

STATELESSNESS IN THE TOWER OF BABEL – HOW DO YOU SAY STATELESS IN YOUR LANGUAGE?

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“Stateless persons have no nationality.” This statement may sound evident for most readers of this blog and you are probably just asking yourself what else could be said about such a trivial sentence. Now try to translate this statement to another language and things may not look that trivial any more. Certain terms of international law, and its principal language – English, sometimes gain a different meaning if translated into another tongue. A number of cultural, legal, political and linguistic factors distort the actual concept behind the word, and this is even more so when it comes to such a sensitive issue as nationality.

Actually, the word **“nationality”** is in itself problematic. International law and everyday English use nationality and citizenship as synonyms, whereas “nation” may often refer to a state. The French word *nationalité* also indicates the legal bond between a person and the (nation-)state. At the same time, the translation of these terms bears a different meaning in most Central and Eastern European languages, from German to Russian. In this region national identities were born within the context of larger, multilingual empires, and ethnic-national affiliations do not always correspond to one’s legal tie of nationality. Consequently, **“citizenship”** (e.g. *obywatelstwo* in Polish or *állampolgárság* in Hungarian) in this region refer to what we call nationality or citizenship in international legal texts or common English, a predominantly legal tie. Meanwhile, **“nationality”** (e.g. *narodowość* in Polish, *nemzetiség* in Hungarian) is understood as ethno-linguistic, cultural and emotional identity. One’s citizenship may be Romanian (i.e. she/he lives in Romania and holds a Romanian passport), but may feel as a Hungarian national (as Hungarian is her/his mother tongue and cultural identity), or vice versa.

Latin-American terminology also differentiates between these two expressions, but in another way. In most Latin-American jurisdictions *nacionalidad* refers to the synonymous concepts of nationality and citizenship in common English use, while *ciudadanía* is understood as the term describing one’s full legal capacity as a citizen (for example, the right to vote). A minor is not yet a *ciudadano*, but this does not mean that she/he would not have a nationality. The *ciudadanía* of a criminal convict may be suspended during her/his prison term, but this will not render her/him stateless. Just to complicate the picture even more, both British and US nationality regulation (unlike everyday language use) attach different legal content to these two terms, with the variation being crucial in the first, and rather limited in the second case.

But not only nationality gives rise to different approaches; the linguistic concepts of its opposite – **statelessness** – are not less divergent either. In most Germanic languages statelessness refers to “not having a state”. A stateless person (*staatenlos* in German, *staatloze* in Dutch) lacks a protecting tie to a state, the latter representing a separate administrative entity. Most Romance languages and Hungarian take a more emotional approach: the term **apatride** in French, *apátrida* in Spanish and Portuguese, *apatrid* in Romanian and *hontalan* in Hungarian all refer to a person who does not have a *patrie*, a motherland, so to say an emotional attachment to a land and its people. Italian language emphasises yet another feature of statelessness: the word **apolide** originates from the ancient Greek word of *πόλις* [polis], the “city” or political community of citizens (from which the stateless person is excluded). Even more telling the fact that some languages **do not even have a word for statelessness**. For instance, in the Slovak language, stateless persons are only described as “persons without membership of a state” (*osoby bez štátnej príslušnosti*), as no specific expression exists to shortly name this phenomenon. These linguistic interpretations perfectly describe the different, but equally painful features of statelessness. Lacking protection by a state and its authorities; not having a country to call home; being excluded from the political, social, economic community; or even totally denied any official existence. Four good reasons to help stateless persons worldwide and fight this unacceptable phenomenon, even beyond linguistic barriers...

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