

“There Shall Be Made No Differentiation:”
The Maintenance of Stratification in the State of Kuwait through the 1959 Nationality and Aliens
Residence Laws

A Thesis Presented for the
Master of Arts
Degree
The University of Tennessee, Knoxville

Alzaina Shams Aldeen
August 2021

ABSTRACT

Article 29 of the Kuwaiti Constitution states that “The people are peers in human dignity and have, in the eyes of the Law, equal public rights and obligations. There shall be made no differentiation among them because of gender, origin, language or religion.” If I were to say that the 17, 818 km ² that make up the State of Kuwait is home to 4.2 million people, it would be a misrepresentation. While 4.2 million people do live in Kuwait, citizenship and immigration laws restrict 70% of its population, to varying degrees, from making their country of residence a home. Despite the promise of article 29, the stark and rigid stratification caused by these laws is in fact by design and a necessary function, rather than an unintentional byproduct of the legitimization process of the state, and by extension citizenship. The oppressive function of said citizenship-based stratification is justified through conceptions of race, class, and gender.

I define and discuss three categories within Kuwait’s population, each of which offer vast complexities that warrant deep investigation and analysis: Kuwaiti citizens, migrants, and stateless persons. For the purpose of this thesis however, it is most beneficial to understand them contextually and in relation to each other. Kuwait’s citizenship, or Nationality Law, created a sizable population of stateless persons whose very existence has been criminalized since their 1985 inclusion in the Aliens Residence law of 1959. Kuwait utilizes the Kafala system, in which the migrant is almost completely dependent on their sponsor. Citizenship in the State of Kuwait is defined through patrilineal lineage influenced by historical and religious conceptions of race, ethnicity, and genealogy.

In this thesis, I provide a historical and contextual overview outlining the nature and function of two pivotal citizenship and immigration legal developments in Kuwait; Kuwait’s Nationality Law promulgated in 1959, and the 1985 implementation of the Aliens Residence law

of 1959, in relation to stateless persons. By analyzing the two focal legal documents mentioned above, I trace the effects of the policies on racial attitudes and conceptions, as well as class and gender divisions across citizenship and legal status stratum.

TABLE OF CONTENTS

Introduction	1
Part I: Research Methods & Design	4
Part II: Historical and Regional Context	7
Part III: Layers of Citizenship	14
<i>Early Waves of Immigration</i>	
Part IV: The <i>Bedoon</i>	20
Part V: Migrants	28
Part VI: Future Conceptual Framework and Research.....	32
<i>Slow Death</i>	
<i>Physical Access and Dis-Abling</i>	
Part VII: Conclusion	37
Vita	41

INTRODUCTION

Noncitizens make up about 70% of Kuwait's 4.2 million population (MacroTrends 2020). Nationality and immigration laws play an important role in the maintenance of power and privilege in this nation that is roughly the size of the state of New Jersey. The stratification caused by these laws is in fact by design and a necessary function, rather than an unintentional byproduct of the legitimization process of the state, and by extension citizenship. The oppressive function of said citizenship-based stratification is justified through conceptions of race, class, and gender. In this thesis, I provide an overview of the role nationality and immigration laws in Kuwait play in the maintenance of racial, class, and gender-based stratification. With the use of archival research, this investigation focuses on three key categories, (1) Kuwaiti citizens, (2) Kuwait's stateless persons, also known as the *Bedoon* (the Arabic word meaning "without"), and (3) migrants. Not to be confused with the Arabic word for the semi-nomadic people in the region referred to as *Beduins* (pronounced "bed-wins"), *Bedoon* is pronounced "bid-oon." My use of the words migrants and migration is intentional as migration refers to temporary movement while immigration refers to permanent residency. Despite a recent push among activists in Kuwait to refer to noncitizens as residents to emphasize their belonging and investment in the country amid growing xenophobic rhetoric and policies, I will be using the word migrants to emphasize the structures that prevent or make it harder for them to do so. Due to Kuwait's immigration/migration laws, non-citizens are only able to obtain temporary visas, requiring constant renewal. Non-citizens are not allowed to own land, be sole owners of companies in the country, or be guaranteed permanent residency. For those reasons, non-citizens are excluded from setting up roots, therefore the temporary conditions that the words migrants/migration refer to are most appropriate. I will break down the variations within Kuwaiti citizenship, exploring

how identity politics, lineage, and patriarchy help maintain power and racial structures even within this dominant group.

My hypothesis is that Kuwait's Nationality Law of 1959 and the inclusion of the *Bedoon* in the Aliens Residence Law in 1985 maintain stratification in three crucial ways: (1) perpetuating historically rooted conceptions of lineage, which inform current ethnic and racial attitudes, (2) enforcing cultural and religious based gender roles, and (3) linking class to citizenry:

1. Kuwait's citizenship is based on narrow rules of lineage influenced by historical conceptions of race and ethnicity. Since Kuwait's ruling family's claim to power is through lineage, Kuwaiti citizens are less likely to dispute their claim to power as it parallels their claim to citizenship.
2. Kuwaiti citizenship can be passed down to children by a Kuwaiti father, but a Kuwaiti mother can only pass down limited government benefits to her children, not actual citizenship. This blatantly sexist system defines lineage through patriarchal standards, designating a special category of sub-citizenry based on sex. This discriminatory designation is not limited to parent-child relationships; Kuwaiti males have the ability to pass their citizenship to their non-Kuwaiti spouse, while their female counterparts do not have the power to pass theirs to anyone at all.
3. The ability to obtain and pass down Kuwaiti citizenship has direct economic and social status implications that perpetuate a stark class divide.

Kuwait has defined itself through exclusion in the form of migration/immigration policies that make permanent residency virtually impossible and access to state services separate and unequal

(ILO, Policy Brief No. 2: REFORM OF THE KAFALA (SPONSORSHIP) SYSTEM). I ask in what ways these laws maintain racial, class, and gender-based stratification.

PART I: RESEARCH METHODS AND DESIGN

Due to time limitations and Covid travel restrictions, my research has been conducted mostly remotely from Knoxville, Tennessee. By the time I was able to travel to Kuwait with hopes of accessing archives from Kuwait's National Archive and National Library, I had reached the end stages of my writing process. Kuwait had very strict Covid-19 regulations, which prohibited any unvaccinated persons from entering public buildings, requiring registration through an app connected to government vaccination records. Despite having been vaccinated since April, I was unable to enter any public buildings. My foreign vaccination card required time to be processed and entered into the system. This dashed any hopes I had of entering the National Library. Thankfully, historical archival and Social legal methodology can be done remotely and does not require travel or face to face interaction. The documents I needed are not rare, sensitive, or hard to come by. Both documents that this research is based on, the Nationality Law 1959 and Aliens Residence Law 1959, are available on the National Assembly website in Arabic and have been translated into English on many labor, immigration, and human rights websites, which allowed for direct English reference.

Being a native Arabic speaker and a fluent English speaker, I was able to analyze the laws in their original language. The fact that I was looking at legal documents meant that they would likely be readily available in English as well. The process of requesting documents or data from the government is long and arduous, especially when done remotely and during a pandemic. My selection of these documents was not only based on their relevance to my research question, given my time and physical access limitations, their availability online was imperative as well. However, this methodology, and even more so the travel restrictions and long-term uncertainty of Covid-19, did not allow for any kind of ethnographic interviews. In the future, I

would love to include in my research the voices of Kuwait's stateless, migrant, naturalized, and Kuwaiti-born citizens. There are many initiatives, organizations, and activists in Kuwait doing work that would be beneficial to this research.

I chose to use legal documents because laws are objects of nation building, therefore, they are imbued with different types of positive and negative aspects of nation building, including the process of exclusion. Laws are an expression of that process; they are legislative documents that reflect the attitudes of a society. They perpetuate a certain image to the world, but are themselves imbued with race, class, and gender structures. The image projected through the laws of a state poses an issue of subjectivity. "In theory, Kuwait's Nationality Law provides numerous means for individuals to acquire Kuwaiti nationality. However, many of its provisions violate the principle of non-discrimination on the basis of gender, religion, or status, and undermine the ability of children to exercise their right to acquire a nationality." (Kuwait: Promises Betrayed - Discrimination Based on Origin and Status: The Bidun 2000) Often times, the implementation of certain laws is halted by technicalities, loopholes, and government inaction. But it is these instances, when coupled with context and follow up, that provide the most insight into the stratification process.

The Nationality Law 1959 is a legal document defining the inclusions and exclusions of Kuwaiti citizenship. It is an integral legislative document that clearly demonstrates the link between citizenship and the racial, class, and gender-based stratification in Kuwait. The law details stipulations of genuine claim for automatic citizenship as well as the conditions and limitations of naturalization. It is both a reflection of the attitudes and conceptions held by the people in Kuwait, and their continued institutionalization. The Aliens Residence Law 1959, and its application to the *Bedoon* in particular in 1985, mark a shift in the categorization of stateless

persons. The document also outlines legal implications of this shift, which allow for a critical interrogation of their stratifying consequences.

PART II: HISTORICAL AND REGIONAL CONTEXT

The lines drawn in the sands of what was to become the Gulf region were an imperialist import. The largely nomadic people of these lands viewed geography through “ever-shifting tribal influence rather than fixed boundaries and had no use for territorial demarcation” (Hanieh 2017:5). By the end of the nineteenth century however, British colonial rule had implemented a divide-and-rule strategy by sanctioning and supporting “the concentration of power within the hands of individual rulers who were connected to a wider ruling family and could trace their origins to one of the Arabian Peninsula tribes” (Hanieh 2017:5). By imperialist design, these rulers were economically subordinated through British-controlled trade (mainly pearls, dates, and fish) and relied on the British for survival. This history has a direct link to conceptions of belonging and borders in relation to regional migrants and the *Bedoon*. In fact, the *Bedoon* present a complication for the colonial logic behind the structure and parameters of the state itself, and its citizenship.

It is important to understand the history of the region in order to understand how the royal family and Kuwait’s wealthy merchant families came to power, and the colonial ideologies that guided the establishment of the modern state of Kuwait. The “formation of Kuwait as an autonomous polity is intrinsically tied to British dominion within the Persian Gulf and the wider Indian Ocean area” (Tyler 2017). The 1700’s were a period of growth for Kuwait as it gradually established itself as a pivotal trading post. With its strategic location nestled between economically powerful cities in Asia, East Africa, and modern-day Turkey, it became a major trading route for the East India Company. As maritime commerce boomed in Kuwait, the threat of the Ottoman Empire’s proximity grew with it. Seeking protection from the looming danger of the Ottoman Empire, the tiny Sheikhdome of Kuwait secretly signed the Anglo-Kuwaiti

Agreement of 1899 with the British government. Al-Saud, a formidable warring people from Najd (in modern day Saudi Arabia) who called on religious justification of militant expansion, also pushed its weaker neighbors (Abu Dhabi, Bahrain, Kuwait, Oman, and Qatar) more firmly into the arms of British protection [Figure 1]. This relationship would only be strengthened by the discovery of oil in Kuwait in February of 1938. This was an important step in the development of Kuwaiti financial institutions, as well as the positioning of a select number of families in advantageous economic positions which will accumulate through the generations. By the 1920s, most of the Gulf were already tightly inserted in the British colonial system (with the exception of Saudi Arabia) as they embarked on the emerging oil era.

Through the Anglo-Kuwaiti agreement of 1899, the British had pledged to protect Kuwait from the Ottoman Empire and other foreign attacks in exchange for exclusive access (including trade and leased land) to the Sheikhdome as well as the regulation of its internal affairs (Asman 2019; Willem 2019) [Figure 2]. The British eventually tightened their control on the entire region by dividing the Gulf into what are now the six states that make up the Gulf Cooperation Council (GCC), which includes Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates [Figure 3]. The repercussions of these imposed boundaries are present to this day. Border disputes between Kuwait and Iraq, Iran and the UAE, Saudi Arabia and the emirate of Abu Dhabi, Qatar and Bahrain, the emirate of Ras Al Khaimah and Oman, and so forth are born out of the legacy of imperial policies (Anscombe 1997). This is also directly linked to the discussion of belonging and borders in relation to regional migrants and the *Bedoon*, which I will discuss in later sections. While Kuwait was never a formal British colony, the Kingdom's influence was prolific and long lasting in all aspects of Kuwaiti government and life. The influence of this treaty, which was honored until 1961, marking Kuwait's independence, is



Figure 1: “Map of Middle East at 1837AD.” From *TimeMaps*.
<https://www.timemaps.com/history/middle-east-1837ad/>

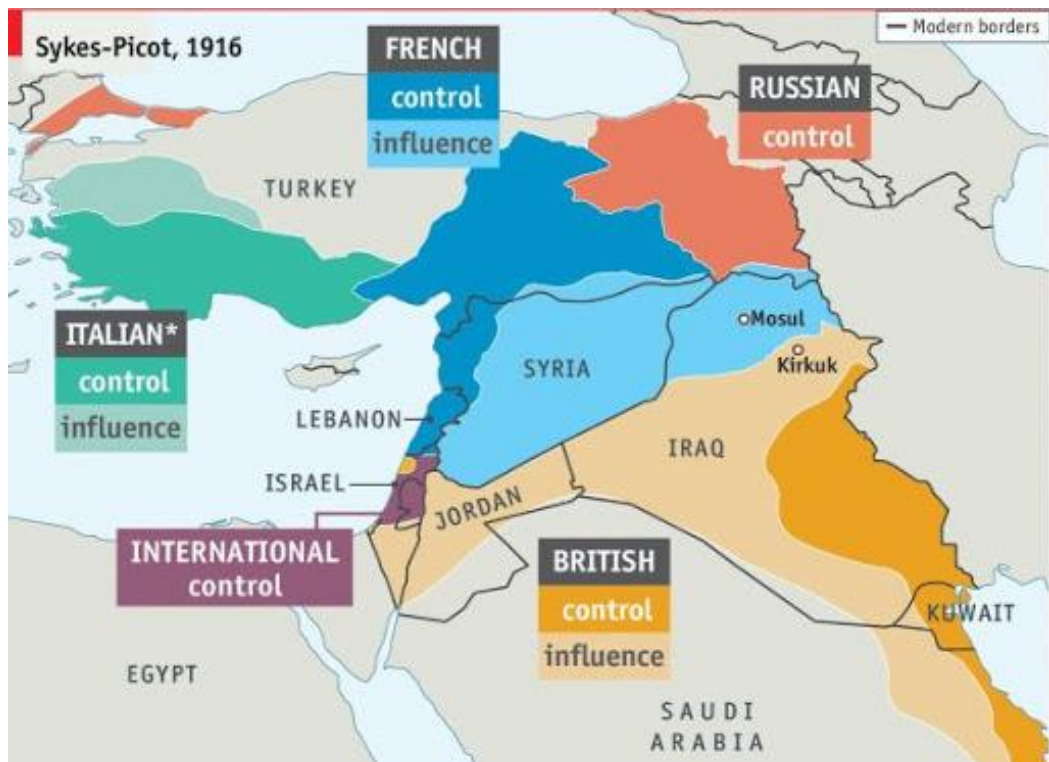


Figure 2: Vandenbroeck, Eric. 30 Dec. 2017. “Overview of the Middle East.” From *My World Journal*.
<http://world-news-research.com/middleeast.html>.



Figure 3: “Persian Gulf – Map Middle East.” From *Geographic Guides*.
<https://www.geographicguide.com/asia/maps/middleeast.htm>

persistent to this day and most apparent in the country's market. While American franchises have blanketed Kuwait's market in the last few decades, it was British companies that had dominated in every industry, from food and beverages, to clothing and entertainment, as a tentacle of its colonial project.

The racial structure in Kuwait is influenced by several complex historical and global forces including trade, colonialism, neoliberalism, and capitalism. Racial hierarchies, developed over time through complex geopolitical relationships, serve Kuwait's current neoliberal practices and capitalist projects. Many characteristics of Kuwait's current racial structure have roots tracing back to pre-Islamic SWANA (Southwest Asia and North Africa), which were furthered by colonial ideology and sustainably fueled by the elite of Kuwaiti society's conscious, or subconscious, desire to maintain power through the racial hierarchy.

Consciousness of race and difference in the SWANA region is directly tied to transnational labor and migration practices, and so is Kuwait's conceptualization of belonging and statehood. This thread offers an ideological evolution impacted heavily by Kuwait's geographical location, colonialism, neoliberalism, and capitalism. Kuwait, as a modern neoliberal state, necessitates labor migration and benefits from the existence of a stateless population. "In terms of globalization, labor migration has become a central component of the capitalist system" (Rana 2011:14).

Chouki El Hamel writes about cultural conceptions of belonging within the SWANA region in his book *Black Morocco: A History of Slavery, Race, and Islam*. The book confronts the Arab lineage system claiming it "permitted considerable racial co-optation." (El Hamel 2012:94) The hierarchy within the Arab lineage system placed value on proximity to an Arab identity, and the most value on a patrilineal link to the Prophet. "The construction of races and racial attitudes

found fertile ideological soil through various genealogies of Islamic affiliation that became an important means to establish social status and social harmony, both of which conferred justification for the imposition of political authority in lands that were occupied, and have been occupied for generations, by people who were darker skinned" (El Hamel 2012:93).

Although slavery existed in the region for centuries, it functioned very differently from the subsequent European and American form of slavery. In Islamic societies, "the institution of slavery was not drawn strictly along racial lines" (El Hamel 2012:10). El Hamel however describes the practice of categorizing slaves into different groups, assigning them to certain activities or employments based on their physiognomy. This categorization created a stigmatized representation of ethnic or race-based hierarchy. "This traditional way of classifying peoples by skin color and then evaluating their relative level of individual capacity and social achievement according to a continuum of coloration with light skin being regarded as highest or best provided the basis for how blacks were perceived among the light-skinned Arab-Berber people of North Africa" (El Hamel 2012: Pg. 76). This type of racial categorization in relation to labor is superseded by the comfort with which 'modern' Kuwaitis racialize industries. It is common for people in Kuwait to refer to their domestic workers as "their Filipinos" or "their Indians," both nationalities that make up a large percentage of domestic labor.

There is not modernity without racism because modernity defines itself against the so-called unmodern, the uncivilized, and the racialized 'other.' The idea of the "modern" cannot exist without an antithesis of the "primitive." This was integral for White Europeans as well as Arabs as they embarked on journeys wherein, they encountered different peoples and different ways of being. Before these encounters, White Europeans defined themselves based on a multitude of differences present within the European continent from language, lineage, religion, culture, and

geography. Arabs placed a heavy emphasis on patrilineal genealogy and kinship in determining otherness and belonging. Once they began to encounter a larger and more diverse world, their way of being was challenged by alternatives. This was when they first defined themselves through the negation of others. In the case of White Europeans, a continent which once considered itself diverse and complex now defined itself as a homogenous. A white entity, while at times warring, claimed to belong to the same “civilized” and “modern” world. To place themselves at the top of this “new world,” Europeans invented the dichotomy of “modern” and “primitive” with categories that would favor them (McKay 2020). Kuwait’s adoption of these colonial dichotomies was made easier due to existing hierarchal social systems in the region. This allowed the Kuwaiti elites to put themselves at the top, or at the very least, on top of someone else. “Race acts as a sociopolitical mechanism that sorts society into hierarchical racialized social systems” (McKay 2020:4). With migrants accounting for 70% of the country’s population, Kuwaiti’s have automatically secured themselves a spot in the top 30% (Marcotrends 2015).

PART III: LAYERS OF CITIZENSHIP

Migrants and stateless peoples are not the only ones stuffed at the bottom to bolster up the position of “the Kuwaiti” in the hierarchy. Categories within Kuwaiti citizenship are also stacked and ranked based on gender, kinship, and ethnicity. Beduins, who have historically been nomads but eventually assimilated to city life, do benefit greatly from their Kuwaiti citizenship, but also suffer from the social stigma of being more “primitive” because they seem to hold on to traditions more stringently than their city dwelling counterparts. This resentment of holding on to tradition is a thinly veiled chastising of a culture that is not “modern,” which is to say Western. Studying the categorizations within a group that has been lumped together through their racialization is essential when looking at racial structures. Adopting the white/black binary perpetuates the erasure of the experiences and histories of cultures while maintaining whiteness as the default (McKay, 2020).

The very first article in Kuwait’s constitution asserts that “Kuwait is an Arab, independent, fully sovereign State,” and that “the people of Kuwait are part of the Arab Nation.” Kuwait’s identity is tightly bound to being Arab which illustrates a transnational identity linking it to other Arab nations. Article 12 of Kuwait’s constitution stipulates that “the State shall maintain the Islamic and Arab heritage and shall share in the path of civilization and humanitarianism.” Kuwait has more than 300 non-Muslim citizens, the majority being Christians and Bahais. While these citizens are Arab, their religion ostracizes them socially. In 1982, the parliament amended the constitution to “bar non-Muslims from naturalization.” Since then, “there have been multiple proposals made to amend the nationality law to allow non-Muslims to become citizens, but in 2019 the government made clear that its policy was to keep "the current text."

Kuwaiti nationals can be divided into two categories: (1) the ‘original Kuwaitis’, and (2) naturalized citizens. The stateless *Bedoon* are notably missing from this equation because they are not included in the census. The “original Kuwaitis”, were the people who lived within the confines of a wall (*Al Sur*), built around the tiny Kuwait back then called Al-Kout, in 1920 and their descendants. The wall was built for protection from militia attacks campaigned by the first monarch of Saudi Arabia, Ibn Saud. Thusly, the first and highest category of citizenship was defined by the historical physical space people occupied, essentially excluding the area’s quasi-nomadic Bedouin population. This ominously foreshadows the use of physical space for exclusionary practices and justification in the future, which will be detailed in later sections. The year 1920 serves as a line in the sand demarcating legitimate claim to the Kuwaiti nationality. Article 1 of the “Nationality Law creates a category of "original Kuwaiti nationals" who are, by nature of that status, eligible for a higher level of rights and protections in Kuwaiti law (Kuwait: Promises Betrayed - Discrimination Based on Origin and Status: The Bidun 2000). These ‘original nationals’ are defined as "persons who were settled in Kuwait prior to 1920 and who maintained their normal residence there until the date of the publication of the law (May 21, 1959)" (Kuwait: Promises Betrayed - Discrimination Based on Origin and Status: The Bidun 2000). Consequently, people who were unable to prove settled residence, including many Beduins, or tribal and nomadic groups, were excluded from automatic nationality. These people now make up one of the categories of the country’s *Bedoon* population.

The second class of citizenship, which applies to those who were naturalized, includes Persian families and Arabs who migrated to Persia in the eighteenth century in pursuit of economic opportunities but returned at the advent of the oil era in the 1940s and 1950s (Abdulkarim 2017). After 1960, however, naturalization would become exponentially difficult.

Kuwait restricted the number of naturalizations of non-Gulf Arabs to only fifty per year. This distinction between Gulf Arabs (or *Khaleejis*) and non-Gulf Arabs is another significant layer of categorization within the hierarchies present in Kuwaiti and Arab society. It carries with it class implications and further solidifies regional attitudes towards lineage. In 1981, an additional condition for naturalization was introduced, requiring candidates to be Muslim (Longva 1997). This demonstrated a relatively rapid succession of increasingly exclusive definitions of citizenship and national identity.

Children born to Kuwaiti fathers, and those born to unknown parents are considered Kuwaiti at birth. All other citizens are considered naturalized citizens, including children born to a Kuwaiti mother and a foreign father. Minor children of naturalized fathers are also automatically naturalized, but the same is not true for naturalized mothers.

The Nationality Law contains five articles which provide for naturalization, all subject to the discretion of the Ministry of Interior. Article 3 allows naturalization of the child of a Kuwaiti mother and an unknown father. Article 4 allows naturalization of any adult who meets the following conditions:

1. that he has lawfully resided in Kuwait for at least twenty consecutive years or for at least fifteen consecutive years if he is an Arab belonging to an Arab country....
2. that he has a lawful means of earning his living, is of good character and has not been convicted of an honor-related crime or of an honesty-related crime;
3. that he has knowledge of the Arabic language;
4. that he possesses qualifications or renders services needed in Kuwait;

5. that he be an original Muslim by birth, or that he has converted to Islam according to the prescribed rules and procedures and that a period of at least five years has passed since he embraced Islam before the grant of naturalization. Nationality thus acquired is *ipso facto* lost and the decree of naturalization rendered void *ab initio* if the naturalized person expressly renounces Islam or if he behaves in such a manner as clearly indicates his intention to abandon Islam. In any such case, the nationality of any dependent of the apostate who has acquired it upon the naturalization of the apostate is also rendered void.

Article 4 further limits the number of individuals naturalized by requiring a quota for the number of naturalizations per year be set. “Indeed, while there were twenty nationality-related laws and decrees passed in the period from December 1959 to September 1997, only one, Law 49/1984, sets a quota for naturalizations under article 4 (Council of Ministers Legal Advice and Legislation Administration, Guide to Laws and Regulations Issued by the State of Kuwait: From 1954 to the End of 1997. 1999).

“In theory, Kuwait's Nationality Law provides numerous means for individuals to acquire Kuwaiti nationality. However, many of its provisions violate the principle of non-discrimination on the basis of gender, religion, or status, and undermine the ability of children to exercise their right to acquire a nationality.” (Kuwait: Promises Betrayed - Discrimination Based on Origin and Status: The Bidun 2000) Kuwaiti-born mothers are denied the right to pass down their citizenship to their children born to foreign fathers, while the wives of naturalized and Kuwaiti-born men are presented with a naturalization pathway. “The foreign wife of a naturalized Kuwaiti man must declare her desire for naturalization within one year of her husband's naturalization to be eligible for naturalization through him. A foreign wife of a Kuwaiti national

may also be eligible for naturalization through her husband under article 8. A wife becomes eligible after the passage of fifteen years after declaring her desire for naturalization, provided she remains married for that full period. In the case of divorce or death of the husband before the end of the fifteen-year period, wives who have a child from that husband and who have maintained their legal residence in Kuwait for the full period are eligible for naturalization” (Kuwait: Promises Betrayed - Discrimination Based on Origin and Status: The Bidun 2000). There are no provisions in the law for foreign husbands to acquire nationality through their Kuwaiti wives.

Early Waves of Immigration

The 17th century drought brought about heightened tribal tensions in the region. In 1613, a group of nomadic and semi-nomadic families from the Saudi Arabian region of Najd immigrated to the geographic area that would later become Al Kout, and eventually Kuwait. The families from Najd (colloquially referred to as *Neyada* meaning “from Najd”) populated the seaside area in search of better resources and a better life. Among the first of the *Neyada* was the Bani Khaled family, a large and wealthy family that is spread across the Arabian Peninsula as far as Iraq, Oman, and Jordan. Sometime after the arrival of the Bani Khaled family, other families from Najd began immigrating to Kuwait, including the intermarrying Al Sabah, Al Khalifa, and the Al Jalahma families. Most of the *Neyada* were landowners and traders who owned ships (for trade and pearl diving), allowing them to accumulate considerable wealth and standing over the years. In fact, as Kuwait grew in population and size, a need for leadership grew with it. A member of Al Sabah family was nominated for the position following his reputation as a community leader and mediator, with the stipulation refraining the royal family from trade. The

Al Sabah family accepted, and the Bani Khaled family continued to be one of the wealthiest in the country. These founding families would later dub themselves as *Asileen*, the Arabic word for “originals.” This status continues to hold an elite and exclusive context in Kuwait, and the families tend to intermarry within themselves and discourage marriage with others (The Center for Kuwaiti Research and Studies 2014).

Just as the first significant period of immigration, which led to the settlement of Kuwait was motivated by a drought, the second was triggered by a regional famine. 1867 was known as *Sinat Al Haylag*, or the year of the *Haylag*. The origin of the word *Haylag* is still disputed with some claiming it to be from the Arabic word for collective exhaustion, while others argue it means ‘to speak another language.’ This wave of immigration consisted mostly of people from Iran who did not speak Arabic. While some only stayed in Kuwait for the three harshest years of the famine, many stayed indefinitely. This marked the first intermingling of cultures since the area’s settlement by the *Neyada*, also marking the beginning of exclusionary understandings of the people living there. The settlement of these ‘others’ prompted the *Neyada* to define themselves in opposition of these new and foreign families. While there are many more groups, tribes, and ethnic categories within Kuwaiti society, these two periods in time are most important to understanding the surviving ideologies of ethnic and lineal divisions among the highest category of Kuwaiti citizenship (The Center for Kuwaiti Research and Studies 2014).

PART IV: THE BEDOON

The category of the *Bedoon* was invented along with the idea of borders and nation-states. When the colonial concept of borders was introduced into the region, it imposed structures and procedures that were not compatible with and/or initially accepted by all that occupied the impacted lands. When Kuwait's Nationality Law was promulgated in 1959, some quasi-nomadic peoples called *Beduins* failed to register as citizens, creating the first of two categories of the *Bedoon*. The second category includes migrants from neighboring Iraq, Saudi Arabia, and other Arab countries who "abandoned their native citizenship" (Abdulkarim 2017:6). Due to their exclusion from the census, and current illegal status, the criminalization of which happened through the implementation of the Aliens Residence law in 1985, no official population figures are available for the *Bedoon*.

In 1957 – three years before its independence – Kuwait conducted its first census.

The population was estimated at 206,000, with Kuwaitis accounting for 55% of that figure. This proportion decreased to 45% by 1961. In 1989, however, Kuwait's Ministry of Public Planning publicly acknowledged that the *bidoon* had been counted as Kuwaiti citizens, thereby inflating the demographic data. The true proportion of Kuwaitis, the ministry held, was only 28% instead of 40%.

Thereafter, the *bidoon* were excluded not only from the count of Kuwaiti citizens, but by 1995, they were excluded completely from population censuses. With no official government figures on the size of the *bidoon* population, the most recent estimates in 2016 have placed it at approximately 112,000 (US Department of State 2015).

While it is true that subjugated peoples "whose history and culture were condemned to death by state nationalism sought cultural diversity," (Jalata 2001:387) the *Bedoon* are fighting for

inclusion because they contend that their history and culture are the *same* as that of the state. This points to their exclusion not being due to a threat of diversity to the state, but its value as a tool with which to define the state itself as well as the stratification of the people within it. “Rather than benign inclusive nationalism, specified exclusion was the predominant logic of nation-state building in a century obsessed with stability and growth. The result has been institutional reinforcement of racial, ethnic, and other distinctions of identity, which people embrace as primordial, retain and act upon even after institutional boundaries have been reformed” (Marx 1998:278). For the *Bedoon* of Kuwait, a claim for inclusion has its roots in their “ethnic heritage as Arabs and the Kuwaiti, tribal-rooted national identity” (Abdulkarim 2017). The *Bedoon* present a complication for the colonial logic behind the structure and parameters of the state and its citizenship. Given that all six GCC countries have historically intermarried and mixed, tribal claims undermine the colonial borders that the Gulf nations have been working hard to assert to lay clear claim to territorial resources like oil.

In fact, the exclusion policy of a category of people serves to uphold the exclusivist nation-state identity. The nationals identify with Kuwait as citizens because citizenship is what the *Bedoon* are denied. Kuwaiti citizens uphold the system because it supplies them with economic and social stability and comfort while the *Bedoon* serve as a threat of all that could be lost without the precious nation-state and its stratifying social hierarchy. The exclusion of the *Bedoon* becomes a cautionary tale through which nationals learn to place their national identity and citizenship in an almost holy regard. This creates a permanent siege mentality where outsiders are perceived to be constantly reaching for the honey pot of resources offered by the nation to its citizens. The resulting panic justifies the increasingly restricted pathways to citizenship offered by the government as well as general xenophobic attitudes.

1985 marked a pivotal moment for the *Bedoon* and a seminal development in the process of their civil exclusion. The government began applying provisions of the Aliens Residence Law 17/1959, to the *Bedoon*. The state changed the official classification of the *Bedoon* from “undefined nationality,” which hinted at some hope of definition and inclusion, to “illegal residents.” Prior to this, the Kuwaiti government considered the *Bedoon* “lawful residents of Kuwait whose claims to citizenship were being considered” (Kuwait: Promises Betrayed - Discrimination Based on Origin and Status: The Bidun 2000). This shift definitively criminalized their existence and made claims to citizenship even more out of reach. This change was not only symbolic but had and continues to have stratifying consequences that blanket every aspect of the *Bedoon*’s lives. Prior to 1985, the *Bedoon* were included in the total number of Kuwaiti citizens in the Ministry of Planning's Annual Statistical Abstract and were issued with documents identifying them as *Bedoon*. “With the exception of voting rights they received the benefits of full citizens, including subsidized housing, education, and health services” (Kuwait: Promises Betrayed - Discrimination Based on Origin and Status: The Bidun 2000).

In 1985 the government began applying provisions of Aliens Residence Law 17/1959 to the Bidun and issued a series of regulations stripping the Bidun of almost all their previous rights and benefits. In 1986 the government severely restricted Bidun's eligibility for travel documents. It also fired government employees not employed by the army or the police who could not produce valid passports, whether issued by Kuwait or another country, and instructed private employers to do the same. In 1987 the government began refusing to issue Bidun new or renewal driver's licenses or register their cars, and began ending public education for Bidun children and instructing private schools to require valid residency permits. In 1988 the ban on public education was

extended to the university, and Kuwaiti clubs and associations were instructed to dismiss their Bidun members. Also beginning in 1988, statistical data on Bidun in the government's Annual Statistical Abstract was transferred from the Kuwaiti category to alien population categories (Kuwait: Promises Betrayed - Discrimination Based on Origin and Status: The Bidun 2000).

Their illegal classification puts the *Bedoon* even lower in Kuwait's social hierarchy than migrants. By denying them official documentation, the state effectively prohibits them from civil inclusion in the form of adequate work (in both the public and private sectors), health care, and educational services. They cannot "rent or purchase real estate or cars, open bank accounts, enroll in private universities and some private schools; hold legal employment; and receive birth, marriage or death certificates" (United Kingdom Home Office 2006, pp. 24).

This imprisons the *Bedoon* in a state that not only excludes them from citizenship, but civil participation as well. Citizenship in Kuwait functions like a ticket, if you don't have one you cannot go on the ride. Migrants can enter the amusement park, but without a ticket, they cannot go on any of the rides. The *Bedoon*, on the other hand are prohibited from even entering the park due to their illegal status. Along with the immobilization of the *Bedoon*, their criminalization has also cast a suspicious stigma upon them. Their illegal label assumes fault and culpability in their vulnerable state. They are born criminal and live within Kuwaiti society fighting for citizenship. Instead, their criminal status shrouds them in a cloud of stigmatization promoting the *Bedoon* as uneducated, uncivilized, and unworthy.

Denying the *Bedoon* all forms of official identification not only contributes to their stratification and exclusion on a civil level, but a social one as well. Without proof of Kuwaiti

citizenship, the *Bedoon* cannot access the free elementary through secondary education that has been declared a right for all Kuwaitis (Longva 1997, pp. 37).

Without legal status, their employment opportunities are meager and their compensation, meek. They cannot afford the expensive private school tuition and are in turn forced to settle “lower-quality schools, often community schools close to their dwellings and totally devoid of Kuwaiti students” (Abdulkarim 2017, pp.26-27). This not only relegates them to an education of a lower standard, but also excludes them from social engagement with the rest of the population, Kuwaiti or otherwise. These forms of stratification extend to higher education within the country. While there are a number of private universities that would accept *Bedoon* students, their prices effectively exclude them. The country’s only public university, Kuwait University, is free to all Kuwaitis and the children of Kuwaiti mothers, who according to Kuwait’s Nationality Law are not technically citizens. In fact, the university requires the children of Kuwaiti mothers (and non-Kuwaiti fathers) to submit additional documents including the student’s birth certificate, the mother’s valid ID card, and the mother’s original Certificate of Nationality. Kuwait University includes an additional category: “Illegal Residents Born to non-Kuwaiti Mothers” with an enrollment cap of one hundred students. “In addition to receiving security clearance from the Central Apparatus for Illegal Residents, these students must have achieved a minimum 90% in their high school diploma. No such requirement exists for Kuwaiti students, and this percentile is in fact higher than the requirement for all the university’s merit-based scholarships, for which students in this category are not eligible” (Abdulkarim 2017, pp. 27-28; Kuwait University 2016-2017).

While there are no laws prohibiting intermarriage between Kuwaiti nationals and the *Bedoon*, or migrants for that matter, there are both economic and social considerations that disincentivize

it. The state bestows monetary resources upon newlyweds, which are meant to help them start their lives and build a home. If a Kuwaiti man marries a non-Kuwaiti woman, including a *Bedoon* woman, he would still be eligible for state benefits, whereas a Kuwaiti woman marrying a non-Kuwaiti man would not. Her kids would also be deemed ineligible for the Kuwaiti nationality. This means that if she, a Kuwaiti citizen, has a child fathered by a *Bedoon* man, their child too would be stateless, suffering the consequences of being born an illegal resident as well as the concomitant social stigma.

Beyond the lack of economic opportunities, civil liberties, and acknowledgment of their rights, the *Bedoon* carry with them a stigma that shows no signs of erosion.

On May 16, 2000, Kuwait's National Assembly passed legislation intended to allow naturalization under article 5 of the Nationality Law of some Bidun who had proof of long-time residency or were children of Kuwaiti mothers. As amended, article 5 now allows the naturalization of persons who rendered valuable services to Kuwait; children of Kuwaiti mothers and fathers who are prisoners of war, dead, or have irrevocably divorced the mothers; persons resident in Kuwait in and before 1965, as well as their descendants, if the descendants are born and resident in Kuwait, providing the applicants have maintained their Kuwaiti residency until the issuance of a decree naturalizing them. Persons eligible for nationality under article 5 must also meet the conditions in article 4(2), 4(3), and 4(5). As with article 4, no naturalizations based on long-term residence can take place in a given year until legislation is passed setting the quota for naturalization in that year -- such legislation was passed only once in the period from December 1959 to September 1997. Legislation passed on May 18, 2000 set a quota of 2000 applicants and their families for the year 2000 (Kuwait: Promises Betrayed - Discrimination Based on Origin and Status: The Bidun 2000).

It is through these policies, backed by class, ethnic, and racial ideologies, that the stratification of the *Bedoon* is maintained. Like *Al Sur* once protected the people of *Al Kout*, from the warring *Al Sauds*, so do Kuwait's exclusionary practices protect the power structures that maintain social stratification; building physical and ideological barriers in the form of highways and implementing policies that legally prohibit the *Bedoon* from participating in society. Notions of belonging and citizenship are now related to a historically physical proximity to a given place (the land within *Al Sur*), and casting the *Bedoon* away to the outskirts of the city widens the map so that everyone else seems closer to *Al Sur* in relation to them.

Kuwait's stateless persons are not a passive group upon which stratification is imposed. There are among them prominent advocates and momentum for their cause has ebbed and flowed (Abdulahkim al-Fadhli, Grey Area, 2011 demonstrations, 2019 demonstrations, etc.). In February and March of the 2011 Arab Spring, hundreds of *Bedoons* protested in "neighborhoods on the far outskirts of Kuwait City, where government forces used tear gas and water cannons to break up the gatherings, and detained dozens of apparently peaceful protestors" (Prisoners of the Past 2011). "These arbitrary arrests primarily targeting peaceful protesters, activists and human rights defenders in Kuwait are not only unlawful, but are only set to exacerbate an already tense situation brought to the fore by the young man's suicide" said Lynn Maalouf, Middle East Research director at Amnesty International (International Observatory of Human Rights 2019). The suicide of 20-year-old Ayed Hamad Moudath in 2019 after the government denied him civil documentation, "which is needed to access public services, as well as to study and work" sparked outrage and protest (International Observatory of Human Rights 2019). Director of Kuwaiti Bidoon Movements, Mohamed Albadry Alenezi, addressed the World Conference on Statelessness in the Hague saying, "I hope this voice reaches to the world that we are looking for international protection. Come and open the

file of the Bidoon, because the government itself is changing everything on the ground, till we lose all our rights” (International Observatory of Human Rights 2019).

PART V: MIGRANTS

The vast majority of Kuwait's migrant population is made up of wage and domestic labor migrants from South Asia and East Africa. These labor migrants are marginalized and racialized in Kuwait society. Race is ascribed a socioeconomic place within the hierarchy of Kuwaiti society. This place corresponds with preconceived beliefs of intelligence, work ethic, even worthiness and essential goodness. This process of othering is a necessary function of the global capitalist racial project which justifies the exploitation of labor. While all migrants must arrive through the Kuwait's immigration policies, they do not disembark equally at same place within the social and racial hierarchy of Kuwaiti society. The vastly polar worlds that 'migrants' and 'expats' occupy vividly illustrate the immensely racial nature of immigration. The word expat refers to white Westerners living in Kuwait. Although their legal status is identical to that of migrants who are not white nor Western, they are seen as a valuable addition to Kuwait's economy and society due to a narrative of their superior capacity and productivity. "In terms of capacity and productivity, those who are racial 'others' are among the most effective economic producers due to their vulnerability to labor exploitation and low pay, yet capacity and ability is attributed more to white bodies rather than the prolific brown bodies" (Puar 2017). The presence of whiteness is seen as an indicator of Kuwait's standing as a global 'progressive' society. This implies that whites are modern and civilized, and nonwhites are primitive and uncivilized. The migrants are commonly brown, poor, and engage in domestic and wage labor. They come from South Asia and East Africa and represent a wide range of cultures, religions, and languages. Unlike their white Western counterparts, they are not seen as a desirable demographic. Although they are in fact the engine behind Kuwait's economy, their presence is seen as a favor and

privilege for them. The Kuwaiti elites claim that they are lucky we allow them economic opportunities because where they come from is so much worse.

Migration and immigration have always had a significant role within Kuwait and the Gulf in general, in fact, they arguably are “fundamental to the construction of a multi-sectarian Arab-Islamic identity” (Nisan 2002). This movement continued through the advent of post-colonial nation-states, this time with the restriction of formal citizenship rights centered on states. “The image of the nation-state implies a convergence of the polity and of unified and inclusive loyalty to it, thereby supposedly overwhelming or healing subnational social cleavages” (Marx 1998:275). In reality, when the state and nation-building process began, these emerging nation-states were cementing fragile national identities and territories through the exclusion of new communities and “various sectarian and linguistic groups” (Sater 2014:294). The nation-state building process operates so that the state can play its “essential role in further containing conflict, providing protection, and managing growth. This goal was imported from Europe to other countries where states had been earlier constructed by colonialism” (Marx 1998:275). The construction of these states, whether colonies or in the case of Kuwait protectorates, was heavily influenced by colonial power.

By the mid-1970s, the Gulf had seen a dramatic rise in its migrant population (more than 52% of Kuwait’s population and 75% of the population in Qatar and the UAE) (MacroTrends 2020). This shift in the region’s demographics and its rapidly growing participation in the global economy, are at the core of Gulf Arab states’ (including Kuwait) development of notions of citizenship and the importance of asserting nation-state identities (Davidson 2008).

The GCC countries, with the addition of Jordan and Lebanon, established the Kafala (sponsorship) system in the 1950's to "regulate the relationship between employers and migrant workers" (ILO, Policy Brief No. 2: REFORM OF THE KAFALA (SPONSORSHIP) SYSTEM).

Under the Kafala system a migrant worker's immigration status is legally bound to an individual employer or sponsor (kafeel) for their contract period... The worker must be sponsored by a kafeel in order to enter the destination country and remains tied to this kafeel throughout their stay... Often the kafeel exerts further control over the migrant worker by confiscating their passport and travel documents, despite legislation in some destination countries that declares this practice illegal (ILO, Policy Brief No. 2: REFORM OF THE KAFALA (SPONSORSHIP) SYSTEM).

The system's economic objective is to provide "temporary, rotating labor that could be rapidly brought into the country in economic boom and expelled during less affluent periods." (ILO, Policy Brief No. 2: REFORM OF THE KAFALA (SPONSORSHIP) SYSTEM). The racialization of certain areas of labor (service industry, domestic work, manual labor, etc.) in Kuwait is necessary for the othering of migrants who almost exclusively occupy these industries. "In its system of violent subjugation, older forms of racism that rely on mass extermination and genocide are integrated with late-twentieth-century forms of political racism based in foreign policies of abandonment and dispossession, as well as in the kind of cultural racism that views inherent "essences" an explanation for broad social and cultural differences" (Rana 2011:76-77).

Current rhetoric regarding migration in Kuwait echoes a concerning global trend. Kuwait's laws and policies already exclude and limit migrant's autonomy and participation, yet anti-migrant policies continue to be introduced. With bent backs, migrant bodies in Kuwait hold up the state's economy and lifestyle, while simultaneously serving as scapegoats for economic and

state services' shortcomings, all of which have been exacerbated by the Covid-19 pandemic. Migrants' autonomy over their own bodies is compromised by the Kafala system, the extremely prejudicial laws governing what migrants can and cannot do make any kind of autonomy over space and land virtually impossible. McKay links ownership of land to political participation and social status. Afterall, if within a capitalist world, property is currency with which you buy political participation, social status, and even your own humanity, what does it mean to be excluded from the process of property accumulation?

In 2013, the Ministry of Health announced that public hospitals' Outpatient Departments (OPD) would restrict non-nationals, including the *Bedoon*, to evening access only. However, these facilities, which provide non-urgent ambulatory care, serve Kuwaiti nationals throughout their open hours. Moreover, new projects and developments continue to exclude non-nationals. The first new government hospital to be built in Kuwait in thirty years will be solely dedicated to national citizens. These civil exclusions create a society starkly segregated on the basis of citizenship.

PART VI: FUTURE CONCEPTUAL FRAMEWORK AND RESEARCH

The forms of stratification and their functions in Kuwait are numerous. The study of migration, stateless persons, and citizenship-based stratification in Kuwait is disconnected. This paper aims to map the many connections and intersections of these topics. It is my goal to expand on this research in the future to connect and engage with theories and research methods that can push our understanding of racial, class, and gender-based stratification in Kuwait. In this section I briefly explore the application of two theoretical frameworks onto the issues discussed in this paper.

Slow Death

Obesity has been declared an epidemic in the United States and Berlant asks why “not the bodily harm caused by waged work?” He answers his own question with the claim that the disconnect is not accidental, the “epidemic concept is not a neutral description.” He explains that it is “acceptable for their bodies to be run down because it is a worthy sacrifice in capitalist standards.” I argue that it is through this waged work and exclusionary stratification, that migrants and stateless people in Kuwait experience slow death.

Global and local regulations converge to create precarious conditions for migrants and stateless people in Kuwait. They are directed towards low paying labor that endangers with their bodies through lax labor and safety laws (and a lack of implementation of the few existing legal protections), through the racialization of certain jobs and the limitations imposed by their legal status. “As migrant laborers have become one of the foremost commodities traded in the global economy, wage work has become the domain not solely of domestic labor unions but also of workers without frontiers who cross the planet in search of employment” (Rana 2011:4). The very transient nature of migrants’ existence in Kuwait due to the Kafala system, which leaves

them entirely dependent on sponsorship and frequent residency renewal (not to mention a potential new law, that is being hotly debated in the parliament and over social media, reevaluating the residency of all expats over the age of sixty), makes them detached from society and easy to consume and dispose of. They fill the role of Georg Simmel's "stranger" (1908). He is not a part of society, but his role is necessary to its existence. Giorgio Agamben, in *Homo Sacer* (1995), would point to migrants and Kuwait's stateless people as being bound by the state's law but not protected by it. Allocating rights to states limits said rights to the way a person relates to the state (as a citizen) as opposed to a divine right that transcends manmade structures like the state itself (1995). Migrants and stateless persons must function within the state but are always strangers to it, either due to the transitional nature of their immigration status, or their altogether expulsion and criminalization as is in the case of the stateless person. Agamben (1995: 138) asks whether there are "human lives that have so lost the quality of legal good that their very existence no longer has any value, either for the person leading such a life or for society?" This fusion of rights to citizenship is a function of state legitimization. As he later writes, "the same bare life that in the ancient regime was politically neutral and belonged to God as creaturely life and in the classical world was (at least apparently) clearly distinguished as *zōē* from political life (*bios*) now fully enters into the structure of the state and even becomes the earthly foundation of the state's legitimacy and sovereignty" (1995:127).

Physical Access and Dis-Abling

The term 'disabled' is misleading; it suggests a normative standard of ability. But an ability to do what? In a conversation with Judith Butler, Sunaura Taylor (Taylor 2008) defines disability as "the disabling effects of society," while Butler calls it "the social organization of impairment." What they are both pointing out is that our concept of 'ability' is a social construct.

The label of ability is awarded to those who can function within a society built specifically for individuals with a narrow set of characteristics and abilities. Anyone who does not fit this narrow definition is labeled ‘disabled’ as if it is their body that places them into this category, as opposed to the architecture of the world around them. Who is to say what set of abilities are ‘standard’ and therefore a prerequisite of a ‘standard’ body? The very definition of ‘ability’ is not neutral or organic. It is tied to capitalist productivity. You are able bodied as long as you can be productive in a capitalist economy. “You're only able-bodied until you're disabled” (Puar 2017:12). Through our understanding of these social standards perpetuated by various institutions, the noun ‘disabled’ (distant and impersonal), becomes a verb: ‘dis-abling’ (ongoing and targeted).

So, what does this dis-abling have to do with citizenship in Kuwait? What can disability scholarship help us understand about migrants and stateless persons in Kuwait? In a video conversation, Butler and Taylor discuss the “social repression of disabled people.” While in no way am I claiming these experiences are identical, or even significantly similar, I do argue that borrowing analysis of certain forms of special exclusion in the dis-abling process, can be productive in better understanding the use of access and space in the categorization of migrants and stateless persons in Kuwait. Taylor explains that “physical access leads to a social access” so how have migrants and stateless peoples been denied access to spaces, what are these spaces, and why? Taylor points to “the fact that disabled people have limited housing options” which is mirrored in the limited housing options migrants and stateless persons have due to their legal and immigration statuses. Like disabled people, migrants and stateless persons in Kuwait are limited in their career options. Their opportunities are dwindled due to legal status, social connections, as well as the racialization of jobs and industries as opposed to conceptions of what a body

should be able to do. “We are socially isolated, in many ways there is a cultural aversion to disabled people,” says Taylor. Our aversion to migrants and stateless peoples is so tangible and blatant in our process of zoning them away to the outskirts of the city where we don’t have to suffer their sight. They are both socially isolated due to various institutions in the form of limited work opportunities, geography/zoning/rental laws, marriage, legal access, and social norms of class interactions. Due to class and racial/ethnic divides, there is a definite hierarchy within which both the *Bedoon* and migrants are ranked at the very bottom, making them undesirable and ineligible.

This physical isolation and denial of access is in fact by design. This divide illudes to what Brett Story (2013:753) calls the “transgressive potential of cross-class contact and the threat it poses to capitalism as well as into the social transformations possible at our own outer limits.” There is power in mingling and the sharing of place that is deeper than a body occupying space. Walter Benjamin calls the streets ‘the dwelling place of the collective’ (Story 2013:754) but even when migrants and stateless persons walk through the streets of the city, with what agency do they do so? Do they walk softly through it as guests do? Do they leisurely stroll as tourists would? Are they *allowed* or *able* to march about with the confidence of a ‘local,’ a ‘native,’ a citizen? Have migrants and stateless persons created, among themselves, spaces through which they do march with agency?

Kuwait doesn’t have homeless people. What it does have are slums designated to migrants and stateless persons through zoning laws and welfare projects. There is a clear economic segregation, and due to global labor migration, class in Kuwait is deeply racialized making this segregation racial as well. This physical isolation of the lower class is tied to land

ownership and capital. “We gauge property values by the evisceration of surplus bodies” (Story 2013:754). This segregation is a form of physical exclusion and an expulsion of migrant and stateless bodies, which are deemed surplus as soon as their labor has been extracted. The increasingly restrictive eligibility requirements to acquire a driver’s license in a place as unwalkable as Kuwait only exacerbates this separation. The policing and zoning away of surplus bodies launches a sensory attack on its targets. The “settler colony uses sensory stimuli in a confrontational manner and with the aim of invading the realm of experience of the colonized, producing exclusivity and hegemony on the basis of cultural, religious, national and security claims” (Shalhoub-Kevorkian 2017:1279). The physical alienation of stateless peoples and migrants through denied access to spaces, and zoning functions similarly. If migrants and stateless persons have been dis-abled through access denial, through zoning, through expulsion, exclusion, and alienation, I echo a question poignantly posed by Story; “Might it be that contact is revolutionary?” (2013:759).

VII: CONCLUSION

Ultimately, this paper examines the many forms of racial, gender, and class-based stratification and their maintenance through Kuwait's citizenship and immigration policies. It provides an overview of three complex categories of the Kuwaiti population: Kuwaiti citizens, migrants, and the *Bedoon*. Historic, religious, economic, and political factors play important roles in shaping how this stratification is maintained using racial and ethnic conceptions, gender roles, and class division. Utilizing legal documents provided clear and tangible examples of the institutionalization of these strata over the years. Contextualizing the State of Kuwait geographically is imperative to understanding how colonialism, Islam, trade, and Arab culture contributed to its attitude and conception of gender, race, ethnicity, and lineage. Kuwait's economic history and current demand for migrant labor are directly linked to its geography, informing the state on its class division and immigration policies. The second part of Kuwait's constitution, titled The Basic Foundations of Kuwaiti Society states in its first article that "Justice, freedom and equality are the pillars of society; and cooperation and compassion are the firm link binding all citizens." This paper overlays theory and context to bring forth a more complex understanding of the nature of stratification and its maintenance in Kuwait, in the hopes that a better understanding can lead to justice, freedom, and equality for all; and for all to be bound by cooperation and compassion.

BIBLIOGRAPHY

- Abdulkarim, Khaled A. 2017. "Crystallizing a Discourse of "Khalijiness": Exclusion and Citizenship in the Arab Gulf States". CUREJ: College Undergraduate Research Electronic Journal, University of Pennsylvania, <http://repository.upenn.edu/curej/211>.
- Abrantes, M. 2013. Voices: Migrant domestic workers and civil society. *Migration Letters*, 10(3), 324-332.
- Agamben, Giorgio. 1998. *Homo Sacer. Sovereign Power and Bare Life*. Stanford, Calif. : Stanford University Press.
- Ahmed, Sarah. 2017. *Living a Feminist Life*. Durham and London. Duke University Press.
- AlJumaili, Hamsa. 2011. والمعوقات المحفزات بين الخليجي التعاون مجلس دول في السياسي الإصلاح [Political Reform in the GCC: Catalysts and Obstacles] Dar Al Jinan Publishers. Amman.
- Al-Nakib, Farah. 2016. *Kuwait Transformed: A History of Oil and Urban Life*. Stanford, CA: Stanford UP.
- Al-Naqeeb, Khaldoun Nassan. 2012. *Society and State in the Gulf and Arab Peninsula (RLE: the Arab Nation)*, Taylor & Francis Group. ProQuest Ebook Central.
- Anderson, Benedict. 1991. *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. London: Verso.
- Anscombe, Frederick F. 1997. *The Ottoman Gulf: the Creation of Kuwait, Saudi Arabia, and Qatar*. Columbia University Press.
- Asman, Willem. 2019. *Britannica*. Gloude Publishing.
- Auwal, M. 2010. Ending the Exploitation of Migrant Workers In The Gulf. *The Fletcher Forum of World Affairs*, 34(2), 89-110.
- British Home Office. Country Policy and Information Note: Kuwait: Bidoons. April 2021. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/975719/Kuwait_-_Bidoons_-_CPIN_v3.0_-_April_2021_-_ext.pdf
- Council of Ministers Legal Advice and Legislation Administration, *Guide to Laws and Regulations Issued by the State of Kuwait: From 1954 to the End of 1997*, (Kuwait City: State of Kuwait,1999, pp.122-123. (Arabic)
<https://www.hrw.org/reports/2000/kuwait/kuwait-04.htm>
- Country Report on Human Rights Practices – Kuwait. Washington, DC: US Department of State, 2015. <https://www.state.gov/j/drl/rls/hrrpt/2015/nea/252933.html>.
- Critical Inquiry, Vol. 33, No. 4, On the Case Edited by Lauren Berlant (Summer 2007), pp. 754-780.
- Davidson, C.M., 2008. The impact of economic reform on Dubai. In: A. Ehteshami and S. Wright, eds. *Reform in the Middle East oil monarchies*. Reading: Ithaka, 153–180.
- Dreyfus, H and Rabinow, P.1982. *Michel Foucault: Beyond Structuralism and Hermeneutics*. Chicago, IL: University of Chicago Press.
- Gellner, Ernest. 1983. *Nations and Nationalism*. Ithaca, NY: Cornell University Press.
- Gulf Labour Markets and Migration Programme. Kuwait: Amiri Decree No. 17 of 1959 issuing the Alines Residence Law. <https://gulfmigration.org/amiri-decree-no-17-of-1959-issuing-the-aliens-residence-law/>
- Gulf Labour Markets and Migration Programme. Kuwait: Ministerial Decree No. 15 of 1959 promulgating the Nationality Law. <https://gulfmigration.org/kuwait-ministerial-decree-no-15-of-1959-promulgating-the-nationality-law/>
- Hamel, El Chouki. *Black Morocco: a History of Slavery, Race, and Islam*. Cambridge University

- Press, 2014.
- Hamza, Sara. 2015. Migrant Labor in the Arabian Gulf: A Case Study of Dubai, UAE. Pursuit The Journal of Undergraduate Research at the University of Tennessee, Pursuit - The Journal of Undergraduate Research at the University of Tennessee.
- Hanieh, A. 2015. Capitalism and class in the Gulf Arab states. Basingstoke: Palgrave Macmillan.
- Hudspeth, Brandon M. 2014. Literature review on Kafala System in Saudi Arabia and Qatar. Human Rights Watch.
- International Labour Organization. United Nations High Commissioner for Refugees. International Labour Organization. March 29, 2010. https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=83364
- International Observatory of Human Rights. 15 Stateless Bidoon Activists Arrested in Kuwait. International Observatory of Human Rights. 22 July, 2019. <https://observatoryihr.org/news/15-stateless-bidoon-activists-arrested-in-kuwait/>
- “IV. DISCRIMINATION BASED ON ORIGIN AND STATUS: THE BIDUN.” *Kuwait: Promises Betrayed - Discrimination Based on Origin and Status: The Bidun*, October, 2000. www.hrw.org/reports/2000/kuwait/kuwait-04.htm#P279_57105.
- J. Sater, 2014. Citizenship and migration in Arab Gulf monarchies, *Citizenship Studies*, 18:3-4, 292-302, DOI: 10.1080/13621025.2013.820394.
- Jalata, Asafa. “Ethno-nationalism and the Global ‘modernising’ Project.” *Nations and Nationalism* 7.3 (2001): 385–405. Web.
- Jureidini, R. 2010. Trafficking and Contract Migrant Workers in the Middle East. *International Migration*, 48(4), 142-163.
- Keane, D. 2008. Enforcing Migrant Workers' Rights in the United Arab Emirates. *International Journal on Minority and Group Rights*, 15(1), 81-115.
- Khalaf, ‘Abd al-Hādī et al. 2015. *Transit States : Labour, Migration and Citizenship in the Gulf*. London, England: Pluto Press. Print.
- Kritzman, L. 1988. Power and sex: An interview with Michel Foucault. In: Kritzman LD (ed.) *Michel Foucault: Politics, Philosophy, Culture: Interviews and Other Writings, 1977–1984*. New York: Routledge.
- Kuwait National Assembly. المادة الثانية من قانون الجنسية الكويتي بين الواقع والقانون. Kuwait National Assembly. <http://www.kna.kw/clt-html5/run.asp?id=656>
- Kuwait University, 2016-2017. [Guidebook on Admission and Transfer Rules for the Academic Year 2016/2017]. http://portal.ku.edu.kw/manuals/admission/en/admission_rules.pdf (Accessed March 5, 2016).
- Lombardi, Clark B. 2013. “Constitutional Provisions Making Sharia “A” or “The” Chief Source of Legislation: Where Did They Come From? What Do They Mean? Do They Matter?” *American University International Law Review* 28 no. 3. 733-774.
- Longva, A. 1999. Keeping Migrant Workers in Check: The Kafala System in the Gulf. *Middle East Report*, 211(211), 20-22.
- Longva, Anh Nga. 1997. *Walls Built on Sand*. Oxford: Westview Press.
- Loewenstein, A. 2020. [online] Available at: <<https://www.jstor.org/stable/4284073>> [Accessed 9 November 2020].
- MacroTrends, “Kuwait Immigration Statistics 1960-2020.” www.macrotrends.net/countries/KWT/kuwait/immigration-statistics.

- Marshall, T.H, 1950/1973. *Class, citizenship and social development*. Westport, CT: Greenwood.
- Marx, Anthony W. 1998. *Making Race and Nation : a Comparison of South Africa, the United States, and Brazil* . Cambridge, U. K. ;: Cambridge University Press. Print.
- McKay, DL, Vinyeta, K, Norgaard, KM. 2020. Theorizing race and settler colonialism within U.S. sociology. *Sociology Compass*. 14:e12821. <https://doi.org/10.1111/soc4.12821>.
- National Legislative Bodies/National Authorities. Refworld. Nationality Law, 1959. Refworld. 1959. <https://www.refworld.org/docid/3ae6b4ef1c.html>
- Patrick, Neil. 2009. "Nationalism in the Gulf States," LSE Middle East Center (October 2009).
- Nisan, M., 2002. *Minorities in the Middle East: a history of struggle and self-expression*. Jefferson, NC: McFarland.
- Puar, Jasbir K. 2017. *The Right to Maim: Debility, Capacity, Disability*. Durham: Duke University Press.
- Rana, Junaid. 2011. *Terrifying Muslims: Race and Labor in the South Asian Diaspora*. Durham: Duke University Press.
- Sarausad, M. R. G. A. 2006. Struggles from Within: Migrant women in Southeast Asia. *Development*, 49(1), 134-136.
- Seccombe, Ian J. 1985. "International Labor Migration in the Middle East: A Review of Literature and Research, 1974-84." *The International Migration Review*, vol. 19, no. 2, p. 335.
- Simmel, Georg, Wolff, Kurt (Trans.). 1950. *The Sociology of Georg Simmel*. New York: Free Press, pp. 402 - 408.
- Story, Brett. 2013. In/different cities: a case for contact at the margins, *Social & Cultural Geography*, 14:7, 752-761, DOI: 10.1080/4649365.2013.771209.
- In Morris, R. C., & Spivak, G. C. 2010. *Can the subaltern speak?: Reflections on the history of an idea*.
- The Center for Kuwaiti Research and Studies. *The History of Kuwait*. The Center for Kuwaiti Research and Studies. 2014. <http://www.crsk.edu.kw/AboutKuwait/KuwaitHistory.aspx>
- Tyler, Ethan. 2017. "'A British Lake': Kuwait and the 1913 Anglo-Ottoman Convention." *The University of North Carolina at Chapel Hill*.
- United Kingdom Home Office. 2006. *Country Information and Guidance – Kuwait: Bidoons*. Version 2.0.
- Webb, Peter. 2016. *Imagining the Arabs: Arab identity and the rise of Islam*. Edinburgh.
- Weil, P. 2001. Access to citizenship. In: A. Aleinikoff and D. Klusmeyer, eds. *Citizenship today*. Washington, DC: Carnegie Endowment for International Peace.
- Williamson, Myra E.J.B. Kuwait 1962 (reinst. 1992) *Constitute*. https://constituteproject.org/constitution/Kuwait_1992?lang=en
- Winckler, O. 1997. The immigration policy of the Gulf Cooperation Council (GCC) states. *Middle Eastern Studies*, 33(3), 480-493.
- Winckler, O. 2000. The challenge of foreign workers in the Persian/Arabian Gulf: The case of Oman. *Immigrants & Minorities*., 19(2), 23-52.

VITA

AlZaina Shams Aldeen is an MA student at the University of Tennessee, Knoxville. She intends to continue with the Sociology department in her pursuit of her PhD. She comes to the program with an arts background, earning a BFA in Visual Art from the California Institute of Art in 2015, and an MFA in Community Art from the Maryland Institute College of Art in 2017. Upon completion of her PhD degree, Shams Aldeen intends to teach sociology at university. She believes in the importance of making complex ideas as accessible to the public as possible and is passionate about contributing to literature on the SWANA region. Born and raised in Kuwait, she considers her research a duty; everyone must understand the structures that harm them and place them in positions to harm others so that they may be dismantled. Her interests, however, are not confined within the region. She is also interested in global labor chains, migrant domestic work, theory, and history. Shams Aldeen is passionate about learning why the world is the way it is, and how we can make it right.