobilize society behind the nation-building project by using history writing and the invention of traditions and symbols. For an unrecognized state, however, the need for national unity is felt more acutely due to the lack of international recognition and the persistence of an external threat.

An unrecognized state is in need of national unity not only to demonstrate to the international community that it has achieved internal sovereignty but more importantly to protect against collapse and disintegration. As noted earlier, a recognized state is protected by the rule of non-intervention and territorial integrity. For an unrecognized state, the protection seems to come from a strong sense of common identity and belonging, which makes it harder for parties to find acceptable solutions and allows the entity to endure. Scholars have observed that unrecognized states draw a lot of strength from the common identity.<sup>377</sup> Mikulas Fabry, a scholar of international relations who focuses on unrecognized states, argues that nonrecognition

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<sup>376</sup> See Ernest Gellner, *Thought and Change* (Weidenfeld and Nicolson, 1964); Eric Hobsbawm, *Nations and Nationalism Since 1780, Program, Myth, Reality*, (Cambridge: Cambridge University Press, 1990); and Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, (Verso, 2006).

<sup>377</sup> See Caspersen (2012); Kolsto (2006); and Sophie Rodger, "Unrecognized States and the Enduring Power of Identity," *St. Antony's International Review* 1, no. 2 (February, 2015): 53-87.

strengthens national identity. He writes, “Nonrecognition fosters national identity to a much greater degree than recognition. While foreign recognition of statehood may fulfill a deep psychological need, it is its denial that makes a people’s identity collective sense of who they are more robust.”<sup>378</sup> To survive in the context of nonrecognition, unrecognized states depend heavily on national identity. Once an entity has developed a strong sense of common identity and destiny among the inhabitants of their territory and has grown accustomed to living apart, reunification or reconciliation with the parent state becomes at best unwelcome. For example, the nation-building project that Taiwan embarked on following the death of Chiang Ching-kuo and the election of Lee Teng-hui created a fundamental shift in how people view themselves. The nation-building project included rewriting the island’s history to underline its distinctiveness from China as well as renaming the streets to erase connection to the Chinese mainland. Consequently, today more and more people in Taiwan identify as Taiwanese rather than Chinese. The overwhelming majority of Taiwanese believe they have a unique history, culture, and identity and feel considerable pride of their entity. Certainly, this makes unification with mainland China more difficult. There is, therefore, a strong incentive for unrecognized states to engage in a process of nation-building that goes beyond the need to attract external support. To endure in this context of nonrecognition without the protective norm of nonintervention, unrecognized states tend to heighten national identity by capitalizing on past grievances and the persistence of an external threat and reintegration.

Thus, on the one hand, to please the international community, unrecognized states engage in a process of state-building and democratization. On the other hand, to avoid reintegration and

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<sup>378</sup> Mikulas Fabry, “Unrecognized States and National Identity,” in *Unrecognized States and Secession in the 21st Century*, ed. M. Riegl and B. Doboš (Springer, Cham, 2017).



collapse, unrecognized states ignite nationalism and the need for unity. The dilemma for these entities is how to balance these two different goals without jeopardizing either their prospect of captivating international recognition, or their statehood and their ability to survive. The persistence of external threat and the prevalence of a siege mentality, however, makes this balancing act arduous. Most entities end up steering too far in the direction of unity. The argument for unity is that political contestation weakens the entity and can even jeopardize the statehood that has been achieved. This argument is reinforced by the persistence of an external threat and the lack of recognition. Therefore, the claim that is often made by the leaders of unrecognized states is that the entity cannot afford to have political divisions when facing opposition and challenges from the international community. This emphasis on unity often results in suppression of opposition. In this sense, any criticism of the entity's authority is framed as an existential threat and critics are portrayed as traitors. For example, in Somaliland, journalists are held in jail for writing about presidential corruption. Furthermore, organized debates on reuniting with Somalia are banned. This narrative of unity is so powerful that it is often self-imposed by citizens of these entities, who perceive their defense of authorities as a duty that helps preserve and strengthen the entities' existence. In Transnistria, the leader of a Transnistrian party refused to run against the incumbent citing the need for unity: "for us the main priority is to resist external threats and to preserve Pridnestrovie [Transnistria] as a state."<sup>379</sup> The issue of nationalism and unity will be further elaborated on in the context of citizenship and identity in the next chapter. The point, though, that I am trying to draw here is that the tension between democratization on one hand and nationalism and unity on the other,

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<sup>379</sup> Quoted in D. Isachenko, "Symptoms of Democracy in Transdnistria," *Sicherheit Und Frieden (S+F) / Security and Peace* 27, no. 2 (2009): 96–101, (98). <http://www.jstor.org/stable/24232710>.

which exists to some degree in most states, is made more complicated by the context of nonrecognition. While internal cohesion enables unrecognized states to survive in the context of non-recognition, it also constrains their subsequent state-building process. It undermines and contradicts their claim of democracy and pluralism, even as it also prevents internal strife and political divisions. Unrecognized states attempt to pursue both democratization and unity simultaneously. The result of this, as Caspersen observes, is that “suppression of opposition coexists with elements of genuine pluralism and competition.”<sup>380</sup> It should be underlined that this tension between democratization and nationalism is also found in recognized states. Many recognized states foster homogeneity wary of the dangers posed by pluralism. But unlike unrecognized states, recognized states do not have to fear reintegration into a preexisting state, and most do not greatly fear full disintegration. Also, as mentioned before, like recognized states, unrecognized states can be authoritarian or democratic. That is to say that some recognized states also manufacture and coerce unity, but the legitimacy of their statehood remains unchallenged, unlike unrecognized states.

The upshot is that unrecognized states have managed to survive and develop somewhat effective statehood by relying on three main factors: 1) seeking international acceptability of the regime through introducing political reforms and engaging in democratization process, 2) ensuring popular support and internal cohesion (sometimes imposed and coerced as discussed above), and 3) having patron states to assist in the process of state-building and deter any military attempts to revise the status quo. As illustrated in the discussion above, unrecognized states face constraints that differ from those faced by recognized states. Unrecognized states have

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<sup>380</sup> Caspersen, *Unrecognized*, 99.

to walk an especially fine line between pleasing the international community by promoting democracy and strengthening their entity against external threat by deliberately fostering homogeneity and unity. In addition, they have to comply with the demands of their patron states while demonstrating that they are independent entities and not puppets of external actors.

## Conclusion

This chapter demonstrates that the lack of international recognition matters. The above analysis suggests that we should not exaggerate the effects of non-recognition but at the same time we should not discount them. Although the lack of recognition does not prevent these entities from creating institutions of governance and in some cases developing effective statehood, it constrains the kinds of entities they can be and places obstacles in their way. As Caspersen observes, “nonrecognition does not determine the political system, but it does constrain it.”<sup>381</sup> As much as the lack of recognition can work as an impetus for democratization, it can also be an obstacle that limits the entities democratic progress and constrains their state-building efforts. While the prioritization of security and unity can lead to authoritarian ethno-nationalism and the oppression of the other, the need to achieve international acceptability can create incentives to allow some pluralism and democratization. Thus, what emerges are entities that are ambiguous in every context; they are dependent and independent at the same time, democratic and authoritarian, pluralistic and homogenous, and viable and unstable.

The uniqueness of unrecognized states, their characteristics, limitations, and challenges raise questions about the kind of citizenship that emerges in such a distinctive context. How do

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<sup>381</sup> Caspersen, *Unrecognized*, 99.

striving for international acceptability, the need to create unity, and the dependence on external support affect citizenship? How do citizens of these entities negotiate these tensions and challenge state-constructed citizenship without jeopardizing the statehood that has so far been achieved? The characteristics common to unrecognized states and the tensions specific to them have direct implications on how citizenship is experienced and practiced in these entities that differ from recognized states. This is the focus of the next chapter. The next chapter will also revisit the process of state-and nation-building to explore how citizenship is constructed in these entities.

# CHAPTER 5: THE OPPRESSIVE POWER OF NONRECOGNITION

In chapters three and four, I established that nonrecognition does not render statehood impossible, but it constrains the kind of entities they can be. I demonstrated how the absence of recognition produces states that are subject to specific tensions, which consequently make them qualitatively different from recognized states. Nonrecognition, I argued, hinders development and perpetuates an ever-present security threat. In this chapter, I look at how the characteristics and the tensions specific to unrecognized states, which were discussed in detail in chapter four, such as the struggle for international acceptability and dependence on external support, impact the experience and the practice of citizenship in these entities. Drawing on the literature on the politics of recognition, and specifically drawing on Hegel, Charles Taylor, Axel Honneth, Iris Young, and Jacobus tenBroek, I assert that international nonrecognition is a form of oppression that reduces citizens' mode of being. Like their states, citizens of unrecognized states exist in a prolonged condition of limbo. They live in two opposing realities: stuck between a political fact and a conflicting existential truth. The political fact of nonrecognition hinders them from interacting with the outside world. It denies their existence and insists that their states are frauds. Meanwhile, the existential truth of everyday life emphasizes statehood and citizenship, promoting a sense of normalcy and stability. This chapter, along with the next chapter, explores the distinctiveness of such citizenship and the obstacles citizens face as they negotiate these two opposing realities.

I begin the chapter by examining the significance of recognition and the harms nonrecognition brings. I argue that nonrecognition leads to oppressive experiences. I provide detailed examples of what it is like to live as a citizen in a space of nonrecognition. I also analyze how unrecognized citizens are misrecognized as stateless, highlighting the distinction between unrecognized citizenship and statelessness, as previously discussed in chapter one. I rely on interviews I conducted with people in the Palestinian territories as well as examples from a number of unrecognized states drawn from documentaries, media, and other sources.<sup>382</sup>

## **Recognition and Nonrecognition**

Over the last two decades, the debate in political theory about recognition and its implications has revolved primarily around marginalized groups and cultural identities of particular groups within national states and societies, such as African-Americans, women, Muslims, and French Canadians. In this chapter, however, I intend to appropriate the theoretical conceptions of recognition and its negative counterpart misrecognition to illuminate the particular experience of citizens of unrecognized states.

### **The Significance of Recognition**

The issue of recognition and the lack of it has been the subject of extensive analysis since Hegel's famous master-slave dialectic. Within political theory the concept of recognition/nonrecognition has been generally drawn upon to produce a constellation of moral theories. There have been theoretical disagreements on whether recognition is a moral act or an epistemic occurrence. What is relevant for our purpose, though, is the importance of recognition

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<sup>382</sup> For information on interviews conducted for this study see the methodology section in chapter one.

and the harm that ensues from the failures of recognition, particularly the ways in which nonrecognition creates an oppressive culture that prevents citizens of unrecognized states from living a normal life.

The value of recognition lies in its connection to self-consciousness and freedom.<sup>383</sup> As Hegel puts it, “self-consciousness is not fully possible without the other whom allows me to draw the dialectical contrast and opposition with.”<sup>384</sup> Our existence is realized once we encounter or are recognized by similar beings; “self- consciousness exists in and for itself when, and as a result of, existing for another: that is, it exists only in being recognized.”<sup>385</sup> In other words, for consciousness to emerge into self-consciousness, it has to be faced with another consciousness, namely another being. Hegel explains that the realization of self-consciousness is a struggle for recognition between two individuals bound to one another as unequal in a relationship of dependence. While another consciousness is necessary for self-consciousness, it is also threatened by it and thus it has to overcome self-consciousness to attain freedom. The two consciousnesses are mutually constitutive and at the same time are engaged in a life and death struggle. Out of this life and death struggle emerges the dialectics of master and slave. As becomes clear in the *Phenomenology of Spirit*, the master-slave dialectic of recognition is inherently unstable and unsatisfying. The master has dominion over the slave and at the same time is dependent on the slave. For Hegel, the master “is the consciousness that exists for itself; but no longer merely the general notion of existence for self...the master gets his recognition

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<sup>383</sup> Robert M. Wallace, *Hegel's Philosophy of Reality, Freedom, and God*, 1. publ. ed. (New York [u.a.]: Cambridge University Press, 2005), 287-288.

<sup>384</sup> Hegel, *Phenomenology of Spirit*, trans. by A. V. Miller. (Oxford University Press, 1977). Self-Consciousness, (Lordship-Bondage, paragraph 178-196).

<sup>385</sup> Hegel, *Phenomenology*, para.178.

through another consciousness, for in them the latter affirms itself as unessential...<sup>386</sup> The master is only a master by virtue of being recognized as such by the slave. The master depends on the slave. Meanwhile, as the slave is working the land and getting a sense of affirmation of selfhood through creatively transforming it, the slave becomes more independent than the master “through work and labor, however, this consciousness of the bondsman comes to itself.”<sup>387</sup> The slave develops some self-consciousness through fear, service, and work. Nonetheless, the slave is not ready to fight and thus remains subject to the arbitrary power of the master. According to Hegel, neither the master nor the slave is fully capable of self-realization. This leads to another type of slave ideology, such as stoicism, skepticism, and unhappy consciousness.<sup>388</sup> I will not review all the struggles this form of consciousness faces to overcome or accept its bifurcation. What interests me here is that for Hegel self-consciousness can only be achieved through adequate recognition, namely a reciprocal mutual recognition and not a one-sided recognition. Only through mutual recognition, the self-realizing subject gains self-consciousness in the sense “of having a notion of its own capacity for self-determined activity.”<sup>389</sup> Without the recognition of another rational being, the subject would not be capable to recognize its own mental acts. In this dialectic of encounter, I come to understand myself through understanding the other. Only when I understand the other and the other understands me as its dialectic other, I begin to understand myself in relationship to the other. As noted by Hegel, “They recognize themselves as

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<sup>386</sup> Hegel, *Phenomenology* para.190-191.

<sup>387</sup> Hegel, *Phenomenology*, para.195.

<sup>388</sup> On the unhappy consciousness, Hegel writes, “The duplication, which formerly was divided between two individuals, the lord and the bondsman, is now lodged in one.” *Phenomenology*, para. 206. The unhappy consciousness, in Charles Taylor’s description, “is both the immutable self-identical subject of thought and the individual who is subject to the changeable world.” Charles Taylor, *Hegel*, (Cambridge University Press, 1975),160. Also see Charles Taylor, *Hegel and Modern Society*, (New York: Cambridge University Press, 1979).

<sup>389</sup> J.G. Fichte, *Foundations of Natural Right*, (Cambridge University Press, 2000), 30-9.



mutually recognizing the other.”. Therefore, one can say that for Hegel mutual recognition is a necessary antecedent or sine qua non for self-consciousness.

In addition, recognition is necessary for individuals to be most fully free. This connection between recognition and freedom was highlighted by Axel Honneth, who developed a comprehensive view on recognition and misrecognition. Honneth explains:

[My] alternative conception understands individual autonomy not as a monological but as an intersubjective matter. Individuals achieve self-determination by learning, within relations of reciprocal recognition, to view their needs, beliefs and abilities as worthy of articulation and pursuit in public sphere.<sup>390</sup>

Honneth affirms that the experience of recognition is essential to achieving freedom. Like Hegel, Honneth views freedom as recognitive and intersubjective. Through mutual recognition, the individual realizes in the external world the freedom that constitutes the inner experience of subjectivity. I will revisit Honneth’s theory of recognition later in the section.

Overall, the need for recognition comes from the need to affirm our existence, our freedom, as well as the desire to be treated as equal among equals. Recognition demands or calls upon someone to act morally. It indicates a standing and a particular attitude or act vis- a-vis the other. In this sense, the demand for recognition is a demand to be seen and treated in a certain way. As Brandom points out, “To recognize someone, is to take her to be the subject of normative statuses, that is of commitment and entitlements capable of undertaking responsibilities and exercising authority.”<sup>391</sup> Recognition is a public confirmation of the persons’ own self-understanding. When performed, it grants the individual validity in the objective world.

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<sup>390</sup> Axel Honneth, “*The Fabric of Justice: On the Limits of Contemporary Proceduralism*,” in *The I in We: Studies in the Theory of Recognition*, (Cambridge: Polity Press, 2012), 46.

<sup>391</sup> R. Brandom, “The Structure of Desire and Recognition. Self-consciousness and Self-constitution,” *Philosophy & Social Criticism*, (2007), 33: 136.

## Nonrecognition: A Form of Oppression

Since recognition is tightly linked to self-realization, freedom, and visibility, the failure of recognition can be an oppressive practice that alienates people and deprives them of the means for developing and meeting genuine needs. In fact, Hegel makes it clear that we can flourish only to the extent that we are recognized. Nonrecognition can hinder a person's ability to flourish and prosper. In his landmark article, "The Politics of Recognition," Charles Taylor, who believes that recognition is not only a matter of a moral obligation to others but a fundamental human need, affirms that a violation of this need can inflict real damage. He writes:

...our identity is partly shaped by recognition or its absence, often by the misrecognition of others, and so a person or group of people can suffer real damage, real distortion, if the people or society around them mirror back to them a confining or demeaning compatible picture of themselves. Nonrecognition or misrecognition can inflict harm, can be a form of oppression, imprisoning someone in a false, distorted, and reduced mode of being.<sup>392</sup> The projection of an inferior or demeaning image on another can actually distort and oppress, to the extent that the image is internalized.<sup>393</sup>

Taylor speaks of a psychological need to be recognized. The harm, then, that comes from nonrecognition or misrecognition is accordingly psychological, manifesting in low self-esteem, lack of confidence, and an inauthentic sense of self as the sufferer has internalized the imposed, distorted identity. Although Taylor discusses the harms of nonrecognition in the context of minority groups in democratic states, his analysis holds equally for citizens of unrecognized states. The absence of recognition inflicts similar psychological abuse on inhabitants of unrecognized states.

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<sup>392</sup> Charles Taylor, "The Politics of Recognition," in *Multiculturalism: Examining the Politics of Recognition*, ed. Amy Gutmann, (Princeton University Press, 1994), 26.

<sup>393</sup> Taylor, *The Politics*, 36.

Unrecognized citizens suffer real distortion of their identity. They identify themselves as Abkhazians, Transnistrians, Palestinians, etc., but the international community sees them as stateless. The denial of their legal identity renders them invisible. This invisibility produces self-doubt and disrupts both security and confidence. One of the interviewees confided in me that she used to hide her Palestinian passport when she traveled abroad. She explicitly said, “I used to be embarrassed of my passport and my problematic identity; I used to put my passport in my pocket and not in my hand. People see us in a very negative way, and I did not want to be identified like that.” This sense of embarrassment expressed by this interviewee is what Taylor considers a form of oppression that has led to an internalization of self-depreciation caused by withholding recognition. Victims of nonrecognition struggle for “a changed self-image, which takes place both within the subjugated and against the dominator...”<sup>394</sup>

Like Taylor, Honneth asserts that nonrecognition can inflict profound psychological harms. Honneth draws on Hegel’s early writings on recognition and the works of the psychologists George Mead and Donald Winnicott to develop a theory of recognition. Honneth identifies three forms of recognition: love, rights, and social esteem. He explains that these forms “have become institutionalized in our current societies: love belongs to the social institutions of family and to intimate relationship, rights to legal institutions and legal relationships, and social esteem to communities of value and to working life.”<sup>395</sup> According to Honneth, nonrecognition in any of these spheres can lead to imbalance in the individual’s development and personality. It can permanently traumatize people and hinder their formation of identity. The denial of recognition is a form of disrespect for Honneth. As he notes, “The experience of being

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<sup>394</sup> Taylor, *The Politics*, 97.

<sup>395</sup> Axel Honneth, *Disrespect: The Normative Foundations of Critical Theory*. (Cambridge: Polity, 2007), 129.

disrespected carries with it the danger of an injury that can bring the identity of the person as a whole to the point of collapse.”<sup>396</sup> Honneth lists three consequences of misrecognition that correspond to his forms of recognition: the violation of body (instead of love), the denial of rights/ social exclusion (instead of rights), and the denigration of ways of life (instead of social esteem). As will be demonstrated in this chapter and the next, the denial of recognition alienates citizens of unrecognized states and leads to experiences of disesteem.

Having described the harms of non-recognition according to Hegel, Taylor, and Honneth, one can plausibly conclude that the absence of legal recognition by the international community oppresses unrecognized citizens and deprives them of self-realization. Unrecognized citizens are in an oppressed and marginalized position within the sovereign state-system. All oppressed people suffer common restraints in their capacity to achieve self-realization. Iris Young identifies five faces of oppression:

- Exploitation: involves a systematic, unreciprocated transfer of power over someone who feels dominated.
- Marginalization: occurs when people are banished from meaningful participation in social life. “Marginals are people the system cannot or will not use”; “A whole category of people is expelled from useful participation in social life.”
- Powerlessness: results when people have limited opportunity to exercise autonomy in their everyday life because they lack status, authority or a positive sense of self. “The powerless are those who lack authority or power even in this mediated sense, those over whom power is exercised without their exercising it; the powerless are situated so that they must take orders and rarely have the right to give them.”
- Cultural Imperialism: establishes one dominant culture as the norm. “[T]o experience how the dominant meanings of a society render the particular perspective of one’s own group invisible at the same time as they stereotype one’s group and mark it as the Other.”

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<sup>396</sup> Axel Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflicts*. (Cambridge, MA: The MIT Press, 1995), 131-132.

- Violence: “Violence is systematic because it is directed at members of a group simply because they are members of that group.”<sup>397</sup>

Young argues that the presence of any one of the five conditions above is sufficient to consider a group oppressed. Unrecognized citizens suffer from at least marginalization and powerlessness by the international community. Most of the Palestinians I interviewed from the West Bank and Gaza reported difficulty when traveling. They pointed out specifically how their passports are often questioned by airline employees in airports.<sup>398</sup> One of the interviewees from Bethlehem said to me jokingly, “The Palestinian passport does not even grant me the right to go to the bathroom, never mind the world.” This is an example of how nonrecognition creates oppressive experiences for citizens of these entities. It creates restrictive structures of forces and barriers that lead to oppressive passivity and feelings of powerlessness. It is important to bear in mind, however, that unrecognized citizens are recognized by their own entities. As I indicated at the outset of the chapter, the two realities, the recognition on the national level and the nonrecognition on the international level, are intertwined, in that one affects and co-constitutes the other. Together, they produce unrecognized citizenship, which I will continue to unfold as I discuss the different dimensions of citizenship in the context of nonrecognition.

It should be pointed out that not all citizens of unrecognized states experience oppression in the same way. From intersectionality, we know that categories of power relations, such as race, gender, social class, religion, sexuality, and ability, simultaneously affect the experiences of

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<sup>397</sup> Iris M. Young “Five Faces of Oppression.” In Iris Young, *Justice and the Politics of Difference*, (Princeton University Press, 1990), 39-65. <https://contensis.uwaterloo.ca/sites/courses-archive/1185/PHIL-324/media/documents/10a-young-1990-five-faces-of-oppression.pdf>

<sup>398</sup> Of course, in the Palestinian case, the difficulty of traveling abroad is also related to the Israeli occupation and the restrictions imposed by the Israeli government on the Palestinians. For more on this see, Hagar Kotef, *Movement and the Ordering of Freedom: On Liberal Governances of Mobility* (Duke University Press, 2015).

individuals. Any of these factors can oppress or privilege people in unique ways. Just like not all women experience the impacts of gender inequality in the same way (white and black women for example face different forms of oppression and discrimination), not all citizens of unrecognized states experience disesteem and invisibility equally. A privileged Palestinian with a diplomatic passport does not share the same experience of invisibility with the Palestinian who told me that his Palestinian passport does not grant him the right to go to the bathroom. With this in mind, I will next discuss how nonrecognition marginalizes citizens of unrecognized states and denies them the right to live normally in the world.

## **Nonrecognition: An Oppressive Political Fact**

As I indicated earlier, citizens of unrecognized states are stuck between a political fact and a conflicting existential truth. The reality of nonrecognition is a political fact that does not only affect the entities and their development, as observed in chapter four, but also impacts inhabitants of these unrecognized states as well as their ability to live normally in the world. As noted in chapter one, recognition has mainly been examined in relation to the state. There are many studies that analyze the impact of nonrecognition on these entities and how they manage to survive. Yet, there is no scholarship on the impact of nonrecognition on the quality and functioning of citizenship. In the previous chapters, I have discussed what international recognition indicates. I have explained the different types of recognition (titular, partial, paltry, patron, peer, and zero recognition) and analyzed the implications of nonrecognition on the entities.<sup>399</sup> I now seek to shift my focus and extend the analysis to the citizens and their plight with nonrecognition.

Citizens of unrecognized states struggle to do things that citizens of fully-fledged states take for granted, including making bank transfers, studying abroad, and traveling overseas with a recognized international passport. For instance, getting money into an unrecognized state can be tricky and expensive. A Transnistrian businessman told Thomas De Waal that his payments to clients have to be routed via three banks.<sup>400</sup> Companies such as PayPal and Venmo, which enable simple and quick transfer of money, do not offer services in most unrecognized states. Many global corporations have followed suit of the international community in not recognizing these entities. A case in point is the company Amazon, which penalizes Palestinians in the West Bank for listing their address as the “Palestinian Territories.” Amazon offers free deliveries to the illegal Israeli settlements in the West Bank yet charges neighboring Palestinian communities for its services unless they select their address as being in Israel instead of the Palestinian Territories.<sup>401</sup> Amazon is essentially legitimizing the settlements while upholding the non-recognition of the Palestinian Territories.

Citizens of unrecognized states also struggle with ordinary practices, such as sending and receiving international mail. Unrecognized states have no international postal address. The Universal Postal Union (UPU), which coordinates postal policies among UN members to improve global deliveries, does not allow direct deliveries to these self-proclaimed states, and thus mail has to be re-routed via a third party. Here are a few examples of where mail must be

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<sup>399</sup> See Deon Geldenhuys, *Contested States in World Politics* (Palgrave Macmillan, 2009), 25-26.

<sup>400</sup> Thomas De Waal, “The Strange life and Curious Sustainability of De Facto States”, *New Eastern Europe*, April, 26, 2018, <https://neweasterneurope.eu/2018/04/26/uncertain-territory-strange-life-curious-sustainability-de-facto-states/>

<sup>401</sup> For more on this see Ilan Ben Zion and Max Harlow, “Amazon Accused of Bias in West Bank Settlements,” *Financial Times*, February, 13, 2020, London. <https://www.ft.com/content/7b5699fe-48c5-11ea-acc2-9ddbdc86190d>. Also see, *The Global Economics*, “Amazon in a Soup over West Bank Settlements Accusation,” Feb, 16, 2020. <https://www.theglobaleconomics.com/2020/02/16/amazon-in-a-soup-over-west-bank-settlements-accusation/>

rerouted in order to reach its unrecognized state destination: in Abkhazia the mail has to be rerouted via the Russian city of Sochi; in Kosovo via Serbia; in Transnistria via Moldova; and in Palestine via Israel. I asked two Palestinian college students from Bethlehem if they have international postal services. They both contemplated for a minute and then one of them said no and the other told me, “I’m not sure, but if there is one, it is dysfunctional.” The fact is in 2009 Palestine was assigned international zip codes, yet the mail still had to go through Israel, which means that it might take months and sometimes years before it is received. A Palestinian from Jericho told the press that ordering goods online is a challenge. He explained:

The problem that I suffer from is that the mail is very delayed. For example, you order something and the website will tell you it will arrive within 20 to 30 days, and after 30 days you get a note that it reached Jerusalem or Israel. After that, a day or two later, we come to check with the Palestinian post office here in Jericho, and they say we did not receive it yet from the Israeli side and this thing takes months.<sup>402</sup>

In 2018, Israel handed Palestinian postal workers 10 tons of mail that had been held for eight years. The mountain of post included medicine, toys, and wheelchairs. Allam Moussa, the

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<sup>402</sup> *Associate Press* “Palestinians Sort Through 8 Years of Mail Held By Israel,” *New York Post*, August, 2018, <https://nypost.com/2018/08/19/palestinians-sort-through-8-years-of-mail-held-by-israel/>





*Figure 2: A Palestinian postal worker sorting through thousands of mail sacks sent by mail eight years ago. (Photo by Atef Safadi/EPA).<sup>403</sup>*

the minister of communication and information technology for the Palestinian Authority said the delay had “implications for citizens’ confidence in Palestinian mail.”<sup>404</sup> Although the Palestinian Authority is not the one at fault for the seized mail, the non-delivery of mail by Israel undermines the Palestinian Authority and lays bare its weakness to operate effectively. Moussa also disclosed that the delay had contributed to thousands of dollars in losses for the Palestinian

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<sup>403</sup>Oliver Holmes, “You’ve Got Mail, Finally: Israel allows ten tonnes of Mail into the West Bank,” *Guardian*, 16 August, 2018, <https://www.theguardian.com/world/2018/aug/16/blocked-by-israel-eight-years-palestinian-mail-arrives-postal-west-bank-letters-parcels>

<sup>404</sup> Megan Specia, “Palestinian Mail Reaches the West Bank, 8 years late,” *New York Times*, August, 2018, <https://www.nytimes.com/2018/08/15/world/middleeast/israel-west-bank-mail.html>

Post. Palestinian officials attest that such control cripples their economy and freedom of movement.<sup>405</sup>

Unrecognized states are shunned from the “family of nations” and thus their citizens are marginalized and deprived of basic services such as receiving mail. The citizens of these entities are also excluded from international opportunities and competitions. Only three unrecognized states, namely Palestine, Taiwan, and Kosovo, are allowed to compete in the Olympics.<sup>406</sup>

Citizens of unrecognized states are deprived of representing their countries at the international stage. Runner Salah Ameidan, who is originally Sahrawi, participated for ten years in international races under the Moroccan flag. In 2004, during a race in France, in the last few hundred meters of the race Ameidan unfurled the Sahrawi flag above his head. He was later banned from racing for Morocco and has not competed for any nation since.<sup>407</sup> For a citizen of a recognized state, raising the flag of one’s country at the Olympics is a normal, customary act. For a citizen of an unrecognized state, though, it is an act of resistance that demonstrates what has been denied. Eiki Berg, an Estonian scholar who studies unrecognized states, describes the condition of unrecognized citizens as follows:

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<sup>405</sup> In 2019, the Palestinian Authority’s request to join UPU was rejected. But in February 2020, UPU recognized Palestine’s right to have direct postal exchange with the world through Jordan without any restrictions and to be reimbursed for fees Israel has been collecting on the Palestinian postal service since 1995. In February, 2021, the Palestinian Authority announced that it will start the use of its own postal codes for use in Palestinian territories from April. The Palestinian minister of communications Ishaq Sidr told Aljazeera that this move is intended to assert Palestinian sovereignty over the postal services. For more on this see, “UPU Issues Statement on Membership Application from State of Palestine,” *Universal Postal System*, 18 September, 2019, <https://www.upu.int/en/News/2019/9/UPU-issues-statement-on-membership-application-from-State-of-Palestine>; see Palestinian Postal Authority will use Its Own Postal Codes from April, *People’s Dispatch*, 08 February, 2021, <https://peoplesdispatch.org/2021/02/08/palestinian-authority-will-use-its-own-postal-codes-from-april/>; “Palestinians Launch Postcodes in Assertion of Sovereignty,” *Al Jazeera*, 7 February, 2021, <https://www.aljazeera.com/news/2021/2/7/palestinians-launch-postcodes-in-assertion-of-sovereignty>.

<sup>406</sup> See Olympstats, “Unrecognized States at the Olympics,” Nov, 4, 2014, <https://olympstats.com/2014/11/04/unrecognized-states-at-the-olympics/>

<sup>407</sup> Olympstats.

Generally speaking, people living in entities of pariah status suffer from political isolation: the absence of official bilateral representation and exclusion from inter-governmental organization; economic isolation: sanctions aimed at restricting the flow of goods and services to and from the de facto state; and finally sociocultural isolation, which excludes contestants from sporting events or restricts its nationals' ability to travel abroad.<sup>408</sup>

Citizens of unrecognized states are marginalized and denied access to opportunities available to citizens of recognized states. To put it simply, the political fact of nonrecognition deprives citizens of unrecognized states of the right to live a normal life. As an Abkhazian diplomat explains in the documentary film *Letters to Max*:

For me recognition of Abkhazia means to let people to live a normal life like many people in the world, they should be able to travel with their passports. They should be able to enter universities anywhere they wish. They should be able to be tourists in any country in the world. They should be able to do all those simple things that today our people cannot do. Recognition for Abkhazia would mean stability, prosperity, possibilities for using all gates of Abkhazia. Now we develop with many gates closed.<sup>409</sup>

The struggle for unrecognized citizens to do mundane activities is an indicator of oppression. Specifically, it is an indication of marginalization. The marginalization and the difficulties that citizens of unrecognized states come up against are because the rest of the world does not accept the existence of the places in which they live.

Accordingly, unrecognized citizens are denied the right to live in the world.

In his article, "The Right to Live in the World: The Disabled in the Law of Torts," Jacobus tenBroek explains that the right to live in the world is not merely about the right to be alive. He

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<sup>408</sup> Harrison Jones, "Unrecognized Passports and no McDonald's: What Life is Like in 'States that Don't Exist,'" *Metro*, Feb, 12, 2022, <https://metro.co.uk/2022/02/13/unrecognised-passports-and-no-mcdonalds-what-life-is-like-in-states-that-dont-exist-16077199/>

<sup>409</sup> *Letters to Max*, directed by Eric Baudelaire (2014; Poulet-Malassis. La Région Île-de-France) <https://mubi.com/films/letters-to-max>.

writes, “The right to live in the world is something more than the right to remain in it.”<sup>410</sup>

TenBroek affirms that the right to live in the world includes the right to interact in the world and move around in it. He argues that for disabled people, the right to live in the world requires physical access to make the right meaningful. As he puts it, “If disabled people have the right to live in the world, they must have the right to make their way into it and therefore must be entitled to use the indispensable means of access, and to use them on terms that will make the original right effective.”<sup>411</sup> I argue that for citizens of unrecognized states, the right to live in the world requires international recognition. Without that recognition, which grants access to the world, citizens of unrecognized states are not able to live a normal, productive life where they can travel, conduct business in this globalized world, attend conferences and sporting events, and contribute to the world’s progress and knowledge. A case in point is the story of Ahmet Sozen, the chair of political science and international relations at a university in the Turkish Republic of Northern Cyprus (TRNC). In an interview with a news outlet, Sozen describes how his situation as a scholar has changed after he moved from being a professor at a Turkish university to a professor at TRNC. He tells a story of being invited to speak at the Italian Senate on the topic of Turkish foreign policy and was derided as an “illegal professor” by the ambassador of the Republic of Cyprus at the time. He says “there used to be no problem with conferences” when he was at a Turkish university. Now that he is in TRNC he observed: “I still receive invitations because I have a reputation as a scholar, but they tell me that you should not use your

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<sup>410</sup> Jacobus TenBroek, “The Right to Live in the World: The Disabled in the Law of Torts.” *California Law Review* 54, no. 2 (1966): 852.

<sup>411</sup> TenBroek, *The Right*, 848.

affiliation.”<sup>412</sup> Sozen explains that his degrees are not disputed since they are from recognized countries, namely, Turkey and the U.S., but his affiliation with “Eastern Mediterranean University,” an institution in an unrecognized state, causes problems for conference organizers, and that is why he is often asked not to use it. Academia is not immune to or devoid of politics. While an academic professional association may not ban a scholar from an unrecognized state from attending a conference, its leadership might come under pressure for acknowledging or, what some might call “legitimizing”, an institution in an unrecognized state. Thus, as this example illustrates, citizens of unrecognized states face difficulties in their interaction with the world. While they are allowed to remain in it, their access to it is very limited and is conditioned on invisibility. Sozen was asked not to use his affiliation. His country has to remain invisible for him to gain access to the world as a scholar.

Unrecognized states and their citizens are made invisible by being removed from the international stage. Unrecognized states are treated as places that, legally speaking, do not exist and therefore their citizens cannot be seen. The fact that unrecognized states do not have a postal address is very telling. It is an implication of invisibility and nonexistence. A postal address identifies our home’s location in the world and is an indication of existence. As illustrated above, however, for millions of people who live in unrecognized states, their geographical location is neither marked nor identified but rather disregarded from the international postal address. When you open up the drop-down box to search for the international postal address of countries, Abkhazia, Kosovo, Transnistria and other unrecognized states, are not listed. They simply do not

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<sup>412</sup> Harrison Jones, “Unrecognized Passports and no McDonald’s: What Life is Like in ‘States that Don’t Exist,’” *Metro*, Feb, 12, 2022, <https://metro.co.uk/2022/02/13/unrecognised-passports-and-no-mcdonalds-what-life-is-like-in-states-that-dont-exist-16077199/>

exist on the international stage. The processes of invisibilization are closely intertwined with those of marginalization. As observed by Benno Herzog, exclusion and marginalization can be understood “as processes of silencing or of invisibilizing important social groups.”<sup>413</sup> Similarly, Laura Hammond notes that invisibilization is a “a particular brand of marginalization that effectively removes people from the gaze of the public.”<sup>414</sup> Thus, one can say that invisibilization is a step beyond marginalization or an extreme form of marginalization. Invisibilization extends marginalization a step further to the impossibility of perceiving the presence of the other, even when physically present. It is “a way of making the seen disappear in plain sight.”<sup>415</sup>

In their book *Sovereignty Suspended: Building the So-Called State*, Rebecca Bryant and Mete Hatay explain that invisibilization of unrecognized states is manifested by the use of quotation marks:

One of the most tangible ways in which this invisibilization or refusal to see is manifested in everyday life is in the use of quotation marks to describe everything referring to the so-called state and the people who live within it. The TRNC is the “TRNC,” and it is not a state but a “state.” ...and those people who live there and claim rights in the “states” are not citizens but “citizens.” Quotation marks...acknowledge something as real and say that it cannot or should not be seen as real.<sup>416</sup>

Most recognized states actively invisibilize these countries and their citizens by omitting them from maps, list of countries, and even refusing to mention their names. One of the Palestinians I interviewed has been studying in Italy. She showed me her residency-permit document from the Italian government. Pointing at her ID number, she said, “As you know all countries have

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<sup>413</sup> Benno Herzog, “Invisibilization and Silencing as an Ethical and Sociological Challenge,” *Social Epistemology*, 32, no. 1 (2008): 2.

<sup>414</sup> Laura Hammond, “Strategies of Invisibilization: How Ethiopia's Resettlement Programme Hides the Poorest of the Poor,” *Journal of Refugee Studies* 21, no. 4 (December 2008): 519.

<sup>415</sup> Donald Martin Carter, *Navigating the African Diaspora: The Anthropology of Invisibility*, (University of Minnesota Press, 2010), 13.

<sup>416</sup> Rebecca Bryant and Mete Hatay, *Sovereignty Suspended: Political life in a So-Called State*, (University of Pennsylvania Press, 2020), 18.

abbreviation letters. For example, United Arab Emirates is UAE, and United Kingdom is UK. Every foreign student is given an ID number followed by the letters of their country of origin. Mine is the letter Q.” She paused and then continued, “Q stands for questionable. My country is questionable for Italy.” Then she pulled from her file another document and stated, “This paper is from the university. In here my country is listed as Territory of Palestine, but they had to enter it manually as it was not among the list of countries.” Not including these unrecognized states in the drop-down lists is an attempt on behalf of the community of recognized states to erase the presence of these entities and their citizens.

The United States went even further, altering history to avoid using the name Palestine. My father was born in 1946 in Haifa, Mandatory Palestine, two years before the creation of Israel. Yet on his permanent resident card, his country of birth is listed as Israel and not Palestine or mandatory Palestine (see Figure #3)



Figure 3: Green Card

The international state-system actively attempts to efface these entities and their citizens. As a consequence of this nonrecognition and invisibilization, the citizens of these self-proclaimed states are considered stateless, both by the international community and the academic

community. This is not a completely wrong categorization of inhabitants of these entities. I argue, rather, that this designation is limited in its analysis to one reality and that is the reality of nonrecognition. However, there is another reality that should be considered here, and that is the reality of lived experiences within these entities, which emphasizes statehood and citizenship, negating statelessness. In what follows, I will discuss how inhabitants of unrecognized states encounter this other reality in which they are citizens.

## **The Existential Truth of Citizenship and Statehood**

Despite being oppressed through nonrecognition, unrecognized citizens experience and practice citizenship in everyday life. Citizens of these entities see their state as a real political entity that governs and provides them with institutions and services, such as schools, hospitals, and courts. Similar to citizens of a recognized state, citizens of unrecognized states have comparable and meaningful daily interactions with their state. They engage with the state when applying for birth or death certificates, when filing for divorces, when receiving traffic tickets, or when paying annual taxes. For citizens of these entities, these documents, licenses certificates, and laws are neither fake nor issued by a fake state; rather, they are real and consequential. Citizens of unrecognized states vote and run for office. They protest, petition, and form movements and civil organizations to pressure their governments and hold them accountable. Citizens of unrecognized states like their counterparts in recognized states are barraged by campaign commercials and advertisements. Donnacha Ó Beacháin examined electoral politics in Abkhazia, Nagorno Karabakh, and Transnistria and noted that some campaigns are run very



professionally and are similar to western campaigns.<sup>417</sup> In his documentary titled *Letters to Max*, Eric Baudelaire asks an Abkhazian diplomat, “What does a diplomat for a country that isn’t recognized do when he comes in the office in the morning?”<sup>418</sup> Max the diplomat answers:

Diplomat of a country which is not recognized, do exactly the same as diplomats of recognized country, maybe I have even more job to do ... I spend three hours for correspondence in the morning, then I spend another three or four hours of correspondence in the evening, I had to lobby for recognition, it took me a lot to communicate with different parts of the world.<sup>419</sup>

The point here is that like citizens of recognized states, citizens of unrecognized states engage in similar political activities and experience comparable political environments. Moreover, some of them practice citizenship outside formal political channels. As one of my interviewees from the West Bank attested, “I consider myself a good citizen. I work to better my country and my people. I do that outside the formal political realm and even when I do vote, I go to practice my right but I leave it blank because I don’t believe in any of the candidates.”<sup>420</sup>

Put very simply, for citizens of an unrecognized state, their state is an existential truth, a material practice and structure that can be felt and seen. Of course, this truth is primarily produced and constructed by the unrecognized states, which perform statehood in everyday life and operate as if they were in fact recognized. Unrecognized states promote this reality of normalcy and regularity by issuing identification cards; passports; and by having constitutions, flags, anthems, courts, legal systems, and police forces. Unrecognized states put their statehood on display by using the word “state” on governmental buildings and official documents, which

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<sup>417</sup> Donnacha Ó Beacháin, “Elections Without Recognition: Presidential and Parliamentary Contests in Abkhazia and Nagorny Karabakh,” *Caucus Survey*, 3 (2015): 239-257.

<sup>418</sup> Baudelaire *Letters*.

<sup>419</sup> Baudelaire, *Letters*.

<sup>420</sup> The practice of citizenship in unrecognized states will be discussed in further detail in the next chapter.

impresses this reality on the minds of their citizens even further. It is important to point out that this reality of statehood and citizenship is not a unilateral interaction or a one-way street imposed by the state alone. Citizens also play a role in validating and producing the state through their citizenship practice. In this regard, unrecognized states are not unique or incomparable in their practices of state-ness. As was illustrated in the previous chapter, unrecognized states engage in state-building projects and practices in a manner akin to a state. The uniqueness, however, stems from existing within the bounds of two opposing realities. These two realities or experiences coexist and correlate. They cannot, therefore, be disaggregated or analyzed apart. Citizenship in unrecognized states is negotiated, practiced, and performed within the confines of the two realities: one that denies the existence of these states and thus considers inhabitants of these entities stateless, and the other which emphasizes statehood and grants citizenship status. These two realities were clearly conveyed by my interviewees. One of them told me, “I’m stateless when I go outside my country and citizen inside.” Another one said, “I’m in between.” However, when I specifically asked if they consider themselves stateless, all interviewees insisted that they are not. One said, “Of course, I’m not, I have a passport.” Another told me, “I’m not stateless but I’m not a complete citizen either. I have an incomplete citizenship.” One asserted that she is not stateless and continued to say, “In fact, I am a citizen controlled by two authorities, one is supposed to represent me and is made up of my own people and the other is Israel. As a citizen I’m fighting both; the first because it is corrupt and the second because it is an occupation.” Another interviewee said to me, “I’m not stateless because I have a state that represents me and I

have rights and obligations. The Palestinians in Jerusalem are stateless but we [referring to Palestinians in the West Bank] are not.”<sup>421</sup>

Being stateless is not how most people in these entities see themselves, but it is how the international community sees them. Statelessness, as was mentioned in chapter two, is a condition in which an individual is not recognized as a member by any state and, therefore, lacks a legal identity. From the international community’s point of view, inhabitants of these entities are stateless since their entities are not recognized as states. But to identify inhabitants of these entities as stateless, is to ignore their reality of citizenship, which exists alongside their reality of nonrecognition. Statelessness is not the condition of the people of these entities but a result of the hegemonic narrative in the international community. Citizens of these entities are misrecognized as stateless; they are labelled in a way that does not accord with their self-identity. They do not identify as stateless but as citizens of Abkhazia, citizens of Transnistria, of TRNC, of Taiwan, and Palestine. The reality of their lived experiences testifies to that. I argue that the condition of limbo created by the two realities discussed above, results not in statelessness but rather a quasi-form of citizenship that I call “unrecognized citizenship”. Unrecognized citizenship exists in between statelessness and full citizenship. By way of clarification on this, it is worth elaborating further on statelessness to juxtapose it against the plight of inhabitants of these entities, demonstrating the similarities and the differences between the two conditions.

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<sup>421</sup> Palestinians in East Jerusalem, unlike the Palestinians in the West Bank and Gaza are not represented nor are they governed by the Palestinian Authority. Israel prevents the Palestinian Authority from having any jurisdiction in Jerusalem. Palestinians in East Jerusalem are neither citizens of Israel, nor citizens of Palestine. They are permanent residents in their own homes. For more on the status of Palestinian in Jerusalem see, Danielle C. Jefferis, “Institutionalizing Statelessness: The Revocation of Residency Rights of Palestinians in East Jerusalem,” *International Journal of Refugee Law* 24, no. 2, (May 2012): 202-230; “Permanent Residency: A Temporary Status Set in Stone Permanent Residency: A Temporary Status Set in Stone” (ir amim: 2012. <https://www.ir-amim.org.il/sites/default/files/permanent%20residency.pdf>).

## Statelessness

Statelessness is characterized by the absence of a recognized legal bond between an individual and any state.<sup>422</sup> Consequently, stateless people are not entitled to legal standing within a state, nor are they entitled to any of the accompanying rights and protections this legal standing bestows. Giorgio Agamben summarizes the condition of statelessness most eloquently.

He writes:

Excluded from the religious community and from all political life: He cannot participate in the rites of his gens, nor [...] can he perform any juridically valid act. What is more, his entire existence is reduced to a bare life stripped of every right by virtue of the fact that anyone can kill him without committing homicide; he can save himself only in perpetual flight or a foreign land.<sup>423</sup>

Of course, it is not codified in the law as legal to kill stateless persons, but what Agamben is seeking to underline here is that stateless persons can be subjected to any manner of violence with impunity or very little recourse. Agamben's bare life concept is a life that has been stripped of political existence and reduced to its minimal threshold of biological activity. This can be traced back to Aristotle's notion of the two fundamental kinds of life: *zoe* and *bios*. The former refers to the biological life that we share in common with animals, the latter is distinctively human and pertains to our political capacities for speech and action. Stateless persons, Agamben argues, lie outside political existence. They are displaced into a sphere of mere biological survival. According to Agamben, a stateless person is not "simply set outside the law and made

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<sup>422</sup> The term stateless has been used in many different contexts and applied to various people, including citizens. Some scholars use the term stateless to refer to refugees who have lost the protection of their state and were forced to leave their country due to persecution, war, or violence. Others have applied the term to victims of Hurricane Katrina, due to their trying experience. See The United Nations Refugee Agency (UNHCR), "The 1951 Refugee Convention: Relating to the Status of Refugees," <https://www.unhcr.org/3b66c2aa10.html>. See, Lolita Inness, "A Domestic Right of Return? Race, Rights, and Residency in New Orleans in the Aftermath of Hurricane Katrina," *Boston College Third World Law Journal* 27, no. 2 (April, 2007): 331.

<sup>423</sup> Giorgio Agamben, *Homo Sacer* (Stanford, California: Stanford University Press, 1998), 183.

indifferent to it, but is rather abandoned by it, that is, exposed and threatened on the threshold in which life and law, outside and inside become indistinguishable.”<sup>424</sup> Agamben opines that stateless persons are essentially beyond the protection of the law; they are outside the legal system.

In the same vein Hannah Arendt, who herself was stateless, affirms that stateless people are left outside the state and consequently outside the pale of law, making them vulnerable to abuse, poverty, and marginalization in all its forms. In her book the *Origins of Totalitarianism*, Arendt explicates that the tragedy of stateless people is not that

They are deprived of life, liberty and the pursuit of happiness, or of equality before the law and freedom of opinion-formulas which were designed to solve problems within given communities-but that they no longer belong to any community whatsoever. Their plight is not that they are not equal before the law, but that no law exists for them; not that are oppressed but that nobody wants even to oppress them.<sup>425</sup>

What Arendt is saying here suggests that stateless persons have lost the right to membership in a political community and all the subsequent rights constituted by having membership in that community. Simply put, they have lost the “right to have rights”. As discussed in chapter two, the right to have rights does not pertain to a specific set of rights but is about the right to be a part of a “community willing and able to guarantee any rights whatsoever.”<sup>426</sup> The crux of the problem for stateless people, in Arendt’s terms, can be located in their incapacity to claim rights. That is to say that stateless people might have access to citizenship rights, but they are not entitled to them. I take the word entitlement here to mean a legitimate claim, rather than charity or something undeserved. Entitlements are not discretionary but rather codified in law and,

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<sup>424</sup> Agamben, *Homo*, 28.

<sup>425</sup> Hannah Arendt, *The Origins of Totalitarianism*, new with add prefaces ed. (San Diego: Harcourt Brace Jovanovich, 1979), 295-296.

<sup>426</sup> Arendt, *The Origins*, 297.

therefore, the political community is obligated to respect them.<sup>427</sup> When a person is entitled to something, she/he is empowered, and enabled to lay claim to that thing. Citizenship arms a person with a sense of entitlement. Through the mechanism of citizenship, humans become legal, entitled persons. Even when the citizen's rights are being abused and denied, the fact that she is entitled to these rights empowers her and puts her in a better position to demand her rights and hold government accountable. Stateless persons, however, are not entitled to legal standing within a state and, therefore, cannot employ this framework of entitlement to claim rights. Stateless persons can only ask for charity; they cannot expect any rights or legal obligations. As Arendt argues, "The prolongation of their lives is due to charity and not to right, for no law exists which could force the nations to feed them; their freedom of movement, if they have it at all, gives them no right to residence which even the jailed criminal enjoys as a matter of course... To become a refugee is to become a charity case."<sup>428</sup>

By way of example, when my father, who was stateless, had cancer, he was not entitled to any medical assistance from the Lebanese government, where he used to live. While Lebanese citizens were entitled to receive some assistance and medications from the government, my family knew that any assistance we got was considered charity and was not warranted by law. In fact, we had to break the law to obtain cancer medications. A relative of my mother knew somebody who worked in the ministry of health. We were told to go to *Karantina*, a facility where Lebanese citizens receive subsidized medications, and ask for an employee there who was willing to help. I remember vividly standing in line with Lebanese citizens who were waiting for

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<sup>427</sup> See Beth J. Singer, *Operative Rights* (Albany: State University of New York Press, 1993), 218; Nancy Hirschmann, "Disability Rights, Social Rights and Freedom," *Journal of International Political Theory* 12, no. 1 (2016): 42-57.

<sup>428</sup> Arendt, *The Origins*, 296.

their medications. As the line was long, people were chatting with each other and sharing their stories. However, knowing that I was doing something illegal, I tried to keep to myself, hid my father's paperwork (a distinctive green ID that is given only to Palestinian refugees), and tried to come up with a Lebanese family name just in case somebody started small talk with me. I was simply terrified, cognizant of the scandal that would ensue if I were discovered. Thankfully, my turn came and I was taken inside closed doors where I acquired a dose of my father's cancer medications. I had to go through this three times, as our relative managed to help us obtain, illegally, three doses of chemotherapy. As a stateless person, my father, had no state in which to lodge a claim for rights. It is worth mentioning that two years later my father had a cancer recurrence and was treated in the U.S.; by then, he was a U.S. permanent resident. His legal status in the U.S., even as a green card holder, made him eligible to receive Medicaid benefits in Pennsylvania.

Of course, rights, including the right to health assistance, could very well be denied to citizens too, such as in the United States where health insurance companies can deny coverage if they have a valid reason for doing so. But the fact that individuals have rights qua citizenship status and not qua being human, gives citizens the legitimacy to claim rights, but deprives stateless persons of the same thing. A stateless person is not a someone who is denied protection or rights due to discrimination by the state where she is a citizen, but rather someone who is not recognized as a citizen by any state and, therefore, is not entitled to any services or rights. Before becoming a permanent resident of the U.S. my father was a stateless person and had no right to claim a right. My father was basically living Arendt's observation that, by not being a legal member of a political community, he had no legitimate claim to rights.

By way of contrast, I would like to recount my conversation with one of the interviewees in the West Bank, who coincidentally spoke about her experience when her father had cancer. I was asking her about her rights in the Palestinian territories and like most interviewees she pointed out that “Under the law we have rights as citizens but these rights are not well implemented.” She told me, “The law for social security and health care programs exists but is not effectively implemented...what works is, *mahsoubia*.” *mahsoubia* is an Arabic word that loosely translates into nepotism. “I will tell you a story that happened to me,” she said, “My neighbor had cancer and because he is connected, his cancer treatment was all covered and not only that, but also the government paid for him to be treated in Jordan. But when my father had cancer, we had a very different experience because we do not know people high up in the government, we struggled to provide for his treatments.” She continued, “One day I lost it and went to the ministry of health in Nablus and started yelling. I told them I’m not here to beg, I’m here to ask for my rights and my father’s rights.” I interrupted her to ask what rights she was referring to, and she explained “the rights that we are guaranteed as citizens by the legislations and the laws that govern us. The rights that they claim we have and they teach us about in school, but when we grow-up we learn that in practice not everybody has these rights. So, to answer your question, yes, we have rights but we don’t have equality under the law because of *mahsoubia*.”

What struck me in her story was her sense of ownership and belonging. By belonging I do not mean identity but rather recognition. She realizes that she is recognized as a member of the political community and therefore she was able to use that platform to invoke citizenship rights. Admittedly, I was able to obtain chemotherapy for my father as she was, but the approach was strikingly different. She was protesting, trying to be seen by her state, asking for rights



guaranteed by the law. By contrast, I was trying to be invisible because I was not recognized as a member of the political community and had no right to be there or receive any assistance. While her presence in the governmental building was legal and can even be described as civil disobedience, mine was not. My family's struggle to attain a cancer treatment emanates from the fact that we are not entitled to legal standing in a state and all the concomitant rights and protection it confers. To use Arendt's term again, my family did not "have the right to have rights." For the interviewee, however, the struggle emanates from the corruption of the state and class discrimination. I will discuss the issue of corruption in unrecognized states in the next chapter, but for now it suffices to say that such corruption is not unrelated to the lack of recognition. Class discrimination in a corrupt state was the main problem in the interviewee's situation. She has the right to have rights and she was claiming it, but class discrimination prevented easy access to treatment. A useful way of looking at this may be through the analogy of the right to education. Children who face challenges of varying degrees in their enjoyment of the right to an education are violated in different ways than girls under the Taliban rule who are denied the right to education, a basic human right. The right of every child to attend school is prior to any other right. Although, the right to education should also encompass the right to a certain standard of education, the problems are uniquely different and, thus, require different strategies to address them. For example, making schools adaptable to the needs of all learners does not address the issue of those girls who are banned from attending school in the first place. In a similar way, the interviewee in the story above was not banned from receiving health care. To the contrary, there is a law that protects her right to health care. She was, however, experiencing class discrimination, as the word she used, *mahsoubia*, illustrates, and thus her

access to health care was jeopardized. In my father's case, however, health care in Lebanon was denied legally due to lack of membership in the state.

To conclude, statelessness is etymologically a negative term signifying the loss of membership in a political community. Stateless people are not recognized by any political entity. Therefore, they have no legal status as rights-bearing individuals and are unable to legitimately claim rights. They are only entitled to human rights, which can neither produce effective legal claims nor create legal obligations on states to protect and honor these rights.<sup>429</sup> What the stateless persons lack is the right to membership in a political community and all the subsequent rights constituted by having membership in that community. Citizens of unrecognized states, however, have "the right to have rights" as they are recognized by their own political entities. The category of unrecognized citizenship is the focus of the next section.

## **Unrecognized Citizenship**

As was established in the previous chapters, citizenship is hierarchical, both nationally and internationally. In earlier chapters, I have presented several examples of the varying degrees of citizenship status, such as the different statuses between naturalized citizens, *jus soli* citizens, and *jus sanguinis* citizens in the U.S.; *denizens* in Europe; and the status of residents of unincorporated territories, such as Puerto Ricans. I have also presented examples of the international hierarchies of citizenship by juxtaposing citizens of the developing and the

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<sup>429</sup> In theory, the Human Rights doctrine aims to disconnect rights from membership and universalize them. As articulated by Gerard Delanty, "Human rights are based on ethical and legal concept of the individual; citizenship rights are based on a political and legal understanding of the individual. They share a legal conception of the individual but differ with respect of their universality. Human rights are basic ethical rights that all individuals enjoy by virtue of their common humanity, whereas citizenship rights are specific to a particular political community." See Gerard Delanty, *Citizenship in a Global Age*, repr. ed. (Buckingham [u.a.]: Open Univ. Press, 2002), 69.

developed world. Accordingly, I argued against the notion of a binary distinction between citizens and non-citizens, asserting that there are degrees of citizenship that exist in between these two categories. Quasi-citizenship is one of these in-between categories. The concept of quasi-citizenship emerges out of a wide variety of citizenship constellations that ranges from full citizenship to non-citizenship. The term “quasi-citizenship” has appeared in the citizenship literature to describe the status of those who have been accorded a set of rights, usually reserved for citizens, without granting them full citizenship status. Several countries have adopted laws that provided quasi-citizenship to co-ethnics in neighboring countries. Hungary, Slovenia, Bulgaria, Poland, and Turkey, all have introduced a form of quasi-citizenship to maintain a relationship with their co-ethnics residing abroad and holding the citizenship of their country of residence. Countries have also granted quasi-citizenship to denizens or long-term residents, giving them access to employment, education, and sometimes to the right to vote in local elections.

Citizenship in unrecognized states, or what I call “unrecognized citizenship”, is a distinct form of quasi-citizenship. Like quasi-citizens, unrecognized citizens have partial but not full citizenship status. Unrecognized citizenship is a product of the ambiguous status of the contested states that do not fit neatly into the established global order. Unrecognized citizenship emerges out of the two conflicting realities discussed earlier: the political fact of nonrecognition and the existential truth of citizenship. It is a precarious category that is often confounded with statelessness. However, as the above section has illustrated, statelessness is the loss or lack of legal membership in a political community. The problem of statelessness, to invoke Arendt once again, is that inalienable rights are unenforceable to those “who...lack their own government.”<sup>430</sup>

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<sup>430</sup> Arendt, *The Origins*, 291-292.

On the contrary, citizens of unrecognized states do not lack their own governments but lack the recognition of their governments or the international acceptance of their governments.

Unrecognized citizens are considered legal members in their unrecognized entities and thus have rights, responsibilities, and duties. Undoubtedly, unrecognized citizens are far from full citizenship, but, unlike stateless persons, they have not lost the right to have rights and have not been expelled from social and political membership. That being said, unrecognized citizens encounter or experience statelessness the moment they step outside their territory. After all, this is where nonrecognition happens.

Recognition, a vital human need, as was illustrated in the preceding sections, has the power to change one's identity. In one setting, an inhabitant of unrecognized states is defined as a citizen, for she is recognized by her entity as a legal member of the political community. In another setting, the exact same person is defined as stateless on the grounds that her self-proclaimed state is not recognized as a state. This precarious limbo situation is the main feature of unrecognized citizenship. The term "unrecognized citizenship" attempts to capture both realities, namely the lack of recognition and citizenship. Although, recognition is denied outside the boundaries of the entities and not inside, citizens of unrecognized states are negatively impacted, as the lack of recognition hampers their daily lives and constrains their citizenship. Unrecognized citizenship is very much shaped and constricted by the peculiarities of unrecognized statehood. As was described at the beginning of the chapter, unrecognized citizens encounter challenges that are unique to their territories and their struggle for self-determination and recognition. The lack of recognition by the international community has created a sense of uncertainty, putting the state as well as citizenship on hold. One of the interviewees described her citizenship in just such terms, saying "I'm a suspended citizen." In short, unrecognized

citizenship is a diminished form of citizenship that sits between full citizenship and statelessness. It is characterized by a perpetual state of uncertainty and temporal stuckness sustained by the hope of recognition.

While unrecognized citizens are recognized by their entities, they are unrecognized by almost the rest of the world, including not just states but also corporations, international development, and financial institutions. This hinders citizens of unrecognized states from leading a fully flourishing human life. The lack of recognition and the misrecognition of the citizens of these entities as stateless, generate oppressive forms of subjectivity characterized by a sense of powerlessness and isolation. We cannot cultivate our own subjectivity without mutual recognition. The lack of recognition “endangers the identity of human beings, just as infection with a disease endangers their physical life.”<sup>431</sup> In other words, nonrecognition is a source of harm that can diminish freedom, self-confidence, and self-realization.

This chapter embarked on the oppressive power of nonrecognition and the impact it has on the experience and the practice of citizenship in these entities. The next chapter will continue to explore the implications of nonrecognition on citizenship by examining the different dimensions of citizenship.

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<sup>431</sup> Honneth, *The Struggle for Recognition*, 135.

# CHAPTER 6: UNRECOGNIZED CITIZENSHIP: INTERNATIONAL OPPRESSION

This chapter continues with the prior chapter's exploration of the impact of nonrecognition on citizenship but focuses on how each dimension of citizenship manifests or, more significantly, does not manifest in unrecognized states. In chapter two, I showed that there are various forms of citizenship and different levels of citizenry. I also proposed that citizenship should be construed as a multidimensional concept. To further guide my exploration of unrecognized citizenship, I adopted Bosniak's four dimensions of citizenship, namely legal status, rights, political participation, and identity.<sup>432</sup> This chapter revisits these dimensions of citizenship to explore how they are experienced and expressed by citizens of unrecognized states, disclosing the damaging effects of international nonrecognition and stressing the normative point that international nonrecognition is a form of oppression. With the provisions made in the previous chapters, that citizenship is a multifaceted concept composed of several dimensions, that statehood and sovereignty exist in gradations, that nonrecognition delimits but does not render statehood impossible, and that nonrecognition is a form of oppression, this chapter proceeds to examine the phenomenon of citizenship in unrecognized states and to unveil unrecognized citizens' voices.

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<sup>432</sup> See Linda Bosniak, *The Citizen and the Alien*, (Princeton University Press, 2006), 20.

The policy of nonrecognition by the international community, I argue, produces an incomplete form of citizenship and places citizens of unrecognized states in a prolonged oppressed position as it inhibits them from living a full life. Furthermore, nonrecognition, as will be shown, reinforces and reproduces patriarchal power. As I mentioned in chapter one, citizenship is gendered; states utilize gender in the process of state-building and citizenship construction. In this chapter, I analyze how gender roles and stereotypes are employed in the fight for recognition. Gender here is a thematic issue that is central to the larger problem of nonrecognition as well as citizenship formation. I argue that nonrecognition plays a role in reinforcing existing forms of patriarchy and thus exposing people to multiple forms of oppression. I discuss how the oppression that emanates from withholding recognition interlocks and intersects with other systems of oppression, such as sexism and patriarchy, to perpetuate inequality and impede efforts to change. It should be noted that what I offer in this chapter is not meant to be a comprehensive and in-depth examination of gendered citizenship in the context of nonrecognition. Rather, it is only a glimpse of the gendered nature of unrecognized citizenship; yet, a necessary one that highlights the complex mechanisms of patriarchal domination within the political struggle for recognition.

Another theme I explore in this chapter is the issue of corruption in unrecognized states. Corruption is found in various forms and degrees in every country. However, in unrecognized states the problem of corruption creates a dilemma for citizens of these entities. In this chapter, I analyze this dilemma and discuss how nonrecognition creates conditions that encourage corrupt practices. I argue that the challenges that are specific to unrecognized states, such as dependency on patron states, engenders the conditions for nonrecognition. I also explore how citizens of unrecognized states navigate fighting political corruption without jeopardizing their own case for

recognition. Accordingly, I proceed to argue that nonrecognition creates citizens of inferior status on the international level and to a certain extent on the domestic front.

## **Citizenship as a Legal Status in Unrecognized States**

In fully-fledged recognized states, the dimension of citizenship as a legal status is the most straightforward and widely understood element of citizenship. In unrecognized states, however, it is the most controversial. Chapter two demonstrated how this dimension signifies membership in a state. Citizenship as a status is foremost about legal recognition and membership in a polity. The status cannot be self-ascribed; it is granted by the state through different modalities. The status defines the relationship between the individual and the state, thereby granting the member a legal identity with specific rights and responsibilities. This legal identity endows citizens with a legal claim to the benefits of citizenship even if, for whatever reason, they are presently unable to enjoy them. In other terms, being legally recognized as a member of a state gives the individual a special standing and legitimacy vis-a-vis the state, as was illustrated in the previous chapter. The legal identity is enacted in two spatialities: national and international.

Through granting citizenship and providing legal identification to citizens, unrecognized states attempt to normalize as well as materialize their statehood. Nationally, citizens of unrecognized states are usually granted the right to vote, run for office, and participate in public affairs. Although some unrecognized states may not be able to provide generous public services, citizens of these entities are accorded legal, constitutional rights to access any of the public assistance their entity grants. They are also given access to different governmental institutions,



such as courts and law enforcement agencies. The point is that they are recognized as members of their polities, and thus they are granted this special standing and legitimacy in their state, which entitles them to certain privileges, responsibilities, and obligations. For example, citizens of Transnistria, Abkhazia, and Northern Cyprus are obligated to serve in the military. Citizens of Somaliland, according to the constitution, enjoy equal rights and obligations before the law.<sup>433</sup> Furthermore, the constitution of Abkhazia specifies that local government shall be exercised by citizens “by way of direct expression of their will and through the elected institutions of local government.”<sup>434</sup> Therefore, what we observe in these entities is a state-citizen relationship, where both recognize each other and affirm each other’s identity. According to Hegel, recognition must have three main conditions: it must be reciprocal, incorporate complementary self-restriction, and have an expressive or demonstrative character. The relationship between unrecognized states and their citizens satisfies all three conditions. Unrecognized states actively perform statehood, creating “awareness within the citizenry of the reciprocal nature of duty, obligation, and responsibility.”<sup>435</sup> Through performed authority, such as declaring independence, drafting a constitution, granting citizenship status and IDs, unrecognized states have managed to enact the state with the support of their citizens. By partaking in this framework of state-making, through their sense of ownership and participation, citizens of unrecognized states have validated the state-citizen relationship. The creation of statehood and citizenship are mutually imbricated,

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<sup>433</sup> The Constitution of the Republic of Somaliland,

[http://www.somalilandlaw.com/body\\_somaliland\\_constitution.htm](http://www.somalilandlaw.com/body_somaliland_constitution.htm)

<sup>434</sup> The Constitution of the Republic of Abkhazia, <http://www.kapba.de/Constitution.html>

<sup>435</sup> Kakabadse, Andrew, Nada Kakabadse, and Kalu Ndukwe Kalu. *Citizenship: A Reality Far from Ideal* (Houndmills, Basingstoke, Hampshire: Palgrave Macmillan, 2009), 12.

interdependent, and co-emergent, as will be demonstrated throughout my analysis of the dimensions of citizenship.

In short, these unrecognized entities have produced citizens and more importantly these citizens have been navigating and reproducing this relationship with its limitations due to international nonrecognition. For the most part, one can argue that on the national level the legal status of citizens of unrecognized states is not much different from that of fully-fledged states. That is not to say that the lack of international recognition does not affect citizenship nationally. In fact, citizenship in these entities is heavily shaped by the lack of recognition. Nonetheless, like recognized states, citizenship as status in unrecognized states is also rooted in constitutions and jurisprudence and involves the legal conditions of citizenship and in deciding who is a member and who is not. Unrecognized states attempt to create a sense of normalcy and stability, where citizens are treated as such and statehood is repeatedly performed and validated. As one of the interviewees from West Bank said to me, “While there are some major complications to everyday life, on the surface everything looks normal and there is even law and order.” He then added, “Unlike people in Lebanon, I can withdraw my money from the bank whenever I want and as much as I want.” He was referring to the ongoing Lebanese liquidity crisis which left millions of depositors without access to their savings. The interviewee kept on saying “Al-Hayat Mashya,” which translates into English as, “Life is going as usual.” On the national level, citizens of unrecognized states cannot ignore the existential truth of their states and their citizenship status. Through issuing identification cards and allocating citizenship, which serve as signifiers of statehood, unrecognized states articulate statehood to citizens, challenging the international discourse of illegitimacy and producing a discourse of statehood anchored in actual

materiality. The image below represents an example of such signifiers that project statehood to its citizens.



Figure 4: Image of the Palestinian Ministry of Foreign Affairs in Ramallah

The idea and the reality of statehood is often reinforced through public displays, like military parades and government buildings, for citizens to see and experience. As Timothy Mitchell has pointed out, the state is not merely a subjective belief but also a material object and structure that is “represented and reproduced in visible everyday forms, such as the language of legal practice, the architecture of public buildings, the wearing of military uniforms...the cultural forms of the state are an empirical phenomenon, as solid and discernible as a legal structure or a party system.”<sup>436</sup> Thus, on the national level, citizens of unrecognized states see, feel, and experience the raw material of their state and their citizenship status through ID’s, constitutions, state departments and ministries. Examples of representations of statehood, discourses, and narratives that are created around the idea of the state will be presented later as I explore each dimension.

While the citizenship status of inhabitants of unrecognized states is accentuated and highlighted on the national level, it is often challenged on the international stage. This manifests

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<sup>436</sup> Timothy Mitchell, (1991). “The Limits of the State: Beyond Statist Approaches and their Critics.” *American Political Science Review*, 85(1): 77-96, 85.

as restrictions on travel. As was mentioned before, the lack of legal recognition by the international community heavily restricts the individual's freedom of movement and other benefits such as migration. For many citizens of unrecognized states, their passport is an obstacle that ties them down and limits their opportunities in life. For this reason, many citizens have sought secondary citizenship from their patron states to compensate for the lack of international benefits (such as international travel, the ability to settle and work abroad, and diplomatic protection) afforded by the unrecognized state's citizenship. For instance, in Abkhazia, South Ossetia, and Transnistria, many citizens have Russian passports. Similarly, citizens of Northern Cyprus are granted easy access to the travel documents of their patron state, namely, Turkey. Unrecognized states have accepted favorable dual citizenship laws to ease international travel for their citizens and ameliorate their situation. However, as was discussed in the previous chapters, this results in a further paradox where the patron state continues to exert its influence and meddle in these entities. For instance, on March 18 of 2015, Russia signed and ratified a treaty with South Ossetia that diminishes the sovereignty of South Ossetia but grants their citizens some benefits. In The New Alliance and Integration Treaty, Russia pledges to hand Russian passports and grant social and health insurance to South Ossetia citizens. In return, South Ossetia has to open the border to Russia, removing any border formalities and custom barriers.<sup>437</sup> Furthermore, schools at all levels in South Ossetia are obliged to follow the Russian curriculum. Chapter four pointed out that most unrecognized states rely on their patron state to survive due to international isolation. Thus, it is important to understand that this is a byproduct of being an unrecognized state and is not a reason for nonrecognition. In subsequent sections, I will discuss in further detail

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<sup>437</sup> Saari Sinikukka, "The New Alliance and Integration Treaty between Russia and South Ossetia", *The Finnish Institute of International Affairs*, March, 2015. <https://www.files.ethz.ch/isn/189653/comment9.pdf>

how the state of nonrecognition can generate reasons for nonrecognition, creating a vicious cycle.

It should be pointed out that recognition of passports can be separated from the recognition of a state. As mentioned before, Kosovo, Taiwan, and Palestine, have worked towards increasing the recognition of their passports and succeeded despite the lack of international recognition.<sup>438</sup> Admittedly, some failed and underdeveloped states face similar obstacles when interacting with the outside world. For instance, it is easier to travel with a Taiwanese passport than Venezuelan or Cuban passports, both of which are recognized states.<sup>439</sup> The difference, however, is that unrecognized citizens are robbed of the legal identity that is granted to them by their unrecognized entities. Interestingly, while most of my interviewees have pointed out that their Palestinian passports do not have much power internationally, they all believed that having a passport, albeit from an unrecognized entity, is better than having a travel document from a host country. One of the interviewees told me “I know some Palestinians who live in Syria and Lebanon and these people can’t travel anywhere with their travel documents.”

As a Palestinian born in Lebanon, my family and I had travel documents. Unlike passports, travel documents are issued by the host country for the refugees/stateless people who live in the country but are not citizens of the country. The problem with a travel document is that it is not a valid passport, and thus it is often not accepted by many countries. A travel document

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<sup>438</sup> Although the U.S. does not recognize Palestine as a state, it has accepted their passports. The U.S. Department of State has “determined that the Palestinian Authority passport/Travel Document meets the requirements of a passport as defined in section 101 (a) (30) of the Immigration and Nationality Act (INA) and therefore is acceptable for visa issuing purposes and travel to the United States.” See United States Bureau of Citizenship and Immigration Services, Palestine/Occupied Territories: Information on Passports Issued by the Palestine National Authority, 17 December 1998, PAL99001. ZCH. For Palestinians in the West Bank and Gaza, the problem is not merely their passports but that Israel controls their movement and restricts their right to travel.

<sup>439</sup> See the Passport Index, <https://www.passportindex.org/byRank.php>

does not provide a person with a legal identity, or, in other words, it does not convey citizenship. In fact, the question I was often asked by airline staff when traveling was, “Are you Lebanese or Palestinian?” Legally I’m neither. I was a stateless -- not recognized legally as a member of any political community. Unrecognized citizens, however, have an unrecognized entity that claims them as legal members of the political community and the passport they possess is a manifestation of that. The images below illustrate the described difference between a passport issued by the Palestinian Authority and a travel document issued by the Lebanese government to Palestinian refugees residing in Lebanon.<sup>440</sup>



<sup>440</sup> President Mahmoud Abbas attempted to change the emblem on the passport from “The Palestinian Authority” to “State of Palestine” but Israel declared that it will refuse to deal with any passports that bear the “State of Palestine” logo.





Figure 5: Palestinian passport issued by the Palestinian Authority

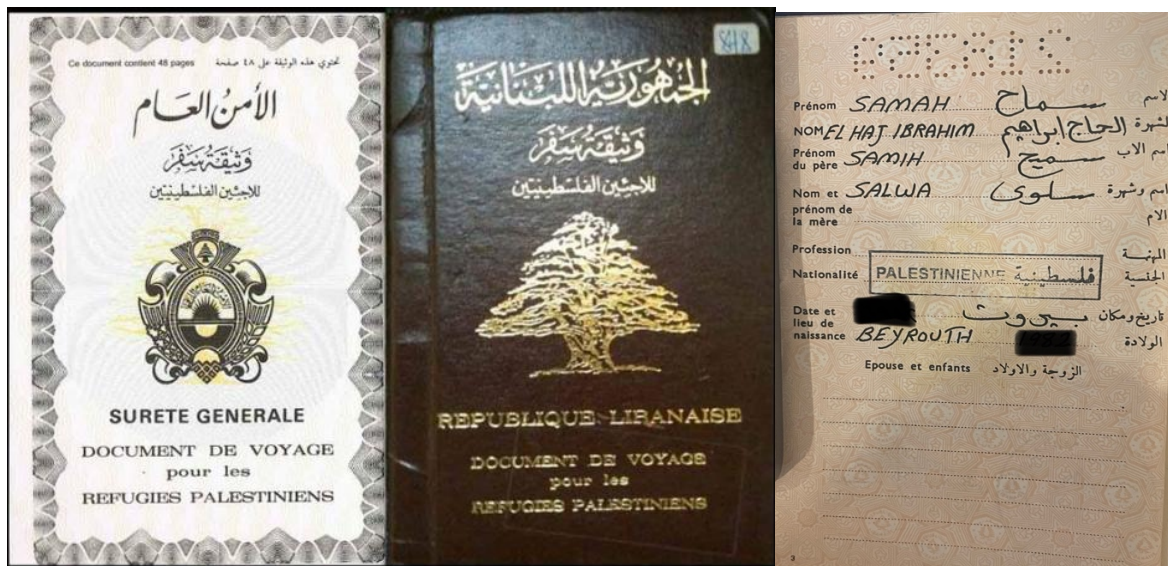


Figure 6: My travel document issued by the Lebanese government.

The very idea of the passport implies that you are a citizen of the passport issuing country. Thus, there is no need to specify your citizenship in the document because it is implied. In the travel document, however, as shown in Figure # 6, the nationality of the person is identified in order to clearly signify that the person holding the document is not a citizen of the issuing country. Thus, unlike passports, which denote citizenship status, travel documents communicate the opposite. Note that by pointing out the difference between holding a passport from an unrecognized state and holding a travel document, the interviewees have once again

differentiated their status from that of statelessness, while at the same time asserting that their citizenship is anything but normal.

Last but not least, non-recognition leads to a legal dilemma. It is not clear who is *legally* responsible for unrecognized citizens and who protects them and represents them. As discussed earlier, unrecognized citizens dwell within the “citizen” category in their home country, as they are granted membership by their entity and, therefore, enjoy the benefits that citizenship brings. Yet they are told by the international community that they have no citizenship status due to the non-recognition of their country. This suggests that their citizenship status does not extend outside the entities’ borders. This precarious status creates a diffusion of responsibility and hinders accountability. Should residents of these entities demand humanitarian rights or should they claim the specific rights of citizens? And who has the obligations of protection? For instance, with the recent Covid-19 outbreak, the international community did not step forward to vaccinate residents of these entities. Rather, they were treated as the responsibility of their “illegitimate” governments. In Abkhazia, the government made a deal with its patron state, Russia, to receive 15-20 thousand doses of the Sputnik vaccine. This diffusion of responsibility is most evident in the Palestinian case. According to international law laid out in the Geneva Conventions on the regulations of occupied territories, it is Israel’s responsibility to provide equitable access to Covid-19 vaccines for Palestinians in Gaza and the West Bank. However, Gilad Erdan, Israel’s ambassador to the United Nations, insisted that international agreements make the Palestinian Authority responsible for its citizens’ health care.<sup>441</sup> Israeli Health Minister, Yuli Edelstein, stated that “We can also look into the so-called Oslo agreements where it says

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<sup>441</sup> *BBC News*: Reality Check, “Covid-19: Palestinians lag behind in vaccine efforts as infections rise”, March, 22, 2021. <https://www.bbc.com/news/55800921>



loud and clear that the Palestinians have to take care of their own health.”<sup>442</sup> The Palestinian Authority on the other hand points out another part of those accords which states that “Israel and the Palestinian side shall exchange information regarding epidemics and contagious diseases, shall co-operate in combating them and shall develop methods for [the] exchange of medical files and documents.”<sup>443</sup> Palestinian citizens were kept waiting, as the World Health Organization, Israel, and the Palestinian Authority, were passing off responsibilities on each other. Unrecognized states, such as the Palestinian territories, are deserted in this suspended, status quo condition. Overall, the denial of recognition by the international community keeps citizens of these self-proclaimed states in a dangerous legal limbo. Like their entities, citizens of unrecognized states exist without existing on the world stage.

## **Citizenship as Rights: Between Reality and Rhetoric**

Chapter two argued that if status is the most important feature of citizenship, rights bearing is the second most important. Citizenship as rights differentiates citizens from non-citizens by granting exclusive benefits and privileges to citizens. Unlike non-citizens, citizens maintain a sense of entitlement to rights. They have the grounds to fight for their rights in the legal system within the framework of citizenship. To put it differently, citizens are recognized by their polity as legitimate rights-bearing persons. What interests us the most in this section is how this dimension manifests itself in the space of nonrecognition. What rights do these entities grant their citizens? And how does the lack of international recognition affect citizens’ rights and the entities’ capacity to protect these rights?

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<sup>442</sup> *BBC News*: Reality Check.

<sup>443</sup> *BBC News*: Reality Check.

Most of these unrecognized entities, as mentioned before, have their own constitutions and laws which enumerate the rights of their citizens in relationship to each other and their governments. The constitutions of unrecognized states outline similar rights, duties, and freedoms to those in full-fledged states. For example, Kosovo's constitution promises "the creation of a state of free citizens that will guarantee the rights of every citizen, civil freedoms and equality of all citizens before the law."<sup>444</sup> Article 45 of the constitution states, "Every citizen of the Republic of Kosovo who has reached the age of eighteen, even if on the day of elections, has the right to elect and be elected, unless this right is limited by a court decision."<sup>445</sup> In addition, Article 85 specifies that "Every citizen of the Republic of Kosovo who is thirty five (35) years old or older may be elected president of the Republic of Kosovo."<sup>446</sup> Similarly, the constitution of Somaliland enumerates the duties and the rights of citizens. Part III of the constitution identifies the "Rights of the individual fundamental freedoms and the Duties of the citizen."<sup>447</sup> One of the duties listed is the duty "to strengthen the unity of the nation, the protection of the sovereignty of the state, and the defense of the country and the religion."<sup>448</sup> The Somaliland constitution establishes eligibility for candidacy, defines who is a citizen and sets the general principles of equality of citizens among other things. Likewise, Abkhazia's constitution delineates the rights and responsibilities of its citizens. Article 33 states that "defense of the Motherland is the duty and responsibility of each citizen of the Republic of Abkhazia."<sup>449</sup> Article

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<sup>444</sup> Kosovo's Constitution of 2008 with Amendments through 2016, *Constitute*, August, 2021.

[https://www.constituteproject.org/constitution/Kosovo\\_2016.pdf?lang=en](https://www.constituteproject.org/constitution/Kosovo_2016.pdf?lang=en)

<sup>445</sup> Kosovo's Constitution.

<sup>446</sup> Kosovo's Constitution.

<sup>447</sup> The Constitution of the Republic of Somaliland,

[http://www.somalilandlaw.com/body\\_somaliland\\_constitution.htm](http://www.somalilandlaw.com/body_somaliland_constitution.htm)

<sup>448</sup> The Constitution of the Republic of Somaliland.

<sup>449</sup> The Constitution of the Republic of Abkhazia, <http://www.kapba.de/Constitution.html>

27 declares that “No citizen of the Republic of Abkhazia shall be deprived of his citizenship, expelled from the country or extradited to another state.”<sup>450</sup> The Palestinian constitution grants citizens the right to proper housing, the right to education, and the right to work. It also protects people’s freedoms, including the freedom of belief, worship, and freedom of opinion.<sup>451</sup> All of the above examples illustrate just how standard and typical the constitutional rights of citizens of these entities. They signify the existing reality of statehood and citizenship as manifested by laws and institutional rules.

Most unrecognized states have succeeded in mimicking full-fledged states and capturing the language, concepts, and the processes of citizenship, as well as its rights and duties. Through performing statehood, including establishing citizens’ rights and responsibilities, unrecognized states have forged a state-citizen relationship. Unrecognized states have declared their responsibilities towards their people and provided them with the structural anchor for the formation of citizenship; thus, transforming their subjects into citizens. To put it in another way, unrecognized states have instituted a social contract, recognizing their people as rights-bearing and responsibility-owing citizens. This state-citizen contract, however, is made more complicated by nonrecognition. The political fact of nonrecognition collides with the existential truth of statehood and citizenship, and produces a paradoxical situation. Nonrecognition, as I will demonstrate below, puts a lot of strain on the relationship between citizens and the governing authority, as the entity suffers from internal and external problems that are endemic to

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<sup>450</sup> The Constitution of the Republic of Abkhazia.

<sup>451</sup> See “Palestine’s Constitution of 2003 with Amendments Through 2005.”  
[https://www.constituteproject.org/constitution/Palestine\\_2005.pdf?lang=en](https://www.constituteproject.org/constitution/Palestine_2005.pdf?lang=en)

unrecognized states in general and in addition to conditions specific to the given unrecognized state.

Like a full-fledged state, an unrecognized state may fail to protect the rights of its citizens. Sometimes the failure is due to inefficiency or corruption in administration. In other instances, however, the failure is directly related to the lack of recognition, which often emanates from political interference by patron states and other international actors. A case in point, is, again, the 2004 Abkhazian election, mentioned earlier. Abkhazians' political rights were violated when their votes were dismissed in order to please their patron state Russia.<sup>452</sup> Of course it is not about pleasing Russia per se, but about fearing the consequences of Russia's rage. Abkhazian leaders knew very well that if they were to protect Abkhazians' political rights, they would lose Russia's economic and military support, which is crucial for the survival of the entity. Similarly, Palestinians were disenfranchised when their votes for the Hamas government did not please the international community.<sup>453</sup> Admittedly, international interference is not unique to unrecognized states and is often an issue in many weak and failed states. Sovereignty was violated in Iraq, Afghanistan, Syria, and currently in Ukraine. As discussed in chapter three, however, once an entity has de jure sovereignty it continues to be guaranteed statehood. In other words, their statehood is never questioned even when their de facto sovereignty is lacking. For unrecognized states, however, who lack de jure sovereignty, much is at stake. Unrecognized states have to deal with much adversity and have to convince external and internal actors of the legitimacy of their

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<sup>452</sup> Brian Whitmore, "The Abkhaz vote but Moscow still rules," *Radio Free Europe*, December, 2009. [https://www.rferl.org/a/The\\_Abkhaz\\_Vote\\_But\\_Moscow\\_Still\\_Rules/1901786.html](https://www.rferl.org/a/The_Abkhaz_Vote_But_Moscow_Still_Rules/1901786.html).

<sup>453</sup> See "World Reacts to Hamas Election Victory," *PBS*, January, 2006. <https://www.pbs.org/newshour/show/world-reacts-to-hamas-election-victory>.

statehood. I would like to focus here on the internal tension since I am interested in how violations, such as the ones described above, affect citizenship and specifically citizens' rights.

Since the international community does not recognize these self-proclaimed states, it does not offer much support or guarantee for their survival. Thus, most of the protection comes from transnational networks, including patron states and non-governmental international aid organizations. However, as was noted in chapter four, dependence on such external support affects citizenship and citizens' rights. It weakens the internal discourse of statehood and ruptures the relationship between the unrecognized state and its citizens. It also disturbs the normalcy that has been instituted, highlighting the limitation of such a state created without international recognition. This was clearly reflected in my interviews. Most interviewees brought up international interference and how it affects their citizenship. One of the interviewees from Gaza works at a non-governmental, civic educational organization, whose goal is to educate students about citizenship and their rights and responsibilities and what it means to be a good citizen. She imparted that citizens' rights are not being fully met by the state. Yet the state, she explained, lacks the power and resources to guarantee citizens' rights due to occupation, nonrecognition/isolation, and external pressure. While she insisted that Palestine is a state and kept on using the term state, she made it clear that it is a state that is under occupation, siege, and has different forms of international pressure on it. She went on to say that "The Palestinian state depends heavily on foreign aid and funds from international non-governmental organizations and sometimes from governmental international linkages. But when donors cut off their financial aid, citizens' rights get whittled, including the right to unemployment benefits and the right to health care." Recently, the Dutch government, for instance, stopped its \$24.3 million donation for Palestine's Union of Agricultural Work Committees (UAWC). As a result of this decision, "over

300 Palestinians lost job opportunities...About 200 Palestinian farmers may also be unable to pay their employees...”<sup>454</sup> The Palestinian citizen is conflicted as to who to hold responsible: the international community that squeezes them economically for political reasons, or the Palestinian government who cannot fulfill its responsibility and pay unemployment benefits for those who have lost their jobs. Note that this is an example of powerlessness, one of the five faces or types of oppression described by Young. I provided Young’s characterization of powerlessness in the previous chapter, but it is worth mentioning again. The powerless, she writes, “are those who lack authority or power even in this mediated sense, those over whom power is exercised without their exercising it; the powerless are situated so that they must take orders and rarely have the right to give them.”<sup>455</sup> In the above example, Palestinian citizens lack authority, as they are left at the mercy of the international community and their government. To put it differently, they are stuck in a situation that they have no control over. At the heart of the recognition process is a strong power relationship between the group who is seeking recognition and the group who holds the power to recognize. As James Tully rightly points out, struggles over recognition are “not conflicts between ‘diversity’ and ‘equality’ but among groups with tremendous inequalities in power and resources...”<sup>456</sup> Citizens of unrecognized states realize the limitations and the weakness of their unrecognized states and are fearful of jeopardizing their entity and the possibility of recognition. This puts a lot of pressure on citizens of unrecognized states and limits

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<sup>454</sup> Alex Kane and Mariam Barghouti, “How an Israeli Smear Campaign is Ripping away Funds from Palestinian Farmers,” *+972 Magazine*, December, 2015. [https://www.972mag.com/palestinian-funding-uawc-israel-lobby/?fbclid=IwAR3YvcRgLemSGK-CBcX6T8BpZw\\_yrxtNwcnJHigSG-V0WEnQeMNXwqOnwUc](https://www.972mag.com/palestinian-funding-uawc-israel-lobby/?fbclid=IwAR3YvcRgLemSGK-CBcX6T8BpZw_yrxtNwcnJHigSG-V0WEnQeMNXwqOnwUc).

<sup>455</sup> Iris M Young “Five Faces of Oppression,” In Iris Young, *Justice and the Politics of Difference*, (Princeton University Press, 1990), 39-65. <https://contensis.uwaterloo.ca/sites/courses-archive/1185/PHIL-324/media/documents/10a-young-1990-five-faces-of-oppression.pdf>

<sup>456</sup> James Tully, “Recognition and Dialogue: The Emergence of a New Field,” *Critical Review of International Social and Political Philosophy* 7, no. (2004), 84-106, 94.

their agency and disempowers them as citizens to be able to insist on good governance from their political leaders.

One key observation from my interviews was the uncertainty and perplexity of how to behave towards such a state and come to terms with it. While some citizens were sympathetic towards the government, taking into considerations the limitations of their entity due to nonrecognition and occupation, others were more critical and skeptical of the government overplaying the lack of international recognition and the limitations it produces. An interviewee from Gaza told me, “Occupation and the lack of nonrecognition have become the hallstand that we hang on all of our problems.” In other words, they are used as excuses for everything, including poor services and corruption. Almost all interviewees have conveyed a common message that, while legal rights exist in virtue of given laws, they are not well implemented. An interviewee from Ramallah, said in this regard, “The law provides for the right to social security and social assistance, as in the case of unemployment, childbirth, and old age, but in reality, these rights are rarely ensured.” Another interviewee from Ramallah who holds a Canadian and Palestinian citizenship reported:

I know that as a Canadian citizen I have rights – like the right to publicly funded health care, pension, and education- but as a Palestinian these rights are just on paper. If you are not connected, you are not able to access these rights. For this reason, I say that I don’t feel like I am a citizen in Palestine. Citizenship is about rights and in Palestine, citizenship rights are not protected due to corruption. Now, if I compare my situation to the neighboring countries, like Lebanon and Egypt, I find myself in a better position. At least, in Palestine corruption is milder and subtler than in these countries because of occupation.

Although governmental abuse is a problem in every country around the world, it is further complicated by the context of nonrecognition and the oppression it engenders. The threat of an ever-present external enemy allows the ruling class in these entities to get away with abuse in the

name of the cause. The discourse employed in these unrecognized entities is primarily centered around self-determination and recognition. A study conducted by the International Alert in the South Caucasus found that “[people] from...non-recognized entities...seemed to be more tolerant towards top-level corruption because the cause of self-determination is believed to be the highest national interest. All other social issues were measured against it and were automatically less of a priority.”<sup>457</sup> “We have to wait till after liberation and recognition, then everything will be good, this is what we are told over and over,” a Palestinian citizen from Nablus shared with me. In unrecognized states, the cause of self-determination is sometimes used to hinder citizens from criticizing the authorities and calling for political and civil rights reforms. In the following section, I will analyze the connection between nonrecognition and corruption.

## **Corruption: A Symptom of Nonrecognition or a Reason for Nonrecognition?**

Sometimes, corruption is the main reason for the gap between citizens’ rights as established by law and the rights they are able to exercise in reality. Citizens in unrecognized states have similar constitutional rights to citizens in fully-fledged states. Civil liberties, including, freedom of speech, religion, assembly, and the press are explicitly enumerated in the constitutions drafted by these unrecognized entities. Most of these constitutions also prohibit discrimination on the basis of sex and race. However, due to nonrecognition, sometimes these rights and freedoms are sacrificed for the sake of survival, as I have demonstrated with the examples of the elections in Abkhazia and Palestine. Like any state, unrecognized states are

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<sup>457</sup> N Mirimanova, D Klein (ed.), “Corruption and Conflict in the South Caucasus,” *International Alert* (January 2006), 35.



susceptible to corruption. Even established democracies are not exempt from corruption. Thus, the point here is not that there is corruption in unrecognized states because it comes with the territory. Instead, what is significant is how corruption is defined, perceived, and handled in unrecognized states. In order to survive in the long term, unrecognized states depend on “either sustained support from a patron state or at least limited access to the international community, and both of these sources come at a price.”<sup>458</sup> Sometimes the price is citizens’ constitutional rights. In other words, unrecognized states often struggle with having to choose between maintaining their survival as de facto entities and safeguarding their citizens’ rights and freedoms.<sup>459</sup>

To answer the question posed in this subsection’s title - about whether corruption is a symptom of nonrecognition or a reason for nonrecognition- I like to remind the reader of the criteria for recognition. The criteria for international recognition are null; there are no criteria for state recognition. As I discussed in earlier chapters, recognition is a matter of realpolitik. The political character of recognition was highlighted by the first Secretary General of the United Nations Trygve Lie. Referring to the U.S. decision to grant recognition to Israel in 1948, Secretary General Lie wrote:

The recognition of a new State, or of a new government of an existing State is a unilateral act which the recognizing government can grant or withhold. It may be true that some legal writers have argued forcibly that when a new government, which comes into power through revolutionary means, enjoys, with a reasonable prospect of permanency, the habitual obedience of the bulk of the population, other States are under a legal duty to recognize it. However, while States may regard it as desirable to follow certain legal principles in according or withholding recognition, the practice of States shows that the

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<sup>458</sup> Nina Caspersen, *Unrecognized States: The Struggle for Sovereignty in the Modern International System*, (Cambridge: Polity Press, 2012), 74.

<sup>459</sup> Note, as I discussed in chapter three, external dependency does not mean lack of internal sovereignty. Sovereignty is a matter of a degree and not a question of either or. Also, external dependency is not unique to unrecognized state, however, unlike unrecognized states, recognized states are not trying to proof their independence.

act of recognition is still regarded as essentially a political decision, which each state decides in accordance with its own free appreciation of the situation.<sup>460</sup>

There is no universal agreement on what brings about international recognition. International recognition is a political act that is marked with arbitrariness and national interests of states. So, one can argue that corruption does a disservice to the state's cause of recognition. It is not, however, the reason for nonrecognition. South Sudan, a corrupt state, was recently recognized by the international community. Corruption is not the cause of withholding recognition but can definitely be a symptom of nonrecognition.

This does not mean that once the state is recognized there will be no corruption. All types of states and governments, recognized or not, are susceptible to political corruption, as I mentioned before. Nonrecognition, though, produces challenges and tensions that are specific to unrecognized states and that can easily create conditions that encourage corrupt practices. In her book *Gender, Class, and Freedom*, Nancy Hirschmann explains how an ideological belief produces material practices. She writes, "...if one takes the ideological belief that women are irrational as a reason to deny women education, one will fulfill one's own expectations by increasing the likelihood that most women will fail to develop the skills of rational thinking...Ideology not only distorts "reality"; it also produces concrete, material effects on the social phenomena it (mis)describes..."<sup>461</sup> Now if we apply this process of ideology and materialization to unrecognized states, we can then understand how the state of nonrecognition creates the conditions for nonrecognition. The international community deems unrecognized

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<sup>460</sup> Quoted in John Quigle, *The Statehood of Palestine: International Law in the Middle East Conflict*, (Cambridge: Cambridge University Press, 2010), 231.

<sup>461</sup> Nancy Hirschmann, *Gender, Class, and Freedom in Modern Political Theory*, (Princeton: Princeton University Press, 2008), 14.

states as illegitimate, proxy entities that are unworthy of recognition. This is the ideological belief presented to the world; it is a false generalization that promotes nonrecognition, which is merely political as I mentioned before. Based on this belief, however, these entities are then isolated, denied membership in international organizations, and deprived of financial aid. The material practices of nonrecognition produce entities that are more likely to be economically dependent on patron states and their power leverage. Their exclusion from the international system and the threat of extinction create crumbling economies and often serve as havens for illicit trade. As Thomas de Waal has remarked about Nagorno-Karabakh, “None of its laws or institutions were valid outside its own borders, and no foreign diplomats, apart from peace negotiations, set foot there. That was virtually an invitation to become a rogue state.”<sup>462</sup> As such, nonrecognition can create an environment that is extremely attractive for criminal and shady business. Furthermore, nonrecognition produces a culture of an everlasting threat and a fear that any division or criticism of the government will weaken the entity and threaten its survival. Consequently, citizens in unrecognized states are in a unique situation as they are torn between protesting against any corruption in their unrecognized government and fighting for self-determination and recognition. In the next section titled “Citizenship as Activity,” I will explore how citizens negotiate this tension between practicing citizenship on one hand, including calling for reforms and accountability from their unrecognized governments, and complying with the call for unity on the other hand, to achieve recognition and self-determination. Before delving into the next dimension of citizenship, let me bring up a very important theme that was highlighted by one of the interviewees. This interviewee is a female political activist and was a

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<sup>462</sup> Quoted in *Unrecognized States in the International System* edited by Nina Caspersen and Gareth Stansfield, (London & New York: Routledge, 2011), 75.

candidate in the recent elections for the municipal council in one of the Palestinian cities. She said:

Whenever we ask for stronger laws that would protect women from domestic violence and honor killings, we are told we should be focusing on ending the occupation and obtaining recognition...yet the government has been able to raise taxes, develop cyber-crime laws and build security forces that intimidate citizens ...clearly recognition did not prevent the government from doing all of that and from holding us [citizens] accountable, and we [citizens] in turn should do our job and hold them accountable...There is a gap between the rights we have under the constitution and the implementation of these rights. As citizens we tend to exercise our citizenship rights to close this gap.<sup>463</sup>

The larger theme that cannot be ignored here is the gendered aspect of citizenship. The interviewee alludes to this in her conversation as she highlights that women's issues are often the last on the agenda. While corruption impacts the access of all citizens to resources and services, women are particularly at a disadvantage due to gender inequality and social discrimination. Gender informs and shapes the rights and responsibilities of citizenship. As noted in chapter one, citizenship is a gendered concept that continues to display structural gender inequalities. In her seminal book *Citizenship: Feminist Perspectives*, Ruth Lister explains that "Behind the cloak of gender-neutrality that embraces the idea [of citizenship] there lurks in much of the literature a definitely male citizen and it is his interests and concerns that have traditionally dictated the agenda."<sup>464</sup> The construction of citizenship is informed by gender hierarchies and gender norms. Nonrecognition is also not a gender-neutral concept, but is marked by gender bias and gender stereotypes. I argue that nonrecognition plays a substantial role in maintaining and sometimes strengthening the gender status quo and the gendered citizenship dynamics. In what follows, I

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<sup>463</sup> The interviewee here was referring to the electronic crimes law passed in 2018 which grants the Palestinian authority the right to block websites and arrest citizens that could "threaten national security, public order and public morals." See "Law by Decree No. 10 of 2018 on Cybercrime," Article 39. <https://security-legislation.ps/sites/default/files/law/Law%20by%20Decree%20No.%2010%20of%202018%20on%20Cybercrime.pdf>

<sup>464</sup> Ruth Lister, *Citizenship: Feminist Perspectives*, (New York: NYU Press, 2003), 3.

will elaborate on how citizenship is gendered and examine the gendered nature of nonrecognition to try to capture the multiplicity of subordination.

## **Gendered Unrecognized Citizenship: Construction of Gendered Citizenship**

The intellectual history of citizenship is a highly gendered conception. Since the 1980's, feminist scholars have focused on the interplay between citizenship and gender.<sup>465</sup> They launched a critical examination of the historical traditions of citizenship in its theoretical and practical aspects across the globe. Some feminist scholars have argued that the notion of citizenship is originally predicated on the very exclusion of women.<sup>466</sup> Another persistent feminist critique of citizenship is its false universalism. The citizen in the liberal tradition, as in many other traditions, is presented as a generic abstract individual that is neutral in gender and in terms of race, class, ethnicity, and sexuality. Feminist scholars uncovered the veil of universalism to expose the real identity of the citizen. They argued that the citizen is not a universal, abstract, disembodied individual; rather, he is a white, heterosexual, and non-disabled male. They maintain that this false universalism aims to hide the reality of unequal power based on race, class, ethnicity, and gender. Susan Okin notes that this "abstract" citizen possessed all the qualities that women were assumed not to have.<sup>467</sup> Virginia Held and Ruth Lister affirm that

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<sup>465</sup> The question of women's citizenship was first raised by Carole Pateman. See "Women and Democratic Citizenship: The Personal and the Political: Can Citizenship be Democratic?" *Jefferson Memorial Lectures, 1985*.

<sup>466</sup> Carole Pateman claims that women's exclusion is not an accident, rather it is what made citizenship possible in the first place. She argues that despite the fact that the private sphere is described as irrelevant to the public-political realm, men's freedom in the public arena depends on the private realm. A central focus of Western feminist theorists has been to call into question this dichotomy and to highlight its implications on women's citizenship. See Carole Pateman. "Equality Difference and Subordination: The Politics of Motherhood and Women's Citizenship." in *Beyond Equality and Difference*, (Routledge, 1992).

<sup>467</sup> Susan Okin, *Women in Western Political Thought*, (Princeton: Princeton University Press, 1979).

masculine qualities were valued and perceived as the template of citizenship, whereas feminine qualities were devalued and deemed as antithetical to citizenship.<sup>468</sup> As Alison Jaggar explains, “Throughout Western history, citizenship has been gendered masculine... The activities regarded as characteristic of citizens namely fighting, governing, buying and selling property, and eventually working for wages-have all been viewed as masculine, as have been the social locations where these activities are undertaken.”<sup>469</sup> The hegemonic norms of both masculinity and femininity continue to shape roles and ideas within citizenship. They are hegemonic because they are perceived and constructed as “normal, inevitable, desirable and they reify difference and hierarchy through their relationship to each other...”<sup>470</sup> Overall, citizenship is imbued with gender stereotypes, narratives, and discourses, and some have become institutionalized in the form of laws and policy regulations that constantly produce, and reproduce gendered forms of citizenship.<sup>471</sup>

It is against this background that we should scrutinize the gendered construction of unrecognized citizenship and the gendered representations embedded within the binary concepts of recognition and nonrecognition. Desires, tastes, practices, nature, work, as well as concepts are all subject to gendering. In other words, they are assigned traits that are associated with hegemonic masculinity or hegemonic femininity. For example, the concept nation is feminine in terms of representation (Admittedly fatherland has historically been used in some cultures. Fatherland has militaristic connotations). It is conceived in feminine imaginary: emotional,

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<sup>468</sup> See, Virginia Held, *Feminist Morality: Transforming Culture, Society, and Politics*. (University of Chicago Press, 1993). See, Ruth Lister, *Citizenship: Feminist Perspectives*, (NYU Press, 2003).

<sup>469</sup> Alison Jaggar, “Arenas of Citizenship,” in Marilyn Friedman, *Women and Citizenship* (Oxford University Press, 2005), 92.

<sup>470</sup> Mimi Schippers, “Recovering the Feminine other: Masculinity, Femininity, and Gender Hegemony.” *Theory and Society* 36 v.1 (2007).

nonrational, in need of necessary protection, and subject to masculinized control and restraint. The state, however, is masculine in character; it is the protector of its inhabitants. States are regarded as being rational, individualistic, impersonal, and objective. Similarly, the concepts recognition and nonrecognition are also gendered. Nonrecognition is feminized and therefore is conceived in terms that are traditionally associated with femininity, such as weakness, vulnerability, passivity, invisibility, and submission. On the other hand, recognition is associated with traits that are masculine, such as domination, protection, strength, visibility, aggression, and leadership. Note that femininity and masculinity should not be conceived as merely forms of identities for people who live as men and women, but as a system of power relations that organizes our societies, privileging some values over others, regardless of who exercises them. As such, anyone and anything can be feminized because feminization is about devalorization: “To feminize something or someone is to directly subordinate that person, political entity, or idea, because values perceived as feminine are lower on the social hierarchy than values perceived as neutral or masculine.”<sup>472</sup> The feminization of nonrecognition and the masculinization of recognition reproduce gendered hierarchies and patriarchal oppression. Feminizing nonrecognition denigrates unrecognized states, “The more an individual or a social category is feminized, the more likely (not invariably) that its devaluation is assumed or presumed to be “explained.””<sup>473</sup> The identity and power of unrecognized states have been feminized by their inability to achieve recognition. The effects of nonrecognition seem to invite patriarchal ideologies of protection and domination. Note that patriarchal oppression is not just

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<sup>472</sup> Laura Sjoberg, *Gender Justice and the Wars in Iraq*. (Oxford: Oxford University Press, 2006), 34.

<sup>473</sup> Laura Sjoberg and Sandra Via (eds.), *Gender War and Militarism: Feminist Perspectives*. (Westport, Connecticut: Praeger, 2010), 19.

about oppressing female bodies; it is also about oppressing the archetypal feminine in everyone, including men, women, trans people, and nonbinary people.

The lack of recognition-which makes these entities operate with relative powerlessness-incentivizes unrecognized states to utilize the influence of kinship, family, and religious communities. The alliance between religious and traditional leaders on one hand and secular policy makers on the other -- that is mostly based on pragmatic interest and the desire to gain popular support -- strengthens gendered citizenship. For instance, in Palestine, the Palestinian Authority has legitimized the power and status of religious and tribal networks by regulating their profession and granting them officialdom. The General Directorate of Tribal Affairs and Conciliation, which was established in 1979, became a department in the Ministry of Interior affairs in 2005. The department provides communities with an informal judicial system. Its stated goal is to resolve any disputes that arise between tribes or families. It is controlled by community elders, dignitaries, and the heads of families, men. This informal judicial system is influenced by patriarchy and reinforcement of masculinity. Nonrecognition is used as a patriarchal tool to perpetuate gender hierarchies and stereotype roles. The patriarchal oppression is most illustrated in honor killings and rape crimes. The offending male uses cultural beliefs such as “honor” and the preservation of female’s “purity” to convince the legal system to sympathize with him and reduce his punishment. Furthermore, a male rapist gets to escape punishment if he weds his victim. Aside from the informal, tribal “justice”, which discriminates against women, the criminal code in the West Bank and Gaza is itself infused with patriarchy.<sup>474</sup>

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<sup>474</sup> Note that this is not unique to Palestine. Patriarchal oppression remains firmly entrenched in many societies. In Somaliland, female genital mutilation continues to be widely practiced as a girl’s first rite of passage. Even in Taiwan, a highly developed unrecognized state, patriarchy lives on. The patriarchal social attitudes in Taiwan have



The law has stipulated rules allowing judiciary to pardon or extenuate punishment under the pretext of honor. For example, Article 98 of Penal Code<sup>16</sup> states, “Perpetrators may take advantage of the extenuating excuse, in cases of having committed crimes in a fit of rage that were the result of an unlawful and dangerous act by the victim.”<sup>475</sup> Judges often use “honor” as an extenuating excuse. All of this should be understood as part of the larger story of the gendered and sexualized construction of the national citizen. When the nation is “envisioned as a family, the concept of family honor could easily be appropriated as the basis of national honor.”<sup>476</sup> At first sight this intellectual analysis might seem irrelevant to citizenship. As I will illustrate below, though, the interplay between the family, the state, and the nation -which are all constructed in patriarchal discourse- informs the conception of the ideal citizen and who belongs. The conceptualization of the nation and the state as an extension of the family perpetuates gender hierarchies and deprives certain categories of persons of their full citizenship.

Gendered notions have promoted and sustained the constructions of nations and states. As Nira Yuval- Davis points out, the constructions of nations and states involve specific notions of both manhood and ‘womanhood.’<sup>477</sup> Familial rhetoric and metaphors are used in nationalist discourses to generate loyalty and obedience. The bond between a people and its homeland is forged by attaching gendered markers to the nation-state and adopting the patriarchal family as a model for the organization of the national state. The nation is often depicted as a one family at

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led to the normalization of violence against women. See, Rian Hioe, New Bloom, “Wave of Murderers in Past Month has its Roots in Toxic Masculinity in Taiwanese Society, 2018. <https://newbloommag.net/2018/06/01/murder-toxic-masculinity/> .

<sup>475</sup> Judge Ahmad Al Ashqar, “Murder of Women in Palestine Under the Pretext of Honour.” *United Nations Human Rights* (April 2014). <https://www.studocu.com/en-gb/document/university-of-east-london/research-project/executive-summary-study-called-honour-killings-palestine/14733970>.

<sup>476</sup> Beth Baron, *Egypt as a Woman: Nationalism, Gender, and Politics*. (University of California Press, 2005), 7.

<sup>477</sup> Yuval-Davis, *Gender and Nation*. (University of East London UK, 1997).

the head of it are the “founding fathers.” Men are the protectors of the nation (they are the state), while women are the “mothers of the nation”. Men are tied to the conception of masculinity, which dictates power, honor, and control. Women are linked to femininity and are ascribed the role of biologically and culturally reproducing the nation. In this way, the assumed or ideal citizen is gendered. The ideal citizen is a gendering activity. In other words, there are different ideals of citizenship for men and women. For men the ideal citizen is the masculinized warrior involved in many activities -occupied with honor, conquest, patriotism, protection, and fraternity. The ideal female citizen, on the other hand, is the sacrificing mother who is responsible for giving birth and bringing up men as good soldiers, workers, or citizens capable of defending the “mother-land.” Female citizenship is constructed primarily through her family roles as bearers of children and as mothers. Women are not excluded from citizenship because they are mothers, but rather they are included mostly as mothers. Their familial roles are not seen as confined to the private sphere, but as extending into the public one where women’s childbearing roles are valorized. The ideal female citizen is the “Republican mother,” who is able to raise her sons to value patriotism and to sacrifice their own needs for the greater good of the country.<sup>478</sup> The burden of representation is especially heavy on women. As Valentine Moghadam has explained, women have been assigned the role of “bearers of cultural values, carriers of

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<sup>478</sup> In her article, “The Republican Mother” (1976), Linda Kerber contrived the phrase in order to delineate the new roles of American women in the early Republic. Kerber explained that the republican mother that we observe in the early years of the republic resembles the Spartan mother, whose civic duty was to raise sons “prepared to sacrifice themselves to the good of the polis”.<sup>478</sup> It was reported by Plutarch that a Spartan mother killed her son for he was a coward and not worthy of her and Sparta. The mother said, “He was not my offspring...for I did not bear one unworthy of Sparta.”<sup>478</sup> Spartan mothers were the only ones who were famous in antiquity qua mothers. They were exalted for their ability to raise Spartan citizens. See, Linda Kerber, “The Republican Mother: Women and the Enlightenment-An American Perspective.” *American Quarterly* 28, no. 2 (1976): 187–205.

traditions and symbols of the community.”<sup>479</sup> Women are considered the biological and the cultural reproduction of the nation. They are responsible for inculcating beliefs and loyalties to ensure intergenerational continuity. The female citizen in the national-state discourse does not resent or resist the man’s dominance but rather adores it and is grateful for its promise of protection, “She looks up to him with gratitude for his manliness and admiration for his willingness to face the dangers of the world for her sake.”<sup>480</sup> The superiority of the male citizen emanates from the willingness to risk, sacrifice, and protect the “mother land.” The masculine protector of the nation-state is the protector of women and children in the patriarchal household. Such highly sexualized and gendered discourse enforces patriarchal oppression, legitimizes masculinist protection, shapes the boundaries of citizenship, and positions men and women differently in relation to the nation-state. Overall, the cluster of narratives and discourses that links family to nation and state push patriarchy from the private to the public mode, thereby creating a gendered relationship to citizenship.

In unrecognized states, such gendered narratives are intensified and utilized in service of the goal of achieving state’s recognition. Unrecognized states are humiliated and feminized, as explained earlier, by the lack of recognition and thereby gendered identities are mobilized to protect the mother-land and restore the state’s dignity. In her article “Sovereignty, Identity, Sacrifice,” Jean Elshtain explains how sovereignty and war are inextricably entangled and work to produce a gendered narrative that justifies violence for women while neglecting violence

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<sup>479</sup> Valentine Moghadam, ed. *Gender and National Identity: Women and Politics in Muslim Societies*, (London: Zed Books, 1994), 4.

<sup>480</sup> Iris, Young, “The Logic of Masculinist Protection: Reflection on the Current Security State,” in *Women and Citizenship*, Marilyn Friedman ed. (Oxford University Press, 2005), 18.

against women. It is worth quoting here at length her discussion of Hegel's views of state and war:

War transcends material values. The individual reaches for a common end. War-constituted solidarity is immanent within the state form. But the state, hence the nation, comes fully to life only with war. Peace poses the specific danger of sanctioning the view that the atomized world of civil society is absolute. In war, however, the state as a collective being is tested, and the citizen comes to recognize the state as the source of all rights. The state's proclamation of its own sovereignty is not enough: that sovereignty must be recognized. War is the means to attain recognition, to pass, in a sense, the definitive test of political manhood. The state is free that can defend itself, gain the recognition of others, and shore up an acknowledged identity. The freedom of individuals and states is not given as such but must be achieved through conflict. It is in war that the strength of the state is tested, and only through that test can it be shown whether individuals can overcome selfishness and are prepared to work for the whole and to sacrifice in service to the more inclusive good. The man becomes what he in some sense is meant to be by being absorbed in the larger stream of life: war and the state. To preserve the larger civic body, which must be "as one," particular bodies must be sacrificed.<sup>481</sup>

During war, citizens are asked to sacrifice and overcome selfishness. Gender differences become further encouraged and enforced. Male aggression is celebrated and female-sacrifice is glorified. While unrecognized states technically are not at war, they are always on guard preparing for one. This is evident by the recent fighting in Nagorno-Karabakh, which killed thirty-two people, left hundreds injured, and forced thousands to flee.<sup>482</sup> Unrecognized states are suspended in a war-like situation where the national identity is threatened and the state is at risk of being absorbed or integrated into the parent state. Unrecognized states have not passed the test of "political manhood" nor have they achieved acknowledged identity. What this means for citizens of unrecognized states is that they are caught in a narrative of "sacrifice in service to the more

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<sup>481</sup> Jean Bethke Elshtain, "Sovereignty, Identity, Sacrifice." *Social Research* 58, no. 3 (1991): 545–64, 548.

<sup>482</sup> See Andrew Roth, Sam Jones, and Howard Amos, "Nagorno Karabakh: ceasefire agreed after dozens killed in military offensive." *The Guardian*, September, 20, 2023. <https://www.theguardian.com/world/2023/sep/20/nagorno-karabakh-death-toll-azerbaijan-armenia-attack-conflict-russia-us>. Also see interview with Thomas de Waal discussing the recent attacks on Nagorno-Karabakh by, Michael Young, "Endgame in Nagorono-Karabakh", Carnegie Middle East Center, September, 28, 2023. <https://carnegie-mec.org/diwan/90657>.

inclusive good”, namely recognition in this case. In full-fledged states, war brings about an accepting attitude toward a more authoritarian and paternalistic state power. For example, shortly after September 11th and the declaration of war on terrorism, the USA Patriot Act was passed with almost no debate, reducing the power of courts and the checks and balances enshrined in the American constitution. The Bush administration adopted the rhetoric of the male protector, who is going to not only protect his citizens but also other subordinate citizens such as the Afghani women. Bush took the role of the father, who is willing to sacrifice and go into a land filled with danger to protect his family (the Americans). Thereby, not to support his cause is considered unpatriotic. In like manner, the existential threat of the unrecognized state “legitimizes” the logic of masculinist protection. Unrecognized states, like most countries during war time, rely on the maintenance of gender roles to create solidarity and obedience. In this suspended war-like situation, citizens are asked to “overcome selfishness”, including enduring patriarchal oppression and gender discriminatory norms. Citizens of unrecognized states are suspended in a transitional state that rests on patriarchal and gender discriminatory norms.

While patriarchal oppression is found almost everywhere and is not specific or exclusive to any country or region, in unrecognized states it is more amplified. The struggle to dismantle patriarchal oppression in unrecognized states takes place against a complex backdrop of state-building politics and resistance against the oppression of nonrecognition. The intersectionality of these systems of oppression, I suggest, creates a unique set of experiences and challenges for people of unrecognized states. The struggle for recognition is an existential struggle that seems to trump everything else, including the advancement of gender equality laws and policies. As was illustrated by the political activist interviewee mentioned earlier, women’s issues are last on the priority list of government. Women are often told to wait until after the state attains

recognition to have their issues addressed. Admittedly, this is not unique to women in unrecognized states. Thinking historically to the suffrage and the civil rights movements in the U.S., women in general and black women in particular were told to wait their turn. During the American civil war, women were told to wait and not to jeopardize the granting of black voting rights by pressing their own demand at the same time. During WWI, women were once again told to wait and that their time would come. In his speech at the suffrage convention, president Woodrow Wilson told women that the vote was something for which, “you can afford a little while to wait.”<sup>483</sup> Women were asked to support their nation and put their own cause on hold until after the war ends. Alice Paul, a leader in the women’s suffrage movement, told reporters, “When the civil war began, Susan B. Anthony was told the same things we are being told today. If she’d only drop her suffrage work and become an abolitionist, women would be given the vote as a reward as soon as the war was over. She did drop her work, and as a result all legislation in which women were interested was promptly dropped.”<sup>484</sup> The trap of loyalty pressures women to ignore their own interests and presents them with a false choice between their country and their gender. Even during the civil rights movement, women and particularly black women were often relegated to the background and not given leadership positions, despite playing a significant role in sustaining the movement.<sup>485</sup> Black women are often pulled in multiple directions. Black men wanted their support in fighting racial discrimination and white women wanted their help in fighting sexism. Both groups, however, ignored the unique challenges faced by black women.

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<sup>483</sup>The American Presidency Project, “Address at the Suffrage Convention, Atlantic City, New Jersey” September 8, 1918. <https://www.presidency.ucsb.edu/documents/address-the-suffrage-convention-atlantic-city-new-jersey>

<sup>484</sup>Mary Walton, “A Woman’s War” PBS. <https://www.pbs.org/wgbh/americanexperience/features/the-great-war-womans-war/>

<sup>485</sup> See Evelyn M. Simien and Rosalee A. Clawson, “The Intersection of Race and Gender: An Examination of Black Feminist Consciousness, Race Consciousness, and Policy Attitudes,” *Social Science Quarterly* 85, no. 3 (September 2004).

Between being black and being a woman, black women “have never had the luxury of fighting a singular fight.”<sup>486</sup> In general, women are expected to prioritize race, ethnicity, and nation above gender. In this sense, women needing to wait their turn is a common sentiment when discussing gender laws and policies of equality. What this means for women of unrecognized states is that their “turn” might never come. The situation for citizens of unrecognized states seems to be far more enduring.

Citizens of unrecognized states are stuck in a condition of permanent temporariness. On one hand, unrecognized states and their citizens perceive their condition of nonrecognition as a temporary status, as they are waiting to become recognized by the international system. On the other hand, the persistence of their situation as unrecognized states has led to permanent uncertainty. Some of these entities, as I mentioned before, have survived for decades. For many of the inhabitants of these entities, the stagnant elongated reality of nonrecognition is all they know. Thus, citizens of unrecognized states are in a state of both temporality and permanence. They are trapped in a situation within a trapped state. Women in particular are disproportionately affected by this as their issues are marginalized due to the state’s political circumstances. In other words, gender issues could never equal the state’s national security interests. Thus, women end up having to pay the price for the struggle between statehood and patriarchy. The feminine woman in unrecognized states is asked and indoctrinated to sacrifice and endure the effect of patriarchy till recognition is achieved and the state has passed the test of “political manhood”. The feminine woman in unrecognized states is caught in a rhetoric of patriotism that is imbued with patriarchal ideology and attitudes. Therefore, fighting patriarchy is not only hard but is

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<sup>486</sup> Sara Lomax-Reese, “The Triple Weight of Being Black, American and a Woman,” *PBS*, March, 22, 2018 <https://why.org/articles/the-triple-weight-of-being-black-american-and-a-woman/>.

equated with being unpatriotic and selfish. In short, patriarchy is strengthened by the lack of recognition and the existential threat that it poses to unrecognized states. The gendered discourse of citizenship is also evident in the two remaining dimensions of citizenship, citizenship as activity and citizenship as identity, which will be discussed below.

## **Citizenship as Activity/Participation**

As mentioned before, unrecognized citizens take part in governance through activities, such as voting, running for office, petitioning the government, serving in the military, and a range of other activities that traditionally have been exclusive to citizens. For the most part citizens of unrecognized states, like their counterparts in recognized states, engage in political activities and practices of citizenship to voice their demands. Nonetheless, citizenship as activity in the context of nonrecognition, is not only about participation and involvement in public and community affairs, but also about existence and the struggle for recognition. In the context of non-recognition, citizenship as activity turns into an affirmation of existence. It is often viewed as a form of resistance in the face of the very body they seek to join, namely the international community. In these spaces of non-recognition, citizenship acts, such as voting and petitioning the government do not only serve as a mechanism to protect citizens from tyrannical governments and establish accountability, but, more importantly, they serve as a strategy to promote their quest for statehood in the international arena. In other words, they are a means to demonstrate to the outside world, in practice, the legitimacy of their claim to statehood. For example, one of the leaders of Abkhazia argued that the entity should be recognized because it had proven itself viable as a state by adopting a multi-party system and participatory



democracy.<sup>487</sup>

Andrew Wilson has argued that “politics is “virtual or “theatrical,” in the sense that so many aspects of public performance are purely epiphenomenal or instrumental, existing only for effect or to disguise the real substance of “inner politics.”<sup>488</sup> Elections, political parties, and referendums are all part of the techniques used to “stage the basic mythology of the state.”<sup>489</sup> This is more so in these unrecognized entities where statehood is contested. In their bid for international support, unrecognized states attempt to portray a democratic, unified home front. Unrecognized states took note of the international emphasis on democracy and the relationship between democratic statehood and recognition. After the end of the Cold War, democracy was considered the most legitimate form of the state. The recognition of the former Yugoslav republics in the early 1990’s was conditioned on the rule of law, democracy, and protections of human rights. Also, to join the EU, member states are required to have achieved “stability of institutions, guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities.”<sup>490</sup> This international rhetorical emphasis on democracy compelled unrecognized states to embark on a process of democratization. In fact, as I noted in the previous chapter, some scholars have argued that the lack of recognition incentivizes unrecognized states to democratize in order to demonstrate their legitimacy and improve their prospect of achieving recognition. Yet, at the same time, the lack of recognition creates a perpetual threat that impedes democratization for fear of disintegration.

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<sup>487</sup> See Nina Caspersen, (2012), 69-70.

<sup>488</sup> Andrew Wilson, *Virtual Politics: Faking Democracy in the Post-Soviet World* (New Haven, Connecticut: Yale University Press, 2005), 47.

<sup>489</sup> Wilson, *Virtual*, XVI.

<sup>490</sup> European Commission, [https://ec.europa.eu/neighbourhood-enlargement/enlargement-policy/glossary/accession-criteria\\_en](https://ec.europa.eu/neighbourhood-enlargement/enlargement-policy/glossary/accession-criteria_en)

Nina Caspersen has observed that “Democratization in the context of a prevalent siege mentality clearly creates a number of contradictions; it makes it easier for the authorities to constrain and limit the process of democratization and makes it more likely that the opposition will voluntarily curb its activities...the external threat serves to mute dissatisfaction and the coercive apparatus can be used to quell dissent.”<sup>491</sup> For instance in Somaliland, the authorities restricted the number of parties running in local elections arguing that a proliferation of parties could lead to a fragmented and clan-based political system that might destroy the state. Therefore, in the name of the need for unity and avoidance of internal strife, the Somaliland authorities were able to suppress the opposition and “monopolize competition for power rather than simply to establish a monopoly of power.”<sup>492</sup> Similarly, the Palestinian Authority suppresses free speech and any form of criticism in the name of survival. As one interviewee told me, “Every time we protest and speak against the PA’s corruption, we are told to direct our anger and criticism towards Israel and we are often accused of being collaborators and traitors. See what happened to Banat.” The interviewee was referring to Nizar Banat, a Palestinian activist and an outspoken critic of the Palestinian Authority, who was arrested by PA security forces and reportedly beaten before he was announced dead. The PA charged 14 low-ranking security officers with taking part in the beating of Banat and eventually his death. Banat posted videos on social media criticizing the PA for its corruption and nepotism. He also formed an electoral list but elections were canceled, and he then sent a letter to the European Union asking to cut off funding to the Palestinian Authority for its undemocratic practices. While most Palestinians

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<sup>491</sup> Nina Caspersen (2012) 94, 117.

<sup>492</sup> Andrew Wilson, *Virtual Politics: Faking Democracy in the Post-Soviet World* (New Haven, Connecticut: Yale University Press, 2005), 38.

protested his assassination, his style of activism was often condemned by many Palestinians. Of course, police and government brutality also occur in full-fledged states.<sup>493</sup> However, in unrecognized states, where every action of government is merely a survival strategy justified by reference to security and consolidation of statehood, citizens seem to have little choice but to support the dominant narrative and discourse of unity.

The struggle in these entities is filled with fear of extinction and desire for recognition. Democratization certainly can aggravate divisions and in the context of nonrecognition the division could very much run the risk of losing the de facto state altogether. This is not to say that democratization and particularly participatory democracy is inconceivable in unrecognized states, but that the challenges in unrecognized states differ in important ways from that generally observed in recognized states. Unlike citizens of recognized states, citizens of unrecognized states have to consider, when practicing citizenship, whether they are jeopardizing the prospect of their entity achieving recognition or even contributing accidentally to the dismantling of their entity and reabsorption into a parent state. They have to grapple with the dominant discourse of unity imposed by their unrecognized state. As I noted in chapter four, unrecognized states tend to foster homogeneity wary of the dangers posed by pluralism. Although the danger can be real, unrecognized states often exaggerate the level of threats, sometimes framing any opposition as an existential risk. Consequently, citizens of unrecognized states find themselves in a dilemma between choosing to hold their governments accountable and accepting the prioritization of unity above everything else for the sake of self-determination and recognition. Citizens of

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<sup>493</sup> The killing of Jamal Khashoggi, a Saudi dissident journalist, by agents of the Saudi government is an example of abuse of human rights and fundamental freedoms in recognized states. Police and government brutality against black people in the United States is continuously present.

unrecognized states strive to achieve self-determination and at the same time exercise their rights and hold their governments accountable, but the two goals are often presented to be in opposition.

One way to describe this dilemma further is to once again compare it to recognized states during wartime. In times of war, criticizing the government can be considered dangerous for the nation, as was established by many court cases in the United States during WWI. In fact, in 1917 the Espionage Act was passed to prohibit any criticism of WWI or any future war. Section three of the Espionage Act explicitly states:

whoever when the United States is at war, shall willfully cause or attempt to cause insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or shall willfully obstruct the recruiting or enlistment service of the United States, to the injury of the service or of the United States, shall be punished by a fine of not more than \$10,000 or imprisonment for not more than twenty years, or both.<sup>494</sup>

The act has been amended numerous times since then. The idea is that whenever there is a threat or a perceived threat to the nation-state, governments, even democratic ones, tend to invoke and employ a discourse of unity and patriotism over diversity and public deliberation. Consequently, citizenship and specifically civic participation becomes more about contributing to unity and fighting the external threat than anything else. This issue of participatory citizenship in times of conflict was very well analyzed by Sigal Ben-Porath. In her book, *Citizenship Under Fire*, Ben-Porath examines how ideas about citizenship change in times of war. She argues that during periods of conflict or security threats, civic participation shifts “from the open and voluntary to the directed and mandated. The measure of civic participation is not so much engagement as the readiness to contribute to the war and the survival effort, and possibly to risk one’s life for the

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<sup>494</sup> The Espionage Act of 1917. [https://www.digitalhistory.uh.edu/disp\\_textbook.cfm?smtid=3&psid=3904](https://www.digitalhistory.uh.edu/disp_textbook.cfm?smtid=3&psid=3904).

sake of the country.”<sup>495</sup> This reinterpretation of civic participation that is based on solidarity and unity instead of open deliberation and pluralism produces what Ben-Porath calls belligerent citizenship; a form of citizenship that is characterized by patriotic unity that ensues from the sense of threat. In belligerent citizenship, the in-group “is defined primarily in national terms, and in opposition to national enemies; other forms of membership and affiliation are assumed to be of lesser importance.”<sup>496</sup> Therefore, good citizenship becomes equated with loyalty and those who deviate from such a commitment “struggle not to be described as ‘beyond the pale’ or ‘unpatriotic.’”<sup>497</sup> Ben-Porath asserts that belligerent citizenship is not necessarily in opposition to democratic citizenship, but that it can certainly harm the democratic process. She writes, “When belligerent citizenship evolves, diversity is suppressed for the perceived sake of national survival.” She concludes that in times of war, “ideological diversity diminishes, and with it the tolerance to other forms of diversity and plural membership.”<sup>498</sup>

Belligerent citizenship was very much apparent in the aftermath of September 11, 2001. In the name of security, civil liberties were curtailed. The government was able to suspend attorney-client privilege, search business and communication records without the owner’s consent or warrants, and use racial profiling as a tool to apprehend terrorism suspects. In spite of that, Americans rallied behind their government and president. Bush’s approval ratings surged to record highs, reaching 90%.<sup>499</sup> Afraid of appearing unpatriotic or noncompliant with the war on terror, many American media outlets were reluctant to express criticism of the administration’s

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<sup>495</sup> Sigal Ben-Porath, “Wartime Citizenship: An Argument for Shared Fate”, *Ethnicities*, (2011), 11(3) 317.

<sup>496</sup> Sigal Ben-Porath, “Wartime Citizenship”, 316.

<sup>497</sup> Sigal Ben-Porath, “Wartime Citizenship”, 318.

<sup>498</sup> Sigal Ben-Porath, “Wartime Citizenship”, 316.

<sup>499</sup> Roper Center for Public Opinion Research, 2009.

decisions. Many government decisions went unquestioned as Americans expressed desire for revenge and violent retribution. The fear of terrorism pushed all other issues off the political agenda and allowed for emergency powers to be constructed. Shortly after the attacks, Congress empowered Bush to “use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred in September 11, 2001, or harbored such organizations or persons in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.”<sup>500</sup> Patriotism, anger, along with desire for revenge were utilized to support a brutal war on terror in Afghanistan and Iraq. To put it briefly, in response to an outside threat, even longstanding democracies tend to suppress diversity and deliberation for the perceived sake of national survival. In such times, the deliberative model of the citizen is replaced by the obedient, sacrificial citizen who can rally around the flag and the state.

Similarly, due to the lack of recognition and the threat that it creates, unrecognized states tend to prioritize unity over diversity and frame everything as a threat to state security. Disagreements are often discouraged and few perspectives are regarded as worthy of public discussion as the public agenda tends to focus primarily on self-determination and state recognition. Thus, like citizens of recognized states during war, unrecognized citizens are expected to put everything aside and rally behind their governments. There are two significant differences, however, between the dilemmas faced by the two groups, namely time and the nature of the threat. While war poses a real threat to the state, it is often not an existential one. In other words, war can change the identity of the state but it is very unlikely to eliminate it. For

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<sup>500</sup> S.J. Res. 23, 107th Cong. (2001). Congress issued this Authorization for Use of Military Force pursuant to the War Powers Resolution.

example, the war in Syria has produced a failed state but it did not formally end the state; Syria still exists. Of course, through war, a state can lose territory but it is unlikely today that the entire entity gets lost or absorbed. As discussed in chapter three, it is almost impossible to lose statehood once a state has been confirmed as a legal sovereign state. For unrecognized states however, the threat is existential in the sense that the entity might very well cease to exist, for it has not been recognized internationally in the first place. Thus, for citizens of unrecognized states the alternative is dreadful. Furthermore, this demand for national unity has been the case since the existence of these unrecognized states. That is to say that the state of emergency in which they live and the sacrifice that they have been asked to make is not the exception but the rule. During wartime, citizens of recognized states are asked to rally behind their state with the understanding that once the threat of war ends citizens are no longer expected to subscribe to this patriotic unity or constrain their criticism of the government for the sake of national security. However, for citizens of unrecognized states, the lack of recognition creates an everlasting threat that can only end by recognition or reabsorption. Although a sense of solidarity, unity, and a common cause as Ben-Porath explains can “serve as coping mechanisms, supporting perseverance through uncertainty and distress,” for citizens of unrecognized states it does the opposite, as they have been trapped in this cycle of constantly prioritizing unity and proving their loyalty forever. Thus, for citizens of unrecognized states, civic participation has always been directed towards the common cause of recognition and self-determination. This causes citizens to distrust the government as well as lose interest in civic engagement at least in the formal arena of politics, for example in voting, running for office, and petitioning. All of the people I interviewed have communicated this in different ways. The candidate who was running for the

municipal council in Palestine told me that the voter turnout was only 39%.<sup>501</sup> She said “Unfortunately many citizens have become disengaged with our political system, but I say as citizens, we have to do our part if we are to close the gap between our constitutional rights and the reality on the ground.” One interviewee asserted that voting does not make any positive difference, but what really does she said, “is my interaction with my fellow citizens, and working with them and for them. I’m an active member of society, who works towards improving living conditions for kids in marginalized communities and that is what makes me a good citizen.”

Consequently, citizens of unrecognized states are most active in the informal arena of politics, far from institutions and organizations. Due to the struggle for recognition, citizens of unrecognized states have been able to expand the notion of citizenship and overcome the rigid separations of what is considered political and what is validated as citizenship practices. It is worth reiterating that it is not the act that is politically determinative but the context. As discussed in chapter two, several scholars have proposed alternative ways of conceptualizing active citizenship to include a constellation of practices that diverge radically from conventional models of political participation. Feminist scholars have been the most vocal critics of the conventional formulations of citizenship practices, which ignore the political activities and agency of women in grassroots neighborhood and community-based groups. According to Ruth Lister, engagement in formal politics is alienating to women and minority groups.<sup>502</sup> Women and disadvantaged groups are most active and effective in the informal arena of politics. By exposing

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<sup>501</sup> Voter turnout for the second phase of the local elections reached 39 percent, for a total of 278,324, out of the overall number of eligible male and female voters of 715,413, to elect 234 lists running for 50 local councils. These lists include 2,306 candidates; 27 percent are women, all competing for 632 seats.

<https://english.aawsat.com/home/article/3556336/palestine-holds-municipal-elections-west-bank-gaza-abstains>.

<sup>502</sup> See Ruth Lister, *Citizenship*.



the exclusionary conceptualization of political arenas of citizenship, feminist theorists have mounted a significant challenge to the traditional assumptions of what qualifies as practicing citizenship. They have expanded the notion of politics and citizenship and validated the informal networks of household and community as spaces of practicing citizenship. Of course, informal modes of participation, such as green living, responsible consumption, and low-cost improvements to public spaces, are not new. It is, however, only recently that scholars have started to pay attention to such activities and to view them as a form of citizenship participation and engagement that “emphasizes embodied, practical, tactile and creative ways of acting, resisting, reworking and subverting.”<sup>503</sup>

For citizens of unrecognized states, these alternative modes of participation that are rooted in everyday practices, provide a space where they can challenge the leadership and the status quo, and, at the same time, express their loyalty and belonging to their lands and their cause of self-determination. The invented spaces of citizenship, as explained by Faranak Miraftab, are “imaginative in promoting...a different world as being...both possible and necessary.”<sup>504</sup> Most practices in the invented spaces aim to “challenge the status quo in the hope of larger societal change and resistance to the dominant power relations.”<sup>505</sup> Citizens regularly challenge, renegotiate, and re-create the civil order as a means of contesting the existing system, which in turn brands their actions as contradictory to the duties of citizenship. Resistance and civil disobedience depend on the disruption of the status quo and the performative creation of

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<sup>503</sup> Laura Pottinger, “Planting the Seeds of a Quiet Activism.” *Area* 49, no. 2 (2017): 215–217.

<sup>504</sup> Faranak Miraftab, “Insurgent Planning: Situating Radical Planning in the Global South,” *Planning Theory* 8, no. 1 (Feb, 1, 2009): 46.

<sup>505</sup> Faranak Miraftab, “Invited and Invented Spaces of Participation: Neoliberal Citizenship and Feminists’ Expanded Notion of Politics,” *Wagadu* 1 (Spring, 2004): 1.

new, previously unimaginable identities and realities. Citizens of unrecognized states, like marginalized citizens in recognized states, find agency in unconventional participation spaces, away from the institutional arena that does not only constrain their agency but also increases their sense of powerlessness, which emanates from the fragile nature of an unrecognized state and its limited capacity.

Some citizens choose art as the space in which they can practice citizenship. For example, in Somaliland, Mustafa Saeed, an artist, performs citizenship through documentary and photography. His work highlights how certain clans are discriminated against, despite the fact that the constitution grants equality to all citizens.<sup>506</sup> Through photography Saeed repudiates the government's narrative of equality and exposes the reality of discrimination and segregation. By doing so, Saeed forces the government to address discrimination and prioritize inclusivity. In his book *Life As Politics: How Ordinary People Change the Middle East*, Asef Bayat describes such informal civic engagement as "social nonmovements." Bayat explains that unlike social movements, which are "organized, sustained, self-conscious challenge to existing authorities," social nonmovements are "action oriented, rather than ideologically driven; they are overwhelmingly quiet, rather than audible, since the claims are made largely individually rather than by united groups."<sup>507</sup> Leaderless nonmovements have relevance to unrecognized states where citizens are stifled by the discourse of unity and self-determination. Citizens of unrecognized states subvert domination nationally and internationally and resist the dilemma of unity and accountability by taking on such modes of participation that are rooted in

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<sup>506</sup> Mustafa Saeed, <https://www.mustafasaeed.com/division-multiplied#11>

<sup>507</sup> Asef Bayat, *Life as Politics: How Ordinary People Change the Middles East*, 2nd ed. (Stanford, California: Stanford University Press, 2013), 20.

individualized, everyday, small scale, mundane activities, like cooking, taking pictures, singing, and playing music. For citizens of unrecognized states, informal citizenship practices -located far from institutions and organizations and situated in private or at the intersections of the private and public spheres- circumvent governments' constraints and surveillance.

The ordinariness of the acts that to all appearances do not pose any threat, make state repression ludicrous, yet they can sometimes lead to significant social and political changes. To put it differently, citizens have uncovered the power of the ordinariness and its politicizing potential and have utilized it to change the status quo. One can argue that women have been among the pioneers in using everyday mundane activities as a tool to achieve their goals; they have found the extraordinary in the ordinary. After all, the “personal is political” or at least has the potential of being politicized. After Hamas controlled Gaza, there was a rollback on women's rights. Policies, such as requiring women to have the permission of a male guardian to travel and banning women from riding on motorbikes, were enacted. Women resisted such policies largely by performing mundane daily practices in the public gaze, such as working and playing sports and music. Alaa Al-Amour, a 27-year-old Palestinian woman from Gaza defied traditional societal expectations placed on females. Her mundane activity of playing sport in the public domain and coaching later on have encouraged families to allow their girls to play football (soccer), which is considered a male sport in Gaza. Al-Amour told a reporter, “The players' families are getting used to the idea. Despite the social rejection of women's presence in sports, my family, which is athletic, encouraged me to continue teaching football to girls at Al-Mashtal Club. Then I began coaching softball on July 21, 2018. Sports is my passion.”<sup>508</sup> Mervat Al-

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<sup>508</sup> Alaa Alburai, “Gaza's Female Softball Players in League of Their Own,” *Al-Monitor*, March 4, 2020. <https://www.al-monitor.com/originals/2020/03/gazan-women-raise-their-pitch.html>.

Bitar, one of the founders of the first women's football team in Gaza stated:

We face gender discrimination. Men are always given priority. Males football players have more time for training. For this reason, we applied to the Palestine Sports Federation to pay more attention to the women's team. All I want is the end of the patriarchal mentality in society. I want to open the first football school to teach girls how to play football.<sup>509</sup>

What started as a dream is a reality now. The team has participated in international tournaments in Tokyo, Denmark, and Norway. Al- Bitar noted, "The women's football team was able to represent Palestine in the international community and raise the country's flag."<sup>510</sup>

Naela Abu Jubba, a 39-year-old woman and a mother of five, is Gaza's first female taxi driver. Abu Jubba has a degree in community service but after failing to find a job in 2020, she decided to take a "profession that has long been restricted to men in the Gaza strip." Abu Jubba offers her services to women only. She told the reporter:

The patriarchal society fears the success of any woman. I was surprised by the negative views of society and the harsh criticism by some fellow male taxi drivers. After I was featured on local media, I was attacked on social media and harassed on the street. My family now wants me to stay at home and quit my job. They can no longer stand the gossip of our neighbors, who keep urging them to secure my financial and living need so that I can stop working. As if women in this society work only to make money. They do not understand that a job comes with social status and confers autonomy and independence.<sup>511</sup>

In these examples, women are defying stereotypes not by deliberately organizing, networking and protesting but by deploying the power of visibility. Being visible in the public arena, seeking employment, practicing sports, and driving a taxi, have challenged the status quo and created a new norm. These seemingly mundane practices have the power to shift narratives, attitudes, and

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<sup>509</sup> Palestine Sports Federation or what is officially known as Palestine Athletic Federation is the governing body for sports in Palestine. <https://jinhaagency.com/en/sport/first-women-s-football-team-in-gaza-32012>.

<sup>510</sup> Alburai, "Gaza's Female Softball"

<sup>511</sup> Entsar Abu Jahal, "Why Gaza Should have more Female Taxi Drivers." *Al-Monitor*, December, 7, 2020. <https://www.al-monitor.com/originals/2020/12/gaza-women-working-taxi-driver-criticism.html>.

behaviors, without challenging the state or confronting it directly. They might not be able to cause broad political and legal transformation nor aim to, but they are nonetheless meaningful and impactful. Daily negotiations like the ones described above can beget significant social changes that can lead to incremental and important improvements in political participation. While the “good citizen” is primarily framed by the state and for the state, it is also shaped and negotiated outside the boundaries of the state. The narrative of virtuous and deviant citizens is challenged and redefined by these everyday ordinary practices. The good citizen in Palestine was expanded by such practices to include not only the “Republican Mother”, but also the athletic woman who represents her country as well as the taxi driver woman who can be depended on. Citizenship of everyday life is elusive, flexible, and most importantly has a reasonable chance to escape state repression.

Of course, some unconventional acts of citizenship, and particularly civil disobedience, are met with outright rejection by the authorities. States depend on most citizens obeying the law, and for this reason are highly invested in cultivating a specific kind of citizenry and promoting a more rigid conception of citizenship practices. Yet there are also some informal citizenship participations that governments often encourage as long as they do not turn oppositional. For instance, in Abkhazia, Katya Yenik, an Abkhazian citizen and resident of Sukhum uses her video blog to talk about the infrastructure problems in the city. In episode one of her video blog titled “Who Turned the Sukhumi Streets into Off-road?”, Yenik takes a walk outside her house where the streets are damaged and full of holes and mud. She shows intersections with broken traffic lights and exposed electric wires. In episode 2, “Streets with no Sidewalks”, Yenik explains how, as a café owner, she is attempting to solve the problems of destroyed pedestrian zones and encourages other entrepreneurs to invest in the infrastructure of

the city. Yenik's activism is both a condemnation of the government and its incapability to build needed infrastructure, as well as a call for citizen initiatives to support the neighborhood.

Governments often encourage self-help in order to shift some of their responsibilities onto the individual citizens.

Furthermore, some informal citizenship practices are directed towards the international community. Due to international nonrecognition, most citizens of unrecognized states view their personal lives as political statements -- statements of existence, resistance, and presence. In unrecognized entities, working towards recognition and gaining visibility on the international stage is not only encouraged but required in order to be regarded as a good citizen. As the denial of recognition attempts to conceal or even dispute the existence of these entities and their people, preserving and protecting cultural heritage, becomes a citizenship duty. Thus, a banal everyday act can take on a radically political character and become a vital citizenship act. In TRNC speaking their dialect is considered an act of resistance and citizenship. Similarly, in Palestine, preserving the art of centuries-old Palestinian embroidery, *tatreez*, is a form of political activism that aims to diminish invisibility. This discourse of course is strengthened by government and civil society organizations. In 2021, Palestinian embroidery received an international seal of approval from UNESCO, which placed it on the cultural heritage list. As put by the Palestinian Minister of Culture, "What our grandparents and forefathers created and left for us in heritage consisting of beauty, splendor, and roots that are deeply fixed, is the best evidence that we are the people of this land."<sup>512</sup> Needless to say, as was discussed earlier, preserving cultural heritage

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<sup>512</sup> This came after Israeli attempts to attribute the traditional embroidered Palestinian dress to themselves. See Aljazeera "Palestinian Embroidery Added to the UNESCO Cultural Heritage List", 16 Dec. 2021. <https://www.aljazeera.com/news/2021/12/16/palestinian-embroidery-added-to-unesco-cultural-heritage-list>

is carried out by women and is presented as their primary citizenship responsibility.

Unrecognized states tend to promote such practices to communicate particular messages about the claims to statehood.

Overall, citizenship practices in unrecognized states are not distinctively different from those in recognized states, but they are certainly shaped and constrained by nonrecognition. On one hand, they convey the existential truth of statehood and citizenship. On the other hand, they illustrate the unique challenges and limitations due to the political fact of nonrecognition. Despite the imposed dilemma of choosing between holding their governments accountable and defending their right to self-determination and governance, citizens of unrecognized states attempt to undertake both. As one Palestinian citizen from the West Bank told me, “In addition to the oppression that Israel inflicts on us on a daily basis, we [citizens] are also oppressed by the international community and our own authority. They both manipulate us. One uses nonrecognition as an excuse to hide corruption and the other uses our government’s corruption to deprive us of self-determination and independence. And we are adamant to fight both.” While the existential truth of unrecognized states and their citizenship institutions grant citizens of these entities the right and the ability to practice citizenship, when examined closely, their citizenship is far from ideal; it is deficient and paradoxical. The political fact of nonrecognition not only affects their attempts to fight corruption and hold their governments accountable, but also places them in an abusive and oppressive situation.

## **Citizenship as Identity/Sense of Belonging**

As detailed in chapter two, citizenship as identity refers to individuals conceiving of themselves as members of a collective. Or, as Linda Bosniak puts it, it is about “people’s

collective experience of themselves, their affective ties of identification and solidarity.”<sup>513</sup> It involves language, religion, shared history, mores, common values, and other cultural markers. It is anchored to the social fact of living together and creating not just a political community but also a cultural one. Despite the differences between the individual members of the state, citizenship attempts to produce a shared identity and “tame the divisive passions of other identities.”<sup>514</sup> Rogers Brubaker writes that “the state claims to be the state of, and for, a particular, bounded citizenry; it claims legitimacy by claiming to express the will and further the interests of that citizenry.”<sup>515</sup> Furthermore, “this bounded citizenry usually conceived as a nation- as something more cohesive than a mere aggregate of persons who happen legally to belong to the state.”<sup>516</sup> Chapter two pointed out that citizenship has been linked over the past two centuries to the nation-state. This is not a normative statement but a purely descriptive one. The nation-state has been actively engaged in the construction of citizenship as a legal and political structure and also as an identity, based on a sense of tradition and lifestyle. Note that the state and the nation refer to two different things: the state is a political and geographical entity, whereas the nation is a cultural community bound together by language and history. Nonetheless, they are inextricably entwined. They exist in a mutually dependent relationship that then became inseparable: “They were destined for each other; that either without the other is incomplete; and constitutes a tragedy.”<sup>517</sup> The nation provides the state with its identity and the reason for existence, and the state provides the institutions to govern and security for the nation. Thus, the

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<sup>513</sup> Linda Bosniak, “Citizenship Denationalized”, *Indiana Journal of Global Legal Studies*, 7, (2000): 447.

<sup>514</sup> Derek Benjamin Heater, *Citizenship: The Civic Ideal in World History, Politics and Education*, 3rd ed. (Manchester: Manchester University Press, 2004), 184.

<sup>515</sup> Rogers Brubaker, *Citizenship and Nationhood in France and Germany*, (Harvard University Press 1992), 21.

<sup>516</sup> Rogers Brubaker, *Citizenship and Nationhood*, 21.

<sup>517</sup> Richard K Betts, ed. *Conflict After the Cold War: Arguments on Causes for War and Peace*, (New York: Routledge, 2012), 68.



nation-state has become a unit that confers benefits on its citizens as well as identity. The nation-state serves as an anchor for collective identities. Through systems of belief, ceremonies, and symbols, such as flags, monuments, and anthems, the nation-state has provided an essential element in the identification with in-group and differentiated its citizens from others. Consequently, citizenship identities and citizenship cultures correspond to national identities and national cultures. As Brubaker suggests:

Citizenship in a nation-state is inevitably bound up with nationhood and national identity, membership of the state with membership of the nation...The politics of citizenship today is first and foremost a politics of nationhood. As such, it is a politics of identity, not a politics of interest (in the strict, materialist sense). It pivots more on self-understanding than on self-interest. The 'interests' informing the politics of citizenship are "ideal" rather than material. The central question is not 'who gets what?' but rather 'who is what?'.<sup>518</sup>

The connection between citizenship and national identity might be a historical accident as Jurgen Habermas suggests, but nonetheless it is a strong, lasting accident.<sup>519</sup> Becoming a citizen involves acquiring cultural identity. This is evident by citizenship tests across the world, as was demonstrated in chapter two. In almost all countries, becoming a naturalized citizen requires a citizenship test that assesses the applicant's knowledge of the country's government, history, geography, language, and sometimes traditional and popular culture. Citizenship became the mechanism that allow citizens to forge a sense of solidarity and commonality. The discourse of citizenship as identity is thickly interwoven with solidarity and emotional belonging to a country or culture. In other words, citizenship as identity includes the sentiments of patriotism, loyalty, and social comfort. It is complex and malleable; it can be nationalistic but it is also variable and internal. Unequivocally, not every citizen identifies with the collective. Some have citizenship of

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<sup>518</sup> Rogers Brubaker, *Citizenship and Nationhood* 182.

<sup>519</sup> Jurgen Habermas, "Citizenship and National Identity: Some Reflections on the Future of Europe," *Praxis International* 12 (1992): 1-19.

the nation-state where they live but do not consider themselves part of it and vice versa. While this nexus between citizenship and national identity is being challenged in stable, full-fledged states- as it is contradictory to the plural identities arising from a heterogenous civil society- in unrecognized states this relationship is considered the engine that fuels the struggle for recognition.<sup>520</sup>

In unrecognized states, the sense of belonging is robust and it is made so by the denial of recognition. The struggle to achieve recognition from the international community, the sense of vulnerability, and the threat of reintegration by the parent state, all tend to solidify a shared sense of togetherness. In fact, as the denial of recognition fuels fear and a siege mentality, national identity gets wrapped up in almost everything they do. Everything is viewed and interpreted as a protection of national identity, which is produced and reproduced partly in reaction to the widespread rejection of their existence as a collective, living, social and political entity. Certainly, a nation can exist without a state and so, too, can national identity. In unrecognized states, though, this sense of common identity is very much sustained and strengthened by governments and civil society organizations. In times of conflict, citizenship as identity narrows down to a demand to identify with a common perception of national goals and to contribute to the cause of national survival. The governments and the elites play a vital role in cultivating national identity. As was noted in the previous section, leaders of unrecognized states tend to capitalize on fears of reintegration and the threat of renewed conflict to prop up their internal

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<sup>520</sup> That is not to say that democratic countries are no longer struggling with nationalistic citizenship. In fact, in Western Europe, immigration from non-Western countries is increasingly seen as a problem and several policies have been taken in order to reduce it. Some politicians in Britain, Netherland and France consider newcomers, particularly those from Turkey, Africa and the Arab countries, as threats to social cohesion and identity. Nationalistic citizenship is alive and well in democratic countries, but so is pluralism.

sovereignty and promote unity. They also invest in symbols, such as flags, anthems, ceremonies and war monuments, as well as historical narratives, to strengthen the sense of belonging, muster allegiance from the local population, and present a state image for their political entities. For example, most of these entities stage massive celebrations on Independence Day, aiming to reinforce the entities' independence and their unique identity and history. In her book, *The Making of Informal States*, Daria Isachenko describes in detail the celebration of Independence Day in Transnistria:

In addition to the traditional military parade, this time celebrations included a massive theatrical performance called River of Our Memory, with more than 3000 participants. The performance covered, in about two hours, the main episodes of what became the official history of Transdniestria. It opened with a procession of people carrying flags of the PMR and blue-colored flags to symbolize the river Dniester...To portray the victory of Transdniestria over Romanization, banners with nationalist slogans were washed down by the improvised river only the red banner remained, inscribed with the words 'Long live the Second Congress of deputies, which proclaimed the PMR'...Following a re-enactment of the declaration of the republic, the war of 1992 was staged on the square...The war's aftermath was represented by women and children entering the square with portraits of defenders of Transdniestria who fell victim to the armed hostilities. To symbolize the re-establishment of peace in the region, a military vehicle of Russian peace-keeping forces appeared on the scene...Finally children addressed the PMR's leader, Smirnov. The performance by children was no coincidence, as it was meant to symbolize the PMR having a future, in that a new generation of Transdniestria was growing up.<sup>521</sup>

The above passage demonstrates how governments of unrecognized entities tend to expend considerable effort creating a necessary discourse to foster a sense of belonging among its citizens. Likewise, in Palestine, Independence Day is a public holiday celebrated on November 15 of every year since 1988 when a Palestinian Declaration of Independence was written by poet Mahmoud Darwish and then declared by Arafat while in exile in Algiers.<sup>522</sup> In memory of that day, Palestinians hold formal and popular events where they get to sing the national anthem,

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<sup>521</sup> Daria Isachenko, *The Making of Informal States* (London: Palgrave Macmillan, 2012), 66-67.

<sup>522</sup> This Palestinian Declaration of Independence explicitly accepted the UN General Assembly's Partition Resolution 181(II) of 1947, which called for the creation of a Jewish state and an Arab state in the former Mandate for Palestine, together with an international trusteeship for the City of Jerusalem.

perform a *dabka* folklore dance, and kids get to have their faces colored with the Palestinian flag.<sup>523</sup> As one interviewee from the West Bank told me, “The celebrations are more like national weddings.” These celebrations aim to reinforce national identity and at the same time solidify their claim to territory.

The leaders of these entities try to territorialize the space within its boundaries by writing their own history and underlining their distinctiveness from their parent state. For example, in Taiwan, elites constructed a national narrative highlighting Taiwan’s difference from China. After 1991, new textbooks were introduced in schools, which stressed Taiwanese consciousness as well as Taiwan’s ethnic pluralism, leaving out large chunks of China’s history. As noted by a Taiwanese elementary school teacher on teaching citizenship education, “We don’t teach that Taiwan is part of China anymore. We emphasize that we’re Taiwanese now.”<sup>524</sup> In Palestine, students learn about their homeland in terms of land, geography, culture, traditions, and national heroes. The civic education textbooks replicate the name of Palestine and link it to its historical land. One of the interviewees told me that Israel banned the Palestinian Authority from using a specific book (*Al Tarbiya Al Wataniya*, translated in English means civic education) in Palestinian schools. She said, “Schools, however, printed the book as a pamphlet and continued using it. I still have my pamphlet.” The book teaches that the capital of Palestine is Jerusalem. It presents the Palestinian narrative, which is that of the native in struggle with a settler colonial movement. In this narrative, the establishment of the state of Israel in 1948 is presented as a

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<sup>523</sup> Palestinian Independence Day is commemorated by Gaza and the West Bank. Interestingly, Independence Day is not well known or celebrated by Palestinian nationals in the diaspora.

<sup>524</sup> Quoted in Sophie Rodger, “Unrecognized States and the Enduring Power of Identity,” *St. Antony’s International Review* 10, no. 2 (February 2015): 53-87, 61.

catastrophe (*nakba*) for the Palestinians, who were forcibly uprooted and expelled from their homes.

Admittedly, in this regard, unrecognized states are no exception to nation-building than any other state, which involves practices of differentiation, history writing, and invention of traditions and customs. In unrecognized states, however, nation-building measures are more radical, designed to constantly remind citizens of their shared collective identity and sometimes aggressively. A case in point is the authorities of Transnistria requiring its citizens to present their PMR passports everywhere including a visit to a doctor, the sale of a car, or any trivial transaction. The significance of this is hard to overstate, as most citizens hold a Russian, a Ukrainian, or a Moldovan passport to access the hallways of international airports. The PMR passport is mostly useless, as it does not grant them passage outside the perimeters of their entity. Therefore, to work against the de-legitimization of their entity, the PMR authority resorted to this administrative resource, making their passport not only valuable but also extremely necessary in every menial transaction. Since it is the very existence of unrecognized states that is in question, authorities of these entities are constantly staging and emphasizing their historical peculiarities and the unique identity of their people. Citizens of unrecognized states seek to communicate, assert, and perform their collective identity at every opportunity in their daily activities. Thus, nearly every aspect of the lives of these entities is a statement of politicized collective identity. In other words, everything is utilized for the purpose of affirming a common identity that is under threat. Citizens of unrecognized states tend to see everything through the prism of their collective shared identity. For instance, something as banal as food has become part of the political debate, utilized to affirm an identity distinct from the parent state. In Abkhazia, *adjika* is not merely a red sauce but is more about Abkhazian identity and pride. When Oliver Bullough, a journalist,

was interviewing one of the women, famous for making the best *adjika*, a forty-year-old Abkhazian man interrupted their conversation to say, “Write that *adjika* is Abkhaz, not Georgian. They say it is theirs, but they lie. They always lie.”<sup>525</sup> Food in this instance is a bearer of culture and memory, and can act as a signifier that articulates differences and marks the existence of this unrecognized state and makes it more visible to the world. As one *adjika* maker told Bullough, “Take it [*adjika*] to London and publicize it there.”<sup>526</sup>

Food is not only a source of nurturance and means of survival, but also an important factor in how we view and differentiate people and cultures. Food communicates culture, history, and identity. It operates as an identification of a group or an entire nation. It also conveys religious sentiments of the people, such as halal and kosher food. From the perspective of political science, food has always had a political dimension. It is not merely a social fact but also a political one that is often used to reinforce a specific narrative.<sup>527</sup> It is also not only a site for sharing meaning but also a place where we struggle over meaning. Ruve Schank an Estonian agriculture ministry official recalls how “Recipes, including their names, has to be approved by Moscow in Soviet times.”<sup>528</sup> Estonian recipes were suppressed and as a result many Estonian dishes were lost during the Soviet period. Recently, the government of Estonia has been investing in developing its own cuisine. The government chose a national fish. Dimtri Demjanov, a prominent Estonian chef, believes that having a national fish is important for a new country

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<sup>525</sup> Olive Bullough, “Adjika: Sauce of Glory Pride of Abkhazia,” *Roads and Kingdoms*, May, 2, 2012. <https://roadsandkingdoms.com/2012/adjika-sauce-of-glory-pride-of-abkhazia/>

<sup>526</sup> Abkhazia can only export adjika to Russia.

<sup>527</sup> For more on food and politics see, Atsuko Ichijo and Ranta Ronald. *Food National Identity and Nationalism: From Everyday to Global Politics*. (Basingstoke Hampshire: Palgrave Macmillan, 2016).

<sup>528</sup> See Oliver Ait, “Beware: Estonia Chooses a National Fish”, LHV <https://fp.lhv.ee/forum/invest/120830?locale=en>

like Estonia, “It shows the world we are an independent country.”<sup>529</sup> Food, and the traditions, and rituals around it are central components of the sense of collective belonging. Governments have utilized food to affirm a bond, generate goodwill (gastro diplomacy), as well as express displeasure. On March 11, 2003, Republican U.S. representatives Bob Ney and Walter B. Jones directed the three House cafeterias to change all references to French fries and French toast on the menus and replace them with freedom fries and freedom toast as a display of congressional anger at French intransigence over war with Iraq. Ney released a statement saying, “This action today is a small but symbolic effort to show the strong displeasure many on Capitol Hill have with our so-called ally, France.”<sup>530</sup> Thus, even in recognized states food has been used as a medium for addressing issues that are not necessarily about food.

In unrecognized states, where recognition is denied and marginalization is enforced, food comes to be a significant tool to raise the state’s profile and counterbalance isolation. In these entities, food has become an act of resistance that has the power to break down the state’s sense of invisibility. As I discussed earlier, the international community invisibilizes these entities by refraining from using their names and excluding them from maps and lists of countries. Through food, citizens of these entities attempt to prove their existence to the world. To identify a cuisine as an Abkhazian, Transnistrian, Palestinian, or Taiwanese is considered a victory that signifies the existence of the people and their territories. It is an indication of some kind of recognition and acceptance that allows them to connect and be part of the world around them. As Riyam

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<sup>529</sup> Oliver Ait, Beware.

<sup>530</sup> See Sheryl Gay Stolberg, “Threats and Responses: Washington Talk; An Order of Fries, Please, But Do Hold the French,” *The New York Times*, March, 12, 2003. <https://www.nytimes.com/2003/03/12/us/threats-responses-washington-talk-order-fries-please-but-hold-french.html>. Also see, Sean Loughlin, “Hose Cafeterias Change Names for ‘French’ fries and “French” Toast”, *CNN Washington Bureau*, Wednesday, March 12, 2003, <https://www.cnn.com/2003/ALLPOLITICS/03/11/sprj.irq.fries/>.

Kafri, a Palestinian educator and baker puts it, “The Kitchen is an extension to the land, which makes sense to talk about Palestine through its land and produce...resistance through Palestinian food means that we are present, correcting a lot of misinformation reclaiming our identity, and being resourceful.”<sup>531</sup> Unrecognized states use food to tell their stories, break down marginalization and oppression, and to counterbalance the negative perception of their entities as illegal anarchical badlands. Note that food is not gender-neutral and is a site of gender construction. Thus, once again gender plays a pivotal role in accounting for different experiences and practices in citizenship.

As has been demonstrated, citizens of unrecognized states attempt to tell their stories and mark their existence through different cultural and social practices, including food, clothes, and sports. For the most part, citizens of unrecognized states use the nation as a discursive construct, simultaneously willing the nation-state into existence and perpetuating it through everyday activities. Asserting their identity and marking their existence through their daily activities is perceived as an act of citizenship and sometimes a duty. In the end, as Mikulas Fabry has argued, “An identity can endure, and even deepen, as others deny it recognition.”<sup>532</sup> This is the case in unrecognized states and some scholars have attributed the persistence and the survival of unrecognized states to their strong sense of national identity.<sup>533</sup> In general, for citizens of unrecognized states, the development and the preservation of their national identity is regarded

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<sup>531</sup> Nadeen Alshaer, “Resistance Through Palestinian Food,” *The People’s Voice* February, 14, 2022. <https://jerusalem.24fm.ps/11371.html>.

<sup>532</sup> Mikulas Fabry, “Unrecognized States and National Identity”, in *Unrecognized States and Secession in the 21st Century*, ed. Martin Riegl and Bohumil Doboš (Springer Cham. 2017), 28.

<sup>533</sup> See Mikulas Fabry, *Recognizing States International Society and the Establishment of New States since 1776*. (New York, N.Y.: Oxford University Press, 2010). See, Sophie Rodger, “Unrecognized States and the Enduring Power of Identity.” *St Antony’s International Review* 10, no. 2 (2015): 53–87.



as a citizenship duty that aims to resist the international community and their policy of nonrecognition.

## **Conclusion**

In conclusion, citizenship in unrecognized states is characterized by specific narratives, tensions, and ambiguities that are different from those found in recognized states. The contested nature of unrecognized states has resulted in atypical citizenship regimes; a complicated one that is constructed under the context of the simultaneous absence and presence of the state. As the chapter has made clear, citizens of unrecognized states are governed and ruled by several self-declared administrative bodies. They receive birth certificates, title deeds, pensions, and social security from their unrecognized state. They go to state schools and collect salaries as state employees; they are arrested and imprisoned by state police and conscripted into compulsory military service. They are registered by the state as lawyers, doctors, and other licensed professionals. In other words, citizens of unrecognized states experience their state on an everyday basis. Although their state is unrecognized, it represents them, governs them, and is governed by them. Their state is an existential truth that cannot be denied based on their interaction and relationship with it. However, the political fact of nonrecognition diminishes their citizenship experiences and practices. Their certificates, licenses, diplomas, and passports are mostly considered invalid by the international community. Since the state is unrecognized, all institutions associated with it including citizenship are unrecognized. Thus, in effect not only are the states unrecognized but so are the citizens. Their existence, histories, and experiences are all canceled by the international community. They are excluded from many rights that recognized citizens take for granted. They are denied the right to live in the world and interact with it. They

experience marginalization and oppression as they are caught in the discriminating discourses of nationalism and internationalism.

Citizenship in these unrecognized entities is constrained by the practices of the international system and the domination of the statecraft process. As this chapter has demonstrated, the denial of recognition has telling effects on the entities' independence as they have to rely on patron states or outside aid to survive. This in turn minimizes the effectiveness of citizenship and hinders citizens' ability to assert their rights and participate in citizenship practices. Nonrecognition does not only place citizens of these entities at the mercy of patron states and oligarchs, but also keeps them vulnerable to continuous reformulation of patriarchies. Thus, citizenship in unrecognized states remains constrained by and negotiated within deeply gendered narratives.

Furthermore, the lack of recognition produces a culture of an everlasting threat that allows authorities to prioritize unity above everything else and maximize the domestic existence of the state to work against the de-legitimization of their entity. As a result of this tension between the international system that holds the primacy of territorial integrity and the unrecognized entity that insists on the sanctity of peoples' right to self-determination, citizens of unrecognized states are marginalized and effectively silenced. Therefore, the struggle for unrecognized citizens is twofold: not only against the governing authorities but also against the international community that does not recognize them as self-governing people. In fact, the lack of recognition as this chapter has illustrated, impedes the ability of unrecognized citizens to hold their governments accountable. The fear that any division or criticism of the government will weaken the entity and threaten its survival, prevents citizens of unrecognized states from freely practicing governmental accountability. As one interviewee from Bethlehem told me, "We

[citizens] are in an impossible situation: The lack of recognition contributes to the corruption of our authority and the corruption stands in the way of recognition and as citizens we are hindered by both.”

This chapter sought to explore the different dimensions of citizenship in unrecognized states. It examined how citizens of these entities perform citizenship. It observed that their citizenship experience is diminished by being affiliated with unrecognized states. It highlighted the unique dilemma and situation these citizens face when exercising citizenship. Of course, what I have identified in this chapter regarding citizenship in unrecognized states is a tendency not a rule. In general, though, it can be concluded that the lack of recognition shapes and limits the kind of citizenship that can be realized in these unrecognized entities. It adversely impacts every dimension of citizenship. Nationally, the lack of recognition disempowers inhabitants of these unrecognized states as it hinders their ability to hold their leaders accountable. Internationally, the lack of recognition marginalizes those who inhabit these unrecognized states and renders them voiceless, for they are made invisible to the international community. Overall, the lack of recognition is a form of international oppression. It is a collective punishment that negatively impacts inhabitants of these entities from leading a full life, where they can have freedom of movement, normal economic activities, a legal identity, and citizenship that is not constrained by the context of nonrecognition. The next chapter concludes this dissertation by examining the responsibility of the international community towards citizens of unrecognized entities. The chapter will also offer different ways of dealing with inhabitants of unrecognized states in the international system and academia as well as provide implications and future directions for this study.

# CHAPTER 7: CONCLUSION: THE OPPRESSIVE AND GENOCIDAL FAILURE OF THE POLICY OF NONRECOGNITION

As I write this conclusion, Hamas fighters launched a horrific attack against Israel killing 1,400 Israelis, and taking 240 hostages, and prisoners. Nearly 30 of those killed by Hamas are children, and around twenty hostages are above the age of sixty.<sup>534</sup> Soon after, Israel declared war on Hamas. To this day, November 6, 2023, Israel has killed 10,022 Palestinians, including 4,104 children.<sup>535</sup> The conclusion of this dissertation was going to address the responsibility of the international community towards citizens of unrecognized states. But now that the Israeli-Palestinian conflict has led to another war, I have to discuss not only the responsibilities of the international community, but also the utter failure of the international community.<sup>536</sup> I claim that the international community is responsible for this war, and for the killings of Israelis and Palestinians. While, it is generally not recommended to make any new interpretations or arguments in the conclusion chapter, the Israel - Palestine war presents us with important new facts that support my argument regarding the oppressive nature of nonrecognition.<sup>537</sup> The tragedy

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<sup>534</sup>“Hamas Hostages: What we Know so Far.” *Reuters*, October, 20, 2023. <https://www.reuters.com/world/middle-east/what-do-we-now-about-hamas-hostages-2023-10-19/>.

<sup>535</sup> “As the Carnage Continues: Death Toll in Israeli Bombardment of Gaza Climbs over 10,000 Civilians-Day 31 as it Happened.” *Ahramonline*, Monday, 6, Nov, 2023.

<https://english.ahram.org.eg/NewsContent/58/1262/511687/War-on-Gaza/War-on-Gaza/As-the-carnage-continues-Death-toll-in-Israeli-bom.aspx>.

<sup>536</sup> What is going on between Palestine and Israel is not a conflict, but an occupation. The use of the world conflict, however, has become accepted in the mainstream.

<sup>537</sup> Many mainstream media who have been reporting on the war choose to call it Israel-Hamas war. Others call it, Israel-Gaza war. I call it Israel-Palestine war because it is not only taking place in Gaza but also in the West Bank and East Jerusalem.

that is unfolding is a clear testament to the international oppression discussed in chapters five and six. The nonrecognition and the invisibilization of unrecognized states and their citizens by the international community has reaped this war. This “sudden” attack by Hamas shocked everyone except those who understood the pressure that has been simmering for sixteen years. It is not surprising that the unrecognized and the invisible wants to be recognized, and visible. What is surprising is that the international community had and has decided to preserve its illusions of the nonexistence of these people, and to continue with its failed policy of nonrecognition. In this concluding chapter, I will comment on the unfolding war in Israel and Palestine, as it pertains to the problem of nonrecognition, and invisibilization, as well as the inability of unrecognized citizens to hold their governments, and the international community to account.

This dissertation has sought to explore citizenship in unrecognized states. While the academic literature on unrecognized states covered topics, such as state-building, sovereignty, self-determination, and democratization, citizenship in unrecognized states has received scant academic attention to date. As I noted in chapter one, the existing literature on unrecognized states does not speak of inhabitants of these entities as citizens. Citizens of unrecognized states if considered at all are generally referred to in different terms including, “people in unrecognized states”, “inhabitants of unrecognized states,” and “stateless persons of unrecognized states.” There is often little agreement on how to treat the invisible, and citizens of unrecognized states are stuck in a space of invisibility. Thus, in a broad sense, the aim of this dissertation has been to bring citizens of unrecognized states out of a space of invisibility and place them on the map of scholarship, and specifically citizenship scholarship. This study is intended to provide the starting point for extending the framework of citizenship to individuals inhabiting unrecognized

states, and examining the effectiveness of citizenship of individuals living in such states. Another purpose of this dissertation has been to gain a better understanding of how the policy of nonrecognition impacts citizenship in these entities. While citizenship in unrecognized states is not contingent upon international recognition, I have shown that the lack of it has a direct bearing on the scope of citizens' rights, and the functionality of the citizenship regime in place. This concluding chapter has three tasks. First, is to draw together the key themes and arguments presented in this study. Second, is to reflect on, and draw conclusions from the foregoing chapters. Third, is to discuss the implications of this study for future scholarship, and for related policy and practice.

## **Normative and Descriptive Claims**

In chapter two I laid down the groundwork for the analysis of citizenship. I reviewed different conceptions of citizenship including, republican, liberal, and communitarian notions of citizenship. While I defined citizenship as a legal status that conveys membership in a political entity, I argued that it is a continuous, multidimensional phenomenon, and should be conceptualized as such. Citizenship has become a global norm, yet it is not a homogenous, singular status, but is multilevel, heterogenous, and differential. The ideological hegemony of citizenship as a governance structure is obvious. Nevertheless, citizens all over the world are not granted equal rights, and freedoms. In theory, there is only one level of membership that makes members of the political community supposedly equal. In practice however, there are levels of membership, and categories less extensive than full citizenship.<sup>538</sup> The chapter provided multiple

examples of quasi-citizenship, such as denizens in Europe, naturalized citizens in the United States, and citizens of unincorporated territories, to demonstrate that citizenship is not a unified category, but rather a continuum. Citizenship exists in gradation, and one can have more or less of it. Some citizens fall closer to non-citizens than to full citizens on the spectrum. I maintained that citizens in unrecognized states embody this in-between category situated along the continuum from full to non-citizens. Citizenship encompasses multiple dimensions. The chapter presented and adopted Bosniak's four dimensions of citizenship, namely legal status, rights, political participation, and identity. I argued, however, that the legal status is a prerequisite for the other three dimensions of citizenship. State membership lies at the heart of citizenship, as it grants the member a legal identity with specific rights, and responsibilities.

The link between citizenship, and the state remains essential despite globalization and the expansion of transnational institutions. The state continues to be the primary source of authority, in which we ground citizenship. The contradiction then arises of how to speak of citizenship in unrecognized states. How can there be citizenship if there is no state? As we observed in chapter three, the lack of external sovereignty does not condemn an entity to statelessness, but rather leads to a new type of statehood. Chapter three conceptualized the state as a dynamic process, an unfolding system that materializes out of the interplay between the material state (people, territory and government), and the state idea, including sovereignty. The chapter made three main claims. First, it argued that in analyzing the state, we must acknowledge that there are

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<sup>538</sup> Women for instance remain second class citizens in some countries; despite being members of the community, they are denied full rights due to discrimination. Moreover, some citizens especially minorities are marginalized and are effectively excluded from citizenship. Twenty-five countries deny women from passing their nationality to their children on an equal basis with men. And about fifty countries deny women the right to change, retain and confer nationality to non-national spouses. See, "Gender Discrimination in Nationality Laws and the Convention on the Elimination of all Forms of discrimination Against Women." *Global Campaign for Equal Nationality Rights*. <https://equalnationalityrights.org/images/zdocs/GDNL-and-CEDAW-Pamphlet.pdf>.

varying levels of state-ness. The state is a product of distinct relations and particular historic structures. Different historical, intellectual, and cultural traditions produce different models of statehood and forms of sovereignty. The chapter affirmed that states vary in their governance, capacities, function, power, and sovereignty. Second, contrary to the claims of some academics, I argued that sovereignty is divisible and can be present to a greater or lesser extent. Therefore, just as there are states with limited or no internal sovereignty - often referred to as quasi-states - there are also states with limited external sovereignty, i.e., unrecognized states. Third, I asserted that there is a hierarchical citizenship across nations produced by hierarchal nation-states. In other words, the condition of the state (failed, weak, and unrecognized) can diminish or enhance the effectiveness of citizenship, and how it is experienced. Unrecognized states and citizens, I argued, are at the bottom of this hierarchy.

Chapter four aimed to examine the peculiarities of unrecognized states, and explore their limitations, and how they differ from other entities in international politics. What we could observe is that the lack of external sovereignty, i.e., the lack of recognition has profound implications on the entities, and the kind of statehood they can have. While, the impact of the lack of recognition varies from one entity to another, they all struggle with an ever-present security threat that keeps them vulnerable to extinction as a political entity. This permanent security threat is an obstacle that limits the entities democratic progress and constrains their state building efforts. The chapter demonstrated how unrecognized states are pulled in opposite directions. On one hand, their desire to achieve international acceptability and recognition can incentivize them towards democratization. On the other hand, their prioritization of security and unity, which stems from their vulnerability to reintegration, can lead to authoritarianism, and the suppression of pluralism and individual freedoms. The key point and the main claim of the



chapter was that the lack of recognition creates unique entities that are ambiguous in every context; they are dependent and independent, democratic and authoritarian, pluralistic and homogenous, viable and unstable. Most unrecognized states are dependent on external forces for survival. Even Taiwan, a highly developed and democratic entity, depends on the U.S. for its continued existence. While unrecognized states are particularly interested in building effective-democratic states to attract international support, their efforts are hindered by their situation. Their illegal situation in the international community heightens the perceived need for unity, which often results in suppression of opposition. Sometimes, the prioritization of unity is self-imposed, as was the case in Transnistria, where a politician refused to run against the incumbent citing the need for unity. In brief, unrecognized states, we observed, are states that are subject to specific challenges, tensions, and limitations, which make them differ in important respects from their recognized counterparts. I argued that these limitations and challenges that are particular to unrecognized states produce a specific kind of citizenship that is oppressive in nature.

Unrecognized citizenship is a quasi-form of citizenship that inhibits citizens of unrecognized states from leading a full life. Chapter five examined the distinctiveness of this diminished form of citizenship, disclosing the damaging effects of nonrecognition and the invisible suffering created by a prolonged condition of limbo. The right to recognition I argued - drawing on Hegel, Taylor and Honneth - contains a normative claim that is justified on moral grounds, and based on the dignity of human beings. Recognition is essential to achieving freedom. It grants the individual validity in the objective world, and allows the person to know oneself in others. Inversely, nonrecognition imprisons a person “in a false, distorted, and reduced

mode of being” and results in experiences of disesteem and indignity.<sup>539</sup> In the case of citizens of unrecognized entities, their recognition is incomplete, and partial. Unlike stateless people, citizens in unrecognized states are legally recognized as members by their political entities, but they are unrecognized as such by the international community. The chapter highlighted this distinction between statelessness and unrecognized citizenship. It affirmed that the reality of statelessness exists alongside a reality of citizenship. The main claim of this chapter was that citizens of unrecognized states are stuck between two realities namely, the political fact of nonrecognition and the existential truth of citizenship. I argued that the condition of limbo created by these two realities produces oppressive experiences for citizens of these entities and denies them the right to live in the world. Drawing on Young and tenBroek I explained that nonrecognition is a form of oppression that aims to marginalize citizens of unrecognized states and render them invisible.

Chapter six further explored the oppressive power of nonrecognition by examining each dimension of citizenship, and providing examples of what it is like to live as a citizen in a space of nonrecognition. I argued that nonrecognition encourages corrupt practices and reinforces existing forms of patriarchy. The chapter stressed two key points. First, unrecognized citizenship is an atypical citizenship regime, constructed under two opposing realities. The chapter demonstrated how the denial of recognition diminishes the effectiveness of citizenship, disempowers citizens of unrecognized states, and hinders their ability to hold their governments to account. I discussed the unique dilemmas faced by citizens of unrecognized states when

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<sup>539</sup> Charles Taylor, “The Politics of Recognition.” In *Multiculturalism: Examining the Politics of Recognition*, edited by Amy Gutmann. (Princeton University Press, 1994), 25.

exercising citizenship. Nonrecognition, I argued produces a culture of an everlasting threat, which weakens pluralism and encourages self-censorship.

Second, nonrecognition is a collective punishment that adversely impacts each dimension of citizenship. The chapter illustrated how nonrecognition oppresses citizens of unrecognized states and constrains them in an oppressive form of citizenship that hinders their ability to live normally in the world. Citizens of unrecognized states, as the chapter showed, are excluded from many rights that recognized citizens take for granted. The chapter concluded that the denial of recognition by the international community alienates and marginalizes citizens of unrecognized states, and places them in a prolonged oppressed position.

## **Reflections and Conclusions**

The lives of citizens of unrecognized states are generally ignored both in scholarship and in international policy. There is insufficient knowledge about the people, and states outside the system of recognized states partly because they are seen as a transient phenomenon.<sup>540</sup> Also because there is fear that the recognition of new states could lead to chaos, disorder, and redistribution of powers and resources. There is no mention, however of the emancipatory potential of self-determination, and the primacy of peace, freedom and equality. There is no mention of the injustice, and the oppression of nonrecognition that needs to be rectified. Thus, the knowledge produced regarding unrecognized states and recognition is not informed by those who are mostly affected by state nonrecognition, i.e., citizens of unrecognized states. The existing knowledge on unrecognized states is very legalistic in nature, and framed in negative

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<sup>540</sup> TRNC has been in this Limbo since 1974. The same for Western Sahara, Palestine and Taiwan.

terms, which contributes to the reproduction of the same power relations and exclusionary practices. Scholarly work on unrecognized states is dominated by international legal scholars who are often defenders of the existing international exclusionary order. As Jens Bartelson points out, “theories of recognition have been instrumental in justifying different forms of exclusion in world politics, thus bringing about a hierarchical relationship between these entities that merit recognition and those who do not.”<sup>541</sup> Therefore, unrecognized states, and their citizens are not only discriminated against politically, but also in scholarship. This epistemic injustice serves to sustain inertia and to contain self-determination conflicts through existing legal and policy instruments. Evidently, however, replicating the status-quo is not only fruitless, but can lead to disastrous consequences. The second Nagorno-Karabakh war in 2020 and the ongoing war between Israel and Palestine highlight the inhumanity and the fragility of the existing order.

Nonrecognition is not a strategy, but rather is a lack of one. As this dissertation has shown, nonrecognition is a form of oppression that condemns people to invisibility and contributes to their abuse. It is only natural, then, for citizens of unrecognized states to want to escape marginalization and isolation. It is only natural for the invisible to strive to become visible and gain visual agency. Two days after the Hamas attack on Israel, Gideon Levy, an Israeli journalist, wrote:

We thought we’d continue to go down to Gaza, scatter a few crumbs in the form of tens of thousands of Israeli work permits - always contingent on good behavior - and still keep them in prison. We’ll make peace with Saudi Arabia and the United Arab Emirates and the Palestinians will be forgotten until they’re erased, as quite a few Israelis would like...A few hundred people proved that it’s impossible to imprison 2 million people forever without paying a cruel price...The Gaza Palestinians have decided they’re willing

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<sup>541</sup> Jens Bartelson, “Three Concepts of Recognition.” *International Theory* 5, no. 1 (2013): 107-29.

to pay any price for a moment of freedom. Is there any hope in that? No. Will Israel learn its lesson? No.<sup>542</sup>

In a similar vein, Ian Lustick wrote:

The fanaticism and bloodlust of the militias who carried out the attack and perpetrated war crimes - along with their leaders' calculation, tactics, ruthlessness, mobilization skills, and readiness to die - are not products of a special Palestinian and Muslim prowess or innate evil. They are what can - and perhaps inevitably will - happen when masses of human beings are treated as the 2.3 million human beings living in the Gaza Strip have been treated for decades. Nor can the event be explained by the undeniable incompetence, hubris, and apparent negligence of the Israeli government and its security apparatuses. Given enough time, any system designed to contain explosive and steadily increasing pressures will fail.<sup>543</sup>

The Hamas attack shocked the international community, but it did not shock those who are familiar with the pressure gathering beneath the surface. It did not shock those who understood that oppression, invisibilization, marginalization, and exclusion can lead to radicalization and violence. Those who knew history are well aware that when people are contained in 'a zone of non-being' to borrow Fanon's term, it is only a matter of time before they revolt in ways you can never imagine.<sup>544</sup> But for years, international bodies have chosen to ignore unrecognized states and their inhabitants because taking notice of them would mean having to do something about them. International bodies have omitted unrecognized states from maps and created a culture that erases their narratives, and thus their visibility on the world stage.

As this dissertation has shown, citizens of unrecognized states are not just isolated and abandoned, but also effaced from public discourses and socio-cultural norms. Their flags, stories,

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<sup>542</sup> Gideon Levy, "Israel Can't Imprison Two Million Gazans Without Paying a Cruel Price." *Haaretz*, October, 9, 2023. <https://www.haaretz.com/opinion/2023-10-09/ty-article-opinion/.premium/israel-cant-imprison-2-million-gazans-without-paying-a-cruel-price/0000018b-1476-d465-abb-14f6262a0000?fbclid=IwAR2gCpuaWuLNm9ZF8EdesOypKvBLz4-lu0OGurJ-uywcX4xwbzytWcPSqt0>

<sup>543</sup> Ian Lustick, "Vengeance is not a Policy: Emotionally Driven Reactions from Washington Won't Prevent Future Violence, Dismantling the Gaza Prison Could." *Foreign Policy*, October, 13, 2023.

<https://foreignpolicy.com/2023/10/13/hamas-israel-massacre-gaza-vengeance-is-not-a-policy/>

<sup>544</sup> Frantz Fanon, *Black Skin, White Masks*. Trans. by Richard Philcox (2008, New York: Grove Press) 8.

cultures, food, and identities are all censored. Even the names of the entities are avoided, as was the case with my father's green card, as well as with the Palestinian student whose country, namely Palestine, was not mentioned, but instead referred to and abbreviated by the letter Q, for questionable. Recently, Ohio congressman Max Miller criticized Rashida Tlaib, the only Palestinian American congresswoman, for displaying a Palestinian flag outside her office, saying "I don't even want to call it the Palestinian flag because they're not a state, they're a territory, that's about to probably get eviscerated and go away here shortly, as we're going to turn that into a parking lot."<sup>545</sup> Although Miller's remarks are said in the context of the Israel - Gaza war, they reflect this ongoing culture of exclusion, and denial of the existence of unrecognized states and their inhabitants. The policies of the international community, including the policy of nonrecognition, and isolation have worked to dehumanize, and vilify citizens of unrecognized states, and as a consequence they have reaped nothing but hardship, oppression and war. Sadly, the international community did not see the writing on the wall because they have rendered these unrecognized states and their citizens invisible, and therefore there was nothing to see for them.

The future is prepared in the present. However, for citizens of unrecognized states the future is nothing but an extension of the terrible status quo, which has forced many groups to choose violent methods to achieve their aspiration at any cost. Unrecognized citizens are living symptoms that attest to the inhumanity of the existing order. Citizens of unrecognized states are discriminated against by the current international system. They are trapped in a prolonged oppression with multiple layers, including: the national leaders who are able to keep their power

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<sup>545</sup> Michael F. Brown, "Anti-Palestinian Racist Secures anti-Zionism is anti-Semitism Resolution", *The Electronic Intifada*, December, 7, 2023. <https://electronicintifada.net/blogs/michael-f-brown/anti-palestinian-racist-secures-anti-zionism-anti-semitism-resolution>.

as a result of nonrecognition; the patron states that tend to exploit the country for their economic and geopolitical interests; the patriarchal system that is reinforced as a result of nonrecognition; and the parent or former host who interferes and exerts diplomatic and economic pressure to push for reintegration or further isolation. I must add here: the production of knowledge that privileges recognized states, and their citizens as worthy of legitimacy, but criminalizes unrecognized states and subordinates their citizens. Knowledge is unequivocally political and can be used to serve specific group interests. The conventional understanding of sovereignty and statehood has failed to recognize the concept's fluidity, and consequently resulted in abnormalizing unrecognized states. Unrecognized states and their citizens are by default marginalized and discriminated against politically, culturally, and by the dominant knowledge, and as a consequence they are not prioritized in public policy.

This dissertation has been concerned with citizenship in unrecognized states, and how the lack of recognition prevents inhabitants of these entities from living a normal productive life, yet its policy prescriptions are modest. The study does not offer political solutions to unrecognized citizens, but it provides an understanding of the effect of the lack of recognition by the international community on inhabitants of these entities to inform policy debates. Each recognition - seeking state has its unique history and circumstances, and the trajectory towards a solution will ultimately be different for each state.<sup>546</sup> The argument put forth in this dissertation does not advocate for a particular solution. It does, however, maintain that the international

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<sup>546</sup> In Palestine, for instance, a just solution might be the one-state solution; one person, one vote. A two-state solution is not only dead but it never offered a realistic lasting peace. Equal rights for Palestinians and Israelis in a single shared state, where both identities are recognized as equal, may be a fairer and more just option for all peoples. For more on this see, Ian S. Lustick, *Paradigm Lost: From Two State-Solution to One-State Reality*. (University of Pennsylvania Press, 2019).

community has a responsibility towards citizens of unrecognized states. Currently, the international community refuses to recognize citizens of unrecognized states, yet it treats them as the responsibility of their unrecognized governments. In consequence, instead of being offered support by the international community, citizens of unrecognized states are being disempowered, isolated and made invisible. The international community is paying attention only to the issue of legitimacy and territorial integrity without giving much thought to the plight of citizens of these entities and the impact of nonrecognition on their lives. Citizens of unrecognized states are stuck in limbo, with little hope for a better future. The international community must take some responsibility for this collective punishment that oppresses people and does nothing to change the status quo for the better. The policy of isolation and pretending that these entities and their citizens do not exist has not helped in resolving the conflicts, but has mainly stripped citizens of these entities of their agency. It has produced incomplete citizens that are stuck in stagnant reality of fear, insecurity and permanent temporariness. Ostracizing unrecognized states and their citizens is not a political solution to these long-running conflicts, but rather a strategy that ignores and turns a blind eye to the reality of their existence and suffering. It is a strategy that merely allows them to exist in their own world. But if we are to resolve these conflicts or even provide helpful analysis that can lead to conflict resolution policies, we must consider citizens of these entities. We must understand their struggle with nonrecognition, their security anxieties, and the dilemmas arising from their existential situation. Understanding how nonrecognition diminishes their citizenship experience, agency and their ability to hold their governments accountable can lead to better solutions and ultimately have a positive impact on the lives of citizens of these entities.



The international community must creatively recognize or accommodate citizens of unrecognized states. Empowering and enabling citizens of unrecognized states to hold their governments accountable is a strategy that can help in finding mutually acceptable, peaceful solutions to the conflicts. Promoting good citizenry and extending the right to live in the world to citizens of unrecognized states should be seen as tools of conflict resolution that are in tune with the times. The international community must change its focus from constantly isolating and ignoring unrecognized states to supporting citizens of unrecognized states and easing their hardship. This shift in focus has the potential to provide us with new understanding, and knowledge that can generate alternative methods of conflict resolution. Perhaps citizen-centered approaches, aimed at empowering citizens and ending their invisibility and isolation, can produce a willingness to compromise and reach peaceful settlements. The international community assumes that isolating these aspiring states and placing pressure and hardship on their citizens will eventually lead to acceptance of compromise. But to the contrary, this strategy as I mentioned above has failed and resulted in the marginalization and oppression of citizens of these entities. Thus, it is time to shift our focus towards the people most affected by these conflicts. Scholarship on conflict resolution, citizenship, and unrecognized states should turn their attention to citizens of unrecognized states, and the oppression that they endure as a result of nonrecognition. Serious attempts should be made to understand their conditions, how to accommodate them and accord them a space in the international community. If the international community wants to resolve these frozen conflicts, it could start with empowering and acknowledging the existence of these citizens instead of stripping them of their agency.

# Implications

This study is a beginning to the much-needed future research on citizenship in unrecognized states. One of the contributions of this dissertation is that it introduces for the first time the idea of citizenship in unrecognized states. Citizenship in unrecognized states might seem to be an oxymoron concept but in reality, it isn't. Certainly, it is an unfamiliar reality where life happens and exists in the physical sense, yet everything stands on shaky ground and shifting sand. It is a reality that we as academics struggle to grasp or even find the terminology to speak of it. Ludwig Wittgenstein wrote, "The limits of my language mean the limits of my world."<sup>547</sup> The language framework is essential to knowledge, yet its very construction is often a barrier to achieving that objective. This speaks of the challenge of tackling something that we lack the language to talk about or to describe. This study has entered an unexplored landscape of politics where concepts such as citizenship, statehood and government are uncertain and have tenuous existence; where nothing is fixed or settled, and everything is questioned including one's own existence. By doing so, this dissertation provides a way of describing and examining a pre-existing phenomenon. It provides a starting point to talk about and understand the nuances of citizens' experiences in unrecognized spaces and gives a language with which to express that phenomenon.

Another contribution of this dissertation is to shift focus away from the numerous debates on the existence and durability of unrecognized states and onto the citizens of these entities. Prioritizing marginalized populations, and shedding light on their challenges, and triumphs

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<sup>547</sup> Ludwig Wittgenstein, *Tractatus Logico-Philosophicus*, Trans. C.K. Ogden, (ebook, 2010) 74. <https://www.gutenberg.org/files/5740/5740-pdf.pdf>.

encountered while navigating citizenship in unrecognized spaces, is significant. First, the experience of citizenship in unrecognized states sheds light on lesser-known aspects of citizenship and highlights the statuses that exist between full citizenship and statelessness. Second, citizenship in unrecognized states is a whole new field of knowledge from which to generate insights on larger questions such as the role of the citizen in conflict transformation: to what extent can unrecognized states attain legitimacy and trust from citizens in such arrangements and what responsibility does the international community have to citizens of these entities? The idea of citizenship in unrecognized states or unrecognized citizenship allows for a more nuanced, reflective understanding of citizenship in unique spaces. It also provides entry points into understanding the ‘matrix’ of citizenship, recognition, and sovereignty.

Moreover, this dissertation is an invitation to extend existing understanding, and analysis of recognition to citizens of unrecognized states. While most of the scholarship on the politics of recognition and its absence have focused on marginalized groups, and cultural identities of particular groups within national states and societies, such as African-Americans, women, Muslims, and French Canadians, this study has extended it to citizens of unrecognized states. This has the potential to produce emancipatory knowledge, and alternatives to the existing policies of nonrecognition and isolation. Recognition, and specifically mutual recognition is necessary to freedom, and is an essential part of humanity’s very being. Examining the politics of recognition in the context of unrecognized states can lead to better engagement and conflict resolution policies.

It is likely that most unrecognized states will continue to exist, making it necessary to devise ways of dealing with them and rectifying the epistemic injustice of their experiences. The research undertaken for this dissertation can be extended in several directions. One thread that

future studies can explore further is the impact of nonrecognition on women's social, economic, and political status. This dissertation barely scratches the surface of that theme, but it can be a point of departure for future research. How do we measure the depth of nonrecognition when women are not recognized as full subjects and constrained to certain roles (example, mothers of future male citizens); is it more oppressive when it happens in an unrecognized state than in a recognized one? Do the modalities of power that produce gender differ in a significant way in an unrecognized state? Is there a conceptual interdependence between gender and nonrecognition that further reinforces invisibility? And what would an alternative policy to nonrecognition look like that explicitly endorsed values traditionally associated with femininity?

Another potential trajectory for future studies is to investigate how being hermeneutically marginalized can lead to acts of misrecognition or the absence of recognition. Unrecognized citizens are granted less epistemic authority than other citizens, and thus are unable to contribute to the collective hermeneutical resource in similar ways. In other words, citizens of unrecognized states are excluded from contributing epistemically in significant ways. Citizens of unrecognized states are not only denied recognition, but they are also denied epistemic agency and therefore they have been stripped of their ethical normative standing. Future studies can scrutinize this hermeneutical injustice as a recognition problem. This study provided the starting point for repairing the hermeneutical injustice in academia with regards to citizens of unrecognized states.

I close with the hope of a new paradigm, not one that merely seeks inclusion of the oppressed in the old system, but rather a paradigm of transformation, liberation, and a new political order. Enrique Dussel wrote:

The affirmation of the life of the victim, who cannot-live as a result of the injustice of the system, is at the same time that which allows the fulfillment of the

demand for improving the life of the community (or the of the new institution or system that must be created).<sup>548</sup>

Historical systems have advanced and evolved partly through recognizing the marginalized and empowering the disempowered. By amplifying the underrepresented voices and exposing the injustice of the status quo, we can transform our communities and our world. The struggle for the recognition of the other as equal can lead us to a politics of liberation. It highlights and identifies the injustice of the system that we need to know how to rectify. However, this demands that we first unearth the voices and narrate the stories of marginalized societies and oppressed citizens. We must pay attention to the lives of the oppressed if we are to transform oppressive social, political, and economic structures. Life in unrecognized states shows us that epistemic injustice contributes to exclusionary practices towards people. Scholars and specifically political theorists can help transform the existing unjust system and contribute to better representation of subjugated peoples and communities in world politics.

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<sup>548</sup> Enrique Dussel, *Twenty Thesis of Politics*. Trans. by George Ciccariello-Maher. (Duke University Press, 2008) 85.

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