

Fully Human: Personhood, Citizenship, and Rights

Thomas McGee

Volume 36, numéro 1, 2020

Symposium: Beyond the Global Compacts

URI : <https://id.erudit.org/iderudit/1069758ar>

DOI : <https://doi.org/10.25071/1920-7336.40770>

[Aller au sommaire du numéro](#)

Éditeur(s)

Centre for Refugee Studies, York University

ISSN

0229-5113 (imprimé)

1920-7336 (numérique)

[Découvrir la revue](#)

Citer ce compte rendu

McGee, T. (2020). Compte rendu de [Fully Human: Personhood, Citizenship, and Rights]. *Refuge*, 36(1), 109–111. <https://doi.org/10.25071/1920-7336.40770>

Copyright (c) Refuge: Canada's Journal on Refugees, 2020



Ce document est protégé par la loi sur le droit d'auteur. L'utilisation des services d'Érudit (y compris la reproduction) est assujettie à sa politique d'utilisation que vous pouvez consulter en ligne.

<https://apropos.erudit.org/fr/usagers/politique-dutilisation/>

érudit

Cet article est diffusé et préservé par Érudit.

Érudit est un consortium interuniversitaire sans but lucratif composé de l'Université de Montréal, l'Université Laval et l'Université du Québec à Montréal. Il a pour mission la promotion et la valorisation de la recherche.

<https://www.erudit.org/fr/>

homogène, bien au contraire. Boochani décrit plusieurs détenus en termes d'archétypes ayant des talents singuliers, tels «The Cow» (la vache), particulièrement apte à faire la queue pour les repas de par sa «persistance, détermination and tenacity» (200). Les seuls prisonniers dont les noms sont révélés sont les treize détenus qui, en date de parution, avaient perdu la vie dans la prison de Manus, tels Reza Barati, «the Gentle Giant» mort sous les coups des gardes.

No Friend but the Mountains se distingue aussi par son mode de production, qui fait l'objet de deux essais par son traducteur Omid Tofighian en ouverture et conclusion de l'ouvrage. Boochani l'a rédigé en persan, sur un téléphone portable dissimulé aux autorités carcérales (téléphone finalement découvert, confisqué, puis remplacé à plusieurs reprises). Le manuscrit a été transmis sous forme de longs messages texte ensuite effacés par Boochani. Même si sa rédaction était confidentielle Boochani et Tofighian ont pu en discuter lors de visites de ce dernier sur l'île de Manus. Boochani était également en conversation soutenue avec des amis auteurs en Australie et en Iran. *No Friend but the Mountains* peut donc être vu comme le résultat de la circulation irrépressible du savoir par-delà les pires frontières que l'on puisse imaginer. Il illustre les potentialités subversives des réseaux de l'information pour les migrants forcés, alors que ces réseaux font maintenant partie intégrante des mouvements migratoires aussi bien que des systèmes de surveillance aidant les Etats à contrôler ces mouvements.

Depuis sa parution, *No Friend but the Mountains* a eu un impact considérable en Australie. Dans la préface du livre, l'écrivain Richard Flanagan décrit Boochani comme «un grand écrivain australien» (x) et le livre a reçu plusieurs prix prestigieux en Australie, d'habitude réservés à la «littérature australienne», dont le prix le mieux doté au niveau national,

le Victorian Prize for Literature, et le National Biography Award. Il contribue ainsi à une réflexion sur l'attachement territorial d'un auteur qui lui-même tient avant tout à quitter l'île de Manus, et vivre libre, plutôt que de résider en Australie. C'est aussi un ouvrage de référence lors de protestations contre la politique de détention des demandeurs d'asiles et réfugiés du gouvernement australien. Par exemple, la lecture d'un passage de *No Friend but the Mountains* fut l'élément principal d'une journée d'action anti-détention sur de nombreux campus à travers l'Australie en octobre 2018, et l'Université de Nouvelle-Galle du Sud a nommé Boochani professeur auxiliaire. Boochani lui-même est activement présent par ses écrits journalistiques dans des médias tels que *The Guardian* mais aussi en tant que réalisateur et protagoniste d'œuvres d'arts réalisées sur l'île de Manus. Enfin, l'ouvrage est un succès de librairie. L'édition que j'ai lue pour ce compte-rendu est la huitième en 2019 ; le livre avait déjà été réimprimé trois fois en 2018, et il est en cours de traduction dans plusieurs langues, dont le français.

Cependant, le gouvernement de Scott Morrison, dont la coalition parlementaire a été réélue en mai 2019, a réaffirmé son soutien aux restrictions en place, conduisant à une nouvelle vague de désespoir parmi les demandeurs d'asiles et réfugiés incapables de quitter Manus. Il est à espérer que la popularité de *No Friend but the Mountains*, en plus de nourrir notre champ de recherche et de galvaniser les défenseurs des droits des réfugiés, contribue un jour à une évolution tangible des politiques australiennes.

Adèle Garnier is a senior lecturer at the Department of Modern History, Politics, and International Relations, Macquarie University. She can be reached at adele.garnier@mq.edu.au.

Fully Human: Personhood, Citizenship, and Rights



Lindsey N. Kingston

New York: Oxford University Press, 2019, 299 pp.

Fully Human: Personhood, Citizenship and Rights, by international human rights scholar Lindsey N. Kingston, is an ambitious academic study of the global hierarchies of belonging.

As Kingston alternatively puts it, the work deals with “citizenship gaps and ensuing complexities” as well as “broader questioning of political membership, personhood,

and universal norms” (ix). She exposes the failures of the global human rights regime to actually apply its provisions to all people in all places. Kingston uses examples of the differentiated enjoyment of rights across groups of people to highlight the imperfect application of the universalist human rights discourse in practice. Instead of personhood (i.e., the simple fact of being a member of the human race),

she proposes that functioning citizenship conditions access to basic rights.

As her central argument, Kingston attributes the failure of the institution of human rights to eradicate inequality and injustice to a “lack of functioning citizenship.” Rather than providing a precise definition for this term, she offers a selection of case studies to illustrate the concept’s broad scope in her work. Kingston proposes that her readers consider “citizenship problems” beyond the strict legal (*de jure*) definition of statelessness: i.e., not having nationality of any state at all. Instead, she argues that citizenship problems occur whenever an individual’s mutually beneficial relationship with the state breaks down. Kingston’s examples make clear that other groups and individuals may experience forms of marginalization similar to the *de jure* stateless, often including those from nomadic, Indigenous, mobile/displaced, and minority backgrounds. Echoing her previous work, she convincingly presents the basis for considering the dialogic nature of marginalization in relation to defective citizenship: that statelessness and “lack of functioning citizenship” are both a cause and symptom of marginalization.

She does so through an impressive breadth of case studies spanning continents, while engaging with a wide range of global phenomena. Kingston connects events with which readers may be familiar from recent headlines (e.g., the Black Lives Matter movement and child refugees from Syria) to lesser-known cases of exclusion and marginalization such as Indigenous communities of North America. The comparative richness of her study is evident in her illustration of the situation of nomadic communities through the cases of European Roma and Travellers, the Maasai in Tanzania and Kenya, and the Bedouin of the Middle East and North Africa. Her exposition of non-functioning citizenship covers the thematic contexts of asylum, migration, internal displacement, minority mobilization, nomadism, and racial identity construction. Somewhat surprisingly, Kingston’s thesis gives little weight, however, to considerations of gender and sexual identity, which might similarly condition citizenship experiences.

In the introduction, Kingston focuses on the international human rights framework, particularly the Universal Declaration of Human Rights, as a foundation for the person-based approach to rights. She identifies two key bundles of rights as necessary for a life of human dignity: first, rights to place (including freedom of movement and residence, freedom from arbitrary detention and deportation); and second, rights to purpose (employment, study, marriage, family and property). In explaining that “rights to place are necessary for the protection of rights to purpose” and that “the second social good cannot be fully achieved without attaining the first” (11), Kingston echoes Hannah Arendt’s famous phrase for citizenship being “the right to have rights.” However,

Kingston extends the phrase beyond its relation to *de jure* statelessness alone and applies it more widely to all those she considers to have “non-functioning citizenship.”

Kingston argues that “a narrow emphasis on citizenship acquisition is misguided” (ix), and that “statelessness [in the strict *de jure* sense] is one tool of oppression that is utilized within a broader process” (66). Indeed, this argument fits well for groups like the Kurds of Syria, where the state has deprived one section of the community of citizenship since 1962 within a comprehensive, multi-faceted project of discrimination and persecution against Kurdish society and identity at large. As such, stateless Kurds seldom consider their statelessness in isolation from other state violations of human rights. Building on this, scholars of statelessness might have appreciated more exploration of the intersections between *de jure* statelessness and other forms of non-functioning citizenship. For instance, is there an increased prevalence of *de jure* statelessness within the nomadic and Indigenous communities that Kingston considers to be subject to other forms of marginalization? What do these case studies add to the emerging literature on the nexus between nomadic and Indigenous identity and statelessness? How might those with non-functioning citizenship be at greater risk of statelessness?

While Kingston highlights the important structural marginalization that often affects minority socio-political groups, the generalized presentation of such categories of people as experiencing a “lack of functioning citizenship” risks essentializing these identities as innately associated with vulnerability and victimhood. Understanding the heterogeneity within and across the categories and groups of people Kingston portrays as having non-functioning citizenship is vital for recognizing the individual political agency she argues is often assumed as absent. Despite her critique of state-sponsored and state-centric membership models, Kingston somewhat ironically gives little consideration to the importance of the individual’s relationship with community and society in redefining citizenship as an inclusive concept. She argues, “The ideal of functioning citizenship acknowledges the persistent power of the state and seeks to build mutually beneficial relationships between individuals and governments” (223).

While states are indeed the key duty-bearers for human rights in the modern international system, the influential role of society and community in shaping citizenship experiences (both negatively and positively) should not be undervalued. Indeed, it is important to consider social marginalization alongside legal and political exclusion. In overlooking the potential of community-led movements and sub-state forms of identification and protection (that often provide significant comfort for those marginalized from/by the state), Kingston minimizes the capacity of solidarity to fill

the gap left by non-functioning citizenship. She further gives an overwhelmingly negative description of civil society. She considers “the rise of nonstate actors, from terror networks to nongovernmental organizations (NGOs)” in exacerbating the shortcomings of models privileging state sovereignty without reflecting on how civil society action might otherwise challenge the system and advocate for the rights of those excluded from it (23).

While compelling as a concept to analyze contextually disparate forms of exclusion, reliance upon the conveniently neat terminology of “non-functioning citizenship” risks obscuring accountability within these mechanisms of marginalization. Using “non-functioning citizenship” as an elastic catch-all phrase may thus inadvertently disguise the interests and motivations of actors responsible for the human rights violations Kingston describes. In order to counter such exclusion, might it be more useful to break down the “lack of functioning citizenship” to pinpoint which specific human rights are ineffectively protected? More so, for the term to achieve its full analytical and ethical credibility, its use must be accompanied by more robust consideration of

the context-specific agents and power structures perpetuating these protection gaps.

In presenting the problems around non-functioning citizenship, Kingston’s book helps to recognize the reality that “citizenship itself is a gradient category, with most people fitting on a spectrum somewhere between full and noncitizenship” (221). However, the richness of her case studies naturally presents challenges in bringing these disparate contexts into robust analytical conversation. Her call for a reassessment of how the institution of citizenship functions (or does not) raises the question of whether state recognition can ever ultimately be fully inclusive. As she points out, if rights are attached to citizenship (and its effectiveness), we are ultimately dealing with a politically limited model of equality. More functioning forms of citizenship can partially ameliorate, but not eliminate, this systemic problem of modern human rights.

Thomas McGee is a PhD researcher at the Melbourne Law School’s Peter McMullin Centre on Statelessness. He can be contacted at thomas.mcgee@student.unimelb.edu.au.

The Refugee Woman: Partition of Bengal, Gender, and the Political



Paulomi Chakraborty

New Delhi: Oxford University Press, 2018, 313 pp.

The Refugee Woman: Partition of Bengal, Gender, and the Political examines the Partition of India, the result of which is known today as two countries independent of British rule: India and Pakistan. Paulomi Chakraborty’s book is a rich tapestry of prose. Through several conceptual themes, Chakraborty elucidates the broad question of the relationship between woman, as a figurative category, and the political. The first theme shows that political *collectives*, as referred in dominant discourse, are also gendered—“woman” symbolizing the collective. In the second theme, *nation*, the refugee woman is doubly marginalized; she is an in-between figure, within and without national location. The third theme, *Partition*, connects the concept of the “everyday world” framed through domestic lives of women, to the political world, during a violent historical event. She specifies *the political* as encompassing being, idioms, culture, practices, and belonging.

Chakraborty’s book is an ethnography that interrupts the dominant discourse around the 1947 Partition, which aligns

with patriarchal rules of representation, tends to silence women, and objectifies them as bodies meant for reproduction of the nation. From introduction to conclusion, the book imagines the refugee woman post-Partition and outside of the nationalist discourse; in chapters 2, 3, and 4 she analyzes three narrative texts in support of the argument that recognizes political participation, desire, and agency of women. Throughout the book, Chakraborty intentionally avoids sequencing historical moments chronologically, to emphasize her point that there is no clean sense of progress in the representation of woman, as a figure, and the political world. In this study she consistently discusses contradictions in women’s political activism. Where appropriate for the book, Chakraborty translates readings of original texts from Bengali to present her analysis of rhetorical traditions in Partition representation.

Chapter 1 is titled “The Problematic: ‘Woman’ as a Metaphor for the Nation.” In this chapter she presents the problem of women’s bodies as the location for “nationalist”-communal