



HAL
open science

The Absurd Injunction to Not Belong and the Bidūn in Kuwait

Claire Beaugrand

► **To cite this version:**

Claire Beaugrand. The Absurd Injunction to Not Belong and the Bidūn in Kuwait. *International Journal of Middle East Studies*, 2020, 52 (4), pp.726-732. 10.1017/S0020743820001014 . hal-04335376

HAL Id: hal-04335376

<https://hal.science/hal-04335376>

Submitted on 11 Dec 2023

HAL is a multi-disciplinary open access archive for the deposit and dissemination of scientific research documents, whether they are published or not. The documents may come from teaching and research institutions in France or abroad, or from public or private research centers.

L'archive ouverte pluridisciplinaire **HAL**, est destinée au dépôt et à la diffusion de documents scientifiques de niveau recherche, publiés ou non, émanant des établissements d'enseignement et de recherche français ou étrangers, des laboratoires publics ou privés.

**The Absurd Injunction Not to Belong.
Belonging, Un-belonging and the *Biduns* in Kuwait.**

HAMM: *We're not beginning to... to... mean something?*

CLOV: *Mean something! You and I, mean something! (Brief laugh.) Ah that's a good one!*

Beckett, Samuel (1958) *Endgame, A Play in One Act*, London: Faber and Faber (p. 26)

In a tweet posted on 29 March 2018, a *bidun* activist – who was later jailed from July 2019 to January 2020 for peacefully protesting against the *biduns*' inhumane conditions – shared a video.¹ The brief video zooms very closely on an ID card, recognizable as one of those issued to the *biduns*, or long-term residents of Kuwait whose legal status is an object of contention between them and the state.² More precisely, the mobile phone camera focuses, at the back of the *bidun* ID card, on one line with a special mention added by the administration in charge of the *biduns*, the Central System.³ Other magnetic strip cards hide the personal data written above and below it. A male voice can be heard saying that he will read this additional remark, but before even doing so starts bursting into laughter. The faceless voice goes on to read out the label in an unrestrained laugh: “*ladih qarib... ladihi qarina... dalat jinsiyya iraqiyya/* he has a relative... who has a presumptive evidence... suggesting an Iraqi nationality.” The video shakes as the result of the laugh, a contagious laugh, growing in intensity. In the Kuwaiti dialect, the voice continues commenting: “*Aqsum bil-Allah, ga'adt sa'at ufakir sheno ma'anat al hatchi/* I swear by God, it took me an hour to figure out the meaning of this nonsense”, before reading the sentence again, stopping and guffawing, and asking if it should “repeat it a third time...” expressing amazement at its absurdity. The tweet, addressed at the head of the Central System mentioned in the hashtag (#scandal Salah al-Fadhala), reads: “Don't bother, write what you want” (*in lam tastahi fa'ktub ma sha't*).

The scene is comedic. Not only comedic, it is also extremely meaningful. Laughter and humor are to be taken seriously, when it comes to their political meaning. They can signify a refusal to submit to processes of subjugation.⁴ They can be understood as transgressive acts because, when out of place or contrary to the reaction of fear and cowering expected in the face of oppression, they destabilize existing social hierarchies and disavow the power they are faced with. Humor lays bare the absurdity of the situation the subjugated are forced to suffer.

In the above clip, the scene poking fun at the *bidun*'s ID delivered by the Central System in Kuwait sheds light on the potentiality of humor to question the rationalizations for injustice, and the absurdity of a life-world produced by a decades-long of policies of rights denial, that sometimes contradict each other.

¹ <https://twitter.com/bobashig/status/979440149854654465>

² The *biduns*, literally, the people “without” (nationality), refer to people who have been excluded from nationality since the 1960s as a result of inconsistent state policies and who, since then, have been in contention over their entitlement to nationality, with the state of Kuwait that regards them as illegal on its territory since a 1986 decree.

³ The Central System is short for the official name, the Central System for the Remedy of the Situations of the Illegal Residents.

⁴ See in the Palestinian context of precarity and occupation, the excellent piece of Bhungalia, Lisa, Laughing at power: Humor, transgression, and the politics of refusal in Palestine. *Environment and Planning C: Politics and Space*, 38(3), 2020, 387–404.

To capture this feeling of absurdity, I do an intellectual detour outside of my original discipline, political science. I borrow a concept from the literary techniques and critique and draw modes of thought that belong to the social sciences, literary critique and literature itself –beyond a somewhat arbitrary separation. I use the lenses of the *absurd* to emphasise the human and emotional depth in the face of aberrant and incomprehensible mechanisms of power and injustice, and which have metaphysical dimensions. I understand the term here both in the everyday meaning of nonsensical and in the broader sense of an expansive category of literary strategies and methods that highlight the feelings of incongruity or incongruous realities.⁵ This effect is achieved by the following extract from Mahmoud Darwish's *Journal of an Ordinary Grief*, which was inspired by the author's own experience.

You despair of the passport and ask for a laissez-passer. You find that you are not a resident of Israel because you have no certificate of residence. You think this is a joke and rush to tell to your lawyer friend: "Here I'm not a citizen, and I'm not a resident either. Then where and whom am I? You are surprised to find that the law is on their side, and you must prove you exist. You ask the Ministry of the Interior, "Am I here, or am I absent? Give me an expert in philosophy, so that I can prove to him I exist."

*Then you realize that philosophically you exist but legally you do not.*⁶

What matters in the *absurd* is less the pessimistic vision of humanity as a whole, struggling vainly to find a purpose. What matters is the nonsensical as experienced by individuals such as, for instance, the main character in the *Trial* of Franz Kafka, a novel in which the judicial process turns into a farce, mixing tragedy and comedy, emotions of anxiety and derision. The nonsensical in the *biduns'* lives take the form of not knowing what the rules of the naturalisation or regularisation game are, of having to repeat procedures with no idea of where they stand in the process -having lost sight of the outcome, and above all of being told who they are in contradiction to who they feel they are. Resorting to this literary concept illuminates fundamental elements of the lived experience of the *biduns* that more conventional approaches to *bidun* life fail to account for, namely the opacity and contradictions of their administrative situation and temporary condition and the painful dislocation of identity both defined by tragedy and farce. It also takes into account the complexity of the metaphysical anguish and resilience that results from these social processes and takes an invisible toll on *bidun* individuals. It brings the *biduns'* experience away from the sole victim narratives towards subjects using derision, and metaphorically transgressing norms and their condition.

Questioning the Rationalizations of Nationality Attribution

⁵ As a reminder, the concept of *Absurd* was coined originally to refer to a non-organized literary movement and specifically but not exclusively, to playwrights such as Samuel Beckett, Eugene Ionesco and Jean Genet. The literary critic Martin Esslin, who theorised it, noted common points between playwrights that primarily conveyed a sense of incomprehension and even despair, in the face of what was felt as a lack of consistency and cohesion in the world. The plays are characterized by incomprehensible plots, that seem to start and end arbitrarily, unmotivated actions and meaningless dialogues. Esslin, Martin "Introduction" to *Penguin Plays- Absurd Drama*, Harmondsworth: Penguin, 1965. p. 12. Here the concept of *absurd* is understood more broadly than the definition of the sole *Absurd Drama*.

⁶ Darwish, Mahmoud, *Journal of an Ordinary Grief* (transl. by Ibrahim Muhawi), Brooklyn: Archipelago books, 2018. p.66

Albeit underexplored, the transgressive power of laughter lies in the fact that it calls into question the normative rationalizations that the Central System has developed. In particular, it challenges the norms, narratives and basic reasoning, drawn from principles of nationalism and sovereignty that the Central System takes to extremes. Here, the tenuous conjecture by which nationality is attributed to *biduns* fosters laughter and a comic tone. Power is disavowed in the sense that helplessness has changed sides. Laughter is not a coping strategy but a response to an oppressive political structure.

The protracted struggle of the *biduns* has lasted for decades. The first decades of Kuwait's independence (1960s-80s) were marked by uncertain and inconsistent policies toward those who were later known as *biduns*. During the nineties and early noughties, the government gradually manufactured a category for all individuals of undetermined status called "illegal residents," per its official wording in administrative policy. In a performative way, this policy stripped its members from their rights. It contributed to the pauperisation of the group, by estranging them from the privileged citizens, increasingly defined in classist and materialist terms. In parallel, special committees were mandated with the task to "uncover the true origins" of the *bidun* claimants. Over the past two decades, the government has tried two administrative approaches to ascertain the alienness of the group: a genealogical conjecturing approach and the resort to genetic testing, deemed scientifically infallible but never practically implemented. Since 2010, the Central System is the entity responsible for the genealogical searches. Yet after decades of policies designed to pressure the *biduns* into claiming other nationalities as their "true" ones, the tenuous conjecture on which the Central System relies eventually suggests a desperate absence of solution. The spontaneous laughter it triggers, exemplified in the tweet which opened this paper, if not clearly oppositional, is a form of defiance. It lays bare the tacit admission of impotence on the part of the power.

Genealogical Trees and the Impossible Rooting

Since 1993, six years after a secret decree imposed the label of "illegal residents" to all individuals of undetermined status, the Kuwaiti Ministry of Interior has tasked special committees with the registration and follow-up of the *biduns*' files. These administrative entities have established figures and collected data by centralising scattered information across various state ministries and institutions. Officially, this practice of cross-checking data seeks to "uncover the true origins" of the claimants. The Central System was set up in November 2010 as an independent entity that, contrary to previous committees was distinct from the Ministry of the Interior. It was endowed with a five-year mandate to resolve once and for all the issue of the *biduns* claiming Kuwaiti nationality. But its mandate was renewed in 2015 for want of reaching its stated goal and the temporary institution seems to become rather permanent.

The Central System works to identify and ascertain the national origin of *biduns* on the basis of the secret gathering of information, drawn from the institution's own genealogical research or from data held by other government agencies. *Biduns* are assigned a foreign nationality and foreign identity, based on the Central System's reconstitution of their family history. Yet "there is here a fundamental misunderstanding between *nationality*, the official state recognition and *origin*, inferred from stated documentations," recognises Dr. Rashid Hamad Al-Anezi, a Kuwaiti academic and lawyer specialising in nationality.⁷ The state's inference of origin is no more than a presumption, obtained by deduction.

⁷ My emphasis. Beaugrand *Stateless in the Gulf: Migration, Nationality and Society in Kuwait*, IB Tauris, 2018. p. 128

In Kuwait, as in most Gulf states, nationality law is premised on the idea that nationals must prove the purity of their lineage (as in being *original* or *pure /asli* in Arabic) and their pre-oil presence in the Emirate.⁸ Nationality gives entitlement to benefit from the bounty of the soil and share in the hydrocarbon wealth drawn from it, and by extension, forms the basis to the right to own property as opposed to aliens who, until recently, could not. On the contrary, those who are deemed from dubious genealogical lineage and portrayed as post-oil migrants or latecomers are denied nationality. Their foreign origins exclude them from the bounties of the land.

During the last decade, the Central System has issued documents supplemented with “presumptions of nationality.” Here are some examples of what these documents include: “presumptive evidence of Iraqi nationality” –the official translation for the Arabic, which literally reads “the father/ the grand-father has a presumptive evidence suggesting an Iraqi nationality/ *lada al ab/ ladayhi al jadd qarina dalat ala al jinsiyya al iraqiyya*) or “Saudi/Iraqi due to a father’s paternal uncle” (*Saudi al jinssiyya taba’an li- ‘am al ab*). The Arabic word used, presumption (*qarina*), is the same one as presumption of innocence. This is far from providing evidence or proof. During my fieldwork, for instance, I recall one *bidun* mentioning that his family was considered “of Syrian origin” on the basis of a neighbour’s testimony stating that his paternal uncle came to register in Kuwait in 1975.

[add pictures of the sentence “presumptive Iraqi” if found good enough]

These attributions of forced identities have been gradually systematised since 2010 but they were practised before. In January 2007, as the government eased access to temporary driving licenses, a great number of *biduns* refused to register to get the document. They pointed to the fact that the “nationality” field was pre-filled with the mention “illegal resident” (*muqim bi sura ghayr qanuniyya*). Likewise, other *biduns* denounced the fact that the Ministry of Health issued birth certificates with the “nationality” field of parents arbitrarily filled in with foreign nationalities. Likewise, when people resorted to the court to get married, the court would detain files under their name with the note ‘*min usul ‘iraqiyya*’, ‘of Iraqi origin’.

The bone of contention is that *biduns* refuse to formally acknowledge a forced, attributed origin that erases their life-long experience in Kuwait. Moreover, any acknowledgement would tacitly mean a formal drop of their claims to citizenship. In the face of the *biduns*’ rejection of this forced identity, the practice of the Central System is tantamount to blackmail. It forces *biduns* to accept un-belonging in order to acquire identification papers, without which they cannot interact with the rest of Kuwait’s government bodies nor can they register their children in schools. In recent years, *biduns* were allegedly requested to sign a form that certified the correctness of the information written on their identity card *before* they were actually handed over to them. They were also asked to sign a blank piece of paper on which the Central System would later write a letter, according to the 2018 Department of State’s Human Rights report, “purportedly “confessing” [their] “true” nationality such as Saudi, Iraqi, Syrian, Iranian, or Jordanian, which rendered them ineligible for recognition or benefits as Bidoon.”⁹

The *biduns*’ continued belonging is paradoxically conditioned on their formal un-belonging.

⁸ Kuwaitis by origin are legally defined as the persons and their descendants who are able to prove their continued presence since 1920 in “Kuwait,” a yet to be defined sovereign territory.

⁹ Department of State (DoS), *Kuwait 2018 Human Rights Report*, p.16
<https://www.state.gov/wp-content/uploads/2019/03/KUWAIT-2018.pdf>

The Central System's main objective is to release a series of figures that support the gradual diminishment of the *biduns*' number, no matter how. From an already-underestimated official number of around 106,000 in 2010, *biduns* reportedly numbered only 88,000 eight years later, even though no large batch of naturalisation had occurred. On the contrary *biduns* have joined other refugees on the deadly routes to seek asylum abroad. The Central System excels at statistics; yet the Kuwaiti state and society have yet to engage in a reflection on access to nationality as a longer-term process of regulating presence and identity.

Biology in the stead of Politics: Genetics as the solution?

Following the same genealogical logic, the government of Kuwait also considered the idea of resorting to genetic tests to help arbitrate its contention with this population. Just like alienness can be inferred from a father's paternal uncle, the genetically-proven affiliation with a Kuwaiti citizen could support cases for naturalisation. Many Kuwaitis believe, out of weariness with the protracted *bidun* issue, that resorting to DNA could provide an incontestable scientific arbitration. It would establish the truth, where politics and political authority fail to act decisively.

The obsession with ascertaining truth through genetics is linked with the idea of preserving purity.¹⁰ The *biduns*' existence at the margins of Kuwait's society challenge the myth of the original purity, as a pillar of the citizen's definition. In September 1998, the Kuwaiti government announced that genetic tests would be required from all *biduns* to prove their claim to Kuwaiti nationality through family lineage or through kinship to a Kuwaiti mother, father or other relative. Yet using biology as a criterion to determine the fate of the *biduns* rather than the duration of their residence or their feeling of belonging or cultural affinity with Kuwait was never applied,¹¹ despite being proposed several times. It remained at the stage of functioning as a threat to pressurise *biduns* into designing their own alternative and often desperate solutions to their administrative conundrum. Using the naïve belief of the infallibility of science, the state's threat to use genetic testing aims at unmasking "fraudulent" claims, i.e. not supported by a genealogy defined as pure.

The Absurdities of the Injunction to not Belong

Those laughing also denounce the absurdity of the policies towards *biduns*. The extreme obstinacy with which the Central System has tried to fit each *biduns*' case into a "previous nationality" box as part of the official policy of attributing foreign nationality boggles the mind. It is on this loss of meaning and the emotional implications of it, that I want to stress. The felt reality is that spontaneous processes of rooting and belonging create emotional links between long-term residents on the one hand, and places, persons and memories associated with them, on the other. Yet these processes are set on a collision course with administrative procedures that seek to unravel identity claims. Such procedures use a vertical logic, that of the genealogic and genetic rationale, in order to impose an injunction *not* to belong, or to 'un-belong'.

The Absurd: between Tragedy and Farce

¹⁰ Kuwait has the financial and technical means to carry out mass DNA tests. An August 2015 DNA test law made it mandatory for all citizens and foreign residents to be included in a national DNA database. Initially designed to address security concerns, the law was widely criticised internationally for its privacy implications and subsequently abandoned when the Constitutional court judged it contrary to the Constitution.

¹¹ The Kuwaiti DNA database was not set up before 2002.

The Central System utilizes biological and genealogical approaches to resolve a fundamentally political issue. The stubborn endeavour to attribute nationality is sometimes deceitful and inconsistent – with some *biduns*, for instance, holding documents in which their presumed nationality is Iranian and others in which it is Iraqi. This reiteration of performative yet contradictory statements reminds one of the *Absurd Drama*'s use of dislocated language, repetitions and incoherent plots to signify the loss of meaning. The characters in Ionesco's *Bald Primadonna* sit and talk like broken records, repeating the obvious until it becomes nonsense, reflecting the influence of comic tradition using disembodied characters or puppets such as in *commedia dell'arte* or mimes and pantomimes. The repetition is part of the farce: *biduns* are expected to repeat the same actions and renew their IDs, whose validity is often now as short as six months, all with the hope of an eventual different outcome. Within the circumvolutions of the administrative process, they never know at which step they stand. The literary concept of the *absurd* captures the processes which people are subjugated to with more clarity than political science approaches to citizenship can do.

The *biduns* experience state-made or state-led dislocation of identities that fosters dissonance between their lived and state-controlled experiences. The *biduns* are not part of the state-sanctioned population yet at the same time they cannot escape the state they are excluded from either. What is absurd here is not human existence proper but the frame through which it is moulded and produced. The imposition of an unwanted identity is brutal. The *bidun* category most probably is cemented partially and paradoxically through this shared experience of being given an identity through administrative violence that they reject. Such policies produce a situation where people feel and think that they are at home where they actually live but are denied both this bond and this belonging. They are told to live transiently in a place without growing roots. It means they can live this rootless life for many generations. This is the “injunction to *not* belong.”

However, despite oppressive policies of dislocated identity and denied belonging, the *biduns* have a strong survival force: they resist, they are resilient and they appropriate places and identities. People prevented from belonging are not passive, as shown by Yasser Elsheshtawi in *Temporary Cities: Resisting Transience in Arabia*. For instance, migrants appropriate the places they inhabit, like street corners and display a huge and natural ingenuity to assert their belonging.¹² During the Covid-19, *biduns* in Kuwait displayed their selfless commitment for the country, “as they have stepped forward as healthcare volunteers”.¹³ This strong civic engagement echoes the campaign of blood donation that the *biduns* had organised in 2011 in the wake of the mobilisation movement as a demonstration of their natural belonging to and caring for Kuwait.

Existence as Resilience: Political Activism and Literary Unavoidability

Biduns have shown resilience in their ways of belonging. Until the end of the 2000s, the *biduns* had nurtured individual hopes to be naturalised. Since then efforts to decompartmentalize their claims led to the emergence of a *bidun* movement as Kuwaiti *biduns*, emphasizing their national feeling of belonging and their shared experience of discrimination as a social group. The *bidun* movement became mobilized in 2011 with the

¹² Elsheshtawi, Yasser *Temporary Cities: Resisting Transience in Arabia*, London: Routledge, 2019.

¹³ McGee, Thomas “The COVID-19 Crisis and New Agency for Stateless Bidoon in Kuwait”, LSE Blog Post, 27 April 2020.

<https://blogs.lse.ac.uk/mec/2020/04/27/the-covid-19-crisis-and-new-agency-for-stateless-bidoon-in-kuwait/>

Arab popular mobilisation. Since then, the collision of patterns of belonging and un-belonging has become more visible and the so-called protracted “issue of *biduns*” has garnered attention far beyond the circles of human rights defenders, with the Central System stepping up efforts to formally reduce their numbers.

In February 2011, the *biduns* mobilised and took to the streets. Emboldened by the Arab uprisings, they broke with their hitherto non-confrontational practice of using patronage links to obtain concessions from the state. The protest movement was met with fierce repression. Yet, in the face of renewed oppression, the *biduns* experimented with a new creative, dynamic and bold repertoire of contentious action to claim their entitlement to nationality and demand the recognition of their basic rights.

First, *biduns* appropriated street protest and sit-ins as a new contentious practice. As “illegal residents,” the *biduns*, like foreign residents, are not allowed to demonstrate according to the 1979 Law on Public Gathering. Protest was a departure from the awareness-raising campaigns of the late 2000s. Working with Kuwaiti activists to garner support from citizens, the *biduns* organised a sustained demonstration campaign that persisted, even in the face of repression, until 2019. This constituted an act of unequivocal political contestation against the government's policies. Importantly, the 2011 protest created an iconic site dedicated to the contestation: the waste parking lot adjacent to the Sha'bi mosque in the *bidun* popular housing district of Jahra is now known as Freedom Square (*sahat al hurriya*). The Square belongs to *biduns*' history and memory.

[picture here of the Freedom Square]

Through taking to the street, being arrested, contesting judicial decisions and putting their bodies at risk through hunger-strikes and even committing suicides, the *biduns* forced the state to recognise them as legal subjects rather than inexistent beings, administered solely by the Central System in an attempt to shield them from any type of legal interaction. Claiming universal values of freedom and dignity, *bidun* activists also articulate a new understanding of citizenship that emphasises their current presence in Kuwait and embraces cultural difference over the genealogical determinism that justified discrimination and left no room for diversity of origin in the national identity. Genealogical determinism shares a lot of commonalities with racism, as a systemic and systematic exclusion.

Finally, a student solidarity campaign, mobilisation for education and an active literary movement among the *biduns* have shaped new community and civic engagement. They overcame the dichotomy between *biduns* and the majority of nationals that the government had actively created, fostered and capitalised on by portraying the *biduns* as fraudsters interested in the financial worth of nationality only so as to prevent nationals to feel sympathetic to their plight. Kuwaiti writer Abrar Al-Shammari notes the rising numbers of literary works from Kuwaiti citizens and Kuwaiti *bidun* authors that deal with the situation of the *biduns*, particularly since 2011. It has become an important sub-genre of Kuwaiti literature.” She cites Khaled al Torki, a *bidun* author who “believes that the circulation of *bidun* literature contributes to countering dehumanizing state and media narratives around the *bidun* community.”¹⁴ These new forms of public recognition and creative acts of contestation

¹⁴ Al-Shammari, Abrar “The Rise of Bidun Literature: Representation and Advocacy in Kuwait”, Blog Post, The Arab Gulf States Institute in Washington, 2 December 2019.
<https://agsiw.org/the-rise-of-bidun-literature-representation-and-advocacy-in-kuwait/>

are transforming the terms of political activism in ways that question prevailing norms of citizenship. They contest the idea of living in a state of un-rootedness and lay bare the delusionary character of the absurd injunction to not belong.

Faced with the absurdity of being told they are what they feel they are not, they have resisted the attribution of nationality and the ascribing of origin. Faced with the absurdity of the Central System's far-fetched links to rationalize these nationality attributions, they cannot help but resort to laughter. The paradox of the *absurd* is that it is often tragic and violent but eventually also becomes comic. While the *absurd* reflects an extremely deep anxiety, a metaphysical loss of meaning, a painful dislocation of identity, it also holds potentialities for more disruptive or liberating practices. To put it like Martin Esslin: "The shedding of easy solutions, of comforting illusions, may be painful, but it leaves behind it a sense of freedom and relief. And that is why, in the last resort, the *Theatre of the Absurd* does not provoke tears of despair but the *laughter of liberation*."¹⁵

¹⁵ My emphasis. Ibidem p.23