

The London School of Economics and Political Science

**Statelessness and Transnationalism in Northern Arabia:
Biduns and State Building in Kuwait, 1959-2009**

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Abstract

This thesis is a study of statelessness in Kuwait between 1959 and 2009. The population of Kuwait includes over 100,000 *biduns*, or stateless/paperless people, representing 10% of the nationals. With their origins in the tribes of Northern Arabia, they are undistinguishable from Kuwaitis but have failed to obtain nationality. Despite their role in the construction of the modern state, the *biduns* were classified as 'illegal migrants' in 1986.

By highlighting the transnational foundations of the Kuwaiti society, this research argues that the persistence of statelessness is part of the dynamics of transnational or non-state actors in the region. Statelessness resulted from a conflict over naturalisation: Kuwaiti Arab nationalists sought support among Arab migrants, whereas the ruling family used the tribes and their transnational solidarity networks to enlarge its legitimacy basis. *Biduns* could mobilise cross-border resources that risked upsetting the balance of Kuwaiti society. The thesis broadens the International Relations definition of transnational actors to include solidarity networks as 'non-institutionalised' non-state actors. It challenges the liberal view that considers transnationalism, in its 'institutionalised' form, as the inevitable result of increasing global integration, arguing that states engage in a two-way process with non-state actors.

This research is based on fieldwork conducted between 2005 and 2008 in Kuwait. Press archives, starting in 1972, were used in order to capture the terms of the internal debate. Further material was drawn from repeated semi-structured interviews with key stakeholders, including individual stories of *biduns*. These primary sources were complemented by the findings of international human rights organisations.

While contributing to the understanding of hidden transnational actors, this thesis adds a critical perspective in emerging Gulf studies. By labelling *biduns* as 'illegal migrants', Gulf monarchies have sought to portray themselves as facing the common challenge of migration while preserving their international reputation on which their security depends.

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To Professor Fred Halliday

Table of Contents

Tables and Illustrations	10
List of Acronyms	11
Note on the Currency	11
Note on Transliteration.....	12
Arabic Transliteration Table	13
Introduction	14
Chapter I Statelessness and Transnationalism: Theoretical Overview	35
Statelessness, An Anomaly in the Modern State System?	36
<i>Statelessness: A By-Product of Modern State Building.....</i>	<i>36</i>
<i>Nationality: From a Standard to a Right.....</i>	<i>41</i>
Sociological Networks as Transnational Actors	52
<i>Transnationalism: New Links between Liberalising States</i>	<i>55</i>
<i>Transnationalism: Old Linkages Overlapping with the Modern State.....</i>	<i>68</i>
Chapter II The Transnational Foundations of the Kuwaiti Emirate	82
Polity and Territoriality in Historical Perspective.....	84
<i>Communities in Old Kuwait City</i>	<i>84</i>
<i>High Politics before-Oil: Tribes and Security</i>	<i>92</i>
National Integration and Transnational Migrations in Northern Arabia	101
<i>Nomadism and Nascent States.....</i>	<i>102</i>
<i>A Cultural Approach to Transnational Migrations</i>	<i>108</i>
Chapter III Letting Migrants In, Cultivating Transnational Origin (1959-1986).....	116
The Kuwaiti Social Pact: Conception and Practice of Nationality	117
<i>An Hyper-Territorialised Definition</i>	<i>121</i>
<i>A Static Vision of the Polity.....</i>	<i>127</i>
Turning the Al-Sabah's rule into a Constitutional State	130
<i>Creating a National Army.....</i>	<i>130</i>
<i>Inflated Support and Demographics</i>	<i>137</i>

Chapter IV Severing Transnational Networks, Using their Origin (1986-2009)	143
Regional Turmoil and Administrative Violence	144
<i>Regional Security and Economic Downturn</i>	145
<i>Administrative Violence</i>	151
<i>Biduns'</i> Survival Strategies.....	162
<i>Living Conditions</i>	162
<i>Imbrication within the Middle Classes</i>	167
Chapter V Political Economy of Naturalisation and Transnationalism	174
Politicisation of the <i>Bidun</i> Issue: the Internal Debate	175
<i>Protecting the Welfare Privileges</i>	176
' <i>Give the Biduns their Human Rights</i> '	197
Internationalisation of the <i>Bidun</i> issue	210
<i>External Pressures for a Solution</i>	210
<i>Buying Time ...until When?</i>	215
Conclusion	219
Glossary	233
List of Names, with transliteration, Arabic spelling and notes	239
List of Places, with transliteration, Arabic spelling and notes	243
List of Interviewees	245
Bibliography	251

Tables and Illustrations

- Map 1: Kuwait City, Suburbs and Ring Roads' Structure (p.15)
- Map 2: Northern Arabia's Tribes (p.85)
- Map 3: Old Kuwait City (Before 1957) (p.123)
- Map 4: Urban Kuwait and *Bidun* Areas (p.165)
- Map 5: Kuwait's Five Constituencies (p.179)

- Table 1: Level of Institutionalisation of Transnational Actors (p.65)
- Table 2: Estimates of *Biduns'* Monthly Earnings (p.157)
- Table 3: Sample of Websites Dedicated to the *Biduns* (p.171)
- Table 4: Petty Crimes Committed by *Biduns* (p.193)

- Photo 1: Two-year Temporary Driving License for *Biduns* (p.155)
- Photo 2: Identification Card for *Biduns* (p.156)
- Photo 3 (a-c): *Biduns'* Popular Housing (p.163)
- Photo 4 (a-c): Representations of the *Biduns* in Human Rights Leaflets (p.214)

List of Acronyms

AI	Amnesty International
AOU	Arab Open University
CCPR	International Covenant on Civil and Political Rights
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child
GCC	Gulf Cooperation Council
GUST	Gulf University for Science and Technology
HRW	Human Rights Watch
ICRC	International Committee of the Red Cross
KADVV	Kuwaiti Association to Defend War Victims
KBA	Kuwait Bar Association
KSHR	Kuwaiti Society for Human Rights
KU	Kuwait University
POW	Prisoner Of War
UDHR	Universal Declaration of Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNHCHR	United Nations High Commissioner for Human Rights

Note on the Currency

Kuwaiti Dinar, KD. One KD is divided into 1,000 *fil*s.

KD 1 = GBP 2 (for quick calculation).

Note on Transliteration

This thesis uses a simplified system of transliteration. It is inspired from the *International Journal of Middle Eastern Studies* and the *Encyclopaedia of Islam*. Instead of using diacritic signs, a Glossary with proper Arabic script is inserted with added information on various Arabic concepts or Kuwaiti notions. Likewise a list of names and places is provided at the end of the thesis. Glossary and lists are designed to help the reader finding back the original Arabic nouns if needed.

When authors have published in English or interviewees provided me with their business cards, I have reproduced the English transliteration as it was in the bibliography or in the list of interviewees, but used my own system of transliteration in the thesis, thus harmonizing different spellings used for the same Arabic name, like 'Anazi.

Names of famous places (Najd), persons (Al-Saud) or current first names (Abd al-Aziz), as well as nouns passed in the English language (sheikhs) have not been the object of sophisticated transliteration but have been kept consistent throughout the thesis.

All translations are mine.

Arabic Transliteration Table

ء	` (except at the beginning of words)
ا	a
ب	b
ت	t
ث	th
ج	j
ح	h
خ	kh
د	d
ذ	z
ر	r
ز	z
س	s
ش	sh
ص	s
ض	dh
ط	t
ظ	zh
ع	'
غ	gh
ف	f
ق	q
ك	k
ل	l
م	m
ن	n
ه	h
و	w (consonant)/u (long vowel)
ي	y (consonant)/i (long vowel)

Introduction

Open Secrets: Discussable but not Publishable (Khuri, 2007: 120)

Kuwait, a vibrant emirate with mushrooming glittering towers of glass architecture, air-conditioned malls resembling giant indoor commercial high streets, high-speed three-lane roads leading to residential areas segregated by social status, occupation and nationality, and host to the hierarchical mix of foreigners of all hues characteristic of Gulf societies.

Kuwait was the first independent Gulf State in 1961 and the first to be endowed with a Constitution in 1962. It was at the forefront of intellectual and political debates during the decades of the sixties and seventies in the Arabian Gulf. Yet, it only attracted the world spotlight on 2 August 1990 when it suffered the trauma of the Iraqi invasion and the relief of the liberation after which its core representative institution, the National Assembly (*Majlis al Umma*) was restored.

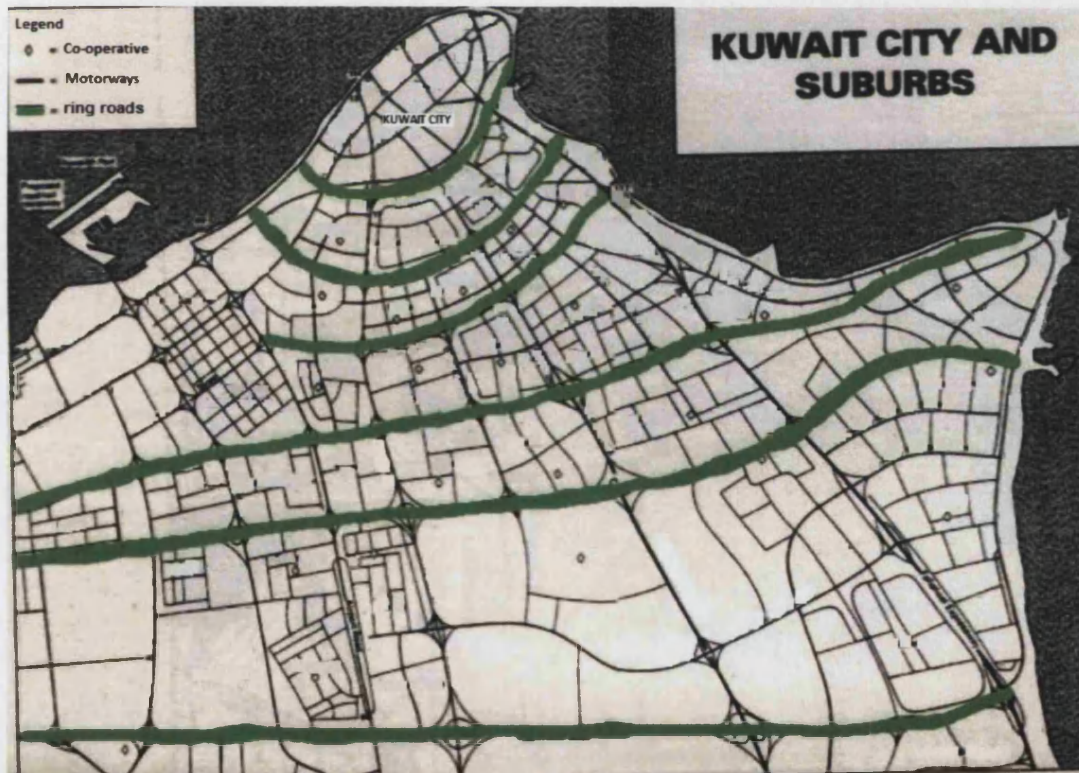
To many in the West, Kuwait is a source of oil money, redistributed lavishly by the Al-Sabah royal family amongst a tiny national population, whose lifestyle is reflected in the purchase of the latest Japanese and German cars, US 4 x 4s, and the consumption of the finest luxury goods, the newest technologies and high levels of American comfort and leisure.

Most visitors to Kuwait, however long their stay, only get a glimpse of downtown Kuwait, the show window of the country, built in the historical Kuwaiti port along the flower-planted 'Arabian Gulf Street' cornice. Urbanism in Kuwait had been structured around this core and in six concentric circles forming six ring roads, the first of which roughly follows the foundations of the mud wall that protected the

historic city from 1920 to 1957. The fourth ring road represents a real 'frontier' in the Kuwaitis' mental map, beyond which wilder territories start to sprawl in the form of tribal or middle-class Kuwaiti suburbs along with, albeit clearly separated from, labour migrants quarters, which are virtually out of sight in the periphery (Map 1).

This centrifugal urban geography, characteristic of all the world's big cities, coupled with the common representation of pervasive wealth associated with the emirate, make outsiders in Kuwait take the Kuwaiti economic aristocracy, referred to in socio-historical terms as *hadhar*, for the whole of the more diverse Kuwaiti population.

Map 1: Kuwait City, Suburbs and Ring Roads' Structure



Source: Adapted from Longva (2007: xiv)

Academic research on post-oil Kuwait, in political science and sociology have naturally first investigated the relations of these dominant classes with the royal family, turned into head of state and government (Al-Naqeeb, 1990), looking specifically at the process of state and institution building as a direct consequence of the exploitation of oil beginning in 1946 (Al-Dekhayel, 1999; Ismael, 1982;

Rumaihi, 1986)¹. The seminal work of Jill Crystal (1990, 1992) needs special mention: it looks at the evolution of the social contract that was agreed between the royal family, direct recipient of the oil revenues, and the economic aristocracy or merchant families who traded their political support against considerable economic advantages in the form of trade monopolies. Fatiha Dazi-Héni's doctoral thesis (1992)² and Mary Ann Tétreault (2000) show further insights into the mechanisms of power sharing. Dazi-Héni provides a detailed analysis of the socio-political role played by the traditional form of male sociability, the *diwaniyya* and its progressive democratisation to newly incorporated middle classes. Tétreault traces the long struggle of Kuwaitis to obtain full rights citizenship in terms of political and civil rights.

Bridging with a second trend of economic literature on labour migration that had developed in isolation (Abella, 1995; Alessa, 1981; Al-Moosa & McLachlan, 1985; Birks & Sinclair, 1980; Russell, 1992; Seccombe, 1985), the anthropologist Ahn Nga Longva (1997) has added a dimension to this certainly not monochrome but flat picture by including the structural presence of the migrant population; she offers a tour into a nationality-based hierarchical society that she analytically compares with the colonial 'plural society', where people only have social interaction in the market place for commercial transactions.

Building on this rich literature, this thesis explores the lesser-known parts of the emirate and focuses on the less privileged parts of the society –those, who prefer Egyptian Shisha coffee shops in Hawalli to the Starbucks and Chocolate Bar in Marina Mall, who readily visit the Friday animal fair, shop in Mubarakiyya and other old souks, possess Korean cars and borrow a Porsche from friends or, if they acquire one, buy it on consumption loans. Away from the powerful financial centres and prestigious circles of the historic state builders' families, the low and middle-class Kuwaitis, largely consisting of the salaried citizen-employees, who were identified as 'emerging' in the 1990s academic research on Kuwait, have turned into a significant political force in Parliament, worthy as a subject for study (Herb, 2009; Longva, 2006).

¹ This question was re-visited by historians in the light of the British archives (Smith, 2000).

² Only fragments have been published (Dazi-Héni, 1994).

The numerical prominence of these bureaucrats, particularly dependent on government employment for want of qualifications to compete in the private sector job market, has created some kind of class tensions expressed in identity terms between the *hadhar* and the Bedouins (*badu*) –the latter being a term of the Kuwaiti lexicon, sometimes used in a derogatory way by *hadhar*, referring to desert populations who settled in urban areas comparatively later than the *hadhar* in the 20th century, or worse, after the exploitation of oil in order to benefit from its windfalls. The *badu* presence is felt nowadays as parasitic by the more educated economic aristocracy.

What appears behind the stereotypes attached to the lives of rich cosmopolitan Kuwaitis, widely circulated abroad, is a whole complex social universe of chronologically differentiated stories of integration within the Kuwaiti polity, and a general resistance to the idea of broader integration in the context of a *rentier* economy. Those, among the Bedouins, who arrived last and indeed too late, through various unofficial channels before, or parallel to, the administrative system of foreign migration control using Western technology to record migrations, have been quietly kept even further away from sight. They are the subject of this thesis: the *biduns* literally 'without' nationality or stateless but better translated as paperless people.

The *biduns* occupy the interstices of the Kuwaiti 'plural society' as a ghost population. They are invisible on official lists of national states. They are also invisible to all but insiders in Kuwait as they resemble middle-class Kuwaitis, who would have accepted private jobs. So invisible are they, that outsiders like Egyptian migrants take them for Kuwaiti nationals and see in the petty jobs they are accepting a mark of humility of the generous people of Kuwait, while, ironically, these very menial jobs will unerringly betray them in the eyes of the nationals because, as they put it, 'no Kuwaiti will ever occupy such a position'.

The *biduns* speak the same kind of dialect³ as Kuwaitis, with occasional tribal overtones (Ingham, 1982: 245). Most wear the same attires, gown and headgear,

³ A blend of coastal *khaliji* (Gulfian), different tribal Central and North Najdi dialects infused with Persian, Indian and English influences. This obliged me at times to require a translation into plain Kuwaiti.

the *dishdasha*, *'iqal* and *ghutra*, though this is a distinguishing privilege of Kuwaitis. They use the word *al dira* (Al-Sa'idan, 1992/93: 233-234), the Kuwaiti word for the historic city now the 'capital' governorate, they mingle with Kuwaitis of comparable social backgrounds, follow Kuwaiti politics, and recall Kuwait's history of urban development, naturalisations and demographic changes. Yet they are not Kuwaitis. They are long-term residents of the emirate who came to Kuwait from neighbouring regions between the 1950s and 1980s to seize opportunities offered by the oil economy but have failed until now to be granted citizenship, while having no other national community in the region to which they are able or willing to claim affiliation. The absence of legal clarification of the first cases, who genuinely never held a passport nor had ever recognised any state affiliation, created an incentive for other nationals to get rid of their foreign identification papers in order to melt into the category benefiting from more privileges than foreigners.

The denomination as '*bidun*' is itself problematic (Al-Anezi, 1994: 4-8; Al-Najjar, 2005: 6-7; Khalifa, 2007: 6-8), just as the expression '*sans papiers*' in France for instance. This can be seen in the numerous changes of denomination, which reflect various attempts by those in power to engineer and order a given complex social reality of differentiated integration to fit into rigid rationalized and legible administrative categories (Scott, 1998: 3) congruent with international laws and their normative underpinnings.

The word *bidun*, short for *bidun jinsiyya* is a vernacular term that appeared in the 1970s to refer to a person with no nationality but also implicitly from Kuwaiti stock, though from the desert. The common expressions 'sons of the desert' or 'dwellers of the Kuwait desert' (*abna' al badia* or *badiat al Kuwait*) bear witness to this origin. Yet it should be noted that the category of *bidun* is far from overlapping with the much larger socio-cultural category of Bedouins in Kuwait. Throughout the 1980s, the government successively introduced the two legal classifications of 'non-Kuwaitis' (*ghayr Kuwaiti*) and 'of undetermined nationality' (*ghayr mahaddidun al jinsiyya*). The first name denies the possibility that the *biduns* may have an original relationship with Kuwait but not their stateless status⁴. The second expression further denies this truly stateless status in the

⁴ In his doctoral thesis written in 1986, Muhammad al-Fahed for instance used the expression 'non-Kuwaiti birth certificate holders', when the certificates are issued in Kuwait:

international context of an emerging human rights regime, by suggesting that the national status of the *biduns* has not as yet been determined. This leads us to attempt to clarify a second general confusion: if not all the *biduns* are *de jure* stateless, not all the stateless people are among the *biduns*. The Palestinian refugees welcomed by Kuwait after 1948, who hold only travel documents and also qualify as stateless *de jure*, were never included among the *biduns* – and still less so after the expulsion of the community in 1991. In the official censuses, these Palestinians were lumped together with those who had acquired a nationality and considered as 'Arabs belonging to Arab States' (Ghabra, 1988: 65)⁵. Finally, after a brief period when they were categorised as 'of unknown identity' (*majhul al huwiyya*) following the 1991 liberation of Kuwait, they were officially re-labelled as illegal migrants or *muqimun bi sura ghayr qanuniyya*, residing in the emirate in contravention to the Law 17 of 1959 on Residence of Aliens since 1987 when their exemption from the requirements prescribed by the Law 17 was nullified. Though finding themselves in similar situation with regard to the letter of the Law 17, the *biduns* have little in common with other labour migrants overstaying for some years. The latter came through a system of recorded entry that registers a country of origin to which they can be deported. This label 'as illegal' added to the pressure exerted since 1986 by the state of Kuwait on this category of people, which consisted of gradually stripping them of all the socio-economic rights of the welfare state in order to have them disclose their presumed original 'passport'. It clearly signified their undesirability on the national territory but cloaked the idiosyncratic *ad hoc bidun* phenomenon in the robes of the international legality conferred to sovereign states by the international system.

Though acknowledging the shortcomings of this elusive catch-all category and deploring its possible derogatory implication⁶, I have opted for using the term

'Kuwait, being a small country, fervently attempted to contain its social parameters by politically differentiation (sic) almost from its onset (sic) native Kuwaitis from others who were later absorbed into the community in the capacity of either non-Kuwaiti birth certificate holders or foreigners' (1989:2).

Yet, this occurred in quite an innovative confusing manner as he later noted: 'most [of the policemen] are birth certificate holders, which is a secondary-type citizenship'. (1989: 251)

⁵ This state of affairs linked to the ideological refusal on the part of all the Arab States – apart from Egypt and Jordan – to recognise the legal existence of the State of Israel led to legal situations in discrepancy with the reality on the ground.

⁶ 'Government to Provide Article 17 Documents to 'Eligible' Bedoun; Panel Criticizes Term 'Bedoun' as Inhuman', *Arab Times*, Kuwait, 19 December 2006.

bidun for two main reasons: it is under this generic name that the evolving 50-year-old phenomenon of this in-between legal situation has come to be known and possibly misunderstood at Kuwait's expense. For instance, Yemenis who possibly imagine an automatic right to nationality after a certain considerable period of residence think that their Hadhrami brothers may fall into the *bidun* category. It is hoped that clarity will be shed on such a confused and opaque issue. Secondly the ambiguity of the term precisely captures the extremely eclectic character of the group's composition. '*Bidun*' is a non-identity, yet an administrative identity attributed to people as a result of state policies with zero coherence: in spite of some broadly attested characteristics such as their overwhelming presence in the military, the variety of *biduns*' situations in socio-economic terms, networks and rights enjoyed, reflect the heterogeneous composition of the Kuwaiti citizenry itself, albeit in a poverty-magnifying mirror, rather than the sheer segregated group that years of discriminatory policies have contributed towards fashioning them into. Lumping together very different cases of legally undefined situations for migratory as well as gender-related reasons⁷, further fuels the confusion over which part of the *biduns* governmental measures apply to.

This thesis enquires into the persistence of the stateless phenomenon that emerged as such, and as an issue, due to the state handling of international relations crises. The non-national, grey situation of the *biduns* may have continued to be an invisible domestic matter, as is still more or less the case in certain Gulf States⁸, had the country not faced two major international crises. The First and the Second Gulf Wars in 1980-88 and 1991 respectively forced a confrontation with the reality on the ground of the emirate, firstly in terms of the international norms of territoriality and sovereignty, the exercise of which enables dealing with security

⁷ Due to the patrilineage's logic of nationality transmission in Kuwait, as in all the Gulf Cooperation Council states (GCC).

⁸ Except in Oman where the nationality law was designed to integrate populations repatriated from Zanzibar. In Bahrain, the issue was solved in 2001 by the then *Sheikh* Hamad Bin 'Isa al-Khalifa who granted, as a sign of royal generosity (*makruma*), the Bahraini nationality to some 10,000 to 20,000 *biduns* of mostly Iranian (*ajam*) origin in an attempt to diffuse social and sectarian tensions. In the United Arab Emirates, the issue came into the limelight when in October 2006 the President Sheikh Khalifa Bin Zayd Al-Nahyan pledged to solve the issue once and for all, which led, two years later, to the process of registration of nationality applications. In Saudi Arabia and Qatar, statelessness has not yet come to be a prominent issue, though it is certain that it affects the Kingdom significantly and whether or not it affects Qatar to the same extent is doubtful.

and economic threats to national interests and secondly, with regard to the emergence of the human rights regime and the non-state actors promoting it.

The first, eight-year, war waged at the door of Kuwait that sided with Iraq caught the emirate willy-nilly in the spill-over strategies of infiltration, network mobilisation and also unintended trans-border population flights (Boghardt, 2006: 67, 71, 86; Louër, 2008b: 172-176). Compounded with the economic crisis triggered by the drop in oil prices, these security concerns made Kuwait fully conform to the Westphalian understanding of territorial sovereignty, implying the exercise of a tight control on the populations and territory denominated as its own. In other words, this meant a close monitoring of its mainly foreign labour force and the end of the use in its public sector particularly its armed forces of transnational human resources, the *biduns*. The crisis management strategy adopted by the regime's key figures to redress the implications of decades of loose border control when borders were conceived as 'horizons' rather than 'fences', took the form of a high-pressure official policy to seek out the illegal migrants who had exploited the legal loop of the *bidun* undefined status. While the policy almost certainly worked to force out some tricksters and deter other Iraqis and Saudis from trying the category and its jackpot privileges, after some time, it effectively forced the entire *bidun* population to drop its claims on Kuwaiti citizenship, by a systematic deprivation of rights and de-legitimising of its claims. The inconsistency of solving an issue rooted in pre-national times by coercive means framed in terms of national migration policies did not escape the attention of human rights monitoring bodies in the aftermath of the 1991 'war of liberation' (Human Rights Watch, 1995). One of the core dimensions of the raising of the issue of the violation of the *biduns'* human rights by international activists and institutions is the damage it does to Kuwait's international reputation. This sensitivity to the outside world's opinion is explained by the fact that Kuwait has some human rights credential and an international credibility. The *bidun* issue reveals the contradiction between the 1991 image of a democracy for which the United Nations (UN)-mandated coalition came to fight the Iraqi army, and the reality of the political community.

This deep concern for the country's international reputation is widely shared among Kuwaitis, whatever the stance they may take on the issue. The majority of nationals agree that the *bidun* issue should remain an inter-Kuwaiti affair: any investigation into the file is generally felt as an attempt to 'put the country into disrepute' or 'tarnish its reputation' as I was consistently reminded. Kuwait, a newcomer country on the world map is proud of its history of generous foreign aid policies and emergency relief donations. It sees migration policies as acts of generosity by which the global poor can benefit from the emirate's wealth. Emerging out of the 1990 invasion as an uncontested victim of the violation of international law, the proud country is loath to accept interference in the statelessness issue. Although there is nothing in this thesis that would be news to Kuwaitis or their government, it is one thing to know and quite another to publish such knowledge abroad.

The concern for international reputation is an extremely powerful leitmotiv for suppressing or downplaying such an issue. 'Damaging our reputation' is a recurring attack proffered by the MPs against the government's handling of the problem⁹, while 'embarrassing the country in the eyes of the world'¹⁰ is a potent threat by proponents of the *bidun* cause against their opponents. Finally the logic of the 1986 decision to retroactively submit the *biduns* to the Law on Residence of Aliens placed the state authorities in an ultra-contemporaneous perspective of migration regulation where statelessness is a perverse but structural side-effect of the modern control of cross-border movements in a world entirely divided into bounded sovereign territories. It is underpinned by a vision of the state as a juridical and territorial abstraction, more characteristic of the traditional critic of International Relations (IR) studies than of practitioners' behaviour: this a-historical view reflects a UN-style homogenisation as it precludes any account of how the state was established and how it evolved in terms of internal structure, as an institution of military and administrative control. In the end, the result is to put Kuwait on the side of the liberal democracies that silently tolerate *de facto*

⁹ 'Government Urged to Solve Bedoun Issue at the Earliest: Al-Ajmi 'Kuwait Committed to Human Rights' *Arab Times*, 10 December 2006. '*Al hakumat al kuwaitiyya tatalib bil-tadqiq fi qanun 'al bidun' wa al nuwab yatahmun-ha bikhtilaq al azma'* [The Kuwaiti Government Demands More Verifications for the Law on the *Biduns*; the MPs Accuse it of Aggravating the Crisis] *Al Khalij*, UAE, 15 August 2010.

¹⁰ The expression is borrowed from the title of an article by Al-Khaled, A. 'Bedoons Unveil New Plan of Action: 'We Will Embarrass Them in Front of the World'', *Kuwait Times*, 25 January 2007.

statelessness or the absence of formal state protection as a residual phenomenon of migratory flows –an issue hotly debated in the literature on migration in liberal democracies (Carens, 2008; Ngai, 2004) and that happens when migrants overstay or when request for asylum is being rejected. It also erases any kind of political agency and, by the same token, tends to differentiate the Kuwaiti situation from the cases of statelessness resulting from active political decisions of rights deprivation, when the regime is held responsible and the act severely condemned. We need not look far back in time to find such occurrences with the refusal of certain Baltic states to grant nationality rights to their Russian minorities or, even in the Gulf, with the sudden attempt by the Qatari regime in 2005 to strip the Jafran section of the Murra tribe of their citizenship¹¹. In Kuwait, the question of statelessness is dealt with in technical, legal and administrative terms, by a State seeking to present its interpretation of a discriminatory phenomenon as a by-product of migratory regulation.

The inquiry of this thesis into the reasons for the resilience of statelessness in Kuwait, in spite of the spread of international standards of nationality attribution, places itself in a burgeoning field of Gulf studies and crosses a number of conventional academic disciplines, these including IR, International Law, anthropology, political sociology, migration studies or theories of nationalism.

The classical IR focus on inter-state interaction and state involvement in each other's affairs, whether real or imagined, is of little relevance here: none of the three big Gulf states, Iran, Iraq or Saudi Arabia ever sought to use their nomads¹² or citizens to influence or justify any irredentist claim on Kuwait (Halliday, 1974; repr. 2002: 421 n23), except for Saddam Hussein who, in addition to enrolling as many *biduns* as possible in his Popular Army of occupation, used the issue as a bargaining and pressurising tool on Kuwait in the years after 1991, reportedly sending alleged *biduns* to demonstrate at the border and to demand their return to Kuwait.

¹¹ 'Qataris Stripped of Citizenship Cry Foul', *Arab News*, 2 April 2005. A qualification ought to be made here as these Qatari were suspected to be holding the Saudi citizenship. The attempt anyway, was aborted due to the vocal campaigns denouncing it as a violation of international charters.

¹² With the notable exception, in the pre-national era, of the attempts by Abd al-Aziz al-Saud to use tribal allegiances to extend the territory of his kingdom as far as possible northwards.

Equally, the case of the *biduns* tells us more about the ways in which international norms, formal or informal, soft or enforced are resisted rather than applied to states outside the western world, insofar as it is doubtful if much has resulted from outside pressure on the GCC countries. Even though the 'right to nationality' proclaimed in article 15 of the 1948 Universal Declaration of Human Rights (UDHR)¹³ is the specific focus of two international conventions, as of 1 July 2006, the GCC states like any other states where situations of protracted statelessness are to be found¹⁴, have failed to sign either the 1954 Convention relating to the Status of Stateless People or the 1961 Convention on the Reduction of Statelessness (UNHCR, 2006:203-205)¹⁵.

To be fair though, a number of developments have opened the door to the UN Commissions for Human Rights for international scrutiny in Kuwait. Among these developments is the multiplication of the New Human Rights instrument. The 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)¹⁶ vested the right to nationality with the more tangible principles of non-discrimination and equality before the law, while the 1966 International Covenant on Civil and Political Rights (CCPR)¹⁷ and the 1989 Convention on the Rights of the Child (CRC)¹⁸ made it more subtle and less

¹³ Article 15 of the UDHR states:

- 1) Everyone has the right to nationality;
- 2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

¹⁴ These include also Syria (the *Maktumun*, literally 'the muted' Syrian Kurds) in the Middle East, the Baltic states (the so called 'permanent residents' of Russian or Russified origin) apart from Latvia, Nepal (the Lhotshampa, expellees from Bhutan –Hutt, 2003), Bangladesh (the Muslim Biharis), Burma (the Rohingyas of the western Arakan state) and Thailand (hill tribes –Scott, 2009) in Asia as well as the Democratic Republic of Congo (Banyarwanda) in Africa to quote but the most well-known cases.

¹⁵ United Nations High Commissioner for Refugees, in charge of the conventions regarding statelessness to be distinguished from the, United Nations High Commissioner for Human Rights (UNHCHR) also involved with the *biduns* files, with regards to other UN human rights instruments.

¹⁶ Article 9 stipulates that women shall have equal rights with men with regard to nationality, that is their own (right to acquire, change or retain nationality) and that of their children (right to pass on nationality).

¹⁷ Article 24 (3) of the CCPR states that "every child has the right to acquire a nationality" and thus should be registered immediately at birth.

¹⁸ Article 7(1) of CRC has similar provisions to article 24 (3) of the CCPR to be applied "irrespective of the child's or his or her parent's [...] sex, birth or other status" (art.2), requesting from the states that they ensure actions where a child would otherwise be stateless and preserve his/her identity including the preservation of nationality (art. 8). It seems that the drafters of these documents felt that it would be impossible for a state to accept an unqualified obligation to accord its nationality to every child born on its territory regardless the circumstances. Instead, the CRC Committee recommends that states take all necessary measures to ensure that all children are immediately registered at birth, requesting special attention to be given to the children of

rhetorical by substituting it with the right to 'acquire' a nationality. Kuwait is State party to thirteen international instruments among which are the CCPR¹⁹, the CEDAW²⁰ and the CRC²¹. These also gave grounds for human rights activists and the organisations through which they base their claims to request governments to take adequate measures²². Finally, it should be noted that no major state has ever taken up the *bidun* cause.

For local leaders this would constitute a significant strategic problem, both externally and internally. It is a truism to repeat that the security of the GCC countries depends on external alliances whether bilateral defence agreements with the British first and the United States in the aftermath of the 1990-1991 War, or collective accords (the Arab League in 1961, the United Nations in 1990 and the quite chaotic GCC arrangements). The vulnerability of the GCC resides in their being 'small' not so much in terms of territory²³ as in terms of their original scarce population and subsequent ultra-restricted citizenry. Only alluded to in the review of the literature on Gulf security studies by Fred H. Lawson (2009: 358), it would seem that, in the light of our understanding of the *bidun* issue, though it attracted very little attention in IR, demographic policies have long been seen in Kuwait not only as a development matter (Alessa, 1981; Mohammed, 2003) but also clearly as a security issue, in terms both of state interests and regime stability.

A latecomer into the international community, constrained by difficulties in being recognised by Iraq and the USSR, Kuwait has been pursuing a policy of apparent convergence with the dominant nation-state model of the time, exemplified in the discourse on the temporary character of its migrant majority until the national population takes over, even while this proved to be a structural feature of the social contract.

Obviously there have been some fundamental contradictions between the requirements of regime stability that calls for a polity of a manageable size and

vulnerable groups, such as children born out of wedlock, children of refugee, asylum-seekers, migrant, stateless families.

¹⁹Through the Law 12 of 1992, Kuwait ratified the 1966 CCPR that came into force in the national legislation on 21 August 1996. See UNHRC CCPR/C/120/Add.1, 3 December 1999.

²⁰ Adopted 18 December 1979, entered into force 3 September 1981.

²¹ Adopted 20 November 1989, entered into force 2 September 1990.

²² See, for instance, HRW (1995; 2000)

²³ Kuwait's surface of 17,800 km² does not compare unfavourably with, for instance, the 21,000 km² of the state of Israel.

the interests of the state whose acceptability and affirmation on the international stage depend on a tacit common understanding of contemporary statehood standards including, in the period of decolonisation, possessing an army or looking like the archetypical nation-state with a majority of nationals.

With the evolution of international politics and the new dominant narratives of increased world migration (Castles & Miller, 1998) and multicultural global cities, however, this isomorphism has also changed: the previously unquestioned prominence of the European model, which drew the line between nationals – inside – and foreigners – outside – by means of physical borders is being challenged in certain circumstances. According to Paul Dresch, 'the Gulf states with large non-citizen populations inside their frontiers, [have drawn] the line by other means, which [...] prefigure[s] what we all face as part of globalization'. In other words they have found themselves, bandwagoning more or less happily on Dubai's reputation of a global city, in tune with the trend of the liberal acceptance of circular migrations, transnational communities (like the Mexicans in the US) and exclusive membership (like in the so-called 'Fortress EU'). 'The rule with modern states seem to be that the greater the degree of economic and political interconnectedness, the greater the stress on exclusivity, often expressed in essentialized terms of 'culture" (Dresch, 2006: 200).

The puzzle of the links between regime stability, limited and politically docile citizenry and redistribution of oil revenues via a nationality endowed with 'a real economic worth' (Crystal, 1990: 79) has been very well studied in the light of dependency or *rentier* state theories (Al-Naqeeb, 1990; Crystal, 1990, 1994; Maktabi, 2005).

First, the redistribution logic of the *rentier* state makes citizens associate the inclusion of newcomers in the polity with a real or perceived reduction of their socio-economic benefits – though this is a common reflex in less generous production states where migrants are blamed for 'stealing jobs' and 'taking advantage of state allowances' at the expense of nationals.

The Kuwaiti parliamentary Constitution of 1962 also played a role in restricting – with few exceptions – the size of the citizen-base: the royal family attenuated the risk that democratic elections might reduce the extent of its power by keeping control on political participation – besides the basically unconstitutional

suspension of the National Assembly from 1976-1981 and 1986-1992. This implied quite straightforwardly some limitations to the entitlement of voting right: suffrage in Kuwait was for a long time the exclusive privilege of male citizens twenty-one years old or over, belonging to the so-called 'original' or 'first category' Kuwaitis – excluding members of the armed forces, until it was granted to the Kuwaiti-born sons of naturalised or 'second category' citizens in 1994, and then to women on 16 May 2005.

It also implied the exercise of a well-known mechanism of checks and balances between the different rival sections of the Kuwaiti polity; examples include involving the support of loyal *badu* against Nasserist *hadhar* in the 1960s, Islamists against non-Islamists also referred to in the Kuwaiti political lexicon as liberals, in the 1980s, and Shiites against Sunnites at some other times. Currently we see this with *hadhar* merchants being pitted against increasingly vocal middle classes of state employees whose demand for a greater share of the income is interpreted as the consequence of the inclusion of *badu* in the citizenry, particularly through the 1967-1971 extra-legal enfranchisement of Saudi tribes to broaden the regime's base.

Michael Herb analyses the current dynamics of the Kuwaiti parliament, reflecting a peculiar form of class-conflict: 'Salaried citizen employees of the state have a jaundiced attitude toward the private sector while the private sector views most citizens as parasites on the state and avoids hiring them.' As a result, 'the private sector wants the government to spend its riches on major infrastructure projects while the average Kuwaiti wants the government to distribute revenues directly to citizens.' (2009: 383; 387) This precedent of loyal constituencies turned more independent is regarded in this thesis as a fundamental factor explaining the obstacles to a mass naturalisation of the *biduns*, who, in spite of demonstrations of patriotism, have many reasons to resent the current rulers.

As for analysis of the state's interests, these have traditionally been studied in progressively broader terms, incorporating new kinds of challenges until the ultra-recent advent of environment and energy sustainability concerns. The strategy, typical of small states, of projecting soft power for want of hard military power was spotted early by scholars looking at foreign policy and international political economy (Al-Ebraheem, 1984; Assiri, 1990; El-Mallakh, 1968). Understandably,

since *biduns* were at the time counted among nationals in the official census, this issue as well as the dwindling proportion of Kuwaitis in their own country has attracted scant attention. From another security perspective, a second trend of literature emerged on the border artificiality and border conflicts prompted by the Iraqi invasion of Kuwait (Finnie, 1992; Schofield, 1991; Wilkinson, 1991) and hinting at the inherently transnational sociological fabric of the Kuwaiti population. This last point explains the danger of easing the limits on naturalisation as any enlargement of the constituency could change the subtle mix of the Kuwaiti polity that the rulers control by the old principle of 'divide and rule'. This question will be further developed in this thesis to account for the peculiar phenomenon of statelessness in Kuwait.

Likewise, it is only in the late 1990s that the demographic imbalance in itself comes to be constituted as a threat and the conditions of its construction as a threat analysed as such (Dresch, 2006; Kapiszewski, 2001; Longva, 2005). This is in contrast to previous situations where the threat was constituted by individual aliens belonging to transnational political networks, from the 1960-70s with Egyptian and Palestinian Nasserists, to Syrian Baathists to the Lebanese militant Shiites of the 1980s. This thesis fills a gap in the growing literature interested in issues of citizenship and migrant labour in the Gulf states, (Davidson, 2008; Gardner, 2010) that has so far relatively neglected the *bidun* question, since, apart from Kuwait, the emergence of the stateless as a clear category or minority is still in its infancy. The phenomenon is reported but the factors, internal and external, that would make the *biduns* emerge as a discriminated minority need to be studied and followed up.

This literature appears within a broader current that identified a wide range of socio-political dynamics and reformist challenges brought to the GCC countries by the pressure for liberalisation that followed the Second Gulf War. This pressure, intensified by the 9/11 attacks, led to strategies of international branding particularly in the UAE – as Dubai benefited from the capital repatriation from the West – then in Qatar, not forgetting the 'business friendly' campaign orchestrated by the Bahraini Economic Development Bureau (EDB). All emphasise their insertion into the flows of international finance, international flight passengers, higher education *and* migration. Just as, during the years of its quest for recognition, the Kuwaiti sheikhdom ticked in as many boxes as possible of the

statehood pretence, so too did this constitutional monarchy, albeit half-heartedly, when the time for liberal reforms came (Dazi-Héni, 2006: 233-300).

This entails a paradox with regard to membership delineation, though one that is more and more acceptable in the liberal *doxa* of globalised movements: as Kuwaiti society liberalises, even to the small degree that it does, the rulers come under greater, not less, pressure to limit citizenship applications. As Dresch suggested above, this marks a clear phenomenon of convergence in the conceptualisation of shorter mass migration and deterritorialised nationality in wealthy countries, or what Stephen Castles calls the 'rediscovery of temporary migrant workers programs in democratic states.' (2006: 746-749)

This thesis argues that the stalemate in the decade-long conflict that has set the Kuwaiti state in opposition to its stateless population claiming nationality entitlement illustrates the confusion in the understanding of *transnationalism*²⁴ that needs to be better historicised.

In this conflict, the line of argument taken by the Kuwaiti authorities is borrowed from recent discourse pertaining to the regulation of global migration. Yet this official narrative clashes with an alternative one held by *bidun* individuals, based on a different reading of history. *Biduns* claim their entitlement to first degree Kuwaiti nationality on the basis of a pre-state understanding of sovereignty and territoriality, when political power was associated with the control of inland tribes, together with the trade routes they commanded and far-flung military resources they could mobilise so that their immemorial roaming patterns and seasonal *musabila* (Bedouins' seasonal visits to the town markets for the sale and purchase of goods) is as good a proof of their presence in the North Arabian region. Moreover, their enrolment in great numbers in the armed forces of the country is not so much on the basis of their readiness to serve a quite remote and abstract Kuwaiti nation as on the basis of a shared cultural understanding with the surrounding tribes of the notion of loyalty (*wala`*) (Khalifa, 2007: 11). With the passing of time, however, the national army has come to be understood as the

²⁴ I recognise following Esra Bulut (2006:310) that the term itself is inadequate and that it would be more accurate to use the word 'trans-state' as by-passing the state; yet this confusion between state and nation is such a deep-running one in *International Relations*, that I shall stay with the common IR use.

defender of the Kuwaiti nation to such an extent that the nationalist *topos* of people who 'died for the nation' is probably the most powerful argument when it comes to raising sympathy for the cause among Kuwaitis nowadays.

The question of the *biduns* unveils the arbitrary and socially constructed nature of the self-classification that is nationality delineation. In Kuwait, this appears with particular salience due, first, to the transnational foundations of the emirate formed of Najdis, including the royal family, Iranians (*'ajam*) of old residence, Hasawis, Zubayris, Basrawis, southern and northern tribes (roaming respectively towards the deserts of Qasim and Najd, or Hamad, Hajara and the Syrian Jazira- Map 2, p.85), who all retain their identity of origin and, second, to the rigidity of the initial social contract that is the key to regime stability. The inflexibility of the limited social contract has somehow been hidden by the use that the leaders of Kuwait have made of the ambiguities of the idea of transnationalism, from a pre-national or 'anational' (Anscombe, 2004:21) form, bound by kin networks to the institutionalised form that has been theorised in the IR literature.

It is within the above context that this thesis focuses on this interplay between a sociologically informed state, on the one hand, and these two types of transnational actors. It shows that the transnational can also be concomitant with the national -or the adoption of a state model- and refer to a situation that predates it and for which, in spite of the increasing scholarly need, we have no better concept.

The *bidun* category represents an important percentage of the Kuwaiti nationals. It is of the greatest importance to arrive at trustworthy estimates of population, although I tend to consider the lack of reliable data as a structural framework for the research, for two mutually reinforcing reasons.

The first has to do with the nature of the subject investigated, namely unrecorded migration. As the name suggests, the mere fact that the entries are defined as unrecorded contradicts the idea of an easy count. This is certainly not peculiar to Kuwait or the region; we don't need to go very far to find controversy over the reliability of government figures regarding illegal immigration, the extent to which its estimates are politically biased and their disclosure deliberately

hampered. It is a recurrent debate in British politics too²⁵ and a subject of investigation in migration studies.

Second, if not peculiar to the region, this lack of reliable data on a subject with such potential for political manipulation is nevertheless all the more difficult to get around in the Gulf countries where accountability does not necessarily impregnate political or parliamentary life, and neither are the policies necessarily decided on the basis of thoroughly researched figures. Questions on the reliability of such figures are compounded, at least in the first post-independence decades, by widespread illiteracy, the lack of administrative structure and the social and cultural norms of the region, whose people are unfamiliar with data collection on private matters (Mohammed, 2003: xiii-xiv)

Attempts to arrive at reliable statistics of the *bidun* population go back to the beginning of the 1980s with parliamentary questions being addressed to the government –at a time when their number was still included in the total number of Kuwaitis. A Kuwaiti professor of International Law (Al-Anezi, 1994: 1) mentions a figure of 200,000, quoted as an estimate by the Minister of Interior in response to an MP's query on 9 November 1984. The *bidun* issue gave the impression for a while that some accuracy was somehow attainable inasmuch so far as two censuses were published in 1985, the second transferring the *biduns* from the Kuwaiti to the non-Kuwaiti category and the difference amounting to 207,310 (Maktabi, 2005: 16). This estimate, however, did not count the unregistered migrants.

The regional wars and political turmoil that allowed for various population movements to remain unregistered, along with the set of measures aimed at exerting pressures on the *biduns* who emigrated, regularised their situation or acquired other nationalities, cast more doubts on the accuracy of the post-1991 figures. From a peak of over 260,000 before the invasion (HRW), it was estimated

²⁵ For instance, a quick look at the last three years of immigration debate in the UK will suffice to convince us: in May 2006, 'Dave Roberts, a senior official in the Immigration and Nationality Directorate (IND), [prompted by questions regarding the number of illegal migrants ordered to leave the country who actually did so] admitted he did not have the "faintest idea" how many illegal immigrants were in Britain.' 'Soft Targets' Picked on for Deportation, Say Refugee Campaigners', *The Independent*, 18 May 2006. 'Illegal Immigrants not 'Hunted'', *BBC News*, 17 May 2006; 'MPs ShoRcked by Fresh Immigration revelations', *The Guardian*, 17 May 2006. This follows and strangely echoes the 2005 declaration by Charles Clark, the then home secretary, that 'he did not know how many illegal immigrants there were in Britain' in the midst of a row over the concealment of official estimates on illegal immigration. '500,000 Illegal Migrants, Says Home Office', *The Times*, 17 April 2005. These few examples could be multiplied.

that 122,000 remained in 1995 after the Iraqi invasion, when a majority fled to Iraq through the only border open at the time. Thereafter, the Kuwaiti government denied them re-entry after liberation²⁶. In 2000, their number totalled 119,000 and kept on its downward trend to reach 104,000 in 2006, according to the official estimates of the Ministry of Planning. However underestimated, if compared to the numbers of the Kuwaitis for the same years, 695,000 in 1995, 826,000 in 2000, and over a million in 2006, the *biduns* still represent a dwindling but significant proportion of the national population, ranging from 17.5% in 1995 to 10.4% in 2006. The rough number of 10% is probably a satisfactory working figure.

As for the composition of the category – itself evolving over time, it is impossible to describe it with any kind of certainty since the accounts of people involved in their defence are contradictory, for example Shiite *biduns* recognised resorting to *taqiyya*, while the passing of sometimes three generations causes genuine phenomena of memory distortion. I understand that decades of inimical politics towards the *biduns*, with their imposition ever-changing requirements have contributed to the burying of stories and memories of family migration and settlement and affected their recollection. Moreover, the renewed empty promises on the part of the government and, lately, the flourishing of human rights reports that have led to no tangible result have cast doubt on the whole point of talking to a doctorate student.

The analysis of the situation presented in this thesis is based on knowledge I acquired of the people of Kuwait where, between 2005 and 2008, I interviewed Kuwaitis who spoke on behalf of the *biduns* – whether human rights activists, MPs, intellectuals and academics – and members of the group constituting the natural interface between Kuwaiti society and foreigners – the westernised *hadhar*– and the stateless persons themselves²⁷. My *bidun* informants (counted as heads of household) represent four categories, one of my core precautions being that they don't know each other so as avoid any imbalance of networks in the sample:

²⁶ The fate of the 140,000-160,000 *biduns* who went to Iraq is undocumented.

²⁷ See List of Interviewees.

- a) *biduns* naturalised either in the UK (2 heads of household, 1 Sunni, 1 Shiite) or in Kuwait (2 Sunni cases of siblings, 'offspring of Kuwaiti mothers');
- b) 3 Sunni white-collar workers;
- c) 2 focus groups or clusters of Shiite families (1 extended family and 1 group of 5 heads of household working on the same premises);
- d) Intellectual/artistic networks (3-who know each other, although I met them through different channels).

I conducted repeated semi-structured interviews, completed both by observations that sometimes diverged from the discourse as well as the information contained in the three press-archives files titled 'nationality issues/*bidun*/naturalisation'²⁸ kept in the Information Centre of *Al Qabas* newspaper (since 1972).

While striving to portray the group of *biduns* as faithfully as possible in keeping with the data collected on the ground, this study interrogates the meaning of the lack and unreliability of data and answers by analysing the issue from a constructivist point of view, emphasising what people perceived as real, thought they knew or could know, the realm of *representations* rather than chasing an elusive picture of the reality.

Chapter I shows that the theories of statelessness developed so far presuppose a certain type of state that did not exist in the Arabian Peninsula until long after the Westphalian and Wilsonian international norms had spread to the region. The issue of statelessness outside the western world is better explained by looking at the formation of the state in a dialectic process with *de facto* sociological transnational actors – in this case the straddling tribes, in an evolving context of the norms of acceptable statehood that justifies security interventions.

Chapter II sets the historical décor by depicting the pre-national understanding of the relations between polity, sovereignty and territoriality before the discovery of oil actually linked political power to circumscribed territory and delimited population, as well as the effects of the chronologically differentiated adoption of the state-system on the North Arabian region.

²⁸ The complete title being: '*shu`un al dakhiliyya wa taqsimat al idariyya- wizarat al dakhiliyya/ shu`un al jinsiyya, al jinsiyya wa al tajnis, qanun al jinsiyya/ sahb al jinsiyya, fa` bidun jinsiyya.*'

Chapter III discusses the Kuwaiti social pact institutionalised in the Nationality Law of 1959, and the use of transnational resources in turning the rule of Al-Sabah into a constitutional, modern state.

Chapter IV analyses how and why, although the *biduns* had become part and parcel of the transnational composition of the Kuwaiti society, they were pushed out, as of 1986, towards category, sanctioned in international law, of first stateless people and then transnational migrants, which is to say migrants who have kept some connection with their home country.

Finally, Chapter V deals with the current deadlock. First, it reflects on the politicisation of the issue which gives rise to debates on the protection of welfare and other privileges attached to citizenship in much the same way as any other welfare states – except with more money involved. Second, it analyses its internationalisation through its inscription in the agenda of human rights advocacy networks and, allegedly, transnational crime. It looks into the many solutions put forward by different stakeholders and identifies the obstacles to their implementation due to the risk associated with a change in the community-based composition of the Kuwaiti citizenry through its enlargement as well as the precedent that could mean opening a Pandora's box for all the people who have been frustrated by the Nationality Law.

This risk explains the serious concern attached to the issue and the importance of the Kuwaiti obsession for salvaging a decent reputation, which results from the fear that external pressures may lead to an ill-timed or non-optimal solution. The American tilt towards a possibly democratic Baghdad have increased anxiety among Kuwaiti leaders for a while, but the fear of external interference remains high and exacerbated by the need for Western security guarantees with the impending confrontation between the US-led international community and Iran.

Chapter I

Statelessness and Transnationalism: Theoretical Overview

**[It is a] fiction that the contemporary world order is built on nationality. It is not. It is built on the separate territorial state (Mayall, 1990:123)
The institutionalization of transnational relations has definitely increased (Risse-Kappen, 1995: 11)**

For international organisations and IR scholars who look at the twenty-first century world as a country map, statelessness is a particularly disturbing phenomenon contradicting the view that every individual should relate to one state – just as any Multi-National Company (MNC) or international Non-Governmental Organisation (NGO) is registered under the legislation of one state. Yet, as suggested by James Mayall's quote above, the territorial juridical aspect of the nation-state prevails over a well-defined national population – all the more so in cases of the movement of populations whether old (nomadism) or new (immigration).

This chapter shows that cases of statelessness have occurred as the norms of the Wilsonian international system have spread, with the recognition of new sovereign states. It thus places the Kuwaiti policies in some historical context. However, the newer the state, the less acceptable it is within the society of states to exclude part of the population from the polity²⁹. Whether it opts for their naturalisation or not the state has to deal with cohesive straddling populations that become *de facto* transnational non-state actors. IR literature has so far neglected to

²⁹ As shown by the European Union's pressure on Baltic states for a prompt solution to their stateless population

look at this sociological factor as influencing state policies at the international level: this chapter argues, on the contrary, that in Kuwait the nebulous *bidun* phenomenon has played a role in the soft power strategy of the state.

STATELESSNESS, AN ANOMALY IN THE MODERN STATE SYSTEM?

Statelessness: A By-Product of Modern State Building

Exclusion, disenfranchisement and exile have been an intrinsic part of the exercise of political power as long as communities have existed. Examples abound from the disenfranchisement of metics, women and slaves and ostracism in the Ancient city of Athens, through that of the Jews in medieval Europe, Protestants in Catholic lands and their varied stories of expulsion, to the segregation of the aborigines in the New World and the émigrés of the French Revolution.

Statelessness is the latest version of this long-lived history of exclusion from the polity in the international state system. The city-states, city-leagues, small princedoms and large dynasties have long been replaced. Since the mid-nineteenth century³⁰, bounded nation-states have represented the basic political entities of the international order. Nationality is the tool through which membership of a particular sovereign state is officially materialised.

Statelessness only occurs where the entire geography is intellectually mapped by territorial states, where the spread of the nation-state model has in effect removed all areas where nationality is not defined. For instance, in the Ottoman Empire the great majority who did not hold the nationality of the centre cannot be described as stateless people³¹. Likewise, in the British Empire, nationality was a particularly confused and hybrid matter, defined *ad hoc* and on a case-by-case

³⁰ This period marks the processes of unification of both Italy and Germany in Europe, in fulfilment of the nationalist principle, 'which holds that the political and the national unit should be congruent' (Gellner, 1983:1) on territory with more and more impermeable borders, and the beginning of the spread of the system towards Eastern Europe after World War I and the rest of the world after decolonisation. It is preferred to the conventional IR landmark of the 1648's Treaty of Westphalia, which though guaranteeing the territorial integrity of states, kept the Holy Roman Empire as a form of overlordship much more comprehensible to medieval than to modern Europeans.

³¹ In the case of the Ottoman rule over al-Hasa, Frederick Anscombe (2005:32) shows that state affiliation played a role only when events involved the interface with the British (the Hasawis interviewed in the investigation of the gun-smuggling incident were asked their state affiliation and Ottoman subjects from Arabia were requested to apply for a passport in order to visit British-controlled Iran).

basis (Kiefe, 1926: 169-179)³² sometimes with unintended and unwanted consequences³³.

Mass statelessness is thus the direct consequence of the nation-state building process, involving control over a well-delineated territory, the construction of a national ethos and sometimes the adoption of ideological values. In Europe, first, but also in the non-western world, those who do not fit within the state-proclaimed definition of the nation have been excluded through various means. These include a 'second category' of citizenship – such as the Roma in Eastern Europe, Catholics in Ulster until the 1970s, and Black Americans until the 1960s –, expulsion as a result of war – like the Serbs, Croats, Bosnians in former Yugoslavia, Palestinians and hundreds of thousands of Kurds, Failis and Shiites from Iraq in the 1970s and 1980s (Whitley, 1993: 32) – denaturalisation and refusal to grant nationality, eventually leading to statelessness.

Historical Association with Fascism

Statelessness like nationalism first emerged in Europe. It appeared at the end of the First World War as a result of the fall of Empires and regime changes. The first group to become technically stateless, though they were not referred to as such, was the 'White' Russian political émigrés. According to a series of decrees promulgated by the Soviet government between 1921 and 1925, nationality of the USSR was lost by persons who left the country after 7 November 1917 without the authorisation of the Soviet authorities, and those failing to register abroad with the USSR representatives or to apply for a Soviet passport.

At roughly the same time, Armenians became another stateless group, victims of Turkish nationalism. A Turkish law of 23 May 1927 authorised the Turkish authorities to withdraw Turkish nationality from all Ottoman subjects who did not take part in the national struggle, as well as those who had remained outside Turkey during the war of Independence and had not returned to Turkish territory

³² In the contemplation of the law of England (British Nationality and Status of Aliens Act 1914), the indigenous inhabitants of British Protected states were not British subjects, but they were not, for all purposes, aliens either, in particular for purposes of diplomatic protection at the international level -even providing passports sometimes (Kiefe, 1926:178; Al-Anezi, 1989:152).

³³ Regarding Gibraltar for instance, Ann Dummett writes 'the new British Overseas Citizenship, to be base (sic) on freedom of entry, would therefore transfer a racial distinctions (sic) from immigration law to nationality law and children of Indian-Descended parents born after a (sic) new law was in force would be stateless' (1977:4)

from 24 July 1923 up until the introduction of the law. This law effectively denaturalised the Armenian group who had fled mostly to France and Greece. In the same vein as the Russian émigrés, a large group of Spanish republican refugees who left their country as a result of the Civil war lost the *de facto* protection of the Spanish Government. In both cases, recipient countries such as France denied them protection and assistance and treated them as stateless (Carey, 1946).

Just as nationalism took its extreme form in fascist regimes (Zimmer, 2003: 80-107)³⁴, statelessness reached a peak as a result of their denaturalisation decrees. The National Socialists in power in Germany, the Fascist governments in Italy, Rumania and France constituted the most notorious cases. Germany embarked on de-nationalisation with the 'De-nationalisation and Expatriation Law' of July 1933, according to which all naturalisations of 'undesirable elements' naturalised between November 1918 and January 1933 could be revoked by individual decrees. The Reich Citizenship Law of 15 September 1935 established different degrees of citizenship: only those persons of German or cognate blood were citizens (*Reichsbürger*) while Jews could not be citizens but only nationals (*Reichs-/Staatsangehörige*). The Law was further extended by the German order of 25 November 1941, which stated that a Jew living abroad was deprived of his status as German national (*Staatsangehörig*) and that his property could be confiscated.

As a result it is estimated that by the outset of the Second World War, there were up to 400,000 refugees from Greater Germany; this figure was augmented by at least another 100,000 during the war. Following the German path, an Italian decree of 1 September 1938 repealed the certificate of naturalisation issued to all foreign Jews after 1 January 1919. The Citizenship Revision Decree of 20 January 1938, in Rumania, provided that a Jew living in Rumania outside the Old Kingdom and naturalised by a court procedure set up in 1924, who failed to present proof of his citizenship within twenty days would lose it³⁵. In France, in

³⁴ I follow here the thesis that fascism is a national-integrationist form of nationalism that took deeply fractured political system and archaic social structure to bourgeois modern state's stage. This interpretation gives more weight to the argument that statelessness is associated with modern state building.

³⁵ The naturalisation process until this period had already been extremely difficult. Müller (2009:68) notes that: 'the means and procedures for the process were construed in a manner so full

June 1943, the government of Vichy stripped all Jews naturalised since 1927 on the French territory of their citizenship rights.

The strong association between statelessness and fascism has affected the study of this exclusionary phenomenon in social sciences: just like nationalism, statelessness has been studied through the paradigm of ideology and dictatorship. Yet it also has to do with the adoption of an international model of bounded states that sometimes leads to illiberal outcomes, considerably less tolerant and pluralistic than their multi-national predecessors – and also with the assertion of power between states.

In terms of the generation of statelessness, the post-colonial and post-Cold War world is generally no different from Europe in the first half of the twentieth century. Wars, border delineation, real or inflated security concerns and the necessity to build regimes legitimised by distinct national identities all underpin the phenomenon of statelessness.

State Creation: Decolonisation and post-Communism

In general, Third World and developing countries have been very tough on nationalisation and the acquisition of nationality, for nationality and state building reasons. Mexico, which now encourages its migrants to the United States to retain their original Mexican nationality, used to allow only 25 people to acquire citizenship each year. Many countries excelled at the expulsion of immigrant populations, such as Algeria and Egypt after their revolutions, Iraq under Saddam, Bahrain with the Iranians, Kuwait, Saudi Arabia and all the Gulf states with the Yemenis in 1990 or Uganda in the early 1960s. Many others – including Iraq, Egypt, Syria and Jordan – also resorted to denaturalisation more or less abundantly when the state of emergency was proclaimed.

Border delineation and/or change in territorial sovereignty are keys to the understanding of these nationality issues. Whether it follows the independence process or the breakdown of a state, like in the USSR or the countries of the Horn of Africa, successor states have acted to privilege particular national groups upon which to build their national identities. The examples of Thailand and the Baltic

of preconditions that until 1912 only 189 Jews gained Rumanian citizenship in this way, whereas ca. 250,000 Jews remained with the peculiar status of “foreigners without foreign citizenship”.

States illustrate respectively the inadequacy of treaties' provisions and the change in territorial sovereignty.

In Thailand, it was the agreement made between Thailand and Burma's British rulers during colonial days that created 'displaced Thais'. Under this agreement, Thailand had to cede part of its border territory, comprising over fifty villages, to Burma. But Burma refused to grant Burmese nationality to those 15,000 village dwellers because they were Thais. Thailand equally refused to grant them nationality, arguing it would be in violation of the agreement.

With regard to the Baltic States, the collapse of the Soviet Union and their subsequent independence marked the return to a narrowly defined interpretation of the nation-state whereby territory coincides with a homogenous and mono-ethnic nation (Giordano, 1998: 164). This rekindled adherence to the principles of the nation-state can be interpreted as a desire to bracket off their Soviet heritage and link the present era of independence with the independence of 1918-1919, as if history could be reverted and some of its parts erased. In this way, after the sovereignty transfer, the former 'occupiers' – all Russian or Russified lumped together – were held accountable *collectively* for the evils done to the formerly oppressed. As a result, Latvia and Estonia have acted to deliberately discriminate up to one third of their inhabitants on ethnic grounds, and exclude them from the citizenry.

It appears that mass statelessness is a core product of nation-state creation and the application of nationalist ideology. The Gulf policies towards the *biduns* need to be seen in this European and Third World historical context. The latecomers – modern creations – like any other modern states build their particular state, in the sense of political, coercive and administrative entities ruling over a defined territory and population, within the constraints of the state system and of the broader, structural and discursive constraints of modernity (Scott, 2009). However, these constraints evolve with time.

As Fred Halliday put it:

These states are condemned by the logic of nationalist ideology to promote their differences, but are equally condemned by the logic of the contemporary world to perform similar functions. (2000: 51)

Yet the policies available to perform these functions change over time just as nationalist narratives change according to states' interests. What has clearly

changed since the first occurrences of statelessness in Europe is the constitution of new international norms and the turning of nationality from a standard in inter-state relations into a 'right'.

Nationality: From a Standard to a Right

The first concerns regarding statelessness came from the discipline of international law. The core difficulty in the matter of nationality stems from the fact that it requires co-operation between the internal and the international orders or within the 'international society of states'. Though nationality does directly concern the international order, it is controlled by domestic, and often constitutional, law.

In an ideal situation where each individual has a single nationality no international treaty or convention would be required. However, one is strongly needed when it comes to questions of dual nationality or negative conflict of nationality, i.e. statelessness. Conflicts of nationality laws though less noticed are highly disruptive: they result from an incompatibility between laws based on *jus soli*, whereby nationality is granted on the basis of the place of birth, and those based on *jus sanguinis* that confer nationality on the grounds of blood ties. Nationality is denied either on gender grounds, when women cannot transmit nationality³⁶, or through a rigid implementation of the *jus sanguinis* principle that denies nationality to second and third generations of migrants obliged to register with their countries of origin³⁷.

As a matter of fact, the issue of negative conflict of nationality or statelessness was and still is of particular concern to the international community: if one state fails to grant nationality to a person or a group, this becomes a potential problem for all states. Unless the state that fails to grant nationality allows the stateless

³⁶ Children become stateless if they are born to a father holding the nationality of a state that does not recognise the acquisition of nationality *jure sanguinis* or more often to *de jure* or *de facto* stateless fathers. This is for instance the case of all children born in the Gulf countries to Iraqi fathers since the 1990 invasion of Kuwait which disrupted the diplomatic relations with Baghdad.

³⁷ This issue reminds the case of the new generations of Turkish '*Gastarbeiter*' being denied citizenship much talked about during the nationality debate in Germany. Yet some other cases have greater implications. For instance, the new Indonesian nationality law has been sharply criticised for ignoring the pattern of outward migration: as it requested citizens living abroad to register with the Indonesian diplomatic representation and renew their passport, on a regular basis, activists feared that a good deal of migrants working abroad in remote areas or with difficult access to the consulate, may simply lose their Indonesian nationality. 'Citizenship Law Flawed, Activists Say', *The Jakarta Post*, 2 March 2006.

persons to remain resident with full legal entitlements equivalent to that of nationals, then the stateless group will either seek to acquire full nationality elsewhere or look for mechanisms of redress where they are resident. The instability created for the stateless people can easily be translated to the international level: where no redress is possible it can become a root cause of significant legal or illegal migration, displacement or conflict. In all cases, people with no affiliations and no means of identification represent a challenge to the internationally regulated cross-border movements and all types of population control.

Specialists in international law have thus focused their attention on questions of the extent to which a state has the right to regulate its own nationality, if nationality is a matter falling exclusively within the domestic jurisdiction of the state, and if not, the extent to which international law can impose limitations upon the rights of the state. Customary international law dictates that while a state has an exclusive jurisdiction in regulating its nationality, it should not encroach on the sovereignty of, nor regulate the nationality of another state, nor should it abuse its right in this regard. The first effort to determine the precise limits imposed by international law upon the rights of States dates back to the Convention on Certain Questions Relating to the Conflict of Nationality Laws of 12 April 1930, referred to as The Hague Convention of 1930³⁸. Defined as persons deprived of the protection of any government, stateless people fall outside the pale of international law and bilateral treaties that grant reciprocal privileges to nationals, and have no country to issue passports for them to enter other foreign countries or to return to as their own.

Nationality thus emerges less as a positive right than a standard of organisation. In addition to the customary practices, international legislation has shown a trend toward the observation of certain principles for the international public interest and, increasingly, for human rights consideration. The post-Second World War human rights regime – based on 'the notion that all individuals have rights by virtue of their very humanity, and that, in principle, they ought to be able to enforce these rights against their own government' (Brown, 2002:116) – marked a

³⁸ It was accompanied by the Protocol to The Hague Convention relating to a certain case of Statelessness (1930), A special Protocol to The Hague Convention concerning Statelessness (1930).

turning point for the conception of nationality, proclaimed as a right in article 15 of the UDHR. This right to nationality breaks with the essentially inter-state or realist logic to nationality. However while producing new obligations for states towards individuals rather than just towards states, the actual content of this right is far from clear. It is this thesis' contention that, cloaked in the language of right, nationality has remained more of a moral standard by which people should not be excluded from the global rules of international games, because its content as a right varies greatly.

Two attempts to substantiate this right, that lead us to the distinction between citizenship and nationality, are examined here: first, the political theory of Hannah Arendt, herself a victim of the 1933 denationalisation law in the Nazi state, who lived the life of a stateless person for 18 years until she became a US citizen, and shows a deep mistrust in the state while favouring the rights of the civic republican type of politics; second, the UN pragmatic norms which on the contrary assume an ideal advanced and bounded welfare state. Both attempts tell much about the normative state which underpins the discourse of the right to nationality.

The 'Right to Have Rights'

Arendt was the first to give a political, rather than legal, content to the notion of statelessness and defined it as the negation of the 'right to have rights' (1968, repr. 2004: 267-304). She first clearly highlights its congenial link with the spread of the nation-state system³⁹:

We became aware of the existence of a right to have rights (and that means to live in a framework where one is judged by one's actions and opinions) and a right to belong to some kind of organized community, only when millions of people emerged who had lost and could not regain these rights because of the new global political situation. The trouble is that this calamity arose not from any lack of civilization, backwardness, or mere tyranny, but, on the contrary, that it could not be repaired, because there was no longer any 'uncivilized' spot on the earth, because whether we like it or not we have really started to live in One World. Only with a completely organized humanity could the loss of home and political status become identical with expulsion from humanity altogether. (1968, repr. 2004: 296-97)

If, devoid of any normative loading, we take 'uncivilized spots' to mean spots where the norms of the territorial and sovereign nation-state system were not yet

³⁹ She bases her thoughts on the post WWI-European precedent of denaturalisation decrees, massive denationalisation laws, forced deportation, enforced emigration and the refusal of asylum generated by the re-composition of Eastern Europe, revolutionary upheavals and the fascist regimes.

fully established, then the region of the North Arabian Peninsula certainly qualified as 'uncivilized' at the time of Arendt's writing and the polity delineation within its states occurs in a new normative context where nationality is held as a right.

Arendt regards the negation of 'the right to have rights' as the result of the 'perplexities of the rights of man' (1968, repr. 2004: 290), by which she means the paradox of defining human rights as natural and inalienable, i.e. independent from any historical and empirical instances or particular people, nation or government, while at the same time placing them under the legal and executive sovereignty of these very contingent powers that are national governments. The identification of human rights with the civil rights of a particular polity has major implications: the turn of a national government against the universalism of human rights is enclosed within the logic of human rights itself, not only inscribed in the constitution of the violating states but also used to legitimise the stripping of others' property, security or integrity in the name of rights.

She thus advocates the decoupling of nation and state as a remedy to the fact that the guarantee of human rights by a nation-state blurs the right of nationals with that of citizens, as participants in public life and a self-governing community. Yet, where Arendt insists on the role of nation and 'the conquest of the state through the nation'⁴⁰, this thesis argues that the deprivation of rights is first and foremost the result of the process by which the state captures the nation and uses the normative language of the time, not only that of the nation. The case of the *biduns* is a perfect illustration: the *biduns* cannot be ethnically and culturally differentiated from Kuwaitis and the language used to exclude them is less that of the nation, as they are from the same origin as parts of Kuwaitis, than that of the regulation of migration, which shifted the terms of the debate.

The notion of nationality needs to be historicised: the French historian Gérard Noiriel in his 'Socio-History of the Use of the Term Nationality' notes that the idea of nationality is inherently polysemic, as it is historically loaded with many conflicts of interpretation (2005: 246-47). The word is torn between two poles of sense. The first is its objective, legal-administrative definition that refers to the

⁴⁰ 'The Nation' (review of J.T. Delas' book *La Nation*), *Review of Politics*, 8/1, January 1946, cited in Bernstein (1996:79).

legal bond between the individual and the state (not the nation) and coincides with the above-developed claim to contractual rights. It is synonymous with the status of a national, as opposed to that of a foreigner. The second pole of sense is more subjective: it points to the politico-cultural content of nationality which was the original meaning of the term when it appeared in 19th-century Europe in the context of the fragmentation of the Austro-Hungarian Empire. Defined as a feeling, an impulse of belonging to a given community, it soon became twisted and appropriated by the conservative political forces, to mean the community itself that ought to be defined by specific criteria and preserved as such. The expression 'national identity' typically plays with these irrepressible historical ambiguities and as such is subject to political exploitation.

The second historicisation of the category with regard to statelessness is the link between nationality and citizenship. 'The right to have rights' has a particular political meaning, closer to that of citizenship; it is the right to be judged by one's actions. It is also 'a place in the world, which makes opinions significant and action effective' (1968, repr. 2004: 296), and from which one can have a perspective on the world. The 'place in the world' required to exercise the right to have rights can thus be distinguished from the public space existing within the boundaries of the nation-state or nationality.

Citizenship, nationality and the overlap between the two must be contextualised too. For the Iraqi jurist Shakir Haider (1965: 1) nationality refers to the international aspect of state membership while citizenship, defined as the possession within a particular state of full civil and political rights, stresses more its national aspect. As with Noiriél's analysis (2005:245), they are two aspects of the same notion of state membership.

Yet, if all agree that political participation is linked to citizenship, a new current of literature emerges from the multi-level of identities, democracies and allegiances brought to the fore by recent global transformation (European Union studies, migration studies) seeking new ways of exercising citizenship as political participation, particularly the possibility of a cosmopolitan citizenship (Fahrmeir, 2007; Hutchings & Dannreuther, 1998).

In a way, this literature pursues what Arendt's civic republicanism explored – seeing in the global age the breaking of the marriage of 'nationality as a membership of the political community of the state, and citizenship, as

membership of the political community of the civil society' (Delanty, 2002: 19). Gerard Delanty finds evidence in the case of immigrant workers who retain a formal citizenship in the sense of nationality of their home state but are denied participation in the society in which they live (though that state may want them to keep quiet for economic reasons) (2002:19), while Andrew Linklater (1998) sees in the increasingly multinational states, especially the post-1945 European states that welcomed large-scale immigration, the weakening of the identification between citizenship and nationality.

With regard to the *biduns*, the interest of this literature lies not so much in its new ways of conceptualising citizenship, the foundation of western political theory, nor in the fact that it takes a new position in the debate opposing proponents of the 'rights and duties' liberal vision, the state-centred approach of Thomas Marshall (1950), the communitarian voluntarist perspective focusing on community, identity and commitment or the radical democracy of participatory citizenship at either the state, sub-state or supra-state levels.

As will be discussed below, citizenship literature ought to be taken with a pinch of salt in the Middle East as it only makes sense to talk about citizenship in the context of social equality and democracy, or under conditions of protection by law and political participation, not only in the context of entitlement to social welfare. Otherwise, nationals become subjects, and enjoy welfare and other, including political, rights only at the whim of the ruler. This point is illustrated by the fact that in Kuwait, the presence of the *bidun* minority reinforces the feeling of entitlement among those Kuwaitis enjoying legal protection, economic and political rights. For some of them, though, it raises a feeling of the contingency of this entitlement, highlighted by Arendt. As one Kuwaiti put it to me, probably only half-jokingly: 'If I write my academic dissertation or help you writing yours on such an issue I may well end up one of them [*biduns*]'⁴¹. As will be further developed in chapter V, if the definition of the citizenry's composition is widely debated, the prerogative to grant rights is in the hands of the cabinet and ultimately depends on the Emir's signature. As a result, this thesis adopts

⁴¹ Background conversation, London, 2005.

preferably the term nationality (*jinsiyya*) unless the Arabic equivalent to citizenship (*muwatana*) needs to be emphasised.

The particular value of the new literature on citizenship is that it *recognises*, in order to solve it, the imperfect equivalence of nationality and citizenship and the possibility of deterritorialised citizenship, or micro-local self-governing communities – in a word, the disconnection between nationality, residence, civil rights and citizenship. This disconnection fits far better the situation of the Gulf countries, with their complex mix of 'nationality degrees', different kinds of expatriates, long residents, highly qualified Indians, Iranians or Levantine Arabs or temporary low level labour forces, than one advocating the importance of nationality in the construction of citizenship (Miller, 1998, 2000).

Nationality and Citizenship Studies

The UN attempt to substantiate the right to nationality draws on a liberal, social rights, Marshallian vision of 'nationality', entailing a very passive or top-down conception of the role of the national. Nowhere in the UN documents is there a discussion of a 'right to citizenship'.

The UNHRC booklet entitled '*What Would Life be Like if You Had No Nationality?*' begins with the following answer to the question-title:

You might not be able to: go to school or university, get a job, get medical care, own property, travel, register the birth of your children, marry and found a family, enjoy legal protection, have a sense of identity and belonging, participate fully in developments in a world composed of States, in which nationality is a key to membership.

These and other problems are faced by people who are stateless. (1998:3)

What is striking in this list is that the majority of the rights of which stateless people may be deprived are socio-economic, or the so-called 'second-generation' rights, while first generation rights (political and civil rights such as freedom of speech, assembly, religion and so on) are barely mentioned. The 'States out of which the world is composed' appear above all in this quotation as service providers (education, health, employment, administration and legislation). As shown by the divergence between the US model, with a notable absence of social rights, and the USSR, defining citizenship in terms of social rights, there is no simple trajectory along which a logic of rights unfolds from civic to political and social areas. Here the emphasis is clearly placed on social rights, in a context

where access to all the (material) means of life is already controlled and regulated by the state which has also usurped the 'monopoly of the legitimate means of movements' (Torpey, 2000: 1) (as opposed for instance to 19th-century Europe where religious or private authorities provided important alternative sources of services provision).

The right to nationality, as a natural or universalistic right, is more the expression of a moral standard than a positive right of the same kind in contractual or particularistic terms as the ones it gives access to as described in the booklet. Moreover, the claim for a universal right to nationality obscures this fundamental inequality of nationalities and their entitlements, as reflected in the financial values attached to forged passports on the black market (Lloyd, 2005: 213-16)⁴². The inequality of nationalities is one of the implications of the sovereignty system that 'encourages a particular mode of thinking about the world in which notions of 'right' and 'justice' are particularized and parochialized' (Brown, 2002:10-11).

This overview of attempts to substantiate the right to nationality, whether in political theory or in UN-normative terms, has highlighted the constant reshaping of the notion through a different understanding of the past and present trends in political communities. The perception of the new trends identified in global movements of persons led to rethinking citizenship along new lines and multiple interpretations that are also appropriated by states according to their interests and relations with the outside. Taking nationality as given and failing to recognise that it is a modern construction prevents us from conceptualising the multiple dynamics at works in international relations. The following statement applies perfectly to the western world, yet our observations in the different Kuwaiti setting limit significantly its global reach:

There is one overall conclusion that can be drawn from this: citizenship is increasingly shifting from a right acquired at birth to a right acquired by virtue of residence. This situation has greatly changed the social situation of immigrants in particular. (Delanty, 2002: 106)

⁴² Never has this inequality been so blatant as when the female students of different countries hosted in the Foreign Girls' dormitory of Kuwait University (where I was a student in 2002/03), benefitted from unequal means of protection from their embassies, in the run up to the US-led attack on Iraq in February 2003 (from state-paid repatriation, to repatriation at her own expense, to gas masks distribution etc.).

The analysis on which it is based – the fact that the presuppositions of multicultural citizenship no longer exist because of the increase in worldwide migration at a time when the developed world is becoming more concerned with exclusionary politics to restrict entry – somehow explains the logic behind the policies of Kuwait, faced with this mass migration earlier on.

Before I examine the way this international framework has shaped the interaction between the state of Kuwait and a particular transnational part of its population that, this thesis argues, ought to be dealt with as a non-state actor, I will look critically at how Middle Eastern experts with an interest in citizenship have felt it necessary to redefine the theoretical premises of citizenship to fit the region's reality (Butenshon, Uri, & Hassassian, 2000; Dannreuther, 1998; Joseph, 2000; Saghie, 2001).

One of the main achievements of 'Citizenship Studies' applied to the Middle East region is to draw attention to the complexity and the intrinsic polysemic nature of the notion. They contest the fact that citizenship could constitute a homogeneous, undifferentiated and universal - or cosmopolitan- category.

All the contributors to the edited books on citizenship in the Middle East (Butenshon, Uri, & Hassassian, 2000; Joseph, 2000) agree upon the fact that citizenship is a notion produced in the West and exported to the rest of the world in the wake of the spread of the modern state system. These discussions sow some confusion in the understanding of the notion of citizenship itself, as political participation and social equality are sometimes more formal than substantive. Nevertheless, the attempt to draw a clearer distinction between nationality and citizenship, which have hitherto been widely confused and seen as interchangeable, is apposite:

Nationality is not synonymous with citizenship. Nationality is a top-down concept that refers to an identity and a set of entitlements conferred by states on persons according to bureaucratic rules. The development of nationality as a political status began in the nineteenth century as states attempted to increase their control over selected populations during a period characterized by proliferating nationalist movements and extensive voluntary and involuntary migration across political boundaries. Nationality is a claim that a person belongs to a particular state, but it was developed to exclude from state entitlements refugees, formerly colonized persons, and other "illegal aliens", who presumably belonged to some other state. Nationality also affirmed a state's authority over former residents living abroad whose behavior and treatment were thought to reflect on the reputations of their country of origin. From these beginnings, it is not surprising that nationality today does not confer automatic

entitlement to political participation or to distributions by the state. (Al-Mughni & Tétreault, 2000: 243)

With regard to Saudi Arabia, Soraya Altorki (2000: 218) notes that the Marshallian concept of citizenship (individual claims vis-à-vis the state to equal access to state resources) is based on liberal foundations positing a universal individualistic ethic that does not necessarily exist. She thus underlines, in order to reject the validity of Marshall analytical distinction, that, with regard to citizenship, 'only the social' element, '-the bedrock of which for Marshall is education and social services-, would appear to be relevant' (2000: 222).

Liberal individualism is certainly alien to Saudi Arabia. A communitarian approach conceiving citizenship as participation in the community would have been more appropriate to support her claim that an adequate notion of full 'citizenship' rights for women would have to take into account the family-based social fabric of the Saudi society. Contrary to the liberal view of group membership in particular rights, communitarianism values the importance of identity (here gender identity) and participation, the true bonds that keep members of a culturally based community together. Certainly moral individualism is absent in the Peninsula, but other conceptions of citizenship, including theories of radical democracy, have sought to get around the individual rights-based conception of citizenship. In the end, all these conceptions seek to politicise citizenship in order to give communities or social movements a public voice. And this is precisely what is missing in Saudi Arabia.

What is of utmost interest in Altorki's analysis is the paradox she underlines: the word 'citizen' (*muwatin*) is used with an increased frequency in Saudi political discourse, although the modern concept practice of citizenship is alien to Saudi Arabia, where a form of reciprocal engagement – the protection of subjects against their allegiance – prevails. It would be interesting to analyse why this lexicon is used at this particular moment and how it is appropriated or, in other words, to look at the dialectic influence of international categories on domestic development. That is the goal of this thesis – to look at the way *biduns* were reclassified from one transnational group, potentially 'naturalisable', to another located beyond the limits of the polity.

In the case of Kuwait, Longva distinguishes between two ways of conceptualising the relation between individuals and those who govern them, modern citizenship being only one of those ways.

The tribes in Kuwait understand nationality and citizenship in the sense of *tabi'iyya*, which can be translated as the "following" of or "allegiance" to a leader, in this case, Kuwait's ruling family. [...] Urban Kuwaitis, on the other hand, understand citizenship as *jinsiyya*, from the root verb *jns*, meaning "to make alike, to assimilate, to naturalize". [...] In this sense, it is much closer to the Western concept of citizenship. [...] Thus, being Kuwaiti in the sense of *jinsiyya* implies an indissoluble bond between the citizen and the state of Kuwait; it is a condition that requires the existence of a national community, a national territory, and a state. Being Kuwaiti in the sense of *tabi'iyya*, on the other hand, means that one's allegiance goes to a leader whom one follows and not to the territorialized sovereign state. (2000: 193)

Longva notes incidentally that citizenship in Saudi Arabia is the prime illustration of the *tabi'iyya* conception of citizenship since one is Saudi by virtue of following the House of Saud, whose name the country bears, and not by virtue of any link to the land of Arabia – in which case one would be an Arabian.

The assumption that citizenship is a universal institution that can be understood and practiced in the same manner globally is seriously dismissed on cultural terms, at least in these early stages of state building. What Longva shows is that the understanding of nationality, citizenship or say state affiliation depends on the way the state is defined but also on the sociology of the state itself.

Trying to avoid too deterministic a cultural approach, this thesis shows that the ways a people and their rulers have conceptualised the notion of state membership according to their interests have interacted to explain the extent of the access to nationality. Statelessness should be contextualised in such differentiated visions of the legitimate political entity to which the individual owes his or her allegiance. Secondly, it argues that these conceptions have evolved along with the discourse on citizenship in the international or western community – to which the Gulf is particularly sensitive because of the interests of state and regime, as well as the change in the broad, as opposed to the national, population. However, while it is true that the cases of the *biduns* and foreigners (*wafidun*) cannot be analysed separately, it is a pity that the differentiation has not been well established in the existing literature.

To summarise, Kuwait started its process of modern state-building in a context where nationality was gradually constituted into a right. This late development

meant that in order to draw a fault line between nationals and non-nationals, it had to conform to the evolving norms of the international society in terms of inclusion/exclusion. In some sense, it is the existence of this norm that pushes the state of Kuwait to play on the different meanings of transnationalism and to reclassify part of its population as illegal in order to exclude them. In the following section, different types of transnational actors are differentiated and in doing so, the argument is made that sociological (tribal) actors ought to be considered more seriously in IR theory. As a consequence the sequence of emergence of the national followed by the transnational ought to be reverted.

SOCIOLOGICAL NETWORKS AS TRANSNATIONAL ACTORS

IR theories have usually posited that their subject matter, the international, arose from the national, as links between discrete entities gradually expanded beyond borders. Far from this abstraction, this thesis argues that it is the national that emerged out of an international background of trans-border flows of people, money and goods. The history of the modern system is one of internationalisation and of the breakdown of pre-existing flows of people, religion and trade into separate entities.

Since the beginning of the 1970s, IR scholars have extensively discussed the formation of cross-boundaries structures of interaction and their relations with state's governments, with a special focus first on economic transactions and flows and later on new advocacy groups. The common assumption, however, has been that transnational links have been gradually forged between the ever-developing entities of states. Initially defined in the 1970s as economic relations or networks bypassing the (Western) state, understood as government, the concept of transnationalism gained new academic momentum in the 1990s with the growing interest in the phenomenon of globalisation, in both IR and the new anthropology- and sociology-based field of migration studies.

My empirical observations and analysis of the *bidun* issue suggest another way to conceive of transnational ties – as emerging as soon as the national state starts comes into existence, rather than *supplementing* the inter-governmental relations, as suggested by James Rosenau's commonly-quoted definition seeing

transnationalism as 'the processes whereby international relations conducted by governments have been supplemented by relations among private individuals, groups and societies that can and do have important consequences for the course of events' (1980: 1).

My approach is close to the study of the two Middle Eastern phenomenons of pan-Arab nationalism and political Islam that were developed to contest the primacy of the state as a legitimate political unit as soon as it existed as such. As ideologies, both have known no border, yet as movements these so-called non-state actors have had to engage with the reality of bounded states' institutions and 'challenge' the state entities in a complex interplay, argues Halliday (2005: 229-260). Just like nationalist and Islamist movements – but with the essential difference that they are neither theorised nor properly institutionalised, factors of a different sociological type have also had an influence on the state building process and complex relations with the state, its security and foreign policies. Laurence Louër, in her analysis *Transnational Shia Politics*, fuses the two approaches and considers the importance of this sociological factor in diffusing religious activism. She notes:

The diffusion [of ideas and organisations] is even more rapid and lasting if it is channelled through previously established networks as well as long existing patterns of interaction. More than the secular movements studied by the sociologists of transnational movements, moreover mainly in the West, the religious political movements may exemplify this type of logic since their ability to spread cross-nationally is directly linked to their reliance on old transnational religious traditions. (2008b: 3-4)

While Louër's focus is on traditional religious patterns of interaction, mine is on the tribal structure of the region. The 'tribe' is a fluid concept in space and time, across countries and dependent on changing political and social conditions. Without entering into anthropological debates regarding the characteristics of tribes, the nature of their cohesion, the legitimacy of their chiefs or sheikhs and their relations with modern states (Al-Rasheed, 1991; Dresch, 1989; Khoury & Kostiner, 1990; Khuri, 1980; Tapper, 1983), it is nevertheless necessary to highlight, first, that the generic word 'tribe' covers such a wide range of different situations that it ends up saying very little about scale, mode of production, culture or political structure. Second, this work is fully aware of and cautious towards the orientalist view that desperately sought for consistency in an ever-changing reality.

Let us only recall that tribes vary in scale from large confederations grown into extremely diffuse organisations, like the wide Shammar or the 'Anaza, to the section (*'ashira*) or subsection (*batn*); they differ in occupation, for they are either agriculturalist or pastoralist, the camel breeders regarded as the noble (*sharif*) tribes while the goat or sheep breeders are regarded as second-rank tribes. They differ in ownership of territory or pasturelands, in military capabilities with vassal tribes or settlers seeking protection from other tribes. As a consequence of their various socio-economic activities they differ in mobility, with a whole range of intermediary, semi-nomadic or half-sedentarised situations, from seasonal nomads or entirely settled tribes. All these differences combine⁴³ so that seeing tribes as essentially pastoral nomadic is tantamount to focusing on only certain families of the noble tribes, disregarding them and separating them from the social and economic basis of the wider tribal system.

This complexity is further compounded by the fact that the definition of tribe has also been extremely malleable over time: in the context of territorial states, the 'tribes' referred to by modern actors bear little resemblance to those who interacted with pre-oil sheikhdoms (Baram, 1997; Jabar, 2000). The tribe as a social formation has survived the complete destruction of the economic and security system on which it was based. As Faleh Abdul Jabar and Hosham Dawod note looking at 1990s' Iraq:

Tribes, driven from nomadism to sedentary agriculture to urbanism in less than a century mutated in terms of forms, structures, leadership pattern, environment and material or symbolic capital. But tribes were not passive entities; they retained their solidarity networks and value-systems (2003: 7-8).

It is first and foremost these solidarity networks that make the tribal factor devoid of its nomadic feature and military might retains its full explanatory power in the dynamics of the region in the second half of the twentieth century⁴⁴. In this thesis, tribes and modern states are regarded as coexisting entities, each evolving according to its interests through socio-economic changes, utilising, redefining, obscuring or rebranding tribal solidarity, while the single polity they form

⁴³ For instance, the dichotomy between desert and cultivated land does not necessarily overlap with tribes boundaries since some villagers may be members of the same kin group as (noble) nomads.

⁴⁴ Most importantly, but not necessarily, when the tribal confederations in question had been divided between different national territories. It is worth noting also that the tribal factor, more often than not, does *not* coincide with the ethnic divide except for the dividing line between the Kurdish or Persian tribes.

together becomes gradually sucked into the normative international system of nation-states.

With the collapse of their pastoral economy and security system the tribes have ceased to be *casus belli* like in the pre-national era. Yet they continued to play, like weaponry purchase, albeit less prestigious, a major role in the assertion of national statehood and the survival of regimes⁴⁵. Borrowing from sociology the idea of non-institutionalised networks, this thesis argues that the tribal links exhibit enough influence on the state's behaviour to qualify as an IR-defined transnational actor. In IR, transnational tribal links have been too quickly dismissed as pre-modern and as such doomed to disappear in a more prescriptive than explanatory analysis of the region.

Conversely, the studies of transnationalism have been flawed by an unquestioned liberal optimism, which has sometimes sacrificed the analysis of mechanisms and processes on the altar of normative and wishful interpretations. If the national and the transnational are conceived as given together, the liberal unidirectional approach thus yields to a dialectical approach to state and transnational actors.

Finally, the *bidun* issue illustrates the progressive institutionalisation of transnational links in the international system: distinguishing between the tribal link as non-institutionalised transnational actors identified here and migrants as state-registered/regulated transnational actors developed in the existing literature, it seems that it is in the state interest to further certain transnational actors and relations while breaking off others, which remains in the shade of academic agendas.

Transnationalism: New Links between Liberalising States

Though the term was first used in 1916 by the American sociologist Bourne to describe the diversity he aspired to for the American society, the idea of transnational relations only came to academic prominence in IR in the 1970s. Its emergence corresponds with the collapse of the Bretton Woods system, the international regime *par excellence* which had steered global accumulation since the end of the Second World War, and the concomitant recognition of the importance

⁴⁵ I depart here from the analysis of Benjamin Miller, who sees in the 'state-to-nation imbalances' the cause of *war proneness* in the Middle East (2007, 129-205).

of increasingly autonomous *transnational* networks in managing the global economy (Drainville, 1998: 40-42).

Transnationalism in IR: State/Non State Actors and their Interaction

Inter-Society Networks and the Disaggregation of the State

It is thus driven by economic considerations that the debate surrounding the role of non-state actors first emerged in the US, as part of the critique of the state-centric approach dominant in IR. Yet, while the term is thought to have been coined in 1971, in *Transnational Relations and World Politics*, edited by Robert Keohane and Joseph Nye, the idea that non-state international exchanges somehow played a far greater role in international politics than realists acknowledge, had been formulated earlier in at least two IR paradigms, namely functionalism and historical materialism.

Peter Willetts, known for his interest in non-economic transnational actors as a reaction to what he sees as their omission by Keohane and Nye, draws three conclusions that are important for my argument: '(1) that governments are involved in networks of transactions with non-governmental actors on all issues [whether low or high politics]; (2) that governments have an impact upon most international interactions; but (3) governments are also constrained by their interactions.' (1990: 259) Yet the focus of Willetts' research is transnational and intergovernmental actors at the level of international organisations and their cooperation in issue-areas, while we are concerned with the interaction of transnational and governmental actors at the domestic level, sometimes involving cooperation but more often than not, mutual utilisation and manipulation within the larger framework of regional politics.

His literature review offers a good basis on which to build a case for new ways to conceptualise transnational actors and ties in IR and envisage them not as an emerging phenomenon encroaching or eroding state power, but a given and multi-form factor with which state actors have always had to deal in a dialectical process, as they frustrate and equally promote states' objectives. The states, unable to fully control their borders and the normative dimension of the international system, promote certain types of transnational relations and discourage others that are normatively unacceptable, such as the tribal bond.

Karl Deutsch is considered the precursor of the idea of transnationalism. His analysis of transactions highlights the fundamental political structures revealed by patterns of communication (1966). His understanding of the process of integration led to the development of the concept of the 'security community', referring to a group of people whose sense of community rules out the use of force to solve any contention between them (1957). Yet Deutsch, though laying the grounds for new neo-functionalist (integration) and liberal (transaction) approaches is still a prisoner of the realist mindset and its language of 'states' and 'power'. David Mitrany (1943), who pioneered the functionalist theory of integration, criticises the efficacy of state's action posited by the state-centric paradigm. For him, geographically bounded states alone are inadequate and unable to maximise the welfare of modern societies. Transnational cooperation between specialised individuals or groups is best suited to fulfil a wide range of socio-economic tasks or *functions* (such as air travel or the enhancement of health standards). This institutional framework of specialised cooperation, which may involve the governments but on a technical rather than political basis, is destined to be extended from one sector to multiple others by way of 'ramification'.

This functionalist paradigm is graphically illustrated by the image of John Burton's 'cobweb' model of world society (1972), to replace the billiard ball representation of self-contained states as depicted by the realist school. Burton's focus though is less on functions than on contacts and interests that religious, business or labour groups and organisations share across borders.

Three points in the works of these two authors need to be highlighted for my purpose: first, both Mitrany and Burton recognise that what was left in the shade by the realists domain of interest, namely the 'low politics' (social, economic and cultural flows) take the shape of networks of cooperative interactions which are not inter-state. This does not mean though that the governments have no influence on or leverage with these non-inter-state networks, on the contrary.

Second, since the two authors are dismissive of the ability and legitimacy of the politics of states, they fail to consider the dynamic interaction between the transnational networks and the state institutions – at best, Burton sees the voluntary transnational relationships eventually replacing the coercive and arbitrary state-based relationships.

Thirdly, it is important to highlight the breadth of Burton's definition of transnational. Contrary to Mitrany, primarily interested in functional networks, Burton includes non-institutionalised networks and non-functional transactions too.

It is in the exact opposite direction to this loose definition that neo-functionalism headed to in its critique of functionalism. Defining integration as a process 'whereby political actors in several distinct national settings are persuaded to shift their loyalties, expectations and political activities toward a new centre, whose institutions possess or demand jurisdiction over the pre-existing national states' (Haas, 1958: 16), authors spearheaded by Haas stressed the necessary conscious decision of political actors to pursue cooperation and the central role of institutions to realise and perpetuate it through 'spill-over' effects.

The neo-functionalist approach to regional integration struck a further blow to the notion that the state was the right unit of analysis: not only did it bring into the picture other international actors like interest groups, transnational non-state actors and public opinion, but it also shedded light on component parts of the state itself, such as bureaucracies or elites. This crack in the coherence of the state-entity opened the way to analyses not only of non-state actors but also of the points of contact and interaction between these transnational actors and certain particular institutions or individuals affiliated to the state (Risse-Kappen, 1995).

As regards the disaggregation of the state, tribute should be paid here to historical materialism, though its has followed its own way disconnected from the main IR debates (Halliday, 1994: 47-73). One of the core tenets of historical materialism is the definition of the state as a government and an apparatus distinct from the society over which it rules and even furthering the interests of part of it, the capitalist class. Important methodological contributions from the classical historical materialist paradigm ought to be retained here to define the tribal bond as transnational (Halliday, 1994:61-65). First, the importance of social forces and non-formal structures – even though in our case the tribal social forces emerged in a pre-capitalist mode of production and adapted to or rather survived its spread by mutating into a value-based and redistributive structure.

Second, the historicity of the state/non-state interaction ought to be given more weight than it has so far received, which would give us enough historical distance

to envisage these interactions as taking the form either of cooperation with the states, at least on the issue under discussion as is usually hypothesised in the governance literature, or conflict with the state system altogether, not in terms of the erosion of the state's power but in terms of a dynamic process of disciplining uncontrolled forces.

Despite the liberal, functionalist works originating in, and, initially at least, only applying to developed communities, these two paradigms provide useful elements to reflect on inter-society ties beyond the sole state-to-state relations posited by the realist view of international relations. The theoretical salience of transnational relations came nevertheless from the works of American liberal, also known as pluralist authors, the most prominent of which are Rosenau (1969) and the co-authors Keohane and Nye (1971).

The Liberal View: Transnationalism, Interdependence and Non-State Actors

According to these authors, the monist view of the state obscures the role played by international 'non-state' actors, which were identified as powerful enough in terms of resources and reach to influence the states' policies and thus worth being taken into consideration in the analysis of world politics (Nye & Keohane, 1971: 374). The use of the term 'transnational' is clearly meant to contrast with the word 'international' (which is usually equated with inter-state) and emphasises the existence of any type of cross-boundary exchange which is not under the control of the government. In their 'World Politics' paradigm that aspires to challenge the most basic realist assumptions, Keohane and Nye broaden the definition of actors involved in world politics on the basis that neither the state nor any other actors are coherent units. This includes transnational actors⁴⁶. For them, the world system is characterised by a great variety of 'bargaining situations', the majority of which are missed by the state-centric paradigm. The major change that affected the nature of the international system, and that realists failed to note, is the new political salience of transnational actors, particularly the increasing power of social and economic transnational organisations, qualitatively different from those created in the Cold War, like trade unions (1971: 375-378). Based on these premises, their follow-up book *Power and Interdependence*, first published in

⁴⁶ This also includes 'transgovernmental' interactions, defined as 'interactions between governmental subunits across state boundaries' (1971: 383).

1977, focuses mainly on economic manifestations⁴⁷ of 'transnational' forces and the effects they have on the countries they tie together. They name this reciprocal tie 'interdependence'⁴⁸, which contrasts the independence of states posited by realism. This book reasserts the significance of transnational actors through the positive impact they exert on cooperation⁴⁹ as well as their compatibility, on an issue-by-issue basis, with the realist focus on power.

Yet for Willetts (1990: 266) and Thomas Risse-Kappen (1995: 13-14) their approach offers little in terms of the processes of interaction between the non-state and the state actors. Willetts (1982) further criticises the emphasis placed on economic matters in applying the ideas of transnationalism and interdependence. He has in mind the new advocacy organisations rather than the transnational political organisations such as transnational guerrilla support, international labour confederation or the political agenda of the Catholic Church that Keohane and Nye considered to be in decline (1971: 376). He then argues in favour of a more comprehensive approach to the transnational that would be applicable to all kinds of international issues, especially those dealt with by NGOs.

Over the course of the 1980s, the debate around transnationalism lost momentum, as the idea of the state regained primacy along with that of the structure asserted by both neo-realism and liberal structuralism in the nascent subfield of International Political Economy. It resurfaced after the end of the Cold War with the imposition of the hegemonic discourse on globalisation, seen as a multidimensional intensification of the interdependence. Keohane and Nye themselves reassert the validity of their approach writing in the preface to the third edition of *Power and Interdependence*: 'Globalisation refers to an intensification of what we described as interdependence in 1977' (2001: xiv). New environmental, military and social fields were studied through the transnational lense, giving new life to the idea of forces that by-pass states.

⁴⁷ With the case studies of the politics of ocean and money.

⁴⁸ A situation of 'complex interdependence' implies that 1) societies are connected through multiple channels, 2) there is no clear hierarchy of issue 3) the use of military force has become irrelevant.

⁴⁹ The liberal idea of interdependence sensitivity denoting the fact that governments and societies are increasingly affected by what is happening in other countries, is to be distinguished from the realist conception of interdependence as vulnerability, of one state to another.

The analytical concept of 'transnational' was 'brought back in' again by Risse-Kappen in 1995. The focus here is not on asserting the relevance of the transnational relations in the study of international relations or on the supposedly growing irrelevance of the state system due to increasing transnational relations. As a matter of fact nobody can deny that, in the 1990s, transnational relations existed and were relevant, but the debate involves the real extent and mechanisms of their impact on state policies and international relations.

In his edited book, Risse-Kappen explores the *interaction* between inter-state and transnational relations. He posits that the differentiated impact of transnational actors and coalitions on state policies depends on the differences in the domestic structures of the targeted states and the degree of international institutionalisation of the issue-area concerned. Denouncing as vague the definition, inherited from the 1970s debate, of 'transnational' as anything that is not state-to-state relations, Risse-Kappen adopts a far more restricted view: he discards the idea of transnationalism as either interdependence or patterns of interactions which are mutually costly to disrupt or break, or the 'diffusion effects of cultural values and norms or the impact of international communication networks on public attitudes and national societies' (1995: 8). He ends up with a quite narrow definition of transnational actors as clearly identifiable actors or groups of actors linking at least two societies or subunits of national governments. Yet, even for him, transnational coalitions must be purposeful, that is, motivated by the achievement of political goals in a targeted state, either in the pursuit of economic gains or with the aim of promoting principles, ideas or knowledge. This conception leaves us with very specific transnational actors, namely the MNCs, the registered International Nongovernmental Organisations (INGOs), as well as International Governmental Organisations (IGOs) and iquangos⁵⁰.

While these two ideas – linking the transnational with the domestic structures and the concept of institutionalisation (though substantially redefined) – are of core interest for our purpose, it seems nevertheless that this conception, which is part and parcel of the larger research on global governance, misses part of what also qualifies as transnational and has increasingly emerged as its dark side, i.e. the

⁵⁰ An international organisation which includes in its membership both government departments /institutions and NGOs or INGOs.

informal transnational, usually embodied in terrorist or criminal networks, about which Vertovec, a social anthropologist, interestingly remarks:

For the United States Department of Defense, transnationalism means terrorists, insurgents, opposing factions in civil wars conducting operations outside their country of origin, and members of criminal groups (Secretary of Defense 1996). (1999: 450)

Indeed to solve the issue of the fuzziness of the transnational notion, liberal IR scholars, enamoured as they are with the idea of a cooperative and pluralistic world politics, have concentrated on transnational organisations whose agenda-setting goals, however forcedly imposed on the states' priorities, and however frustrating for their immediate objectives, are acceptable to the state-system as a whole. In doing so, they excluded those organisations that may more or less benignly challenge the state. The liberal transnational approach in IR with its focus on NGOs and MNCs suffers from a self-selection bias that gives a truncated idea, or only half the picture, of transnationalism in world politics. It is worth recalling here the warning words of Halliday (2001: 25): 'it is important not to mix the analysis of NGOs in the benign liberal sense, with 'non-state' actors of another kind'.

The example of tribal solidarity across borders and its potential for network mobilisation shows that there is much more to the concept of transnationalism than has been explored in IR so far. It suggests that the non-liberal transnational is not necessarily malign as the equally restrictive and biased definition of the US Department of Defence above suggests. Certain transnational sociological factors, large enough to influence the states' behaviour, are part and parcel of the bigger transnational picture. The emphasis on the 'transnational' paralleling the reflection on globalisation has opened new areas of research far larger than the scope of IR had encompassed: it engages with new forms of politics, like the role of diasporas (Cohen, 1997) as well as social interchange through the influence of migrants, both of importance to the international system. Yet most of these themes, dealing with different types of actors – informal social forces – were mainly handled in other disciplines. Theoretically underdeveloped in the discipline of IR, these forces have received greater attention in anthropology and sociology, which distinguished between 'transnationalism from above', with which IR has mainly busied itself and which refers to transnational capital, global media and supra-national institutions, and 'transnationalism from below' which includes informal economy, ethnic nationalism and grassroots activism – the main field of

investigation, though not exclusively, for anthropologists and sociologists (Smith & Guarnizo, 1998: 3).

Transnationalism from 'Below' as Low-Institutionalised Migration

In the Middle East, or at least in the case of Kuwait, the complexity and diversity of the social fabric helps us to further our understanding of the regional system. This is not to say that there is a cultural exceptionalism to the region; on the contrary, the same intellectual tools are being applied as in mainstream IR debates on transnationalism: if we consider as transnational non-state actors, that are distinct from structures of interdependence as well as intangible cultural influences⁵¹, and networks that interact across borders without being controlled by the state's government, while still exerting an influence on the state and its policies, there is no reason why the tribes would not qualify as such in the north Arabian regional politics.

Furthermore, the notorious underdevelopment of government institutions in the Gulf states upon their independence made the embryonic states' structures even more permeable to transnational sociological factors than their counterparts in any other parts of the world in the mid-twentieth century. The problem with the work of Deutsch and other liberals on transnationalism, security community and interdependence is that it originated in and, at least initially, only applied to developed societies.

Just as in IR, albeit with no special theoretical focus on the state/non-state dichotomy, the definition of transnationalism in anthropology and sociology has tended to be quite extensive, tentacular, a buzz-word tinted with globalisation *topoi*.

Most of the scholars engaged with defining transnationalism in the two disciplines have noted the slippery nature of the concept, encompassing too wide an array of activities (Mahler, 1998: 66; Portes, Guarnizo, & Landolt, 1999: 219; Pries, 2008:1). To prevent a useful concept becoming an empty conceptual vessel, its definition has been sharply honed during the 1990s to actually refer to a distinct class of migrants whose activities require 'regular and sustained social contacts over time across national boundaries', that is their country of origin and their

⁵¹ Even though we acknowledge that transnational actors are bearers of cultural values and norms.

country of settlement (Portes et al., 1999: 219). Just as in IR, the discourse on globalisation and the particular intensity it gave to existing exchanges, migration and communication patterns at the end of the twentieth century justifies the new research topic. The distinction between transnational relations, situated at a macro-level of analysis, embodying activities by powerful capitalist or state elites seeking dominance and the transnationalism of ordinary people trying to escape this domination, is typical of the post-Cold War liberal enthusiasm for social movements and 'civil society'; it is often simplistically (portrayed as) based on power relations⁵². Yet when he coined the terms 'transnationalism from above' and 'transnationalism from below' that now structure the field of studies (Mahler, 1998: 73), Guarnizo (1997) gave them less loaded meanings. Seeing the distinction in terms of levels of institutionalisation, as suggested by Portes, Guarnizo et al. (1999: 221-222) is far more enlightening and heuristic. It enables us to reframe the definition of 'transnational' in state/non-state terms.

The authors equate low level of institutionalisation with 'ordinary people or grass-roots initiative' (1999:223), yet their table (Table 1) points more explicitly in the direction of the state/non-state divide familiar to IR, but at the domestic level. The two columns sort between state-registered or state-regulated movements and transactions on the one hand and uncontrolled activities on the other. What is the process of institutionalisation if not the involvement, by one means or another, of the state-as government's control and leverage? Now, if we cross this distinction with the IR dichotomy between state and non-state actors, we end up with two types of non-state actors: on the one hand the institutionalised ones such as those studied by liberal authors, and on the other, non-institutionalised non-state actors which abide by no formally state-sanctioned principles but still operate across frontiers and have a significant impact on the politics and societies of other countries.

⁵² Reflecting somehow the influence of cultural studies on the topic.

Table 1: Level of Institutionalisation of Transnational Actors

		Sector	
		Economic	Political
Level of Institutionalization	Unregulated	<ul style="list-style-type: none"> – Informal cross-country traders – Small businesses created by returned immigrants in home country – Long-distance circular labour migration 	<ul style="list-style-type: none"> – Home town civic committees created by immigrants – Alliances of immigrant committee with home country political associations – Fund raisers for home country electoral candidates
	State-regulated	<ul style="list-style-type: none"> – Multinational investments in Third World countries – Development for tourist market of locations abroad – Agencies of home country banks in immigrant centres 	<ul style="list-style-type: none"> – Consular officials and representatives of national political parties abroad – Dual nationality granted by home country governments – Immigrants elected to home country legislatures

Source: Adapted from Portes, Guarniso et al (1999: 222).

This typology calls for further explanation: institutionalised non-state actors include all the transnational organisations whose activities are both transnational and sanctioned or registered by states. Institutionalisation does not depend on the specific purpose of the networks or patterns of social interactions constituted into an organisation but on its *formal* recognition as such. This formal recognition of social activities has indeed to be granted, in the last resort by the legal apparatus of a state, which ultimately retains some form of leverage –as seen in the management of the 2008 financial crisis. Hence the question raised several times by Halliday (2001: 22; 2005: 236-256) : how 'non-state' are these 'actors' really – especially the MNCs?

If [the term 'multinational corporation'] means firms that export to, or produce in, a variety of countries, then there are many candidates. If it means a firm which has no prime national location, for production and/or ownership, let alone one which is not conventionally associated with a particular country, then there are few, if any, of these yet in existence. Capital looks first to its own state to get things done. (2001: 31-2)

Business corporations, regarded as prominent transnational actors, with a direct influence on state foreign policies offer a perfect example of the easy confusion

between the purpose of the organisation – search for profits that might conflict with some states' interests – and its supposed autonomy from the state in which it is registered or predominantly operating. This confusion prevails in Huntington's pioneer article, 'Transnational Organisations in World Politics' (1973). In reality the intertwining of corporate interests and foreign policies is far more intricate and intimate than those who contend that state erosion is by dint of the development of MNCs seem to suggest. Katzenstein & Tsujinaka (1995: 79-111), for instance, show how the Japanese government deployed a strategy of allowing US companies to operate on its soil provided they acquiesce to some technological transfers that would benefit their export-oriented industry. In the domain of advocacy groups, except the too obvious case of Government-controlled NGOs (GINGOs), even the most financially autonomous principled NGOs (bearing some weight on the international scene), wherever they are based, operate in the framework of a progressive liberal agenda of state-based good governance.

Introducing the idea of institutionalisation certainly does not re-invent the wheel as regards transnationalism: it nevertheless allows some space for including different types of transnational actors by differentiating those with a certain disposition to work in conformity with, or with the explicit aim of improving, the set of norms of the international state system, while others operate in disregard for this sets of norms, whether out of resistance, lack of clear conscience or self-interest. The latter type of non-institutionalised non-state actors is made up of two main components: the first includes criminal 'organisations' commonly referred to as non-state actors in the literature on transnationalism, and referring to any illicit activities such as underworld trafficking or trade, in addition to the much talked about terrorist networks. Second, it encompasses more neutral structures such as transnational tribal and ethnic groups, including diasporas, certain forms of religious confessions⁵³ and, as shown above, certain types of transnational migrants who have maintained particular ties with their home countries. Even though *a priori* there is no normative dimension involved, there is a fine line between the benign and the malign, as both non-institutionalised actors are by definition informally structured, and thus not monitored by the state and its

⁵³ Not all religions present the same degree of institutionalisation, the Roman Catholic Church being obviously at the most institutionalised end of the spectrum, while more individualistic religions, like Buddhism are at the other end.

community. In this respect Halliday makes an important remark with regard to diasporas that are a prime example of a social force extremely difficult to conceptualised in terms of institutions, apart from the lobbying groups. He writes:

Even those operating above board, who speak for communities, identities, diasporas, may not be so benign: there is a study to be done on the intersection of diasporas with criminality and financial, and fiscal, evasion, as there is on the irresponsibility of diasporas in regard to the politics of their home, or supposedly home, country. (2001: 25)

Similarly, more than once, the transnational character of certain tribal groups has been equated by states, whether rightly or not, with smuggling (Toth, 2005). The absence of institutionalisation does not mean the absence of interaction with states: as posited before, governments are involved in international transactions with non-governmental actors on *all* issues. The well-known instances of state-sponsored terrorism, state-exporting religious movements (Al-Rasheed, 2008) and state-supporting diasporas (Halliday, 2005:236-56) remind us of the naivety of the idea of 'unboundedness'. Sometimes celebratory, sometimes paranoia-stirring, this 'unboundedness' portrays non-institutionalised transnational forces as operating in no specific context, in the interstitial vacuum left by the concept of anarchy, as illustrated by Krasner's view: 'If the emphasis is given [...] to the assumption of anarchy, then transnational actors must be a natural component of a sovereign state system. [...] Transnational actors can only exist in a system in which there are mutually exclusive multiple centers of political authorities.' (1995: 257) On the contrary, states might, just as they might not, be involved in the generating of these transnational flows at one end of the cross-border activity. For instance,

It may be easier to expel an unwanted group such as an ethnic or religious minority to turn the group into a transnational actor, than to contain or persecute such a group within the borders of the state. Internal exile may be more expensive than creating international refugees. (Krasner, 1995: 260)

The major issue with these non-institutionalised actors, whether state-induced or not, is the difficulty for receiving states of identifying their potential for change⁵⁴. The reason why these actors are both hard to identify and to conceptualise is twofold and has to do with the fact that transnationalism outweighs state control historically as well as quantitatively. As the historical sequence will be dealt with in the following section, it is sufficient here to emphasise a well-known but

⁵⁴ In that sense, the granting of refugee status by the United Nations may be interpreted as the institutionalisation of a flow, otherwise uncontrollable by the receiving state, the concept of camp representing the neutralisation of the possible impact of this transnational movement.

tenacious illusion regarding the possibility of full border control. Although he uses a slack definition of transnational that glosses over one of the core characteristics of the 'transnational', namely its impact on states and regional/world politics, Krasner notes the profusion of, better-named, transborder flows, citing the examples of travelling circuses or the transmission of fashion for tableware:

States understood as central decision-making organisations will be indifferent to some kinds of transnational flows, unable to block others even if they would like to do so and encouraging to still others.(1995: 259)

Furthermore, based on an analysis of Cold War era radio transmissions but also on the tangible 'old and well-practised profession' of smuggling, Krasner restates that whatever the efforts made by states to control their borders it is unlikely that they would be completely successful. And this illusion is maintained very much for its dissuasive effect on candidate to border crossing.

From the profusion of cross-border flows compounded with the illusion of border control, the difficulty to deal with non-institutionalised transnational actors emerges clearly. A great deal of low institutionalised flows are of no relevance to states (cross-border movements such as circuses, but also, in spite of their numerical significance, tourism⁵⁵), yet part of it is only of relevance to the state, or becomes relevant, either because of its effect on societies (as it is in the case of individual migrants who, taken altogether, transform their host communities sometimes triggering a rise in xenophobia or nationalism) or because its low institutionalisation means a low adherence to institutions defined as a 'set of rules and practices that prescribe roles, constrain activities and shape the expectations of actors', as accepted ultimately by the community of *states* or because of both as is the case for the tribes of north Arabia.

Transnationalism: Old Linkages Overlapping with the Modern State

Tribes in the north Arabian region, even though they have never been considered as such in IR literature, can be said to qualify as transnational actors at the regional level of analysis.

Let us first clarify this primary claim that tribes can be regarded as transnational *actors*. It implies 1) that they are non-state actors, 2) that they operate across borders and 3) that they actually have an impact on the state and its policy.

⁵⁵ Notwithstanding the economic impact this may have on state resources.

1) Tribes are non-state actors

Instead of going as far back in history as Ibn Khaldun (1332-1406) as is conventional in the literature on tribes but in my opinion does not help to grasp the passage to modern states, it is more useful to draw on the comparative analysis made by Madawi Al-Rasheed (1992, 2003) on the twentieth century fate of the two Rashidi and Saudi emirates of Central Arabia. This comparison shows first that tribes had extremely loose though not inexistent ties with the pre-modern political authority that 'emirates' represented.

Secondly the leadership of the emirate that would eventually turn into modern states was not tribal but dynastic. This conclusion applies perfectly to the long-settled Al-Sabah in Kuwait. When evolving in the framework of modern state structures, tribes become political factions not state actors (Khuri, 1990: 129). The pre-modern emirates were akin to the political realm with fluctuating boundaries as they 'engaged in raids and conquest without being able to hold the conquered territories for an extended period of time' (Al-Rasheed, 2003: 229). These fluctuating boundaries highlight the dichotomy between central political authority and the tribal periphery.

2) Cross-border operations

This leads to the second point regarding the cross-border operations of tribes. The following statement was constantly reiterated by informants of all hues: 'Bedouins knew no borders' or 'did not understand the meaning of borders'. This certainly holds truth in part but requires further explanation: we should recall the distinction between the often conflated notions of nomadism and tribalism fused in the term *badu*. Nomadism is first and foremost an economic mode of production while tribalism is a type of solidarity that can be found in cities, villages, and nomadic camps.

Nomadism is linked to pastoralism but not exclusively: it also relates to the communication and security pattern of the regional economy. In the case of Kuwait and Northern Arabia the horizon of this regional entity stretches from South Iraq to Greater Syria or the Levant, the southern route towards Central Arabia and the Holy Shrines. In the eyes of alien state builders or autochthonous urban technocrats, tribes came to be falsely equated with pastoral nomads as the regional communication and security structures changed, even though 'a pure form of nomadism had never existed as the sole mode of production among the

tribes' (Al-Rasheed, 2003: 214). In such a vision, it is almost a truism to affirm that nomads knew no borders – hence the physical existence of neutral zones between Saudi Arabia and Iraq on the one hand, and Saudi Arabia and Kuwait on the other.

Yet in spite of this simplistic understanding, insiders know, and anthropologists have long demonstrated that tribalism is not interchangeable with nomadism⁵⁶. It also refers to 'constructed meanings' (Eickelman, 2002:115-119) that know no border either but in a less territorially-minded understanding. It is the contention of this thesis that this social meaning and its transnational side-effects brought to bear more weight on the state building than the nomadic phenomenon, whose communication channels and frequent transactions never led to any form of integration. The term *badu* designates a socio-cultural category that refers less to an economic, nomadic or sedentarised dimension than social values and behaviours: *badu* share a set of images of themselves with regard to their fictive or real common lineage, values and attributes, including communality of interests, the reciprocity of obligations, common residence that continues once settled and the importance placed on marriages and alliances. Here the clichés about tribal solidarity and the overused khaldunian '*asabiyya* (group feeling) need to be qualified – even with regard to the nineteenth century, when the economic role of the tribes was still significant. As highlighted by my informants⁵⁷, even though the tribesmen recognised the authority of their sheikh, this allegiance was not perceived as binding or oppressing let alone requiring a total submission. Some tribesmen would not even camp in the same place as their sheikh. As for the powerful tribal confederations, Al-Rasheed denounces the 'long-held misconception' that dominated the anthropological literature of the 1950s and tended to overemphasise the tribal solidarity and glorify its cohesion:

An historical analysis of intertribal relations shows that Arabian tribes were not solid units, but loosely organized groups who occasionally overlooked their genealogical unity in the pursuit of economic and political interests. [...] Although kinship solidarity was cherished, historically it remained the rhetoric which masked a sense of pragmatism on behalf of the various segments comprising a tribe. The historical context of intertribal relations was far more important than kinship solidarity. Political action was motivated by economic necessity rather than idealised solidarity. (2003: 218)

⁵⁶ The Yemeni political language distinguishes as for it the *qabili* (tribesman) from the *rahil* (nomad).

⁵⁷ Interview, Harrow, UK, 20 March 2006.

The crucial question still remains: what is transnational about this set of social values?

It is this 'sense of pragmatism and economic necessity', diametrically opposed to the clear-cut blood-based notion of segmentation, that is key to understanding the transnational character of tribes even after their progressive sedentarisation. The stress laid on military solidarity as an observable, albeit temporary, sign of this elusive tribal cohesion -so much talked about but difficult to pin down, seems to have eclipsed the less heroic and less noticeable help-out links characterising the tribes. These links are exemplified by the fact that in Saudi Arabia access to nationality, i.e. to a living depended on the recognition by the tribal sheikh of lower ranks of individuals as members of his tribe⁵⁸. According to *biduns*⁵⁹, the same applied to the enrolment in Kuwaiti armed forces. Bearing in mind the 'sense of pragmatism and economic necessity', the fact that members of other cousin tribes, especially accretive tribes (tribes formed by the fusion of several lineages) got recognition from the sheikh, makes very much sense. This behaviour retrospectively stigmatised as cheating by the governmental authorities is very much in tune with the social values highlighted above and about which Al-Rasheed makes this crucial remark:

The main distinction between the sedentarized badu and the hadar was related to the fact that the former continued to maintain genealogical and social links with their nomadic brothers, whereas the latter had lost such links and their orientation was directed towards the settlement itself. (2003: 216)

Maintaining wide social ties on a genealogical – or proximity – basis was both a question of social status and of traditional social insurance. To answer the question, 'what is transnational about the tribal set of values?' it can be said that what deceptively constitutes the transnational character of tribes is less their nomadic mobility that eventually vanished or became only a marginal phenomenon, but the wide and malleable social links that it created and that present all the features of fluctuating non-institutionalised networks. In this respect it is worth noting that the nuclear or even extended family/household is already a form of institutionalised group or administrative ordering of the society that is crystal-clear if compared with the variable-geometry idea of common

⁵⁸ Interview with Professor Ingham, London, 20 March 2009: in Sufayri, any candidate for settling in the nascent town would go to the *majlis* (council) of the sheikh recognised by the Saudi authority and ask to be registered as one of his folk.

⁵⁹ Interviews, Kuwait 7 June 2008; London, 11 May 2009.

ancestry and tribal bonds⁶⁰ – that may include ancillary tribes, which actually defies any state's endeavour of institutionalisation of family patterns. The exploration of Kuwaiti newspapers' archives provides recurrent anecdotal events that bear witness of this complexity. For instance, in a long interview in *Al-Qabas* dated 5 September 1981⁶¹, Sulayman al-Mish'an, Assistant Undersecretary of the Ministry of Interior for Nationality, Residence and Passports, evokes the case of nationality withdrawal because Kuwaiti citizens established links of filiations with the children from their wife's previous marriage, or the children of their 'sister married to a non-Kuwaiti etc.' – weddings being of course a tribal matter.

3) Tribes Impact on States.

Seen from this angle, and knowing the extent of the tribal confederations of 'Anaza, Shammar, that pride themselves to be the largest Arab tribes stretching from the Peninsula to Iraq and the Levant and that of the Zhafir in a different fashion as the Zhafir is regarded as an accretive tribe, it is no wonder that the state took a special interest in this pragmatically defined group, crossing borders and primarily involved in mutual aid⁶², if not the maximisation of welfare. This solidarity behaviour is frowned upon by the *hadhar* who usually act in the same way anyway yet with their focus on 'the settled rather than the tribal group'. The state did not only take interest in this tightly bound group, but also tried to use it to its advantage to inflate its population or enlarge the regime's support in a country where the national population is too scarce to occupy all the positions required by a sovereign state.

The theoretical implications of defining tribes as transnational actors, as a potentially very far-reaching network of granting access to resources, are manifold: the definition demystifies, by giving it a more precise socio-economic meaning, the vague notion of loyalty applied to tribes as well as nation-states in this ironically ill-formulated quote: 'loyalty to the tribe for most of us ranks above all loyalties other than that of the family. In the modern world, we have given the name 'nation-state' to these competing tribes and the name 'nationalism' to this

⁶⁰ The linguistic or dialect factor represents nevertheless an identifiable limit to this extensive definition. Prof. Ingham, London, 20 March 2009.

⁶¹ 'Long Interview with al-Mish'an [...] Nationalities are Withdrawn to Redress Past Errors in Naturalisations', *Al Qabas*, 5 September 1981.

⁶² This phenomenon of tribal solidarity to get into Kuwait is still going on with Saudi tribes according to a hint by MP Hasan Jawhar interviewed in Kuwait on 17 July 2007 and first-hand observation of Saudis nationals residing with Kuwaiti relatives in the faraway suburbs at the far end of the fifth ring road westwards.

form of loyalty' (Gilpin, 1986: 305). It shows that the idea of the nation-state instead of being a given, had and still has to grapple with transnational actors, that states and transnational actors having divergent goals and competing interests are obliged to interact with each others to further their aims and that, in the end, the state takes control of forces bypassing it by institutionalising these necessary patterns of interaction, or in the case of the *biduns*, reclassifying it in a different socio-legal category.

The Transnational Emerges with the National

The broadening of the definition of transnational forces beyond purely state-recognised organisations (MNCs and NGOs) to more diffuse non-institutionalised networks has clearly shown the inaccuracy of the chronological sequence positing the interaction of states' and inter-states' relations as the background against which the transnational emerges as a factor affecting states' policies. 'The communities/nations we have today in fact grew out of the breakup of earlier, much larger entities, entailing the severing of transnational links.' (Halliday, 2000: 25)

Yet, most theorists on transnationalism, particularly the liberals who coined the concept, have worked with the unquestioned sequential assumption positing states as given and preceding the development of transnational relations. Only Burton saw transnational relations between people of different countries as existing *alongside* the system of states, as if the former could be seen on the same map by using an adjustable optical focus or special lens: 'there are so many direct communications or systems, that a world map which represented them would look like a mass of cobwebs superimposed on one another [...] The boundaries of states would be hidden from view.' (1972: 43)

The liberal chronological sequence was reinforced by the vision of rapid technological changes underpinning the celebratory discourse on globalisation that came to dramatically *increase* the intensity of transnational relations. This linear approach followed by liberals is quite naturally influenced by its origin in the contestation of the realist paradigm, positing the non-state as subordinate and secondary to the state and typified in Krasner's quote: 'transnational relations would not even exist if there were no territorially bound units in the international system i.e. states' (1995: 282). Yet, it is underpinned by two major theoretical

flaws contested here: firstly, it is biased by the optimistic liberal belief in progress and the trajectory of world politics towards greater cooperation. In the framework of this interpretation modernisation in the twentieth century is seen as the main reason for the increase in transnational ties and actors and the subsequent heightened need for cooperation. Secondly, this linear approach obviously lacks historicity and historical depth.

The existence of the large tribal confederations described above and their survival after the drawing of state borders in northern Arabia clearly points to the fact that, 'non-state is in fact a continuation of something that prevailed until the modern state was formed' (Halliday, 2001: 28). In *Power and Interdependence*, Keohane and Nye willingly confess to the Western-centric character of their conclusions, since their investigation of transnationalism is based on relations between advanced industrial democracies, particularly those of the United States, with Canada and Australia respectively (2001:xvi). It seems to us though that the weakness of their analysis lies less in its *de facto* Western bias than in its more serious historical short-sightedness. For sure, the economic argument focusing on the power of transnational companies (TNCs) and social movements such as non-governmental organisations (NGOs) suits better the developed and democratic states, endowed with the whole panoply of administrative and legal, i.e. institutional sophistication that makes such actors identifiable in the international system. Let us recall quickly here the trivial fact that in the Gulf region, modern states are only as old as the discipline of IR, if not younger: Bahrain, Qatar and the UAE became formally independent in 1971, two years after the publication of Rosenau's *Linkage Politics*. Yet, this is just a matter of catching up: the new transnational actors identified by the American transnationalists (NGOs, TNCs), that presuppose a state to be registered in this form, soon made their appearance in the region, if they had not already under the British. First, large corporations and then other advocacy groups made their way in and out of these new states; oil money investors, migrants remittances are as many factors accompanying the capitalist development that went hand in hand with the development of states. In that sense, the transnationalist conclusions hold true, yet they miss two essential points. Not only do they ignore the surviving and evolving forms of pre-modern connections, that exist alongside the transnational ties linked to the apparently modern, glittering new forms of globalised institutions, but they also fail to see

that in the region the transnational has not only influenced state policies but shaped the states themselves as frameworks in which the new transnational actors would operate. As far as the first point is concerned it is not our aim, nor within the scope of this thesis, to discuss in depth the vexed issue of whether the phenomenon of globalisation is new or not. Rather than comparing the levels of commercial flow and tax barriers, it is sufficient here to notice that a broader definition of transnational relations encompassing both formal, identifiable and state-regulated transnational transactions and 'activities, or what are sometimes called 'spaces', within society that are not controlled by the state and which derive much of their strength and character from interaction with the external' (Halliday, 2005: 232) is more adequate to understand the regional politics of North Arabia.

The second major point that the study of statelessness in Kuwait renders obvious while it may not be so in countries with more complex state apparatus, is that a significant proportion of the state's actions, which orthodox IR assumes are based on a core ability to dominate and control relations between societies, has been precisely to try to gain this ability. And this has been done by severing certain types of connections that can adequately be defined as transnational. Chapters III and IV will demonstrate in more detail that the transnational is a fundamental factor that shaped the modern Gulf states, their polity, their institutions and particularly the legal institution of nationality (Brubaker, 1992: 16). The pre-modern links which became *de facto* transnational upon the formation of states, were not suddenly supplanted by the new territorially bounded entities but evolved and shaped the nascent states and their relations between one another.

This contention has wider implications for the study of international relations since it pertains to the not-so-new question of whether the state or transnational relations are indeed the main driving factors of change in the international system (Halliday, 2001: 27). If our whole point here was to demonstrate the existence of inactive non-institutionalised transnational actors, it would not matter much except for the sake of the historical accuracy of the region's sociological description; the question of the impact of such ties on the state's structures and policies however gives our investigation its full IR analytical relevance. Since the early days of the debate on transnationalism, authors like Field (1971) have argued that it is transnational factors, bypassing the state, that have been the motor of most international changes and that the states just stepped in later to regulate

activities that were hitherto administered by non-state actors. This vision and the underpinning modernity of state and especially the recent character of state control, has been documented by historians dating the state attempts at full-fledged border control back to the late nineteenth and early twentieth century, coinciding with the spread of nationalism across Europe (Lloyd, 2005; Noiriél, 2006; Torpey, 2000).

What appears clearly in the case of the emerging Gulf states and may have been obscured by a retrospective vision of European history, is that undifferentiated transnational links are not on a steady increase trend: some forms are being stigmatised and (allegedly) resisted altogether, while some others, positively viewed and theorised by the international communities are being promoted. This does qualify too rosy a view of the inescapable modernisation, cornerstone of the teleological feature of liberal thinking, as the trigger of the transformation of the international system seeing growth in scientific technology as enabling the industrial revolution, communication, transportation improvement, mobility, global ties and cooperation. On the contrary here, the modern state is envisaged as engaged in the process of adapting to transnational forces, promoting some, and severing others if it feels threatened by lacking *in fine* the capabilities to control them. With no intention of reconciling competing theories, we can nevertheless note that this approach mirrors the polarity between interdependence, seen as vulnerability by the realists, and the pluralist idea of interdependence seen as neutral sensitivity to each other's actions and thus enclosing possible benefits. Tackled from this angle, the key question associated with the study of transnationalism, whether the state is losing sovereignty to non-state actors, is completely shifted:

The question now becomes not whether the state has recently, i.e. since 1945 or 1970, lost pre-eminence to non-state actors but how far the 'non-state' actors who have *always* affected the power and character of the state act through the state or through other channels. (Halliday, 1994:64)

This question of whether non-state actors act through state channels or not is what we refer to as the process of institutionalisation of non-state actors and relations.

Severing and Cultivating Transnational Links: a Dynamic Approach

What we see happening here is different from a linear, almost teleological, view whereby the constant improvement of technologies, and means of communication

and production allows greater contact between peoples from different countries leading to more cooperation between their governments. What is being contested is certainly not the obvious fact that cooperation between states has grown. It has grown to such an extent that it created the conditions for the idea of global governance to be formulated, that inter-governmental war has become obsolete in the 'North Atlantic Area', that the liberal 'democratic peace theory' in spite of its dubious behaviourist methodological foundations, has proven extremely resilient, and that even the staunchest realist defenders of the concept of anarchy – via the detour of hegemonic stability – have conceded the existence of 'international regimes', defined as 'implicit or explicit principles, norms, rules, and decision-making procedures around which actors' expectations converge in a given area of international relations' (Krasner, 1983: 2).

Leaving aside the quantitative debate surrounding the transnational links, over time there has been a qualitative change in transnational flows. The existing transnational interactions, defined in the strictest sense as bypassing states' institutions, have been severed with more or less success or more or less conviction, while new forms of institutionalised, state-registered transnationalism have been acknowledged and promoted. What is being posited here is that the legal framework in which certain transnational actors are institutionalised gives the state if not a right to scrutinise the daily operation or strategic moves of these actors, then an essential leverage tool. On the contrary, in the case of non-institutionalised actors, and especially the case under study, that of the relocation of large tribes, the state holds almost no sway over the extent and purpose of the moves and activities; as a result it tries either to sever those ties, utilise them or to institutionalise them in an attempt to control them. This is why the state of Kuwait switches from one type of transnationalism to another more attuned with the reality of the liberal countries. The analysis of the first type of transnational actors has been forcefully made by Krasner, who notes that:

States have powerfully influenced the institutional structure and even the existence of many transnational actors. Almost all transnational actors rely on stable property rights that are created and enforced by the states. They must conform with the legal stipulations of different national governments. Competitive pressures encourage transnational actors to organize in ways that allow them to interact effectively with states, especially powerful states. Powerful states are also the source of legitimating and rationalizing myths that can influence the rules and norms adopted by transnational actors themselves. (1995: 267)

Krasner's conclusions need to be refined in the case of the oil-exporting Gulf countries. In these cases it is the major oil companies' involvement in discovery, exploitation and sales that, together with their formal need for territorial access and the payment of royalties, triggered the creation of state administrations. The oil companies also developed the states capabilities of legal settings that recognise among others private property, limited liability, impersonal ownership. This process shows that the phenomenon of institutional isomorphism, that Krasner identifies as applying to transnational actors obliged to conform to the state structures and reflect their institutional organisations, works both ways.

What is of core importance in the above quotation is the fact that integration into the international system pushes for more institutionalisation and particularly the institutionalisation of uncontrolled transnational flows. Yet, this does not always serve the interests of the states that must deal with them, nor does it match their capacities. Qualifying Krasner's position, in which 'almost all' except the Catholic Church transnational have developed in the context of an already established state system, we would rather say that the states have also to face a reality on the ground that does not match the norms and principles of the state system.

Let us first look at how the religious pre-modern transnational organisation interacted with the nation-states. Without going into detail, the evolution of the Catholic Church, which antedates the modern international system of sovereign states, provides an example of the ways pre-modern transnational activities have evolved parallel to the development of the state. Even though it has always been highly hierarchically organised, the structure of the Catholic Church has undergone institutional isomorphism with states while its institutional legitimacy was maintained in different ways notably through the fact that the Holy See, having reduced its proselytizing posture (Vallier, 1971: 149), concentrates, as a state, its lobbying efforts on the issue-areas of human rights, peace, security, broad cultural issues and support for the United Nations (Ryall, 2001: 55), all in tune with the international norms and legitimising requirements. Moreover, both Vallier and Ryall note the increased autonomy of Catholic organisations on the ground, Ryall (2001: 41) suggesting that 'indeed many supposedly Catholic groups [which he proposes to call Catholic NGOs] have far more in common with their secular counterparts than they do with their co-religionists.'

Of course between the Catholic Church and the tribal sociological fabric there is little comparison, yet this gradual change raises the question of the extent to which the scenario is being reproduced in the case of tribalism – for instance as happened with the creation of TNCs by newly established Gulf states. One of the core differences between the two is the lack of institutionalisation and thereafter of legitimacy, suffered by the tribes who are stigmatised as backward in the society of states – as backward as the mud houses that disappeared in 1950s Kuwait. Even though she refers to emirates that were not ports like Kuwait, Al-Rasheed (2003: 232) highlights 'the sedentary/nomadic interaction and the inseparability of the *badu/hadhar* culturally, economically and socially', a century-long established symbiosis on which emirates tried to establish their political unifying umbrella. If the *badu* and *hadhar* are mistakenly portrayed as separate, it is in retrospect, as the new Kuwaiti state, opting for a maritime national identity, undermined the tribal section of its population and denied the reality of its transnational component, to which the complex issue of the *bidun* bears witness. Sociological time runs slower than the IR time of state and institutions' creation and development. As a result the phenomenon of tribal solidarity has long survived its fierce denial. It has even been exhumed and reactivated according to the needs of the moment (Baram, 1997; Jabar, 2003). Its transnational dimension, never completely forgotten, is used for political purposes at election time in all the GCC states. The sociological links, in principle normatively unacceptable for modern states as – the state-centred paradigm was not only dominant in academia but also normative in diplomacy, has been widely used within the countries of the Arabian Peninsula. Yet they underwent the process of institutional isomorphism. The *bidun* issue perfectly exemplified this pressure for institutionalisation and convergence.

In conclusion, it seems that the IR studies agenda on transnational actors has favoured certain types of registered, purposeful transnational organisations, the ones that have flourished after the Cold War, since the Cold War transnational movements (guerrillas, revolutionary movements, trade unions) were dismissed as state-sponsored. This form of institutionalised transnational actors endorses a certain type of liberal state involvement – state as a registration clerk – and obscures other forms of transnational interaction matching with different kinds of

less developed states, having to deal with non-institutionalised actors. Though they do it in the shadow of international norms, these states have to arbitrate whether and how to engage with these unregulated transnational actors. History is always written by the winners, and in the case of the study of transnationalism this has two implications: retrospectively it oversells the state's ability to present as state-driven, forces that were beyond its control, though they later came to fall under its regulation. Secondly it obscures the active role played by other transnational actors that normatively ought not to exist: those branded as irrelevant, like the tribes, or those considered illegal, like the cross-border activities perceived as threats by the US Defence Department, 'involving such things as trafficking in drugs, pornography, people, weapons, and nuclear material, as well as in the laundering of the proceeds, [which] themselves require transnational measures and structures to combat them' (Vertovec, 1999: 450), neither of which can be properly monitored by the liberal institutionalising state, yet they are faced and used by states with less institutional capabilities.

This chapter has shown that statelessness on a large scale, though treated as an anomaly in the international system of states because of its potential for instability, occurs as a by-product of the diffusion of the norms of sovereign nation-states seen as legitimate entities of the world politics. As late creations, states like Kuwait have to deal with the historicity of the international system, that is to say, they operate in a context where nationality is talked about in terms of a right, and in a wider environment where new forms of citizenship are being explored in the developed countries. This is particularly the case in developed countries that have welcomed several waves of immigration and are now affected by the reality of a multi-tier citizenry.

The *bidun* issue illustrates the situation of Kuwait in the midst of these three processes – state building, the evolution of the normative standards in terms of nationality, and the relaxing of the association between nationality and citizenship at the national level. The 1986 retrospective labelling as 'illegal migrants' of a part of the population stemming from straddling tribes, exemplifies the process of

convergent institutionalisation of non-state actors in IR. It shows how IR has mainly focused on a certain type of transnational flow, registered with the state and conceived as eroding its ability. In light of the case of the *biduns*, this thesis proposes we look at the relationship between transnational and state actors as one of interaction: the state uses or hinders – even severs – transnational networks, and, to a lesser extent, vice-versa. To do this and, by the same token to revert the incorrect historical sequence of the national and the transnational, it identifies the tribal sociological fabric of the region as an IR transnational actor.

Chapter II provides the historical basis necessary to understand this interaction; it gives an overview, first, of the pre-national conceptions of polity and territoriality in the Kuwaiti emirate and, second, of the migratory dynamics triggered by the introduction of the first projects of national integration in the region, particularly in Iraq and Saudi Arabia.

Chapter III discusses the reasons why – the nature of the Kuwaiti social pact – and the ways in which – mobilisation of tribal solidarity networks – the state of Kuwait resorted to transnational human resources from the 1960s to the 1980s. It argues that this strategy enabled Kuwait to fulfill the objectives of legitimate state building and regime stability.

Chapter IV looks at the opposite phenomenon, when the state, playing on two meanings of transnationalism – pre-national and migratory – utilised the transnational origins to cut off the *biduns* from the rest of the society and regulate them as migrants as of 1986.

Chapter II

The Transnational Foundations of the Kuwaiti Emirate

Ce n'est pas à l' "école du désert" qu'ils avaient pu apprendre à wilsonner.
Life experience in the desert would not have taught them [the Bedouins] how
to 'Wilson' –think along the lines of US President Woodrow Wilson.
(Commandant Müller, 1931:331)

This chapter sets the historical scene to the issue of the *biduns* at a time when the discovery of oil had not yet linked political power to circumscribed territories and delimited populations. It depicts the different populations that settled in the bay of Kuwait at various times, to explain the current social hierarchy based on the longevity of their implantation.

The microcosm of the Kuwaiti city was a mix of communities that have survived relatively unchanged until today and, though the images belong to the US national register, it could be called a real 'melting pot' or 'mosaic'. The port interacted with the surrounding villages of semi-settled pastoralists and agriculturalists usually from vassal tribes, in a way that is more integrated than the retrospective *hadhar* nationalist view of a 'maritime Kuwait' is willing to acknowledge. This founding myth that portrays the city-dwellers from within the mud wall as the founding fathers of the modern state, is tinged with political rivalry (Al-Khatib, 2007: 7-8; 331). For sure the merchants going as far as India and Africa and dealing with Europe and America's pearl amateurs had a greater exposure to the outside world. Yet this vision somehow obscures the role of the hinterland; the underplaying of

the role of the desert tribes in controlling trade routes, can be explained by the fact that until recently they were perceived to be loyal allies of the ruling family.

George Joffé, in a survey of the three types of sovereignties in the Gulf region, distinguishes between one type based on territorial Western-developed international law (Iran), another on Islamic constitutional theory (Saudi Arabia), and a third based on the ability to control the tribes of the hinterland (small Arab emirates) (1994: 85-86). Accordingly, the political power and legitimacy of the Gulf rulers was derived not so much from their control of the majority urban coastal populations as from their command over the nomadic tribes of the interior – though their number was much less. While the urban population was controlled through 'a paternalistic system of absolute authority combined with consultation through a *majlis*', the command of tribes was different: on the one hand it involved maintaining their loyalty with the promise of booty, large subsidies and the provision of refuge in case of raids⁶³, and on the other it involved the collection of taxes⁶⁴ on commercial transactions from the tribes whose territory ran across that which the ruler claimed as being under his authority. Compared to other incomes (Alghanim, 1998: 136-137) the revenues from the tribes would be insignificant yet they still played a disproportionate role in terms of power legitimation and the strength and prestige of the ruler.

[The ruler's] rise or decline in coastal politics could usually be measured by his ability to enforce his authority over the tribal chieftains in the area he claimed as his territory. Conversely, the extent of a ruler's territory was governed by the extent to which the tribes roaming the area would support him in time of need. (Zahlan, 1978: 6)

In the post-independence period, tribal networks continued to play an important role in the legitimation of the regime. Their integration into the Kuwaiti polity depended on the closeness of their relations with the Kuwaiti sheikhs but also on the relations of their sheikhs and the Al-Sabah with the new national centres of power in Baghdad and Riyadh.

The second part of this chapter then analyses the effects in terms of population movements of the chronologically differentiated adoption of the state-system in

⁶³ For instance, after their victory over the forces of Abd al-Aziz al-Saud in the summer 1915, the Ajman sought refuge in Kuwait for fear of retaliation, where they were accepted by Mubarak (r.1896-1915), as the Kuwaiti contingent led by his son Salim (r.1917-1921) failed to provide support to its Saudi allies.

⁶⁴ It is debatable whether these taxes may be assimilated to the *zakat* (act of financial worship) since the Gulf sheikhs did not make any claim to give a religious legitimation to their authority.

the North Arabian region. It takes a cultural approach showing that the desire of new states to control and sedentarise took different forms, from coercive administration to more lenient incorporation. Together with employment opportunities, this affected the choices of location for settlements. It adds a dimension to the pull-push phenomenon, that explains the movement of populations across national borders in terms of the discrepancies between the national incomes and bordering regions of the (later-to-be) GCC countries as well as between the GCC and Iraq and Iran (Longva, 2006: 184). It is in these *intra-regional* population movements, which occurred at the same time as labour import migrations but via different, solidarity-based channels, that the *biduns* are to be found. They are the 'near-foreigners' or 'non-Kuwaitis'⁶⁵ who shared the history of the once upon a time borderless area, forming a consistent economic and security entity. They are distinguishable from the rest of the migrants, Arabs or non-Arabs, who are culturally different from Northern Arabians. Emerging national geographies mattered little since a Bedouin whose nomadic family originated from Palmyra⁶⁶ would fall in the 'non-Kuwaiti' category while a Damascene teacher would undoubtedly belong to the alien labour force. On a deeper level the distinction reflected different political and cultural orientations and the resort to one or the other served different goals: the educated government employee from the Levant embodied the will for modernisation and development, while the Bedouin of the Hamad was a remnant of a different mode of patriarchal government and the past times of lineage pride and destitution.

POLITY AND TERRITORIALITY IN HISTORICAL PERSPECTIVE

Communities in Old Kuwait City

Part of the difficulty in grasping the transnational aspect of the *bidun* issue comes from the fact that the transnational foundations of the tiny emirate are themselves often overlooked. 'Any academic work on Kuwait should go deep into these social

⁶⁵ The abstract of Muhammad al-Fahed's thesis written in 1989 and dealing with the police in Kuwait reads: 'Rapid culturalisation (sic) occurred and a large influx of *immigrants* and *non-Kuwaitis* entered the country, leaving Kuwaiti with more than one half of its population being non-Kuwaiti. Although a large portion of these non-Kuwaitis have a tribal, Bedouin heritage and are predominantly Arab and Moslem, their loyalty to the Ruling family and ability to elevate their social status has become threatening to Kuwait's social and political structures.' [emphasis added]

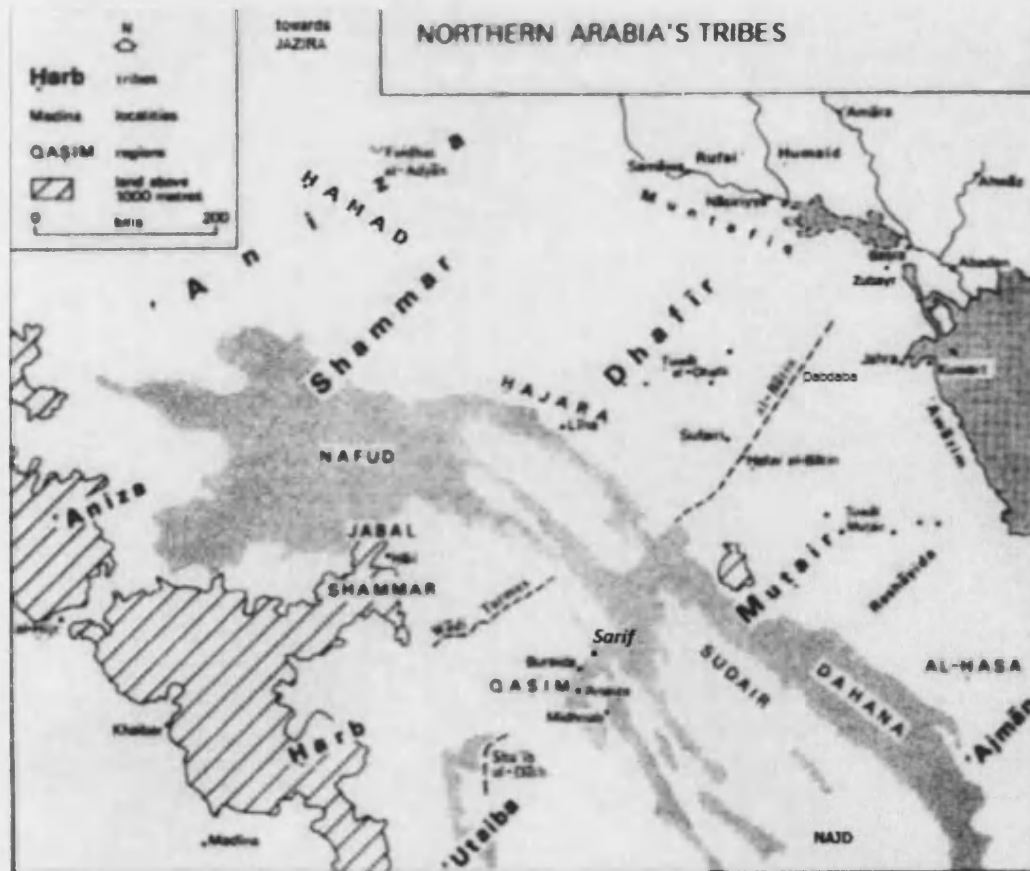
⁶⁶ Interview with a *bidun*, Kuwait, 27 May 2008.

layers,' assures Dr. Faris-al Wagian⁶⁷, political scientist at Kuwait University (KU) referring to the great variety of backgrounds, tribes and social statuses. He warns, 'in Kuwait, political organisations are a décor, only the surface. It is one of the ways to play the political game – in which the social factor does count far more'. The following section explores the depth of this social fabric.

*'People of Kuwait all come from Saudi Arabia, Iraq, Iran'*⁶⁸

The reasons why and how the Al-Sabah of the 'Utub branch of the 'Anaza turned from tribal sheikhdom to a ruling dynasty established in the port of Kuwait have been covered (Abu Hakima, 1983; Rush, 1987). It is sufficient to note that, though settled for more than two centuries and cut off from their proper base of tribesmen, the Al-Sabah have always emphasised their tribal background and identity and their origins at the heart of the Arabian Peninsula as a sign of nobility.

Map 2: Northern Arabia's Tribes



⁶⁷ Interview, Kuwait, 7 January 2007.

⁶⁸ Interview with Sheikha Fawzia al-Salman al-Sabah, Kuwait, 30 August 2007.

Source: Adapted from Ingham (1982: 246) –Read 'Anaza for 'Aniza and Zhafir for Dhafir.

Whether their families arrived at the same time as the Al-Sabah, or later, over the centuries, Kuwaitis of Najdi descent are still considered as sharing their noble origins. An example is the case of the reputed al-Nafisi family: Abdullah Ahmad was the first commercial representative of Ibn Saud, sultan of Najd from 1921 to 1941 – a position taken over by his son (1941-1954) and grandson until Kuwait's independence. To complete his noble character, he was also said to be a trader in pearls and later horses. Belong to the Kuwaiti elite requires the entrepreneurial spirit. Some recall how their forefathers, pushed out of Najd by starvation, settled in the amenable port and demonstrated their entrepreneurial skills by importing cotton fabrics and selling metal utensils etc, becoming *tujjar* (merchants). This is the case of the Ghanim, the Shaya' and the Nusf. The wealthiest would have acquired berths and boats, sometimes fleet in Qibla (see Map 3, p.123), as did the Khurafi, the Saqr or the Mulla⁶⁹. The Mulla, for instance specialised in the tobacco trade⁷⁰, which flourished while the rigorist religious interpretation in the territories under Ibn Saud forbade it. Kuwaitis also refer to some families as the *Zubara`* – that is coming from Zubayr, near Basra mostly in the first half of the twentieth century: this is also regarded as a noble origin since the inhabitants of Zubayr, following the Hanbalite school of Sunni jurisprudence, considered themselves as originating from Najd and close to the religious beliefs of Ibn Wahab (Visser, 2005: 152). It is a fact to be noted that all the Kuwaitis from Najd follow the Hanbalite school.

The port where the Al-Sabah gradually established their rule had attracted merchants of different origins. Being able to claim a settlement in Kuwait with a lineage as long as that of the royal family is also an undeniable sign of respectability: this is the case for some Shiite families, like the Ma'rafi or Bahbahani, whose presence in Kuwait is said to date back to the eighteenth century. They used to live in Sharq and their relation with the royal family is close because they played, for the Al-Sabah, the role of counter-weight in their relations with the Sunni merchant class whose political initiatives of power-sharing in 1921 and 1938 excluded their Shiite counterparts.

⁶⁹ These names are transliterated in the entry 'Sunni merchant families'.

⁷⁰ Interview with a member of the family, Kuwait, 20 May 2008.

On the Sunni side, the community was also composed of workers from the Sunni parts of Iran (the Balushs), some distinguished lineages of the Hijaz, and also Sunni families from Iraq. As a designation of origin the term Iraq was not used; rather the Kuwaiti vocabulary is more precise, referring instead to the Basrawis. The families who migrated from the north are clearly in a minority and include the Naqib and the Rifa'i⁷¹, as well as the Sa'dun, the Sunni ruling lineage of the Muntafiq tribe whose tribesmen converted in majority to Shi'ism.

On the Shi'ite side, the micro-localism also distinguishes between the '*ajam* or Shi'ite of Persian origin (family Jawhar), the Hasawis (family al-Baghli) and the Baharna from Bahrain. The Baharna usually came later as compared to the others, when one looks at elite families; the migration of manpower has been steady whether before or after the discovery of oil. Well-known for their physical ability, '*ajam* used to occupy craft or toilsome jobs like water-carriers or *kandari*, an occupation that later gave its name to some of the families (including Persian Sunni families).

The crowd of craftsmen, coffee shops, groceries holders and cloth makers constituted a lower class. This class also included sailors (*bahara*), and at its social pinnacle, though financially constantly in debt, were the pearl divers. Whether the interpretation is retrospective or not, any activity having to do with the commerce of pearls is today socially extremely valued: a family of former pearl divers is more highly regarded than one of former fishermen. Finally the slaves of African origin mixed with this urban people. These subtleties of origin recalled by all the Kuwaiti families might appear at first as sociological refinements yet they are very much present in today's Kuwait: every family remembers its *nasab* or genealogy as a justification of its social status, even though as *hadhar* they have maintained no stronger relation to their locality of origin than their religious school.⁷²

The City-Port and the Desert

In pre-oil Kuwait, the Al-Sabah's rule did not limit itself to the town dwellers: it also covered semi-sedentarised and nomadic tribesmen. Though the town of Kuwait had a specific maritime dimension, the form of the Al-Sabah political

⁷¹ These names are transliterated in the entry 'Iraqi Sunni families'.

⁷² Hanbali for the Najdi, and Zubayri; Akhbari for the Shiites from Bahrain and al-Hasa, Usuli for the '*ajam*.

authority fulfilled the core characteristics of a sheikhdom, as described by Khoury and Kostiner:

[It] is a power-sharing partnership involving pastoral nomads on the margins of cultivation, semisedentarized (especially agriculturalist) tribesmen, occasionally urban dwellers, and a ruler or chief domiciled in a town or in the countryside. In the chiefdom, the nomads and semisedentarized tribesmen are expected to refrain from the disruptions and to contribute military forces for protection and expansion. In return, town dwellers are expected to provide these rural forces with access to marketing and organized religion. The chief's function is to supervise the partnership. (1990:8)

In the Kuwaiti culture, the semi-sedentarised tribesmen are referred to as *'arib dar* – a class in between *hadhar* and *badu* (Al-Sa'idan, 1992/93: 1079). Their primary characteristic is that they inhabit the 'countryside' (*al qura*): they are close to the *hadhar* because they practice pearl diving, fishing, the *musabila* and simple agricultural activities. Their language though, notes Hamad Muhammad al-Sa'idan, is closer to that of the *badu*.⁷³ Like the *badu* they are pure Arabs but they differ from them because of the semi-settlement with which *badu* could never have become comfortable. This class is not much mentioned today and has tended to disappear in the public debate: it may be explained by the fact that the *'arib dar* were looked down upon by the nomadic tribes or settled member of these nomadic/noble tribes. As a result the expression turned derogatory and I have never heard anybody claiming his/her origin in these terms. Rather it designates nowadays tribes with weak or no identities that got lucky because the Al-Sabah bought the land they occupied in the early 1950s – without it being necessarily theirs.

The majority of the *'arib dar* are formed by the landless tribes of the 'Awazim and the Rasha-ida living respectively on the 'Ajman's and Mutair's tribal territory (Al-Haddad, 1981: 44) –see Map 2, p.85. These semi-nomadic tribes followed the rains in search of grazing or cultivable lands, traded their sheep and the products of their agriculture with downtown Kuwaitis for supplies and, most importantly, settled in and around Kuwait during the dry season when they took part in fishing and pearl-diving to sustain themselves. The 'Awazim were known for catching fish on the southern coast of Kuwait town as far as Hawalli and Salmiyya (Map 4, p.165). On the eve of the Second World War, most of them were sedentary (Al-Haddad, 1981:44;56-57). This explains why the Al-Sabah gave them land, whose

⁷³ The dialect of the city of Kuwait borrows a lot of words from Farsi and Hindi.

value skyrocketed with the later expansion of urbanisation⁷⁴. The Rasha-ida occupied the plain called the *Dabdaba*, around 150km west of the city, where they grazed, hunted and collected (white) truffles. The rest of the *'arib dar* comprises the 'Adawin, Hawajir, Sb'an (Sbay'i), and the Suhul⁷⁵ – the Suhul specialised as iron-mongers and smiths. Jacqueline Ismael (1982:25) notes that despite the noble tribes representing independent producers and supplying Kuwait with camel and horse products, the domestic mode of production of semi-nomadic tribes tended to wither and became integrated within a larger labour structure articulating both the sedentary and the semi-nomadic groups. This differentiated integration proved crucial at the time of granting nationality – a period during which the previous social hierarchy was completely overturned. It ought to be noted that this attempt at sociological classification does not describe a systematic connection between the tribe's affiliation, sedentarisation or activity. Some members of the noble tribes usually defined as pastoral nomads like the 'Ajman, Dawasir or Mutair (Al-Mansur, 1970:14) had settled in town, and given their names to certain districts; or they had joined the ranks of the *'arib dar*; others also had adopted agricultural activities among the palm trees of the oases: Jahra` for instance is said to have been the summer quarters of the 'Ajman, but was also a village of settlers. Likewise, the Fudhul – said to be affiliated with the Bani Khalid – and their Dabbus tribal ruling lineage were established in the fertile coastal villages of Fahahil, Fintas and its little sister Finitis.

The noble tribes of the region were divided into southern tribes, comprised of the Sunni 'Ajman, Dawasir and Mutair, closer to the Kuwaiti city-port, and northern tribes referring to the Zhafir, the 'Anaza and the Shammar. The latter two are usually referred to as tribal 'confederations' (so wide was their extent) and ought to be seen on a different scale. The 'Anazi affiliation was acknowledged from the Levant (and what is now the borderland between Jordan and Saudi Arabia) to the West of Iraq where the lineage of the paramount sheikh, the Ibn Hazal, was to be found (Ashkenazi, 1948: 231). Likewise the Shammar's name is claimed both by the tribes around Ha'il and those established in the Jazira, between the Tigris and the Euphrates, north of Baghdad and led by the Jarba lineage (Williamson, 1975). Affiliation with these tribes was and still is extremely prestigious. The Zhafir

⁷⁴ Background conversation in *Al Qabas*, 7 June 2008.

⁷⁵ The transliteration is to be found under 'semi-settled tribes'.

formed a tribe, traditionally headed by a member of the Ibn Suwayt lineage, by the fusion of several tribal cores, which explains their large extent too. Finally, a major difference between northern and southern tribes (except the Fudhul) is that the northern tribes were exposed in the nineteenth-century to the movement of conversion to Shi'ism that spread in Iraq (Nakash, 1994: 445). As a result the northern tribes include both Sunni and Shiite members.

Though the horse breeding of the tribal elites had flourished with the export of thoroughbreds to colonial India, their tribal might was not financial but geo-strategic. Financial power was the main feature of the prominent merchants who, richer than the Al-Sabah, were their creditors, as many Kuwaitis from those families like to remind us emphasising 'my grandfather used to lend them money'⁷⁶. By contrast, tribes with no handicraft or agricultural activities and revenues were important *regional* actors because their alliances/defection would determine the outcome of battles and as a consequence fix the fluctuating era of the sheikhs' influence. As a consequence, the tribal confederations came into contact with Kuwait when the geo-strategy of the times required it and only at a distance from the town.

Nonetheless, the separation of desert tribes and townspeople, as it would be depicted by the Kuwaiti nationalist discourse ought to be slightly qualified. No port exists without a hinterland, and the desert tribes of the Arabian Interior, no matter how low their purchasing power – and it was low indeed – were controlling this hinterland and its trade routes. Three facts are worth mentioning to demonstrate a greater integration between the two segments of the population than is usually acknowledged. First, many of the pearl divers were not permanent residents of Kuwait but Bedouins who would combine the pearling season in the summer with their winter herding, fighting or semi-agricultural activities. As said above many of the *'arib dar* were specialists in this combination. According to the historian Salwa Alghanim (1998:22, 27-28) the extra-income drawn from their several activities did enable a few Bedouins to organise themselves into cooperatives independent from the dominant pearling merchants. Their tradition of reciting poetry exalting bravery, steadfastness in hardship and solidarity would

⁷⁶ Interview with a member of the family al-Mulla, Kuwait, 20 May 2008.

even have influenced the pearl-divers' folk culture (Villiers, 1940). Yet pearl divers may have come from further away than the immediate outskirts of the town. The monthly record of *The Geographic Journal* of 1912 that reports on the expedition of the Danish geographer Raunkiær to the Arabian Peninsula, noted that the adventurer travelled from Riyadh to the Eastern coast in a caravan whose bulk consisted of 150 pearl-fishers bound for Bahrain, Kuwait's pearl-diving rival (1912:331).

Second, the symbiosis between townspeople and tribes was manifested in the role of the tribes as consumers but also as haulers to the larger markets of Central Arabia. Kuwait's desert lies through the geological depression of the Batin, at the end of many caravan routes from Najd and Jabal Shammar but also in the north on the route to Zubayr and Basra. The imported goods for onward sales included cloths, rice, sugar, spices and tobacco, while, in addition to a few products from the desert tribes (wool, hides, clarified butter), Kuwaiti merchants would export dates from South Iraq and from the 1890s onwards thrived on the covert trade in arms destined for the interior. This commercial boom was due to the *de facto* independence of Kuwait from the Ottoman Empire, which did not only allow its rulers to levy lower tariffs than Ottoman-controlled Basra or 'Uqair⁷⁷ and to avoid control on gun smuggling, but also made the port more attractive to the Arab merchants and tribes who, according to the same Raunkiær in 1912, felt a personal dislike of the Ottomans and were much happier dealing with Kuwait than with centres such as Basra.

Finally, and at a different level, tribal politics were indeed the *high politics* of the pre-oil epoch. Al-Rasheed rightly sums up this point when she analyses the military activities tied to tribal politics:

Raids were the means which made possible the establishment of political and economic hegemony. [...] when these raids were carried out by established power groups, they became entangled with centralization of political leadership, dynastic ambitions and territorial expansion. (1991: 144)

As a consequence, striking military or indeed political deals with tribal leaders was an exclusive prerogative of the ruling sheikhs and lineages of the different trading centres. The British and Ottoman empires, whether they wanted it or not, would have leverage on foreign affairs understood as inter-imperial affairs, but the international politics seen from the horizons of the local sheikhs escaped them for

⁷⁷ After the occupation of Qatif in 1871 till the Saudi conquest of al-Hasa in 1913.

the main part. Likewise it is unheard of that any particular *hadhar* trader would have ever reached a long-lasting alliance with any *sharif* tribe to assert military-based power.

This pattern of power distribution explains why the issue of the *biduns*, who claim affiliation to large tribes in particular Shammar, 'Anaza, Zhafir and Fudhul, has largely become a bone of contention between the ruling family and their main merchant opponents. Today the Sunni notables, with Nasserist leanings in the 1950 and 60s, readily put the blame on the Al-Sabah sheikhs as being responsible for attracting distant tribes to the country⁷⁸. The issue of stateless people in Kuwait not only pits a disenfranchised minority and its supporters against the state but also the two most powerful components of the Kuwaiti society, the rulers and the merchants⁷⁹. Tribal relations were not only the high politics of the time and the preserve of the sheikhs, excluding the merchants, they also could be used against the merchants as the dissolution of the 1938 Legislative Council illustrated.

The remainder of this section looks at the patterns of tribal alliances and subsequent security systems set up by the Kuwaiti ruling family, starting with Mubarak al Sabah (r.1899-1915), the last sheikh involved in expanding Kuwait's influence in Central Arabia. This historical perspective, by highlighting the legacy of the pre-modern security system, lays the analytical foundations to explain why the Kuwaiti armed forces were developed by integrating mostly near-foreigners.

High Politics before-Oil: Tribes and Security

The Military and the Sovereignty under Mubarak al-Sabah (r.1899-1915)

When Mubarak seized power in 1896 through the murder of his two elder brothers, Arabia was under the domination of the Al-Rashid of Jabal Shammar. Yet, contrary to the Al-Rashid, who stemmed from and were supported by their own tribe, the Shammar, Mubarak, known as Mubarak al-Kabir, had to rely

⁷⁸ Interview, members of the Union of Kuwaiti writers, Kuwait, 9 January 2007.

⁷⁹ In August 2010, the Sunni *hadhar* MP Ahmad al-Sa'dun blamed the government for being '100% responsible for the creation of the *bidun* issue, in '*Al hakumat al kuwaitiyya tutalib bi-ltadqiq fi qanun 'al bidun' wa al nuwab yatahmmun-ha bikhtilaq al azma*' [the Kuwaiti government demands some more verifications for the law on the *biduns*; the MPs accuse it of aggravating the crisis] *Al Khalij*, UAE, 15 August 2010.

mostly on the support of tribal allies to fulfil his aspiration of playing a leading role in the affairs of Central Arabia.

Nonetheless it would be wrong to see him as a town ruler, forging alliances with the desert tribes of 'Ajman and Mutair in the same way he agreed treaties from his town palace with the great powers of the time, the Ottoman and British empires. This picture of an urban ruler is propagated by Dickson, the Political Agent in Kuwait from 1929 to 1936, who interpreted Mubarak's fratricide as revenge for being sent away from the town as *Amir al badia* in order to carry out the perilous task of policing the tribes (1949:267). The reality is certainly less dramatic or lyric: family coups or the overthrowing of rulers by their relatives was not uncommon in the Arabian Peninsula and the Gulf for centuries. Likewise, the title of *Amir al badia* is not known for being associated with banishment or punishment. As a result, Mubarak had probably assumed the role of maintaining order in the desert around Kuwait and along the caravan routes from Najd, Basra and Hasa on behalf of the Al-Sabah family for years and his seizure of power did not make him an urban dweller either.

Mubarak's links with the desert tribes ran deep: first he was himself an experienced desert warrior and leader. He had been involved in desert warfare and Ottoman military campaigns as he led the Kuwaiti contingents during the reconquest of al-Hasa in 1871 and the campaign against the Sheikh Jasim of Qatar in 1895. As a result he had built strong alliances among the Rasha-ida and the 'Ajman tribe, from which he gathered the small group of followers who helped him murder his brothers.

A second significant link was the marriage bonds he made with ruling lineages – which would have some influence on the future of naturalisation. Born to Lu'lu'a Muhammad al-Thaqib, daughter of the ruler of Zubayr (Al-Sabah, 2000: 34) Mubarak took as one of his wives the daughter of the paramount sheikh of the 'Ajman, Daydan bin Huthlayn. This pattern of intermarriage with the 'Ajman was to be continued after Mubarak's death in 1915. Sheikh Ahmad al-Jabir al-Mubarak (r.1921-1950) and Sheikh Ali al-Salim al-Mubarak, two of his grandsons, both had offspring from the same ' 'Ajman tribal lady' (V. Dickson, 1971: 19)⁸⁰. Nuriyya, the daughter of Sheikh Ahmad al-Jabir took Sabah al-Salim al-Mubarak

⁸⁰ This 'Ajman lady was Wadiha from a subsection of the Ibn Huthlayn.

(r.1965-1977) as a second wife. Salim and Jabir al-Ali al-Salim were the sons of Sheikh 'Ali al-Salim. Jabir al-'Ali future Minister Information (1975-78) became a prominent figure within the ruling family: orphaned at an early age, he was educated with the sons of the Abdullah al-Salim (r.1950-1965) and would be a future candidate to the title of Crown Prince. It is also reported that in order to reconcile the 'Ajman, to whom he was related, and the Mutair, famous for their quarrels, Mubarak married a daughter of the sheikh of the Mutair in June 1899 (Alghanim, 1998: 87). Intermarriage with the Mutair occurs again in the Sabah family as Sheikh Jabir al-Ahmad al-Jabir Al-Sabah (r.1977-2006) is said to have married Mutairi women⁸¹.

At the core of the tribal support gathered by Mubarak were the Rasha-ida and 'Awazim, living in the close periphery of Kuwait, as well as important elements of the Mutair and almost all the Ajman⁸², that were not traditionally part of Kuwait. In addition to these four tribal clusters, Mubarak forged a strategic alliance in the summer of 1899 with the Sheikh Sa'dun of the Muntafiq based in the region of the southern Euphrates. This northern alliance was of core importance in Mubarak's struggle against the hegemony of the Amir of Ha'il and his loyal Shammar tribe: together with Sheikh Sa'dun, he was able to deprive the Rashid of their supplies to Najd and Jabal Shammar by raiding and cutting off the roads linking them to Basra and Zubayr, Kuwait and northern Hasa, which they did with much success in October 1900 and June 1901.

Mubarak is often portrayed as the founder of modern Kuwait. Through a secret agreement with the British he bound his heirs to the succession of the throne, which would later be enshrined in the 1962 Constitution and still forms the basis of the succession within the Al-Sabah today. One of his main legacies was the building of Kuwait's legitimacy on the political map of the time: this spared his emirate from the fate of the emirate of 'Arabistan, led by his close friend Sheikh Khaz'al (r.1897-1925), which, abandoned by the British, was incorporated by force and ruse into the state of Reza Pahlavi in 1925.

⁸¹ Electronic correspondence with a *bidun*, 31 August 2008.

⁸² The alliance with the 'Ajman was an enduring one: following their victory against the forces of Abd-al Aziz al-Saud in the summer 1915 thanks to the defection of the Kuwaiti contingent led by Salim al- Mubarak (r. 1915-1817) allied to the Saudis, the 'Ajman, fearing the Saudi retaliation sought refuge in Kuwait where they were accepted by Mubarak (Huthlayn and Kurşun 1998: 102-115). See note 63.

With 'his ability to enforce his authority over the tribal chieftains in the area he claimed as his territory' (Zahlan, 1978: 6) Mubarak asserted his legitimacy, which reinforced his role as an essential interlocutor to the British. There was no doubt about the scale of his ambition to become the dominant force in Najd. Ironically, it is his most bitter defeat at Sarif, in face of the Shammari forces led by Abd al-Aziz Mut'ab al-Rashid, in March 1901 that best illustrated his dream of political hegemony in Arabia. The location of the battle and its distance from Kuwait are quite telling in terms of the targeted territorial expansion: Sarif is situated at the very heart of Qasim (see Map 2, p.85). For this expedition, Mubarak was joined by Sheikh Sa'dun leading the Muntafiq and Zhafir's forces and also had the support of Abd al-Rahman al-Saud together with the 'Ajman and other Najdi tribes loyal to him.

A closer look at the composition of this expedition helps to understand the background, in terms of security and social prestige, against which the citizenry and military would be formed in Kuwait once a *non-fluctuating* or international law based territorial sovereignty was imposed on the region in the 1920s.

Among the tribal supporters of Mubarak were the 'Awazim, Rasha-ida, 'Ajman, Bani Khalid and Mutair, to which should be added the tribes of southern Hasa, the Murra and Bani Hajar (Abu Hakima, 1992: 139; Alghanim, 1998:97). The second element in the Mubarak expedition was made up of the levies from *ahl al Kuwait*, as Huthlayn and Kurşun identified when describing the composition of the armies (1998: 98). These would be drawn from the urban and pearl-fishing populations, but considered to be of mediocre military ability.

The subordinate position of the urban maritime community, in spite of its crucial financial role, is illustrated by Mubarak's last expedition assembled against Sheikh Sa'dun in 1910. This episode exemplified both the fact that power was exercised first and foremost by the control of tribes and second the material limits of his power. Mubarak gathered forces in retaliation against the raids on Kuwaiti tribesmen and merchants by Sheikh Sa'dun and a tribal leader of a subsection of the Zhafir, both of whom Mubarak considered a serious and direct threat to his sovereignty. Leaving the raids unpunished would open the door to attacks by any

large force of Bedouins, which could eventually be headed by one of the competing power groups of the region. In preparing his attack, Mubarak disregarded the agenda of activities of the town dwellers by declaring a ban on the season's diving.

The defection of three pearl-traders, who left with their fleet and crew to Bahrain, eventually bent him. If the merchant substructure had developed so successfully that the real power was clearly embedded in the financial-commercial class, the power of the value system still remained in the ruling family and its tribal allies at least until the flowing of oil revenues and the delineation of boundaries.

On the desert front, with signs of the growing independence of Ibn Saud, rallying the Najdi tribes around him, and the defection of Sheikh Sa'dun in 1907, Mubarak abstained from direct forceful intervention, preferring to wage his wars in Central Arabia by proxy and offer financial support to Ibn Saud. The provision of money and arms to the tribes in exchange for men to promote his schemes and keep danger away from Kuwait proved quite costly. Yet, even in the absence of raids, Mubarak maintained his power and prestige, as a point of contact between Ibn Saud and the Ottomans or the British, as well as an arbiter in tribal quarrels between the 'Ajman and Murra, in 1906.

Compared to the desert diplomacy that was exclusively a matter of sheikhs, and for the centralised power a question of asserting legitimacy, the security of the city was considered lower politics. Yet it was still ensured by the rulers themselves, though notables made attempts to organise some surveillance and policing tasks as a matter of public interest rather than a private concern in the hands of the various members of the royal family. Here again, the role of the Bedouins was essential.

*From the *fidaiyyun* to the 'State Security' of Abdullah Mubarak*

At the beginning of the twentieth century, the main forces of coercion in Kuwait were private: the *fidawiyya* roughly translated as 'those ready to sacrifice themselves' for their master (also called *khuwiyya*, literally fraternity, but pointing to the obligation to protect a master like one's own kin), refer to the private retainers hired by the different sheikhs of the ruling family. These private guards earned the name 'Armed Bedouins' as they were armed with guns and recruited

exclusively among the Bedouins as opposed to the city-dwellers. Among these retainers, former slaves were also to be counted, identified by their dark skin. Later, in the late 1950s, Mueller, an American engineer employed on the building of Shuwaikh port facilities described the entrance of the Public Security building, the first and for a long time the main official building on the *Sahat al Sufa`*:

Il n'y a que des bédouins et des Noirs qui soient accroupis ici dans leurs vastes habits drapés, et il n'est pas pensable de les supprimer du protocole; leur soumission est légendaire et ils encourraient la peine de mort s'il arrivait quoi que ce soit au Cheikh [Abdullah Mubarak]'. (1963: 247)

[Only Bedouins and Blacks squats here in their large cloaks; it would be completely unthinkable to remove them from the protocol; their submission to the Sheikh [Abdullah Mubarak] is legendary and they would face the death sentence should anything happen to him']

These retinues were hired on the basis of their personal acquaintance with the sheikh without any specific task to perform, but they would follow their master wherever he went and obey his commands. For instance, the gatekeepers of the city wall (*sur*) erected in 1920, before the battle of Jahra`, under Salim al-Mubarak (r.1917-1921), were taken from the Amir's private retinues. The *fidawiyya* also played a role in the policing of the nearby desert, including, later on, the patrolling of the petroleum wells. The Sheikh himself would send his guards to complement (or duplicate) the private patrols provided by the oil company. Three sheikhs were known for commanding groups of armed Bedouins in their desert operations: Sheikh Ali al-Khalifa al-Sabah, the son of Mubarak's nephew who died in Sarif, Sheikh Abdullah al-Ahmad al-Sabah and Sheikh Sabah al-Nasir al-Mubarak (1903-1957). The latter was mentioned many times by informants questioned about *biduns*.⁸³ Known, like his grandfather Mubarak, as *Amir al badia*, he had a castle in 'Ardhiyya (see Map 4, p.165) where there must have being very little at a time when the urbanisation of Kuwait did not reach beyond the wall (see Map 3, p.123). He contributed to the development of the region and his name is famous in Jahra` where a school is named after him.

The Amir Ahmad al-Jabir al-Mubarak (r.1921-1950) was said to have a body of fifty guards, in addition to a private armed force (trained by the British and Palestinians) of a thousand followers, who would not only protect his person, the city and the oil installations, but bring another thousand of their tribal kinfolk

⁸³ Interviews with Abdullah Sa'idi, Salmiyya, 29 May 2008; with *biduns*, 'Ardhiyya, 27 May 2008.

upon demand in case of need (Al-Hatim, 1999: 16-9). These Bedouin private guards depended entirely on the Al-Sabah sheikhs for their subsistence: living in tents in designated areas, the sheikh they served would provide them with dates, rice and cloths. After 1945 the sheikhs started to pay them a salary, whose amount varied according to the sheikh himself. The Bedouins in return demonstrated an impeccable devotion and loyalty towards their sheikh-benefactor. The *fidawiyya* is often identified as the origin of the modern army in Kuwait, established in 1949. Yet, changing behaviours requires more time than setting up institutions, especially when at the outset the existence of these institutions is nominal more than anything else.

Parallel to these private polycentric forces with undefined policing functions mainly outside the wall, another system of maintaining order developed in the form of the 'city and market guards'. Under Mubarak (r.1899-1915), around twenty Balush guards were responsible for the control of the various souks in Kuwait and armed with sticks. The head of the city and market guards, who replaced the Balush chief, almost became synonymous with the role, so devoted was he to his nights and days patrolling over a quarter of a century. Sheikh Sabah al-Du'ij took up the name of 'Sabah al Suq'. In spite of his misleading name, Sabah al-Du'ij was not from the royal family. The position of head of the market guards had not been consistently the privilege of the Al-Sabah, but was, as a matter of rule, delegated to commoners. It can be supposed that a consistent surveillance of the town markets emerged with the Balush guards, whose presence in Kuwait in a *firij* under their name, can be linked to the influence of the British under Mubarak, and also that it progressively fell under the purview of townspeople.

When the municipality was established in 1930, the 12-member municipal council took over the responsibility of organising the town and market policing and soon started to cooperate with Sabah al Suq and his guards. It gradually replaced the *ad-hoc* system with rules defining the functions of the market guards⁸⁴ and the responsibilities of their chief⁸⁵. It set up fines and organised the recruitment, geographical dispatch (also creating the coast guards) and pay of the guards (Al-

⁸⁴ Fight against theft in open markets, preservation of public order, people's safety and property, control of public morals including control of the coffee shops.

⁸⁵ liable for any theft in the suqs during the night or the lunch break.

Hatim, 1999: 22-24). Interestingly, six out of the fourteen members of the 1938 Legislative Councils (*majlis tashri'i*) were members of one of the three Municipal councils of 1932, 34 and 1936 (Jamal, 2003: 131). The whole point of the 1938 *majlis* was to introduce reforms towards more participation in political decisions and the establishment of a civil administration, favouring a rapprochement with Iraq to counter the 'backward' sheikh of Kuwait. The episode of the 1938 *majlis* had two major consequences: it confirmed the alliance between the ruling family and the *badu* but this time in an open confrontation with the *hadhar*. Second it laid the basis of the modern organisation of the armed forces with the creation of the police on the one hand and the Public Security, that is the army, on the other.

The first 1938 Council was dissolved with promises of a new election immediately, without much violence. This was the result of a demonstration of force by semi-nomadic Bedouins from the south coast of Kuwait who answered Jabir's (r.1921-1950) call for arms and entered the city (Smith, 2000:12). By contrast, the dissolution of the Second Council (December 1938-March 1939), that had refused that Jabir changed its role from executive to advisory, led to physical coercion exerted by the *fidawiyya* and their Bedouin allies. It led to one execution and the imprisonment of five men. The episode of violence was triggered by the exhortations of Muhammad al Munayyis to continue supporting the late Council until support of the Iraqi army arrived. It is vividly depicted in the *Memoirs* of al-Khatib (2007: 38-39) who recalls the hanging of Muhammad al Munayyis on a cross as the worst unleashing of savagery he ever saw in his life. Most importantly, al-Khatib described the perpetrators as 'men of foreign appearance, shirtless, with thick hair like women'⁸⁶. He also linked this childhood memory to a later discovery he made in the British archives according to which King Abd al-Aziz al-Saud had sent, upon British instructions, 600 tribesmen to help the Amir of Kuwait in his fight against the Legislative Council, among which 300 from the 'Ajman and 300 from the Mutair – though the latter were turned down by Ahmad al-Jabir because they belonged to the enemy tribe that had attacked Kuwait at Jahra`⁸⁷. Whatever the role of Ibn Saud, to whom al Khatib is famously unsympathetic, what is clear here is the early resort to transnational or

⁸⁶ *rijal ashkalihim ghariba 'arat al sudur, kathifi sha'ar al ra's ka al nisa`.*

⁸⁷ Interview with Dr. al-Khatib, Kuwait, 26 May 2008.

far-off tribes to whom the sheikhs of Kuwait had had previous alliances in what we have called the high politics of the region, to support them in their power conflict with the notables. The use by the ruling family of the human reservoir provided by transnational tribes in order to bolster its loyalty basis will constitute a common pattern of Kuwait military structure and more generally Kuwait politics. A second point to be noted from the recollections of al-Khatib is that this reputation for brutality and blind obedience contributed to the early stigma attached to the Bedouins in the eyes of the town dwellers at a time when the economic foundations of the tribal system was collapsing.

The second important legacy of the Legislative Council consists in its attempt to organise the Kuwaiti armed forces. Article 2 of the inaugural law, which delineated the functions of the Legislative Council elected in June 1938, claimed authority to establish a law of public security. As a result, the Legislative Council formally set up two different departments, heirs to the previous city guards and *fidawiyya* respectively, the Police Department and the Department of Public Security. The Police force, in charge of the town surveillance, traffic, public morality and soon the police of the ports, was headed by Sheikh Sabah al-Salim al-Sabah (r.1965-1977) from 1939 till 1959; the Public Security, where the legitimate use of violence had historically lain, was headed by Sheikh Ali Khalifa al-Sabah until his death in 1942 when he was succeeded by his assistant Sheikh Abdullah Mubarak, last son of Mubarak the Great, himself seconded by Sheikh Abdullah al-Ahmad al-Jabir al-Sabah. All these men had a good knowledge of the tribes. The Department of Public Security was in charge of public order outside the wall, a vast program that included border control, visa issuances, and also the supervision of the oil facilities and the oil town of Ahmadi that grew out of sheer desert in 1949 under the control of Sheikh Jabir al-Ahmad al-Jabir (r.1977-2006). The evolution of this dual system gave rise to a bitter competition of influence between different factions of the ruling family.

Abdullah al-Mubarak, Head of the Public Security, became an extremely powerful figure during the whole 1950's decade. The whole Rasha-ida were said to be entirely loyal and devoted to him⁸⁸. Once again, the primary testimony offered by

⁸⁸ Background conversation, Kuwait, *Al-Qabas*, 7 June 2008.

Mueller gives an interesting insight into his power, particularly against the Communists, as Abdullah Mubarak was more of Arab Nationalist conviction:

Koweït est un grand village où tout le monde se connaît, où chacun sait tout des autres et où il est difficile de dissimuler quelque chose. Abdullatif Thuwayni, bras droit du Cheik Mubarak et chef de la Sûreté Publique est très exactement au courant de ce que nous faisons, tous, dans quels milieux nous évoluons et quels sont nos amis. (Mueller, 1963: 68)

[Kuwait is a big village where everybody knows everybody, everybody knows everything and makes it difficult to hide anything. Abdullatif Thuwayni, right arm of the Sheikh Mubarak, head of the Public Security knows with precision what we are doing, each of us, what are our social circles and who our acquaintances.]

As a consequence, and as the last son of Mubarak, he became an extremely serious and senior contender to the throne; yet he was too nationalist an Amir for the British to endorse his candidacy in the succession of Sheikh Ahmad al-Jabir (r.1921-1950). Though the circumstances were unclear, he tried to seize power in 1950 but Sheikh Abdullah al-Salim al-Mubarak was enthroned. Abdullah Mubarak was later expelled from the political scene in 1961. His legacy for the Public Security was tremendous and the other members of the royal family in the 1960s must have felt the need to get new recruits entirely loyal and devoted to them.

The next section looks at the policy of surrounding countries towards their tribal and nomad population. Although it recognises Kuwait as one the most attractive job-providing centres from the 1950s on, the interpretation of historical data proposed here departs somewhat from the 'Gold Rush' version, the state narrative, according to which an undifferentiated and implicitly greedy crowd flocked to Kuwait in search of better living conditions and to benefit from the generous Kuwaiti welfare system. On the contrary, it analyses in detail the *push* and *pull* mechanisms, identifying regime ideology as a core factor to be added to this primarily economic model.

NATIONAL INTEGRATION AND TRANSNATIONAL MIGRATIONS IN NORTHERN ARABIA

Although it is based almost by definition on fragmentary sources, the next section tries to piece together a picture of the way the political, economic and social

changes in the less controlled areas of the Syrian Desert impacted on the living conditions and values of certain categories of the population to such an extent that it responded and adapted with an exit strategy as a means of resistance and survival. It is argued here that the tribesmen who came to settle in Kuwait had previous 'transnational' links with the sub-region through migration patterns or sister tribes which, among other things, explains their belief in the legitimacy of their claims and made their migration possible in the first place. Secondly, though concomitant and sharing the common feature of escaping rural impoverishment, this trans-border choice of settlement should be distinguished from the domestic rural-to-urban migrations that took place in Iraq and Syria, as it clearly signifies a rejection of the national integration projects and a refusal to rethink their existing political identities and values and imagine themselves in national terms. The goal of the broad-brush history depicted here, though on the basis of second-hand sources, is to support these two statements in order ultimately to show that beyond the undeniable material factor, there is an ideational motive, i.e. resistance to being 'drawn into the field of distinctively *Iraqi* [or national] politics' (Tripp, 2007:1).

Nomadism and Nascent States

As it made its first appearance in North-eastern Arabia, and before the territorial states were defined with anything approaching precision, the national factor set off mechanisms of state building and regime support consolidation. Whether in the case of Ibn Saud turning his domain into a fully-fledged eponymous state or in the case of the French and British mandates, tribes identified as the basic components of the social fabric of the region along with the urban milieu, were perceived as a key element in the aggregation of support around the nascent states.

Saudi Expansionism

Ibn Saud, with his expert knowledge and use of tribal politics, instrumentalised the Najdi tribes turning them into *Ikhwan*, tribal recruits fighting non-Wahhabite infidels, to his advantage to serve his purpose of territorial maximisation; in the frontier areas, the tribes' occupation of traditional lands was acknowledged, valued and its preservation encouraged; Abd al-Aziz sought to obtain tribal allegiance through the payment of *zakat* and the control of their trade as it would provide him with grounds on which to base his further territorial claims – with the

secret hopes as of the 1940s that any new territorial gains, in addition to increased power and prestige, might also bring oil fields.

The British-brokered border arrangements between Kuwait, Najd and Iraq decided at the Muhammara conference (5 May 1922) – at first refused by Ibn Saud then finally endorsed when they were supplemented with the two 'Uqayr protocols (2 December 1922) – are very telling about the Saudi policy towards tribes. Article 1 of the Muhammara agreement reads as follows:

'The clans of al Muntafik, al-Dhufair and al-'Amarat shall return to Iraq and the Shammar of Najd to Najd.' (quoted in Abdul-Aziz (1993: 57))

The agreement also forbade any border transgression by any of the clans, let alone any aggression, yet secured the pilgrim route and freedom of trade and tribal movements; while the 'Uqayr Protocols famously gave two-thirds of the 1913 Anglo-Ottoman-defined Kuwaiti territory to Najd and established two neutral zones between Najd and Kuwait and Najd and Iraq where grazing resources and watering places and wells were to be shared by the bordering tribes. Recalling these protocols as we find them in secondary sources is not to ascertain their historical reality but rather to underline points of great importance to the later issue of the *biduns*.

First and foremost, one difficulty – to which we shall return later in the case of the mandates that dealt with it with even more acuity – was the profound divide between the state founders and their broader tribal society exemplified by the consequences of the border agreements. If in a moment of grace, Abd al-Aziz al-Saud managed to conflate the two visions (state expansion and tribal logic) by means of religion, then disappointment at the imposition of the alien concept of boundaries made the differences resurface. This was particularly the case for the *Ikhwan*, whose continuous raiding led to eventual revolt, but also more benignly the continuation of desert roaming and their habit of switching allegiance, long after the border delineation– the exit to Najd being always a possible option for them until late in the twentieth century. As for the first manifestation of this growing divide, it is evidenced by the fleeing to Iraq of splinter groups from the *Ikhwan* tribes, escaping economic taxation from the centralising Najdi state, who joined the Shammar refugees in raiding Najd and the pro-Saudi Zhafir of Hamud Ibn Suwayt. Moreover, after the signing of the Bahra and Hadda Agreements in November 1925, fixing once and for all the boundaries between the Sultanate of

Najd and its Dependencies and Iraq and Trans-Jordan respectively, and making the border crossing conditional upon the obtaining of a government permit in concert with the other government⁸⁹, the allied tribes addressed Ibn Saud in these words:

'The entire badiya [desert] is ours, we people of Najd. We therefore register our protest about your unjust decision to contain us within borders in the badiya. You then responded that border demarcation does not mean giving up the possession of land, but is only a way of settling disputes which may arise in the badiya. You told us that we were free to graze in the badiya' Abd Allah al-Ali al-Zamil, quoted in Abdul-Aziz (1993: 26)

Not to push the comparison too far, and to avoid any slippery culturalist trend, yet borrowing the words of Kurpershoek who studied the Arabian tribal poetry, 'in Arabia, the power of the spoken word, used subversively or in a counter-revolutionary way, is infinitely greater than the written word.' (2001: 13). In our case, the power of the pervasive genealogical discourse on the Najdi origins and Najdi unity, at first uttered by Ibn Saud and later by the most immoderate *Ikhwan*, prevailed over the written word of the international treaties.

That period left a second legacy: it formally initiated moves from north to south which laid the first milestones for later movements, once tribes found themselves in the grip of the new nationalist regimes or encountered adverse natural conditions. Two events ought to be mentioned here, as they can be regarded as paving the way for later settlements based on tribal gathering.

Part of the Zhafir led by Hamud Ibn Suwayt, though located on Iraqi territory and, according to the 'Uqayr agreements belonging to Iraq, had paid the *zakat* to Ibn Saud in 1922 and as a result were the target of rebellious *Ikhwan*. When Hamud died in 1925 they were still Iraqi subjects, yet his successor 'Ajimi Ibn Suwayt decided two years later to secede to Najd and relocate near Hafr al Batin in al Sufayri, while his followers continued grazing in Iraqi territory and in the Neutral Zone (Ingham 1986: 19-20; 43; Visser 2005:127). Indeed contrary to the romanticised argument commonly advanced – for instance by Raswan (1930: 497) and Ashkenazi (1948: 236) – according to which tribes retreated southward to the Arabian Peninsula to preserve their traditional way of life, it seems that in this case it was less a question of freedom of circulation, as the borders were quite relaxed for the nomadic movements, than a clear political calculation on the part

⁸⁹ Article 3, Bahra Agreement quoted in Abdul-Aziz (1993: 110).

of Ibn Suwayt, dissatisfied with the Iraqi government's security provision and its firmer grip in terms of tax collection (Visser, 2005:127).

It was indeed part and parcel of Abd al-Aziz al-Saud 1920s expansionist policy in the peninsula to gain allegiance from nomadic tribes but also to grant nationality to those dissatisfied with or disenfranchised from the national policies of neighbouring countries and who could increase his regional influence. This is illustrated by the granting of papers of Najdi nationality to the people of the desert town of Zubayr, west of Basra, agitated by the fears of the conscription bill, in 1928 about to be proposed in Baghdad (Visser, 2005: 126-28). It is no novelty that attempts to impose conscription were universally fiercely opposed. In the national era resistance to conscription, as one of the core tools as well as symbols of national integration, has undoubtedly benefited from the proximity of an international border. The people of Zubayr were certainly not the only ones to use their international links to brace themselves for the encounter with the expanding central state: the Shi'a population around Muhammara took out Persian passports (Visser, 2005: 128-30; 157-58). In spite of calls by 'members of the commercial elite [...] [for] mass emigration to an area of vacant land within Kuwait', the population of Zubayr, on the basis of their strong Najdi identity manifested in their following the Hanbali school of Islamic jurisprudence, like the Wahhabi with their tribal myth of descent, did not cross the border, but symbolically opted out of the nation-building. While 'the exact number of people from Zubayr who eventually took out Najdi nationality is not know', Visser emphasises that registration was quite popular but could only be granted by the agent of Ibn Saud in Kuwait or a prominent Basra merchant of Najdi origin. However anecdotal this episode might seem, it is significant at least from two points of view. First it shows an early de-territorialised conception of nationality understood as a claim for protection based on a mix of ethnicity, pragmatism and ideology. This conception is illustrated by the opposite move of leading Kuwaiti families, who owned date gardens in the Basra region, taking up Iraqi nationality in the 1930s to affirm both their property rights and their Arab nationalist credentials (Zahlan, 1982: 64). Secondly it hints at the role assigned to the smaller emirate of Kuwait, drawn in spite of herself into the game of her more powerful neighbour.

For what was the situation of Kuwait in this large picture? The presence of Abdullah al-Nafisi, the agent of Abd al-Aziz in the city of Kuwait, points to Ibn

Saud's conception of the extent of the sovereignty of his smaller port-town neighbours: as an unofficial ambassador entrusted with looking at the interests of Saudi subjects, the position of al-Nafisi tacitly though reluctantly recognised the independence of Kuwait. Yet this acknowledgement of sovereignty was seriously limited, since in the eyes of Ibn Saud the wide spaces outside the towns, the domain of the Bedouins, belonged to him and stretched right up to the frontier of the settlement, that is the very limits of urban Kuwait. This conception was translated into practical action through the Saudi blockade of tribal trade with Kuwait – a response to Sheikh Ahmad (r.1921-1950)'s refusal of to allow the Saudis to establish a customs post in Kuwait to levy taxes on trade with Najd. Mention should be made that some sections of the surrounding tribes helped him in this enterprise, notably in 1931 the branch of the Zhafir headed by ibn Suwayt, that had stayed in Iraq (when another member of the Ibn Suwayt family had left to Najd) because it was unwilling to pay the *zakat* to Ibn Saud (Toth, 2005:149; 157). We have every reason to believe that this idea of the desert as a hostile environment, subject to foreign influence and manipulation was deeply anchored in the minds of the Kuwaiti townsmen by the time of the definition of nationality. This can only have been reinforced by the instrumentalisation of nomads by the nascent Iraqi border administration. Toth (2005:166) further reports that following the rise of custom taxes in Iraq in 1932, Iraqi customs officers did somehow go beyond their task of cracking down on the smuggling of goods from tax-lenient Kuwait and exacted some Bedouins performing their usual *musabila* to the city-port.

Here appears the fundamental twist that gave rise to the issue of *bidun* in the region: the essential dissociation between the understanding of territory and international boundaries through the prism of their economic value – that is the prospects of oil discovery (Pratt & Brown, 2000) – and the de-territorialised meaning of nationality. Particularly in the case of smaller emirates under British protection, this de-territorialised conception is rooted in the historical claims made by Ibn Saud even though these claims were largely untenable in the long term as they were part and parcel of an expansionist strategy that eventually failed since Ibn Saud never made it to the sea. In the words of Zahlan (1982:69-70), referring to an annex to a letter sent by Ibn Saud to sheikh Abdullah of Qatar, in which the former explained that:

He had already explained to the British representatives that the people of these shaikhdoms were his subjects, and that they had been the subjects of his father and grand father before him, but he deferred to their own wish to be under British protection. There could be no question in his mind however, of the rulers of these places having claims to anything but the towns; the desert and allegiance of the tribes roaming that desert had always been under his sovereignty and under those of his ancestors.

The disconnection between the actual territory and the idea of the community was rendered possible by the phenomenon of nomadism that prevailed in the region until the late 1960s, the Bedouins being '*ceux que la terre n'a pas encore accrochés*' [those not yet bound to the land] (Müller, 1931: ix) but also strengthened by the profound mistrust in their shifting loyalties – a mistrust that decades after their sedentarisation is still pervasive and kept alive in Kuwaitis' minds.⁹⁰

The French and British Mandates

Though with far less proficiency and a great deal of romanticised misconception, the European mandate powers also sought to instrumentalise the tribal system in asserting the authority of the new state they were building and to spread its apparatus to the population, as they figured the tribal sheikhs to be in control of a cohesive force and thus able to assume the role of potent intermediaries. One way to secure support, following the precedent set by the Ottomans albeit with a different rationale, was to grant land and subsidies. In countries with agricultural potential like Iraq and Syria, but also Iran, the entrance into the national era was accompanied by a particular concern for territory translated into land reforms. As land reforms were very much favoured by the landowning classes, since it would clarify, recognise and affirm their property rights, these measures helped to build support around the nascent state by linking the interests of a class with the existence and consolidation of the centre. Yet the successive military coups, whether in Syria or in Iraq after the 1958 revolution which toppled the monarchy eventually leading to the establishment of the Ba'ath, renewed the basis of regime

⁹⁰ Interview with Major-General Mohamad I. al-Sbeie, Ministry of Interior, Assistant Under-Secretary for Rehabilitation and Law Enforcement Affairs, Kuwait, 3 June 2008. Al-Sbeie differentiated between two phases: the first one when the *hadhar* built the country and the state and the influx of *badu* as of 1985 who do not care about the territory and have no link whatsoever with it.

support, with the traditional tribal aristocracy and what remained of its following falling into at least ideological disgrace.

A Cultural Approach to Transnational Migrations

The contrast between conservative Gulf monarchies and their republican neighbours has rightly constituted a structuring feature of the analysis of the region, having a far-reaching impact on its international relations. Against this well-researched backdrop (Luciani, 1990), this subsection examines, at the infra-state level, the implications of the regime's different ideological hue for the population coming to grips with the socio-economic changes and re-shuffling of hierarchy triggered by nationalist or national-integrationist projects. It argues that those least fit to join the nationalist vision yet still powerful and transnationally well connected enough to resist it – i.e. the former top of the hierarchy, nomadic camel-herding tribes made a fully informed choice to migrate to the neighbouring traditional regimes, believed to be more tribe-friendly. This belief was induced early in the twentieth century when Ibn Saud declared during his negotiations with Iraq in the 1920s that the ideal eastern border of his domain was the Euphrates (Visser, 2005:18); yet without losing its momentum the trend continued after King Abd al-Aziz's expansionist dream based on sovereignty over the nomads had vanished in the face of the implacable international understanding of territorial sovereignty (Wilkinson, 2000). Losing their strategic dimension, the nomadic tribes of the Syrian Desert also lost the warm welcome they used to receive.

Even though they are part and parcel of the bilateral relations between Saudi Arabia and its neighbours, they have attracted little attention as such in the analysis of international relations of the region. Political scientists, though recognising the structural difference between 'communalist' and 'ideological' politics (Zubaida, 1991) have usually tended to bury the tribal solidarity before it was completely dead. As a result, in spite of their impact on emerging national societies, relations with the apparatus of nascent modern states, especially as a loyal military force, and transnational character, tribes have been the exclusive domain of anthropologists (Chatty, 2006; Dresch, 1989; Khuri, 1980; Tapper, 1983), deemed by the other disciplines to be a backward phenomenon soon to wither in the face of the advance of modernisation. Much of the following thus

will rely on the findings of anthropologists, without which none of the other social sciences' analyses can be elaborated.

Anthropological works investigating the tribes in the 1950s converge to note that nomadism, even though in decline, continued far into the second-half of the twentieth century in Northern Arabia, even until the 1970s. In the current context of a settled population in the region and marginal pastoralism, it is easy to forget this near past, as nomadic tribes appear backward not only to academics but first and foremost to the state-builders and rulers of the new independent states who saw their presence, and their encampments turned to shanties, as a source of embarrassment. The nationalist-primordialist tendency of new states to erase the conditions of their origins in asserting their credibility, as if they have always been on the world map is indeed a widespread phenomenon well-known to nationalism studies and yet this does not prevent it from remaining an obstacle to the understanding of the dynamics of those very states and societies.

We argue here that the delineation of international boundaries, though necessarily constraining, had little impact on their decision to stick to pastoralism or settle. In the cases where the tribe was not segmented or dispersed into different countries, like the subsection of the Rwala studied by Al-Radihan, the tribe kept its nomadic lifestyle but refrained from moving northward to graze animals in what had become foreign (Jordanian) land, having at the same time benefited from more grazing space due to the exodus of a great number of Rwala to Syria (2001:101). It is interesting to note the frequency with which Al-Radihan's informants mention group unity as being of utmost significance to them.

In the case of tribes lying astride international boundaries, grazing movements continued as well, formally acknowledged by the existence of the neutral zones between Iraq and Saudi Arabia, and Saudi Arabia and Kuwait, and practically rendered possible by the porosity of the borders in the 1950s and 60s⁹¹. Though it is a consistent contention in national-centred literature that border disputes occurred because of the Bedouin movements between countries in search of pasture, and that inter-tribal territorial squabbles resulted from the imposition of a virtual border in the Syrian Desert, which divided the various branches of the

⁹¹ Interview with Prof. Ingham, London, 20 March 2009.

tribes or impeded their ancestral migration patterns, it is our contention that, as examined above, beyond the lingering remnants of the old raiding habits, the rivalries between branches of tribes and the fluctuating alliances notably but not exclusively with and against Ibn Saud, the full significance and implications of the international border were not understood until far later, when the first effects of the differentiated policies of economic development or national integration began to be felt in the Desert.

Al-Radihan's monograph on the causes of sedentarisation highlights important points: according to him (2001: 139), the overriding factor in the tribes' decision to settle in 1956 was the drought that affected the whole North-Arabian Peninsula during the decade. Second to this largely contingent ecological factor with its obviously dramatic economic consequences, two other motives are mentioned: the decline of pastoral economy following the country's oil exports and the state intervention to induce tribes to settle. The scale of the drought in terms of duration and damage was unprecedented: from the Syrian Desert (especially in 1958-61) to the Qasim region of north central Najd in the 1960s (Cole & Altorki, 2000: 150; 154), the stories are the same – ruined pasturelands and decimated animal populations causing the poverty-stricken Bedouins to temporarily settle, as the traditional strategy of moving elsewhere was rendered impossible by international boundaries and land privatisation. Al-Radihan (2001: 78) insists that the Bedouins' acceptance of jobs with the oil company, in check points and pump stations along the new northern pipeline in the middle of grazing lands, or in the Eastern Province oilfields, can not be understood without reference to the impact of the drought and the loss of the main Bedouin capital, their livestock. One of the reasons why they accepted to settle was because they saw this solution as temporary: working in the pump stations, around which they set up their tents, allowed them to maintain a minimal level of herding and to lead a semi-sedentarised life, and those who received government funds to sedentarise hoped they would accumulate enough capital to buy camels and return to nomadism after the drought. Yet it is no surprise (the seminal work of Chatty is evocatively entitled *From Camel to Truck* (1986)) that the camel had lost its value as a means of transportation and thus as an asset – first comparative to sheep which could be transported by truck and then in absolute terms, the camel trade being completely marginalised by the size of the oil revenues. These factors are the well-known

economic mechanisms of the pull-push model of migration, according to which socio-economic pressure is the prime motive explaining human migrations. Our intention here is certainly not to challenge the primacy of the economic factor – that is the complete demise of the Bedouin economy through the intrusion of foreign market forces in the region – but to qualify it by adding to the picture ideational factors, in terms of the state's proclaimed identity and the community's beliefs, to account for the decision to leave and the choice of place to go.

The Revolution of the National

Two kinds of regime indeed emerge as regards their approach to the still independent, mostly nomadic, tribes and their relations to the new states. The main dividing line for us is the espousal or not of a nationalist-integrationist ideology, which actually underpins the republican/monarchical divide mentioned above. In the region the emotional aspect that Europeans since the French Revolution had attached to the divide between the Republic, embodying the popular sovereignty, and the divinely legitimised monarchies, is completely absent. These categories are ill-suited to the history of the region. What appears though is that in the successor states to the European mandates, there have been attempts at making the national, the territorial and the political congruent, through a developmentalist approach, falling just short of the high-modernist ideology defined by Scott (1998: 4). The idea was indeed to cement a nation via agricultural development schemes or institutions furthering the national sentiment, especially the army⁹², which gained precedence over education. On the other side, the traditionally labelled regimes of the Peninsula (Fuad I. Khuri, 1980), not really versed in nationalist ideology which they soon equated with Arab nationalism as a threat to their independent rule, opted for a deliberately non-integrationist policy, a social 'laissez-faire, laissez-passer' completely exclusive of any involvement in domestic politics. In a nutshell, the former proclaimed their aim of *nation-state building*, involving increasing integration between state, politics and society⁹³, while the latter opted more quietly for a single *state-building*.

⁹² See the Homs military college both as the institution of middle-classes integration and a nationalist symbol (Seale, 1986: 37) as well as the rationale for the conscription in Iraq and the issue it encountered as the Yazidis do not want to *mix* with other segments of the population (Fuccaro, 1997).

⁹³ With the dramatic consequences this could have shall the state turn dictatorial.

Imbrications and Incorporations of Tribes

Yet, for the tribal aristocracy of the southern desert margins who, unlike the Jarba, had not produced leaders able to operate outside the context of tribal and intercommunal politics or command political power in national affairs to stir group mobilisation, the proximity of the international border and the neighbouring conservative regimes took on a particular significance. Even though the most famous, camel-herding tribes remained nomadic for the longest it would be naive to assume that in spite of the policies of the mandates that had artificially maintained the role of the sheikhs after undermining their legitimate foundations in security and transport provision, they did not feel they were the losers in the socio-economic revolution that was taking place. Yet the national integration processes far from buffering their decline destroyed the traditional group cohesion and hierarchy. As early as 1923, Glubb reported how Ibn Hazal, the sheikh of the 'Amara branch of Anaza, regretted that 'the government was undercutting the roots of the old society, by strengthening the lower classes and by sacrificing the noble' (1978: 97-98). The noble tribes indeed opposed the levelling and melting into the community of equals (at least non-ruling, non-owning) that nation-building assumes, the gradual blurring of the pre-national social hierarchy as mentioned by Fernea:

by the 1950s it seemed as if the creation of new tribes with new shaikhs was in favour.[...] since internecine fighting had been forced to end, the possibility of proclaiming an equal and independent status for smaller tribal groups had advantages [...] [like the al-Ghannaniim people petitioning for an independent pipe from the canal on the basis that] they [were] not a lineage (fukhuth) but a tribe (ashira) and so should have a right to their own water supply. (1991:145)

Escaping the national logic for mobile tribes had long lasting consequences.

To sum up, this chapter has provided the historical perspective to understand the long-lasting consequences, manifested in the *bidun* issue, that were triggered by the dramatic changes in power relations following the revolution of the 'national'. It reached two main conclusions, with regard to the impact of the integration to the international system on the power legitimation, first and on the domestic relations of power, second, whether it is with the *hadhar* or with the *badu*.

First, under Mubarak the Great (r.1899-1915), the legitimacy of the rulers was based on their ability to control a fluctuating territory, outside the cities, via the roaming tribes. Financial dealings with the merchants belonged, in contemporary vocabulary, to the low politics, since tribes could be mobilised to counter recalcitrant merchants as the crackdown on the 1938 Legislative Council demonstrated. With the evolution of the understanding of sovereignty increasingly linked to a fixed, bounded territory and the settled population, the role of tribes gradually changed too. They no longer played any part in securing a territorial sovereignty guaranteed by the recognition of the international community; their contribution to supporting the regime's legitimacy was gradually lost to the urban polity, due to the norms of popular sovereignty and the state's representation of its national people.

The conception of 'national' politics became, for the sheikhs, a matter of personal and sizeable following within the limits of the bounded, even urban, territory. As a result the human reservoir offered by the tribes was mobilised: contrary to the *hadhar*, the tribes were not politicised, and their networks were larger, according to the definition we have adopted. Moreover, the tribes and the sheikhs shared a common *Weltanschauung* as most of the senior members of the ruling family in Kuwait had a more 'on-the-job' formation to govern than a formal one⁹⁴ – even until now. This mobilisation would gradually reach the tribesmen present in the areas of pre-national interaction, as Chapter III will show. It is this utilisation of sociological networks across national boundaries that this thesis refers to as transnational actors, and cannot but refer to them as such once the notion of the modern territorial state appears. By contrast with the widespread perception of their recruitment among Kuwaitis nowadays, the reason behind this integration into the security apparatus was as much the need to bolster the numbers of loyal, though possibly idle, supporters as it was the importance of warfare in tribal values or the dexterity of tribesmen at manipulating weapons.

⁹⁴ For instance, in 1967 part of the reason why the elections were confiscated is because the sheikhs felt they were unable to compete with the rhetorical skills of the nationalist opposition (Jarman 2002: 216).

Second, this historical overview has laid the basis for understanding the attitude of the merchants, who let the ruling family get bogged down in the question of the relation with what they consider as its tribal allies. For them, the resort to transnational or far off tribes, with whom the sheikhs of Kuwait had previously allied themselves in the pre-modern high politics of the region, represented an ill-fated attempt on the part of the Al Sabah to gain support against their reformist ambitions. Chapter III will analyse in detail the utilisation of the tribal resources with transnational links to assert the legitimacy of the regime and the state until the middle of the 1980s.

This chapter has also explained why some of the tribes would end up at the complete mercy of the sheikhs, enabling the state to use their transnational origins as reason to discriminate against them and push them out of the emirate. Before a new set of values based on education and economic logic spread to the region, the system of cultural beliefs valued noble genealogies over material wealth, high politics of territorial expansion, prestigious tribal alliances and the building of legitimacy over the low politics of the urban polity and its power sharing ambition of and financial might which were tapped for military campaigns. This system survived the complete destruction of the geo-political and economic foundations on which it was based, after the extent of power politics in Kuwait was scaled down from Arabia to the state of Kuwait. In spite of the oil-induced economic revolution and the end of the actual role of straddling tribes in politics, the members of prestigious tribes still thought of themselves as belonging to the genealogy-based aristocracy of the region. Yet, in concrete terms, the common *Weltanschauung* gradually turned to the advantage of the ruling family and the *badu* turned, in spite of their noble origins, to what could be called in Marxist terms had Kuwait been an industrial country, the *Lumpenproletariat*, that is the lowest economic stratum of the society with all its Brechtian attributes of insalubrity⁹⁵ and life in slums and squatters (Alawadi, 1979: 342). The confusion between transnational origin and current transnational security risks in the 1980s,

⁹⁵ In a report dated 5 May 1967, the World Health Organisation commented on the health situation in Kuwait: 'Up to 21 April, twelve cases with six deaths of clinically confirmed variola major have been reported. These cases are in Shaddadia, Maqwa and Awazim, all districts on the western borders of Kuwait. Inhabitants of these districts are nomads. The original or index case has been traced. This person had contact with other nomads from an adjacent country' (WHO 1967: 219).

as well as the utilisation of the discrepancy between social self-perception and economic value will then be the subjects of the Chapter IV.

Chapter III

Letting Migrants In, Cultivating Transnational Origin (1959-1986)

**Minister of Interior to the National Assembly: the [Kuwaiti] nationality of brothers is not considered a legal basis on which to grant nationality
(*Al Watan*, Kuwait, 9 May 1985)**

Against the background of the transformation of pre-national power relations and the complete socio-economic reconversion imposed at the regional level described in Chapter II, this chapter looks at the nature of the social pact institutionalised in the Nationality Law of 1959. It argues that this social pact forms the basis of an aristocracy, where ancient deeds justify present privileges and result in behaviour of 'elite *distinction*', rather than an 'ethnocracy' strictly speaking (Longva, 2005: 114). If the contradistinction on the basis of ethnicity evoked by Longva worked perfectly vis-à-vis the foreign workers, it does not help us to grasp the discrimination within the same ethnies that generated the category of the *biduns*. It also shows that the process of inclusion was not based on an inflexible legal principle of nationality brought in the 1959 Law from the West via Egyptian legal experts; rather that it depended on networks of proximity. These networks of face-to-face ties nevertheless were few.

In the face of this structural lack of a national population to form the core of the modern state, the second part discusses the ways in which the 'near foreigners', left behind or resisting the national integration projects in the neighbouring states, were used by the ruling family to guarantee the regime's stability. The Al-Sabah

had to adapt quickly to a constitutional parliamentary system designed by Egyptian lawyers in consultation with the *hadhar* educated elites, which *de facto* turned their familial rule into a democratic state. Bedouin human resources were also used for the state to gain acceptability and legitimacy on the international stage. In that respect, the constitution of national armed forces was essential for policing but also symbolically to facilitate greater integration in the community of Arab states.

THE KUWAITI SOCIAL PACT: CONCEPTION AND PRACTICE OF NATIONALITY

Kuwait has had two laws defining nationality: the first one was issued in 1948 while the second one, still in effect but with amendments, dates back to 14 December 1959. Law 15 of 1959 on Nationality defines Kuwaiti citizens *bi ta`sis* (by origin), *asli* (original) or *madat ula* (article 1) i.e first class Kuwaitis endowed with political rights, as those and their descendants (article 2) who could prove continuous residence in the emirate since 1920. Nationality *bi tajannus* – that is to say by naturalisation – could be acquired, according to the initial article 4, by those proficient in Arabic who could prove their lawful residence in Kuwait for eight⁹⁶ (for Arabs) or fifteen years (for non Arabs) (Al-Anezi, 2005: 285-315)⁹⁷. The holders of this second degree of nationality, beneficiaries of the socio-economic advantages, would enjoy their political rights after a 'probation' period (article 6)⁹⁸.

Much has been written about the symbolic date of 1920 (Tétreault, 2000: 44-46), the year which marks the quashing of the Saudi threat embodied in the attacks of *Ikhwan* troops led by the Mutairi Faisal al-Duwish. This was achieved at the 'battle of Jahra'' (10 October 1920) and through the building (from May to June) of the third defence wall that enclosed the historic city of Kuwait, and was later to be replaced by the first ring road. As a result, the *Ikhwan* never reached the town. Longva notes:

⁹⁶ This was changed straightaway in 1960 to ten years.

⁹⁷ The minimum periods of compulsory residence to be eligible for naturalisation were raised again in 1980 to fifteen and twenty years for Arabs and non-Arabs respectively.

⁹⁸ Of ten years initially, then twenty years as of the 1966 Law prescribing it. It was amended in 1986 to add another 10 years, which makes 30 years in total, as of the date of naturalisation, and brought down to twenty years in 1995 as of the date of naturalisation.

Much of the mutual identification among town-dwellers, therefore, derived from the need to protect themselves against common dangers. One such danger [...] occurred in 1920 [...]. For two months, the population of Kuwait worked round the clock to build a wall to protect their town. [...] The wall and the collective efforts that went into its erection remained the symbol of Kuwaiti unity against external threats. The battle of Jahra in 1920 created a special bond between the town-dwellers who had taken part in it and invested them with an unshakable claim to membership of the Kuwaiti community. This event, it is often said, saw the birth of an explicit Kuwaiti 'national awareness'. (1997: 24)

These 'Citizenship myths', however, were diffused in a way that 'remembered and recounted [events] as singularly *hadhari* accomplishments,' notes Tétreault (2000: 43; 46). She goes on to highlight the cracks in this myth of unity:

Today, Kuwaiti *hadhar* speak with pride about the defense of Kuwait town by their ancestors but are unashamed to say that they have never been to Jahra'. [...] Tribal Kuwaitis whose ancestors had been settled inhabitants of Jahra' since before the Ikhwan wars are especially resentful at recently settled *badu* among first-category citizens when so many of their own numbers have been denied this status. (2000: 46)

The national foundational myths of Kuwait, with symbols of the Kuwaiti dhow or the city wall (*sur*), belong to the *hadhar*'s history and appear clearly as part of an elite enterprise still vivid in Kuwait nowadays. Advocating an ethno-symbolic approach to nation building that would take into account the genealogical cultural sense of lineage identity and the conditioning role of the past, Sula al-Naqib, representative of the Kuwaiti nationalist discourse, writes:

Therefore, the state in 1959, when the first citizenship law was established, recognized the wall as an expression of a cohesive collective identity of a people, and the state used the year 1920 as a point of departure in implementing the citizenship law. In other words, the state recognized the building of the Sour as the starting point of Kuwait's personal historic *ethnie* whereby a community of people, or even tribes in this instance, with a shared cultural and economic vision came together in solidarity. The Sour is also a symbol of the community's intention with regards to their relationship with a specific territory. (S. Al-Naqeeb, 2006: 27)

Today this 'relationship with a specific territory' is challenged by the people of Jahra' who bore the brunt of the clashes with Iraqi invading forces on 2 August 1990⁹⁹, while the *hadhar* mocked them for having fled in the face of the enemy – when most of the Kuwaitis were in fact abroad on holiday. Likewise the 'shared economic vision' is today under pressure to be renegotiated by the deputies of *badu* background in Parliament¹⁰⁰.

⁹⁹ Interview with Abdullah Sa'idi, inhabitant of Jahra' whose uncle died during the Gulf war and three neighbours' sons were shot by the Iraqis, Kuwait, 29 May 2008.

¹⁰⁰ Two issues have dominated the Parliamentary agenda over the past two years: the transparency in the handling of public tenders which led to the cancellation of several development projects and the request for bailing out citizens' debts. Public markets attribution is seen as benefiting the

The existence of the 1948 Nationality Law clearly illustrates the contingency of this national identity. The original documents of the 1948 Law, kept in the Public Record Office, identified Kuwaiti subjects as ruling family members, those permanently residing in Kuwait since 1899, the children of Kuwaiti men and the children of Arab or Muslim fathers also born in Kuwait. Naturalisation was possible after ten years of residence in Kuwait with employment and a proficiency in Arabic and also by special order for those offering valuable services (Crystal, 1990: 212, n 54). The polity, based on a narrower urban base but with the wider inclusion of those entitled *jure soli*, would have looked very different from the one we know now. At the time, since the exploitation of oil had barely begun, the inclusion of *jure soli* envisioned by Ahmad al-Jabir (r.1921-1950) and drafted by his trusted secretary Izzat Ja'far, was certainly designed to allow a progressive sedentarisation of tribesmen and naturalisation of Arab foreign expertise – like Ja'far himself, a Lebanese of Egyptian origins¹⁰¹.

What had changed eleven years later? Linked to the oil exports, the increased strategic importance of the country put it at the heart of British concerns. Moreover the period of independences spread in the region: the creation of Israel in 1948 led to the influx of more than half a million Palestinians in Kuwait; this 'catastrophe', or *nakba*, and the overthrowing of King Faruk by Nasser and his free officers four years later led to the emergence of a very powerful Arab Nationalist opposition in Kuwait led by Dr. Ahmad al-Khatib who returned from the American University of Beirut in 1955 (2007: 77-87). The new ruler Abdullah al-Salim (r.1950-1965) had also to face Nasserist opposition in his own camp in the form of his uncle, Abdullah Mubarak, head of the Public Security. The republican

merchants enterprises in priority while the writing off consumption debts is regarded as a just redistribution for middle-class people in the face of the bail out of banks viewed as protecting the investments of the wealthiest.

¹⁰¹ The role of Ja'far in the facilitation of the naturalisation of foreigners is not ascertained: according to a later interview, Ja'far stated that 'the Law had been enacted on the personal initiative and instruction of the late Ruler Shaikh Ahmad al-Jaber. There appears to have been no request from the British authorities or even knowledge on their part of the fact that a law had been enacted' (Al-Anezi, 1989: 161-162). Yet the British held 'Izzat Ja'far as an 'undesirable person': they insisted on the suspension of the 1948 nationality law straightaway as they thought, fearing Arab nationalism, that the law had 'been drawn by ... Izzat [Jaffer], on an Egyptian pattern, in language which is probably designed to ensure livelihoods for the fraternity of the Egyptian Bar.' British archives document dated 5 December 1950 and quoted in Al-Anezi (1989: 164).

and military coups that multiplied, even reaching Iraq¹⁰², and the Egyptian influence in the region being at its zenith following the 1956 Suez attack, which impacted most on the Sunni Kuwaiti elite, dramatically changed the conditions for defining the citizenry. Keeping the citizenry tightly in hand was deemed the best way to face these all-out oppositions. The 1959 Nationality Law, by dropping the inclusion of *jure soli* and restricting naturalisations and political rights, fulfilled the aim of keeping the number of citizens limited. Yet if the Nasserists were deprived of more supporters in the electoral game, -game they were to embed in the 1962 Constitution, the royal family was also hampered in its endeavour to increase its following, that it drew from the nearby tribes with which it had traditionally dealt. As will be seen in the second section, these limitations proved too tight for both the purposes of state building and regime stability.

Thus it is the concrete threat to his rule, rather than the awakening of the new sheikh to the existing community feeling within the *sour*, that presided over the drafting of the new Nationality Law. The application of the Law fell into the hands of the *hadhar*, together with the shared oil revenues whose lavish redistribution Sheikh Abdullah al-Salim initiated. In this sense, Kuwait illustrates Halliday's statement:

For the modernists history does not explain what peoples or movements do in the present. What they do in the present is dictated by present concerns, and the past is the source from which legitimation, justification and inspiring example can all be drawn. (2000: 38)

The authoritarian path taken by the oil-producing states supported by the capitalist West has been the focus of the early academic works on the Gulf region. Dependency and *rentier* state theories have shown that the expansion of the state was at the expense of independent social institutions and that oil money not only exempted the rulers from the demands for democratic participation but also led to the depoliticising of social groups by buying them out, through advanced *welfare* services, employment programs and targeted handouts (Crystal, 1990: 78-80).

The buying out of nationals has been effective in isolating citizens from 'new coming' foreigners yet not quite so effective in dissuading the regional insiders of the system, who were excluded from an ill-defined citizenry, from feeling they would eventually belong to the community of nationals. It is the integration of this under-researched part of the Kuwaiti population that the remainder of the chapter

¹⁰² To the extent that one was said to be attempted in Kuwait in 1950.

examines. Seen as loyal to the Sheikhs, they were treated with mistrust and hostility by the Sunni Arab nationalist elite: Dr. Al-Khatib recalls that the Ministries of Interior and Defence were staffed with recruits loyal to the royal family rather than the state, and officers were asked during their recruitment if they read *al-Tali'a* or shed a tear when Nasser died¹⁰³.

An Hyper-Territorialised Definition

Nationals: the Settled Population

The Nationality Law, currently in force in Kuwait, is the odd product of the sudden oil windfall and the question of its redistribution on the one hand, and on the other, the alien legal expertise from Egypt – itself inspired by French Civil Law. It is also an odd mixture of an original 'snapshot *jus soli* principle' understood in a strict literal sense with a subsequent narrow *jus sanguinis* application where nationality is only transmitted by the male genitor.

The characteristics and underlying principles of the Kuwaiti citizenry are sometimes misrepresented. Citizenry is based on an urban rather than national understanding of the territory: Kuwaitis by origin are defined as those who could prove by testimony, their uninterrupted presence in the territory of the emirate since 1920¹⁰⁴, yet this refers to the town itself since the 'national' territory was ironically not yet bounded. The would-be international borders of Kuwait with its northern and southern neighbours were not to be defined for another two years, in the 1922 Protocol of 'Uqair, according to which Sheikh Ahmad al-Jabir (r.1921-1950) would lose one third of his territory to Ibn Saud. It would be another 46 years before they were definitely fixed with the disappearance in 1966 of the Neutral Zone shared with Saudi Arabia that allowed nomadic movements to continue.

Those who settled between 1921 and 1959 in this rather inconsistently defined 'Kuwait' were classified as second-class citizens who enjoyed all but political rights. To the second class Kuwaitis one should add those who were naturalised by the application of the 1959 Law's various clauses of naturalisation. However,

¹⁰³ Interview, Kuwait, 26 May 2008.

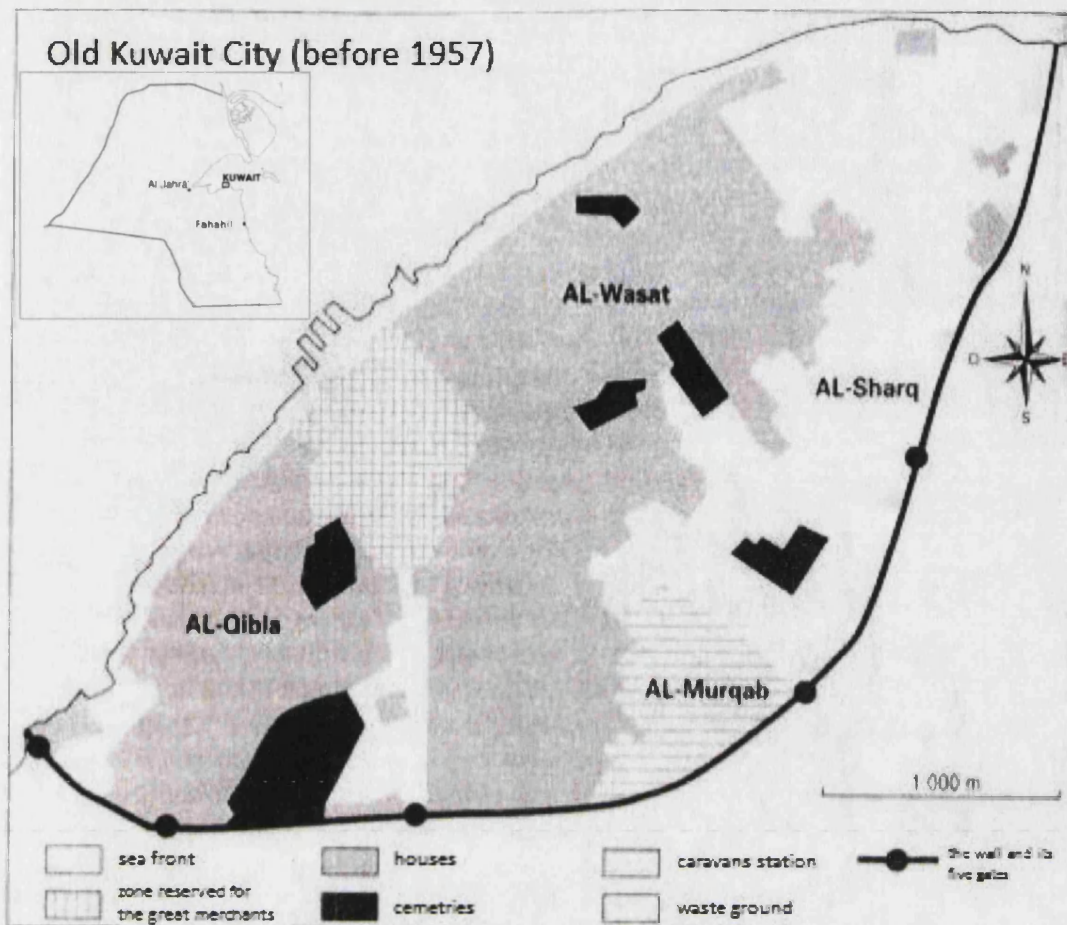
¹⁰⁴ Since a 1996 decree, the offspring of second class citizens born in Kuwait are also counted as first-class citizens.

the great majority of the naturalisations that occurred after the registration period came to an end in 1965 were actually carried out in a discretionary way, under article 5, for *khidmat jalila* or special services rendered to the state. First class political rights may have been granted, in spite of a 1966 amendment to the Nationality Law (article 6) that forbade it and subjected the persons naturalised according to article 5 to the same 'probation' period as those naturalised according to other articles.

Interestingly, the original process of delineating community boundaries was neither racist nor sectarian nor classist but hyper-territorialised and hyper-localised. It was based on the social networks of the town dwellers. The dominant minority that initially found itself in the position of insiders and beneficiaries of Kuwaiti citizenship was a hybrid mix bound by neighbourhood relations. Unsurprisingly, it included the royal family that was in effect turned into the state itself, as well as the economic aristocracy involved in maritime and inland trade, whether Najdi, Hasawi, Basrawi, Zubairi or Persian.

It also included manumitted slaves of African origin (Zdanowski, 2008: 183) and the economically poorer layers of the pre-oil society. The poorer strata encompassed the pearl divers and other crew members, especially since pearl diving, albeit not money-earning, was socially respected, but also the artisans of less-regarded crafts or toilsome occupations like *kandarīs*, carpenters, or even frowned-upon activities (butchers, iron-smiths) whatever their religious persuasion. Finally, in addition to the town dwellers, defined as people living within the protection of the 1920 wall, inhabitants of peripheral settlements like Salmiyya, Fahahil, Fintas or the oasis of Jahra` which was populated by semi-settled tribes of shepherds ('Awazim in Salmiyya, Dabbus in Fahahil, and other *'arib dar*) were close enough to the limited network of settled Kuwaitis to qualify for citizenship. Their frequent visits to the town-markets to sell vegetables, fish, animal and woollen products would have probably rendered them more familiar to the urban population than the Bedouin caravan haulers of the *sahat al sufa* (the caravans station in al-Murqab).

Map 3 Old Kuwait City (Before 1957)



Source: Adapted from Dazi-Héni (1992: 110).

The Committees of Nationality

The Committees of nationality (1959-65) based their decisions on the "who's who" of pre-oil Kuwait organised into *firij* or micro-level neighbourhoods¹⁰⁵. On 18 April 1978, the newspaper *Al-Siyasa* was significantly published a statement from the Ministry of Interior, in which the Ministry justified its decisions regarding the appeal against nationality granting in the following terms: 'The Members of the Committees looking into the nationality applications have a thorough familiarity with and a perfect knowledge of the Kuwaitis and their families'.

This mental mapping of people according to their pre-oil residence remains significant nowadays. It is eloquently illustrated by the publication of the book on

¹⁰⁵ The four main neighbourhoods in Old Kuwait City were: Qibla, Sharq, Murqab and al-Wasat. They enclose smaller quarters like: *firij* al-Hasawi, al-Mutran, al-Balush, al-Shuyukh, al-Jana'at, al-Nisf, al-Fadhala, representing a couple of streets populated by related families.

Kuwaiti families sorted by their original location within the wall or nearby villages, *Al 'awa'il al kuwaitiyya fil ahia' wa al qura al qadima* (Al-Mubaylish, 2007). In Kuwait, the use of the word '*a'ila* – the family that did not keep links with their pre-Kuwaiti past – is meant to be differentiated from that of *qabila* reserved for the Bedouins, whether settled, semi-settled or nomadic, who have kept links with their larger solidarity network.

According to Sheikha Fawzia al-Salman al-Sabah¹⁰⁶, there were three committees of Nationality in the Old city, in Sharq, Qibla, and Murqab and possibly one in the South near the Saudi border designated to register the 'Ajman. When the work of the nationality committees ended in 1965, an unknown number of people were still living in the desert, with no information about either the existence or the significance of the ongoing process of registration for nationality – the form of identification that came to replace membership of the tribe (for Arabs), place of origin (for Persians) or professional activity.

The work of the committees is to be replaced in the context of repeated attempts, by the Kuwaiti merchants, at enhancing the efficiency of the nascent administration through sharing administrative tasks with the royal family. This led to the creation in 1954 of the High Executive Committee, composed of three young sheikhs and three non-royal members, with authority to reorganise the government administration. The Nationality Committees, with little, if any, administrative experience and faced with almost no documentary records to prove settlement before 1920, resorted to subjective methods, including oral evidence given by witnesses, family names and reputation. Usually nationality was granted on the basis of belonging to a *firij*. For others, the credibility of the evidence depended solely on its ability to convince the Committee.

The task of the Nationality Committee was made more difficult by the fact that thousands of bedouins applied for Kuwaiti nationality on the ground that they lived and had for long lived within the territorial limits of Kuwait but not within a city or town. Similarity of culture, traditions, appearance, dialect and costume existing between the bedouins of the Arabian Desert, which extends between Kuwait, Saudi Arabia, Iraq, Syria and Jordan, made it more difficult still for the Committee to distinguish between dwellers of the Kuwaiti Desert and others. Proof of belonging to a tribe settled within the territory of Kuwait was furnished through a statement from the leader of the tribe, that the individual person was a member of the tribe. (Al-Anezi, 1989: 256-257)

¹⁰⁶ Interview, Kuwait, 30 August 2007.

A *bidun* recalls: 'my father brought seven witnesses from senior Kuwaitis to the Nationality Committee in order to prove his residence in Kuwait before 1920 but the file has not been decided upon until now'¹⁰⁷. The Committee would need to satisfy itself on a decision whether an individual was Kuwaiti or not.

But there was no coherent criterion for accepting or refusing any application. Since there was, and still is, no judicial review of decisions of the Nationality Committees, the final outcome of the work of the Committees has resulted in the creation of a large number of people who insist that they are Kuwaiti nationals notwithstanding decisions of the Committees to the contrary. (Al-Anezi, 1989: 257)

Nationality had become a matter of personal networks. For those involved in politics, sheikhs or influential families, it was also a matter of personal following, and strengthening of their power base. Clans in Kuwait were also involved in the process, as one *bidun* informant, who lived in Maqwa', just northwest of Fahahil, and whose mother was from the Fudhul, narrates:

In the 1960s, Fahaheel was controlled by the Daboos family who belong to the Fudhul tribe. They helped the Ajman tribe to obtain Kuwaiti nationality, which they did not do for their own brothers because they were at feud with them at that period. The Ajman tribe soon outnumbered the Fudhul and the latter [eventually] lost their position to the Ajman in the National Assembly.¹⁰⁸

The 'sense of pragmatism' and 'economic necessity' through which tribes were characterised as discussed in Chapter I, become extremely tangible when it comes to dealing with state administration. In a discussion about the 'Awazim, I was told by an 'Anazi *bidun* that the advantage [he saw it as a problem] of small tribes is that, since they are not divided by rivalries, when they want to increase their numbers, any member who gets the nationality can register all his cousins under his name so that they become Kuwaiti without having to register.¹⁰⁹ While no 'Azmi counts among the *biduns*, the members of one of the widest tribes of North Arabia, acquired a bad reputation as some '*ajam* were said to add the last name 'Anazi to their own to obtain the nationality (Al-Sa'idan, 1992/93: 1124).

This collective understanding of entitlements suggested that rather than the concept of citizenship, the notion of social pact is better suited to the Kuwaiti context of sociologically tribal societies. And 'social pact' here means more than

¹⁰⁷ Electronic correspondence, 21 August 2008.

¹⁰⁸ Electronic correspondence, 21 August 2008.

¹⁰⁹ Electronic correspondence, 17 August 2008.

membership of the citizenry, possibly including access to politics. Borrowing Heydemann's term, it is used to refer to:

an institutionalized bargain among collective actors [...] encompassing a set of norms or shared expectations about the appropriate organization of a political economy in general (2007: 25).

These norms shape perceptions concerning

whose interests need to be taken into account in making economic and social policy, which actors have a legitimate claim on state resources, which institutional forms are accepted as legitimate mechanisms for organized interest representation, what kind of demands state actors can legitimately make on interest groups, what mechanisms are available to both state and social actors to resolve conflicts, and what kind of policy instruments state actors can legitimately deploy to achieve their aims.

The notion of social pact is analytically far more illuminating than the one of citizenship, whose shortcomings have already been denounced by Altorki, noting that, broadly defined in the language of rights and obligations as 'processes and practices by which contract-making individuals defend their interests in society', the term carries individualistic assumptions that do not suit the Arabian Peninsula context (2000: 215). The plasticity of the social pact as outlined above with its concepts of collective actors, bargaining and prioritising policies in the interests of one or other of the groups is far more appropriate to the Kuwaiti polity.

Yet the notion of 'kin' forming the basis of the group does *not* denote a set of static and clearly definable tribal groups. It is a fluid concept over space and time and dependent on changing socio-economic and political conditions as well as a variety of other factors, in particular self-perceptions and the perceptions of others, especially in relation to the dominant group or the state. It follows from this that, at the outset of the 1960s, the pastoralist and semi-pastoralist tribal groups, confronted with the collapse of their tribal economy, perceived their kin as particularly extended in order to carry weight in the social contract but also to assure a living. This resulted in the collective understanding of nationality or naturalisation and led to puzzles, frequent in the *bidun* circles in Kuwait, whereby brothers (*shaqiq*) possess different types of nationality. Those left with second class nationality when their brother acquired first degree nationality, rejected it as an offense.

The consequence of this 'urban snapshot' conception of citizenship is, first, that it fails to embrace the whole territory of the internationally recognised state, let

alone acknowledge the reality of nomadism; but, second and most importantly, it evolved into a sclerotic, static vision of a Kuwaiti citizenry as soon as the welfare benefits started to rise and foreign labour started to flood into the country. The sclerotic vision assumes that the national population would grow only through the birth rate of Kuwaitis – whose fertility rate ought to be promoted.

A Static Vision of the Polity

The Amendments to the Law

The legal provisions regarding the conditions of naturalisation, in addition to not always being consistently applied (Kapiszewski, 2005: 65) have been made increasingly more difficult. New conditions¹¹⁰ were added by amendment: the applicant must keep his/her residence in the country (1960); he/she must be Muslim by birth or by a conversion dating back a minimum of five years (1982). Most importantly, the number of naturalisations by virtue of article 4 was limited to fifty persons a year in 1960 and then to a yearly number decided by the Council of ministers in 1980. As a consequence, most of the naturalisations have been carried out by virtue of three other articles: article 5 regulating 'extraordinary' forms of naturalisation, including paragraph 1 for special services (*khidmat jalila*); to a lesser extent article 7, governing the right of a foreign wife to acquire Kuwaiti nationality when her husband was naturalised, as well as that of the children of the naturalised father¹¹¹, and article 8 concerning the naturalisation of the foreign women married to Kuwaitis *asli*. The notion of 'exceptional or special services' proved to be extremely flexible: it was used by the government in the 1960s to mass naturalise pro-Sabah tribes from Saudi Arabia and other parts of the Arabian Peninsula as will be developed in the next section.

Let us note here that it has also been used until now to naturalise prestigious personalities like artists, and increasingly football players, but also sheikhs of historic tribes. Lists of Kuwaiti showbiz personalities who acquired the Kuwaiti nationality circulate on the internet, with the famous case of Dawud Hussein, of

¹¹⁰ In addition to the initial condition that the applicant should have a legal source of revenue to sustain himself and his/her family.

¹¹¹ Together with the other naturalised (article 4,5,7,8) the children of naturalised fathers were deprived of their political rights until after the period stated in article 6. However, in 1994 the Law was amended and stated that children of naturalised fathers born in Kuwait were considered as Kuwaiti *asli*.

Pakistani origin and a Bolivian passport holder, who acquired the nationality in 2007¹¹². Likewise, in 2007, twelve members of the al-Hazal family, paramount sheikhs of the 'Anaza, were granted Kuwaiti nationality¹¹³.

Yet at least until 2000 and with the exception of a 1972 amendment to article 5 of the 1959 Law specifically directed at the case of *biduns*, all the above-described legal dispositions did not seem to have been designed for, and neither did they apply to, the case of the *biduns*.

Paragraph 3 of the 1972 amended article 5 authorised the granting of nationality to stateless children born in Kuwait, provided that they maintained their normal residence in Kuwait until they reach the age of the legal majority and completed secondary education in Kuwaiti schools. This amendment was repealed by decree in 1980 in the absence of Parliament which had been dissolved four years earlier. The number of cases naturalised by virtue of the amendment has remained secret until now; Human Rights Watch (1995: 32-33) suggests it was 294 *biduns*. In any case it is unlikely that it was massive, just as paragraph 2 of the same article 5, regarding the children of divorced or widowed Kuwaiti mothers, was rarely applied. Seeing the complexity and the frequent changes made to the letter of the Law, most of the Kuwaitis and *biduns* alike considered the naturalisation gate to be closed, and all the more so as the final word on citizenship remains, in any case, in the hands of the ruler.

Keeping Migrants Away: Law on the Residence of Aliens and its Exceptions

Largely beyond the pale of the Nationality Law, the *biduns* were not subject to the dispositions of the Law 17 on the Residence of Aliens of 1959 either.

Article 25 (h) of the 1959 Law 17 on the Residence of Aliens exempted from the requirements of the Law the *afrad al 'asha`ir* or tribal members 'entering Kuwait by land from places where they used to do so for the purpose of performing their ordinary business'. By leaving its borders open to seasonal migrations, the young state of Kuwait initially played a significant part as much in facilitating the survival of the nomadic tradition as in creating an incentive for them to settle in the emirate in the face of the economic revolution that made this survival

¹¹² The singer Nawal, *bidun* born to a Kuwait mother *bi-tajannus* is an exception. She has not obtained the nationality until now.

¹¹³ *Al Nahar*, Kuwait, 2 January 2008 reproduced the Emiri decree granting the nationality to 573 persons for the year 2007, out of which 17 for special services among which the al-Hazal.

impossible. Moreover, when the tide of sedentarisation affected the desert tribes in the 1960s, the Kuwaiti state allowed them to stay on its territory without formally granting them the status of citizens.

After the registration period to get access to nationality expired in 1965, the Kuwaiti administration added to the confusion by issuing compulsory birth certificates.

The requirements for the issue of such certificates in the early 1960s were so lenient that virtually any person residing in Kuwait was able to obtain a certificate in effect, merely upon his assertion of birth in Kuwait, the assertion being corroborated by a witness. These certificates are now the primary documents large numbers of stateless persons rely on as evidence of their birth in Kuwait. (Al-Anezi, 1989: 257)

These birth certificates were certainly understood as a third degree of nationality. Sheikha Fawzia underlined that for registration in the 1965 census, the population and *a fortiori* the *biduns* needed only their birth certificates¹¹⁴. Yet they were discarded later as an invalid proof on the basis of which to register a file and claim nationality¹¹⁵.

The doctoral thesis on Kuwait's police forces submitted by Muhammad al-Fahed at the University of Exeter in 1989 bears witness to the ambiguity of the status. Al-Fahed wrote: 'once again, it is reiterated that rank and file policemen and watchmen who volunteer for the job must be citizens. Yet most are birth certificate holders, which is a secondary-type citizenship' (1989: 251). He further developed the socio-economic differentiations:

Lower ranks of the Kuwaiti police force are filled by non-Kuwaitis who are not only perceived by the community as second-class citizens, but are in fact, socio-ethnically deprived because they are only birth certificate holders. Therefore, they have no legitimate claim or right to any political, social or economic privilege as guaranteed to those who possess full native Kuwaiti status. This heightens uneasy tensions which inherently exist between the police and the community. (1989: 3)

Al-Fahed also gave the *raison d'être* of the whole hierarchy between native Kuwaitis and 'others who were later absorbed into the community in the capacity of either non-Kuwaiti birth certificate holders or foreigners', as being 'a practical and acceptable method of differentiating groups within the society to prevent those who might later attempt to lay claim to Kuwait by usurping some share of political power from being able to do so' (1989: 2). Al-Fahed identified as the most critical issue in the Kuwaiti police 'the discrepancy between the law which

¹¹⁴ Interview, Kuwait, 30 August 2007.

¹¹⁵ Interview with a former *bidun*, naturalised in the early 2000s, Kuwait, 12 December, 2005.

created the police and its application specifically in terms of recruitment, hiring, promotional practices and educational opportunities' (1989: 6) that implied the two-tier functioning of the police and the existence of *biduns*.

This most critical issue did not only pertain to the police; it was the crucial issue faced by the Kuwaiti rulers in maintaining the security of the state and the stability of their regime in such a difficult context. The context was difficult for them for the following reasons: first, the Kuwaiti Arab nationalists, forming the majority of the Kuwaiti elite at the time, were questioning the legitimacy of their rule. Second, the national population alone was not enough to build the modern state that they required to sustain their authority and needed to be supplemented by outside human resources. However, the tiny size of the citizenry could not be enlarged to dilute the opposition of the Arab nationalists, because the Arab nationalists were mobilising support among expatriates who would be eligible for naturalisation, should the doors of naturalisation open¹¹⁶. Finally, while the Egyptian influence was mainly channelled through the Kuwaiti Arab nationalists, their Iraqi rivals threatened not only the regime but the existence of the state altogether.

TURNING THE AL-SABAH'S RULE INTO A CONSTITUTIONAL STATE

Creating a National Army

Nationalist Claims and Policing Needs

Kuwait does not rely on its army for its security. With or without an army, Kuwait cannot protect itself from an external attack on its own soil. In the face of the irredentist claims formulated by Abd-al Karim Qasim in 1961, the British would have intervened whether they were called for help or not. This is the view of Ahmad al-Khatib¹¹⁷ and shared by many other Kuwaitis. More than anything Kuwaiti armed forces serve domestic and symbolic purposes. Together with article 4 of the 1962 Constitution ensuring that the succession stayed in the hands of Mubarak al-Kabir's descendants¹¹⁸, the army represents the second guarantee to

¹¹⁶ Though only 50 per year, but this could have happened as early as 1970 according to article 4.

¹¹⁷ Interview, Kuwait, 26 May 2008.

¹¹⁸ 'Kuwait is a hereditary Emirate, the succession to which shall be within the descendants of the late Mubarak al-Sabah.'

the rule of the al-Sabah. As described in Chapter II, the army rests traditionally on bonds of loyalty between the sheikhs and their recruits.

However, the 1963 National Assembly dominated by a powerful opposition also wanted an army, albeit a different one. In 1964, a law proposal was submitted by the parliamentary defence committee in order to render military service compulsory. According to al-Khatib¹¹⁹, the Al-Sabah wanted to keep control of the recruitment process in the armed forces, and so ignored the project until 1975, election year, when the Law was passed after the newly elected Jasim al-Qitami¹²⁰, former head of the police during the 1956 Suez crisis, resurrected the draft. For the Arab nationalists, the army had a special role to play in anti-colonialist and anti-imperialist combat and the Arab unity cause.

The conception of the role of the armed forces, held by Sheikh Abdullah Mubarak, head of Public Security¹²¹, presented similar features. In a 1949 statement which reads like a declaration of intent on the part of the father of the Kuwaiti modern army, he declared that it was 'his duty to lay the first stone of the force that would defend the nation (*watan*), made of the sons of the beloved nation so that they venerated its flag till they were ready to sacrifice their lives for it'¹²². He further explained his goal to use all his efforts to provide them with training and care for their health and culture – efforts in the cultural field took the form of the publication of a monthly magazine for the armed forces entitled '*humat al watan*' or 'Guardians of the nation'. He concluded by mentioning the fraternal bonds with all the brotherly Arab territories (*al aqtar al 'arabiyya al shaqiqa*) and recalling that 'the force towards the creation of which he was working was nothing but part and parcel of the forces of the original Arab entity'¹²³ (Al-Sabah, 2000: 94).

In 1961, when Sheikh Abdullah Mubarak, always seen in his military uniform with a white *ghutra*, was forced off the Kuwaiti political stage by the more conservative forces of the royal family, he wrote in '*humat al watan*': 'the

¹¹⁹ Interview, Kuwait, 26 May 2008.

¹²⁰ Jasim al-Qitami, member of the Arab nationalist movement was elected in 1963 before resigning in 1966 together with all the members of the opposition, and then again in 1975 and 1985 in Qibla.

¹²¹ That merged with the Police forces in 1959.

¹²² *Laqad ra`itu min wajibi [...].Jan adha'u al labina al ula fi bina` quwa tudafi' 'an hiadh al watan, min abna` al watan al habib likay yu'azhzhimu 'alam-ha al mufadda.*

¹²³ *Wa layssat hazihi al quwa alati na'mal li-insha`-ha illa juz`an mutammiman li-quwa al kian al 'arabi al asil.*

domestic functions of the military did not stop, and the military missions abroad would continue unchanged¹²⁴ (Al-Sabah, 2000: 98). In addition to the policing needs created by the skyrocketing increase in the population numbers of Kuwait City, one of the major roles of the Kuwaiti armed forces was to participate in all Arab wars in order for the country to demonstrate its commitment to the Arab nationalist cause. The Kuwaiti contingents in the Arab-Israeli wars of 1967 and to a lesser extent 1973, albeit symbolic, were extremely important in the foreign policy of Kuwait, created and sustained by the British, towards Gamal Abd-al Nasser and other anti-imperialists.

The tensions surrounding the definition of the role of the armed forces were reflected in the organisation of the institution itself, inadequate to the reality of Kuwait. In the context of an increased demand for police services linked to the flood of foreign labourers who came to modernise the country, a Law relative to the organisation of the military forces was issued in 1968. Article 26 of that Law permitted non-Kuwaitis to be employed in a technical capacity or as experts on a temporary basis, yet citizenship was required for all the other military positions, whether officers, soldiers or policemen, as well as the military formation in Schools and Academies. The approval of the Minister of Interior and Defence, Sheikh Saad Abdullah al-Salim al-Sabah, who occupied the post from 1965 till 1978 when he became Crown Prince, was needed for non-Kuwaiti volunteers to fill the positions of watchmen, policemen or rank and file of the armed forces (Al-Fahed, 1989: 246). Nevertheless, the Law of 1968 did not forbid the recruitment of stateless people. As a result, a large number of Bedouins were hired in the armed forces with what was perceived at the time as 'limited citizenship', as al-Fahed called it (1989: 230). The way this stateless status was reached throughout the years, in spite of the nationality having spread throughout the region in the 1970s, was probably of little concern to the recruiting officers since article 15 of the Law relative to the organisation of the military forces also prohibited any recruit to disclose information about his job, keep official documents, write in newspapers or publish in any form his opinion without prior permission. Prohibition also affected their involvement in any business or any paid job for

¹²⁴ *Al dawrat al 'askariyya fil dakhil la tanqati'u, wa al ba'athat al 'askariyya fil kharij mustamira mutawasila.*

another employer. This political manoeuvre proved quite handy: 'although Kuwait was weak militarily, since 1971, there had been considerable expansion of its military forces as a deterrent against potential aggressors' (Al-Ebraheem, 1984: 97). To understand the transnational character of this recruitment, it is important to go deeper into the details of its process, illustrated by the family histories of interviewed *biduns*.

The Recruitment Process

Among the *biduns*, Longva (1997: 50-51) distinguishes between the nomads and the mercenaries. She puts forward cultural and political explanations for the exclusion of the first category, explaining that the nomads simply did not register with the authorities when the 1959 Nationality came into force, which resulted from 'a combination of failure to understand the importance of the newly introduced concept of citizenship and an attempt to hold on as long as they could to their pattern of cyclical migration'. Unlike the nomads, who had never had any citizenship before, the mercenaries were nationals from surrounding countries, mainly Iraq, Syria and Jordan, who came to occupy the lower ranks of the armed forces, for want of recruits among the nationals. Although the distinction is analytically absolutely correct, this section shows that there was a closer link than thought between the two categories related by tribal bonds and networks which guaranteed the total loyalty that the Al-Sabah meant to secure for themselves.

Rashid Hamad al-'Anazi blamed the government for further aggravating the issue of statelessness, created by the ill-suited Law through an organised recruitment of Bedouins to serve in the police force, the army and the National Guard. He described the recruitment in the following terms:

In the 1950s and 1960s, especially after independence, and in the light of Iraqi claims which threatened Kuwait's independence and integrity, Kuwait started to recruit a large number of bedouins to serve in the armed forces. Committees were set up by the Ministry of Defence to choose suitable and eligible bedouins. Selection depended mainly on a given person's tribe; a specific day was chosen for each tribe to bring several of its members to be introduced to the Committees to enable them to make their selection. [...] The process of recruiting bedouins together with the lack of effective control of entry by land to Kuwait led to the entry into Kuwait of many thousands of tribesmen from Saudi Arabia, Iraq, Syria and Jordan, and additionally thousands of semi-bedouins, members of non-nomadic tribes, mainly from Iraq and Syria. (Al-Anezi, 1989: 256-257)

Talking about her father's recruitment, a *bidun* from the Iraqi Shammar noted: 'At first, there were quotas per tribe to be enrolled in the army, but the recruits would change their name to get in. They are not educated.'¹²⁵ What she meant was certainly not that a Zhafiri would be endorsed by an 'Ajmi tribal leader, but that members of different tribal subsections (*batn*) would happily take the name of the larger confederation, especially for the tribes that had both northern and southern branches. She further added 'in the 1970s, it was really rare to take the tribal name. In the 1980s everyone did add one', referring to the common family names like 'Mutairi or 'Anazi' that are not a traditional identification but a later modern invention for registration purposes, which according to the same source helped in the organisation of tribal primaries, *fara'iyya*, favoured by the government in the 1980s.

In the nearby Sufayri in Saudi Arabia (see Map 2, p.85), Professor Ingham witnessed the same phenomenon happening for the granting of Saudi nationality until the 1970s and 1980s: the tribal sheikhs accredited by the Saudis to register people as Saudis would sign a letter attesting to the applicant's entitlement through their tribal affiliation¹²⁶. Author of many studies on the Zhafir tribe, he also noted that the tribal subsections of the Humaid and Rufai', considered Iraqi tribes (*badiat al Iraq*) (al-Rawdhan, 2008: 233; 314-315; Ingham, 1986: 29-30) though having their summer quarters across the Euphrates, used to graze in winter in the north of Saudi Arabia together with the Zhafir. Knowing the region quite well, they claimed they were from the Zhafir and had no problem registering as such¹²⁷. In the absence of a clear notion of legality and identification, these practices illustrated not a willingness to cheat, but the variable-geometry idea of common ancestry and tribal bonds¹²⁸, possibly including ancillary tribes as seen in the case of al-Rufai' and al-Humaid, which actually defies any state's endeavour to institutionalise family patterns.

In the midst of the confusion of tribal flocking to Kuwait, a certain logic nonetheless presided over the choice of recruitment. Since the beginning of the

¹²⁵ Interview, Shuwaikh, 7 June 2008.

¹²⁶ Interview, London, 20 March 2009.

¹²⁷ Information he gathered in Kuwait in 1977. Interview, London 20 March 2009.

¹²⁸ The linguistic or dialect factor represents nevertheless an identifiable limit to this extensive definition. Prof. Ingham, London, 20 March 2009.

1950s, conditions of life have been better in Kuwait than in neighbouring Saudi Arabia and Iraq. Bedouins first came to make a living, especially in the oil industry (Ebrahim, 1981: 66) in Ahmadi, as guards of the pipeline, watchmen of the installation etc. It was easy to come and work, and in doing so, it was easier to get citizenship; 'tribes have relatives, cousins, Kuwait granted them the citizenship' Dr. Ahmad al-Khatib recalls¹²⁹. A *bidun* from the 'Anaza tribe depicted the mix of Bedouins that were living in Maqwa', north of the oil installations in Ahmadi when he was a child in the early 1970s, especially his Dawasir neighbours.¹³⁰

The Kuwaiti tribes, that is to say the '*arib dar*', in particular the 'Awazim and the Rasha-ida, had obtained citizenship on the basis of their presence in the emirate, which is why no *bidun* is found among them. To secure the loyalty of their recruits, the officers of the nascent Kuwaiti armed forces targeted certain tribes they trusted; and these trusted tribes as seen in Chapter II, were those whose sheikhs were in Saudi Arabia, the Mutair, the 'Ajman and also the 'Anaza. King Abd al-Aziz had close ties with the Rwala subsection of the 'Anaza based in the north-western region of Saudi Arabia, with whom he intermarried. It is in this context that the following quote, extract from a thesis looking at the sedentarisation of a nomadic subsection of the Rwala in Northern Arabia ought to be read:

In 1963 a large proportion of the younger generation tribesmen left the Wadi [Sirhan] and joined the Kuwaiti Army, whilst others went to Sakaka, Kuraiat, Arar, Dammam, and Riyadh looking for jobs. Elders who remained viewed the migration of their sons as a loss of group unity (Al-Radihan, 2001: 137)

Whether a decision (in al-Khatib's opinion) or just the use by cousin tribes of their network resources, the same tribes but from Iraq – that is the 'Amara section of the 'Anaza but also the Shammar and the Zhafir – were also hired under the same conditions. Yet in the middle of the 1960s the door of naturalisation was actually closed and the 1968 Law on the military only worsened the legal situation of the recruits.

The already cited source from the Iraqi Shammar concluded: 'we came too late', adding 'the tribes and their sheikhs did not have much power. The government

¹²⁹ Interview, Kuwait, *Al Tali'a*, 26 May 2008

¹³⁰ Electronic correspondence, 19 August 2008.

policies played a role, as the [government was the] main employer.¹³¹ Here a selection of families and employment histories will give a broad-brush idea of this period where no detailed picture is possible with only fragmented oral sources and the classified nature of written sources¹³².

- A. My father worked four to five years in the oil sector. He was a worker with the Company of Ahmadi. He had a salary there. In 1957, he became an employee of the Ministry of Interior. He was working at the police station of Fahahil. My maternal uncle is Kuwaiti but my mother is *bidun* from the same tribe ['Anazi from the Hamad].¹³³
- B. My father started to work in the Oil Company in 1957. Then he worked for a governmental ministry, the Ministry of Municipality and died in 1986. ['Anazi]
- C. My father joined the Navy in 1974. In 1990, he was dismissed without pension. Before, he worked in the Oil Company in Ahmadi: the Oil Company used to pay a daily salary, while the Army [armed forces] gave a monthly salary. However my paternal uncle entered the police in 1977 where he still is as he was reinstated after the liberation.¹³⁴ [Zhafiri]
- D. My grandfather was a *badu* from the 'Anaza. Then, with the change in circumstances, the family mixed with other tribes. My father did not come back from Iraq where he was POW. He was in the military since 1968.¹³⁵
- E. I am the third generation. My grand-dad came first and my father was born in Kuwait when there was no settlement. The family used to settle as shepherds during seasonal migrations. My dad was in the military, he was among the guards of the *suq*, which does not exist anymore. He went to Saad Abdullah College for police forces and stayed in the army and police until 1980.¹³⁶

As a result, between 1962 when the Ministry of Interior was established¹³⁷ and the 1980s, the *biduns* formed a clear majority of the armed forces, with all the figures quoted, though they are impossible to verify, being above 70%.

Nevertheless, not all the tribesmen were excluded from the citizenry. At the end of the 1960s and the beginning of the 1970s, the Kuwaiti government mass naturalised tribes from Saudi Arabia, giving them citizenship *madat ula*.

¹³¹ Interview, Shuwaikh, 7 June 2008.

¹³² It is not even sure that these sources exist at all. They may have been destroyed or stolen by the Iraqis during the 1990-1991 invasion, like the major part of the Kuwaiti official archives.

¹³³ Interview, Kuwait City, 27 May 2008.

¹³⁴ Interview with several *biduns* (B and C), 'Ardhiyya, 27 May 2008.

¹³⁵ Interview, Sulaybiyya, 14 May 2008.

¹³⁶ Interview, Kuwait City, 8 June 2008.

¹³⁷ The Ministry of Defence was set up in 1964, and the two posts held together in 1965 by Saad al-Abdullah, which explains why in Kuwait police and army are often confused.

Inflated Support and Demographics

Extra-Legal Naturalisations and Population Statistics

Different reasons combined to explain the mass naturalisation of tribes. First, the overthrowing of King Faisal in Iraq and the coming to power of Abd al-Karim Qasim caused the government in Kuwait to turn to Saudi tribes and naturalise them in their numbers, among which were the Mutair, the 'Ajman and the Dawasir. As a result some Mutair have had two nationalities¹³⁸.

Second, the nationalists focus more on domestic politics to account for this decision. The Constitution they had greatly contributed to set up in 1962 was quite an advanced one in democratic terms. Although it held eleven out of the 14 ministries officially instituted in 1962, the Al-Sabah lost the advantage to the *hadhar* Arab nationalists in the 1963 Parliament. The royal family wanted to control the next Parliament(s), to be elected in 1967 (and 1971). As a result, the government opened the door to naturalisation until the beginning of the 1970s.

It is common knowledge in Kuwait that in 1967, the then Minister of Guidance, and acting Minister of Interior, the powerful Sheikh Jabir al-Ali al-Sabah born to an 'Ajman mother, mass naturalised the members of the 'Ajman tribe residing in Kuwait.

As a result all sources converge to note the large increase in the population of native Kuwaitis: from 220,000 in 1965 to 680,000 in 1980 (Assiri, 1996: 139). Ghabra (1997: 364) calculates that the number of people naturalised between 1965 and 1981 reached 220,000; Dr Ahmed al-Khatib gives a similar estimation of around 160,000. Almost 80% of those naturalised were from tribal origin, mostly from Saudi Arabia, swelling the numbers in support of the regime. If the precise number of the beneficiaries of these naturalisation measures is not known, there is one certainty in Kuwait: no *bidun* comes from the 'Ajman.

This policy of extra-legal naturalisations infuriated the *hadhar* opposition as illustrated by the position of Dr. Abdullah Fahd al-Nafisi *Kuwait: Al Ra`i al akhar* or *Kuwait: the Other Perspective* (1987), who denounced it vehemently, and thereby lost his job at Kuwait University and also his passport (1979). This governmental strategy against its opposition reinforced the rigidity of the *hadhar*

¹³⁸ In this respect, Prof. Ingham recalls an encounter with a Saudi, who, though born in Saudi Arabia and working there has always had a Kuwaiti passport. Interview, London, 20 March 2009.

conception of the citizenry even until the present, when the trend is still to encourage inter-Kuwaiti marriages in preference to mixed marriages, through financial incentives¹³⁹. With the population increase being higher among the *badu* than among the *hadhar*, the balance between the two tipped in favour of the former; before the 1981 elections, the government readjusted the electoral constituencies drawn with the town as a primary focus in 1963, to reflect the new weight of the periphery.

Figures are of utmost importance. With regard to the category of the *biduns* Longva notes:

Before the war [the 1990 invasion], many expatriate residents in Kuwait were unaware of their existence as a separate social category, especially as the official census regularly counted them as Kuwaitis, a fact to bear in mind when we read the population and labor statistics. (1997: 51)

This last remark, about the population and labour statistics, points at another essential role of the *biduns* in the process of state formation in Kuwait. *Bidun* population inflated the national population adding another 200,000 persons around 1985. During this tormented period – the high wave of nationalism in the region – too unbalanced a ratio between natives and foreigners was frowned upon, especially among the Arab brothers. Oddly the presence of the *biduns* gave a certain legitimacy to the emirate of Kuwait as a national state.

Typology of the Biduns

So far, this chapter has contextualised the formation of the Kuwaiti social pact institutionalised by Law 15 of December 1959. It showed that the mode of self-identification according to the fluid logic of kin and patronage prevailed in both the *hadhar* and *badu* populations, contrary to the nationalist myths of civic *hadhar* and ethnic *badu*. Yet the definition of kin-based networks and subsequent alliances depends on the socio-economic and political conditions as well as ideological considerations: in the balance of power between the sheikhs and the Arab nationalist Sunni elites, non-educated tribal populations were perceived, albeit pure Arabs, as being on the conservative side of the monarchical forces.

¹³⁹ Such as measures halving the accommodation allowance for mixed couples, granting every Kuwaiti a KD 2,000 dowry allowance upon marriage.

They were indeed on the conservative side as a result of both cultural (rather than ideological) and economic considerations.

The exclusive character of the social pact, once again because of a mix of political – the fear of republican Arab nationalism – and economic –rent redistribution – led *de facto* to the obstruction of the naturalisation process. Yet the small number of the national population represented a real obstacle to both the regime stability and the state building process – as nationalists were themselves demanding the formation of a national army, the symbol of independence from the British as well as of the participation of Kuwait in the support of the Egyptian-orchestrated Arab cause, embodied until 1978 in the Palestinian struggle. This pushed the Kuwaiti authorities to recruit first in the near periphery from among the unlucky applicants for Kuwaiti nationality, but also to use their traditional networks and tap into their like-minded relatives in the neighbouring countries – starting with Saudi Arabia.

The central concept of *wasta* that is gaining access through an intermediary, still largely in practice today¹⁴⁰, ought to be explained here. Contrary to the *backshish* (overt corruption practiced for financial gains) the *wasta*, more comparable with the practice of free-masonry, implies trustworthiness. The individual being introduced to the ruler, leader or employer by an acknowledged loyal person, would be considered as trustworthy and deserving of the grace, favour or job he/she requested. The transnational face-to-face networks that spread across borders and were tapped to fulfil the core functions of a modern state are the mirror image of the transnational ideological networks of Arab nationalists. While some observers, or new generations of Kuwaitis accustomed to nationalist myths of 'citizens in arms', see a paradox in the fact that the state of Kuwait relied on 'foreigners' to form the very heart of its defence, this thesis argues that they belonged to a strong sociological transnational network whose trust-based links were used by the state, when faced with too many, or too politicised, migrants and a *de facto* obstructed naturalisation process.

¹⁴⁰ Interview with a *bidun* naturalised Kuwaiti in the 2000s, Kuwait, 12 December 2005. This *bidun* employee of a Ministry noted that he has had his job thanks to a *wasta*, his driving license because his mother was Kuwaiti, and that he had obtain a temporary passport, renewable every year, to go abroad thanks to a *wasta*. As a result he went to study abroad in the hope that this would increase his chances to get naturalised.

As a result of both the exclusive character of the social pact and the state recruitment policies, the category of *biduns* lumps together very different cases: some of them are to be attributed to loopholes in the Nationality Law, especially its gender bias, some others directly to the government policies and the enormous incentives they created. One characteristic of the Nationality Law, in article 2, is that only the father can transmit nationality. This created a category of children without rights, the so-called 'children of Kuwaiti mothers', *abna` al kuwaitiyyat* – whether divorced or widowers.

Those are the most invisible of the invisible. Their files have been 'under study' sometimes for decades. Living in an all-Kuwaiti environment, they do not feel or appear socially as though they are part of the *biduns*. These cases arise when female Kuwaitis marry foreigners who begin a process of naturalisation. As this process can take a long time, the father may die or the parents divorce, -as the latter case raises the chances for the offspring to be granted nationality. However, if the children reach the legal age of the majority before the naturalisation process is complete, they end up not being Kuwaitis. If they were not registered with any embassy (as it is the case for children of Palestinians), they became stateless.

They are the tip of the iceberg of all the children born to Kuwaiti mothers who were obliged, though living their whole life in Kuwait, to take on their father's nationality, mainly Jordanian or Saudi. Inevitably, this has generated a lot of frustration. In those cases, it is the private wealth of the family that would offset the absence of state allowances, though getting these children married becomes a real concern. A final legal refinement adds to this conundrum: the kind of citizenship held by the mother and relatives of the *biduns* whether first¹⁴¹ or second degree nationality. When one is Kuwaiti *bi tajannus*, the article on the basis of which one was naturalised matters. In Kuwait, one is 'article 7 Kuwaiti', if the child or wife of a Kuwaiti *bi tajannus*, 'article 8 Kuwaiti', if the wife of a Kuwaiti *bi ta`sis* or 'article 3 Kuwaiti' if an orphan.

In addition to the 'children of Kuwaiti mothers', the category of *biduns* comprises the individuals and their descendants who refused the second degree of nationality

¹⁴¹ The article 1 and 2 according to which one obtains the first degree of nationality are simple: article 1 concerns the persons who can actually prove their continuous residence in Kuwait since 1920; article 2 concerns their children.

because they felt entitled to the first degree, as well as those whose file was rejected altogether.

Thirdly, there are *de jure* stateless people who never came to register with the Committees of nationality, whenever they arrived in Kuwait. Those usually started their employment history in the oil facilities of Ahmadi as early as the 1940s.

They later merged with a fourth type that was recruited from the near region of Northern Arabia and who may have a previous nationality in Saudi Arabia, Jordan or Iraq. The category of the military, that is the police and army, was treated separately with little transparency throughout the 1980s. Since the liberation of Kuwait, part of it is made up of the relatives of *bidun* martyrs who fell during their service on the battle fields of the 1967 or 1973 Arab-Israeli wars or at hands of Saddam Hussein's troops during the invasion and liberation of Kuwait.

Finally there are all those who, as insiders of the system and looking and speaking enough like Kuwaitis, could take advantage of the category¹⁴².

In conclusion, the category of *biduns* has thus no coherence apart from the administrative label assigned to them. In spite of some broad attested characteristics like their overwhelming presence in the military, the situations of the *biduns* in terms of socio-economic conditions, networks and rights enjoyed, are very varied. The *bidun* category is far from the sheer segregated group into which they have been fashioned by years of discriminatory policies.

This variety of cases and the interests linked to them (children of female Kuwaitis vs. tribal soldiers) explains the variety of solutions put forward that insists on gender bias or on war sacrifice. By lumping this variety of cases together under the label of 'illegal migrants', the authorities hid their complexity as much as they blurred their actual policies, naturalising the 'children of Kuwaiti women' under their program of statelessness reduction. The oppressive policies introduced in

¹⁴² Physical appearance and linguistic abilities constitute limits to this seemingly extensive definition. It is quite unlikely that an Egyptian from Middle Egypt will ever be seriously taken for a *bidun*. Prof. Ingham, London, 20 March 2009.

1986 embodied an attempt by those in command of the modern Kuwaiti state to engineer and order a complex social reality of differentiated integration in order to fit it into rigid rationalised and legible administrative international categories (Scott, 1998: 3). These aspects are dealt with in Chapter IV.

Chapter IV

Severing Transnational Networks, Using their Origin (1986-2009)

[The government] handles labor problems with nonnationals as foreign policy problems (holding governments responsible for the docility of imported labor and vice versa-penalizing nonnationals for the policy positions of their leaders). (Crystal, 1996: 264)

The previous chapter showed how for domestic and international reasons human resources that could be trusted were incorporated into the enterprise of state building. They could be trusted because they shared the same political culture, and also because their solidarity networks overlapped with parts of the communities that make up the Kuwaiti mosaic. These non-institutionalised flows became eventually uncontrollable.

The policy turn in the mid-1980s, officially formulated in 1986, illustrates the state's need to regain the initiative. In other words, it illustrates the institutional isomorphism developed by Krasner (1995: 263). The first type of non-institutionalised non-state actors, the *biduns*, mixed up with refugees and expellees generated by political upheavals and the Iran-Iraq conflict, were altogether stamped as institutionalised non-state actors or labour migrants. These labour migrants, who are presumed to have kept some connection with their home country, belong to the state-registered, international law-sanctioned categories. The spreading of an international standard political culture and economy, manifested in the convergence of discourses regarding transnational movements,

was thus utilised and distorted by the state of Kuwait to its advantage. The legal framework in which the *biduns* were institutionalised gave the state a considerable leverage to closely scrutinise and regulate their lives and movements. This tremendous state power is discussed in this chapter as 'administrative violence', defined as the use of all possible administrative means to delegitimise the claims to citizenship by anybody feeling some sense of entitlement. This is dealt with in the first section of the chapter.

However the logic of administrative violence was defied by another form of institutionalisation equally sanctioned by international law, or rather humanitarian law, that is, the fought-against category of statelessness. The core of the conflict between the state institutions set up in the second half of the 1990s to deal specially with the *biduns*, on the one hand and the *biduns* and their advocates on the other, has revolved since the end of the Second Gulf War around the recognition or not by the *biduns* of an attributed foreign origin. Their capacity to survive lies in the fact that they have become part and parcel of the Kuwaiti society, part of which has also kept transnational relations with Saudi Arabia in particular. The second section exposes these survival strategies, elaborated with the help of the part of the Kuwaiti society linked to the *biduns*.

REGIONAL TURMOIL AND ADMINISTRATIVE VIOLENCE

The 180° change in the government's policy towards the *biduns* took place in a dramatically changed international environment. Just as transnational oil companies had contributed to institutional isomorphism in the Gulf region by enhancing and sometimes creating state capabilities such as property rights, the politicisation of transnational flows grafted onto traditional religious networks (Louër, 2008b: 103-149) pushed the state towards more alignment in terms of border strengthening and population control. The gradual politicisation of religious transnational networks in the 1970s was not the only transnational factor to play a role in influencing state structures and institutional organisations: the economic crisis of the 1980s, exacerbated by the collapse of the *suq al manakh* in Kuwait in 1982, led to the adoption of the same reflex and discourse as in all the developed states facing economic crisis, that is the revision of their policies of

labour import –a measure regarded as comparatively more flexible than other unpopular measures affecting citizens. However, in Kuwait, the role of migrants is double-faced since migrant workers are, more than anywhere else, excluded from the society while, on the other hand, Kuwaitis are dependent on them, by contrast with non-*rentier* economies where nationals are in competition with them (Asmar, 1990: 157). As a consequence, the constant process of redefinition of the state-promoted versions of the past and current Kuwaiti identity silenced the diversity of identities and ethnicities within the country, most of which involve transnational links. It also took a particularly schizophrenic outlook: rocked by waves of terrorist attacks on its own soil, the government of Kuwait blamed rightly – at least until 1985 – the migrants, yet the number of targeted deportations orchestrated in information campaigns to deflect public criticism had some intrinsic limits to preserve the system. *Biduns* were thus treated as illegal migrants to satisfy both those afraid of the alien presence and those aware of the benefits of this presence.

Regional Security and Economic Downturn

The Politicisation of Transnational Networks

The religious resurgence, or rather the adaptation of religion-inspired activism to the modern state system, represents the major structural change that has affected Gulf politics since the 1970s. Shiite political Islam, that rose to prominence with the Iranian revolution, had had in fact a long history of diffusion drawing on previously established patterns of religious interaction. The interlacing of political ideas adapted to the bounded nation-states within the religious discourse dates back to the 1958 creation of the *hizb al-Da'wa al-islamiyya* (Party of the Islamic Call) in Najaf. The transnationalisation of these ideas is due first and foremost to the domestic conditions in Iraq, where the failure of the *Da'wa* project to overthrow the Ba'athist regime and the dramatic reduction of its space for political action led its leadership to seek bases abroad to guarantee the physical integrity of the movement. However it also corresponds to a traditional pattern in the Kuwaiti Shiite community that used to bring Shiite clerics from prestigious *hawza*, particularly Najaf, in the absence of a tradition of high level Shiite scholarship in the emirate (Louër, 2008b: 113; 115). Just like the politicisation of the Bedouins

twenty years later through the transnationalisation of Salafi ideas from Saudi Arabia using existing family patterns, the creeping Shiite activism went unnoticed by the Kuwaiti authorities. This is what Laurence Louër calls the 'dual positioning': The representative of Najaf in Kuwait was both an envoy of the *hawza* and of the political movement: 'being a delegate of the *marja'iyya* allowed him to stay on good terms with the Kuwaiti authorities for whom he was no more than a religious scholar doing his job in a population known for its loyalty to the ruling family' (2008b: 111). At the turn of the 1980s, the politicisation of transnational Shiite networks was a reality in Kuwait; it became a visible reality with the activist movement that formed around the Sunday lectures of Ahmad al-Muhri in the *masjid Sha'ban* in August 1979. This movement indirectly had a double impact on the question of the *biduns*.

First, it raised the core issue of the difference in nationality. To put it like one Kuwaiti Shiite militant¹⁴³, 'it was not routine lectures: for the first time, the lectures talked about politics between Sunnis and Shiites and called for the application of the Constitution and the restoration of the Parliament', two topics – the first one discredited as 'sectarian practices' – that were banned from discussion in the press at the time. The core focus of the lectures was 'the Concept of Equality', a topic of concern to a wider Kuwaiti audience than just the Shiites to whom the lecture was delivered. Ahmad al-Muhri questioned 'the real meaning of equality', defining it in terms of equality of opportunity, equality of rights, equality between nationals and equality between genders. The *biduns* were part of this larger picture. Ahmad al-Muhri denounced the different levels of nationality and the different rights enjoyed by the sons of 'article 1 Kuwaitis' and the sons of naturalised Kuwaitis, that is 'article 7 Kuwaitis', deprived of political rights. He noted that, twenty years before, there was only one nationality and 'no *madat*'¹⁴⁴ (different articles by virtue of which one is a Kuwaiti national), and that only the governing elites were enjoying the first degree of nationality. In the context of widespread dissatisfaction concerning the two degrees of nationality that affected a quarter to a third of Kuwaitis, this discourse threatened the basis of the nationality system. The success of the lecture series grew: 'from an audience of a few hundred at the beginning, the lectures managed to gather 1,000-2,000

¹⁴³ Interview, Kuwait, 16 January 2007.

¹⁴⁴ See *Kuwaiti bi ta'sis, asli, madat ula* in the glossary for the transliteration.

persons: added to the readership of the newspaper it may have reached 15,000 persons.¹⁴⁵ The lecture series, because of its diverse audience including even Sunnis and adversaries of the Imami line (*khat al imam*) and the topic of popular concern, had the potential to turn into a social movement (Louër, 2008b: 170). The government, used to politics being performed in the semi-private space of the *diwaniyya*, rapidly showed signs of nervousness and forbade the event as contravening a 1976 anti-gathering Law that required prior authorisation. After his fourth lecture, Ahmad al-Muhri was arrested and jailed. His family, including his father Abbas, had its first degree nationality withdrawn¹⁴⁶, despite the fact that Kuwaitis consider nationality *bi ta`sis* (article 1) immune to withdrawal¹⁴⁷. The authorities alleged that the bases on which the nationality was attributed to the family were invalid and deported nineteen members of the family to Iran.

The *masjid al-Sha'ban* crisis had a second implication for the *bidun* question: the deportation of the al-Muhri family to Iran illustrated the growing tendency of the Kuwaiti government to 'define the opposition as foreign' (Crystal, 2005: 179). Asked about the link with Iran, one of my informants replied: 'It was completely Kuwaiti issues that had nothing to do with Iran'¹⁴⁸. Moreover, to put it in the regional context, this practice of massive deportations had been largely resorted to by Saddam Hussein's regime. From 1969 to 1989, the Iraqi regime expelled an estimated 130,000 Iraqi Shiites to Iran on the grounds that they were of Iranian origin or Fali Kurds and that stripped them of their nationality. Building on this precedent, the Ba'athist government also relocated tens of thousands of Kurdish families to the Arab south, following the razing of their villages (Whitley, 1993: 32; 37). The situation in Iraq, as well as the creeping radicalisation of the repression of the Shiites had repercussions in Kuwait – where some of them sought refuge, starting with the members of *al-Da'wa*. As Longva (1997: 51) explains, '[the *biduns*]' ambiguous status as an unacknowledged population provided a human pool into which Iraqi refugees, draft dodgers, and infiltrators as well as absconding workers and illegal aliens could easily blend after getting rid

¹⁴⁵ Interview, Kuwait, 16 Januray 2007.

¹⁴⁶ Background information from Shiite militants, *masjid Sha'ban*, 12 September 2007.

¹⁴⁷ In fact, article 14 of the 1959 Nationality Law states three cases leading to nationality withdrawal: enrolment in a foreign army, collaboration with a foreign country at war with Kuwait, or a crime committed abroad and considered as treason in their home country. Article 13 regulates the cases of nationality withdrawal for naturalised Kuwaitis (art. 3, 4, 5, 7, 8) which are far more numerous and include the 'threat to the highest interest of the state and its security'.

¹⁴⁸ Interview, Kuwait, 16 Januray 2007.

of their identity papers'. In London, for instance, members of the community of Iraqi Kurd migrants/refugees mentioned cases of '*bidun* Kurds', by which they referred to Kurds displaced to southern Iraq who fled the country via Kuwait¹⁴⁹.

The Iran-Iraq war, following the proclamation of the Islamic Republic in Iran, had further destabilising effects on Kuwait. By siding with Saddam Hussein, the Kuwaiti government broke with its previous policy of neutrality vis-à-vis its powerful neighbours and allowed Iraqis to gain a foothold in Kuwait, tying even more than before his fate to that of the Iraqi internal turmoil. It also became increasingly exposed to the risk of infiltration by Shiite activists who, tied to Iranian transnational organisations, but mainly from Lebanon and Iraq (Boghardt, 2006: 76), claimed responsibility for the car bombings in 1983¹⁵⁰ and the murder attempt on the Emir. The progressive involvement of Kuwaiti Shiites in 1986-88 and the crackdown on the Shiites in the Kuwait armed forces showed the government that 'it could use a degree of force, so long as it did not use it against every group at once' (Crystal, 2005: 176). In this context, the fact that the *biduns* stemmed from tribes, stretching into Iraq, that included both Sunnis and Shiites and thus was likely to be sympathetic to Iran, made the government particularly worried about their presence. Moreover, their role in the army had become more and more symbolic and less and less strategic, with the reflux of the Arab nationalist movement, the creation of the Gulf Cooperation Council and the closer cooperation with the US whose help was sought for the reflagging of Kuwaiti tankers (Panaspornprasit, 2005: 88-112). As a result, the *biduns* started to be seen as a financial burden; the arms purchased from the West if not essential to the defense needs either, provided the national prestige that *biduns* did not.

The Economic Downturn

The onset of the economic recession in the 1980s made the state of Kuwait re-think the policy options it had adopted so far in domains other than security. The decrease in oil prices, that reached a mere USD 5 per barrel in 1986, created pressure for economic diversification and more productive activities. The Kuwaiti labour market was (and to a large extent still is) characterised by the concentration

¹⁴⁹ Background information, London, November 2009. Their number is impossible to evaluate.

¹⁵⁰ In late January 1984, the trial judging the authors of the December 1983 bombings involved 25 individuals: 17 Iraqis, three Lebanese, three Kuwaitis and two *biduns*. All of the Iraqis were Shiites, and most admitted belonging to *al-Da'wa*. At least two of the Lebanese were Shiite.

of Kuwaiti workers in unproductive employment in the public sector and an almost total dependence of the national economy on migrant labour. As in every modern state going through an economic crisis, the policy of labour import was debated at that time.

By the middle of the 1980s, Kuwait had begun to import less and less labour from outside, in particular from Asia, and had come to rely more and more on the more settled stock of migrant labour already existing in Kuwait. In 1984, a conflict arose between the Ministry of Social Affairs and Labour and the Ministry of Interior over the type of labour that should be allowed in Kuwait, especially the income threshold above which a migrant can bring his family into Kuwait. The Ministry of Interior was willing to significantly increase this threshold out of consideration for state security. The *biduns* employed in the armed forces and paid like Kuwaitis, belonged to the economically unproductive category. Against the background of economic downturn, forcing them into the category of non-Kuwaiti expatriates may have served a triple purpose. First it streamlined the cumbersome public sector. Second, it made the government payroll less expensive especially in the aftermath of the crash of the Suq al-Manakh and the government's decision, in December 1986, to launch a programme of land purchase to stimulate the economy (Crystal, 1990: 100). Finally, since socio-economic evils and insecurity always tend to be attributed to the influx of migrations to Kuwait, it may have defused public pressure to ask for a clampdown on migrant workers, whose presence was indispensable to the national economy and the financial interests of the merchant elite.

Moreover, the growing concern for migration control also went hand in hand with the advancement of identification and surveillance technology imported to Kuwait: the first civil data system, under the responsibility of the Minister of Interior was made a Law by the emir Jabir al Ahmad (r.1977-2006) on 25 April 1982. It became compulsory for every resident whether national or not to carry an identification card (*bitaqa madaniyya*). It was instated roughly at the same time between September 1982 and May 1983 that around 50,000 to 100,000 illegal residents left Kuwait (Boghardt, 2006: 68). These efforts to limit the overall number of foreigners, especially the ones in illegal situations, paved the way for the lumping of the *biduns* together with illegal migrants and other activist refugees.

The 1986 Secret Decree

On 29 December 1986, in the midst of an entrenched Iran-Iraq war and of an economic crisis, a select ministerial committee passed a secret decree which marked the official beginning of an oppressive policy towards the *biduns*. The decision, classified at the time, was reproduced by *Al-Tali'a* newspaper on 30 August 2003. In the absence of interviews with the main actors involved in the decision, who remain at the highest levels of power in Kuwait, I have relied on this document, whose authenticity has not been denied. The confidential decree gave new guidelines, divided into twelve main points. First, acknowledging that the immediate replacement of the *bidun* majority in the armed forces is simply impossible, their gradual replacement was set as a priority target. Most importantly, and what is tantamount to reclassifying the *biduns* as illegal, the decree prescribed that Law 17 of 1959 on the Residence of Aliens would be strictly applicable to the *biduns*. Until then article 25 (h) of the Law had exempted them, as tribesmen (*afraad al asha'ir*), from complying with its requirement of sponsorship and residence permits. This paragraph (h) of article 25 was abolished in 1987. As a result, *biduns* were given six months to regularise their situation, that is to say, to provide the Kuwaiti authorities with the same required documents as those expected from foreigners who had entered the country in full compliance with the provisions of the Law on the Residence of Aliens for the past 27 years¹⁵¹. Due to the interdiction made to illegal residents to work in public institutions including specifically the benevolent societies or cooperatives¹⁵², *bidun* government employees had to produce a valid passport or risk losing their job. Moreover, the Labour Law in the Private Sector was also revised to raise the fines inflicted on contravening companies. According to HRW (1995: 10), 'since Bedoons were not issued passports, thousands were dismissed from their jobs between 1987 and 1990 for failure to produce passports, Kuwaiti or otherwise'. Directions were given to speed up the process of residence issuance for the complying *biduns*, but also to refuse to officially register any marriage, should one of the two partners fail to provide the adequate official documentation and to issue or renew driving licenses and *bitaqa tamwiniyya* that are cards giving access

¹⁵¹ Exceptions were made though for those employed in the military or *biduns* married to Kuwaitis as well as an enigmatic non-defined category of 'those who deserve the nationality' (sic).

¹⁵² In Kuwait, local supermarkets are called 'cooperatives' because they are collectively owned, in shares, by the male citizens of the residential area.

to state-subsidised food entitlement. Finally the transfer of 50,000 *biduns* children from public schools costing the state a yearly KD 850 per child, against KD 250 for private schooling was viewed as a way to save KD 30m for the public treasury. The institutions of private education were not really supported to absorb year-to-year the massive influx of new pupils. Two points specifically pertained to the civil data system, namely the reinforcement of sanctions for false statements or withholding of information, and the cancellation of any name-changing process for *biduns*.

In addition to the immediate consequences of this secret decree, new measures came in the following years to further augment the pressure on the *biduns* such as the end of the tolerance for granting higher education scholarships abroad, the 1987 barring of *biduns* from Kuwait University's registration and state-subsidised health services. It started with the end put to the widespread practice of treatment abroad, through introducing fees at hospitals to eventually refusing to issue birth and death certificates to the patients altogether. This series of measures were tantamount to a *de facto* denaturalisation.

Administrative Violence

Formally, the 1986 decision was far reaching as it deprived the *biduns* overnight of all the rights they had enjoyed while the state condoned their presence in the emirate, especially on its ministries' payrolls. In practice though, it took years and the fortuity of the Iraqi invasion for it to be implemented. The question of state employment in the armed forces and attached state housing became quite complicated: mass layoff could not and did not occur in the Ministry of Interior and Defence¹⁵³ until after the 1990 invasion provided a suitable opportunity for such a drastic move. Though it is clearly beyond the scope of our fieldwork to investigate this matter, it is a fact that *biduns* were vilified as traitors in the blurred post-liberation period, doubly stigmatised as members of a defeated army and as sharing origins with the enemy.

Longva recalls her pre-invasion fieldwork:

¹⁵³ Al Fahed (1989) who completed his thesis on ways to improve the efficacy of the Kuwaiti police in 1989 does not mention any such policy nor possibly envision it in its critics or recommendations –being himself a member of the police forces.

It was generally agreed that they [the *biduns*] were concentrated in the outskirts of Kuwait in the lower-middle class areas where settled nomads lived. The children, who always gathered around me when I was on a visit in such areas, used to explain spontaneously without my asking: "I am a real Kuwaiti, not an Iraqi," or "This is my best friend; he is not an Iraqi." Upon inquiry, it was explained to me that the children meant to say that they were not bidoon. Clearly, there was a widespread opinion by the late 1980s that many Iraqis tried to pass as "Kuwaiti stateless". (1997: 73, n.10)

The association between *biduns* and Iraqis, seen as interchangeable, survived the Iraqi occupation of Kuwait, explaining the predicament of the *biduns* after the 1991 liberation as they were automatically suspected of sympathising with the occupiers if not of collaborating with them, especially in Saddam's Popular Army. In 2008, Abdullah Bishara, a former top-ranking Kuwaiti diplomat and secretary-general of the GCC from 1981 till 1993, summed up the issue of the *biduns*: 'the crises of 1961 and 1990, this is the whole problem'¹⁵⁴. This long-lived association between *biduns* and Iraqis may have held true before the invasion yet it fails to recognise the dramatic drop in numbers, from 219,996 before the invasion to 122,576 in 2010¹⁵⁵. The invasion must have considerably reduced the number of Iraqi late-comers usurping the name of *bidun*. One *bidun* who fled to the UK noted that the number of Mutairi *biduns* was significant before the invasion but 'the war in 1990 also reduced the number of the *biduns* from this tribe [Mutair], because most of them entered Saudi Arabia and were granted the nationality [there]'¹⁵⁶. For Sheikha Fawzia al-Salman al-Sabah, this and other allegations that they supported Iran during the Iran-Iraq war was not verified, yet what is verifiable is the aim of the authorities to compress the number of *biduns* by all possible means, 'otherwise', she asks, 'what would be the purpose of not granting a death certificate?'¹⁵⁷. The fight is still on to clear their memories of this collective stigma¹⁵⁸.

¹⁵⁴ Interview, Kuwait, 8 June 2008.

¹⁵⁵ Figures quoted in the National Assembly session by the MP Ahmad al-Sa'dun. '*Al hakumat al kuwaitia tutalib biltadqiq fi qanun 'al bidun' wa al nuwab yatahmun-ha bikhtilaq al azma'* [The Kuwaiti Government Demands More Verifications for the Law on the *Biduns*; the MPs Accuse it of Aggravating the Crisis] *Al Khalij*, UAE, 15 August 2010.

¹⁵⁶ Electronic correspondence, 14 August 2008.

¹⁵⁷ Interview, Kuwait, 30 August 2007.

¹⁵⁸ In an article dated 23 December 2007 '*Al-Barak wa Al-May' yantaqadan al ta'amul "ghayr al insani" ma' milaf "al bidun"* [Al-Barak and Al-May' criticise the inhuman way in which to the *bidun* file is handled] in *Al Qabas*, the MP Mussallam al-Barak demonstrates the extent to which the allegation that half of the armed *biduns* were traitors is baseless.

The concept of 'administrative violence' wants to capture this enterprise to delegitimise any historical claimants other than the dominant minority that monopolise the prerogatives to define citizenry. This *administrative* violence uses identification papers, official forms and certificates to exert financial and psychological pressure on the undesired people in order to force them out. The following section distinguishes between four different but linked mechanisms of de-legitimation of the *bidun* claims: the imposition of an identity rejected by the concerned persons, a *de facto* pauperisation of this category of the population, aimed at setting them apart from the Kuwaiti lower-middle classes with which they were mixed. These are accompanied by a symbolic process of stigmatisation and a nerve-wracking absence of transparency.

Imposing a Rejected Identity

The files of the *biduns* are dealt with by the Executive Committee for the Affairs of Illegal Migrants (*Lajnat tanfiziyya li shu'un al muqimin bi-sura ghayr qanuniyya*). Established in 1996 by the Ministry of Interior, the Executive Committee took over from the Central Committee (*Lajnat markaziyya*) created to solve the vexed *bidun* question in 1993. True to its name, its vocation is broadly to collect proofs and presumptions of origin so as to attribute to the *biduns* a foreign nationality, supporting the claim that they are illegal migrants. As collateral, the evidences of foreign origin, whether subjective or not, are stronger than the length of residence in Kuwait, when it comes to qualify or disqualify an application for nationality. One *bidun* who could prove that his father was working c.1951 in the oil company in Ahmadi before enrolling in 1957 in the Fahahil police had lost any hope of being naturalised because in 1975 the family's neighbour reported the Syrian affiliation of the whole family and denounced his father for registering under his name his paternal uncle in Kuwait¹⁵⁹. On the basis of this gathering of information *biduns* are assigned a foreign identity – most frequently Iraqi-, which, in the light of their life experience in Kuwait, they refuse to endorse. 'There is here a fundamental misunderstanding between nationality, the official state recognition and origin, inferred from stated documentations', recognises Dr.

¹⁵⁹ Interview with a *bidun*, Kuwait, 27 May 2008.

Rashid Hamad al-'Anazi, a Kuwaiti lawyer specialising in nationality issues ¹⁶⁰. Following the same genealogical logic the Kuwaiti government decided, in September 1998, that genetic tests would be required from all stateless residents to prove their Kuwaiti lineage. Taking biology as a criterion to determine the fate of the *biduns* did not seem to lead to more conclusive results than the duration of their residence or their feeling of cultural affinity with Kuwait. It was later abandoned.

Chapter III showed that the word *bidun* was and is not a non-identity, without coherence. The Executive Committee is attributing a forced identity; it registers it in the files of the *biduns* who may learn about it much later¹⁶¹. For instance, *biduns* mention that when they go to the Ministry of Health to get their children's birth certificates or to court to get married, the Ministry/Court, in liaison with the Executive Committee, holds files under their name with the note *min usul iraqiyya*, 'of Iraqi origin'¹⁶². Ministries are instructed not to deal directly with the files of *bidun* families without referring the matter to the Executive Committee¹⁶³. The bone of contention is a formal acknowledgement of this attributed origin that would mean their citizenship claim would be dropped. In January 2007, as the government opened access to temporary driving licenses, *biduns* refused to register to get the document on the basis that the 'nationality' field was already filled with 'illegal resident' (*muqim bisura ghair qanuniyya*), which made them *de facto* acknowledge a status they rejected¹⁶⁴.

¹⁶⁰ Interview, Kuwait, 13 December 2005. It is to be noted that he is referred to in the bibliography under his preferred transliterated name: R.H. Al-Anezi.

¹⁶¹ Interview with a *bidun*, Sulaybiyya, 14 May 2008.

¹⁶² Interview with *biduns*, Sulaybiyya, 14 May 2008; Ardhiyya 27 May 2008.

¹⁶³ Interview with Sheikha Fawzia, 30 August 2007.

¹⁶⁴ 'Bedoun to Get Driving Licenses from Jan 6, 2007', *Arab Times*, Kuwait, 2 January 2007 and 'Bedoons Fear Driving Licenses may be Used against Them', *Kuwait Times*, 11 January 2007.

Photo 1: Two-year Temporary Driving License for *Biduns*:



The green box highlights the mention 'illegal resident' (*muqim bisura ghair qanuniyya*)

Foreign nationalities are also on offer: 'outside the Executive committee, you find persons selling forged passports for KD 2,000'¹⁶⁵. The traffic of forged passports is no secret¹⁶⁶: the forged passports give the 'nationality' of the Dominican Republic, Somalia, Eritrea and Liberia, the name of Yemen is also ventured. It is no secret for the Ministry of Interior either, that is said to even participate in the traffic¹⁶⁷. The researcher Faris al-Waqian, principal consultant of the 2006-2008 parliamentary commission on the *biduns* describes the case of a *bidun* member of the armed forces who participated in the 1991 war of liberation: 'when he was sacked from the army, he was encouraged to change his civil status, through special offices designed to grant nationality of Eritrea, Liberia, the Dominican Republic and a few other African countries. He refused a sum of KD 4,000-5,000 offered to him to purchase the passport'¹⁶⁸. According to the researcher, 4,000 *biduns* employed in the Ministry of Defence did change their status by obtaining nationalities of foreign countries – by virtue of secret bilateral agreements signed between Kuwait and these states. The practice might seem to belong in conspiracy theories, yet these under-the-table bargains, always kept unofficial, are attested to by the resounding failure of the Parliament of Comoros to pass a Law granting

¹⁶⁵ Interview with *biduns*, Kuwait, 8 June 2008.

¹⁶⁶ 'Open Letter to Mr. David Blunkett, Head of the Home Office of the United Kingdom; A False Passport is the Only Way to Become as Citizen' by the Harrow Kuwaiti Community Association, reproduced in *Kuwait Community News*, 4, May-June 2004: 5. A forged British or Canadian passport is reported to be valued at GBP 5,000 or KD 2,500.

¹⁶⁷ Interview with Sheikha Fawzia, 30 August 2007.

¹⁶⁸ Interview, Kuwait, 5 March 2007.

'economic citizenship' of the archipelago to the Gulf *biduns*.¹⁶⁹ Rather they belong to the methods of the old dinar diplomacy to solve international and domestic issues.

Pauperisation: the Denial of Welfare Benefits

Countries are more or less averse to personal identification; the British have fought against the introduction of any form of civil IDs while the French have been carrying them forever. The sharing of files containing personal data is carefully monitored. In Kuwait services that are dependent upon the presentation of a valid civil ID (*bitaqa madaniyya*) have, since 1982, expanded far beyond the common issuing of official documents, whether passports or other, opening bank accounts or making financial transactions. Now everyday life activities such as buying a mobile phone SIM card or consulting a General Practitioner require identification too. Instead of a civil ID, *biduns* hold what is known as a security ID – a form of registration with the Executive Committee, renewed annually, and stating clearly that it ought not to be taken as a proof of identity.

Photo 2: Identification Card for *Biduns*:



In red on the overleaf side of the card: 'This card is not considered a [proof] of personal identity. Should be used only in the cases prescribed for it'.

¹⁶⁹ 'Still no Place to Call Home for Arab Bidoon', *AFP*, 26 July 2008, according to which the deal was to naturalise 4,000 Gulf *biduns* (from the UAE, Kuwait and Saudi Arabia) for a sum of USD 100m; 'Human Rights Body to Study the Plight of 'Stateless' Tribes', *Arab News*, Riyadh, 29 July 2008; *Al Anba*, 31 October 2008. During his visit to the Gulf, the Minister of Foreign Affairs of the Comoros stated that there had been no 'official' demand on the part of the Kuwaiti government regarding the *bidun* file, yet he was unofficially in touch with the Ministry of Interior via the UAE. 'Passeports comoriens en vente libre pour les sans-papiers du Golfe', *Le Monde*, Paris 15 March 2009: in this article, the figures are 4,000 *biduns* from Kuwait while the UAE would have already pledged an immediate payment of USD 200m. The deal included in addition to pledge from Gulf countries to invest in Comoros, every applicant for nationality should pay USD 2,800 to develop the Comoran local economy.

Without ID cards, biduns have no access to state-provided health services, whether they are free for nationals or carry subsidised charges for foreigners. Since 1986, the *biduns* have had to bear the cost of their children's education in private schools 'not those for foreigners, [understood here as schools for the sons of wealthy expatriates also frequented by the Kuwaiti elites] but those for Arabs with a lesser level'¹⁷⁰. Under pressure from both sides, the *biduns* have to bear the expenses of all the services that were once free for them while their sources of income dropped, when they became unlawful.

It is a bit delicate to evaluate revenues earned by illegal workers, all the more so in informal sector activities. Without any attempt at generalisation, a few instances can still suggest the scale of inequality or discrimination as regards income. It should be noted here that however disturbing, this inequality is common currency when it comes to the Kuwaiti/foreigner divide. At the time the fieldwork was carried out in 2006-07, the minimum monthly salary for a Kuwaiti civil servant was KD900. The monthly wage for *biduns* would range from KD100-150 to KD600.

Table 2: Estimates of *Biduns'* Monthly Earnings:

Type of occupation	Monthly earnings	
	<i>Biduns</i>	Kuwaitis (if applicable)
Messenger/Envoy (<i>murasil</i>)	KD 30	N/A
Taxi/Bus driver	KD 90-100	N/A
Security staff at the door of the Sultan Centre supermarket	KD 120-150	N/A
Public sector (Ministry of Municipality ¹⁷¹)	KD 100-200	KD 1000-1,500
Private sector (office employment)	KD 250-600	KD 1,200 and above

Sources: interviews in Kuwait with Ahmad Da'as, secretary of the MP Musallam al-Barak, 28 February 2007, the Parliamentary Office for Human Rights, 9 July 2007 and with *biduns*, 14 May 2008, 27 May 2008 and 2 June 2008.

Biduns usually combine several different jobs; they also work long(er) hours: for instance the employment in Sultan Centre supermarkets as member of the security

¹⁷⁰ Interview, Ardhiyya, 27 May 2008.

¹⁷¹ The figures for the Ministry of Municipality are mentioned in an article of *Jaridat al Jarida*, 25 April 2008, according to which the Executive Committee reported that 101 *biduns* were working in the Ministry of Municipality for a salary of KD 100, while a Kuwaiti would earn KD 1,500 for the same task.

staff requires eight hours a day, with one day off a week. Like anywhere else, working illegally goes hand in hand with precarious employment conditions and the overhanging threats of being laid off overnight, or paid with delay, if at all.

These conditions of course widen the divide between Kuwaitis and *biduns* to such an extent that the differential eventually comes to confirm the line of argument of the Ministry of Interior according to which, judging by their appalling living conditions, *biduns* are too poor to be anything but tribal migrants with no attachment to the land nor respect for the Law and desperate to pick up the crumbs of Kuwait's wealth¹⁷². This reasoning shows how the static conception of Kuwaiti citizenry has turned very classist. Moreover, it is a self-fulfilling argument since part of the policy towards the *biduns* is precisely to dissociate them from the broader Kuwaiti population to which they were naturally integrated and stigmatise them in the eyes of the others.

Symbolic Stigmatisation

What makes it so difficult for *biduns'* solicitors in the UK to support cases of asylum application is that the violence perpetrated against the *biduns* is not of a physical kind¹⁷³, nor can it be classified as 'persecution for political – or even religious – opinion'. Kuwait is not a police state and its regime, if sometimes arbitrary, is not a brutal one. In absolute terms, Kuwait, 'country of plenty and safety' (*dirat khayr wa aman*) provides for water, food and shelter, in the words of the head of the Executive Committee¹⁷⁴, yet poverty is relative. The administrative violence depicted here is a structural and symbolic violence: structural as it is indeed the arbitrariness of the social hierarchy in Kuwait that is itself violent. The social hierarchy in Kuwait is determined by the arbitrariness of the nationality or the circumstances of birth, which itself stems from the global injustice that is being concentrated in the tiny emirate. In the case of foreigners, the internalising of the norm of a world divided into sovereign units disciplines and stifles any feeling of envy or entitlement. The *biduns*, on the contrary have contemplated – and sometimes still contemplate – the possibility of being naturalised. As a result

¹⁷² Interview with Major-General, Mohamad al-Sbeie, Ministry of Interior, Assistant Under-Secretary for Rehabilitation and Law Enforcement Affairs, 3 June 2008.

¹⁷³ Though cycles of detention in deportation centres and liberation due to their illegal status are reported by human rights organisations.

¹⁷⁴ '*Al Shabab "al-bidun" ...min yamluk al hal?*' [Bidun Youth: Who Has the Solution?], *Al Qabas*, 4-page special report, 4 November 2007.

they feel the entire extent of this inequality. They cannot figure out why they cannot get the basic support like others of their kind, such as disability allowance¹⁷⁵, pension benefits, and widow allowances – let alone the privileges reserved for Kuwaitis.

Secondly, the administrative violence is symbolic certainly not in the sense that it is unreal, but in the sense that it belongs to the register of the state staging its full power: all the *bidun* informants without exception noted that the worst part of their daily life is the humiliating encounter with the State embodied in its police forces, the Executive Committee and the various ministries. Some *biduns* complain about the fact that they can spend up to four hours at a police station whenever they need to report something. 'When you say you are a *bidun*, it is as if you were not a human being'¹⁷⁶. Likewise, in a special report on the *bidun* youth, one of them wondered why the police always patrol the ring roads that led to areas famously populated only by *biduns*¹⁷⁷. In 2007, members of the National Assembly called on the Ministry of Interior to change the members of the Executive Committee who had been in the same employment since 1996 and were accused of mistreating and harassing the *biduns*.¹⁷⁸

The denial of state endorsement of the most important milestones of life – certificates of birth, marriage and death – is the most extreme form of the almighty state. In the case of marriage certificates, the refusal on the part of the state to issue official certificates unless the *biduns* sign a document declaring themselves illegal, led to circumventing practices whereby the couple marries but then registers a case in court against the bride or groom so that the whole family comes to testify in court that the marriage occurred. The judgment issued by the court, albeit falling short of a marriage certificate, serves as an official document declaring there was indeed a marriage.¹⁷⁹

The *biduns* are excluded and need to be seen as excluded from the official and public sphere in all its guises: on a TV program, 'Behind the Doors', on the channel Al Ra`i dated 11 June 2007, the Salafi Member of Parliament, Ahmad

¹⁷⁵ Interview with a *bidun*, 20 May 2008, Sulaybiyya.

¹⁷⁶ Interview, Sulaybiyya, 14 May 2008.

¹⁷⁷ 'Al Shabab "al-bidun"...min yamluk al hal?' [Bidun Youth: Who Has the Solution?], *Al Qabas*, 4-page special report, 4 November 2007.

¹⁷⁸ 'Bedoons Unveil New Plan of Action: 'We will Embarrass them in Front of the World', *Kuwait Times*, 25 January 2007.

¹⁷⁹ 'Lying to get Married: The Maze of Bedoon Marriage', *Kuwait Times*, 19 February 2007.

Baqir¹⁸⁰, former Minister of Justice walked out of the studio when he found out that he was unwittingly put in the presence of a *bidun* Islamic preacher, whom he was not willing to face. It must be added that Ahmad Baqir was, as a Minister of Justice accused by MPs of preventing the employees of his ministry from attesting to marriage contracts for *biduns*, in violation of the constitution and human rights principles¹⁸¹. The plight of the *biduns* cannot but serve as a deterrent example, for any new tricksters scheming to have a go at claiming they are a part of the category. There are still candidates flowing from northern Saudi Arabia to Jahra`. As a result, *biduns* live in a nerve-wracking situation as impostors waiting to be unmasked.

Finally it is a stigmatising process, cutting off this part of the population by uprooting their links with the rest of the Kuwaitis. The process of discrimination and stigmatisation induced by the administrative procedures is a perverse and self-reinforcing one: as seen above, the approach of the Ministry of Interior is to simply identify them as greedy and parasitic. Yet the pauperisation that results from their exclusion from state services, contributes to the unintended strengthening of another stigma. By drawing attention to the destitution of this particular population in need, and all the obstacles they encounter in their daily lives, the Kuwaiti human rights organisations with the intention to gather support for them, further estrange them from the less sympathetic parts of the Kuwaiti population, but also from the Kuwaiti women who used to intermarry with them¹⁸².

Absence of Transparency

The various encounters with the state more often than not takes the form of a legal trap with sometimes outlooks of a Kafka novel, compounded with a complete lack of transparency and visibility regarding the data respectively held or required by the administration to be eligible for naturalisation.

In 2000, the National Assembly voted two Laws on 'gradual naturalisation': one pledged to naturalise 2000 persons a year (Law 22) and the other (Law 21) amended article 5 of the 1959 Nationality Law, by adding a new paragraph 3, in

¹⁸⁰ Salafi MP in Mansuriyya from 1985 continuously till 2006.

¹⁸¹ 'Kuwaiti MP Seeks to Quiz Minister', *Khaleej Times*, Dubai, 5 January 2005.

¹⁸² Observation in an all-female class in the Departement of Political Sciences at Kuwait University, 19 May 2008.

addition to the other two relating to the *khidmat jalila* (paragraph 1) and *abna` al-kuwaitiyyat* (paragraph 2). According to paragraph 3 of article 5, the new requirements for people to be considered for naturalisation include proof of residence in Kuwait in, or before, 1965, a permanent stay in Kuwait until the issuing of the Law 21, as well as the same financial, religious and security conditions prescribed by article 4, notably the absence of a criminal record (*qa-id amni*).

Yet the yearly quota of naturalisations has not been transparently handled: it proved to include more than the *biduns'* files, as many thought it would, but still concerned the naturalisation of artists, and special personalities by virtue of their exceptional services rendered to the state. Moreover, the Law has not been applied consistently over the past decade: the Executive Committee cited a figure of 3,517 individuals naturalised for the years 2000 and 2001 (Khalifa, 2007: 12), a figure that included minors, while until then only persons of full legal age were counted (Al-Najjar, 2005: 12). It even ceased to be applied after that date with only hundreds of naturalisations being carried out, like in 2007 (see Chapter III).

The most likely ones to be naturalised and included in the rarely-applied yearly quotas are the sons of female Kuwaitis, but they are just the 'invisible' tip, so to speak, of the iceberg of what is referred to as 'the *bidun* question'. Second, a lot of cases are barred from consideration for naturalisation because of criminal convictions. The definition of criminal offense includes, in particular, registering as a *bidun*, when presumptions exist that one might not be, which may be punishable for 'false information' or crime of forgery.

In this cunning game of disputed identity, the state and its administrative maze largely crush the individual, as illustrated in the below case:¹⁸³

Mr. A registered as a *bidun* with the Kuwaiti administration is presumed to be of Egyptian origin: Mr. A requested the Egyptian authority to provide him with any official proof (birth or electoral records) mentioning his name in order to qualify for Egyptian nationality. In the absence of formal record, his naturalisation application is rejected, his appeal against the Egyptian Ministry of Interior lost. Provided with the proceedings of the lost trial, the Kuwaiti court pronounced the following sentence:

- Mr. A is not stateless *bidun* as his presumed origin is known albeit non-ascertained;
- Mr. A is not an Egyptian national, though he may be held to be so this will

¹⁸³ Interview with the lawyer Dr. Rashid Hamad al-'Anazi, Kuwait City, 13 December 2005.

nevertheless not constitute him to be one if he is not such according to the Law of the Republic of Egypt;

- Finally, Mr. A is found guilty of 'false information' for his registration as a *bidun* and given a suspended sentence for the crime of forgery being punishable to up to nine years in jail according to the Kuwaiti Penal Law.

His file joined the pile of others whose cases are barred from consideration for naturalisation because of their criminal – sometimes political – convictions (*quyud amniyya*). *Biduns* testified:

The Central Committee attached to Ministry of Interior and headed by Mohammed Sbeie started to shift the battle onto the legal ground and brought cases to the court. Between 1998 and 1999, four cases of *biduns* were condemned for forgery. This was a new solution being tried. Yet the Higher Court issued a judgment against the decision of the Committee.¹⁸⁴

Moreover, according to official sources, 16,500 to 18,000¹⁸⁵ collaborated with the Iraqi Popular Army during the invasion, while 5,000 others were involved in drug- and assassination- related crimes¹⁸⁶. The diplomatic enmity and international political considerations undoubtedly complicated the issue but to an unknown extent, especially in the case of Iraq. However fieldwork was simply unimaginable in 2006, and we can only presume that the inter-state dimension exacerbated the domestic administrative violence in the region.

BIDUNS' SURVIVAL STRATEGIES

Living Conditions

Biduns' Popular Housing

The majority of the *biduns* live in Popular housing or *buyut sha'biyya* located in Jahra` (Taima) and Sulaybiyya in the periphery (see Map 4, p.165). Constructed in the 1970s, the *buyut sha'biyya* constituted the housing benefits attached to the employment in the armed forces: they represented a solution to housing issues at a time when *biduns* recalled living in hut-like '*ashish*' (Al-Musa, 1976). Made initially of 200m² ground floor concrete houses lining up in parallel streets, they are now overwhelmed with anarchical adjunctions of additional rooms. Obviously

¹⁸⁴ Interview, Kuwait City, 17 January 2007.

¹⁸⁵ The upper figure was given by Dr. George Braidi, Chief of Mission, International Organization for Migration, during an interview, Salmiyya, 22 July 2007.

¹⁸⁶ '*Masdar masu'ul lil Wasat: 21 500 min "al bidun" 'alay-hum quyud amniyya tahul dun tajnissihim'* [From a Trusted Source to *Al Wasat*: 21,500 *Biduns* have Criminal Records Hindering their Naturalisation] *Al Wasat*, Kuwait, 16 January 2008.

the housing has not kept pace with the demographic growth: when a new generation took over the lease, they shared the house between brothers. For instance, born to a soldier who joined the Kuwaiti army in 1974, two brothers shared the same Popular Housing in Sulaybiyya. The two families counted fourteen members; as a result of this overpopulation, a third brother left the house to rent outside the area¹⁸⁷.

Photo 3 (a-c): *Biduns'* Popular Housing



Source: *Haraka*, 57: 4, 26 February 2007 (photo a); own pictures (photo b-c). On picture 3c, the sheikh represented on the rear windscreen is Sheikh Jabir al Ahmad al Sabah (r.1977-2006), also known as 'Baba Jabir', 'father of Kuwaitis'.

While the monthly rent in the Popular Housing districts amounted in 2008 to KD 50, particularly low by Kuwait standards, it reached KD 250-300 a month (excluding bills) for a middle class housing outside *bidun* areas.

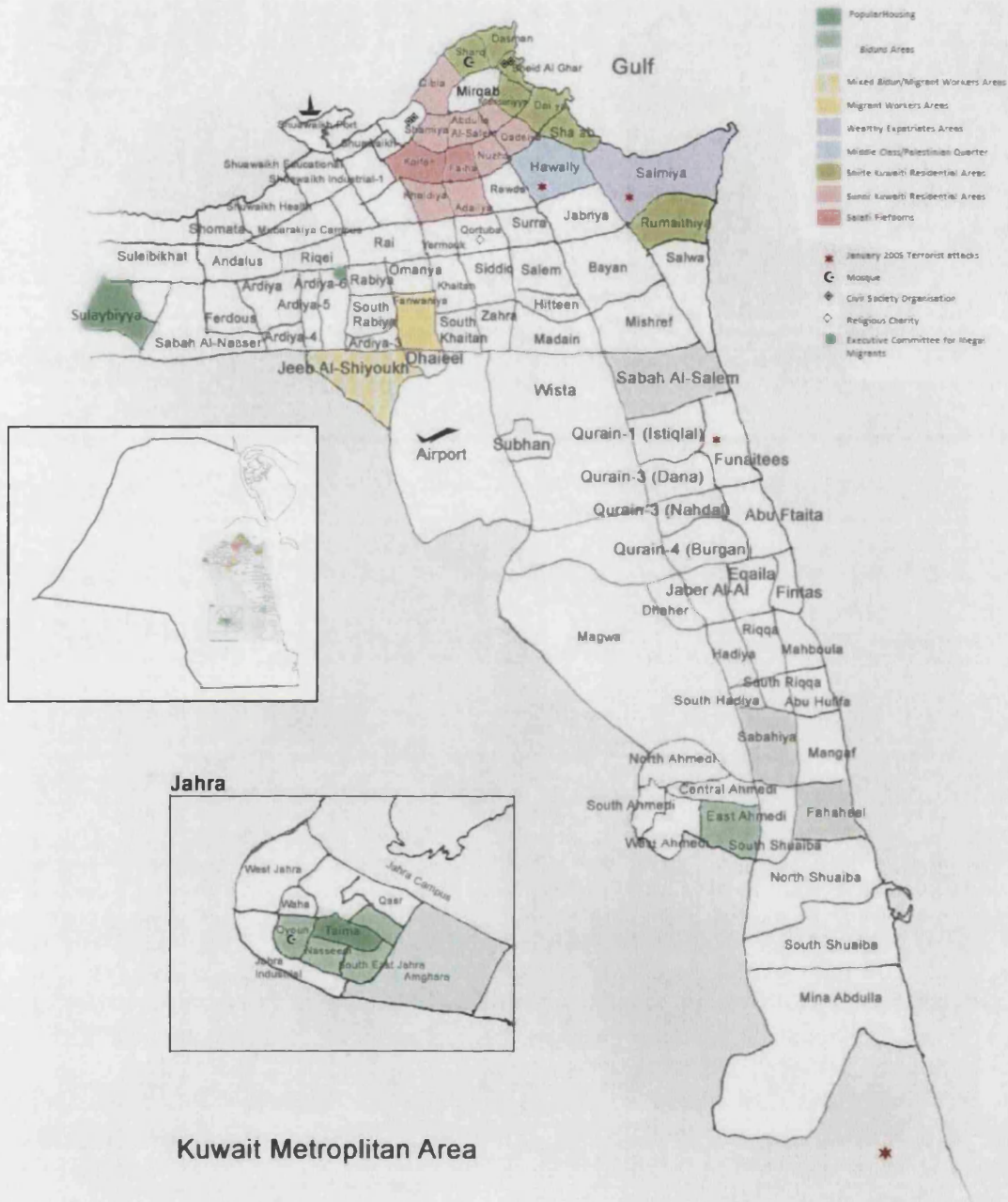
What strikes the visitor in the Popular Housing areas is threefold: first, as just mentioned, a feeling of over-crowdedness and lack of space as the habitat has not kept up with the general evolution of living standards. *Biduns* have added rooms to accommodate new family members or their South Asian drivers, constructed *ad hoc* parking shades for the ever-increasing number of cars, infringing on the streets, turning them into *de facto* one-way roads (photo 3b). Secondly, the overall feeling of destitution is linked to the deficient provision of public goods, visible in the poor maintenance of roads impeded by scattered potholes, the accumulation of large volumes of refuse typical of Third World slums as well as the crumbling mosques with their loose loud-speaker wires, and cracks in the paint and the minaret's walls. This leads to a third remark: the sheer contrast with the neat and tidy wealthy Kuwaitis' residential areas.

¹⁸⁷ Interview with *biduns*, 'Ardhiyya, 27 May 2008.

'This housing is a humiliation' or 'the future of the houses is to be demolished' are the feelings of the inhabitants of these areas.¹⁸⁸ The simplistic but quite common identification of the residents with their squalid environment and, more particular to Kuwait, of the individuals with their economic status, is part of an invisible violence that is the lot of the majority of the *biduns*. As a result, the new generations have left the Popular Housing to rent in expatriate areas like Farwaniyya, Jlib al-Shuyukh, Sabah al-Salim and further South towards Ahmadi. They joined the other *biduns* around Ahmadi and in any other affordable accommodation (Khaitan, Hawalli), who never benefited from the state housing of the armed forces.

¹⁸⁸ Interview with *biduns*, Sulaybiyya, 14 May 2008; Ardhiyya, 27 May 2008.

Map 4: Urban Kuwait and *Bidun* Areas



Kuwait Metropolitan Area

Source: Adapted from www.kuwaitiyah.net

The diversity of the *biduns'* situation is wider than it may seem at first sight, also in respect to employment. Employment for *biduns* depends on their resourcefulness and their connections but also their luck, as no rules and no contracts apart from the trust in the good faith of their employers regulate their professional activities.

Semi-Formal Employment

Although the door of the public sector is closed to them, *biduns* are still working in many areas of the public sector¹⁸⁹. While their number and percentage in the armed forces is not known with any certainty, they have not been replaced as was planned in the 1986 decree and the question of their recruitment was again on the agenda¹⁹⁰. Likewise, discussions were engaged to hire them in employment affected by staff shortage, like nurses¹⁹¹, teachers¹⁹² or clerics¹⁹³.

At the bottom of the Kuwaiti social hierarchy, but still a buffer between Kuwaitis and expatriates, albeit at the mercy of both, the *biduns* work mainly in a semi-formal sector, especially beyond the fourth ring road. 'Semi-formal sector' is defined here as a sector made of traders and merchants whose businesses belong firmly in the formal sector in terms of goods and services but they run these businesses with a necessary ignorance of the officially sanctioned and mandated rules and procedures (Kamrava, 2004). This is to be distinguished from the complete informal sector activities such as mobile vendors – kids selling fragrance sprays at the traffic lights – and stationary stalls of mixed nuts and cold water on the pavements. The *biduns* specialise in the retail of second-hand consumer goods, like electronics, house appliances and particularly cars. *Biduns* form a perfect transmission belt between Kuwaitis, from whom they buy or collect the unwanted goods which represent quite a significant volume considering the frenetic consumption culture (Khalaf, 1992)¹⁹⁴, and expatriates to whom they re-sell them.

¹⁸⁹ 36 were employed on a contractual basis in the Ministry of Municipality 'Bedoon Employees Should Prove Nationality' *Kuwait Times*, 28 April 2008.

¹⁹⁰ An article in *Kuwait Times* dated 9 February 2008 and entitled 'Bedoons in the Police' stated: 'The Ministry of Interior sent a request to the fatwa and legislative department about the legitimacy of recruiting bedoons in the police department. [...] Other committees in Saad Al-Abdullah Academy are now reviewing the files of bedoon men who want to enroll in the academy.'

¹⁹¹ 'Ministry of Health Plans to Hire Bedoon Nurses', *Kuwait Times*, 8 February 2008. Interview with *bidun* whose sister studied nursery hoping she will be hired; Ardhiyya, 27 May 2008. This recruitment though was plagued with a scandal of abuse of the bidun nurses. A human rights activist explained in an article 'Campaign Addresses the Plight of the Biduns', *Kuwait Times*, 21 October 2008, 'the government tricked them into registering for a nursing course, where they were forced to pay a KD 3,000 fee. After graduating from the three-year course, they are still unemployed as the public sector demands that their fathers are currently employed as military officers.'

¹⁹² 'Civil Service Commission Sets Criteria for Bedoon Teachers' *Kuwait Times*, 10 September 2008.

¹⁹³ 'Bedoon Men as Clerics', *Kuwait Times*, 18 March 2008.

¹⁹⁴ An anecdotal but telling fact is my experience of being, quite generously indeed, given bags of dozens of pieces of second-hand clothing – some of them still with the price tag – to pick from or pass on to friends or eventually maids.

They trade not so much on the black market per se than on a parallel market such as the Friday market, south of the fourth ring road (before Andalus), far away from the high street brands in the lower tier of what is seen as a dual system of consumption in Kuwait¹⁹⁵. Car-related business is a particularly flourishing one: many *biduns* work in garages, car repairs, and second-hand cars sale in Jahra` (though those with technical skills are more often than not Iranian, Pakistani or Syrian); they sell repaired cars at the car auction in *Amghara*, east of Jahra`, and take a commission. An open secret, which does not seem to affect the reputation of its well-known Salafi owner from the Sultan merchant family, is the fact that the whole security personnel of the retail stores 'Sultan Centre' is staffed with *biduns*.

Moving on to office jobs, the variety of *biduns'* employments is almost impossible to track. *Biduns* occupied petty jobs at the receptions of tailor's shops, worked as courier men (*mandub*¹⁹⁶) for Law practices. They also hold more qualified or computer-literate occupations such as freelance IT support specialists, employees in the real-estate sector, in customer services for electronics brands and as secretaries and journalists in newspapers. Some *biduns* are prominent columnists or artists, whether photographers, poets or novelists, fully integrated in the intellectual landscape of the country and the Gulf. This is explained by the fact that the generation on the work market today benefitted from the pre-1990s free education – from the younger having completed secondary education, to the older that may hold higher education, and even PhD degrees. Educated *biduns* have such a deep knowledge of the country and its society, and bring such important skills, that they were hired in the campaign head quarters of some Kuwaiti candidates, like Talal al-Ghanim, an independent *hadhar* candidate in the third constituency¹⁹⁷ (see Map 5, p.179).

Imbrication within the Middle Classes

Kuwait is not a surveillance state; this provides *biduns* with some interstices for private networks of survival and solidarity. Ghabra (1988) uses the expression 'politics of survival', which highlights, in the case of Palestinians, the pivotal role

¹⁹⁵ Interview with Ahmad al-Da'as, secretary of the MP Musallam al Barak, 28 February 2007.

¹⁹⁶ See *Murasil* in the glossary.

¹⁹⁷ Interview with a *bidun* photographer, Kuwait, 8 June 2008.

of the family in order for the group to survive and to maintain its cohesiveness under circumstances of dispersion. We prefer to use here the term 'survival strategies' but our core question here is comparable to that of Ghabra: How do family-based groups mobilise their resources in the absence of state protection, - and further, here, under the duress of administrative pressures? *Biduns* have kept groups afloat through mobilisation of family resources, particularly those of their Kuwaiti members as well as patronage links on the one hand, but also the politicisation of the issue in Kuwait over the last decade. The remaining two subsections will explore these these two strategies, the mobilisation of solidarity networks and the gradual emergence of the *biduns* as non-ethnic disenfranchised minority, trying to take common position in reaction to state policies.

Solidarity Networks for Material Needs

As seen above, in their type of employment *biduns* survive because the oil wealth reaches them or trickles down to them through three main channels: their Kuwaiti relatives, the charities and the concessions made by the government under pressure of Kuwaiti nationals.

Though the topic is quite embarrassing, the *biduns* who are kin-related to Kuwaiti nationals are supported in one way or another by these Kuwaiti relatives. *Bidun* children are reported to be brought up together with Kuwaiti families¹⁹⁸, even using illegal means to obtain state allowances and secure places in Kuwaiti schools by registering them under their own name¹⁹⁹. *Biduns* also mentioned the generosity, as well as the opulence, of Kuwaitis who could give away KD 400 the day they meet²⁰⁰.

Most of the *biduns*, when asked about what kind of aid they receive cited the government-run *bayt al Zakat*, as well as the state-subsidised mosque and charities. The *bayt al Zakat* distributes free staple food once every three months. As for the Kuwaiti religious charities, they are famous for their financial might. The most active is the Salafi Society for the Islamic Heritage's Revival (*jama'iyyat Ihia` al turath*) followed by the Muslim Brothers' social branch. Shiite *biduns* note the better organisation of the Sunni charities which, subsidised by the

¹⁹⁸ Interview with Dr. Faris al-Waqian, Kuwait University, 5 March 2007.

¹⁹⁹ Interview with Major-General, Mohamad al-Sbeie, Farwaniyya, 3 June 2008.

²⁰⁰ Interview with *biduns*, Kuwait City, 17 January 2007.

government, provide significant support of a solely material kind. They regret the pressure for conversion or need for *taqiyya*²⁰¹ that goes together with this help and go as far as to see in it the tacit approval of the government to keep the sectarian balance unchanged, or in favour of the Sunni creed.

Finally, a typical phenomenon in Kuwait, especially over the last decade is to see the pervasive state give back via different channels what it has denied or taken with different means. This is the logic behind the granting of Passport-article 17, correctly speaking more of a *laissez passer* (particularly on the way out) than a passport. At first, these temporary passports were granted as a convenience, especially for the pilgrimage but they did not mention the nationality of its holder. When they were re-instated after their issuance paused²⁰², directives were issued to and by foreign embassies not to accept these passports to issue visas. It also goes without saying that they are not valid in the GCC zone of free movements²⁰³. Only Syria and Iran accept them. As for the rest of the countries, including the EU, the rules are not clear.

The most important achievements for the *biduns* was the establishing by the government of two charity funds, financed by the Ministry of Religious Endowment, with a budget of KD 4m a year each and the objective of easing the lives of the *biduns* in the domains of Health and Education. Though versions diverge, the creation of these funds is often credited to the efforts of the independent Shiite MP Dr. Hasan Al Jawhar together with two prominent members of the royal family, the lawyer Sheikha Fawzia al- Salman al-Sabah and the daughter of the late Amir Jabir al-Ahmad (r. 1977-2006), Sheikha Awrad, who adopted the cause of the *biduns*.

Both funds are aimed at alleviating the costs of private clinics and private schooling²⁰⁴ for the young stateless barred from public schools and hospitals. As one interviewee put it²⁰⁵, education though costly has become the only way to salvation or to make up for the congenital discrimination: he proudly told me that

²⁰¹ The Shiite theologically-endorsed possibility to lie about one's true faith in case of danger.

²⁰² 'Government to Provide Article 17 Documents to 'Eligible' Bedoun; Panel Criticizes Term 'Bedoun' as Inhuman, *Arab Times*, Kuwait, 19 December 2006.

²⁰³ Interview with Sheikha Fawzia, Kuwait, 30 August 2007; with a *bidun*, Sulaybiyya, 14 May 2008.

²⁰⁴ According to Brigadier Faisal al-Sinnin Head of the Executive Committee, in *Al Qabas*. Kuwait, 4 November 2007, the Education Fund concerned 16,000 students per year, spread across 60 private schools.

²⁰⁵ Interview with a *bidun*, 'Ardhiyya, 8 June 2008.

with his Business Administration diploma obtained in 2002 through distance learning in the University of Jordan, he could train employees of various government bodies such as the Industrial Public Authority on meeting preparation and minutes writing, which represented a much enjoyed knowledge-based relation of power. In the domain of higher education, *biduns* have seized opportunities in the opening of the Kuwait branch of the Arab Open University (AOU) with its policy of open gates to stateless people and cheaper fees (KD 600/year) than other private universities, like the first private university in Kuwait, the Gulf University for Science and Technology known as GUST and opened in 1997. A quarter of the AOU's first batch of the 5-year course's graduates in 2007 was made up of *bidun* students²⁰⁶.

Campaigns and Protests

The appropriation of the cause of the *biduns* by prominent Kuwaiti figures and organisations enabled the part of the Kuwaiti society affected by the issue to organise its mobilisation. In addition to liberal personalities on the Kuwaiti political scene whose arguments and solutions will be analysed in Chapter V, the Kuwaiti Society for Human Rights (KSHR), the Human Rights Committees of the powerful Kuwait Bar Association (KBA) and the Graduates Association²⁰⁷ played a powerful role in the citizens' mobilisation.

The support by Kuwaiti nationals that the *bidun* cause has gathered throughout the 1990s, to blossom in the 2000s, is of utmost importance. The way the *biduns'* grievances have always been presented to me by Kuwaiti nationals on their behalf, as if the *biduns* were minor persons unable to speak for themselves, had been quite puzzling at first. It does make sense though in light of the 1968 Military Law as well as the 1986 secret decree that required from the Ministry of Information its cooperation, in order to forbid the entire press to publish any article or complaint related to the *bidun* category²⁰⁸.

The interdiction to speak about the issue seemed to have been literally blasted, but in three steps. First, Kuwaiti nationals have been able to afford to criticise the

²⁰⁶ Interview with Fahd Mekrad, AOU, Kuwait branch-manager, 8 January 2007, Hawalli.

²⁰⁷ See Map 4, p.165, 'Civil Society organisation': the KBA and the Graduates Association are located in Bneid al Gar, east of the Old Kuwait City while the KSHR (next to the Kuwait Economic Society) is located in Shuwaikh, southwest of Qibla.

²⁰⁸ *Al-Tali'a*, Kuwait, 30 August 2003.

policy of the government, within certain boundaries. In Kuwait, the nationality-based hierarchy is so entrenched that the existence of a law does not necessarily help in cases of major complaint lodged by non-nationals; the backing of a Kuwaiti national to support the claim of a foreigner in the face of another Kuwaiti or of the State is indispensable. Without grasping this considerable power of the Kuwaiti citizens, despite their inability to interfere in terms of the sovereign matter of nationality, one cannot fully appreciate the significance of the involvement of prominent Kuwaiti figures.

Second, this support and frame for action given by Kuwaitis provided the opportunity, to the so far muzzled *biduns*, to *speak* for themselves. That is the significance of the event *Al bidun yatahaddathun* [The *Biduns* Talk], held on 4 November 2006 in the amphitheatre of the Kuwait Bar Association and organised by the KSHR, in the presence of the prominent human rights activist, Dr. Ghanim al-Najjar, Sheikha Awrad and all the MPs in favour of the cause. Nowadays, the issue of the *biduns* is widely debated in the press and on the TV, whether on the religious programme of sheikh Nabil al-'Awadhi, *sa'at saraha*, the 'Hour of Truth'²⁰⁹, on Al-Ra'i channel in December 2006, or on the weekly *Diwaniyya* programme of Dr. Shafiq al-Ghabra on 6 February 2007. Both TV programmes allowed *biduns* to intervene, give their testimonies and express their difficulties. Moreover, the *biduns'* situations are widely discussed on internet forums specially designed for the purpose.

Table 3: Sample of Websites Dedicated to the *Biduns*

http://www.bedoon.org.kw	KHRS website
http://www.kuwbedmov.org	Website of Muhammad al-'Anazi, <i>bidun</i> living in the UK.
http://www.kuwaitibedoons.com	<i>Remark:</i> Almost all the websites' headers reproduce the official pictures of the Emir Sheikh Sabah al-Ahmad Al-Sabah (r.2006) and his Crown Prince Sheikh Nawaf al-Ahmad Al-Sabah, as a sign of allegiance.
http://www.bedoon.net	
http://www.bedoon.cc	
http://www.bedoonkw.org	
http://www.bedoon.blogspot.com	

In addition, the issue is widely debated on websites dedicated to tribal confederations that have flourished since 2007. Though the reliability of the data

²⁰⁹ DVD '*hilqat al bidun*' [The *Biduns*' Circle], in the programme 'The Hour of Truth', by Sheikh Nabil al-'Awadhi, Al Ra'i TV and *Bidun* Popular Committee, www.emanway.com

placed on these websites is doubtful, it is important to reflect on the significance of the recent multiplication of websites focusing on the history of tribes (as well as *hadhar* great families). In the case of tribal confederations, internet pages revive the past glory as a sort of golden age, and recreate virtual and cross-border solidarity. The proclaimed support to *bidun* 'brothers' in Kuwait plays a unifying role in this process of solidarity building²¹⁰. It seems to us, though, that the resurrection of the tribal, and particularly transnational, identity reflects the pressures for more opportunities and social equality emanating from the *badu* part of the population that was last integrated in the polity.

Thirdly, despite the fact that the *biduns* community, as a purely administrative category, lacks cohesiveness, the *biduns* eventually managed to form, with the indispensable help of Kuwaiti nationals, an advocacy group, the *Bidun* Popular Committee or *Lajnat sha'abiyya (li qadha-ia al bidun)*. Founded in 2006, the *Bidun* Popular Committee provides a platform for *biduns* to react to official measures and policies in a coordinated way and in liaison with their Kuwaiti supporters. It enables them to try to oppose a united front to the government and the Executive Committee, as was the case in January 2007 with regard to the issuance of temporary driving licenses.

Campaigns, protests and efforts to raise awareness of the issue of the *biduns*, like the day of action organised in front of the National Assembly on 28 October 2008²¹¹ have increased over the past four years. Many *biduns* feel that their cases are being used in internecine Kuwaiti fights between politicians. Nevertheless, the implications of the *bidun* question are larger than inter-personal political rivalries and electoral gains. Chapter II showed how subtle the original alchemy between the diverse components of the Kuwaiti citizenry was, the inclusion of the *biduns* into the polity raises the question of a possible evolution of this *status quo*, what we call the 'renegotiation of the social pact'.

²¹⁰ Interview with Dr. Falah Abdul Jabar, Beirut, 20 February 2010.

²¹¹ 'Buramya Calls for Public Protest', *Kuwait Times*, 28 October 2008; 'Bedoun Protest for 'Basic Rights', *Arab Times*, 28 October 2008.

In conclusion, this chapter has demonstrated that, under the guise of a fight against illegal migration, the Kuwaiti government targeted another kind of transnational actor, the sociological networks that it had earlier tapped into and that went out of control because of the politicisation of the traditional religious networks in the region, among other things. While severing the migration networks of near-foreigners, it maintained the regulated influx of other foreigners essential to its economy and the leisure of its citizens. The resort to, and later abandoning of, the *biduns* illustrated the fact that

Much of international relations can be seen [...] as an internationalisation of domestic conflicts, of relations between state and society [...], [where the former] have a distinct advantage and can mobilise resources within and beyond state boundaries far in excess of those who challenge them. (Halliday, 1994: 85)

Yet it was also shown that there are limits to the severing of transnational networks. The number of people who want to be naturalised has been reduced, sometimes by artificial means (such as the granting of African or South American nationalities). However the consequences of the utilisation of the human resources drawn from the Northern Arabian region cannot be reverted or erased. This is particularly true because of the transnational foundations of Kuwait's society. Part of the Kuwaiti population originating from the same tribal background is intertwined with the *biduns* or feels sympathetic to them in a context where the conflict between state and society has evolved. If anything, the crackdown on the *biduns*, especially those in the armed forces, marked the end of the strategic alliance between the ruling family and its *badu* loyal support.

In the context of the nationalisation of Kuwaiti politics, the resort to transnational sociological forces is now the prerogative of the *badu*, especially the powerful tribes with long-running relations with Saudi Arabia. The next chapter analyses these pressures for more equality as they emerge in the domestic debate around the *biduns* going on today in Kuwait. While we are reluctant to call these pressures 'democratic', they certainly represent a move to limit inherited privileges. The pressures exerted by another form of institutionalised transnational movement, the human rights organisations, to put an end to the phenomenon of statelessness also play a complex role in this domestic game.

Chapter V

Political Economy of Naturalisation and Transnationalism

Il n'est pas de problème si difficile qu'une absence de solution ne finisse par résoudre.

No problem is so difficult that an absence of solution cannot eventually resolve

(Henri Queuille, 1886-1970, French head of the cabinet under the IVth Republic)

This last chapter presents an overview of the current deadlock that the *bidun* issue has reached in Kuwait. Fifty years after the issuance of Law 15 on Nationality and Law 17 on the Residence of Aliens, the disputes that resulted from loopholes in the legal system are still unresolved. For the last thirty years, the promises to find a 'radical' or definitive solution have fared no better. The 2010 newspaper headline 'Kuwait: Council sets Plan to Solve Bedoun iIssue'²¹² rings hollow²¹³, as did the triumphalist headline '1981 will be the year of Nationality! *Al Siyasa* diffuses arrangements to obtain nationality'²¹⁴.

Yet things have undeniably evolved. The state's calculated decision to force the *biduns* out of the country bore fruit. Not only did it more than halve their number in twenty years, from over 250,000 at the beginning of the 1990s to under 100,000 at the end of the 2000s, it also downgraded their claim from an entitlement to nationality to a guarantee of basic rights. By a rather gross manipulation of juridical categories or a confusion of the various kinds of transnationalism,

²¹² *Arab Times*, Kuwait, 14 February 2010.

²¹³ One of my *bidun* informants even suggested I enquire into the similar pattern of promises made to the *biduns* by comparing the archives of the Kuwaiti papers and the present press. Kuwait, 8 June 2008.

²¹⁴ *Al Siyasa*, 3 January 1981.

Kuwait aligned itself with the discourse on immigration prevalent in the majority of sovereign states. This alignment, which resulted from the interaction between international organisations and domestic, state and non-state, actors, is what is meant here by the 'internalisation' of the accepted illiberal practices towards migration based on the norms of the sovereign state system.

This chapter first discusses the internal debate as it unfolds on the Kuwaiti political scene. It begins by explaining how the opponents to the naturalisation of the *biduns* understand citizenship. The term 'economic citizenship' is used to suggest that the right to participation in political decision-making pertains mostly to the issue of economic redistribution. It also analyses the ambiguous arguments deployed by the proponents of the cause of the *biduns*, which oscillate between outright naturalisation and recovery of civil rights.

In a second part, the chapter looks at the impact of international human rights organisations and advocacy groups on the domestic debate. Finally, against the background of these three perspectives, it discusses the current position of the government in light of the obstacles to a rapid resolution of the problem.

POLITICISATION OF THE *BIDUN* ISSUE: THE INTERNAL DEBATE

The Gulf states have tended to be treated as exceptional cases because of their reliance on oil, their authoritarian regimes and their demographic makeup. However, when it comes to the impact of immigration on nationalism, they are very much like any other society where citizenship is largely defined in terms of access to welfare-state benefits.

The citizens of welfare states tend to fear that the inclusion of new-comers into the citizenry would result in a real, or *perceived*, reduction of their socio-economic benefits. It is as if state expenditure was a pie to be shared: the greater the number of shares, the smaller their size. This rather simplistic logic, neglecting the complexities of public budgets and the variety of possible allocations, is not peculiar to the Gulf. It is very much behind the illusionary objective of 'zero immigration' put forward by certain conservative parties and all the far-right parties in Europe. The electoral dividends that can be reaped from such arguments

are well known. Moreover, the extension of citizenship or other rights to migrants – and stateless/paperless people or *sans-papiers* – creates a conflict of interests between established residents and new-comers. It challenges the existing power structure and creates competition on the labour market. This is particularly true of illegal employment niches such as the building trade, the clothing industry in France, light industry and agriculture in the Southern United States, to mention only a few examples. Any change in the distributive balance is thus perceived as a zero-sum game. Rather than confronting the popular discontent, it is politically easier to opt for the *status quo* – to the great satisfaction of employers of undocumented workers (Terry, 1999: 18-32). Kuwait is no different. However its peculiar economic structure exacerbates this perception: the pay of civil servants is 'better thought as a monthly disbursement from the national trust fund' rather than being tied to services rendered; the 'size of the stipends paid to citizens' depends more on 'politics and the price of oil in world markets, rather than local labor markets', while 'the number of citizens hired by the government is driven not by government need for employees but instead by the supply of citizens, with most new entrants to the job market receiving a position' (Herb, 2009: 382).

Protecting the Welfare Privileges

Overall, Kuwaiti public opinion does not favour the cause of the *biduns*. The question of national identity and nationality is sensitive in any country. But in Kuwait, the trauma of the invasion, during which the *bidun* foot soldiers were collectively stigmatised as traitors or cowards, is reminiscent of post-WWII Europe, with the associated issues of collaboration, military defeat, and the displacement of the population in the face of the enemy. Kuwait lacks the pride vested in the national army and military tradition that allowed other defeated countries like France or Austria to build post-WWII integrationist myths²¹⁵. The *bidun* issue, linked to the humiliating occupation, got bogged down in the decade following the 1990 Iraqi invasion, while Kuwaitis were hoping for a prompt solution in the aftermath of the liberation. As a result, the majority of Kuwaitis have become indifferent to an issue perceived as insoluble. According to one

²¹⁵ De Gaulle's myth of resistant France (*la France résistante*) or Austria's official interpretation of its role in WWII, as the first victim of Nazism.

bidun, who frequently contributes to the press and internet forums, out of a limited press readership of 10% of Kuwaitis, perhaps 2% may have an interest in the issue²¹⁶.

The following case, although not fully representative, is nevertheless significant. I was invited to observe an all-female class given by Abdul Redha Asiri at the Faculty of Political Sciences of Kuwait University²¹⁷. The topic was the issue of the *biduns*, which the lecturer had discussed in his 1996 textbook. What struck me was certainly not the students' animosity towards the *biduns*, but rather their benevolent detachment. Unsurprisingly, only one girl said she would have agreed to marry a *bidun*. What these girls found problematic, or 'the biggest mistake' of Kuwait, was the naturalisation of the foreign wives of Kuwaiti men after five years of marriage, while that of South Asian spouses seemed to them a heresy. All in all, the *biduns* appeared to be little different from other (Arab) foreign workers, certainly deserving rights but not equality.

The greatest resistance to the naturalisation of the *biduns* comes from the economic elites or the wealthiest *hadhar* families. That resistance was corroborated by the quantitative analysis of Youssef Ali (2006) and it is omnipresent in my qualitative interviews. The *biduns* and their supporters have a particular term to designate that category: they are the 'blue-blooded' (*al dima` al zarqa*), that is to say, those who think of themselves as being of a superior pedigree. The category cuts across religious orientations, whether Islamist or 'liberal' – the latter referring in the Kuwaiti context to an approach that is secular – but uses the same nationalist language.

Opponents to the Cause of the Biduns

Not all the merchant families are staunch adversaries to a resolution favourable to the *biduns*. A few names took public positions like Khalifa al-Khurafi²¹⁸ or were mentioned in my interviews as being particularly averse to any relaxing of the pressure exerted on the *biduns*. Among them were the MPs Muhammad Jasim al-

²¹⁶ Interview, Kuwait, 26 April 2008. The significance of the figures lies less in their accuracy than in the perception, by the interviewee, of the very scant interest for the issue of the *biduns*.

²¹⁷ 19 May 2008.

²¹⁸ *Khalifa al-Khurafi: al bidun dukhala`... hazihi wajhat nazhari wa la tafasil* [Khalifa al-Khurafi: *Biduns* are Intruders...This is My Point of View, Full Stop], *Haraka*, 57: 4, 26 February 2007. Khalifa is member of the municipal council.

Saqr²¹⁹, Salih al-Fadhala²²⁰, and Abd al Aziz al-'Adsani²²¹. Al-'Adsani's position towards the *biduns* as well as the support he received in the press provide a good illustration of the line of argument of certain merchants. As early as 1994, 'Abd al-Aziz al-'Adsani demands a review of all nationality files [suspecting that] only 4% of the *biduns* qualify for citizenship'²²². Replying to the MP Khudhayr al-'Anazi's promise to release official papers to facilitate access to health and education services, as well as birth certificates and driving authorisations, al-'Adsani requested a full investigation into the *biduns'* files so as to deny these papers to those having a criminal record. As al-'Adsani put it: 'the security dimension is more important than the humanitarian one'²²³. As is often the case, social conflicts or conflicts of interest are presented in conservative nationalist terms as security 'threats to the nation'. This is the case of the stigmatisation of the Muslim migrant communities in Europe (Noiriel, 2007: 73). It is all the more acute in Kuwait because of the Iraqi invasion and the bureaucratic traps described above. More original are the reasons put forward in defence of the credibility of Abd al-Aziz al-'Adsani's stance²²⁴: in addition to the public functions he assumed, his wisdom comes from his stemming from 'a respectable family of long involvement in social and political activities' (*usra 'ariqa*)²²⁵.

Apart from security, the other line of argument resorts to economic reasons. Those were voiced by another member of the family, Yusuf Muhammad al-'Adsani, MP and speaker of the 1980-84 Parliament in an article dated 29 March 1983 in *Al*

²¹⁹ Liberal deputy of Qibla between 1999 and 2006; elected in the second constituency in 2008. He was also president of the transitory Arab Parliament.

²²⁰ Deputy (1981, 1985, 1992, 1999, 2006) of 'Adiliyya with Islamist inclination (he was endorsed by the Muslim Brothers' Islamic Constitutional Movement – ICM – and Salafi in 1992). 'Bedoon Sue Ex-MP' *Kuwait Times*, 13 March 2008. The ex-MP is Ali al-Baghli accused of 'publicly humiliating them at the *diwan* of MP Salih Fadhala'.

²²¹ Deputy (1992, Kaifan) general-secretary of the Organisation of Arab cities since the establishment of its headquarters in Kuwait in 1967, and president of the Audit Office since March 2009.

²²² Title of an article in *Al-Watan*, 5 September 1994.

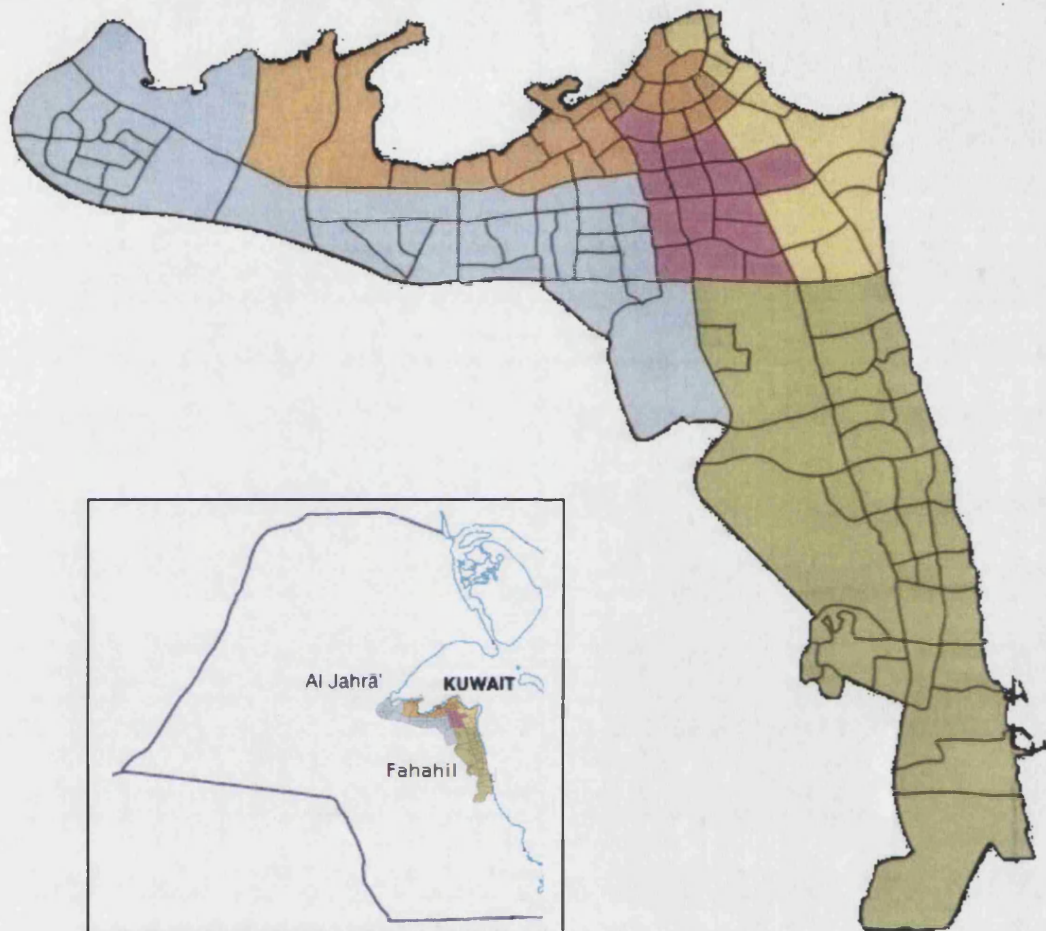
²²³ *Rad 'ala tasrih al na`ib Khudayr al 'Anazi: 'Abd al 'Aziz al-'Adsani yutalib bi tahqiq ma' al "bidun" al musajjal dhidhum quyud amnia.* [In Response to the Statement of MP Khudayr al 'Anazi, Abd al-Aziz al-'Adsani Requires an Investigation into the Files of the *Biduns* with Registered Security Issues] *Al Watan*, 31 July 2006.

²²⁴ Al Tuwayjri, A. a.-A. *Kalimat al haq bi haza al rajul.* [This Man Speaks Rightly] *Al Qabas*, 8 February 2008.

²²⁵ One of the most prominent members of the family was Khalid Sulayman al-'Adsani, the secretary of the Legislative Council of 1938 (*majlis tashri'i*) and author of *Nisf 'am lilhukm al niabi fil Kuwait* [Half a Year of Parliamentary Rule in Kuwait], 1947, unpublished manuscript.

Qabas 'The Naturalisation of 1,000 Persons a Year will Give the State an Extra-Burden to Carry.'

Map 5 : Kuwait's Five Constituencies



Source: *Dalil al Nakhib fi dawa`ir al intikhabia* [Voter's Guide into the Electoral Constituencies], markaz al khalij al `arabi lil-i`lan (2008).

However, according to Sheikha Fawzia al-Salman Al-Sabah it is less a matter of security or economics than one of fear on the part of the *hadhar* who are being outnumbered by the *badu* in the proportion of 40-60% and feel that any enlargement of the polity would jeopardise their economic privileges²²⁶. The sociological and identity cleavage is clearly here overlapping with class interests.

Feeling themselves under siege, the *hadhar* cling to their civic and political legacy as state builders, but their socio-economic position domestically and

²²⁶ 30 August 2007, Kuwait. She employed a very significant vocabulary to make this point, referring to the urban historic distinction overlapping the socio-economic divide: '*yakhaf yusharikun min nahiat iqtisadia dakhil al sur*' [They [*hadhar*] are afraid that they [*biduns*] come to share in the economy 'within the wall'.]

internationally, has evolved since the days of independence. So has their conception of citizenship as a consequence. In light of these changes, the two Kuwaiti conceptions of state membership described by Longva (quoted in Chapter I), re-used as such by Tétreault as cited below, need to be revisited here:

Urban Kuwaitis, on the other hand, understand citizenship as *jinsiyya*, from the root verb *jns*, meaning "to make alike, to assimilate, to naturalize". [...] There is an idea of similarity and horizontal solidarity. [...] [*Jinsiyya*] does not posit *a priori* an idea of hierarchy and supreme authority. In this sense, it is much closer to the Western concept of citizenship. [...] the urban Kuwaitis relate this notion [*jiniyya*] with a territorialized community [...] previously the town, toady the nation-state, rather than with a particular leadership.

The tribes in Kuwait understand nationality and citizenship in the sense of *tabi'iyya*, which can be translated as the "following" of or "allegiance" to a leader, in this case Kuwait's ruling family. The root verb of *tabi'iyya* means, among other things, to walk behind someone, to be subordinate to, to be under someone's command. The concept is clearly built on an idea of hierarchy and vertical allegiance. (2000: 47)

For sure, the idea of *jinsiyya* is close to the Western concept of citizenship or *muwatana*. The bond between them and the state of Kuwait is indeed indissoluble: they are nationals *and* citizens in the sense that their entitlements are rights that a sudden whim of the ruler could not possibly question. First and foremost, their first degree nationality is immune to denaturalisation, except in extreme cases of high treason or lese-majesty. This is the case in most democratic countries and is applied on the basis of a legal text and, in a very restricted manner, as a punishment on security grounds²²⁷, such as some Kuwaiti members of Al-Qa'ida involved in jihadist movements in Iraq and Afghanistan. The case of the denaturalisation of al-Muhri appeared very shocking to (Shiite) Kuwaitis because he held the first degree nationality. Moreover most of the members of the al-Muhri family were allowed back to Kuwait; only one son of the preacher, Ahmad al-Muhri, refused the emir's grace and preferred to stay in London²²⁸. That this first degree nationality is regarded as a due to them is illustrated by the spontaneous remark of a Kuwaiti friend about the type of nationality of the journalist Muhammad al-Jasim, when he was in judicial trouble for his articles against the Emir: 'Have you ever seen a Jana'at second class citizen?' . Though the

²²⁷ Though France seemed in 2010 to depart from this tacit norm, willing to widen the criminal basis on which to denaturalise offenders.

²²⁸ Interview with Dr. Mahdi al-Salman, Shiite militant, Kuwait, 8 July 2007.

Jana'at are not considered a merchant family, their long residence in Kuwait is not questionable. As a result, all members of its various branches are Kuwaitis *asli*²²⁹. Nationalities of other degrees are more easily withdrawn. The most current bases on which nationality is withdrawn are the mistakes that allegedly occurred in the naturalisation process or the interdiction of holding two nationalities²³⁰.

The idea that holding dual nationality is unacceptable predates the 1959 Nationality Law. The internal crisis caused by the Malik affair in 1957 is worth mentioning. Fahd al-Malik, from a family remotely related to the Al-Sabah, was a close advisor to the King Abd al-Aziz Al-Saud until 1948 when he moved to Kuwait and became the senior companion of Sheikh Jabir al-Ali.

In Kuwait, Fahd Al-Malik began to act as though he were not subject to the Rulers' authority: he began claiming desert land, erecting buildings without permission, and in one case in November-December 1956 seized land in the Fahahil area by tearing up a Kuwaiti's land title deeds. (Jarman, 2002: 49)

In order to subjugate the excesses of al-Malik, the Kuwaiti government forced him to declare whether he was Saudi or Kuwaiti. Upon his answer that he was a Saudi, he and his family were ordered to leave Kuwait by 15 May 1957. Yet, instead of doing so, they 'barricaded themselves within the family compound'. The Security Forces of Abdullah Mubarak punished their transgression of the ruler's authority.

On 15 May, the family compound was bombarded with heavy artillery –eight Al-Malik were killed, five injured and 35 captured. (2002: 50)

The issue of the Kuwaiti nationality held by Saudis or vice-versa is an acute one in Kuwait today. Yet it seems to us that the way it has been handled by the Kuwaiti government since the 1950s, has depended very much on the regional balance of power in Northern Arabia. In the face of the growing Iraqi threat, Kuwait had been more lenient towards Saudi tricksters and more cautious towards Iraqi ones. Another important event in Kuwait bore witness to this trend: in 1980, Khalid Khalaf, a Kuwaiti lawyer who took on the Iraqi nationality, was also stripped of his nationality because of the interdiction of dual nationality. The 'decrees of nationality withdrawal' (*sahb al jinsiyya*), published in the press, were

²²⁹ Background conversation, Beirut, 2010.

²³⁰ 'Khalid Khalaf is Withdrawn his Kuwaiti Nationality', *Al Qabas*, 8 December 1980. 'Khalid Khalaf Renounces his Iraqi Nationality. His Attempts to get his Kuwaiti Nationality back are Rejected'. *Al Qabas*, 15 December 1980.

frequent during the troubled first half of the 1980s²³¹; they could apply up to 23 years after the naturalisation and affect entire families. They still exist nowadays but concern more recent nationality acquisitions, although the legal basis has usually stayed the same, namely the presence of errors in the procedure. In the context of the US-led occupation of Iraq, Kuwait seems to be more assertive towards the Saudi neighbour.

Second, the *hadhar* aristocracy, like the rest of the male and female Kuwaitis – except those freshly naturalised and members of the armed forces – has secured political rights. Since the re-establishment of the National Assembly after the liberation in 1992, the ruling family would find it difficult to create an authoritarian coalition capable of supporting a non-constitutional suspension of parliament. However the political participation occurs within the limits of a hybrid democratic system where the parliament has the power to stymie government action, through the threat of interpellations and votes of confidence, without the responsibility of the rule that would come from the formation of the government by parliamentary parties and led by a commoner prime minister (Herb, 2009: 380). This kind of political participation is diametrically opposed to the self-governing ideal substantially linked to the communitarian or radical democratic understandings of citizenship: instead of the self-regulation of social conflict regarding the allocation of budget resources, the ruling family, and the patriarchal figure of the Emir is put in the position of an arbitrator of the welfare redistribution between the *hadhar* bourgeoisie and the *badu* employees. The result of this political structure coupled with the welfare provisions is not, as Marshall had predicted, an equalising of opportunities but rather the exacerbation of social conflicts over the rent redistribution to which the *hadhar* private sector was the first to get access. Contrary to the Marshallian logic, social rights had proved unable to ameliorate inequalities inherent to capitalism.

It is not entirely accurate to state that the conception of citizenship as Marshallian state-given rights led to a passive and privatistic practice of citizenship in Kuwait. Of course, it cannot be denied that in the Gulf states, unlike in Western

²³¹ For instance *Al Qabas*, 18 May 1980 nullifying nationalities granted in 1962 and 1963; 1983, 23 August nullifying decrees of 1966; *Al Qabas* 3 March 1985, nullifying a decree of 1962. All end with the mention 'all the dependents who got naturalized along them/him are deprived of their nationality'.

democracies, welfare provisions have not served the primary purposes of labour market regulation 'as part of the continual perfection of democratic ideas' (Ashford, 1989: 295). They have rather aimed at legitimising the regime by transforming traditional powers into authoritarian powers.

Rulers in the wealthiest [Gulf] states offer an upscale variant of developmentalism. Celebrating materialism and the regime's ability to realize its subjects' wildest shopping fantasy, these rulers work to move people from the marketplace of ideas to the marketplace. This government-sponsored orgy of consumption has indeed been largely embraced by the national population of the oil-producing states. (Crystal, 1994: 280-81)

This consumerist dimension, oddly in tune with the neo-liberal turn of the 1980s and 1990s 'that marks the end of the liberal concept of citizenship with the return of citizenship to the market' (Delanty, 2002: 20), is still very much present at all levels of the Kuwaiti society. It is particularly salient and conspicuous for the wealthiest, whom the *biduns* denounce as the 'consumer class'.

Yet the Kuwaiti merchant families are not only consumers, they have become global investors: as shown in Chapter III, the class of merchants was a pillar of the Kuwaiti social pact. Starting with only a relative wealth and habits of dealing internationally through business networks, they amassed fortunes domestically. This occurred thanks to the state policies that forced foreign enterprises to enter into business alliance with a local partner and granted them most of the government contracts. There are in Kuwait fifteen families with distribution or trade monopolies²³². This wealth, massively invested abroad in real estate and securities, generated huge revenues at the time of 'asset appreciation in industrial countries, to the point that their wealth and earning abroad surpassed their wealth and earnings at home. Consequently, their dependence on the goodwill of [...] [the] government was reduced.' (Luciani, 2007: 170). Contrary to the bourgeoisie in other Gulf states, the Kuwaitis have been quite slow to invest back in Kuwait when the economic liberalisation opened up new investment opportunities at home. They preferred to invest their capital in the UAE or Bahrain when they chose to repatriate it to the region. This is because of the overhanging threat posed by the rule of Saddam Hussein until 2003, as well as the hindrances imposed by the Parliament, whose majority representing civil servants prefers the government to distribute revenues directly rather than investing in infrastructure projects, and

²³² Interview with Faris al-Waqian, Kuwait, 7 January 2007.

exerts strong pressure to curb the monopolies on the attribution of public contracts to the great family business like al-Khurafi contractors.

What does this all mean for the conception of *jinsiyya* and *tabi'iyya*? These cultural categories have evolved and now mask other interests, whether one calls them nationalist as Longva does (2006: 186), revisiting her own work, or economic as I am inclined to do for three main reasons.

First, the Kuwaiti globalised bourgeois class has tied bonds outside of its country of origin. This has two main consequences: the relative weakening of 'the horizontal solidarity' because of the competition in the market place²³³ and the relative loosening of ties with the 'territorialized community'. Their position belies both Miller's defence of a nationality-based citizenship, as the divorce from the salaried citizens is profound, and Linklater's optimistic hope for a supra-national cosmopolitan citizenship (Hutchings & Dannreuther, 1998: 35-82). They are part of 'a network of connections and functional interdependencies which has developed within certain important sectors of the 'global market', above all finance, technology, automation, the manufacturing industry and the service sector' that Danilo Zolo equates with what 'western cosmopolitans call 'global civil society' (1997:137) and to which Kuwaitis do not even pretend to belong, sticking to family lines²³⁴. In no way does this mean a detachment from the state of Kuwait as core business provider rather than 'nation-state'. In the words of Giacomo Luciani:

Among businessmen in the Gulf, the desire to invest at home originates from the realization that, if they become alienated from their countries of origin, they will carry no weight as major international business characters. Their international status is contingent on their remaining closely associated with their countries of origin. Also these countries offer by far the best opportunities for investment and growth, much better than those offered by the industrial countries. The comparative advantage of the Gulf bourgeoisie lies exactly in being the protagonist in the development of the Gulf and of the Arab world more broadly rather than in the real estate market in Mayfair, Knightsbridge, and Belgravia ... Hence the Gulf bourgeoisie is, on the one hand, substantially autonomous from the state, but on the other hand, very much committed to the development of their countries of origin – and to demands from the state that it should vigorously promote it. (2007: 171)

²³³ For instance the bitter rivalries between Muhammad al-Saqr and Jasim al-Khurafi, Speaker of the Parliament and Muhammad al-Saqr and Sheikh Nasser al Muhammad Al-Sabah, Prime Minister related to the acquisition of shares in each other's companies. Background conversation at the office of *Al Qabas*, 7 June 2008.

²³⁴ In that sense, they are either nostalgic of a regionally framed 'cosmopolitan citizenship' as developed in its historical sense by Sami Zubaida (2010).

These multi-level economic interests coupled with multiple places of sojourn or abode, shed a new light on the official narrative according to which *hadhar* are state-builders with interest in the public good as exemplified by the 1960-1985 golden age as opposed to, since 1986, the influx of *badu* who do not care about a land they have no link with, but are only interested in getting money from the state²³⁵.

Second, the alleged *badu* allegiance towards a leader rather than the territorial sovereign state is to be seriously revised. The now long-settled Bedouin populations have obviously accepted the logic and legitimacy of the state system and the rules of the Kuwaiti democratic game. Their absence of identification with and commitment to the national community is attributed to their 'backward' traditions²³⁶ coming from Saudi Arabia, as well as, in the eyes of the more secular *hadhar*, to their Islamist orientations, particularly Sunni. However, *badu* and Islamist MPs from the fourth and fifth constituencies, that is to say the constituencies beyond the fourth ring road²³⁷, raise demands that are closely associated with the concepts integral to the nation-state model, such as popular sovereignty, social equality and democratic accountability. Although they sometimes indulge a certain populism tinged with Islam or tribal values, their demands reflect less a 'vertical allegiance' and the acceptance of the 'hierarchy' than democratic pressures.

Moreover, the fact that the *biduns* are as reluctant as the rest of the Kuwaitis to opt for an exit strategy in spite of the pressure exerted against them bears witness at least to a similar kind of attachment to the place.

Third, Longva's cultural approach proves even more questionable when justified by resort to the analysis of Ibn Khaldun (1332-1406) and its notion of group feeling or *'asabiyya*, that transcends each individual group feeling and explains the political loyalty and recognition of the superiority of the leader (Salamé, 1990: 32). Though the term is never used to refer to the *hadhar*, the group feeling is widely shared among long-settled urban families too. The familial solidarity and

²³⁵ Interview with Major-General Mohamad I. al-Sbeie, Ministry of Interior, Assistant Under-Secretary for Rehabilitation and Law Enforcement Affairs, Kuwait, 3 June 2008.

²³⁶ Such as the *niqab* covering women's faces, the high fertility rate, gender discrimination, sometimes even the wearing of the *shmakh* (red checked headwear) at other times than winter time.

²³⁷ The number of constituencies was reduced from 25 (2 MPs per constituency) to 5 (10 MPs per constituency) in 2006 in an attempt to reduce electoral corruption and vote-buying.

hierarchy is staged in the ritual of the *diwaniyya*, it is also very tangible in the handling of businesses that stay exclusively in the hands of the family. The difference with the *badu* is a matter of scale as the *badu* identity and source of social pride lies in the cultivation of longer genealogies and wider networks. In the end, the only ones who adhere to the *tabi'iyya* notion of citizenship seem to be the rulers: though their hereditary rule is inscribed in article 4 of the Constitution and was reasserted during Kuwait's occupation, part of their legitimacy is drawn from the patriarchal myth that portrays the Emir as the father of his people and the polity as a family story. The Emir appears as the paternal figure that cares for the unity and cohesion of his family, and as such intervenes to calm down and arbitrate the recurrent conflicts between the executive and the legislative powers. The Kuwaitis are happy to comply with this harmless myth and their head of state, but they also know where their interests lie.

To sum up, the different social classes' conceptions of citizenship in Kuwait have evolved together with their respective positions and their integration within the wider global context. They seem even to be inverted: the general tendency is not towards greater inclusion but a fairer distribution among the nationals. Yet those who push for greater social equality among nationals seem more favourably inclined towards the *biduns*; they are eager to have nationality and consolidated citizenship rights go hand in hand, as advocated by Miller. However the commitment and responsibility to the community underlined by Miller are not prominent in their rhetoric. On the contrary, the state-protected bourgeoisie, integrated into some informal global networks and whose civic virtues are still celebrated, leaned towards a differentiated notion of citizenship, decoupled from nationality in a multicultural context – the *badu* culture being almost a separate one marked by profiteering.

These general tendencies should not obscure the variety of other reasons mentioned to me to support a stance opposing the *biduns*. Among them there is the fear of competition over jobs and privileges that arise at lower levels of government employment but also at higher levels. Luciani notes:

With time, the successful businesspeople would tend to attribute their success to their own business acumen and appetite for risk rather than to their access to the state generosity. This sentiment is likely to be further strengthened with [...] the coming to

the fore of a new generation, in which the qualitative difference between good and bad business instinct might be even more pronounced. (2007:170)

Some *biduns* employed in the private sector and eager to acquire management qualifications underlined the fact that some of the new generation members of the merchant families lack the business acumen and dedication of their forefathers as well as modern qualifications and feel threatened in their privileges by the skills of the *biduns*²³⁸. The qualifications of the *biduns* is a controversial topic, and is largely generation dependent; yet, that some of them are doing well in the private sector is attested to by another blame placed on them according to which they are as rich as Kuwaitis because they work in three different employments²³⁹.

According to Faris al-Waqian²⁴⁰, himself from Jahra` and author of a special report for the parliamentary commission for the *biduns* affairs submitted in December 2006, the social elites who hold commercial, economic and historic power, constitute a powerful lobby against the naturalisation of the *biduns*. They exert an important pressure on the government, brandishing the arguments for the preservation of Kuwaiti national identity, the economic bill of naturalisation and the social and security impact on the society.

The Question of the Economic Bill

The question of the economic bill (*taklifa/kulfa maliyya* or *iqtisadiyya*), for those brandishing it, is not only a matter of figures but also of identity. The economic argument consists in making a gross calculation of the overnight naturalisation of around 120,000 *biduns*²⁴¹, listing the following items:

- Housing benefit per family: KD 50,000 -70,000²⁴²
- Health cost per person per year: KD 5,000-7,000²⁴³
- Education cost per child per year over 12 years: KD 1,200-2,400
- Employment guaranteed by article 41 of the 1962 Constitution
- Social services, subsidised utilities (water and electricity) and food staples

²³⁸ Interview with a *bidun*, Kuwait, 27 May 2008.

²³⁹ Interview with Major-General al-Sbeie, Kuwait, 3 June 2008.

²⁴⁰ Interview, Kuwait, 7 January 2007.

²⁴¹ Interview with Rula Dashti, head of the Kuwait Economic Society, Kuwait, 11 July 2007; interview with member of the Human Rights Office of the *Majlis al Umma*, 2 July 2007.

²⁴² These are the two different estimates given by the two above-mentioned interviewees.

²⁴³ According to *taklifa al ta'min al shamil al sihhi li-shakhs fil Kuwait* [quote for a personal complete health insurance in Kuwait]. It should be noted that the health system in Kuwait includes all the costs of treatments abroad for the patient and a relative.

The total figure put forward is KD 600 million for the naturalisation of 100,000 *biduns*. However no official study or parliamentary document can ascertain the validity of this estimate²⁴⁴. In most of the cases, though, the bottom line of the addition is not drawn: it is sufficient for the Kuwaitis to make the first line multiplication of 20,000 to 24,000 families (according to whether one counts a 5- or 6- member family) by the amount of the housing benefit (KD 50,000-70,000) – that is KD 1 to 1.68 million – to feel the anticipated pressure on their public services.

For Rula Dashti, this adverse economic shock would require adjustments and would probably mean the end of the subsidised provision of water, electricity²⁴⁵ and food and a return to market prices, as well as an uncertain future for free domestic phone calls, education and municipality services (street cleaning or waste collection). 'Naturalisation would constitute a liability on the future generations that we cannot [morally] create' added Dashti. It is beyond the scope of this research to try to reach a more accurate estimate, but it can nevertheless note the significant absence of a reliable and professional estimation on which to base the discussion of the economic bill.

Moreover, the scenario of an overnight mass naturalisation to be credited to the generosity or wisdom of the ruler and on which he could capitalise politically – as was done in Bahrain in 2001 – is very unlikely. The issue is too divisive in Kuwait; it brings back the haunting trauma of the invasion. The controversy paralyses the rulers more than it pushes them to take any decisive initiative.

Finally, numbers only make sense in comparison. Whatever the result of the above addition, it ought to be presented together with the figures of the government budget in excess of KD 12.68 billion in 2007/08²⁴⁶, examples of expenditure items from the 2007/08 state budget, like a KD 2.4 billion transfer payments to the Public Institution for Social Security, a KD 203 million in Amiri grant to the public or the total payment of salaries and wages of KD 1.95 billion²⁴⁷, as well as other long-term liabilities, for instance its defence budget of

²⁴⁴ Interview with Salah al-Fadhli, Kuwait, 28 July 2007.

²⁴⁵ From 40 *fihs* to KD 2(sic) for a KVA.

²⁴⁶ 'KD 12.68bn Revenues Estimated in Kuwait Budget for 2007/08', *Kuwait Times*, 28 January 2008. Compare with the 2006/07 revenues of KD 8.32bn. The article is based on official figures.

²⁴⁷ 'Record Oil Prices Lift Kuwait Budget Surplus to KD11.4bn', *Kuwait Times*, 6 May 2008. The sources of the articles' figure is the NBK (National Bank of Kuwait)'s Economic Brief on the Oil Market and Budget Developments.

KD 1.32 billion in 2005 (IISS, 2006: 195). No absolute cost calculation would ever hide the fact that *in fine* the decision is a political one regarding the future orientation of the society.

When Dashti notes 'the [mere] concept of naturalisation implies an identity issue' and advocates a very gradual process of naturalisation so as not to 'tip the balance of the population's structure', she expresses a double fear. The first, particularly felt by the Kuwait Economic Society whose Dashti is the head, is that of the decline of Kuwait 'that has become backward vis-à-vis other Gulf states while it used to be the most developed one among them'. She further mentions to support this vision of decline: 'some Kuwaitis may have to wait ten years to get an accommodation'²⁴⁸. This feeling of decline since the invasion and blamed either on the paralysing role of a *badu* dominated and undisciplined Parliament or the lack of vision of the rulers is particularly widespread among the businessmen of the private sector.

The second fear expressed by Dashti's words is felt across the whole Kuwaiti class spectrum (and elsewhere in the Gulf), namely that of losing control over their own country to the 65% alien majority. The history of Kuwait's population is one of a closed door to naturalisation, which worked as a strong sign to dissuade any would-be claimant. Naturalisation is not part of the Kuwaiti citizenship ethos. Nothing could be more opposed to the Kuwaitis' self-perception than the idea of multiculturalism or the idea of participatory citizenship in the space of their city (-state). On the contrary, hierarchy is essential to their social being: nationals should first benefit from the oil revenues, which then trickle down to the foreign labour. In the words of Michael Herb, alien workers are an 'item of luxury consumption' present in the country to 'generate convenience' at a minimal cost (2009: 387).

Longva provides a very accurate analysis of this phenomenon of contra-distinction:

Even more than the privileges it imparted, what really gave citizenship its significance was the presence of the disproportionately large non-citizen population. Not only would the privileges have been concretely fewer without this presence, but also their enjoyment and appreciation would not have been the same for lack of contradistinction (1997:47).

²⁴⁸ Interview with two *biduns*, Kuwait, 17 January 2007.

Many Gulf specialists also noticed how the nationality-based privileges have indeed begun to be apprehended as dues, irreversible and impermeable to any change, and even expected to be always increased.

The Kuwaiti population has gotten so used to its privileges that it is ready to support ever more extreme measures to deny them to anyone else, even to the extent of contemplating rules that would make it difficult for Kuwaiti citizens to marry non-Kuwaitis without giving up their children's right of citizenship. (Celine, 1985: 12)

Though entirely true, this misses a dimension that appeared in my interviews and probably emerged as a consequence of the slow and secure growing of the Kuwaitis' capital, namely a certain deterritorilised perception of this privileged identity. If the oil revenues were to be equally shared among the 2.8-million population 'what would be the benefits?' and 'would anybody then stay in Kuwait?' asks Dashti without the slightest intention of joking. 'Ninety percent of the Kuwaitis would leave the country if you strip them of the financial advantages of the nationality', laments with bitterness and exaggeration a Kuwaiti curator²⁴⁹.

Of course such statements should not be taken at face value; it is a way of reviving a long-lived tradition of Kuwaiti merchants to leave when they run out of opportunities in the port-city, as their attachment is, above all, to their network of contacts and business opportunities and those prevail over their obedience to the rulers. It reminds us of the defection of three Kuwaiti pearl-traders who, in 1910, left Kuwait with their fleet and crew for Bahrain to avoid the ban on diving declared by Sheikh Mubarak al-Sabah (r.1896-1915) in order to levy military forces. Though the merchants have lost to oil revenues their financial power vis-à-vis the ruling family, it is a way of putting additional pressure on the Al-Sabah.

Finally what it also means is first the deep-rooted classism of many Kuwaitis who do not mind getting acquainted with the world's jet-set but loathe rubbing shoulders with the mob, whether in Jahra` or Bangkok, and second a clan tendency to stick together among relatives wherever they go, be it London, Geneva or Beirut. This behaviour may be interpreted as reactions to globalization, that brings to Kuwait the most extreme forms of inequality through the channel of labour migration, embodied at its top end by the advisory services of former UK Prime Minister Tony Blair and at its bottom level by the Bangladeshi gardeners watering the flower beds of the ring roads. The very forms of inequality found in Kuwait derive from the position of the emirate in the wider world. The *bidun*

²⁴⁹ Background conversation, Kuwait, 15 July 2007.

integration highlights the mechanisms through which international differentiation via economic privileges has turned, in multinational societies, into a valued identity to which only the fewest people could make claim. It also shows how international dynamics in the countries at the interface between the First and the Third world, are leading to a defensive rather than a participatory idea of citizenship. The security question surrounding the *bidun* class is part and parcel of this obsidional nationalism.

Security and Criminality

The deprivation of *biduns'* rights poses the question of the correlation between socio-economic exclusion, criminal offenses and the propensity to join terrorist groups, on the one hand and that of the relation between unsettled identities and the resort to violence, on the other. In any given society there is a tendency to use the national security argument to mask other conflicts over redistribution or social equality. Security is also used to define the opposition as foreign or, in the context of migration, inassimilable. In the case of Kuwait, the *biduns* conflate the image of 'enemies of the nation', since the 1990 Iraqi invasion of Kuwait, with, that of a demographic group with a high crime rate. According to the daily *Al Wasat*²⁵⁰, 21,500 *biduns* cannot be considered at all for naturalisation because of their criminal records: 16,500 allegedly collaborated with the Iraqi Popular Army during the occupation and 5,000 are involved in drug- or homicide- related crimes.

The offenses against Kuwaiti Law denounced by Abd al-Aziz al-'Adsani and Khalifa al-Kurafi, consist in the original fact that they breached the Law on the Residence of Aliens. As a consequence, they are also guilty of false statement and forgery with regard to their identity and true entitlements. This line follows exactly the official one, according to which the *biduns* are still hiding their original passports. 'The state [interests] are above humanitarian [concerns]; its law and sovereignty must be respected: any individual whose situation is illegal shall bear the consequences', states categorically Khalifa al-Khurafi²⁵¹. This line of

²⁵⁰ *Masdar masu`ul lil Wasat: 21,500 min "al bidun" 'alihum quyud amnia tahul dun tajnisihim* [From a Trusted Source to *Al Wasat*: 21,500 *biduns* have Security Files Hindering their Naturalisation]. *Al Wasat*, 16 January 2008.

²⁵¹ *Idem, Haraka, 57: 4, 26 February 2007.*

argument clearly sees the deprivation of rights as a punishment on individuals in irregular situations.

Nevertheless, another perspective is emerging concerned with the social cost of this pressure policy and also, albeit silently, with its backfiring effect in terms of terrorism, and ironically, state security. The first signs of the long-term human cost of the crackdown policy start to be visible even inside the fourth ring road. Those probably played a role in the redressing of the most threatening and long-lasting effects of the governmental hard line, and particularly in the removing of the obstacles put in the way of access to education for *bidun* children.

The following is now part of the Kuwaiti landscape: when the traffic light turns red on the second or fourth ring road, a six to eight-year old kid passes in between the cars to sell KD 1 bottles of air freshener. Other teenagers sell mixed nuts and cold water under a sunshade along the Arabian Gulf Street. Until the 2000s, most of the *biduns*, whatever their age, had access to at least a basic education²⁵². Now, cases appear of teenagers, born for instance in 1993, who are illiterate²⁵³, which means that many of the white-collar jobs occupied hitherto by other *biduns* will be inaccessible to the new *bidun* generation. A study commissioned by the Ministry of Interior and focusing on criminality among the various national groups in Kuwait showed that the crime rate of the *biduns* is second only to that of the Egyptians²⁵⁴. The *bidun* existence outside the pale of law is the open door to impunity for those abusing the *biduns'* situation. It is also the open door to illicit activities, and thus the convergence with other non-institutionalised transnational flows, presented in the first Chapter.

Most of the newspapers in Kuwait, like anywhere else, devote one of their local pages to in-brief reports of petty crimes. I took a closer look at the 'local news' in the *Kuwait Times* during the first half of 2007. An overview of the results follows:

²⁵² Interviews: *bidun* artist, born c.1975, completed his high school but could not continue his studies at the University before the invasion because 'at the time there were no private universities outside Kuwait University', Kuwait 8 June 2008; a *bidun* born in 1980 had no chance to complete his high school, Kuwait, 14 May 2008.

²⁵³ Interview with Faris al-Waqian, Kuwait, 5 March 2007.

²⁵⁴ Interview with Faris al-Waqian, Kuwait, 17 January 2007. I did not obtain a copy of this study so that methodology and criteria adopted remain unknown.

Table 4: Petty Crimes Committed by *Biduns*

Offenders				Victims			
No	%	Type of crime	Location (See Map 4)	No	%	Type of crime	Location
6	30	Theft	Jahra', Fahahil, Jlib al-	2	10	Theft of	Jahra'
-4	-20	-vehicles	Shuyukh, Farwaniyya,			money	
-1	-5	-burglary	border posts (Salmi,				
-1	-5	-mobile phone	'Abdali)				
4	20	Gun firing	Sulaybiyya, Jahra'	2	10	Sexual abuse	Riqqa,
-1		Knife fight					Ardhiyya
2	10	Consumption of	Ahmadi, Jahra'				
		drugs or alcohol					
2	10	Drug smuggling	Fintas				
1	5	Sexual abuse	Riqqa				
1	5	Graffiti of	Kuwait City				
		public buildings					

Source: 'Local News', hard copies of *Kuwait Times*, February-July 2007. Own sample.

Without overestimating the conclusions to be drawn from these observations, a few remarks can nevertheless be made. Apart from the atypical knife fight and graffiti that may be a strategy to get a basis on which to claim political asylum, drink driving, drug and sexual abuse are, comparatively, also common offenses found in briefs related to cases involving Kuwaiti citizens or expatriates. Reports of thefts are also widespread among Kuwaitis, particularly against their domestic personnel, as well as among expatriates, usually among themselves. Sexual abuses touch almost exclusively foreign women, particularly Southeast Asians. Drug smuggling consists in picking up sacks on the coast containing usually 50kg of hashish, and thrown from speed boats coming from Iran²⁵⁵. This task is most commonly carried out by Iranians, Pakistanis or *biduns* although the consumers are largely nationals.

What seems peculiar to the *biduns* is the theft of cars, buses and spare parts, in a society where the car is king. Some of them may be used for youth entertainment²⁵⁶, some recycled in the garages²⁵⁷, but some are also smuggled to Iraq and Saudi Arabia. On 20 March 2007, the Kuwaiti police broke up a 'gang of automobile smugglers [...] specialised in stealing and smuggling luxury vehicles out of the country', in this case to Iraq. The persons arrested were three drivers

²⁵⁵ *Kuwait Times*, 23 June 2007.

²⁵⁶ Background conversation with Kuwaiti friends, London, and Pascal Ménoret, Barcelona, July 2010.

²⁵⁷ 'Tyre Specialist Held'. *Kuwait Times*, 28 February 2007: 'Jahra Police arrested a bedoon in Taima while stealing the tyres of a car. During interrogation he confessed that he specialised in stealing tyres from several cars especially from the Fahaheel area. Police filed a case and referred the man to the authorities.'

from Iraq and Iran, three *biduns*, a Kuwaiti employee of the Ministry of Defence, driving vehicles with forged licence plates and an Egyptian customs representative 'found in possession of a huge quantity of licence plates, forged official documents and firearms'²⁵⁸. This illustrates the very fine line referred to in Chapter I between benign and malign non-institutionalised actors informally structured and difficult for the state to monitor. Instead of accepting the forced institutionalisation of their status as illegal migrants, some *biduns* stayed in informal circles, or rather were pushed towards another kind of informal non-state actor, the underground trade that has particularly flourished since the destructions suffered in neighbouring Iraq. The institutionalisation of this part of the *biduns* has failed as they gave up operating through state channels.

The second question of utmost importance is that of their involvement in jihadist cells in the context of the 2003 US-led attack on Iraq. It is not widely discussed in the Kuwaiti public debate – far less compared to the discussion surrounding their collaboration with the Iraqis in 1990-1991. The latter question unifies Kuwait while the former is extremely divisive. There is no doubt about its sensitivity: a clear correlation between the outcast *bidun* category and the networks fighting US troops in Iraq, in an attempt to derail their project of a new Iraq, would greatly embarrass the Kuwaiti rulers. It would blatantly show the limits, if not the failure, of their policy of pressurising the *biduns* into confessing their 'real nationality'. It could expose them to more pressure on the part of their US ally to promptly solve this pending issue – and in a manner not to their advantage. Finally it could also point in the direction of Saudi Arabia and some broader transnational links in the region, which would not necessarily confirm the narrow individual identity of Iraqi nationals they attributed to the *biduns*. Yet in the minds of security advisers, their involvement is beyond question, the question rather concerns the extent of this involvement.

The analysis of the January 2005 four shootouts in Hawalli, Umm al-Hayman, Salmiyya, and Mubarak al-Kabir's governorate²⁵⁹ is very much telling. The gun battles between the Kuwaiti security forces and members of the organisation 'the

²⁵⁸ 'Gang Smuggling Stolen Cars Busted in Jahra'. *Kuwait Times*, 20 March 2007. The article states that: 'On interrogation [the thefts] confessed to stealing twenty vehicles totally valued at KD 80,000, but detectives speculated the number to exceed thirty'.

²⁵⁹ That means somewhere south of Mishrif but north of Fintas.

Lions of the Peninsula Brigades' (*Kata'ib usud al Jazira*) suspected of preparing violent actions in Kuwait, in liaison with Iraqi and Saudi branches of Al-Qa'ida (al-Mdaires, 2010: 187-190)²⁶⁰, left four policemen dead and ten wounded. It also cost the lives of two civilian passers-by and eight militants²⁶¹ in addition to the head of the organisation, 'Amir Kuhlaif al-'Anazi, who died in custody. The incidents led to a crackdown on the Islamist militants, the arrest and eventually the trial (24 May- 27 December 2005) of 37 suspects among whom:

- 25 Kuwaitis, including the wife of 'Amir al-'Anazi, Nuha al-'Anazi,
- 7 *biduns*,
- 2 Jordanians, 1 Saudi, 1 Australian, 1 Somali²⁶².

Out of 37 death sentences demanded by the public prosecution for 'joining an illegal organisation, carrying out terrorist acts, participating in the killing of several policemen and plotting to attack US forces and citizens in the emirate'²⁶³, six militants were sentenced to death, among whom were three *biduns* and three Kuwaitis, one received a life sentence, 22 were condemned to prison sentences ranging from four months to 15 years, while the remaining seven were acquitted – Nuha al-'Anazi had meanwhile succumbed to her cancer. Finally in the appeal's verdict in November 2006, the court upheld death sentences against four men and jailed 22 others on various terms²⁶⁴.

Two points need further attention. First, the rumour and uncertainty – impossible to verify – regarding the status of the leader of the Lions of the Peninsula, 'Amir al-'Anazi: according to Salah al-Fadhli²⁶⁵, a Shiite member of the *Bidun* Popular Committee, he was a *bidun*. What is sure is that he was well-anchored in the *bidun* milieu. He was the preacher of the Malik bin 'Awf mosque in Jahra' in the adjacent area to the *buyut sha'biyya*. He was fired by the Ministry of Awqaf and Islamic Affairs on 2 January 2005, shortly before the incidents, for his extremist

²⁶⁰ Al-Zarqawi in Iraq and the Saudi terrorist cell of 'the Al Haramayn Brigades'.

²⁶¹ Including two Saudis.

²⁶² 'Kuwait Tries Suspected Al-Qa'idah-Linked Militants', *AFP*, 24 May 2005.

²⁶³ 'Kuwait Prosecution Demands Death for 34 Militants', *The Peninsula*, Doha, 12 June 2005. At a later session on 25 September 2005, the public prosecutor asked for the death penalty for all the defendants.

²⁶⁴ 'Six Qaeda-Linked Militants Sentenced to Death in Kuwait', *Khaleej Times*, Dubai, 27 December 2005; 'Planned Attacks on US troops; Court jails Three Bedouns', *Arab Times*, 18 January 2007. Al-Mdaires (2010: 189) writes: 'a short time after this conviction [27 December 2005] the court changed the death sentences to life sentences for the six LPP [Lions of the Peninsula Phalanges/here translated as Lions of the Peninsula Brigades] members' with no further reference.

²⁶⁵ Interview, Kuwait, 28 July 2007.

ideas and frequent visits to Iraq. The mosque, where he preached, was the meeting point for Kuwaitis of tribal backgrounds, employees of the Ministries of Awqaf or Defence and Saudis as well as *biduns*²⁶⁶. The link between Kuwaiti extremist organisations and Al-Qa'ida is not always ascertained, as in the case of the Lions of the Peninsula. However, what is clear to al-Fadhli and many *biduns*²⁶⁷, is the growing influence of the Salafis and Muslim Brothers among the *biduns* – both Shiite and Sunni.

This is due to their financial might, distributed through their powerful charities, the association for the Revival of the Islamic Heritage (*jama'iyyat Ihia' al turath*) and the association for the Reform (*jam'iyyat al Islah*), cultural arms of the Salafis and Muslim Brothers respectively. The Shiite foundations, like the Social Society for Culture (*jama'iyyat al thaqafa al ijtima'iyya*), score rather poorly by comparison. *Biduns* of Shiite persuasion blame the absence of government funding of Shiite organisations, which is an old Shiite grievance in Kuwait (Fuller & Francke, 1999:169). In order to benefit from the financial or material help provided by the Salafis, the *biduns* need to subscribe to their rigorist interpretation of the Sunni creed, so that nowadays there are strong religious pressures for the Shiite *biduns* to convert to Sunni Islam. 'Moneywise, it is better to be Salafi', al-Fadhli assures, quoting the example of Muhammad al-'Anazi²⁶⁸, 'originally a Shiite from Iraq, who turned into a Salafi out of financial interests'.

In addition to the enrolment strategy of the Salafis and the recurrent incidents of *biduns* arrested alongside Kuwaitis for planning actions against US troops in Kuwait or Iraq²⁶⁹, the second point worth looking at in the case of the Lions of the Peninsula is the impossibility of differentiating between the faked illegality and the illusory legality created by the state's policies towards the *biduns*.

One ramification of the investigation exemplifies what is meant here: one month after the shootouts, the police arrested three Jordanians and two Saudis on the suspicion that one of them, Saad Adhan al-Shammari, owner of a garage, had

²⁶⁶ '30 Held in Kuwait as Hunt for Suspects Continues' *Gulf News*, Dubai, 13 January 2005.

²⁶⁷ Interviews in Kuwait: with three *biduns*, 27 May 2008, Karim al-Haza' *bidun* intellectual, 26 April 2008, Sheikha Fawzia Al-Sabah, 30 August 2007.

²⁶⁸ Founder of the Kuwaiti Bedoons Movement, www.kuwbedmov.org

²⁶⁹ *Arab Times*, 2008, 18 January; 'Saudi and Bidoon to be Deported after Serving Terms', *Gulf News*, Dubai, 24 November 2005.

helped change the colour of a car used in the Hawalli shootout²⁷⁰. The five men, former *biduns*, were released after they proved that the workshop had done no such paint job and that the licence plates found in the garage were actually taken from a scrap yard. This illustrates the fate of the *biduns* who acquired nationality in surrounding countries: from the point of view of the state of Kuwait, they are neither on the payroll of the government nor entitled to the constitutionally guaranteed right to employment. Moreover they may be subject to deportation if they violate the Kuwaiti Law. However, the reality of their presence in the emirate has not changed, nor their possible resentment, especially for those who obtain nationalities that are quasi-fictitious like that of Somalia, Afghanistan or the Dominican Republic.

This leads *de facto* to the decoupling of nationality from the place where their political interests lie. The results of the deprivation of rights applied for two decades may represent a Pyrrhic victory, the government having used up its capital of credibility, and not a final solution called for by all the Kuwaitis. This security-humanitarian conundrum pushed many Kuwaitis to call for the end of the policy of human rights violation.

'Give the Biduns their Human Rights'

The opponents of the naturalisation of the *biduns* form a relatively homogenous group, with mainly economic and security concerns and motivated the fear of losing privileges and social peace, cloaked in nationalist terms. On the contrary the partisans of the cause of the *biduns* come from various contexts, with different motives and different proposals for solutions.

The Partisans of the Cause of the Biduns

The proponents of a policy change towards the *biduns* form a very heteroclitic group. The cause is mainly defended by Shiite activists and politicians, *Badu* MPs overlapping with certain Sunni Islamists, some liberals and two prominent female members of the royal family.

²⁷⁰ 'Kuwait Arrests Five More Militants', *The Peninsula*, Doha, 7 February 2005; 'Kuwait Frees Saudis and Jordanians Arrested in Raid' *Gulf News*, Dubai, 9 May 2005.

As opposed to the Sunni *hadhar*, Shiite *hadhar* are seen as generally more favourable to the *biduns*. MP Hasan Jawhar²⁷¹ is a prominent figure in the defence of the *biduns*' rights: head of the *Bidun* Popular Committee, he was also the first president of the influential parliamentary commission for the *biduns*' affairs established in October 2006²⁷². He belongs to a generation of Kuwaiti politicians that arrived in the political arena at the end of the 1990s and whose credibility had not been affected by previous, sometimes deemed 'opportunistic', positions like Ahmad Sa'dun²⁷³, or sectarian statements (Adnan Abd-al Samad²⁷⁴) in the 1980s. Ahmad Sa'dun was among the first deputies to attack the government head-on for its messy nationality policy in the 1980s. As of 1981, he asked for the official numbers of people that had acquired nationalities (first and second degree) since independence²⁷⁵. During the electoral campaign for the 1985 Parliament, of which he was elected speaker, he became famous for his speech warning 'the government that it is seated on a timed bomb because of the way it handled the granting of nationality'²⁷⁶. This famous 'timed bomb' expression referred to the '65,000 persons consider[ing] themselves Kuwaitis and 46,000 [who] appl[ied] for the nationality'²⁷⁷ and the fact that nationality was granted to a lot of ineligible people, while it was denied it to some others who were qualified to become Kuwaiti citizens. At the time, the claims from 25,000 Kuwaitis to be Kuwaitis 'by origin' were ignored. This discourse is seen as ambiguous and double-edged. For some it denounced the situation of *biduns*, yet for others it pointed to them, in the troubled context of the 1980s, as a threat. Head of the Popular Bloc (*takattul al 'amal al sha'bi*), founded in 1999 as an alternative to the liberals or Islamists

²⁷¹ Deputy of Hawalli, in 1996, 1999, 2003, 2006, then of the first constituency in 2008 and 2009. Labelled Shiite independent, he belonged to the Popular Bloc (*takattul al sha'bi*) in 1999 and 2003 but also ran together with the Shiite Islamists of the Imam Khomeini's Line in 2008, to whom, though usually independent, he is known to be close.

²⁷² It was removed in the 2008 parliament and re-established in the 2009 legislature.

²⁷³ Liberal deputy, elected continuously ten times since 1975 first in Khaldiyya, after 2006 in the third constituency. He was speaker of the 1985 Parliament dissolved unconstitutionally as well as the first two post-invasion parliaments of 1992 and 1996.

²⁷⁴ Shiite deputy of Sharq between 1981 and 1999, defeated in 2003, elected in Rumaythiyya in 2006 and in the first constituency since then. Member of the Social Society for Culture in 1985, Popular Bloc in 1999 and since then the Shiite Islamic National Alliance (*tahaluf al islami al watani*).

²⁷⁵ *Al Anba'*, 31 October 1981.

²⁷⁶ 'Al-Sa'dun warns the Kuwaiti government against a timed bomb "because of nationality"', *Al Dustur*, Jordan, 17 February 1985.

²⁷⁷ Title of the article 'The Issue of Nationality is Like a Bomb that Could Explode at any Time: 65,000 Persons Consider Themselves as Kuwaitis and 46,000 Apply for the Nationality' *Al Qabas*, 14 February 1985.

closer to evolving social needs, Sa'dun kept his oppositional line to the government, his advocacy for parliamentary life and civil rights guarantees but seems to be a staunch Kuwaiti democrat rather than human rights activist or a partisan of balance with the *badu*²⁷⁸.

The name of Abd-al Samad, was strongly associated with the claims for equality between levels of nationality in the 1979 Shiite movement in *masjid Sha'ban*²⁷⁹.

On the contrary, Dr. Jawhar's involvement has proved consistent and enduring, which has given him consideration as more genuine than other MPs. His name is now somehow associated through the *Bidun* Popular Committee with the action of the two female members of the royal family, Sheikha Awwad and Sheikha Fawzia. These two sheikhas entered the *bidun* debate with a reputation of neutrality: as members of the royal family they are considered to be above political squabbling and interests. Sheikha Awwad is a daughter of the late emir Jabir al-Ahmad al-Jabir al-Sabah (r.1977-2006), whose life was saved by the sacrifice of two *bidun* bodyguards on 25 May 1985²⁸⁰, while Sheikha Fawzia is a lawyer. The two sheikhas stress their thirst for justice based on the rule of law.

Dr. Jawhar's position is at the crossroads between two sometimes overlapping groups of proponents of the *biduns'* cause: the Shiite *hadhar* and the Popular Bloc. The first group includes MPs Adnan Abd al-Samad, Abd al-Muhsin Jamal, Ahmad Lari supportive of *khat al imam*, the Imam Khomeini line (Imamis) and Yusuf Zalzal²⁸¹. Shiites will sometimes explain this position as emanating from a feeling of commiseration that Shiites, themselves oppressed, share with any kind of oppressed people. This subjective interpretation has a political implication though: the tipping of the status quo through an enlargement of the citizen basis could be to the advantage of the Shiite minority. The reasons behind this argument

²⁷⁸ Interview, National Assembly, 8 June 2008.

²⁷⁹ Interview with an Imami Shiite activist, Kuwait, 16 January 2007, according to whom, Adnan Abd-al Samad gave the fifth lecture at the *masjid Sha'ban*, which made his fame and helped to his entry to Parliament in 1981.

²⁸⁰ *Al haqiqa fi 'uyun shuhudi-ha* [The Truth Through the Eyes of its Witnesses], DVD, Kuwait Movies Corporation, 2007 – handed to me by Sheikha Fawzia, Kuwait, 30 August 2007.

²⁸¹ The transliteration of these names is to be found under Shiite Islamist MPs in the list of names. Ahmad Lari, from the Islamic National Alliance was deputy of Sharq in 2006 and in the first constituency in 2008. Former member of the Social Society for Culture Abd al-Mushin Jamal was deputy of Mansuriyya in 1981 and 1992, then of the Shiite district of Da'iyya in 1999. Yusuf Zalzal, doctor in Economics and seen as a moderate Shiite defeated the members of the Islamic National Alliance in Sharq in 2003 and was elected in the first constituency in 2009.

somewhat echo those of the 2006 debate surrounding the reduction of constituencies from 25 to five which included the fight against clientelism and government intervention in the elections.

Two arguments run parallel: the first assumes that the majority of the *biduns* is Shiite and that the *biduns'* naturalisation would in fine increase the number of coreligionist voters.

Yet, the closest sources to the file, Dr. Jawhar and Dr. al-Waqian²⁸², who both had access to government resources via the Parliament's commission for *bidun* affairs, affirm that the majority of the *biduns* are Sunnis – in a proportion of three quarters – and from Saudi Arabia. The clear winners of this new political support would certainly be the tribes because of their relations with the *biduns*; the losers would indisputably be the Sunni *hadhar*, especially the Sunni Islamist trend of the kind tacitly supported by the merchants, which would be in direct competition with reinvigorated tribal religious conservatives. Eventually the under populated second constituency would have to be adjusted and the representation of the Sunni *hadhar* would be affected²⁸³. Finally, while Sunni *hadhar* families like the Ghanim have kept a foot in both economics and politics, putting pressure on the government via the powerful Chamber of Commerce, there is a bigger chasm between great Shiite merchants (Bahbahani, Ma'arafi) and politicians. To sum up, 'for most Sunnis [the economic elite], retaining undiminished economic and political clout is more tangible than abstract concepts of building shared citizenship among Shia and Sunnis' (Fuller & Francke, 1999: 171). The limitation of the considerable *hadhar* Sunni power would also benefit the *hadhar* Shiites.

The second group that sympathises with the fate of the *biduns* is the oppositional Popular Bloc. In addition to Ahmad al-Sa'dun and the Imami Shiites, it includes tribal MPs like Musallam al-Barak²⁸⁴ from the Mutair and Muhammad al-Khalifa (Shammari)²⁸⁵. As opposed to the MPs mentioned above, these MPs run in *badu* constituencies. Beyond the fourth ring road, in what are now the fourth and fifth

²⁸² Interviews: National Assembly, 17 July 200; 5 March 2007.

²⁸³ The second constituency counted around 40,000 voters against above 90,000 for the tribal fourth and fifth, 55,000 and 65,000 for the third (mixed) and first (roughly Shiite). *Dalil al Nakhb fi dawa'ir al intikhabia* [Voter's Guide into the Electoral Constituencies], *markaz al khalij al 'arabi lil-i'lan* (2008: 221).

²⁸⁴ Vocal opposition deputy elected in 1996, 1999, 2003 and 2006 in Jlib al-Shuyukh, and in 2008 and 2009 in the fourth constituency, member of the Popular Bloc.

²⁸⁵ Deputy of Jahra' al-Jadida from 1999 to 2006; member of the Popular Bloc.

constituencies, there are no 'liberals' or Shiites MPs, who have become somehow *hadhar* categories. The 'wild West' or fourth constituency is the fiefdom of northern tribes – 'Anaza, Shammar, Zhafir – but also the powerful southern tribe of the Mutran as well as the Rasha-ida. The 'wild South' belongs to the 'Ajman and 'Awazim. The political landscape is dominated by tribal politics (primaries or *fara'iyya*²⁸⁶) and the rise of Sunni Islamist movements said to be the result of Saudi influences. The MPs from tribal backgrounds that systematically support the *bidun*'s cause are based in areas actually affected by the presence of *biduns*: Muhammad al-Khalifa and Khudayr al-'Anazi²⁸⁷ both were elected in Jahra` al-Jadida, the constituency including Sulaibiyya, and the suburbs surrounding the 'old' or historic Jahra` around the Red castle. Sa'dun Hamad (al-'Utaybi) represents the district of Ahmadi²⁸⁸, the area of the oil installations where lots of *biduns*' family histories started, while Ghanim al-May' from the 'Awazim²⁸⁹ is the MP of the neighbouring popular Sabahiyya²⁹⁰. Together with Jawhar, these four MPs formed the parliamentary commission for *biduns* affairs that did not outlive the aborted parliamentary session of 2006-2008, in spite of certain tangible achievements like the charitable funds.

'Supporting the cause of the *biduns*' often means issuing statements in favour of their rights and raising awareness of their plight. The MP Khudayr al-'Anazi was a prominent example of this battle of words on all fronts during his 2006-2008 mandate: he was present in the conference of November 2006, 'the *Biduns* talk'²⁹¹. In December of the same year, he denounced the decision of the Ministry of Awqaf and Islamic Affairs to reduce the number of *bidun* pilgrims from 1,250 in 2005 to 500, whose officials he expected to be 'religious people who fear God and help Muslims to perform their rituals and not an intelligence or security

²⁸⁶ Until 2008 when the Ministry of Interior forbade them.

²⁸⁷ Elected in 2006 only, under the banner of the Islamic Constitutional Movement (*harakat al dusturiyya al islamiyya*), Kuwait branch of the Muslim Brotherhood and with the blessing of his tribe in the primary.

²⁸⁸ Elected as an 'independent' but close to the government in 1999, 2006 – with the endorsement of his tribe – and in the fifth constituency in 2008 and 2009.

²⁸⁹ Candidate of his tribe, he was elected as an 'independent' but close to the government in 2003, 2006 and in the fifth constituency in 2009.

²⁹⁰ The transliteration of these two names are to be found under Sunni tribal MPs in the list of names.

²⁹¹ *Al biduns yatahaddathun* [The *Biduns* Talk], DVD, Kuwait Human Rights Association, 4 November 2006.

agency²⁹². In January 2007 in the midst of the release of temporary driving licenses for *biduns*, he hosted a gathering together with MPs Hasan Jawhar and Muhammad Khalifa at his place in Jahra' to warn the *biduns* not to fall into the trap of signing an official document acknowledging their illegal status²⁹³. On 17 April 2007, he was lecturing at Kuwait University on 'the *biduns* and the Kuwaiti Society': he raised this issue of 'faraway suburbs' with '29 individuals in a Popular Housing'²⁹⁴ and the government inconsistencies at the heart of the *hadhar* elite reproduction system. In December he called for the unification of the nationality²⁹⁵; he was still battling with the Minister of Defence, Sheikh Jabir al-Mubarak al-Sabah over the naturalisation of the *bidun* employees of his Ministry²⁹⁶ when the National Assembly was dissolved. He was not re-elected in May 2008. Like others before him, he came up against the brick wall of the government's investigation committees and unshakable status quo, and did not deliver much on his promises.

This absence of effective results never fails to raise the question of the credibility of pro-*bidun* politicians, accused by the Minister of Interior and adversaries alike, but also by disillusioned *biduns*, of using the issue for electoral purposes or as a tool for bargaining with the government. As a matter of fact, MPs mostly from the fourth (Mutran, 'Anaza), but also from the fifth ('Ajman), constituency have multiplied their declarations of support for the humanitarian demands of the *biduns* and their willingness to 'solve their problems'.

Working separately but with the same electorate, part of the Salafis also expressed their stance in favour of the *biduns*. The Salafi Movement, renamed so in 1997, urged the government and the National Assembly to cease the injustice and the discrimination against the *biduns* by demanding the abolition of Decree Law 98 of 1996 that forbids passing any official papers of the *biduns* without the prior clearance of the Executive Committee. It also urged the government to commit to the 1954 Convention relating to the Status of Stateless People, which would grant

²⁹² 'MP blasts government over inhumane bedoon policies' *Kuwait Times*, 2006, 1 December.

²⁹³ 'Bedoons Unveil New Plan of Action: 'We will Embarrass them in Front of the World''. *Kuwait Times*, 25 January 2007.

²⁹⁴ Own notes.

²⁹⁵ 'Government Not Dragging Feet on Law to Naturalise 2,000 Bedoons' *Arab Times*, 15 December 2007.

²⁹⁶ 'Solve Nationality Issue Soon: Al-Enezi'. *Kuwait Times*, 4 February 2008.

the *biduns* the full human rights enjoyed by nationals, such as the right to work, to education, to get married as well as freedom of movement in accordance with the principle of the Islamic *Shari'a* (al-Mdaires, 2010: 59-60).

The *hizb al Umma* (Party of the Islamic Nation), created in January 2005 by three members of the Salafi Movement (*harakat al salfiyya*), among them Hakim al-Mutairi and Husain al-Sa'idi, offered a very articulate argument against the current nationality policy of the royal family.

In addition to the standard Salafi calls for an Islamic society and Islamic-based legislation as well as for Islam to be the state's religion, the *hizb al Umma's* programme proclaims its faith in a multi-party system and the peaceful alternation of power. His call for the adoption of political parties – exemplified by the name itself, *hizb* or 'party', which caused it to be sued and considered illegal – is based on the sovereignty of the nation and a developed notion of citizenship (*muwatana*). In his online article '*tabi'un la muwatinun*' (Subjects not Citizens) with the subtitle 'Gulf people and the Issue of Citizenship'²⁹⁷, Hakim al-Mutairi, General Secretary of the Party, rejects the official version that depicts the relation between ruled and ruler as one between father and children. Beginning from the fraternal equality among believers, he argues for a relation of equals between all members of the society, whether *female*²⁹⁸ or male, big or small, rich or poor, ruled or ruler. This implies a sharp criticism of the legitimacy of the six ruling families of the GCC countries whose privilege to rule²⁹⁹ he sees as inherited from British colonialism, and he describes as a feudal and tribal (*iqta'i* and '*asha'iri*) system based on allegiance and subjection to the sheikhs (*tabi'iyya wa ra'awiyya*), lacking both religious legitimacy and the international legitimacy drawn from the people's representation. Apart from the religious inspiration, the argument resembles an anti-monarchical, democratic discourse against arbitrary privileges and the concentration of power, land and wealth in the hands of the few royal families who represent nobody but themselves. He denounces the fact that 'six royal families preside over the destiny of 30 million Gulf people'. As a result, nationality is conceived by the ruling families as a royal prerogative: they alone

²⁹⁷ Online article: www.ommah.net (accessed 19 July 2005, the website has since been closed).

²⁹⁸ This is a prominent difference between Hakim al-Mutairi and other members of the Salafi Movement.

²⁹⁹ Inscribed in article 4 of the 1962 Kuwaiti Constitution.

grant and withdraw it at their whim, disregarding the right of people who have lived on the land for centuries.

The right of abode (*haqq al ujud bil-ardh*) is core to the position of the members of *hizb al-Umma*³⁰⁰: following the position of Muhammad 'Abduh, they consider that there is no such a thing as a Muslim without nationality. People should be nationals of the country in which they are settled, in which they live with their families and in which they make a living. And the *biduns* who belong to the artificially divided Arabian Peninsula are no exception.

In addition to this Islamist rhetoric, the *hizb al Umma* underlines its attachment to constitutional provisions and refers to the international discourse of human rights and the 1948 UDHR to point out the individual rights deprivation but also the absence of possible judiciary or legislative³⁰¹ resort for *biduns* to claim their rights. Like the *badu* MPs, members of the *hizb al Umma* have first-hand knowledge of the issue and its complex links with the emergence of an educated and ambitious class of *badu*. The Head of the Political Bureau until June 2006, Husain al-Sa'idi, for instance, is from a 9-boy Jahra` family, affiliated with the Zhafir. He studied theology in Mecca; his elder brother was promoted to General in the Kuwaiti Army; his younger brother is a student at the American University of Kuwait; and yet another brother, of first degree citizenship, married a *bidun* Zhafiri. The brother of this *bidun* spouse was born in 1990 and educated in a school for *biduns*. Student at GUST, he is struggling to pursue his higher education and is planning on completing his surgery studies in the Ukraine³⁰². The combination of a high level of education and the frustration of not being able to achieve and bring about change explains to a certain extent the positions of Husain al-Sa'idi and his like in the *hizb al Umma*. Husain al-Sa'idi later came into disagreement with the other leaders of the party over the participation in the 2008 elections. He left the party to run in the fourth constituency but was not elected.

³⁰⁰ Online article by Hakim al-Mutairi 'The *bidun* Issue and its Legal Solution'; www.ommah.net (accessed 24 May 2005); interview with Faisal al-Hamad, Head of the Political Bureau of the *hizb al Umma*, Kuwait, 18 December 2005.

³⁰¹ Since the executive is not bound by the legislative. Separation of powers is a core demand of the *hizb al Umma*, that asked for instance for a separate inquiry, reporting to the Ministry of Justice rather than the Ministry of Interior, into the death in custody of 'Amir al-'Anazi, head of the Lions of the Peninsula.

³⁰² Interview with Abdullah al-Sa'idi, Kuwait, 29 May 2008.

Finally, and diametrically opposed to the Salafi's thinking whose position remains ambiguous towards both Shiites³⁰³ and labour migrants – let alone non-Muslim migrants – there is the voice of the so-called 'liberals', which is to say the non-religious voice.

They are mostly composed of intellectuals, academics and journalists, who use their columns in prominent daily newspapers to defend principles of human rights and humanitarian needs, dignity of the person and toleration of others. They come from all horizons and write in the prominent journals: Ali al-Baghli³⁰⁴, former MP and Minister of Oil, head of the KSHR writes in *Al Qabas*, while two renown scholars contribute to *Al Ra'i*, Dr. Sami Khalifa and Dr. Salah al-Fadhli³⁰⁵. The editorial team, around Saud al-'Anazi, keeps the famous organ of the Arab nationalist press, *Al Tali'a*, alive. The newer *Jaridat al Jarida* receives the pro-*bidun* articles of at least six authors³⁰⁶, among whom Dr. Ghanim al-Najjar, academic in Political Sciences in KU, human rights expert and consultant for the UN Office of the High Commissioner for Human Rights. Finally, Dr. Faris al-Waqian and the *bidun* artist Karim Haza³⁰⁷ are contributors to *Awan*.

According to Karim Haza', intolerance in Kuwait is to be explained by poorly understood religion, tribal traditions and lack of education or 'enlightenment'³⁰⁸. For the new generation of *badu*, the *bidun* issue illustrates the lack of integration of the periphery and the absence of social equality in Kuwait. Kuwaitis don't hesitate to speak about 'racism' in Kuwait. The definition of the term, borrowed from the Western lexicon to frown upon discrimination, is usually vague and its historical loading linked to invalidated scientific beliefs does not apply to the region. What exists undeniably is first a very strong social hierarchy based on the international 'ranking' of nationalities – or the countries' wealth or development – and second, a deep-seated divergence in the camp of proponents of the *biduns'*

³⁰³ 'Awad Bard al-'Anazi, MP of Jahra` al-Jadida in 2003 is as famous for his anti-Shiite stance and proposal to withdraw nationality from anybody speaking badly of the Companions of the Prophet as for his pro-*bidun* positions.

³⁰⁴ Deputy of Da'iyya in 1992.

³⁰⁵ The first is a political scientist teaching at the Arab Open University and author of the book (1999) *Al Ahzab al islamiyya fil Kuwait: al shi'a, al ikhwan, al salafi* [Islamists Parties in Kuwait: Shiites, Muslim Brothers and Salafis], Kuwait, Dar al naba` lilmashar wa al tawzi'. The second is teaching in the Department of Philosophy of Kuwait University (KU).

³⁰⁶ Dr. Sajid al-'Abdali, Mustafa al-Musawi, Fahd Rashid al-Mutairi, Hamad Na`if al-'Anazi and Dr. Hasan Jawhar.

³⁰⁷ Graduated in philosophy and founding member of a literary cenacle (the Tuesday's cultural gathering *multaqa al thulatha` al thaqafi*).

³⁰⁸ Interview, Kuwait, 26 April 2008.

cause. This is largely reflected in the very different views they hold of a possible solution.

Civil Rights vs. Naturalisation

Apart from the recurrent leitmotiv according to which 'the *biduns* who deserve nationality should be granted it', the advocates of a solution to the issue share a very narrow common platform. The decade-long policy of rights deprivation led to the shifting of the terms of the debate, the scaling down of claims – in a word the clear decoupling of nationality and citizenship. This is obvious in the prioritisation of the issues between the increasing ranks of those who stress the urgency of tackling human rights needs and the fewer and more radical who favour a straight granting of full rights, including nationality and political rights.

The first stance in its extreme form is illustrated by the following statement:

“We will no longer push for granting citizenship to qualified Bedouns as we are more concerned about giving them their most basic civil and human rights,” says MP Hussein Quwaian Al-Mutairi³⁰⁹. Speaking to the *Arab Times* Sunday, Al-Mutairi admitted many Bedouns deserve the Kuwaiti citizenship but their fundamental human and civil rights are more important than their nationality.³¹⁰

Many proposals to grant *biduns* their 'basic', 'humanitarian' or 'civil' rights leave the question of their naturalisation in particularly vague terms – if it is envisaged at all. The draft bills suggest in strikingly similar wordings giving the *biduns* their freedom of movement (through issuing IDs, passports, driving licenses), their right to obtain official documents (marriage, birth and death certificates), and their right to have access to education and health care. Some include the right to benefit from priority housing or employment in the public sector. These proposals are presented as 'temporary solution[s] to the bedoon problem until reaching a final settlement', yet 'asked about the nature of the sought final settlement, Tabtabae said it should naturalize people who deserve citizenship and take legal measures against those who don't.'³¹¹ This is tantamount to putting the question of naturalisation off *ad Kalendas Graecas*; the idea of 'naturalising deserving *biduns*' is in legal terms quite ill-defined. It is all the more so given the malleable nature of the security clearance required from the *biduns* to obtain nationality. It is not

³⁰⁹ Independent Islamist elected in 2008 only in the fourth constituency.

³¹⁰ 'Mutairi More Concerned to Give Bedouns Civil and Human Rights.' *Arab Times*, 24 August 2008.

³¹¹ The first quote is from the article 'Islamist MP Tables Draft Bill on Granting Bedouns their 'Rights' *Arab Times*, 20 July 2008, the second from 'Panel Backs Bedoon Rights.' *Kuwait Times*, 27 November 2007. Both MPs are from the Salafi Movement in Kuwait.

uncommon in Kuwait to read about erroneous naturalisations that result in the stripping of the granted citizenship after 'reports about security restrictions' on concerned individuals who have 'criminal and financial cases registered against them' and even cases allegedly 'related to the security of the State'³¹². It should be noted here that the list of people deserving naturalisation and presented to the council of ministers may include a cocktail of extremely various cases – including Saudi nationals or recently married foreign wives³¹³. One staunch partisan of the *biduns*, MP Ahmad al-Mulaifi, independent but with Sunni Islamist inclination, was reported to admit 'on allegations that some MPs used the naturalization issue to gain the voters' trust, [...] he had some reservations on the names included in the list of Bedouns qualified for naturalization. He said even the government raised doubts on some of the names included in the list'³¹⁴. The absence of MPs' responsibility for final decisions in this but also in other matters explains the existence of (and the blame for) the extravagant promises made to catch votes.

What is striking here is that the discourse surrounding the *bidun* issue has converged with the discourse on the treatment of migrants in other countries, especially the Western democracies. The comparison between the *biduns* and the Mexicans in the US, favourable to Kuwait, is sometimes ventured³¹⁵. Moreover, a deputy of the National Assembly proposed the introduction of the US model of the 'Green Card' for some expatriates with long residencies in the country, including *biduns*³¹⁶. Although this proposition is aimed at re-establishing some sense of clear legal requirements, it makes its own the governmental premise that *biduns* ought to be treated like migrants, while the unqualified, short-term migrants would be relegated further down in the social hierarchy, like in the West³¹⁷.

³¹² 'Government May Pull Nationality of 82 Persons if Records Found Shady' *Arab Times*, 7 November 2008.

³¹³ Sometimes by MPs themselves. Interview with a *bidun*, Kuwait, 8 June 2008.

³¹⁴ *Idem*. *Arab Times*, 20 July 2008. Ahmad al Mulaifi was like Hasan Jawhar deputy of Hawalli from 1996 till 2006 with the exception of 1999. He won the 2008 elections in the third constituency but lost the following ones.

³¹⁵ *Al Najjar: yajib 'adam tajahul al taqarir al dawlia 'ain al Kuwait* [Al Najjar: International reports on Kuwait Should not Be Ignored] *Al Qabas*, 9 April 2006.

³¹⁶ 'Duwailah Proposes 'Green Card' for Bedoon, Expats'. *Kuwait Times*, 23 September 2008. Like Husain al Mutairi he is an independent elected once in the fourth constituency in 2008.

³¹⁷ Jacqui Smith, 'Shared Protection, Shared Values : Next Steps on Migration', lecture at the London School of Economics, 5 December 2007. Podcast: www.lse.ac.uk

The international context in which the Kuwaiti debate is framed has been geared in previous decades towards a neo-liberal view of citizenship that conceives the citizen as a consumer. This implies that the social citizenship and its equalising function in Marshall's work is being replaced by the private matter of material consumption, requiring only regulating bodies to secure its effectiveness. Migrants are thus welcome to circulate, work, enjoy the services and environment but the republican commitment to the community is no longer a must while political participation is undertaken mostly in order to check the excesses of power (voting out corruption) or promote sectional interests. The liberalisation in Kuwait manifested by the enfranchisement of women in 2005 did not lead to any new or inclusive concept of citizenship. On the contrary, there has been a rapprochement with the practice in other developed countries (Freeman & Hill, 2006).

The few advocates of the cause of the *biduns* who have a clear vision of a naturalisation scheme emphasise the link between naturalisation and investment in human resources. Hasan Jawhar, after positing the same distinction between civil rights for all and citizenship, criticises the 2000 Law on Gradual Naturalisation as a waste of time. Should it ever be applied it would take over twenty years to naturalise the *bidun* population. Moreover, he criticises the Law for its undifferentiated approach towards *biduns'* skills. He sees the creeping phenomenon of underemployment (*bitala muqanna'a*) in the country and the waste of skills that graduate *biduns* who don't have access to work at their level of qualification represent. In line with his efforts in the funding of education for young *biduns*, he advocates a naturalisation plan that would be based on clear criteria and on the principles of justice and national economic needs³¹⁸. Abdullah Bishara, former Secretary General of the GCC, argues along the same lines although he pitches the level of the *biduns* far lower: 'at present, there are [in Kuwait] 600,000 Indians and 80,000 *biduns* ready to integrate. It is not normal to have *biduns* and at the same time to bring Egyptians in'³¹⁹. For him *biduns* present a minimal security risk in the long term by comparison with migrant labourers. They are 'loyal, trustworthy' and hard workers as they usually have two jobs

³¹⁸ Interview, Kuwait National Assembly, 17 July 2007.

³¹⁹ Interview, Kuwait, 8 June 2008.

despite the insecurity of their employment. Thus they should be integrated as much as possible in the labour market and the better would be naturalised.

In addition to economic value, proposals for solutions put forward various categories of statelessness according to their cause that should be dealt with as a priority. MP Ahmad al-Mulaifi blatantly contradicted the government line of argument when he openly asked to prioritise the files of those who earlier refused Kuwaiti citizenship according to the second article of the Law, or second-degree nationality³²⁰. All, starting with Sheikha Award and Sheikha Fawzia, agree that the relatives of the *biduns* who died while serving in the armed forces or those who served loyally in the armed forces should be treated with the honours that the fatherland reserves for its defenders as a world standard³²¹.

Lastly, few partisans advocate a radical solution that refuses to dissociate civil or basic rights from other political rights and privileges. This position of principle, tainted with religious argument was held by members of *hizb al Umma*; it is also the stance of Faris al-Waqian, developed in the comparative study he prepared for the parliamentary commission for the *bidun* affairs entitled 'Enquiry into the Solutions to the *Bidun* Question in the Context of the [evolving] Understanding of Civil Rights and the Experience of Neighbouring Countries'³²². In this study, al-Waqian criticises the piecemeal solution or what he ironically calls the solution 'in instalments' (*'al taqsit al murih'*), by which he refers to the time-consuming process of fighting for the issuing of a driving license one day and a birth certificate the next, and so on, which only contributes to the 'electoral show'. He favours a comprehensive solution that would include civil and political rights together.

Contextualising the issue, he sees two contradictions: first between the democratic system in Kuwait and the exclusion from the citizenry of part of its population despite the growing acceptance worldwide of the *jus soli* principle, and second the proclamation of gender equality with the enfranchisement of women in 2005 and, still, the impossibility for women to pass their Kuwaiti nationality onto their

³²⁰ 'Draft Bill Calls on Granting Bedouins their Basic Rights', *Arab Times*, 8 August 2008.

³²¹ *Yum al shahid al bidun* [Day of the *Bidun* Martyr], KSHR, *Bidun* Popular Committee, KBA, 12 February 2007.

³²² *Dirasat hulul qadhiat al bidun fi itar al mafahim al madaniyya wa tajarub al duwal al mujawara*. The following is based on an article published in *Al Qabas* and posted online on www.kuwaitibedoons.com on 2 December 2006; transmitted to me by the author himself, Kuwait, 7 January 2007.

children or husbands³²³. Stressing his belief in social justice or equality, he considers the full 'rights of *biduns* as legal and universal and not as a gift'³²⁴. His position is rather isolated: the promotion of the systematic application of the rule of law is somehow alien to the political culture of the patronage-based emirate of Kuwait. The Kuwaiti system, where politics are played as much through the social game as through political associations, makes the findings of citizenship studies and literature on statelessness sometimes difficult to apply in a one-dimensional way. On the contrary, there is a two-way appropriation and compliance with the international human rights discourse and organisations.

INTERNATIONALISATION OF THE *BIDUN* ISSUE

External Pressures for a Solution

The previous part has shown the complex social and political dynamics in Kuwait that must be dealt with both by international human rights organisations and the government, to which they address most of their recommendations. INGOs and IGOs have played a determinant role in denouncing the discriminating policy of the Kuwaiti government as it was brought to full application in the aftermath of the Iraqi invasion. The internationalisation of the issue has led to a double-edged interaction between local and international actors: the intervention of external actors has led many Kuwaitis, particularly the victims of the Iraqi occupation, to work together with the international bodies, and more generally to adopt their pervasive discourse and vocally request solutions. Twelve years after the 1995 HRW reports, Khudayr al-'Anazi was saying: 'This issue should not be delayed so that no solutions from outside are imposed on us'³²⁵. At the same time, the resort to INGOs and IGOs has been increasingly presented as a threat, their reports resented as a stain on Kuwait's international image and used to put pressure on the

³²³ This is a bone of contention between Islamists: Shiites – Jawhar being a prominent example – are usually far more favourable to the rights of women than Sunnites, especially traditional Salafis.

³²⁴ *Dr. Faris al-Waqian: al bidun juz` min al nasikh al Kuwaiti wa lahum ishamat tarikhiyya kubra* [Dr. Faris al-Waqian: The *Biduns* are Part of the Kuwaiti Social Fabric; Their Historic Contribution is Considerable] *Haraka*, 57: 5, 26 February 2007.

³²⁵ 'Government to Submit 'Solution' to Bedoons Issue' *Kuwait Times*, 29 April 2007.

government. All the Kuwaitis, whether for or against a change in the current policy of pressurising the *biduns*, understandably fear an externally imposed solution, although a decade of non-compliance, even in the face of the US promotion of democracy in their northern neighbour, has shown the unlikelihood of such a scenario.

Ironically, albeit easy to explain, because of the unleashing of violence it rendered possible, the Iraqi invasion played a major role in creating the conditions both for hardening the crackdown on the *biduns* and placing the country at the heart of a powerful civil society movement, on the one hand, and under the scrutiny of international NGOs, on the other³²⁶.

After the liberation of Kuwait, the *bidun* issue was part of a broader human rights crisis that includes the crimes of the occupiers but also, those of the occupied. The questions of Kuwaiti prisoners and missing persons in Iraq, war crimes and human rights violations committed under the occupation, as well as reparations brought into the country the International Committee of the Red Cross (ICRC), Amnesty International (AI)³²⁷ and the various UN agencies dealing out compensations³²⁸ and tackling refugees and other humanitarian needs. Following the occupation that represented a period of survival in the absence of a state, Kuwaiti citizens, victims of the Iraqi aggression, set up the Kuwaiti Association to Defend War Victims (KADWV). Dr. Ghanim al-Najjar held prisoner in Iraq was a prominent activist in the KADWV which was, together with the Arab Human Rights Organisation, the first to be allowed to operate in post-1991 Kuwait. The question of the prisoners of war (POWs) never ceased to engage the Kuwaiti civil society until after the 2003 attack on Iraq with their hopes finally dashed of finding the POWs somewhere in the liberated jails of the Ba'thist regime. In 1992, the National Assembly created a parliamentary commission for the Defence of

³²⁶ This part is based on research first into a file entitled 'Human Rights in Kuwait' kept at the Institute of Arab and Islamic Studies, Arab World Documentation Unit, Library and Information Service, University of Exeter, and second, into the United Nations Human Rights Website, Treaty Bodies Database, document with a special focus on the CCPR as of 1996 when Kuwait became a state-party. www.unhchr.ch

³²⁷ AI, *Iraq/Occupied Kuwait, Human Rights Violation since 2 August 1990*, December 1991.

³²⁸ Some *biduns* too received reparations for the war: 'Bedoons Get Compensation', *Kuwait Times*, 17 October 2005, '14,000 'Bidun' Benefit from 10 Million Dinars of Reparation' *Al Syiasa*, 28 February 2006.

Human Rights. The local human rights NGOs and parliamentary committee were there to stay.

Yet the international human rights organisations that came to scrutinise the Kuwaiti emirate in the aftermath of the liberation did not restrict themselves to the violations perpetrated by the Iraqis: the martial law trials, accusations of collaboration that led, among others, to the deportation of the main part of the Palestinian community and associated unprecedented legal issues (Chase, 1992:570), were soon the objects of investigations³²⁹. It is in this context that the repression of the *biduns* continued. As things gradually calmed down and came back to normal the question arose with renewed salience; the first HRW report solely dedicated to the issue, *the Bedoons of Kuwait, Citizens without Citizenship*, issued in August 1995, marked a huge rupture in the visibility of the statelessness phenomenon. The Kuwaiti authorities had tolerated, at least outside the two unconstitutional suspensions of the Parliament (1976-1981 and 1986-1992), criticisms of the management of issues surrounding nationality provided the discussion remained a strictly Kuwaiti matter³³⁰.

For the first time in around thirty years, the issue went internationally public. The trauma of the invasion, as said above, rendered feasible the resort to the international audience and condemnation in the case of the *bidun* issue. This was a great step: as one *bidun* in the UK put it, there are limits to what a Kuwaiti on the payroll of the government can say³³¹. Yet at the same time this external pressure has been felt as humiliation. The inextricable presence of the *biduns* is internalised by most Kuwaitis, whatever their stance, as a stain dirtying their international reputation – a stain that other Arab countries are too happy to utilise.

Statelessness in the first place and even more the pressure policy exerted against *biduns* represent for the INGOs a gross violation of the principle of non-

³²⁹ AI, *Kuwait Cases of 'Disappearance', Incommunicado Detention, Torture, Extrajudicial Execution under Martial Law*, October 1992.

³³⁰ See for instance the strong opposition to the 1980 amendment to the Nationality Law by the College of Law and Shari'a (Dr. Badria al-'Awadhi), the open column 'The Bidun Cancer' (by Musa'ad al-'Ajmi) and its reply 'Enough of this Silence' (by Hasan al-'Anazi) in *Al Qabas*, 19 and 13 November 1985 or the press statements by Dr. Ahmad al-Khatib in *Al Tali'a* 'We Criticize the Discrimination in the World...while we Practice it Against our People and the Sons of our Nation', 21 June 1986 [following the extension to 30 years of the period before which a naturalised can vote].

³³¹ Interview, London, 11 May 2009.

discrimination. If the principle of discrimination on the basis of nationality is congenital with the functioning of the international system, it ought not to occur with the internationally recognised state-entities. By labelling the *biduns* as illegal migrants, the Kuwaiti decision makers used the institutionalised category of international law to dodge the action of the transnational INGOs. An article published in *Al Watan* on 5 September 1994 reported MP al-'Adasni saying that 'when the government established the [Executive] committee, it called it the Committee for Illegal Residents which protects Kuwait from international condemnation'.

Yet this political manoeuvre did not completely protect the country from international condemnation: party to the CCPR that came into force in 1996, Kuwait became engaged in the process of reporting on its human rights situation: by virtue of the article 40 of the Covenant that made it compulsory for the states parties to report on their situations, Kuwait submitted its initial report on 8 December 1999. This ushered into an interactive process of points to clarify, questions and answers between the government of Kuwait and the Human Rights Committee (of the UNHCHR), making the former accountable for its promises and also policy turns. The UNHCR represented by Maureen Laing is also following up and watching any step back³³².

Moreover, while Kuwait thought it would be immune from international condemnation by lumping together the *biduns* and the migrants, the latter also became increasingly the focus of the IGOs' attention, and both issues are often treated together³³³.

The substantial collaboration with a growing number of IOs (for instance the International Organisation for Migration) and INGOs, one of the most active on the *bidun* file being currently Refugees International, led to a wide appropriation of the discourse of these organisations by an increasing proportion of the local actors. Nonetheless, this unified discourse has had a double-edged effect. For sure it halted the tendency towards greater financial than psychological pressure on the *biduns*, yet it also contributed to the process of stigmatisation of the category. The

³³² 'UNHCR to Report on 'Stateless' Persons', *Arab Times*, 12 July 2007.

³³³ See Commission on Human Rights, UNHCHR, 'Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination', Mission to Kuwait, 14 January 1997.

NGOs graphically highlight the plight of the *biduns*, presenting them in *dishdasha* and *ghutra* without a face (Refugees International), or with a *shmagh* wrapped around their head, hiding their face (KSHR) or with ankles and wrists tied by chains with their head down.

Photo 4 (a-c): Representations of the *Biduns* in Human Rights Leaflets



Source: Refugees International; KSHR; *Al Qabas*, 4-page special report, 4 November 2007.

Though this triggers feelings of sympathy, it also adds to the stigmatisation of this part of the population in a society where poverty is seen as the attribute of foreigners. Overall, it reinforces the government line trying to estrange the *biduns* from the Kuwaiti society when they are historically part and parcel of the social pact. If some *biduns* accept to be victimised, as many, at least from the picture that has emerged from our fieldwork, refuse this representation of *biduns* as weak people. The 'Kuwait Bedoons Movement' website shows a brandished combative fist.

Biduns are proud of their education, skills and their steadfastness under duress and in the face of discrimination. Obligated to toil for their living, they mock the idleness and the ignorance of those too used to being served and thus no longer able to acquire any skills. Some of those who could invest in education at the AOU, abroad or through distance learning are confident that their qualifications will logically and economically become indispensable and that they will be redeemed for their resourcefulness and strength of will. Even the most disillusioned, such as the man who has given up hope altogether of getting married or being naturalised, because of the mistakes of his father who brought

members of his Syrian family to Kuwait in the 1970s, speaks of his fight for employment with some pride, and recalls with amazing precision every single sheikh who headed the Ministry of Interior and Defence since Sheikh Saad Abdullah became Crown Prince in 1978.

Although the recommendations of the INGOs would find it simply impossible to look at every situation where naturalisation is blocked by criminal records or counter-security priors, some of them need special mention and discussion. In addition to recommending systematic registration at birth (Lynch & Scott, 2009: 1), the access to 'civil registry, social services, education and access to due process in court', Refugees International also urges to 'revise the nationality law to bring it in conformity with more progressive legislation in the region, particularly regarding the equal right of women to pass on nationality to children' (Lynch & Barbieri, 2007: 2). Building on the precedent of the granting of women's voting rights on 16 May 2005, a domain in which international pressure prevailed over the religious traditionalists' opposition, this recommendation could bear some fruit. The goal of the government and its allies is obviously not to enlarge the citizenry, or to do so keeping tight control of the process. Yet it has no long-term interest either in dissatisfying a significant part of its female population particularly, 'the mothers of the *abna` al kuwaitiyyat*' who can enjoy nationality but still feel discriminated against, especially now that women possess the right to vote. Tackling the two issues together would help stop the stigmatisation of the destitute *bidun* while reintegrating them progressively into the society, through mixed marriage, that was hitherto not an option for *bidun* men or Kuwaiti women, and integrating them into the citizenry.

Buying Time ...until When?

In conclusion, having seen the positions of the various stakeholders involved in the issue of the *biduns* in Kuwait, from the historic *hadhar* opposition to the Al-Sabah, to the new increasingly independent *badu* political forces as well as the international actors whose work influences the decisions of strategic support from powerful state actors, the following question remains: what are the options left to the Kuwaiti government?

In spite of the widespread belief that a comprehensive and radical solution can be found³³⁴, as already suggested above with the case of Kuwaiti women, the issue of the *biduns* may well be the tip of the iceberg of decades of inconsistencies in the handling of nationality in Kuwait. The *biduns* who are still claiming their entitlement to rights and nationality in Kuwait are the most visible aspect of the phenomenon; yet the circles of Gulf exiles suggest a wider extent if the deadlock is to be shaken. A study made among the Bahraini exiles showed, that, although they were granted Canadian, Swedish and British nationalities, all of the Bahraini exiles, with the exception of the Free Bahrainis in London, decided to come back to their country in spite of all they had to give up in terms of material enjoyment and professional career.³³⁵ Like the Bahrainis, the feeling among *biduns* in exile is that of an unrepaired injustice:

I belong to the 'Anaza and I feel I have the right to belong to any Gulf country, because this area is my place of origin and also the 'Anaza have been living in this region for ages.³³⁶

Moreover there is the problem faced by British solicitors to find a legal ground for the asylum requests by *biduns*. *Biduns* also note that being granted asylum cannot be founded on political grounds or oppression³³⁷ and that it has become increasingly difficult since 9/11, especially in Canada and Australia that were the primary destinations for *biduns* in the 1980s and 90s.³³⁸ As a result there are, across the world, cases, whose number is of course impossible to evaluate, of *biduns* who did become stateless again in Western countries following the rejection of their asylum applications³³⁹. Finally, the fate of the *biduns* officially from Iraq, who came back to their country of origin during the 1990 invasion and 1991 Gulf War and stayed there at a time when the Kuwaiti border with Iraq was closed, has remained undocumented. However, claims of an unknown magnitude exist on this front as well, as shown by the unpublished document 'Statement

³³⁴ 'Kuwait: Council Sets Plan to Solve Bedoun Issue: Stateless Divided into Three Categories', *Arab Times*, 14 February 2010. The IOM also has a three-step, KD 10-15 million programme to solve the *biduns* issue: it would consist in a census of *biduns*, sorting out their files into *biduns* and non-*biduns* (sic) and a second step of naturalisation by the Emir of Kuwait, offers from third party states, along with a period of grace. Interview with George Braidi, OIM, 22 July 2007.

³³⁵ Beaugrand, 'The Return of the Bahraini Exiles (2001-06): the Impact of the Ostracization Experience on the Opposition's Restructuring.' Paper delivered at the BRISMES (British Society for Middle Eastern Studies) 2008 Annual Conference in Leeds.

³³⁶ Electronic correspondence, 14 August 2008.

³³⁷ Interview, Sulaybiyya, 14 May 2008.

³³⁸ Interview with a *bidun* considering the option, 8 June 2008.

³³⁹ Conversation with a *bidun* whose application for asylum was rejected in the UK, Ashford, Kent, December 2004.

regarding the Group of Unfairly-treated *Biduns* in Iraq. Open Information Campaign in Solidarity with Them³⁴⁰. This question, probably under discussion in conjunction with Kuwaiti aid packages to Iraq, will have to find a solution once the situation in Iraq has settled.

Secondly, the issue of the *biduns* has shown the limits of the mode of government adopted by the Al-Sabah decision makers, who take either a consensual approach as fathers of the nation, or else pit different parts of the population against one another to maintain the political advantage. The question of the inclusion or exclusion of the *biduns* is deeply dividing the Kuwaiti polity along lines of divergent and irreconcilable interests. In that sense, it reveals the real sense of democratic politics based on a consensus of the rules of the debate but strong confrontation of arguments. There can be no solution that would please both *hadhar* and *badu*. The Kuwaiti rulers are caught between two parts of their citizenry, running the risk if it moves in either direction of losing the support of either the economic elite or the numerous middle class. The most radical *hadhar* who once opposed extra-legal naturalisations and the recruitment of Bedouins in the armed forces are inflexible in their unwillingness to compromise. Their historic and financial might renders the loss of their support extremely perilous. At the same time, the pressure from the Parliament becomes more intense and the executive power seems to be weakening in face of its head-on approach. Losing credibility in the face of a democratically elected Parliament would jeopardise the support of the international community so firmly secured by the Al-Sabah since the 1990-91 crisis as well as the united front of the ruling family and its pre-1990 parliamentary opposition³⁴¹. This domestic deadlock explains the desperate attempts by the Kuwaiti authorities to find solutions outside the Kuwaiti citizenry by dealing with third party countries that are willing to negotiate their nationality entitlements. They also hope that the two opposed factions of the Kuwaiti population will eventually come up with a mutually acceptable solution that

³⁴⁰ Document handed over by Rashid al-'Ajil, interview, Kuwait, 15 December 2005.

³⁴¹ When it was invaded on 2 August 1990 parliamentary life in Kuwait was going through a deep crisis: the members of the National Assembly dissolved in 1986 were hatching plans within the private framework of their *diwaniyya* and vocally calling for the application of the Constitution and new general elections. On 22 April 1990, Sheikh Jabir al-Ahmad (r.1977-2006), under pressure, issued a decree for the creation of a 'National Council', consisting of 50 elected and 25 appointed members, which compared poorly with the 50 elected members of the National Assembly as stated in the 1962 Constitution.

would preserve the unity of Kuwait. Knowing the incommensurable nature of arguments put forward, this consensual solution may take a long time.

Finally, the issue of the *biduns* touches upon the very tense relations between Kuwait and its two powerful neighbours. The riddle of Kuwaiti relations with Iraq is well-known, poisoned by decades of mistrust. However, relations with Saudi Arabia, with its profound discomfort at the memory of the battle of Jahra` as a national symbol, are not easy either. The problem of dual nationality among Saudi tribes is a recurrent one; Saudis who were hired in Kuwait did not necessarily renounce their Saudi nationality or, say, destroy their passports.³⁴² Since the early days of oil exploitation, the material situation has been far more advantageous in Kuwait than in Saudi Arabia, especially in its northern region, far away from Riyadh. The trend of Saudi immigration *stricto sensu* to Kuwait and the deep-running ties of intermarriage remain. Our observations in Jahra`, though impossible to generalise in any way, show that young Saudi males still come and stay with their uncles, work in decent and skilled jobs and obtain nationality. This is corroborated in a statement from the MP Jawhar pointing in the direction of Saudi Arabia to find the origins of the majority of the *biduns*.³⁴³ In any case, not only the absence of granting nationality but also the granting of nationality itself with a complete absence of transparency, is problematic in Kuwait, as illustrated by the MP Ahmad al-Mulaifi contesting the validity of half of the 570 naturalisations granted in January 2008, while '5,000 people, who fully qualify for citizenship, have been waiting for years because they have no influence',

We have discovered serious violations in the list of people who were granted citizenship and we will not remain silent. This is a sensitive issue that relates to the country and its sovereignty.³⁴⁴

The secrecy surrounding the whole process of nationality granting by Emiri decree will certainly render the solution to the *bidun* issue, but also to the wider issue of nationality definition, a long one. By contrast with the 1960s, any change to the Nationality Law or rather nationality and naturalisation *practices* will have to involve all the Kuwaitis.

³⁴² Interview, Prof. Ingham, 20 March 2009.

³⁴³ Interview, Kuwait National Assembly, 17 July 2007.

³⁴⁴ 'Sheikh Jaber Blasted over Naturalisations', *Kuwait Times*, 7 January 2008.

Conclusion

**In IR theory, as in Islam, there are two kinds of believers: those who go around shouting 'God is Great!', and those who have God in their heart.
(Halliday, 2006, unpublished)**

Kuwait, a vibrant city-state bristling with mushrooming glittering towers of glass architecture... In spite of the persistent town/desert connotations attached to the *hadhar/badu* distinction the emirate of Kuwait is first and foremost a city. Whatever the size of the networks that distinguishes *hadhar* from *badu*, Kuwaitis have all adopted urban ways of life.

By unravelling the riddle of the relations between the *biduns* and the state of Kuwait, this thesis has highlighted the transnational foundations of the Kuwaiti national population, made up of different successive waves of migrations and characterised by its very small original number. When oil revenues raised the stakes for power holders, the main two parties to the social contract, the ruling family and its merchant opposition that was inspired by progressist models of government, sought for support outside of the tiny population of Kuwait. To fight a domestic battle, transnational means were mobilised.

In the face of the threats of Arab nationalism that permeated the whole region, the Al-Sabah tapped in the human reservoir of tribes with whom they had historic ties. The tribal solidarity, used and cultivated, was guarantee of legitimacy. However, in the 1980s, the growing scale/threat of the cross-border flows became unmanageable. To fight present and potential transnational threats, domestic oppressive means were used.

The deep-rooted issue of statelessness in the Middle Eastern region can not be understood without being replaced in the dynamics of transnational solidarity networks. It illustrated that in the Arabian context of low institutionalisation (of states but also in general) and limited population, sociological networks reaching beyond borders are more potent actors than usually acknowledged. This thesis has offered a reflection on three important analytical tools, tackled in turn below: first it questioned the link between state building and citizenry, it historicised the notion of statelessness and contributed to the growing interest in and acknowledgment of the role of networks in IR.

I.

The switching from one type of unregulated transnational flows to another, registered and managed by the state as embodied in its Executive Committee for Illegal Migrants' Affairs, illustrates the process of increased control over the population, which is characteristic of the modern *state building*. In this respect, nationality has played a particularly crucial role, as a tool of monopolisation of the 'legitimate means of movements'. This situation has come about because mechanisms of surveillance, – the system of identity documents and passport controls – are not on a par with other elements of state-building such as conscription, taxation or even school enrolment. They are essential to their successful realization and become, over time, superordinate to them as tools of administration that made these other activities possible or at least enforceable (Torpey, 2000: 1; 14). Moreover,

A critical aspect of this process [of monopolisation of the means of movements] has been that people have also become dependent on states for the possession of an "identity" from which they can escape only with difficulty. (2000: 4)

Nevertheless, state building involves not only state control but also the contrapuntal balance of control and of democratic pressure. More than any theories of democratic contagion or 'Positive Democratic Theory' applied to the region, the analysis of the *bidun* question demonstrates the social pressures emanating from Kuwait's periphery for renegotiating the existing social pact.

Since 2006, Kuwait has gone through a series of three dissolutions of the National Assembly by the new Emir, Sabah al Ahmad al-Sabah. Though generally

interpreted as the result of the internecine war waged between the executive and legislative powers and paralysing³⁴⁵ the decision-making process, these institutional crises are, more profoundly, symptomatic of the deep split, described in this thesis, between the 'founding fathers', which is to say the original families of downtown Kuwait, and the broad-based, more religious-minded population of the periphery, some members of which were later incorporated into the citizenry in order to support the royal family. These '*nouveaux riches*', as the merchant elite call them with some snobbery, eventually turned into vocal critics of the alliance, seeking a better share in the state's redistribution of wealth.

These pressures for more social and economic equality form the backdrop against which to explain both the increasing demand for *biduns*' rights as well as the double bind in which the Kuwaiti rulers find themselves when trying, as little as they do, to enlarge the group of beneficiaries of the social contract. As shown, in spite of the attempts to stigmatise them and set them apart from other Kuwaitis, the *biduns* are seen, at least by the Kuwaiti middle classes, as part and parcel of the social fabric of the country. This perception has, until now, allowed the *biduns* to resist the tremendous state-orchestrated pressure exerted upon them. At the same time, the precedent represented by the *badu* naturalisations of the 1960s and 1970s that enlarged the citizenry so as to gain new support for the regime within the constitutional framework of regular holding of elections makes the government quite hesitant to further incorporate the *biduns*, even though the latter are *a priori* willing to be seen as the most patriotic of the Kuwaitis (See Photo 3c, p.163).

When it comes to expanding the citizenry, the Middle East resembles any other region of the world. As has previously been shown for Europe (Luebbert, 1991) and Latin America (Collier & Collier, 1991), the conditions under which social groups are incorporated into the political arena have significant repercussions in the ruling coalition that is later established, the regimes that such coalitions are likely to form and subsequent trajectories of political change.

Chapter III showed the rigidity of the social pact, designed to render the inclusion of any new elements likely to affect the balance of the citizenry impossible. At the

³⁴⁵ This very word was used with much emphasis by Abdullah Bishara, in his address 'Democracy in Kuwait and its Effect on the Gulf', 16 February 2008, at the London School of Economics.

same time, however, such inflexibility has made it necessary for the state to assume its 'national(ist)' functions and for the regime to maintain itself by resorting to a particular regional, network-based form of inclusion that is a long way from the letter of the law. This lumpy political naturalisation has backfired on the Kuwaiti regime that initiated it. The way in which tribes have been integrated into the citizenry, not on the basis of the idea of citizenship but as a 'collective actor' naturalized to support the regime and playing a buffer role in the established social contract, has resulted in their making an organized claim upon it.

From a two-party 'alliance' and, equally, rivalry between rulers and merchants, the Kuwaiti social pact has become an all-out conflict between three distinct elements, the ruling-family party -more than the arbitrator it would like to be, the conservative economic elite upholding the *status quo*, and the tribal groups wanting to change it. The *biduns*, as a demographic group – with a higher fertility rate and a tribal background- weigh in on the side of the forces for change.

Delineation of the citizenry is always problematic. It can even be said to be the essence of the idea of nation, a framework of continuous debate about the self-definition. In this regard, the ongoing discussion in Kuwait over different conceptions of entitlement is extremely important. It recalls other cases of gradual inclusion, for instance the nineteenth-century working classes that were so poorly integrated within the nation-state that the jurists grappled with the notion of personal rights on the basis of the equality, in other words, grappled to consider them as members of the same whole (Noiriel, 2005: 237). Any international-human-rights-based solution dictated to the royal family who would accept it with a view to preserving Kuwaiti unity would be counter-productive, not least because it would not affect the rigidity of the group-based social contract. The core issue lies less in the never-ending debate *per se* than in the idea that the extremely complex *biduns* puzzle can be comprehensively solved without engaging a reflection on the access to nationality. Avoiding this debate enables the government to buy time and time is on its side³⁴⁶. In the absence of any gradual and individual-based overhaul of the process of naturalization, Kuwaiti as well as

³⁴⁶ 'Council Sets Plan to Solve Bedoun Issue: Stateless Divided into Three Categories', *Arab Times*, 14 February 2010.

Gulf rulers will continue to face difficulties in enlarging the polity and will thus opt for as narrow a polity as possible to retain the regime's legitimacy.

Though it takes various forms according to the level of the state's wealth, the original composition of the urban population and the ensuing relations with the foreign population, all the GCC countries, except the larger ones, Oman and Saudi Arabia, confront the same sclerotic pattern. The more open case of Kuwait is instructive if one is to understand other, undocumented, instances of *biduns* and polity deadlock. The dead-end in which rulers of the politically more liberal Kuwait have found themselves is by no means peculiar to them: it is being faced by the less-liberal United Arab Emirates, which came up with a different answer eschewing altogether the questions of elections and the size of citizenry and leading, according to Michael Herb, to an authoritarian deadlock where 'the ruling families protect citizens from a democracy of the noncitizen majority and protect noncitizens from a democracy of the citizen majority' (2009: 392). The situation would seem to be diametrically opposite in Bahrain where the Shiite majority opposition accused the Bahraini government of actively naturalising Sunni foreigners from Yemen, Jordan and Pakistan to enlarge its support – a claim that was substantiated with the publication in 2006 of the so-called 'Bandar Report' named after its Sunni British-Sudanese author, a close advisor to the Ministry of Cabinet Affairs that was involved in the policy of 'Sunnisation' of the island. In the case of oil-depleted Bahrain, the nationality has been stripped of a significant part of the welfare benefits formerly attached to it; yet the policy on which Bahrain's government has embarked over the past decade is the selfsame one that backfired in the case of Kuwait, where political naturalisations are now identified as one of the causes of the institutional crisis. This similarity does not seem to bode well for the fledging Bahraini electoral experiment, and though, opposite in its specific results, the Bahraini authorities use the same logic of wholesale naturalisation of certain groups.

In all these regimes, unlocking the deadlock could come from a gradual empowerment of women, who would be able to pass nationality on to their children and husbands. In line with the family-based model prevalent in the region, this would solve a lot of unsatisfactory family situations where children of female nationals are treated as foreigners. Denied the financial advantages

attributed to the children of nationals, many women cannot cope with the costs attached to their 'citizen' status and divorce 'on paper' which is required for their children to become eligible to the citizenship.³⁴⁷ The discussion surrounding the gender-bias of nationality law in the Gulf, dividing even the Salafis, as demonstrated in the positions of some *Hizb al Umma* founders, requires further study taking in the comparative perspective of other Arab Muslim countries, Morocco, Egypt and Syria (UNHCR, 2006: 6), which redressed it.

II.

From its population's point of view, Kuwait is first and foremost an urban environment. It is also as a booming city in need of services that it has become further integrated into the world economy, since oil exports hooked its southern port of Ahmadi into the energy supply routes. Although these services are oriented towards consumption rather than value-production, it now shares common features with other global cities, starting with its mix of communities overlapping an income-based hierarchy. Deprived of nationality and rights, the *biduns* are at the bottom of this socio-economic ladder. Less wanted by the authorities than the despised, but legal, South Asian unskilled workers, their closeness to the Kuwait society through their sharing parts of the Kuwaiti lifestyle until 1986, and their intertwining with its history also makes their presence more desirable for Kuwaitis. They speak like Kuwaitis, look like Kuwaitis, but work, are paid and consume like medium-low skilled *wafidin* (expatriates). These similarities with migrants, resulting from the Kuwaiti policy that mixed the two categories under the pretext that they were both transnational, leads one to rethink the notion of *statelessness*, in its historical context.

Rather than being defined in terms of not having, as opposed to having, a nationality, statelessness is nowadays better understood as the lowest degree of rights privilege. Most of the history of statelessness was linked, in one way or another, to the emergence of new maps of nation-states and the drawing of their boundaries. It was also associated with the most extreme forms of nationalist

³⁴⁷ 'Equality only for some in Kuwait', 4 February, 2008

dictatorships like National-Socialist Germany or Ba'thist Iraq. The international regime established to fight these two sources of statelessness has made the phenomenon shift, at least in the First World, where administration is sufficiently developed to regulate entry movements,³⁴⁸ towards such failed attempts at legal migration as those manifested in all the rejected applications for asylum. The Kuwaiti U-turn policy towards the *biduns* took advantage very early on of the *de facto* similarities between the situations of stateless and illegal people in terms of rights deprivation. Here the classic Marxist distinction between 'formal and substantive' rights proves useful: had the state not exercised pressure to force the *biduns* out, the line between stateless, socially disenfranchised people deprived of actual rights (because of socio-economic rather than legal discrimination) and migrants would have stayed extremely fine, as happened in the UAE, Qatar or even Bahrain.³⁴⁹ The migrants enjoy few formal rights -never as many as citizens- but still benefit from the legal, albeit sometimes no more than nominal, protection from their home country. Migrants in an illegal situation only possess the legal protection attached to their nationality, which is tantamount to no rights and leads in developed countries to entire sectors depending structurally on them precisely because of their vulnerability and the fact they can thus be paid abusively low wages (Jounin, 2008). Finally two other categories should be added: the refugees – without the UNHCR/asylum status who, although not technically denationalised, are often unwilling to avail themselves of the protection of their home country. The internally displaced persons (IDPs), driven from their homes, who usually enjoy very few of the rights listed by the UNHRC in countries, torn by civil strife, which recognise and respect very few rights (for example Sudan, Sri Lanka, Congo, Angola).

Scholarly attention to the issue of real rights enjoyment came from international law for the latter cases, and the emerging field of migration studies, which tended to focus on peaceful countries endowed with migration programmes and policies.

³⁴⁸ The phenomenon affects all regions of the world, including a lot of developing countries with inadequate nationality laws and cases of protracted statelessness (Nepal, Thailand, Democratic Republic of Congo). All in all, with increased knowledge of the phenomenon, the number of stateless people has increased. 'It's Tough to Live in Limbo: The Growing Danger of Falling between the Cracks of Geopolitics and War', *The Economist*, 29 November 2007.

³⁴⁹ Here the 2001 resolution of the *bidun* issue has not constituted the solution to all the issues since the long tradition of passport withdrawal is still practised against radical opponents.

In the traditional 'migration countries' (Europe and the US), in particular, attention is increasingly given to the relationship between the status of immigrants and the allocation of rights (Carens, 2007; Ngai, 2006; Ruhs & Martin, 2008). Further academic efforts have been expended in re-thinking citizenship in the context of increased mobility, especially in the European Union (Spencer, 1995), and attempting to describe new forms of political participation outside national boundaries (Balibar, 1997). At the same time, new forms of selective migration policies were appearing. The global tendency of migration policies, whose tone is set by the Western liberal democracies, is to justify the fundamental inequality of the world system, which is to say the inequality of nationalities and restrictions on naturalisations, by wielding the excuse of national interest and the need for certain qualifications. This business logic of the skills hunt has replaced, in the broad discourse on migration, any notions of merit, the desire to integrate or volition to adopt certain entrepreneurial 'ways of life'. It permeates the arguments of Kuwaiti advocates of a selective naturalisation of the *biduns*. From Australia and the UK, countries that pioneered point-based migration policies, it even reached Saudi Arabia, which is famous for applying stringent rules in granting citizenship. In 2005, the Kingdom amended its Nationality Law and naturalisation process, giving priority, on the basis of points, to the applicants holding doctorates in medicine, engineering and other sciences (13 and 10 points respectively out of the 23 required to qualify for the first stage of the process).³⁵⁰

However, in the small GCC countries, with a higher standard of living than in the developed world but consumption-led economies, foreign expertise, let alone a labour force, is not considered an investment in human capital. Whether an item of luxury consumption in Kuwait or of foreign exchange generation in the UAE (Herb, 2009: 387), expatriates are considered a renewable 'unlimited good' to use the words of Sulayman Khalaf (1992: 53), as long as one can afford to pay them or bring them from cheaper origins (Abella, 1995: 422). Though access to citizenry is not based on skills but on kinship ties,³⁵¹ with a national community

³⁵⁰ 'Naif Calls for Study on Providing Citizenship to Undocumented Saudis', *Arab News*, 9 April 2008. Ten points are also given for a ten-year continuous stay or family relations, and eight for a Masters degree.

³⁵¹ Apart from the Bahraini case, where the tendency is to follow the interests of the royal family, thus leading to an exacerbation of the state/society [*Baharna*] conflict and the implicit denial of

that is less imagined than real³⁵², Kuwait has clearly placed itself and the *bidun* human rights issue in the broader international context of migration practices and discourses in developed countries, where one sees a growing contrast between educated class for whom nationality is not a problem and the internationalisation of careers means less pressure for integration via naturalisation, and the increasingly temporary unskilled labourers, whose reality of lesser rights enjoyment is becoming increasingly problematic in liberal democracies. The situation of the Gulf, whose geographic and economic position between the First and Third Worlds starkly reveals global inequalities, makes it particularly interesting to think of migration beyond the level of regional, European or North American blocs.

The treatment of the *biduns* as illegal migrants is also very revealing in terms of the evolving notion of illegality. As noted above, in contrast with the period when nationalist ideology resulted in discrimination of ethnic groups that were not necessarily mobile, the globalised and regulated form of labour migration opened up bridges between migration and *de facto* statelessness. The Kuwaitis took advantage of this. If statelessness is frowned upon by the community of states, so too is illegal migration, which states have the sovereign right to combat. In the end, in spite of the idiosyncratic characteristics of oil money, late development and tribal affiliation, Kuwait discriminates against *biduns* and migrants alike, in much the same way as other states, when it comes to the protection of welfare and other privileges. Kuwait is certainly far from the perversion of deporting the *biduns* naturalised by other countries since the nationalities 'on papers' they acquired were not used as a pretext for deportation once the status was regularised.³⁵³ Yet, the holding of a nationality, as stressed by the UNHCR, does not necessarily help in cases of sovereign accusation of illegal presence on any national territory. The recent handling of the Roma community by other EU member-states, following Rumania's and Bulgaria's accession to the EU is a case

the legitimacy of the initial social contract on which Al Khalifa rule, seen as that of conquerors, is based (Louër 2008: 50).

³⁵² In Kuwait at least, the family name alone still gives the key to the position the individual occupies on the socio-economic and prestige ladder, as well as on the geographic map.

³⁵³ 'Passeports comoriens en vente libre pour les sans-papiers du Golfe', *Le Monde*, Paris, 15 March 2009. The article quoting a Comoran minister notes that the condition for nationality granting would be strict even though the would-be Comorans are likely not to 'set foot in their homeland by adoption'.

in point. Interestingly, though the contexts are very different, the discourse justifying group-based policies are strikingly similar. In August 2010, the French Minister of Interior decided to repatriate the non-Schengen Roma families camping without permission on estate that were not their property. This illegal occupation has come to be the legal justification for the government action, but also the tip of the iceberg of imputation of a broader reputation for lawlessness. Collective treatment on the basis of alleged violation of the law certainly lies in the principle of family preservation but, implicitly, too, in the idea of a kin-organized resistance to the implementation of the law in various respects. The statement by the Bulgarian Prime Minister, Boyko Borissov, on 16 September 2010 likening the Roma to 'nomadic tribes' is interesting, not so much in terms of the stigmatisation of semi-settled ways of life, as in the connotations of strong sociological bonds which the term 'tribes' conjures up.

All this echoes certain points of our analysis of the *bidun* issue, starting with the fact that sociological transnational ties and networks are a core challenge to the state's jurisdiction and power. Covering up the role played by the state of Kuwait in bringing the *biduns* in, thereby making apparently disparate situations more comparable, the previously-cited representative of the Kuwaiti Ministry of Interior noted: 'The *hadhr* respect the law whereas the tribes do not respect the law: they use *wasta* [i.e. their networks]. This rules the country and [represents] a long-term problem.'³⁵⁴ This shows the very delicate balance between individual rights and the issue of powerful networks straddling the line between illegality and legality. Moreover, the accusation of illegal practices by *biduns* to benefit from state allowances also finds, beyond the particular Roma question, parallel developments in welfare states. The same Kuwaiti official went on, 'Kuwaitis register children of *biduns* under their names so that they can benefit from the allowances. The *biduns* beget their children outside of Kuwait'. Another source, an academic, claimed, 'the *biduns* exaggerate: they spot the loopholes in the law and use them to get advantages. It is the same in France. The more educated they are, the more they can identify these loopholes'³⁵⁵. She then went on to state that they behave in the same way in the welfare countries they flee to, as some were

³⁵⁴ Interview with Major-General Mohamad I. al-Sbeie, Ministry of Interior, Assistant Under-Secretary for Rehabilitation and Law Enforcement Affairs, Kuwait, 3 June 2008.

³⁵⁵ Interview with a Kuwaiti academic, Kuwait University, 5 March 2007.

reported to be pocketing the schooling allowances without enrolling their children in school. This kind of problem faced by all welfare states, making migrants unpopular as a whole, is yet another demonstration of the potent character of sociological networks that are able to challenge the national states, and all the more so when they are transnational.

III.

Third, inquiring into the situation of the *biduns* in Kuwait, this thesis has added a sociological dimension to the study of transnational actors in International Relations. The IR agenda on transnationalism has been dominated by the role of economic and, increasingly, financial actors on the one hand, and advocacy groups (Florini, 2000; Keck & Sikkink, 1998), on the other. While acknowledging the risks associated with the growing power of these actors if left unregulated by the states, the bulk of the theoretical contributions now posit a liberal framework where the growing interaction is seen with optimism as a desirable development bringing vulnerability but also cooperation. Yet the cause advocated by lobby groups is not always as commendable as that of human rights, environment INGOs and pressure groups against land mines, child labour or human trafficking. The ambiguous role played by diasporas is a prime example of the not-so-benign actions of transnational actors. The most visible aspect of diasporas is their institutionalisation into lobbying groups, for example the much mystified Israeli lobby (Mearsheimer & Walt, 2007) and the less researched Free Bahrainis and much-vaunted Iraqi and Iranian oppositions to Saddam Hussein and the Islamic Republic respectively. Though such groups are simplistically presented as acting in the interests of their country, community, nation of origin, there is still a study to be done on their irresponsibility (*inter alia*) with regard to the politics of their home country or supposedly so, taking into account the fact that they may not have been allowed there for decades. This thesis has argued that, lacking the transparency linked to the growing institutionalisation of these transnational actors, non-institutionalised actors have also emerged in the form of sociological networks that have appeared as transnational actors, along with, and only along with modern territorial nation-states. They fit into the growing domain of IR

studies where international actors are considered as networks rather than units. This approach also enables one to shed light on the middle ground between institutionalised transnational organisations emanating from the so-called 'civil society', whose work is highly valued and encouraged by liberal states, and the outright informal criminal organisations engaged in arms, drugs and human trafficking, money laundering or financial and fiscal evasion.

In a context of regional insecurity and state collapse as much as state-building in Iraq and Afghanistan, tribes, especially in trans-border areas, have been revived as a focus of attention by the US-led coalitions. The American military scored a major success in allying with once-insurgent Sunni tribes in the Anbar province of Iraq. Analysing the contribution of anthropology to strategic studies, Philip Salzman remarks in the latter case, 'If we want to counter an insurgency, we might need to collaborate with non-governmental, even anti-governmental organizations, such as tribes' and he goes on to note that ' [...] no one needed a good cultural anthropologist more than Al Qaeda in Iraq.'³⁵⁶ These points suggest that states, domestic or foreign, play an essential role in either reactivating sociological networks or letting them wane, while also underlining the conflicting interests between different types of non-institutionalised networks. In keeping with this precedent, Salzman also poses the question of handling the Pashtun tribal belt that straddles Afghanistan's shared border with Pakistan, which proved to be the social base of the Taliban.³⁵⁷ Though it is clearly geared towards delivering advice to the military, this anthropological perspective corroborates our point that in today's Middle East, at least, non-institutionalised non-state actors exert an influence on state's power and character through using state institutions but also non-state channels. While Salzman urges strategic studies to take into account the 'natives' point of view', their presuppositions, values, goals, and strategies, this thesis has taken the line with those writers who recognise the contribution of sociological inputs in studying the evolution of state power. These sociological perspectives are unavoidable when transnational actors are not institutionalised. The mechanisms of institutionalisation show the complex interaction between states

³⁵⁶ Salzman, Philip Carl, 'Anthropology and Strategic Studies', posted on 26 September 2008 on the MESH website <http://blogs.law.harvard.edu/mesh>. Accessed on 2 October 2008.

³⁵⁷ Salzman, P.C. 'Comment on Afghan Hezbollah? Be careful What You Wish for', posted on 10 October 2009 on the MESH website <http://blogs.law.harvard.edu/mesh>. Accessed on 12 October 2009.

trying to assert their ability to control networks and the advantages for networks in becoming institutionalised to gain leverage on the state.

Finally, this thesis has added a critical perspective in emerging Gulf studies by highlighting Kuwait's use of transnational flows in a manner converging with Western practices to preserve the domestic *status quo*. By labelling the *biduns* as illegal migrants, Kuwait confused two kinds of transnational networks, opting for a hybrid upon whom crackdown was acceptable, and practised in Western liberal democracies, albeit with different means. This misleading jumbling of terms along with the taboo still surrounding the *bidun* question and attempts to quash its open handling outside the emirate draws attention to Kuwait's obsession over its external image and outside perceptions of the country. In any case, no country has ever had an impeccable past and neither is state-building invariably peaceful. The thesis has demonstrated that complying with the perceived standards of statehood of the time is a constant element in both foreign and domestic policy of the Kuwaiti state. While the threat of Arab nationalism was pervasive in the region, Kuwait took as many loyal Bedouins as possible into its armed forces, counted them as national population to mask the tiny number of its citizen base, sent them to the fronts of Arab-Israeli wars as a sign of its commitment to the cause and kept their hopes for naturalisation high. With the weakening of the strong anti-Western nationalism in the region and the open security alliance with the United States, Kuwait used, first, an understandable if not justifiable resentment towards its northern neighbours to stigmatise the *biduns* and forget about any kind of Arab brotherhood when it decided to push them out. In the context of increased pressure from the West to comply with human rights and the democratic values upheld in the West, it then positioned itself as multicultural migration hub, favouring free movements of labour on short-term basis, the downside of which is illegal or overstaying migrants. What appeared clearly here is the utmost importance of the reputation, especially with regard to security arrangements.

The GCC countries have risen to prominence. Whether they wanted it or not, their accumulated wealth propelled them onto the stage of global actors. This reality is here to stay despite those who are all too happy to brandish the threat of oil depletion or alternative energies (and, in any case, returns on investment funds

caught up with the level of oil revenues). Over the past decade, the GCC states have placed themselves on the map of transnational financial, sports, educational and cultural exchanges – from the Louvres-Abu Dhabi, to the Emirates (Arsenal) Stadium, to the Harvard Dubai Initiative and other high-profile higher education programmes. At the junction between international elite mimicry and reputation polishing, not to mention brand-building, this 'soft power' using established transnational networks calls for further investigation in the field of emerging Gulf studies.

Glossary

Transliteration	Arabic	Translation
<i>abna` al kuwaitiyyat</i>	أبناء الكويتيات	'Children of Kuwaiti mothers', who did not obtain Kuwaiti nationality, because their father passed away or divorced – or carried a nationality dissociated from the state's protection (Palestinian, Iraqi exiles).
<i>'a`ila</i>	عائلة	Family, originally from the old Kuwait town centre, as opposed to <i>qabila</i> .
<i>'ajam</i>	عجم	Gulf resident of Persian origin.
<i>al aqtar al 'arabiyya al shaqiqa</i>	الأقطار العربية الشقيقة	The brotherly Arab territories.
<i>'arib dar</i>	عريب دار	Semi-sedentarised inhabitants of oases forming a class between <i>hadhar</i> and <i>badu</i> – not highly regarded by the <i>badu</i> .
<i>'asabiyya</i>	عصبية	Group feeling, found in Ibn Khaldun's work (1332-1406).
<i>'ashira (afrad al 'asha`ir) adj. asha`iri</i>	عشيرة (أفراد العشائر) عشائري	Tribe's section. (‘members of tribes’, expression used in the article 25 (h) of the 1959 Law 17 on the Residence of Aliens).
<i>'ashish (sg. 'asha)</i>	عشيش (عشة)	Hut made of mats of rush, reed or palm.
<i>awqaf</i>	أوقاف	Islamic Endowments.
<i>badiat al Kuwait abna` al badia Amir al badia</i>	بادية الكويت أبناء البادية أمير البادية	Dwellers of the Kuwaiti desert. Sons of the desert. Member of the Al-Sabah's family, in charge of policing the tribes in the desert (pre-oil Kuwait).
<i>badu</i>	بدو	Bedouin population, whether originally nomadic or settled, that has not ceased cultivating tribal networks. In Kuwait all the Bedouin are now settled but the term refers to their comparatively more recent settlement in an urban environment.
<i>bahar(a)</i>	بحار(ة)	Sailor(s) or crew.
<i>Baharna</i>	بحارنة	Shiite indigenous inhabitants of Bahrain.
<i>batn</i>	بطن	Tribe's subsection.
<i>bidun Al bidun yatahaddathun</i>	بدون البدون يتحدثون	Literally 'without' [nationality/papers]. Event organised by the KSHR in 2006 that offered the <i>biduns</i> a platform to express themselves publicly.

<i>bitala muqanna'a</i>	بطالة مقنعة	Underemployment.
<i>bitaqa</i> <i>-madaniyya</i> <i>-tamwiniyya</i>	بطاقة -مدنية -تموينية	Card: -civil ID; -giving access to state-subsidised food supply.
<i>buyut sha'abiyya</i>	بيوت شعبية	Popular housing (equivalent to Council housing).
<i>dima` zarqa</i>	دماء زرقاء	Literally 'blue-blooded': <i>hadhar</i> who think of themselves as being of a superior pedigree.
<i>dira</i> <i>dirat khair wa aman</i>	ديرة ديرة خير و أمان	Old town centre, then the country or homeland itself. Country of plenty and safety.
<i>dishdasha</i>	دشداشة	Gown worn by Gulf men.
<i>diwaniyya</i>	ديوانية	Kuwaiti traditional 'salon' for men.
<i>fara'iyya</i>	فرعية	Tribal primaries.
<i>fida`i</i> (Plu. <i>yyun</i>) <i>fidawiyya/</i> <i>khuwiyya</i>	فدائي فداوية/اخروية	Literally 'devotee, ready for sacrifice'. Also the name of the personal guard of Arabian rulers. Corps made of the former.
<i>firij</i>	الفريج (القبلة/جبله و الشرق و المرقاب و السوق)	Neighbourhood in Old Kuwait City. The four big quarters were: Qibla, Sharq, Murqab and al-Wasat. They enclose smaller neighbourhoods like: <i>firij</i> al-Hasawi, al-Mutran, al-Balush, al-Shuyukh, al-Jana'at, al-Nisf, al-Fadhallah.
<i>ghayr Kuwaiti</i>	غير كويتي	Non-Kuwaiti.
<i>ghayr mahaddid al jinsiyya</i>	غير محدد الجنسية	Of an undetermined nationality.
<i>ghutra</i>	غتره	White headwear.
<i>hadhar</i>	حضر	Pre-oil long-settled population that had actually cut ties with its tribal brethren.
<i>haqq (al ujud) bil-ardh</i>	حق الوجود بالأرض	<i>Jus soli</i> ; right of abode.
<i>harakat al dusturiyya al islamiyya</i>	الحركة الدستورية الإسلامية (حدس)	Islamic Constitutional Movement, Kuwaiti branch of the Muslim Brotherhood (also called after its abbreviation Hadas).
<i>harakat al salafiyya</i>	الحركة السلفية	Salafi Movement.
<i>Haramayn</i>	حرامين	The two Holy Shrines in Mecca and Medina.
<i>hawza</i>	الحوزة	Community of learning in a particular place. Its school of thought.

<i>hizb al-Da'wa al-islamiyya</i>	حزب الدعوة الإسلامية	Party of the Islamic Call, founded in 1958 in Najaf. Referred to as <i>al Da'wa</i> .
<i>hizb al Umma</i>	حزب الأمة	Party of the (Islamic) Nation, Salafi (est. 2005).
<i>humat al watan</i>	حماة الوطن	'Guardians of the nation'. Title of the magazine of the armed forces created by Abdullah Mubarak in 1960.
<i>Ikhwan</i>	إخوان	Tribal force created by Ibn Saud and educated in Wahhabi Islam.
<i>iqta'i</i>	إقطاعي	Feudal.
<i>'iqal</i>	عقال	Black rope fixing the traditional headwear.
<i>jama'iyya</i> <i>-Ihia` al turath</i> <i>-al Islah</i> <i>-al thaqafa al</i> <i>ijtima'iyya</i>	جمعية -إحياء التراث -الإصلاح -الثقافة الإجتماعية	1) Cooperative in Kuwait 2) Association: -for the Revival of the Islamic Heritage (Salafi); -for the Reform (Muslim Brotherhood); -Social Society for Culture (Shiite).
<i>jinsiyya</i> <i>(sahb al jinsiyya)</i>	جنسية (سحب الجنسية)	Nationality. (Nationality withdrawal)
<i>kandari</i>	كندري	Water-carrier
<i>Kata`ib usud al Jazira</i>	كتائب أسد الجزيرة (القاعدة)	Brigades of the Lions of the Peninsula, al-Qa'ida-affiliated group in Kuwait.
<i>Khalij</i>	خليج	Gulf.
<i>khat al imam</i>	خاط الإمام	Imamis Shiites, that is followers of the Imam Khomeini's line.
<i>khidmat jalila</i>	خدمات جليلة	Exceptional services.
<i>Kuwaiti bi ta`sis, asli, madat ula</i> <i>'madat'</i>	كويتي بتأسيس أصلي أو مادة أولى مادات	Kuwaiti by virtue of his/her continuous residence in Kuwait since 1920 until 1959. Descendents thereof. 'article 1 Kuwaiti' Here: articles by virtue of which one is Kuwaiti national.
<i>Kuwaiti bi tajannus</i>	كويتي بتجنس	Kuwaiti by naturalisation.
<i>Lajnat tanfiziyya/ Lajnat markaziyya (li shu`un al muqimin bi sura ghayr qanuniyya)</i>	لجنة تنفيذية لجنة المركزية لشئون المقيمين بصورة غير قانونية	Executive Committee (for illegal migrants' affairs). Government body set up in 1996 to deal specifically with the files of <i>biduns</i> and located in Ardhiyya. It takes over from the Central Committee 1993-1996, sometimes still referred to.
<i>Lajnat sha'abiyya (li qadha-ia al bidun)</i>	لجنة شعبية لقضايا البدون	Popular Committee for <i>bidun</i> issues, known in English as <i>Bidun Popular Committee</i> , founded together with <i>biduns</i>

		themselves, under the patronage of Sheikha Awrad.
<i>majhul al huwiyya</i>	مجهول الهوية	Of an unknown identity.
<i>majlis</i>	مجلس	Council of a sheikh.
<i>Majlis Tashri'i</i>	المجلس التشريعي	Legislative Council (in Kuwait, 1938-39).
<i>Majlis al Umma</i>	مجلس الأمة	National Assembly (in Kuwait, est. 1963).
<i>makruma</i>	مكرمة	Royal grace.
<i>maktumun</i>	مكتومون	Literally 'the silenced people' referring to the Syrian discriminated Kurds.
<i>marja'iyya (al taqlid)</i>	مرجعية التقليد	Literally 'source of emulation'. Shiite doctrine according to which believers must choose a learned authority to follow.
<i>muqim bi sura ghayr qanuniyya</i>	مقيم بصورة غير قانونية	Illegal migrant.
<i>murasil</i>	مراسل	Messenger/envoy. Type of multi-task job, rare in advanced economies, consisting in carrying out any petty task involving a ride (delivering post, getting documents stamped etc.)
<i>mandub</i>	مندوب	Representative: in substance, comparable to the above.
<i>musabila</i>	مسابلة	Bedouins' seasonal visits to the town markets for the sale and purchase of goods.
<i>muwatin</i>	مواطن	Citizen.
<i>muwatana</i>	مواطنة	Citizenship.
<i>nakba</i>	النكبة	'Catastrophe': refers to the 1948 Israel-Arab war that led to the fleeing of thousands of Palestinians.
<i>nasab</i>	نسب	Lineage
<i>niqab</i>	نقاب	Piece of black fabric covering women's face.
<i>min usul iraqiyya,</i>	من أصول عراقية	Of Iraqi origin.
<i>qabila</i>	قبيلة	Tribe or tribal confederation.
<i>qabili</i>	قبيلي	Tribal or tribesman (as opposed to nomad in Yemeni).
<i>qa-id amni (plu. quyud amniyya)</i>	قيد أمني (قيود أمنية)	Criminal records forming a 'security obstacle' (literally) to the eligibility for naturalisation
<i>qura</i>	القرى	Countryside.
<i>ra'awiyya (ra'a-ia)</i>	الرعية (رعايا)	Subjection, drawn metaphorically from the root 'to graze'. (subjects).
<i>rahil</i>	راحل	Nomad in Yemeni political language, as opposed to tribesman.

<i>sa'at saraha</i>	ساعة صراحة	the 'Hour of Truth', TV programme on Al-Ra`i.
<i>Shari'a</i>	الشريعة	Generic term for divinely sanctioned Islamic Law.
<i>sharif</i>	شريف	Noble (especially for tribes).
<i>shmagh</i>	شماغ	Red checked headwear worn throughout the year in Saudi Arabia, only in winter in Kuwait.
<i>Suq al Manakh</i>	سوق المناخ	Alternative stock market, bypassing tighter regulation on the official securities market. It collapsed in 1982. <i>Al Manakh</i> referred to the name of the building where the trading occurred.
<i>tabi'iyya</i> <i>tabi'</i>	تابعية تابع	Allegiance. Subject.
<i>takattul (al 'amal)</i> <i>al sha'bi</i>	تكتل العمل الشعبي	Popular Bloc: parliamentary group formed in 1999 as an alternative to the liberal/Islamist dichotomy, willing to be close to social transformations.
<i>tahaluf al islami al watani</i>	تحالف الإسلامي الوطني	Islamic National Alliance (Shiite): founded in 1998 by politicians close to the Imam's line.
<i>taklifa/kulfa</i> <i>maliyya/iqtisadiyya</i>	تكلفة/كلفة مالية/اقتصادية	The financial/economic bill (referring to the cost of naturalising the <i>biduns</i>).
<i>Tali'a</i>	الطليعة	Literally, the vanguard. Newspaper of the Arab Nationalist Movement in Kuwait.
<i>taqiyya</i>	تقية	Possibility for a Shiite Muslim to hide his creed in case of life threat.
<i>taqsit murih</i>	التقسيم المريح	Piecemeal [solution]. The expression is drawn from the lexicon of credit payment, hence [solution] 'in instalments'.
<i>tujjar (sg. tajir)</i>	تجار (تاجر)	merchants
<i>usra 'ariqa</i>	أسرة عريقة	Respectable family, i.e. of long settlement.
<i>wafid</i>	وافد	Expatriate.
<i>wala`</i>	ولاء	Loyalty.
<i>wasta</i>	واسطة	Practice of gaining access through an intermediary; the intermediary itself.
<i>watan</i>	وطن	Nation.
<i>zakat</i> <i>bayt al Zakat</i>	زكاة بيت الزكاة	Act of financial worship. Institution, in Kuwait, in charge of the redistribution of the <i>zakat</i> to the needy people.

Some words appear in the text in their plural form, with the suffix –un or –ون

Others, finishing with *-a* or *ā-* and first in a combination of several words are transcribed with a phonetic *-t*.

List of Names, with transliteration, Arabic spelling and notes

See Map 2 for the location of tribes'

Transliteration	Arabic	Notes
<i>'Adsani</i>	العدساني	Prominent Kuwaiti family of judges and conciliators.
<i>'Ajman ('Ajmi) Ibn Huthlayn</i>	العجمان (عجمي) ابن حثلين (ضيدان)	Southern noble tribe. Tribal lineage of the 'Ajman. Daydan (d.1929): ally of Mubarak Al-Sabah who married his daughter.
<i>'Anaza Ibn/al-Hazal</i>	العنزة عامر خليف العنزي الهدال (متعب)	Northern noble tribe. 'Amir Khulaif: head of the Lions of the Peninsula. Paramount sheikh of the 'Anaza, the current one being Mut'ab.
<i>'Awazim ('Azmi)</i>	العوازم (عازمي)	Sheep breeding tribe initially located in Hawalli and Salmiyya, territory of the 'Ajman.
<i>'Awadhi</i>	العوضي	Nabil: Kuwaiti cleric leading the TV programme 'the Hour of Truth'
<i>Baghli</i>	البغلي	Long-settled Shiite family from al-Hasa.
<i>Bahbahani</i>	بهبهاني	Long-settled merchant family originally from Bahbahan in Iran.
<i>Baqir</i>	باقر	Ahmad: Salafi MP, Minister of Justice in 2005.
<i>Bishara</i>	البشارة	Abdullah: top-ranking Kuwaiti diplomat. -Kuwait's representative to the UN from 1971 to1981, - Secretary-general of the GCC from 1981 to 1993.
<i>Dabbus</i>	الدبوس	Ruling lineage of the Fudhul in Fahahil
<i>Dashti</i>	دشتي	Long-settled Kuwaiti family originally from Dasht in Iran. Rula: doctor in Economics, head of the Kuwait Economic Society and one of the first four women to enter the Parliament in 2009.
<i>Dawasir (Dusari)</i>	الدواسر (دوسري)	Southern tribe roaming south of the 'Ajman's tribal territory.
<i>Duwish</i>	الدويش	Faisal: head of the Mutairi who conducted the coalition of <i>Ikhwan</i> against Kuwait in 1920.
<i>Fadhala</i>	الفضالة	Kuwaiti family whose members include

		captains.
<i>Fudhul (Fadhli)</i>	الفضول (فضلي)	Tribe from the Bani Khalid originally based on the north-eastern coast of the Peninsula. In Kuwait it was located around Fahahil and led by the Dabus lineage.
<i>Haza'</i>	الهزاع	Karim: <i>bidun</i> journalist, essayist and novelist.
<i>Humaid</i>	الحميد	Iraqi Shiite tribe.
Iraqi Sunni families	النقيب و الرفاعي	Naqib and Rifa'i.
<i>Ja'far ('Izzat)</i>	جعفر (عزت)	Close advisor to Sheikh Ahmad al-Jabir (r. 1921-1950), guardian of his sons, Jabir (1977-2006) and Sabah (r. 2006)
<i>Jafran</i>	الجفران	Section of the Murra tribe.
<i>Jana'at</i>	الجناعات (المطوع و البدر و العيسى و الصالح و الأيوب و الجاسم و المسلم)	Family that traces its origin to a common 'Adnani ancestor and that is divided in Kuwait into the following branches: Mutawa', Badr, 'Isa, Salih, Ayub, Jasim, Musallam.
<i>Jawhar</i>	جوهر	Long-settled ' <i>ajam</i> family. Hasan: Shiite politician, member of the Popular Bloc, close to Shiite Islamists. Head of the Parliamentary Commission for the <i>biduns</i> affairs in 2006-08 and 2009.
<i>Khaz'al</i>	خزعل	Sheikh of Muhammara in 'Arabistan (r. 1897-1925).
<i>Khatib</i>	الخطيب	Ahmad: prominent Kuwaiti politician, supporter of Arab Nationalism.
<i>Kurafi</i>	الخرافي	Kuwaiti business family.
<i>Ma'arafi</i>	معرفي	Prominent ' <i>ajam</i> merchant family.
<i>Mish'an</i>	المشعان - سليمان	Sulayman: Assistant Undersecretary of the Ministry of Interior for Nationality, Residence and Passports.
<i>Muhri</i>	المهري	Family of Shiite religious clerics. Abbas: representative of Ayatollah Khomeini in Kuwait. Preacher of the <i>masjid Sha'ban</i> , for whom it was built. Ahmad: son of the former, organiser in August 1979 of a lecture series on the concept of equality in Kuwaiti society at the <i>masjid Sha'ban</i> .
<i>Mulaiifi</i>	المليفي	Ahmad: independent or centrist MP.
<i>Munayyis</i>	المنيس	Muhammad: Arab nationalist, with close

		affinity to Iraq, hanged during the crackdown of the 1938 <i>majlis Tashri'i</i> .
<i>Muntafiq</i>	المنتفق	Northern tribe, scattered around Basra, mostly converted to Shiism but ruled by the Sunni lineage of the Sa'dun.
<i>Murra</i>	المرّة	Southern tribe, widespread in Qatar.
<i>Mutran/ Mutair (Mutairi)</i>	المطران أو مطير (مطيري)	Southern tribe.
<i>Nafisi</i>	النفيسي	Kuwaiti family whose ancestor was the commercial representative of Ibn Saud in Kuwait as of 1921. Abdullah Fahd: political scientist, author of <i>al Kuwait wa al ra`i al akhar</i> for which he lost his job and passport.
<i>Qitami</i>	قطامي	Jasim: Head of the police until 1959, prominent Arab nationalist.
<i>Rasha-ida</i>	الرشايدة	Sheep breeding tribe, grazing on Mutair's land.
<i>Rashid</i>	الرشيد	Tribal elite of the Shammar, turned into a ruling dynasty based in Ha`il in Jabal Shammar that collapsed in the face of Ibn Saud's forces in 1921.
<i>Rwala</i>	الرولة	Subsection of the 'Anaza tribe.
<i>Rufai'</i>	الرفيع	Iraqi Shiite tribe.
<i>Al-Sabah</i>	آل صباح	Ruling family of Kuwait.
<i>Sa'dun</i>	السعدون	1) Ruling lineage of the Muntafiq. Their feuds with Ottomans in South Iraq led many of their sheikhs to take refuge in Kuwait in the 19 th and 20 th centuries. 2) Ahmad: veteran of Kuwaiti politics, liberal and founder of the Popular Bloc
<i>Saqr</i>	الصفقر	Prominent Kuwaiti family, once involved in the trade of dates from their plantations in Basra.
semi-settled tribes	العداوين و الهواجر و السبعان (سبيعي) و السهول	'Adawin, Hawajir, Sb'an (Sbay'i) and Suhul. The Sib'an were enfranchised 'Anaza slaves.
<i>Shammar Jarba</i>	الشمر الجربا	Northern noble tribe. Paramount sheikh of the tribe, especially after the fall of Ha`il
Shiite Islamist MPs	عبد الصمد ولاري و جمال و الزلزلة	Adnan Abd-al Samad, Ahmad Lari and Abd al-Muhsin Jamal follow the line of Imam Khomeini, while Yusuf Zalzala is deemed

		more moderate (initial line of <i>al Da'wa</i>).
Sunni merchant families	الغانم و البحر و الشايح و النصف و المرزوق و الملا	Ghanim, Bahar, Shaya', Nusf, Marzuq and Mulla.
Sunni tribal MPs	سعدون حماد و الميع	MPs from the southern oil-producing areas.
<i>Thaqib</i>	الثاقب	Ruling lineage of Zubayr. Lu`lu`a: wife of Mubarak Al-Sabah.
<i>Thuwayni</i>	الثويني	Abd al-Latif Faisal, Major-General: 1) director of the Public Security, then the Police and Public Security (1959-1962); 2) Undersecretary of the Ministry of Interior (1962-1981); 3) Advisor to the Amir's Council (1981).
<i>'Utub ('Utiba)</i>	العتوب (عتيبة)	Branch (<i>batn</i>) of the 'Anaza tribe from which the Al-Sabah claim to descend.
<i>'Utban ('Utaybi)</i>	العتبان (عتيبي)	Southern tribe located in Qasim.
<i>Waqian</i>	الوقيان	Faris: political scientist from Jahra', researcher at Kuwait University.
<i>Zhafir Ibn Suwayt</i>	الظفير ابن سويط	Northern tribe, formed by accretion. Ruling lineage that moved from Iraq to Hafar al-Batin under King Abd-al Aziz.

Last name of tribal origin are obtained by adding a -i /-ي at the end of the tribe's name, unless otherwise specified in brackets.

List of Places, with transliteration, Arabic spelling and notes

Transliteration	Arabic	Notes	Map
<i>Amghara</i>	أمغرة	Eastern suburb of Jahra`, location of garages and car auction.	4
<i>Batin</i>	باطن	Geological depression between Kuwait and Saudi Arabia, making it a suitable trade route.	2
<i>Hafar al Batin</i>	حفر الباطن	Saudi town in the Batin, home of the Zhafir sheikhs.	
<i>Dabdaba</i>	الدبدبة	Low lands in the western quarter of Kuwait.	2
<i>Fahahil</i>	الفحيحيل (فحاحيل)	Coastal village 39 south of Kuwait City. Its name comes from <i>Fahahil</i> and is still pronounced as such and referred to a male palm tree.	4
<i>Fintas</i>	الفنتاس	Coastal village 29 km south of Kuwait City	4
<i>Finitis</i>	الفنيطيس	Diminutive form of Fintas; coastal village 23 km south of Kuwait City.	4
<i>Jahra`</i>	الجهراء	Once a village-oasis, summer quarters of the 'Ajman tribe. Famous for the 1920 battle opposing Kuwaitis and <i>Ikhwan</i> . Now an urban area around 33 km west of Kuwait City, known for being <i>badu</i> and home to <i>bidun</i> habitations.	2,4
<i>Jazira</i>	الجزيرة	1) the Arabian Peninsula; 2) part of the Syrian Desert, north of the Euphrates straddling over Syria and Iraq.	n.a. 2
<i>Jlib al-Shuyukh</i>	جليب الشيوخ	Southwest suburban area inhabited by poor South Asian workers.	4
<i>Ha`il</i>	حائل	Capital of the Rashid dynasty, head of the Shammar till its siege and seizure by Ibn Saud's forces in 1921.	2
<i>Hajara</i>	الحجرة	Arid region along the Saudi-Iraqi northeast border.	2
<i>Hamad</i>	الحمد	Desert stretching north-westwards between Syria and Saudi Arabia.	2
<i>Hawalli</i>	حولي	Historically the Palestinian quarter; middle-class area.	4

<i>Qasim</i>	القصيم	Arid region of Central Arabia, northwest of Riyadh.	2
<i>masjid Malik bin 'Awf</i>	مسجد مالك بن عوف	Sunni mosque in Jahra`, where the leader of the Lions of the Peninsula used to preach.	4
<i>masjid Sha'ban</i>	مسجد شعبان	Shiite mosque in Sharq. It was the location of a series of lectures given by Ahmad al-Muhri in September 1979.	4
<i>Mubarakiyya</i>	مباركية	Covered traditional market in Kuwait City on the former 'zone reserved for great merchants'	3
<i>Maqwa'</i>	المقوع	Area north of the Ahmadi oil installations.	4
<i>Sahat al Safa</i>	ساحة الصفاة	Market place in pre-oil Kuwait. It also was the station for caravans' departure and arrival.	3
<i>Salmiyya</i>	السالمية	Far-east part of the seafront, inhabited by wealthy expatriates.	4
<i>Sarif</i>	الصريف	Location of the battle that opposed in March 1901 the forces led by Mubarak al-Kabir and those of the Rashid.	2
<i>Sufayri</i>	الصفيري	Border town located in the Hajara, northeast of Saudi Arabia; one of the centres of the settled Zhafir tribe.	2
<i>Sulaybiyya</i>	الصليبية	Southwest suburb of Kuwait City (18 km) and area of <i>biduns</i> popular housing.	4
<i>Umm al Hayman</i>	أم الهيمان	Town south of Mina Abdullah.	4
<i>'Uqair</i>	العقير	Coastal town in Hasa, where the borders between Kuwait and the Sultanate of Najd were defined in 1922.	n.a.
<i>Zubayr (Zubara')</i>	الزبير (زبراء)	Oasis-town west of Basra. Its inhabitants, following the Sunni Hanbalite school, regard themselves as originating from Najd.	2

Names on the maps might be differently transliterated but are nevertheless easily identifiable.

List of Interviewees

The spelling of names, the exact titles and occupations are reproduced literally from business cards handed to me at the time of interview. As a result, they do not follow the system of transliteration used in the thesis.

#	Date	Name	Occupation	Place of Interview	Nationality of interviewee	Record
1	--/12/04		Asylum seeker	Kent	<i>Bidun</i> from 'Anaza	Off
2	29/11/05	Abbas Shiblak	Researcher for IDRC and Ford Foundation's project on statelessness in the Middle East League of Arab States, London	London (Mayfair)	Non relevant	On
3	06/12/05 09/07/07	Dr. Sami Nasser Al Khaliefah	Academic, Arab Open University, Kuwait Branch Consultant, National Assembly Columnist for <i>al Rai, al Aalam</i>	Kuwait (City) Khaytan (AOU)	Kuwaiti	On
4	11/12/05	Fahima Al Aid	Editor in chief of the journal <i>Hayaa</i> (socio-cultural focus)	Kuwait (Jabriyya)	Kuwaiti	On
5	12/12/05 15/12/05	Rashid Salih Al Ajeel	Intellectual (Qurtas)	Kuwait (Qurtas, City)	Kuwaiti	On
6	12/12/05		Employee MoPlanning	Kuwait (City)	Kuwaiti	Off
7	12/12/05 08/05/06		Employee MoPlanning	Kuwait (City)	naturalised Kuwaiti, former <i>bidun</i> , from a Kuwaiti mother	Off

					(first degree)	
8	13/12/05 14/01/06	Dr. Rashid Hamad Al Anezi	Professor of International Law, Kuwait University Attorney and arbitrator	Kuwait (Practice, City)	Kuwaiti	On
9	15/12/05	Ahmad Ali Deyain	Intellectual, politician (Qurtas)	Kuwait (Qurtas, City)	Kuwaiti	On
10	15/12/05	Dr. Ghanim al Najjar	Academic, Kuwait University HR activist & UN expert (OHCHR) Kuwaiti Human Rights Society	Kuwait (Qurtas, City)	Kuwaiti	On
11	18/12/05 08/01/06	Saoud Rashid AlAnezi	Deputy Editor in chief (<i>Al Taleea</i>)	Kuwait (Shuwaikh)	Kuwaiti	On
12	18/12/05	Dr. Faisal M.N. Al Hammad (on behalf of Hakim Al Mutairi)	Head of the Political Bureau of Hizb Al Umma	Kuwait (Association of Academic Staff in Applied Colleges, Al Nuzha)	Kuwaiti	On
13	14/02/06 20/03/06		Kuwaiti Community Association, Harrow	Harrow (Refugees Centre), UK	naturalised British, former <i>bidun</i> , from the 'Anaza tribe	Off
14	07/01/07 05/03/07	Dr. Faris M. Alwagian	Researcher, Centre for Strategic and Future Studies, Kuwait University	Kuwait (Shuwaikh)	Kuwaiti (tribal from Jahra')	On
15	07/01/07	Dr. Mohammad al Rumaihi	Academic, Kuwait University Editor in chief of <i>Awan</i>	Kuwait (Shuwaikh)	Kuwaiti	On
16	08/01/07	Dr. Fahed Al Mekrad	Arab Open University, Kuwaiti Branch Manager	Kuwait (Hawalli)	Kuwaiti	On
17	13/01/07	Singare Mahfuz	Journalist of <i>Al Tali'a</i> Employee of the Arab Open University	Kuwait (Jabriyya)	Syrian	On
18	14/01/07		Employee –private sector	Kuwait (City)	Bahraini	Off

			Shiite activist			
19	15/01/07 08/07/07 16/07/07 15/03/08	Dr. Mahdi al-Salman	Academic, Kuwait University Shiite militant	Kuwait (Shuwaikh)	Kuwaiti	On
20	16/01/07	Dr. Omran Muhammad Qarashy	Human Rights activist Shiite Islamist Researcher, Kuwait Institute for Scientific Research (1979-2000)	Kuwait (Sheraton, City)	Kuwaiti	On
21	17/01/07	2 <i>biduns</i> (names withheld)	Former soldiers From Jahra' (introduced by Mohamed Al 'Ajmi)	Kuwait (Muthanna, City)	<i>Biduns</i> from Jahra'	Off
22	28/02/07	Ahmad al Da'ass	Secretary of the MP Mussallam al Barak	Kuwait (Parliament, City)	Kuwaiti	On
23	05/03/07		Researcher, Centre for Strategic and Future Studies, Kuwait University	Kuwait (Shuwaikh)	Kuwaiti	Off
24	17/04/07	Dr. Mohamed Hussein Al Yussufi	Academic, Department of Sociology, Kuwait University	Kuwait (Shuwaikh)	Kuwaiti	On
25	30/06/07		Former Ambassador of the Federal Republic of Germany to the State of Kuwait	Kuwait (City)	German	Off
26	02/07/07 09/07/07		Journalist of <i>Al Tali'a</i> , <i>Al Jarida</i> Parliamentary office of the Defence of Human Rights	Kuwait (City)	Kuwaiti	Off
27	11/07/07		Director of the National Museum and the Department of Antiquities	Kuwait (City)	Kuwaiti	Off
28	11/07/07	Dr. Rola A. Dashti	Head of the Kuwait Economic	Kuwait (City)	Kuwaiti	On

			Society			
29	15/07/07		Kuwait National Museum	Kuwait (City)	Kuwaiti	Off
30	17/07/07	Dr. Hassan A. Johar	MP, Shiite President on the Parliamentary Committee on Stateless People (2006-2008)	Kuwait (Parliament, City)	Kuwaiti	On
31	22/07/07	Dr. George Braid	Chief of Mission, International Organization for Migration	Kuwait (Salmiyya)	Swiss	On
32	28/07/07	Dr. Salah al Fadhli	Academic, Kuwait University Member of the Bidun Popular Committee	Kuwait (Shuwaikh)	Kuwaiti	On
33	30/08/07	Sh. Fawzia Al Salman Al-Sabah	Lawyer Member of the Bidun Popular Committee	Kuwait (KSHR)	Kuwaiti member of the royal family	On
34	09/09/07	HE Ali Jannati	Ambassador of the Islamic Republic of Iran to the State of Kuwait	Kuwait	Iranian	On
35	26/04/08 19/05/08	Karim Haza'	Intellectual, journalist for <i>Al Jarida</i> , novelist	Kuwait (City)	<i>Bidun</i> (father rejected nationality 2 nd degree)	On
36	20/05/08		Attorney	Kuwait (City)	Kuwaiti	Off
37	21/04/08		Academic, Kuwait University	Kuwait (Shuwaikh)	Kuwaiti	Off
38	26/05/08	Dr. Ahmad al-Khatib	Politician	Kuwait (<i>Al Tali'a</i> , Shuwaikh)	Kuwaiti	On
39	27/05/08 02/06/08 08/06/08			Kuwait ('Ardhiyya)	<i>Bidun</i>	Off
40	27/05/08			Kuwait ('Ardhiyya)	<i>Bidun</i>	Off

41	27/05/08 02/05/08			Kuwait ('Ardhiyya)	<i>Bidun</i>	Off
42	02/05/08			Kuwait ('Ardhiyya)	<i>Bidun</i> living in Ahmadi	Off
43	14/05/08 20/05/08 30/05/08			Kuwait (Sulaybiyya)	<i>Bidun</i> Son of a late military, POW in Iraq	Off
44	27/05/08	Khalid Al-Anezi	Employee in a real estate agency for pilgrims	Kuwait (City)	<i>Bidun</i> from 'Anaza tribe (Palmyra)	On
45	28/05/08		Journalist, <i>Al Qabas</i>	Kuwait (Shuwaikh)	Kuwaiti	Off
46	29/05/08	Abdallah Sa'idi	Student at AUK Resident in Jahra'	Kuwait (Salmiyya)	Brother in law of <i>bidun</i> (Zhafir)	On
47	02/06/08	Anwar al Rushayd	Intellectual, grandson of the Kuwaiti historian	Kuwait (City, Graduates Society)	Kuwaiti	On
48	03/06/08	Major-General Mohamad I. Al-Sbeie	MOI, Assistant Under-Secretary for Rehabilitation and Law Enforcement Affairs	Kuwait (Farwaniyya)	Kuwaiti	On
49	07/06/08		Employee in a newspaper, poet	Kuwait (Shuwaikh)	<i>Bidun</i> from Shammar	Off
50	08/06/08		Photographer	Kuwait (City)	<i>Bidun</i>	Off
51	08/06/08		Independent computer support provider	Kuwait (City)	<i>Bidun</i>	Off
52	08/06/08	Ahmad Al Sa'dun	MP since 1975, liberal	Kuwait (Parliament, City)	Kuwaiti	On
53	08/06/08	Abdallah Y. Bishara	Kuwait Diplomat President of the Diplomatic Centre for Strategic Studies	Kuwait (City)	Kuwaiti	On

54	20/03/09	Prof. Bruce Ingham	Professor of Linguistics, SOAS	London, UK	British	On
55	11/05/09		Shiite cleric, HR militant	London, UK	naturalised British, former <i>bidun</i> , from the Zhafir tribe	Off
56	20/02/10	Dr. Falah Abdul Jabar	Researcher, Iraq Institute for Strategic Studies	Beirut, Lebanon	Non-relevant	On

Lectures/ Classes attended

	Date	Names	Occupation	Place	Activity	Type of group
1	17/04/07	Khudhaier A. Al Enezi Khaled al-Shalimi	MP, Jahra` Jadida (2006-2008)	Kuwait University (Shuwaikh)	Lecture on the <i>bidun</i> issue	6 girls/ 39 boys attending
2	19/05/08	Prof. Abdul Reda al Assiri	Head of the Department of the Department of Political Science	Kuwait University (Shuwaikh)	Class of Political Science on the issue of <i>biduns</i>	c.20 all female class

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When an author, carrying an Arabic name, is published in English, the transliteration chosen for the publication has been used, but inserted in the bibliography according to the Arabic name (Alghanim is under G-; Al-Naqeeb under N).

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