NAVIGATING THE ILLEGIBLE STATE: EVERYDAY EXPERIENCES OF
STATELESSNESS AMONG SHAN YOUTH IN NORTHERN THAILAND

By

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Dedication

This thesis is dedicated to my participants, who have trusted me with their lifestories, memories, worries, fears, hopes and dreams.

วิทยานิพนธ์เล่มนี้เป็นของพวกเราทุกคน
Abstract

Home to more than half-a-million stateless persons, Thailand provides a unique case study for understanding modern-day statelessness. Since 2005, the country has significantly expanded the rights of non-citizen children to allow access for basic education, civil registration, universal birth registration and healthcare, but still restricts physical mobility of stateless persons to the provincial level and has made the level of education a criterion for citizenship. These new regimes of governing statelessness both marginalise and include stateless people in the formal state systems.

This thesis examines the complex dynamics between exclusion and inclusion that stateless Shan youth in northern Thailand experience in their everyday lives. Based on 13-months of ethnographic fieldwork over the course of three years (2015-2018) conducted in the wake of UNHCR’s Global Campaign to End Statelessness, this thesis describes how childhood statelessness in the 21st century is interpreted, determined and governed by the Thai state, and how stateless Shan youth make sense of the label of statelessness, make decisions about their future, challenge the idea of national identity and negotiate their place within the society that simultaneously includes and excludes them. I explore how, despite the Thai state’s public commitment to resolve statelessness in the past few years, the path toward Thai citizenship for many stateless youth is still fraught with various legal obstacles that tie together remnants of the legal and social exclusion from the past with a complex politics of proof in the present.

In this thesis, I use the framework of “state illegibility” to capture the Thai state’s past and present opaqueness, inscrutable, contradictory and unpredictable bureaucratic practices, and demonstrate the burdens placed on stateless youth to “read” the state and navigate its opacity in their everyday life. Having learned the roles of documents and aesthetics in mediating membership, I demonstrate how Shan youth negotiate the impact of statelessness through various strategies such as using their bodies to perform “Thainess” and assert belonging, acquiring false documents, emphasising their Shan identity to get scholarships, and secretly obtaining Myanmar citizenship as an alternative option. Through these ethnographic accounts, I not only explore the effects of new regimes of governing statelessness, but also the way such regimes are adopted, manipulated, and enacted by the stateless youth to produce liveable futures for themselves.
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Clarifications on the key terms, participants’ protection and citation style

**Youth:** As there is no internationally agreed age range of youth, this thesis uses the term youth to refer to those between the ages of 14 and 24 years old. As for the term “children”, I use the definition of Article 1 of the UN Convention of the Rights of the Child—persons up to the age of 18.

**Stateless:** Some legal experts may consider most youth in this thesis as being "at risk" of statelessness, rather than calling them stateless persons, as they have not gone through the statelessness determination process. However, as this is an anthropological thesis, I focus upon the lived experiences of my participants, whose lack of full citizenship or inability to prove their nationality deprives them of their full enjoyment of rights and affects their everyday life. I recognise both *de jure* and *de facto* statelessness, as well as effective statelessness. The types of statelessness will be discussed more in detail in chapter one.

**Myanmar/Burma:** I recognise the political contentions surrounding the country’s name. I use the UN official title of Myanmar, as this is now being used more widely by scholars, other states and the NGO communities.

**Participant protection:** Throughout this thesis, I use quotations to support my arguments. Some were direct quotations taken from the audio recording; some were paraphrased taken from my fieldnotes. Due to my participants' precarious legal status, I do not attribute the date of our conversations to these quotes.

All the names of my participants and informants, including their schools, organisations and the districts related to their legal cases, are pseudonyms. However, there are two exceptions. The first is that of Mong Thongdee, who was known nationally before the time of my interview with him. The second is that of Duangtha Mongpha, whose lifestory has been previously written about by an online media platform and by a Thai scholar. Duangtha herself has also written a Bachelor's thesis and given a public presentation about her journey of seeking citizenship from the Myanmar state.

**Citing Thai sources:** Complying with the citation practice within Thai Studies and the Chicago Author-Date style when citing authors from some Asian countries, I cite Thai authors by their first name instead of lastname. For example, Pinkaew Laungaramsri is cited in-text as “Pinkaew,” not Laungaramsri.
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Chapter 1: Paradoxes of “Arendt’s children”

1. Introduction

Chiang Mai’s congested traffic on the highway during the evening rush hour is a testament to its rapid urban expansion in the last decade. Although I was driving away from the city centre, the road was still crammed with commuters in their cars and scooters, zigzagging to find space to move ahead. The rice fields once abundant on the outskirts of Chiang Mai have been replaced by the gated communities built mostly by Shan migrant workers and inhabited by middle class Thais. Ahead of me on a scooter was Kamluang, a Shan activist, leading the way to a “camp,” where some Shan construction workers and their families live. These camps are set up in obscure locations all over the city to allow workers and their families to stay relatively close to or on site until a construction project is finished.

After almost forty minutes on the road, Kamluang gave me a signal to turn left into a small lane off the highway. The recent heavy rainfall had made the dirt road muddy and full of puddles, making for a bumpy arrival. With the recent sunset and no streetlight to guide us, I drove in semi-darkness until I saw some fluorescent lights and a makeshift gate appearing in the distance. After parking our vehicles, I followed Kamluang toward the gate, picking up on various signs of life—people bathing and chatting, music on the speakers competing with the sounds of dogs barking and children playing. Once inside, rows of bamboo and tin roof dwellings emerged before my eyes. The semi-open bathing area right next to the entrance blurred the line between the public and the private. Upon seeing us, some parents shouted to their children that “The teachers are here”. For years now, Kamluang and his peers have been providing weekly after-school homework assistance and language classes to children of Shan migrants. Fearing that Shan children born, raised and educated in Thailand would lose their Shan heritage due to their lack of direct experience with the Shan state, the group dedicates its attention to fostering the children’s belonging and affinity with the Shan state through Shan language and culture classes.

Kamluang led me to our classroom—a precarious structure built on stilts above the ground that looks like it could be blown apart by a strong wind. Inside, I noticed a shrine where a Buddha image sits alongside a picture of the Thai flag. The bamboo floor creaked loudly as we stepped on it. Its fragility sent a strong message of impermanence. Although the term “camp” itself suggests a temporary nature to the settlement, in reality some camps such as this one can last
for as long as a decade, if the developers have several projects going at the same time within the same area. As I would later learn, many Shan children were born in and have grown up exclusively in camps. Although they go to Thai schools and participate in Thai society, most do not have legal citizenship and are stateless. Like the camp in which they reside, migrant workers and their children are supposed to be in Thailand temporarily, not to stay permanently. Their precarious existence and ongoing temporariness are exemplars of the economic structures of capitalism that structure their labour (Campbell 2018).

The children greeted us in the Shan language. They addressed me as “teacher” (kru) right away, and quickly prepared the space, spreading the tattered flax mats and setting up a fan to relieve the evening heat. Their ages ranged from five to fifteen—most did not have citizenship. The only ones who did were Ladda—a high school student at a well-known public school in the city centre—and her sister. The sisters had been stateless like other children in the camp until the year prior. I would later learn that their naturalisation was made possible by the type of identity card held by their father. Although both their parents migrated from the Shan state in Myanmar, only their father, who came to Thailand first, was able to obtain an identity card issued for “highland communities (not hill tribe)”. Their mother, on the other hand, held a type of identification card known as “a person-without-legal-status” or a “Number Zero Card,” which was issued as part of the government’s mass survey of undocumented persons during 2005-2009. Although holders of both types of card are considered an “alien” status before Thai law, the highland communities card has the power to provide a citizenship pathway to the offspring. Other children in the camp were not as lucky; their parents may have arrived in the country a long time ago too but did not manage to secure the same type of card that Ladda’s father had. As a result, they remained without Thai citizenship, despite being born and living in Thailand all their life just like Ladda.

These children are what Bhabha (2009, 413) calls “Arendt’s children,” whose one defining characteristic includes not in fact (regardless of whether they do in law) having a country to call their own because they are either noncitizens or children of noncitizens. While a decade ago, they were simply referred to as “migrant children” by Thai media, scholars and public,  

1 Bhabha’s use of Arendt here highlights the way in which her famous formulation of citizenship as the “right to have rights” is not singular, but reverberates intergenerationally in complex new ways among the children of stateless people. Other characteristics of “Arendt’s children” according to Bhabha (2009, 413) are that “they are minors; they are, or they risk being, separated from their parents or customary guardians” Within this term includes citizen or migrant children living in so-called “mixed status” or “undocumented families; unregistered or stateless children living in the country of their birth with their immigrant parents” (ibid).

2 See for example Bupa (2011) and Kwancheewan (2011).
now they are increasingly recognised in as nationalityless and stateless (ไร้รัฐไร้สัญชาติ). This change could partly be attributed to the #IBelong campaign by United Nations High Commissioner for Refugees (UNHCR) which aims to end global statelessness by 2024. Launched in 2014, this ten-year global campaign focuses on reviving the public interest in the longstanding issue of statelessness and attaining political commitments from the states around the world. Action plans and targets have been set to resolve this urgent global issue affecting millions of people within a ten-year timeframe. Documentation and legal instruments take centre stage of the campaign as a main way to address and prevent statelessness (UNHCR 2014b). Yet, as seen by the above ethnographic vignette, the regime of documentation is often far from stable—the state-issued documentation can be erratic and does not necessarily reflect the lived experience of migrants and other historically marginalised communities born in Thailand.

As a key target group of this campaign, “Arendt’s children” present an interesting paradox—they are particularly vulnerable, as their status is often dependent on the state’s unstable immigration policies and documentation practices affecting legality of their parents (Bhabha 2009). They are also susceptible to the public’s reception and political discourses on “illegal immigrants” (see Allerton 2017; Bhabha 2009, 2011). Yet, in many parts of the world, they are entitled to certain basic rights and documentation due to their status as children, and may not necessarily lead a daily life that is completely differentiated from other children. It was the observation of the centrality of citizenship in determining an individual’s rights that motivated Hannah Arendt’s famous formulation of citizenship as the “right to have rights” ([1951]1973). Following Arendt, political philosopher Giorgio Agamben (1998) has argued that those who lack rights occupy the status of “bare life” are completely denied the political existence and at the total mercy of the sovereign power. Despite these dire theoretical formulations, these observations often overlook the increasingly complex array of situations, the roles played by both state and non-state actors, economy and socio-political norms that contribute to blurring the lines of membership. In contrast to being “an outlaw by definition” (Arendt 1973, 283), and “rightless…scum of the earth” (267), or embodying “bare life,” these children’s existence and their everyday experience complicate the distinctions between legality and illegality.

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3 Thai legal scholars make a distinction between these two terms, which I will explain in chapter two.
4 The key focuses of the Campaigns are Identification, Protection, Reduction and Prevention (UNHCR 2014b, 2).
5 The campaign has received some critique from statelessness scholars for its emphasis on documentation, the point which I will elaborate later in this chapter.
documented and undocumented, members and non-members. As they move between the spaces of inclusion and exclusion, the 1.5\(^6\) and second-generation stateless youth highlight the continued power of institutions of state governance and regimes of citizenship in the recrafting of statelessness in the 21\(^{st}\) century.

This thesis examines the complex regime of statelessness governance in the twenty-first century through the everyday experience of stateless Shan youth in northern Thailand. Based on 13-months of ethnographic fieldwork over the course of three years (2015-2018) during the wake of the #IBelong campaign, this thesis investigates two main issues: Firstly, how do Shan youth make sense of the label of statelessness to make decisions about their future, challenge the idea of national identity, and negotiate their place within the society that simultaneously includes and excludes them? Secondly, how does the examination of their life shed light on the rhetoric surrounding the campaign and the Thai state’s approach to statelessness, which seems to assume that legibility (Scott 1998) to the state in the form of legal documentation would lead to a way out of statelessness? In examining both questions, I use the frameworks of legibility (Scott 1998) and state illegibility (Das 2004; Campbell 2017) to illustrate the complex dynamics facing Shan youth in Thailand as they navigate requirements to be “seen” by the state in order to claim membership, and the inability to fulfil the requirement due to the state’s rules and practices being “illegible,” that is unstable, contradictory and unpredictable. I elaborate on both frameworks in more detail later in this chapter. I argue that legibility and illegibility offer us a way to understand conceptually the complex and subtle ways everyday violence is experienced and negotiated by stateless persons in Thailand. Drawing from and contributing to the anthropology of the state and its documentary practices, here I share the details that shape and are shaped by stateless youth’s experience with/in the state.

2. Expanding definitions of statelessness

Contemporary debates on the definition of statelessness illustrates the complexities of the term and the variety of its interpretations. Statelessness was first legally defined in Article 1 of the 1954 Convention Relating to the Status of Stateless Persons after the Second World War. The Article states that “the term “stateless person” means a person who is not considered as a national by any State under the operation of its law” (see UNHCR 2014a, 6). This definition describes what is now referred to as \textit{de jure} statelessness, or statelessness by law. In other

\footnote{1.5 generation is generally defined as those who immigrated to a new country before or during their early teens.}
words, a person is stateless because they are not considered a national by the law of any State. Although nationality is a human right, the State has the authority to establish who their nationals are and determine whether or not to grant nationality by birth (*jus soli*), by blood relation (*jus sanguinis*), or by some combination.

Whereas previously the common causes of statelessness were wars, state succession and state dissolution, the gaps in nationality laws, according to the UNHCR, are a major cause of statelessness today (UNHCR n.d.-a). A person can be stateless, without having ever left their country of birth. However, from the perspective of human rights protection, scholars have argued that *de jure* statelessness alone does not encompass the contemporary manifestations of statelessness (Bloom et al, 2017; Bhabha 2011). *De facto* statelessness has entered common use, although there is neither an agreed definition nor any international legal framework that defines this term (Van Waas 2008, 23): *De facto* statelessness encompasses the situations of undocumented/irregular migrants and their children, who have or may be qualified for a nationality of another country, but are not legal in their current location (Bhabha 2011, 3). Van Waas (2008) outlines three scenarios that are now commonly thought to encapsulate *de facto* statelessness: “1) where a person is deprived of the enjoyment of those rights that are generally attached to nationality; 2) where a person’s nationality is contested or disputed by one or more states; and 3) where a person is unable to establish or prove his or her nationality” (24).

Both *de jure* and *de facto* statelessness reflect a lack of legal identity. Bhabha (2011) argues that there is also the third manifestation of contemporary statelessness—*effective statelessness*—which is “the inability to prove formal nationality and legal immigration status despite having both” (3). She uses the term to refer to people whose birth, family affiliation, or connection to society is not registered or otherwise provable through documents required by the state, leaving them unable to assert legitimate claim to state services (Bhabha 2011, 2).

Expansion and overlaps between these definitions of statelessness point to the complexity of the phenomenon itself, which is not simply about the gaps in nationality laws but also about the importance of documentation in proving membership. The debates and new formulations of the definition of statelessness urge us to recognise the lived experience of individuals beyond *de jure* statelessness. That a person has a right to nationality elsewhere can still render that

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7 This thesis uses “they” as a gender neutral singular pronoun.
8 Van Waas and de Chickera (2017) provide a detailed critique of this term from the international law point of view but it is not in the scope of this thesis.
individual the experience of statelessness if the state with which they have deep social, economic and emotional attachments does not recognise their moral claim to membership. As Gibney (2011) argues, the departure of these precarious non-citizens from the state may be “similar in its human costs to emigration for the citizen” (63). As the experiences of the Shan youth that I worked with in Chiang Mai demonstrate, statelessness is a dynamic experience that involves being both included and excluded. The legal statuses of stateless persons are complex, heterogenous, and, increasingly, enmeshed in the state through new practices of documentation that entail engagements with local government agencies, national NGOs, and international NGOs.

This thesis recognises and explores all three modes of statelessness among Shan youth in northern Thailand. I concur with a number of scholars that statelessness needs to be recognised as a social, political and moral issue whose causes are far more complex than gaps in nationality laws (see Allerton 2017; Staples 2012; Flaim 2017). To understand statelessness in Thailand, this thesis therefore pays attention to the contextualisation of legal instruments governing statelessness such as the Thai Nationality Act, Immigration Act and Civil Registration Act, and the social and ideological construction of “Thainess” and “alien”. As I will demonstrate in chapter two, the principles of granting nationality in Thailand are not simply the right of blood (jus sanguinis—citizenship by lineage) and the right of soil (jus soli—birthright citizenship), but also paper (particularly documentary proof of place and timing of birth). Most importantly, citizenship ultimately requires “conferral of belief” (Flaim 2017, 148) by the authorities in the claim and evidence presented by the “alien”. Causes of statelessness are therefore not simply the matter of not being legally considered a citizen by any country, but also bound up in the unstable politics of proof and recognition (Flaim 2015; 2017; Allerton 2017).

While debates and analyses in the areas such as the definitions and conceptual work on statelessness, evidentiary procedures and its problems, international frameworks on the Convention and the right to nationality have progressed in recent years (see Van Waas 2008; Bloom et al 2017; Lawrance and Stevens 2017; Vlieks et al 2017), understanding of statelessness in children and youth remains particularly understudied and under-estimated (Bhabha 2011, 2). My research fills empirical and theoretical gaps in our understanding of statelessness in youth and children combining participant observation and an ethnographic analysis of laws, policies and everyday practices. While the immediate aim of this thesis is to examine childhood statelessness in Thailand from an anthropological perspective, the wider
objective is to provide ethnographic contribution to better understand the emerging landscape of laws, policies, and actors engaged in “solving statelessness”.

3. Governing statelessness in the twenty-first century: legibility, state illegibility and legal triumphalism

“When I saw the news that the animal protection laws would be passed, I couldn’t help but think of [stateless persons’] situation. Even dogs will now be issued legal IDs and have their rights protected. What about us?”

- Somjai, a 14-year-old stateless Shan girl in Chiang Mai

The twenty-first century is marked by advancement in technology, hyper connectivity, unprecedented mobility of people and capitals; scholars of transnationalism have predicted the more limited role of the state in defining a personal identity and belonging (Ong 1999; Sassen 2000, 2005). Yet, Somjai’s remark sums up the central concern in the lives of stateless persons in the 21st century that their reality continues to be dominated by states and institutions of governance associated with national membership. Indeed, for most stateless people, legibility to the state in the form of documentation is an increasingly important goal. Despite the predictions that the state would decrease in importance and that national membership might become more flexible for some, for stateless people like Somjai, the state and formal belonging to the state remain sites of struggle and concern over belonging.

Although there are a range of international legal frameworks that speak to these concerns—including the Universal Declaration of Human Rights, the Convention on the Rights of the Child, the 1954 Convention relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness—these instruments rarely have an impact on the day-to-day lives of stateless youth. Instead, the emerging emphasis on documentation means that although these international legal instruments are valuable for shaping international debates, on a quotidian level migrants’ lives are governed by their ability to make themselves legible to the state. For those without citizenship, including those whose mobility is a result of shifting labour markets associated with global capitalism, the state remains a very concrete operating framework that governs their daily life and determines their well-being and life chances.

9 Thailand has ratified neither the 1954 nor the 1961 Convention.
While it is widely acknowledged that statelessness is complex and multi-faceted, with “no singular appropriate way to respond” (Bloom et al 2017, 2; see also Lawrance and Stevens 2017; Bhabha 2011), documentation occupies the central role in the discussion of understanding and addressing statelessness. Although, as argued by Vandenabeele (2011, 307), legal identity is in theory “a primary right that exists regardless of whether one has a document to prove this citizenship” and that “[O]fficial, government-issued and -recognized documents…do not confer legal identity; they merely confirm it,” in reality documentation (legal identification) is seen as crucial to establishing a person’s legal personhood (Lopez et al. 2014) in order to receive entitled rights and social protection. Given its importance, documentation is championed by agencies such as Plan International and UNHCR as an important step toward statelessness reduction. Some scholars, however, have noted this emphasis on identity documents as an “end game” or as a means to unlock rights and reduce statelessness, could inadvertently strengthen exclusion, undermine universal human rights, and place “evidentiary burdens” on the stateless (Reddy 2015b; Kingston 2017; Flaim 2017; Lawrance and Stevens 2017). The campaign has also been called out for its “documentary fetishism” and “glorification of identity artifacts as an endpoint of the plan’s intervention” (Reddy 2015b). As put by Kingston (2017), the current legalistic focus on citizenship provision tends to ignore the subtle question of statelessness as both a cause and a symptom of marginalisation. The campaign acknowledges neither the instability of the regime of documentation issuance, nor the fact that an identity document can be a commodity with the market of its own (see Sadiq 2008). Far from being neutral and simply instruments of bureaucratic organisations, “Documents…rather are constitutive of bureaucratic rules, ideologies, knowledge, practices, subjectivities, objects, outcomes, even the organizations themselves” (Hull 2012, 253). Despite these important socio-political dimensions of documents and practices of documentation, they are noticeably absent from the campaign.

Within statelessness scholarship, documentation practices and politics of proof receive considerable attention as subjects of inquiry (see Lawrance and Stevens 2017). The volume by Bhabha (2011) also highlights the importance of engaging with the state structures leading to exclusion, as well as the need for historisation and contextualisation of identity documentation and immigration control (e.g. Alfirev 2011; Szreter 2011; and Kerber 2011). I argue that anthropology, particularly anthropology of the state, can offer a productive way of examining

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10 I am unable to attribute the page number to these quotations, as they are taken from an unpublished piece of work with no page numbers.
the governance of statelessness, within and beyond the context of documentation practices. In this thesis, I use the framework of “legibility” (Scott 1998) as a central analytical tool to capture the relationship between the state and the stateless. To Scott, legibility is a central issue in modern statecraft (1998, 2); a modern state seeks to “see” and “know” its population using various legibility tools in order to assert control. Among these tools are population registration and identification. I also draw on anthropological scholarship to shed light on how the regime of identity documents is used to transform subjects into state artifacts; the complexities of individual circumstances are simplified and reduced to “facts”. An anthropological analysis of the regime of identity documents demonstrates that its highly unstable nature not only represents structural violence but also allows room for manipulation by individuals (see Sadiq 2008, 2017; Pinkaew 2014).

I argue that legibility also constitutes a central problem for the stateless, whose hope relies on being “seen” and “counted” by the state as a full member. Legibility to the state in the form of documentary evidence therefore sits at the core of the interactions between bureaucrats and stateless people. Yet, beyond simply noting the ways that seeing occurs through registration, I expand Scott's notion of legibility to argue that one can be “seen” in multiple ways—by documentation, by perception of the public, by performance of belonging (expressed through “techniques of the body” (Mauss 1973) and performances of loyalty in the form of national rituals and cultural forms). Formal and informal membership are then conferred by these various types of legibility. For example, a stateless person lacking legal eligibility to become a citizen can still be “seen” by the public and the state as deserving of citizenship if they accomplish complete performance of belonging. Conceptualised in this way, legibility permits unexpected space for stateless youth to exert their agency despite their common portrayal as completely deprived of rights and living a dejected life.

With statelessness scholarship largely dominated by legal scholars, the state tends to be portrayed as a unified entity that can be known to the fullest extent, with laws and bureaucracy as its rational instruments. Anthropologists, on the other hand, have long grappled with the difficulty of studying the nature of the state (see Abrams [1977] 2006) and, as a result, reject a conceptualisation of the state as an orderly and coherent entity. Instead, anthropologists

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11 In this thesis I use Sadiq’s term “state artifacts” to refer to identity documents and their functions as tools of the state to create a “standard citizen” and as well as tools to enable agency for their holders. These dual characteristics complicate and problematise the efficacy of the tools (2017, 168).
studying the state argue that while the state has the “appearance” of structure (Mitchell [1999] 2006), it is in fact incoherent, multi-layered and contradictory—a product of everyday practices (see the volume by Sharma and Gupta 2006; Das and Poole 2004). Its effects—how the state is engaged and experienced—depend on how the state itself is imagined, experienced, and, importantly, enacted by multiple agents. For this thesis, I share Das’s definition that “the state is really a congeries of institutions, agencies, and agendas at different levels that are not necessarily well connected with each other” (2004, 55). Ethnography, as anthropology’s hallmark methodology, can help scrutinise this incoherent nature of the state (Gupta 2012, 45), revealing the multiple layers and irrationality of both laws and bureaucracy. Instead of simply explaining the persistence of statelessness as gaps in nationality laws (UNHCR 2014b) or the failure and ambivalence of policymakers (Bhabha 2011, 22), anthropology of the state demands critical engagement with the state and laws, not as taken-for-granted realities, but as products of our everyday practices.

I argue that seeing the state, laws and bureaucracy in this light allows for a more nuanced understanding of both the everyday impact of statelessness and the structural violence of the current policies and approaches enacted to resolve it. In this thesis, I draw on the anthropological framework of “state illegibility” (Das 2004; Campbell 2017) to encapsulate the systemic violence and burden placed on stateless persons by the state’s opaqueness, inscrutable, contradictory and unpredictable bureaucratic practices surrounding documentation and immigration policies. State illegibility, according to Veena Das, makes the legal and the illegal in everyday life become hard to distinguish for the affected group that fails to “read” the state’s rules and understand what is happening (2004, 231). Stephen Campbell further argues that state illegibility produces “uncertainty and insecurity for those at whom the practices are directed. Rather than aberrant, this illegibility is centrally constitutive of the state itself” (2017, 318-19). In other words, the state requires stateless persons to be “legible” in the form of documentation, while the state itself is illegible and unaccountable to the people. Although state illegibility is most obvious in documentation issuance and immigration and citizenship policies, there are various manifestations, which I shall demonstrate in more depth throughout the thesis. I argue that this dynamic of legibility and state illegibility is representative of the structural violence experienced by stateless persons. My usage of structural violence in this context is inspired by Gupta (2012, 47), who argues that structural violence can help “underline how such indifference or violence does not need to be intentionally caused by a particular agent. A disaggregated view of the state makes it possible to open up the black box of
unintended outcomes by showing how they are systematically produced by the friction between agendas, bureaus, levels, and spaces that make up the state”.

As with the state, laws and legal instruments are often positioned as a rational vehicle for justice, separate from other realms such as economy. In her thought-provoking but unpublished critique of the #IBelong campaign, Reddy (2015b) remarks on the absence of the role of capitalism and its manifestations including economic migration and neoliberal policies in the campaign’s discussion of statelessness. She asks, “Why does economy play such a distortedly minimal role in the UN’s thinking on statelessness when we know that questions of legality and the recognition of status are inevitably entangled in the processes of capitalism?” (2015b). Instead, statelessness is framed to be caused by gaps in the legal system, and as a result, “Law is therefore centrally defined…as both an ailment which causes and a treatment that ameliorates the problem of statelessness” (Reddy 2015b). Reddy devises the concept of “legal triumphalism” to explain this rhetoric of law as “an autonomous sphere of social life, available to improve, ameliorate and reform the social more broadly,” which I find extremely pertinent in illuminating the dynamics between law, legibility and state illegibility. I elaborate on this framework in chapter six to illustrate how my participants experience and internalise legal triumphalism in their journeys to resolve their situation of statelessness.

4. Framing of statelessness in northern Thailand

Home to more than half-a-million stateless persons, Thailand is considered a priority country for the campaign. The Thai state has been praised by UNHCR for having “strong political will” and for continuing to take “courageous steps” in addressing statelessness (Bangkok Post 2019). The commendations are backed by the statistics of 23,000 citizenship granted to stateless persons since 2011 (UNHCR n.d.-b), and by the recent revision of a government guideline to create a pathway to Thai nationality for more than 60,000 stateless students in the country (Bangkok Post 2019). Thailand therefore provides a unique case study for the reality of modern-day statelessness, which is neither simply the lack of rights nor the lack of

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12 This concept was first cited in Allerton 2017. It was based on a paper presented at the Symposium on Statelessness, Kenan Institute for Ethics, Duke University in 2015, which was co-convened by Flaim and Reddy. Dr. Malavika Reddy kindly shared this paper with me through our email correspondence. Flaim also made a similar argument in her dissertation (see Flaim 2015).

13 There is no accurate number of stateless persons in Thailand. Depending on the source, an estimate can range from 486,440 (Institute on Statelessness and Inclusion, 2018) to 2.5-3 million (The International Observatory on Statelessness, n.d.)
documentation. Instead, the Thai state has devised a complex scheme of identity documents to differentiate, demarcate and govern (social and physical) mobility and belonging of its non-citizens, which I shall elaborate further in chapter two.

Similar to the approach of #IBelong, statelessness in Thailand is framed first and foremost as an issue of legibility to the state. Understanding the type of identification card and the meaning behind the ID numbers is often insisted upon by legal experts and activists as a starting point of “curing the statelessness disease” (รักษาโรคไร้รัฐไร้สัญชาติ). Other medical terms such as “symptom” (อาการ), “diagnose” (วินิจฉัย), and “eradicate” (กำจัด) have been applied to statelessness by those working on the issue in Thailand, implying it as an abnormality, a disease or a virus that requires being contained from spreading. In contrast to the normal condition called citizenship, statelessness stands at the margin as an at-risk condition that must be rectified before it gets passed on from one generation to the other. Such medical metaphors not only reinforce state hegemony and a state-centric view of a personal identity, but also implies that statelessness can, and must be, engaged with clinically and scientifically. The appropriate responses for statelessness, as positioned here, require it to be diagnosed (through documentation), treated (through fair bureaucracy) and eradicated (through legal instruments).

Over the course of my fieldwork, I met many devoted government officials and NGO workers, who tirelessly advocated for important changes to improve the rights of stateless persons. I read many official correspondences and announcements that urged local state officials to be efficient and fair in facilitating citizenship applications. The commitment shown by these individuals deserves recognition, as it has led to positive changes to the situations for a few of my participants, some of whom have finally received citizenship. Others, who previously had not been documented at all finally received some type of identification. At the same time, my fieldwork has revealed continued disconcerting distance between the Thai state’s narrative of an efficient and impartial process in granting legal identity to stateless persons on the one hand, and the lived experience of my participants on the other hand. My research also outlines some of the deeply rooted negative attitudes of many bureaucrats toward non-citizens that remain a norm rather than an exception. Waiting and uncertainty remain the key features of the path toward citizenship. Despite the seemingly clear policy guidelines, it is still difficult for my participants to understand what to do to apply for Thai citizenship or an identity document.

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14 “Curing statelessness” is part of the titles of several handbooks (see Udomket 2009; Venus 2009) written by legal experts in Thailand. The term was also used in several workshops I attended during my fieldwork.

15 This thesis only makes these observations but does not situate itself in the field of medical anthropology.
Almost all of my participants mentioned still having to pay under the table to get that to which they are legally entitled. Thus, while my informants—both stateless youth and their advocates—have worked tirelessly to become legible, the state itself is often completely opaque and illegible to those being governed by it. This dynamic between governance through legibility and the navigation of the illegible state stand out as fundamental to defining my informants’ predicaments.

In examining the complex entanglements of bureaucracy, documentation and statelessness, the thesis builds on and extends the works of scholars who examine the limits of an evidentiary approach and the burden of proving citizenship as experienced by many stateless persons around the world (see the volume by Lawrence and Stevens 2017, particularly chapters by Flaim 2017; Lawrance 2017; and Sadiq 2017). I also draw much insight and inspiration from Amanda Flaim’s (2017) work on documentary “evidence” in citizenship application processes among the highland communities in Thailand, Malavika Reddy’s (2015a) analysis of modes of documentary practices, and Pinkaew Laungaramsri’s thorough studies on the complex regime of identity cards issued to aliens in Thailand (2003; 2014; 2018). These works critically expose the myth of fair bureaucracy and highlight the unstable regime of documentation. They also reveal how the lived experience of statelessness as observed in northern Thailand is a condition of unfolding, messy entanglement and partial legal belonging to the Thai state, as opposed to not having any relationship or any bond to any state at all. In place of an imagery of being isolated and adrift, a key feature of being stateless in Thailand is one of being bound—legally bound to a category of “alien” assigned by the state and the type of ID card they possess, physically bound to a province under which they are registered, and socially bound to limited occupational choices. Thus, although the image of rightlessness and total marginalisation are often used to portray statelessness, it is in fact the complicated relationships between inclusion and exclusion, mobility and immobility, fixity and flexibility, and legibility and state illegibility that express themselves most powerfully at the level of the everyday statelessness in northern Thailand.

16 Stateless highlanders and other persons without legal status are physically confined to a province under which they are registered. Until 2016, they were only eligible to hold one of 27 specified occupations. See ‘Thailand’ United Nations High Commissioner for Refugees (https://www.unhcr.org/ibelong/imvisible-thailand). See also Grisada (2017a, 23).
5. Stateless children at the margins of the research agenda and the state

5.1 Children in migration and statelessness research

Despite anthropology’s long interest in childhood, Allerton (2016, 3) argues that “…it is only relatively recently that ethnographic research with children in and of itself….has come to be recognized and promoted”. In migration studies, Dobson (2009) observes the positional progression of children from being regarded as extensions of their adult counterparts to a source of anxiety and finally active agents meriting attention in their own right. A decade since Dobson’s review sees important child-centred research on a range of issues from children’s role in transnational migration (White et al. 2011), second generation youth’s transitional lives and identity (Levitt 2009; Alba and Waters 2011; Portes et al. 2016), to the 1.5 generation Latino youth’s awareness of their illegality (Ríos-Rojas 2011; Gonzales 2011; Gonzales and Chavez 2012), and refugee youth’s adaptation to a host country (Rossiter 2015; Qin et al. 2015). I draw on the literature surrounding 1.5- and second-generation immigrant youth as valuable sources in understanding (il)legality, liminality and the dynamics of identity negotiation of the “unauthorized yet recognized subjects” (Sassen 2002), whose daily life simultaneously occupies the realms of inclusion and exclusion. The “illegal” participate in communities alongside the legal residents and citizens. However, much of these works focus on the contexts of North America—particularly Latino populations in the United States—and Europe. By comparison, migration research on children in Asia tend to be predominated by topics such as education, and health and well-being outcomes within the contexts of internal migration in countries such as China and India (Choi et al. 2018). Another dominant theme in migration studies in Asia is that of the “left-behind” children which has occurred as a result of labour migration (see Asis 2006; Lam and Yeoh 2019). The nexus between labour migration and statelessness in children within Asia remains relatively underexplored.

Within statelessness studies, children and their lived experience similarly sit at the margin of the research agenda dominated by legal and political theorisation. The serious effects of statelessness on children had been ignored and under-examined until recently (Bhabha 2011). The edited volume Children without a State: A Global Human Rights Challenge by Jacqueline Bhabha (2011) is among the first to bridge this gap in statelessness scholarship. In this

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*Notable exceptions are the works of Allerton (2014; 2017); Rozali et al. 2015; Ball 2017; Ball et al. 2015) but much of these works focus on the context of Sabah, Malaysia.
important volume, Bhabha positions statelessness as a child-rights issue because children are peculiarly dependent on states (13). She argues that there are two aspects to this dependency: “all children depend on states for basic services, and many children depend on states when their families fail them” (ibid.). Stateless children and youth’s vulnerable condition and reliance on the state unsurprisingly leads to their certain depiction. Allerton (2014, 27) observes that in printed and web-based materials, the image commonly attributed to stateless children is that of being “lost” or “lacking an identity” or belonging to “nowhere”.^19^

While the precarity and vulnerability of stateless children and youth are undeniable and need to be acknowledged, these portrayals could lead to a problematic unifying representation of their experiences. Firstly, positioning the state as the children’s sole provider of services, protection and membership may downplay the critical role of non-state actors such as diasporic communities, NGOs and other citizen and non-citizen actors in the life of these youth. Secondly, as pointed out earlier, stateless children do not necessarily feel they belong to “nowhere”—they can feel a strong sense of rootedness and belonging to a place in which they live (ibid.). It is therefore simplistic to equate a lack of formal citizenship with a lack of belonging. While being stateless is a psychologically crippling condition (Bhabha 2011, 6), I argue it does not necessarily affect all youth and children in a universal and uniform fashion. Instead, my research suggests the need to pay attention to how legal exclusion impacts children and youth at different stages in their life, as their relationship with and reliance on the state change with age, (socio, cultural, political and religious) contexts, and increased awareness of their own legal situation.

5.2 Stateless youth at the margins of the state

It is not an overstatement to say that stateless children and youth, so far, occupy the position at the margins of both research agenda and the state. As a discipline, anthropology tends to speak for (or at times with) those at the margins (Das and Poole 2004, 4). I share Das and Poole’s view that as much as exception is a necessary component of the rule, the margins are a necessary entailment of the state (ibid). Through engaging with how stateless youth in northern Thailand experience and make sense of their legal label as stateless, I intend to shed light on

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^19^ An example includes the “Nowhere people”—a photograph series by an award-winning photographer Greg Constantine, who has spent over a decade capturing the struggle of stateless persons around the world. See more at https://www.nowherepeople.org/main
larger social processes, legal instruments and cultural norms with regards to membership and exclusion.

6. Ethnic Shan youth and complexities of modern statelessness

While the widespread statelessness among highlanders in northern Thailand—one of the longest-standing situations of protracted exclusion in the world (Flaim 2015)—is well-documented (ibid; see also Flaim 2017; Feingold 2002; Toyota 2005; Chutima 2006), statelessness among children of migrants has so far received comparatively less attention partly due to their contentious and obscure legal status (Allerton 2017). I have chosen to focus on ethnic Shan children of migrants for five key reasons.

Firstly, diverse legal categorisation of the Shan by the Thai state captures state illegibility and diverse realities of statelessness in Thailand. Although identified as a unified social group by the Thai public, the legal categorisation of the Shan by the Thai state is diverse due to the different waves of migration from the Shan state of Myanmar to northern Thailand and the Thai state’s erratic registration practices. The Shan exemplify the complexity of statelessness in a migratory transit and destination country such as Thailand and the unstable geopolitics of the border zone. A person who moved across the Thai border in the 1990s may have been classified at the time as “a highlander (not hilltribe)” or “a displaced person with Burmese nationality”, but someone moving across the same border for the very same reasons after 2000s would be classified as a “temporary labour migrant,” or even a “person-without-legal-status”.\footnote{Darunee Paisanpanichkul (2005) and Pinkaew Laungaramsri (2014; 2015; 2018) have documented the complex categorisation of “aliens” by the Thai state and its subsequent issuance of various types of identity cards in details. See Darunee (2005); Pinkaew (2014, 151-155).} This politics of classification, while unstable and arbitrary, can profoundly affect the life chances of the children. If, for example, their parents are registered as temporary labour migrants—a status that implies legal belonging to another state—the children are, in turn, at risk of not being recognised as stateless regardless of whether they actually hold citizenship in another country. In other words, that the Shan occupy various arbitrary non-citizenship categories offers us an important window into the political, highly unstable and complex membership regime in Thailand. As previously mentioned, statelessness in Thailand, as with elsewhere, is best understood within the framework of the politics of recognition (Staples 2012; Allerton 2017), which may have contributed to these gaps in citizenship laws.
Secondly, the legal circumstances of some stateless Shan youth, whose parents are officially registered as temporary labour migrants, highlight an important question regarding the definition of statelessness. Can these youth be considered stateless if it is legally possible for some of them to obtain Myanmar citizenship following their parents, who have obtained Myanmar passports under the labour requirement (some may say coercion) of the Thai state? Or should they be considered *de facto* stateless as they lack protection and rights in the country they live in and consider home? Although this dilemma is rather technical and pertaining specifically to both national and international laws, I aim to provide anthropological insights to both the subtle and not-so-subtle violence brought about by the legal frameworks, categorisations and definitions. The thesis considers the following thought-provoking scenario: what if statelessness is preferred to having a nationality that one does not identify with?

Thirdly, as “Arendt’s children”, ethnic Shan youth are the product of migration brought on by global capitalism. Their existence forces us to acknowledge the linkage between statelessness and labour migration regimes. Since the turn of the 21st century, the Shan and other migrant workers from the Greater Mekong Sub-region (GMS) have constituted the key workforce in the Thai economy. No longer bound to community life in the rural areas and border towns as in the imaginings of the Thai scholars (see Farrelly 2009), the Shan are now found everywhere—working in urban Chiang Mai, Bangkok, and touristic Southern Thailand. They are in a variety of industries, ranging from farming to hospitality. They live and work closely alongside their Thai counterparts and yet are continually construed as the obscure “Other” by the Thai state and media. Despite repeated crackdowns, common experiences of getting arrested and harassed by the police, and maltreatment by employers, the Shan are here to stay (Farrelly 2009). The question is, where in the economy? With better access to education and more open policies, do the Shan youth of this generation fare better than their parents? The empirical questions that guide my research in this aspect include: What do they decide to study for higher education? Where do they end up in the workforce? How do they envision their future? How do the deliberate policy decisions to solve statelessness shape the trajectories of these youth? Exploring these empirical questions could offer valuable insights to the nexuses between legality and life trajectories, as well as labour needs and statelessness.

Fourthly, the lives of Shan youth born after the millennium provide a window into the regime of simultaneous inclusion and exclusion, which I argue to be one of the important features of statelessness in the twenty-first century. The expansion of the rights of non-citizen “Other” in the age of human rights has led to significant policy changes in some crucial areas. Between
2005-2009, the Thai state implemented the “strategic plan to solve legal status issues” by conducting massive countrywide surveys and issuing a “person-without-legal-status” identification card, which permits a non-Thai holder to temporary reside in Thailand for ten years. Since 2005, all children in Thailand have been entitled to basic education, regardless of their legal status. The amendments made to the Civil Registration Act in 2008 allow universal birth registration to all children born in the country regardless of their legal status. Since the launch of #IBelong in 2014, the door to Thai citizenship has been made to appear more open through various legal and policy changes. Partial social and legal incorporation means that compared to the generations before them, many of my stateless participants view their experience of growing up as “normal” and were not truly aware of the implications of not having citizenship until later. It is usually not until they reach teenage years (from around 13 years old) that they become aware of their “abnormal” legal condition and the barriers imposed on their social and physical mobility. In contrast to total exclusion, the type of everyday violence they encounter is much more nuanced and might not be recognised as “urgent”. Observing the transition of legality awareness sheds light on the confusing and emotional experience of statelessness.

Finally, the Shan’s legally classified status as a “non-hilltribe” group by the Thai state and their portrayal by Thai studies scholars provide interesting insight into Thainess itself. Despite their cohabitation at times with other highlanders, the Shan have never been considered a “hilltribe” in the Thai national imagination. Amporn (2012, 218-219) attributes the reasons as being their tendency to reside in lowland valleys and their socio-cultural practices of wet rice cultivation and Theravada Buddhists, which they share with the Thai (see also Eberhardt 2006). In his examination of the modern Thai academic formulations of the Shan (Tai) and transborder community, Farrelly (2009) reveals certain, often romanticised, interpretations of the Shan community are used to support a discursive subversion of the nation-state border demarcation. The result is, in the Thai accounts of the Shan, the distinction between the Thai and the Tai is often minimised or made absent. Farrelly notes that in many scholarly works in the last few decades, the Shan village community’s perceived “authenticity” include characteristics such as primordial, collective, ecologically benevolent and socially benign (2009, 68 and 73). Among Thai scholars of border studies, “The cultural similarities between the Shan and the Thai is

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21 Also known as a zero card due to its first digit, or a ten-year-card as it allows a holder to reside in the country for ten years.

22 “Normal life” here is minimally defined as being documented, having a right to reside, a right to education and healthcare.
used to argue for cultural irrelevance of the border. The fact that the Shan and Thai share a particular type of authentic local community is a key element in the assertion of this regional transborder community” (78). While such imaginings by Thai scholars constitute a larger project of subverting the nation-state, Farrelly argues that “the discursive inclusion and homogenisation of the Shan in this T(h)ai realms overlook some of the more pressing realities of Shan life along Thailand-Burma border and elsewhere” (68). This critique is pertinent in the contexts of labour migration and the current regime of resolving statelessness in Thailand. Perceived cultural similarities to the Thai brings little value beyond being viewed as a trustworthy migrant worker. In fact, not being classified as a “hilltribe,” who are considered having been there longer and more “indigenous,” may lead to them being perceived as a non-priority group.

6.1 Responses of stateless Shan youth to their conditions of statelessness

Based on the above reasons, ethnic Shan youth make an interesting group to study the complexities of statelessness and the unstable practices of the state. One of the main focuses of this thesis is to understand how these youth make sense of the label of statelessness and negotiate their place within the society that simultaneously includes and excludes them. Their lived experience and response to statelessness broadens our understanding of their agency and constraints. As mentioned earlier, I use the concept of “legibility” beyond the context of documentation. In chapter five, I explore how stateless youth employ various strategies of “being seen” to negotiate their belonging and inclusion, while at the same time challenging the parameters of who gets to belong and be included.

Another form of agency exercised by youth is seeking documentation. Although undocumented migrants can falsely acquire documents to access rights and entitlements available to citizens, as shown by Sadiq (2008), and that “documentary pragmatism” (Allerton 2017) is not uncommon among the undocumented, my research suggests tremendous emotional burden and sometimes worse outcomes for Shan youth in seeking legality through such documentary practices. Having been socialised within the world of “legal triumphalism”—the sphere within

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* Some informants (including state officials, stateless activists and highlanders) I interviewed expressed their opinion that the Shan, especially those who migrated to Thailand after the 1990s, are neither indigenous nor “authentically” statelessness, and therefore should not be a priority of the Thai state. For more information on the “indigenous movement” among highlanders, see Morton and Baird (2019).

* Allerton (2017, 258) uses the term to describe “a distinctive attitude toward identification documents that is likely to be common in other contexts with long-term refugee and irregular migrant populations (cf. Redclift 2013, 313–315).
which law reigns supreme and identification is reduced to documentation (Reddy 2015b)—some of my informants have sought legality through obtaining documentation that undermine their actual belonging and lived experience. As I will discuss in chapter five, the legal option taken by some youth may have rid them of de jure statelessness but left them with the reality of de facto statelessness. These responses to statelessness elected by Shan youth not only reveal pressure facing young stateless persons, but also bring to light the constraints and violence of legal triumphalism.

7. Methodology, field sites and positionality

7.1 Ethnography and anthropology as storytelling
As a research method, “Ethnography is a mode of knowing that privileges experience” (Das and Poole 2004, 4), thus providing rich and important insights into social relations and the lived experience of the researched. By paying attention to the quotidian and the mundane, ethnography allows the experiences and perceptions of the participants to unfold and articulate social structure. At the same time, ethnography of “critical events” (Das 1995; Tarlo 2003) also “provides a view onto a moment of intense social and political dynamism when a whole range of actors….were brought into interaction” (Tarlo 2003, 6). In this thesis, both modes of ethnography are used to examine the everyday experience of statelessness within the era of the global campaign.

This thesis is also an expression of anthropology as theoretical storytelling (McGranahan 2015). Narratives are central to anthropological studies; anthropologists tell stories all the time (Maggio 2014, 90; McGranahan 2015; Bönisch-Brednich 2016). McGranahan (2015) defines anthropology as theoretical storytelling as “a discipline engaged in explaining, understanding, and interpreting cultural worlds as well as in developing theoretical paradigms large and small for making and making sense of cultural worlds”. One way this can be achieved, argues McGranahan, is through an ethnographically-grounded way of approaching theory. Referencing Hayden White (1980), McGranahan argues that theoretical storytelling is both content and form. Stories help people make sense of the world and of themselves. Narrative provides a way to think about human experience beyond the individual level to social analysis (Rosaldo 1989); narrative analysis “can forge connections between personal biography and social structure—the personal and the political” (Reismann 2004, 708). Storytelling, as put by Jackson (2002, 15), is also “a vital human strategy for sustaining a sense of agency in the face
of disempowering circumstances (15), allowing storytellers to express their agency and rework the events, “both in dialogue with others and within one’s own imagination” (ibid).

Narratives therefore feature centrally in my work in multiple ways—as a way to bring my participants’ lived experience and their lifeworlds to light, a window to their agency, an analytical muse and an expression of my mode of experiencing and thinking about the world (White 1980). Reck (1983, 9) highlights how narratives require us to be reflexive: “…narrative anthropology both reflects and supports a truly reflexive anthropology. Since narrative anthropology demands a greater self-consciousness concerning the myriad of issues involved in translating the ethnographic experience into a written description, it is an integral part of a reflexive anthropology which demands that we seriously examine what it means to do anthropology”. As an ethnographer and an anthropologist, I am not only the recipient and re-teller of stories; I am also a participant and a co-producer in some of those stories. The power of stories goes beyond to make an argument; we are changed by the stories we listen to, by the stories we tell (Frank 1995; Bönisch-Brednich 2016; Maggio 2014, 90), and by the stories we participate in.

Bönisch-Brednich (2016, 204-205) suggests multiple ways of conceptualising the stories told by migrants in order to understand migrants’ experience, one of which is “the stories of belonging, of mapping genealogy: Where am I from, how has this changed and might change further; where do I belong to; foreseeing a migrant identity; expressing liminality?”. These questions of belonging and liminality are central to my participants’ view of self. Because they are also the questions I—an academic migrant, a halfie, an endo-ethnographer—grapple with, they play a central role in the way I notice and interpret the narratives of my participants. Personal stories can be “the means by which identities may be fashioned” (Rosenwald and Ochberg 1992, 1); they can reveal to us the dynamic process of identity (re)construction as my participants search for belonging and place within the experience of liminality.

As put by McGranahan (2015), we tend to tell stories to get to the point, but “the stories are the getting, they are the there”—they are the point. Inspired by McGranahan’s view of anthropology as theoretical storytelling, I use the stories told about stateless youth, or by stateless youth (and retold by me), as a vehicle not only for theoretical argument, but also for the storied lives lived by my participants (McGranahan 2015).
7.2 Field sites, fieldwork organisation and timing

Chiang Mai is commonly considered the second most important city in Thailand and a major destination for various waves of Shan diasporas who have sought refuge here from prolonged oppression, discrimination and poverty imposed by the military junta in Myanmar. The city was previously the capital of the Lanna Kingdom before being incorporated into Thailand around 1893. The city’s history, geographical proximity to the Shan state and urban economy have made Chiang Mai a central hub of Shan settlements (Amporn 2012). As most of my participants are, to a large extent, socially integrated into Thai society, they are not the usual research target. I have not come across other ethnographic research that focuses on the everyday experience of citizenship and belonging of young participants with similar profiles to mine.

My 13-month-long PhD ethnographic fieldwork in Chiang Mai spanned over an extensive period (September 2015-January 2018). I employed a wide range of ethnographic methods, including participant observation, various types of interviews (structured, semi-structured, informal, focus-group) and photo elicitation. In total, I conducted over 100 interviews and meetings with stateless youth, parents, NGO workers and state officials. My core group of participants consisted of 15 youth, whom I got to know from various settings and maintained regular contact over the period of my fieldwork. The long-term nature of ethnographic research has earned me the trust from my core participants and their families, and allowed me to observe the changes in their attitudes, identification and outlooks over an extended period of time. In parallel with the ethnographic fieldwork, I also conducted textual analysis of relevant policies and the Thai state’s official communications materials regarding statelessness.

I divided my fieldwork into three phases. As my interest was in Shan children who were socialised in Thai society and had received Thai education, I chose to conduct participant observation at three public schools in two urban districts as a volunteer teacher during the first phase (September 2015-February 2016). The first school offers only primary education (kindergarten until grade 6), while the other two offer education until middle school (grade 9). All three schools have a very high enrolment rate of stateless Shan students. Every year, these

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25 For more information of these waves, see Amporn (2012).
26 Bryant (2005) notes that most published research on immigrant children seems to focus on highly disadvantaged groups such as children of sex workers, and urges research attention on “mainstream migrants, or comparing migrants with the surrounding population” (iv).
27 The Thai educational system is the same as the American K-12 system—public education runs from kindergarten until grade 12.
schools collaborate with a volunteering abroad agency to have western and Chinese volunteers visit the schools for a week and do activities with the students in order to allow them to practice and improve their English. Unsurprisingly, my presence was welcome due to my fluency in the English language and my education abroad. Some of my former students over the age of fifteen became my core participants.

In addition to being a volunteer teacher at these schools, I also spent the first phase of fieldwork forming relationships with various NGOs whose work focuses on Shan youth and statelessness. I attended various conferences, citizenship trainings and events organized by these NGOs. At these venues, I met youth who became my core participants. I conducted participant observation at their homes, workplaces, and school. I also used a snowball technique to recruit other participants with whom I conducted semi-structured interviews and followed up with every month or so.

During the second phase (August 2016-January 2017), I carried out participant observation in various settings from NGO workshops, youth’s workplaces, government offices, family homes in urban neighbourhoods and the settlements of construction workers in the outskirt of the city. I spent three evenings a week at two construction sites as a volunteer teacher. I also had opportunities to attend several high-level intergovernmental meetings, NGO events and workshops on statelessness and a fieldtrip with National Human Rights Commission.

The last phase (December 2017 and January 2018) was a follow-up period, where I conducted semi-structured interviews and “deep hanging out” (Geertz 1973) with my participants at their homes and workplaces and learned about major life decisions or obstacles they faced during the year. I also accompanied one participant to a district office near the border between Thailand and Myanmar to address her legal status, which I discuss in more detail in chapter three. In between each fieldwork phase, I kept in touch with many of my participants through an online chat platform called LINE and through phone calls.

The timing of my fieldwork coincided with the #IBelong campaign that was launched in 2014. My first year of fieldwork, 2015, also overlapped with other significant political moments relevant to stateless Shan youth. Firstly, it coincided with the 10-year-anniversary of the “Education for All” Cabinet Resolution to provide the right to education to non-Thai children, prompting a call for reflection on its impact and areas of improvement by those involved. Secondly, it was the year that Aung San Suu Kyi’s National League for Democracy claimed a sweeping victory in Myanmar's General elections, sending waves of optimism among the Shan.
diasporas. Thirdly, it was the last year of the post-2015 Development Agenda, which saw the UN agencies rushing finalise their consultations. Education for migrant and displaced children were considered a very urgent issue in need of multilateral collaboration. Fourthly, Thailand’s own volatile politics and the climate of oppression were prominent as the 2014 coup leaders were trying to establish the “order” in the country. Finally, 2015 marked the official launch of the ASEAN Economic Community (AEC)—a major milestone in regional economic integration, which promises freer movement of skilled labour. Although the AEC clearly focuses primarily on economic cooperation and not on a regional identity, it became a buzz word everywhere I went. Every school child has been taught to memorise all the “cultural facts” of the AEC member countries such as simple salutations, flags, capital cities, and national costumes. Although none of my participants and those I met had a clear idea of what AEC exactly entailed or its mechanisms, the hype in 2015 was big enough to make believe that borders within ASEAN would be more open and that we all belonged, temporarily, to a single community, and that a regional identity would override a national identity.

7.3 Positionality

Allerton (2016) notes the anthropologists’ curious silence on reflecting on the process of undertaking ethnography with children. I intend to contribute to breaking this silence by engaging and interweaving reflexivity throughout my work.

In a highly stratified society such as Thailand, aspects of my identity, particularly my upper-middle class status, gender (female), western education and life overseas, contributed to my access to certain ethnographic data and the dynamics of my relationship with my participants. Having spent nearly half of my life outside of Thailand, I am positioned as a halfie researcher, “whose cultural identity is mixed by virtue of migration, overseas education and parentage” (Abu-Lughod 1991, 137). The halfie identity is a useful space to foreground the positionalities of postcolonial researchers (see Narayan 1993). Not only does it challenge the traditional dichotomy between “native” and “other”, between “home” and “field”, it also highlights the

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28 The Post 2015 Development Agenda was a process led by the United Nations during 2012-2015 to define the future global development framework that would succeed the Millennium Development Goals which expired in 2015.

29 Namely engineering, nursing, architecture, medicine, dentistry, tourism, surveying (framework) and accountancy (framework). For more information, Koty (2016).
complex process facing a researcher in negotiating insider as well as outsider identities in a transnational fieldwork (Subedi 2006, 587).

This halflie identity, which I reflect upon in greater detail in chapter four and five, has made me stand out to my youth participants as distinct from other adults they know. Cheney (2007) observes how foreign ethnographers tend to enjoy a natural affinity with children due to their perceived status as “less-adult” than other adults. I similarly benefitted from such “foreignness”—I find that my participants were able to quickly identify my halflie status through my body language or certain choices of my words. Some participants have explicitly told me how I do not represent or embody Thainess in the same way as other Thai adults and authority figures that they know. With my participants’ keen interest to learn more about life outside of Thailand, I was able to share my lived experiences in different countries as an icebreaker and a rapport-building tool. To some participants, I have become their confidante with whom they share their dreams, fears and worries. At the same time, they are also aware that I am a middle-class Thai citizen, whose social and cultural capital they can call upon. In other words, my halflie identity has permitted me to move vertically within the Thai social hierarchy but also be positioned within it. My challenges as a halflie are similar to other researchers who have returned home to conduct research and have to negotiate an insider/outsider status throughout the process (see Kondo 1990; Sheoran 2012).

During my fieldwork, I made a conscious decision to stay at my parents’ home located in a quiet neighbourhood in urban Chiang Mai. While convenient, its proximity to some of my participants’ homes and schools at first made me feel uncomfortable to confront the gaps in our wealth and personal situations. My social mobility is derived from my physical mobility (namely living in the Western societies deemed as more developed than Thailand). By contrast, for my Shan youth participants, their statelessness and immobility result from their parents’ south-south, often irregular, labour migration—the very process that fuels Thai economic growth. At the same time, I was conscious that my participants were already aware of our different statuses; pretending otherwise would be disrespectful to them. It became evident to me that a more productive perspective was to acknowledge our shared lived reality and environment. Doing so allows us to understand that the world of the stateless is not entirely separate from us—they do not live obscurely elsewhere; they live among the citizens in the same society. I have also found that truthfulness and acknowledgement of the power and wealth
imbalance can be the best way to forge trust and makes the ethnographic process more natural. This is not to say that it all went smoothly or that I did not feel any sense of guilt or being voyeuristic as often experienced by the researchers examining the lives of marginalised children (see Allerton 2016; Montgomery 2016). There were also times that I was faced with a dilemma of what my role as a researcher was, and whether I had to act on behalf of my participants. I discuss some of these challenges of being an adult in a child’s world in this thesis and continue to reflect upon them, as my relationships with my participants do not end with the fieldwork.

My previous work experience within the civil society sector in Thailand has allowed me to access sites and information that may not have otherwise been made available to other researchers. Several times during my fieldwork, I was unexpectedly invited by various NGO leaders to attend several high-level intergovernmental meetings and other exclusive events. I also benefitted from my social network and familiarity with interacting with the bureaucrats and policymakers. My relationships in the field therefore extend beyond the scope of my youth participants.

8. Thesis overview

This thesis is organised into two parts. The first part focuses on state illegibility and the social and legal production of statelessness in Thailand. Chapter two contextualises statelessness in Thailand within the historical project of nation-building, and interrogates how the cultural logics of Thai citizenship laws, policies and documentary practices over the last century are linked with global political trends and labour needs. In doing so, it demonstrates the inherently unstable nature of state illegibility within the politics of membership. The chapter also examines the role of documents, as the state’s primary tool of “legibility” and classification of the non-Thai “others”, in creating and perpetuating what I call “the hierarchy of statelessness” in Thailand.

Chapter three investigates the Thai state’s rhetoric of “diagnosing nationality” or “diagnosing statelessness”—an “objective” assessment of statelessness through an examination of the types of state-issued documents possessed by a stateless person (or lack thereof). It critiques the

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30 Allerton (2016) shares a similar observation. She found that her undocumented participants were already aware of her different status. Once she herself acknowledged that difference and took the children on day trips to the beach, she found that the ethnographic process became more relaxed for her.
framing of statelessness as an issue of legibility to the state, with an assumption that once a stateless person is “properly seen”, due recognition will follow. Through three ethnographic accounts, this chapter demonstrates that a recent push toward a documentary “diagnosis” and “evidence-led” approach in solving statelessness, while well-intentioned, risks framing a root cause of statelessness as an individual’s neglect and inability to provide the required documents, thus shifting responsibility and downplaying the state’s own “illegible” practices and marginalisation towards ethnic minority groups.

Part two, which comprises of chapters four, five and six, focuses on how Shan youth in northern Thailand experience and respond to conditions of statelessness in the everyday. This part highlights the regime of simultaneous exclusion and inclusion that governs statelessness in the twenty-first century. Chapter four demonstrates how statelessness is something many of my participants have had to “learn” to understand as part of their identity and, as a result, have had to “recalibrate” their futures, hopes and dreams accordingly. It also highlights how statelessness affects youth and children in different stages in their life.

In chapter five, I explore the ways in which appearances, and specifically the body, help mediate membership for stateless Shan youth. I utilise the concept of “aesthetic citizenship” to describe the ways in which youth seek to be “legible” to the state and the public through their body and how appearances matter for mediating belonging at the level of the everyday. Sometimes aesthetic citizenship serves as a mode of camouflage; sometimes it helps the Shan youth to demonstrate their Thainess. The complex tensions between visibility and invisibility, legibility and illegibility, thus heighten the importance of the aesthetic as a means of marking one’s belonging in spite of a lack of legal status.

Chapter six compares three Shan youth’s experiences of seeking legality. I argue that my participants, like many children of migrants, struggle to have their social facts of attachments recognised by the state within which they have been raised and consider themselves a member. This chapter explores various acts of “recalibration,” which involves “dwelling” (with the situation), “respairing” (hoping after having lost hope) and waiting. I also explore the implications of the evidence-led approach to solving statelessness. It argues that it may solve one category of statelessness yet lead to another category.

Finally, the epilogue summarises the contribution of this research project and suggests future directions of research, including life after obtaining Thai citizenship. I also provide the final reflections on my research experience.
PART 1:

State Illegibility and the Social and Legal Production of Statelessness in Thailand
Chapter 2: Cultural logics of Thai membership and statelessness

Introduction

This image and quote of the late King Bhumibol kept appearing during my fieldwork in various locations ranging from the training session on Thai citizenship laws organised by an NGO network on statelessness to the official letter of instruction on addressing statelessness issued by the Ministry of Interior to provincial governors. For those mobilising for citizenship rights of stateless persons in Thailand, the call for inclusion and standardised treatment toward the non-citizen “Other” by the figure commonly esteemed as the “father of the country” holds a legitimising effect. For Thai policymakers, the very same quote is interpreted as a reminder that statelessness is not only a problem of individual human security but that of the national security. For a researcher examining statelessness such as myself, the quote represents a fundamental aspect of statelessness—that it is an issue of (social, moral and political) recognition (Allerton 2017, 251).

Note

31 The late King’s words were referenced in an official letter issued by the Ministry of Interior on 12 May 2016. I will discuss this letter in more depth in chapter three.
If nationality is “...a linkage between the State and the individual, often on the basis of birth on the territory or descent from a national” (UNHCR 2014c, 22), or “a legal bond having as its basis a social fact of attachment, a genuine connection of existence, interests and sentiments...” (ICJ 1955, cited in Sawyer 2011, 69), how does the Thai state justify denying nationality to those who meet its definition? Thai policymakers maintain that the condition of statelessness in Thailand is unique, comprising two interconnected manifestations—nationalityless (ไร้รัฐ) and stateless (ไร้สัญชาติ). As emphasised by Grisada Boonrach, the Minister of Interior in 2017:

I want to emphasise again that the terms ‘stateless’ and ‘nationalityless’ contain two meanings. ‘Stateless’ refers to a person who is **not accepted as a member by any state in the world**, but the term “nationality-less” refers to a person who **lacks documentation to prove his/her nationality**. Therefore, the two terms are interconnected...

The origin of aliens in Thailand is unique. The term **alien** refers to people who have no nationality, but in Thailand there are two groups. The first group consists of those **who immigrated from outside** of the country into the Thai kingdom. The second group might differ from the [situation in] other countries. They are those **who were born in Thailand and may have lived here for generations but are not considered to be Thai** and therefore are aliens.

Source: Grisada (2017a, 28-29; my translation and emphasis)

The above excerpt of the Minister’s speech reveals a few fundamental characteristics of how statelessness is conceptualised and (re)produced in Thailand. Firstly, being stateless (“not being accepted as a member by any state in the world”) is understood to be interconnected to being nationalityless (“lacking documentation to prove his/her nationality”). An insinuated correlation between exclusion from membership and exclusion from documentation gives an important insight into the perpetual production of statelessness. Secondly, a person is not a Thai national by virtue of being born and having lived in the country for generations. A person

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32 While this 1955 definition by the International Court of Justice (ICJ) emphasises a genuine connection, the UNHCR’s handbook on the protection of stateless persons under the 1954 Convention (2014c, 22) notes that, “There is no requirement of a ‘genuine’ or an ‘effective’ link implicit in the concept of ‘national’ in Article 1(1)”.

33 Despite their technical differences, the two terms are often used in conjunction with each other in Thailand.

34 Mr. Grisada Boonrach is no longer the Minister of Interior at the time of this thesis publication. During his tenure he published a few articles on “Statelessness situation and Thailand’s solutions” (see Grisada 2017a, 2017b and 2017c).
can still be an alien in Thai law, if they are “not considered to be Thai”. In other words, a right to Thai nationality is not necessarily guaranteed by *jus soli* (right of soil) but by being recognised as a full member. Thirdly, nationality here is not framed as an inherent human right but is a status made “real” by documentation. Most interestingly, it is possible for the state to publicly acknowledge some people’s social ties to the country for generations (as in the excerpt above) but still deny their legal recognition as Thai nationals.

In a similar vein, Phunthip Kanchanachittra Saisoonthorn (2006), a prominent law professor and influential expert on statelessness in Thailand, argues that there are two sub-groups of stateless persons in Thailand: those without a state (*rai raat*) and those without a nationality (*rai sanchaat*). The nationalityless are the habitual residents in Thailand, “whose rights are protected by the Thai State but who have neither Thai nor any other nationality” (2006, 52). On the other hand, the term “stateless” refers to “persons who are *de jure* or *de facto* stateless but who do not enjoy the protection provided to persons who are ‘nationalityless’” (ibid). However, Phunthip does not specify what the “protection” entails. In my interview with NGO workers, many cannot distinguish the difference between the two terms. Even in the full script of the speech above, the Minister vaguely mentioned how the two concepts were related but did not elaborate much further. However, the discussions of these two manifestations are often dominated by the specific aspects of law; a socio-historical analysis of what constitutes a Thai national—the anti-thesis to a nationalityless and stateless person—rarely feature.

This chapter examines the entanglements of these terms through the lens of past and present state illegibility in the social and legal production of Thai nationals, “aliens” and the regime of documentation. I interrogate the historical, political, social and economic forces that determine recognition of individuals by the state within the context of the nation-building project of modern Thailand. With discrimination against minorities being one of the key causes of statelessness globally (de Varennes 2019), it is not a coincidence that most stateless persons in Thailand are the “ethnic minorities” residing in the northern region. To understand why they are not recognised as “real Thais”—to use the late King’s words—despite their long term residence or birth in this country, we must scrutinise the regime of membership and

35 With the exception of Phunthip (2006)’s article on “Development of concepts of nationality and the efforts to reduce statelessness in Thailand”. However, Phunthip’s piece is from the legal perspective and does not engage with the politics of citizenship.

36 There are other stateless groups found in other parts of the country such as the Moken, a maritime mobile population in the Andaman sea, but they constitute a much smaller group as compared to the North.
documentation within the twentieth-century nation-building project. In doing so, this chapter sheds light on the importance of historicisation and contextualisation of nationality laws, policies and social practices in order to understand their legacies and impact on stateless persons today (see also Alfirev 2011; Szreter 2011; and Kerber 2011).

The objective of this chapter is two-fold. First, by demonstrating that the legal bond of nationality between the state and the individual can be more fluid than primordial, more haphazard than logical, and more political than simply a “legal fact,” I call attention to the role of politics and economy in the production of both the nationals and the stateless, and thus disrupting the narrative of legal triumphalism. Drawing on Thai studies scholars and historians (Streckfuss 1993; 2012; Vandergeest and Peluso 1995; Thongchai 1994, 2000; Keyes 2002), and Thai legal scholars (Phunthip 2006; Darunee 2005; Kritaya 2014), I reiterate how boundaries of membership in Thailand and its related legal instruments have historically been shaped, and continue to be reconfigured, by historical contingencies, global political and ideological shifts and economic forces. Statelessness is therefore a social by-product of state-making, and a legal category resulted from state’s self-interest and illegibility.

Secondly, I also engage with the history of legibility practices, as the volatile boundaries of membership is perhaps most evident in the convoluted schemes of state artifacts (i.e. identification cards). I draw on the works by Pinkaew Laungaramsri (2003; 2014; 2015; 2018) to illustrate how the diverse types of non-Thai identification cards have been used to categorise and govern “aliens” at the margins of the state. The enforcement of the identification cards is the state’s attempt to assert control and simplify the complex identity of those at the borders into “a permanent, indelible identity which is lasting, unchangeable, always recognizable and provable” (Pinkaew 2003, 148). At the same time, this system of identification has historically been, and remains, chaotic, inconsistent and arbitrary (Pinkaew 2003, 156)—a clear manifestation of state illegibility. I demonstrate that the unstable cultural logics of membership and inscrutable scheme of documentation have not only caused and sustained statelessness in Thailand, but have turned statelessness into a hierarchy of hope. As each category of non-Thai identification card varies in their rights and “conversion power” into Thai citizenship, statelessness becomes partially a differentiated existence, mediated by a state/documentary artifact. It seems that being stateless, much like being a Thai citizen, is not an either/or matter,
but a question of degree." In other words, while all stateless persons in Thailand are, by definition, excluded from citizenship, some (the nationalityless—rai sanchaat) are legally classified and positioned to be closer to attaining citizenship than others (the stateless—rairaat). Recognising this hierarchy and state illegibility with regards to the notion of membership are crucial to understanding the nuances of the lived experience of statelessness.

This chapter therefore provides a broad background of membership during the pre-modern and modern Thai nation-state. It engages with the examples of the relationships between the Thai state and various ethnic groups beyond the scope of the Shan to allow the pattern of state illegibility with regards to membership to emerge. It is divided into three parts. The first examines the colonial influence in creation of the ethnic/racial model of membership in Siam towards the end of the twentieth century. The second part examines how the legal instruments governing membership such as the Nationality Act and Civil Registration Act are the products of the nation-building project of the modern Thai state. The third part focuses upon the history of the complex regime of legibility, particularly the scheme of documentation applied to non-Thai subjects, including labour migrants. In doing so, I expose state illegibility in the context of documentation practices, as well as explain in part how this convoluted scheme has resulted in a hierarchy of statelessness.

**Part 1. The colonial influence on the logic of race as membership**

To understand who counts as Thai, one must seek to understand the history and the complex configuration of race/ethnicity, territorialisation and nationality—a task that requires tracing back to the expansion of European colonial powers in the late nineteenth century. The commonly accepted and widely-taught narrative of Thailand is that it is a non-colonised country, whose culture and tradition have remained “intact” and untainted by colonisation, suggesting continuous and “pure” historical existence. However, works by scholars of Thai studies and history such as Keyes (2002), Thongchai (1994; 2000), Streckfuss (1993; 2012) and Vandergeest and Peluso (1995) disrupt this narrative and instead examine the key role of

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37 This observation is inspired by McCargo (2011, 841) who argues that “All Thai people may be citizens, but some Thai people are more ‘citizenly’ than others”.

38 Due to the limited scope of the chapter and the nature of this thesis, I am unable to attend to all the policies and laws that govern statelessness in Thailand. Rather, my focus is to demonstrate the shifting boundaries of membership. For the more information on the Nationality Act 2008, Registration Act and other policies see Kritaya (2014); Grisada (2017a, 2017b, 2017c); and Nationality Act 2008 itself.
colonialism in the construction of Thailand as a modern nation-state. Streckfuss (1993, 124) argues that “the most profound menace [of colonialism on Siam] was ideological”. This part draws largely on the works of Streckfuss (1993, 2012) to explain the colonial influence on the ‘Thai race nationality model,” which transformed the multi-ethnic kingdom into a racially/ethnically unified nation of Thai-land in the early twentieth century.

Until the mid-19th century, Siam was an empire with a vast array of polities and ethnically heterogeneous populations (Streckfuss 2012, 420). Its regime of belonging was that of “flexible subjects,” where membership was based on self-identification, residence, labour and “voluntary submission” from tiny chieftdoms towards the more powerful lords in exchange for protection (Thongchai 1994). Under the Pre-modern Siamese membership model, subjects were ethnically differentiated but equal in status as Siamese—Thai Siamese, Lao Siamese, Malay Siamese, Khmer Siamese, Chinese Siamese etc. (Streckfuss 2012, 425). This diversity and flexible belonging, however, became a liability for Siam as the Colonial powers looked to take a foothold in Southeast Asia during the late nineteenth century (Streckfuss 1993; 2012).

Using an anthropological “logic of race” and linguistic “evidence,” the French questioned the legitimacy of the Bangkok elite—how could a Thai minority have the control over diverse non-Thai populations in Siam such as the Lao and the Cambodian? (Streckfuss 2012, 421). By demarcating the racial boundaries of the Thai, the French attempted to limit sovereignty of Siam to the Chaopraya River basin (Streckfuss 1993, 141). Economic and military pressures were put forward by the French and the British, who insisted on Siam mapping its territories (see Thongchai 1994; Vandergeest and Peluso, 1995).

With the questions of territory, race and ethnicity being in the forefront of colonial thinking, King Chulalongkorn (Rama V, r 1868-1910) and his administration in Bangkok sought to retain Siam’s independence by learning to “speak” the language of the colonial powers and “see” Siam and its subjects under the ethnic/racial lens. Administrative concepts and tactics such as

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40 Such logic was common among pre-modern Southeast Asian empires, where power was organised as a mandala: centralized, radiated outward, and diffusing and declining with increasing distance (Tambiah 2013). Tiny chieftdoms in the boundary regions between ruling centres could submit themselves to more than one superpower (ibid; Vandergeest and Peluso 1995; Thongchai 1994). Sovereignty were thus overlapping and allegiances frequently shifting depending on ebbs and flow of power (Thongchai 1994).

41 In the estimation of the population of “the various nations” in 1850s Siam by the French Bishop Pallegoix showed that the “Siamese or Thai” population was smaller than all the ethnic groups combined (Streckfuss 2012, 420-421).

42 Tracing the language used in Treaties between Siam and France at the turn of twentieth century, Streckfuss (1993, 140) notes the changes in the language of how Siam refers to itself and its subjects. The title of the Siamese king changed from the ‘Lord of Life of Siam’ to the King of "Thai-land" (somdetphraaachathabadii
ethnic and racial classifications of its subjects, cartography, militarisation and etiquettes were adopted as tools of governing subjects (Thongchai 1994; 2000). Siam therefore engaged in what Streckfuss (1993) calls “reverse orientalism”—appropriation and application of European notions of race and identity to create the “Thai” as a major racial category to subsume other ethnic groups such as the Lao, the Cambodian and the Vietnamese and justify the right to govern these groups. Observing the convergence of Western anthropology and the dynamics of internal politics in nineteenth century Siam, Keyes (2002) points out that the view of race/ethnic qualities as something to be determined scientifically continues today in Thailand, resulting in “the creation or reification of ethnic distinctions that have become significant in social relationships” (Keyes 2002, 1164).

According to Streckfuss (2012, 142), turning an ethnically diverse kingdom into an ethnically homogenised nation-state entailed two related administrative processes. The first involved rearranging and absorbing anthropologically derived racial categories into the superior Thai race. The second was creating governmental practices to make these categories “real”. A case in point was how the Lao in Siam, previously seen as a distinct ethnic group despite linguistic similarities, were “discovered” to be a branch of the Thai “self”. Through anthropological and linguistic redefinition, the Lao were “absorbed” by being filed under the Thai, or Siamese race in Siam’s first census in 1904. This “racial absorption” meant the total of the Thai population rose dramatically. Thai racial boundaries were extended to match Siam’s existent territorial limits (Streckfuss 1993).

The newfound racial unity provides a critical foundation for cultural logics of membership in modern Thai nation-state. Streckfuss (1993, 140) argues that by merging the concepts of a Thai national (chon chaat Thai), the Thai race (chaat, chua chaat Thai), and Thai citizenship (sanchaat Thai) under the single malleable term chaat (the nation), all people living in Thailand became Thai “citizen-subjects” or of the Thai nationality. By 1902, in the Treaties between Siam and France, Siamese nationality (nationalité siamoise) was translated as Thai nationality.

\[ pbramahaakasat haeng prathet thai \] in 1902. His realm was recast from the catch-all krung sayaam (Siam city/kingdom) to the imperial raatcha-aanuajik thai (Thai Empire, or simply "Thai-land").

During the earlier reigns of the current Chakri dynasty, the attitude of superiority of the Thai and the distinction was still strictly maintained. Presence of Lao was associated with drought in lower Chao Praya river basin and fines were imposed on anyone found to be playing khaen, a Lao instrument (see Streckfuss 2012, 419). Now, khaen is considered a traditional Thai musical instrument.

Item 7 of the “Explanations” section of this Census explains that there was no proof that the Lao are ethnically distinct from the Thai race. The Bangkok ruling class, led by Prince Damrong Rajanubhab, the Head of the Newly created Ministry of the Interior, developed a new racial logic that the Lao were actually Thai who spoke so strangely that the people in Bangkok had mistaken them as Lao (Thaveesil 1988, 5 cited in Streckfuss 2012, 422)
(sanchaat thai or chaat thai), referring to any person under the legal jurisdiction of Siam (ibid). In other words, the ideological shift was made into an official reality through administrative practices—Thai nationals were written into being. The result was “the appearance of a Southeast Asian country in which the ‘arbitrary’ borders just happened to match precisely the geographic limits of the ‘ethnic’ group” (Streckfuss 2012, 142-43). This ideology has profound implications for current statelessness in Thailand, as those perceived to be ethnically different are also perceived to be incongruous with Thai nationality (see also Flaim 2017).

The demographic absorption, or rather historically obliteration, of the Lao into Siam reflects a broader paradigm shift in the way membership was conceptualised and controlled beginning in the twentieth century. In addition to creating the Thai race as a superior category to include all speakers of the Tai languages, the Bangkok-based government began adopting colonial administrative techniques and institutions. Previously, geographical conquest was never of much interest to Siamese kings as it was the control of labour that mattered more than claims of terrains, mountains, and rivers (Akin 1975). Due to colonisation, territorialisation came on suddenly and rapidly to the region as a result of the global processes of statemaking (Vandergeest and Peluso 1995, 391). With Siam’s first map in 1887 came a new notion of sovereignty and boundary, as the map turned physical space of small chiefdoms into political space of incorporated subjects (Thongchai 1994). Alongside cartography, Europeanising the military institutions was a priority during this period—key military bodies such as the Royal Body Guard and the Ministry of Interior were established (Vandergeest and Peluso 1995, 397).

Thongchai explains the importance of the military that, “Without military force, mapping was inadequate to claim a legitimate space. But military presence was always legitimised and substantiated by a map. Mapping and military force became a single set of mutually reinforcing technologies to exercise power over space” (Thongchai 1994, 126). Territorialisation and centralisation of local administration throughout the newly mapped country also transformed

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45 Vandergeest and Peluso (1995, 398) explain how the move to territorialise and militarise at the turn of the century must be further contextualised under economic pressures set off in part by the 1855 Bowring Treaty with the British, which Siam was forced to sign under the threat of military attack. Among the effects of the treaty were Siam’s increased dependence on external market and the eventual abolition of slave labour, which was replaced by wage labourers from China.

46 Changes included “a permanent, paid volunteer force (rather than a militia mobilized by corvée) and a salaried officer corp trained in a palace military school” (Vandergeest and Peluso 1995, 397).

47 Thongchai (1994, 126) argues that maps have “played a part in actively structuring Thailand in our minds as it has come to represent not only territory but also nationhood and its many of its accompanying meanings and values”.

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layers of nobles and local lords into salaried officials and were sent to govern the newly created provinces (Vanderveest and Peluso 1995, 398).

The administrative relationship between the centre (Bangkok) and the periphery (the provinces) and ideological construction of the latter by the former are crucial to understanding why statelessness persists mostly in the periphery, especially the northern highlands. While those in the Chaopraya River basin and the northeastern region had come to identify themselves as Thai as a result of both administrative “racial absorption” as shown earlier, the highlanders living in the periphery were excluded from such homogenising project. In the Art of Not Being Governed, Scott (2009) describes the historical mistrust and tensions between the lowland pre-modern state and the state-evading hill communities. The hills, according to Scott (ibid.), were “the shatter zone”—the zone of refuge—for those wanting to escape from state power and intentionally withdrew to the periphery. The highland stateless societies were depicted by pre-modern states as those left behind by civilisation, as “civilisation can’t climb hill” (Scott 2009, 20). In Siam, highland communities had long been constructed by the Bangkok elite as strange and uncivilisable, thus the anti-thesis to the civilised “Thainess” (Thongchai 2000). Even the official label ‘chao khao’ is indicative; the translation can be double-entendre as “peoples of the hills” and “the Other” (Pinkaew 2003, 163). To the Bangkok elite, membership—like “civilisation”—stopped at the foothill. The highland communities would not be “seen” and “counted” by the Thai state until much later.

In this part, I have examined the legacies of colonialism in Siam’s logic of race, territorialisation and membership, which resulted in the conflation of race and citizenship by the beginning of the twentieth century. It also led to the demarcation of territorial boundaries, which perfectly matched the demarcation of racial/ethnic boundaries (Streckfuss 1993).

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48 In The Art of Not Being Governed, James C Scott (2009) paints a particular picture of hill peoples in the Zomia region, spanning from Southern China to northeastern India and Vietnam. These hill peoples in Zomia share marginal existences (geographically and socially), independence, history of escaping state subjugation/incorporation, similar social structure, religious beliefs (or lack thereof), and geographical ruggedness that makes it hard for the areas to be governed/accessed by states. Hill peoples were targeted by states to ensure that their modes of production were legible to/appropriable.

49 Being civilised was one of the main preoccupation of Thainess. I discuss this notion more in details in chapter five.

50 Khao can mean “hills”. It is also a third-person pronoun — “other”.
Part 2. The social and legal production of Thai nationals and “aliens”

To understand the production of nationals and “aliens” in the modern Thai state, I will start by tracing the historical development of the Nationality Act, the Immigration Act and the Civil Registration Act. Each was enacted and amended at different points in time, resulting in a complex regime of membership that is based not only on *jus sanguinis* (right of blood—parentage), *jus soli* (right of soil—birthright), but also on documents (paper) and the timing of birth (year). This citizenship regime reflects the argument by Sadiq (2017) that in the Global South, legal institutions and evidentiary documentation (what he calls *jus charta, jus tabulae*) are not only designed to confirm citizenship—they matter more than the legal principles (*jus soli* and *jus sanguinis*). In this part, I will also demonstrate how the unstable legal definition of a Thai national epitomises state illegibility and cements the fact that the “legal bond of nationality” in Thailand is intimately linked to the unstable politics of recognition.

2.1 From customary law to the first Nationality Act: homogenising Thailand

Phunthip (2006, 40-41) maintains that while “Thai nationality” was an imported concept from the west, there existed already a comparable concept called the “Thainess of people” (*kwam pen Thai* ความเป็นไทย) in customary law since the era of Sukhothai kingdom (1279-1438). According to Phunthip, this membership status was granted through *jus sanguinis* (lineage) and royal decree (equivalence of naturalisation). This customary law continued during the Ayutthaya era (1359-1767), where many foreigners were granted royal decree, ennobled and appointed to important positions. Intermarriage between Siamese and foreigners was also not uncommon. Although physical distinction was imposed upon certain groups to differentiate between the Siamese and foreigners, such as through coiffure and clothing in the case of the Chinese, it was possible to become Siamese by adapting to Siamese ways (Skinner 1957; Phunthip’s usage of the term “Thainess of people” could be seen as problematic as it suggests that the concept of Thainess was timeless and pre-existing prior to, instead of as a result of, the official creation of Thai nation-state. As demonstrated earlier, Streckfuss (1993; 2012) argues that the Thai was one of the various ethnic groups residing in multiethnic Siam. Phunthip clarifies that the “Thainess of people” was equivalent to the western concept of nationality (41).

Phunthip considers Sukhothai Kingdom the “first historical period of the Thai state”. This view reflects the official Thai state-prescribed narrative of Thai history. Phunthip considers Sukhothai Kingdom the “first historical period of the Thai state”. This view reflects the official Thai state-prescribed narrative of Thai history. Phaulkon took a leading role in shaping King Narai’s foreign policy.

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52 Phunthip considers Sukhothai Kingdom the “first historical period of the Thai state”. This view reflects the official Thai state-prescribed narrative of Thai history.
53 To illustrate membership granted by royal decree, Phunthip refers to a well-known case of a Greek adventurer Constantine Phaulkon, who became prime counsellor to King Narai of Ayutthaya and was given the noble title Chao Phraya Wichayen. Phaulkon took a leading role in shaping King Narai’s foreign policy.
Pinkaew 2003). Therefore, as mentioned previously, membership was largely fluid and based on self-identification.

According to Phunthip (2006, 41), statelessness did not exist in Siam prior to 1913, as the concepts of the state and nationality were unknown to the Siamese. These concepts were introduced during the reign of King Vajiravudh (Rama VI, r 1910-1925), Siam’s last absolute monarch. Hailed as the “Father of Thai nationalism,” Vajiravudh was deeply influenced by European nationalism during his education in Britain, and as a result, initiated the project to turn Siam into a modern nation-state. Vajiravudh strove to have all his subjects unified under the mono-ethnic label of “Thai” and have the Thais recognised as a separate people, internally and externally. “Reverse orientalism” was taken to another height during his reign—being formalised through legal Acts and bureaucratic practices, and spreading through social consciousness and “culture.” To promote a sense of Thai nationalism, Thai nationals must first be created. In 1911, he enacted the Naturalisation Act (ปรบ. แปลงชาติ) and instructed the Ministry of Foreign Affairs to oversee the naturalisation process of non-Thai persons deemed to have been, or having the potential to be, fully assimilated into Thai society. Children and spouses of a naturalised person were automatically naturalised—Thai nationality was therefore granted to all family members, not only to the applicant. That the Naturalisation preceded the Nationality Act iterates that the main concern at the time was about legally turning non-Thai subjects into Thai—the strategy known as ‘Thai-isation’ (kan klai pen thai) (Pinkaew 2014, 146). Despite its title, the Naturalisation Act (valid from 18 May 1911- 12 February 1952) is considered the official first Nationality Law in the country (Phunthip 2006).

When the 1913 Nationality Act was enacted, the term “Thai nationality” was explicitly mentioned for the first time (Phunthip 2006). With assimilation and racial/ethnic “absorption” as the objective, the 1913 Nationality Act recognised jus soli, regardless of the parents’ legal

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54 In his piece on the Chinese, Skinner (1957) notes that intermarriage between Siamese women and Chinese men was common, even among the elite. However, with distinction between the two ethnic groups being made legally (requirement to be registered under Thai patrons or the Chinese masters) and by physical appearance (in coiffure and clothing), children of mixed marriages were required to make a choice whether to identify as Thai or Chinese. With each successive generation, acculturation factors were intensified and eventually, those with Chinese lineage during pre-modern Siam all came to identify as Thai, with the Thai name, Thai mother tongue, Thai clothing and hairstyle and Theravada Buddhist faith. Many elite Thai families today are descendants of the Chinese ennobled during Chulalongkorn’s reign (Skinner 1957, 242).
55 Siam became a constitutional monarchy in 1932, and subsequently changed its name to Thailand in 1939.
56 As an avid artist, Vajiravudh also initiated patriotic marching music and the performative arts in promoting nationalism. Chapter 4 discusses further the performative aspects of nationalism and citizenship.
57 The criteria involved what Skinner (1957) calls ‘social intercourse’ with Thai society either through marriage, proven significant contribution to the country.
status. With all persons born within the territory becoming Thai nationals, the lowland peasants became “equal” citizens of the new state (Phunthip 2006; Flaim 2015, 35). Even though those residing in the remote borders may be qualified in theory to receive Thai nationality under the 1913 Nationality Act, they were neither surveyed nor counted until almost half a century later by virtue of them living far away.

It is worth noting that both the 1911 Naturalisation Act and 1913 Nationality Act define neither citizenship nor its rights and obligations (Phunthip 2006; Pinkaew 2014, 146). Pinkaew (ibid) argues that this absence of elaboration on the legal bond between the state and its members meant citizenship in this early period was “a somewhat ambiguous notion of incorporation that did not yet enter the realm of administrative apparatus”.

Equally loose were the Thai state’s border regulation and civil registration, with the first Immigration Act not enacted until 1950 and civil registration and issuance of personal identification cards not implemented nationally until 1962. As a result, Pinkaew (2014, 147) observes that “To be Thai or not to be Thai remained a political and cultural choice which could be maneuverable,” particularly among Chinese immigrants during these early years of nationalism. Such a possibility, however, became increasingly more difficult with the progressively more restrictive nationality laws and the development of a state identification card system in the middle of the twentieth century.

2.2 Intensification of Thai nationalism and creation of “aliens”

Siam became a constitutional monarchy in 1932, but the promise of democracy was short-lived. The first of many coup d’états took place only a year later in 1933. The nationalism project, however, was carried on by the regime which Thongchai (2000) calls “Thai chauvanistic rattaniyom” (state prescriptions) under the military dictator Pibulsongkram, who ruled during 1938-1944 and 1948-1957. However, it is worth noting that while nationalism under

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58 Together with the Naturalisation Act, it granted Thai nationality widely, “regardless of whether alien parents had entered the Kingdom legally or illegally, or whether the alien parents had the right to reside in the Kingdom temporarily or permanently” (Phunthip 2006, 43). Phunthip (2006) credits the “open” membership model of these early Acts as Vajiravudh’s vision to avoid ethnic conflicts he witnessed in Europe. As seen earlier, Streckfuss (1993; 2012) offers another explanation; ethnic homogenisation was necessary for Siam’s survival and independence from colonialism.

59 While Thai nationalism and Thai nationality were imposed from the above, it was not without resistance and personal agency. Phunthip’s rendering of history insinuated smooth legal and social implementation of Thaiisation, but Saichol (2005, cited in Pinkaew 2014, 146) notes the resistance of other groups, particularly the Chinese immigrants, as Chinese nationalism among overseas Chinese was rife at the time.

60 Pinkaew (2014, 146) also notes that although a naturalisation certificate was issued to naturalised nationals, its usage in everyday life was ambiguous—it was neither considered a national identity document nor a document of mobility control by the state.
Vajiravudh aimed at turning others into Thai (through Naturalisation Act and *jus soli*), nationalism under Pibulsongkram aimed at defining Thainess through constructing boundaries on Thai identity. To further cement the “imagined community” (Anderson 1991) of Thais, Pibulsongkram also officially changed the name of the state from Siam to Thailand in 1939. Creation and promotion of Thai national identity and culture became a nation-wide long standing project, to the extent that there was the Commission for National Identity which had had to define Thainess (Thongchai 1994, 4). Central Thai language was established as the official language. The flag, national anthem, the royal anthems and many other march songs were created during this Rattaniyom period to create the unified narrative of the Thai people as peaceful non-aggressive and freedom-loving people, who are also brave and heroic when required. Thongchai (2000a) argues that understanding of what Thainess constituted was achieved through “negative identification” to sharpen the contour of Thainess—the uncivilised highlanders represented the “Others Within” — a convenient contrast to the Thais. Thainess, consciously constructed and imposed by the state, became a moral justification for exclusion of those it deemed as non-Thai “Other”. As argued by Pinkaew (2003, 161), Thai nationalism has another function beyond creating a unified national identity: it produces internal threats and enemies.

Under Pibulsongkram, the Thai membership regime became tightened as nationalism soared. Enacted in 1952, the third version of the Nationality Act was noticeably less open than the previous ones. The Chinese, who previously had some agency in making a choice to identify as Thai or Chinese, were the targets of aggressive discrimination and assimilation policy.

Restrictions were placed on granting nationality based on *jus soli*—only those with Thai mothers can claim *jus soli*, causing the children born to Thai fathers and foreign mothers unable to obtain Thai nationality despite being born in the country. Another discriminatory legislation was immediate revocation of nationality, if a *jus soli* Thai national accepted an identity card.

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61 In chapter five, I discuss the creation of Thainess, particularly etiquette, in more details.
62 In addition to national rhetoric, this was achieved through various art forms including travel stories, plays and poems depicting the “Others” within the Thai territory as “wild” and “savage” (see Thongchai 2000).
63 From 1948-1955, Chinese migrants in Thailand faced serious measures of control by the Thai state. Chinese schools were shut down and those that remained had to go through an intensive process of Thai-ification, namely having Thai language classes, recruitment of Thai teachers and curricula (Skinner 1959, 139). Within the period of 8 years, the number of Chinese primary schools and students fell from 410 and 175,000 to 152 and 50,000 respectively.
64 As mentioned earlier, intermarriage between Siamese women and Chinese men was common during the Ayutthaya period, even among the elites. However, Skinner (1957) notes a decline in assimilation after the new wave of Chinese labour immigrants were imported to replace corvée labour. During 1900-1947 increases in Chinese female migrants meant decreased intermarriage between Chinese men and Siamese women. This policy therefore targeted this phenomenon.
issued to an alien. However, these two provisions were annulled by the Ministry of the Interior in 1957 in response to the growing influence of the ethnic Chinese (Phunthip 2006, 46). These early logics already indicate an unequal status of *jus soli* as a principle of membership, and an unstable regime of documents.

The legal status of the Chinese labour immigrants in Thailand during this period was akin to that of de facto stateless persons; their situation was also comparable to that of many of my participants and their parents. Even though they were born in China, they were not necessarily registered as there was no birth registration system in China until 1951 (Li et al 2010). With the Naturalisation Act annulled by Pibulsongkram in 1952, those who failed to convert their alien certificate into Thai nationality by then became permanent aliens and *de facto* stateless. So were their offspring in subsequent generations, although they could continue to reside in Thailand with an alien certificate.

Being an alien in Thailand became increasingly difficult under Pibulsongkram’s regime due to further restrictions on livelihoods. Between 1949-1952 several Acts were passed to reserve eighteen industrial and service occupations for Thai citizens. A law passed in 1956 also stated that half of the employees of any class of businesses employing 10 or more persons must be Thai. The 1953 Military Service Act stated that persons born to “an alien father” shall not be called into active service. To pass as Thai, short Chinese last names were abandoned in favour of the elaborate and long Thai names. Some of these Acts remained active until recently and have constituted significant barriers to inclusion of stateless persons in Thailand.

### 2.3 Cold war and state violence against highland communities

The legal and social frameworks of membership underwent a dramatic change during the Cold war. The statelessness we witness today in Thailand is largely a result of membership logics in this era. Under the military dictatorship of Thanom Kittikajorn, “the Regulation of Revolutionary Party no. 337” (Por Wor 337— in Thai ป.ว.๓๓๗), was enacted on 14 December 1972. This regulation backtracked and revoked full membership previously granted on *jus soli* for those “born in Thailand before 14 December 1972 of an alien father with non-permanent residence, or an alien mother with non-permanent residence, in circumstances where the lawful father is absent”. It also denied Thai nationality to “any person born during 14 December 1972

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65 According to Li et al (2010), the document “Regulations on Hukou Registration for Urban Citizens” issued in 1951 was the first concerning birth registration in the People’s Republic of China.
– 25 February 1992 of an alien father with non-permanent residence, or an alien mother with non-permanent residence, in circumstances where the lawful father is absent” (Phunthip 2006, 48). Phunthip attributes the rationale behind Por Wor 337 to the fear of communism in Southeast Asia; this regulation was designed to “prevent children of people from the communist countries gaining Thai nationality” (ibid). The borderlands, where the highland peoples reside, became the areas most affected by this regulation as they were seen as danger-zones and contested space for loyalty. Highland peoples were perceived as a threat to Thai national security and linked with unlawful activities such as providing shelter to members of the Communist Party of Thailand, growing and trafficking illicit drugs, and deforestation (Pinkaew 2003, 25). These derogatory stereotypes were used to both justify their exclusion from citizenship and later make them objects of “development” (Flaim 2017, 150).

PorWor 337 therefore redefined the category “alien”; its implementation accounted for widespread statelessness in Thailand. It has turned the highland communities along the border areas into “aliens” despite their historic residence prior to Thailand becoming a modern nation-state. Those entering the country after 1972 are not only classified under the umbrella term of “alien”, but are also further categorised into groups depending on the state’s interpretation of their migration (see Pinkaew 2014; 2015). A category can be as specific as “Yunanese Chinese civilian immigrants who migrated to Chiang Mai, Chiang Rai and Maehongson between 1950-1961”. Yet, as I will demonstrate in the next part and throughout the thesis, the categories, as specific as they are, reflect the state’s attempt to regulate the borders more than the actual lived experience and personal identification of the people assigned to them. A villager entitled to Thai citizenship may be assigned a “Displaced Person with Burmese Nationality” ID card.

So far, I have discussed how the cultural logics of Thai membership have been shifted and shaped by global politics and norms. Factors such as colonial encounters, emergence of nation-

66 Among the state’s effort to win ‘loyalty’ was the ‘Hilltribe Language Radio’ established in 1964 by the Internal Security Operations Command with funds from the American government to broadcast anti-communist propaganda and orchestrating national conscience in six different hilltribe languages including Akha, Hmong, Karen, Lahu, Lisu and Mien (or Yao) (Thaitawat and Charoenpo 1997, cited in Amporn 2012). This initial political propaganda focus was later shifted its agenda to economic development as a new strategy against communism. As the program has constantly been shaped, and has reshaped itself, in relation to changing conditions in Thai society, so have its listeners. According to Amporn, audience learned to take advantage of the radio’s far-reaching ability and turned the program into their own form of public service. The channel became space for announcements of social activities such as birth, weddings, funerals and gathering.

67 The Border Patrol Police schools, for example, were created along the border to provide “education” to the highlanders in the remote areas and to promote the national security along the borders and bring “progress to the frontiers” (Hyun 2014).

68 I discuss this case on page 59 in this chapter.
states and the Cold War have influenced how the Thai state defines its members and aliens. The Thai state’s practice of expanding and contracting the boundaries of membership in light of geopolitics and labour needs at different periods of time has created what Pinkaew (2015, 9) calls contingent citizenship—“a product of shifting state-ethnic relations at and across borders as mediated by diverse ideological and political economic forces at different periods of time”. Contingent citizenship results in membership that oscillates between inclusion and exclusion, and is unpredictable in nature.

Part 3. Evolution of legibility practices

In this section, I turn my attention to identity documents as a state’s key legibility practice through which membership is codified. Much of my content in this section is owed to the works of Thai anthropologist Pinkaew Laungaramsri (2015; 2018), who has extensively examined the history and bureaucratic practices of the Thai state with regards to population registration, identification card and other identity documentation. I also retrieve the information on the various versions of the Thai identification cards from the Bureau of Registration Administration (BORA) website.

Scott (1998) argues that a modern state seeks to “see” and “know” its population using various legibility tools in order to assert control; population registration and identification are among the key tools. In similar vein, Torpey (2000, 6) argues that it is not sufficient for national communities to merely be “imagined” (Anderson 1991); it must be codified in documents. Documents are used by modern states to unambiguously identify who belongs and who does not, in order to “embrace” their members while excluding the others. Techniques of identification, argues Torpey (2000, 5), “have played a crucial role in the development of modern, territorial states resting on the distinction between citizens/nationals and aliens”. In the Thai context, Pinkaew (2015; 2018) introduces the notion of “proprietary citizenship” to capture how an ID card is seen as a means through which the state maintains “direct, continual, and specific contact between its ruling bureaucracy and its citizenry” (2014, 148). The regime of ID cards also serves to “fix identity and loyalty to as subject to one nation-state,” as well as to “discipline stubborn and bad subjects” (ibid). Pinkaew argues that “such a system is constitutive of the sovereign nation-state itself” (2014, 144-145).

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69 Torpey (2000) notes that his conceptualisation of state’s “embrace” is similar to that of Scott’s “legibility”.
3.1 Demarcating membership: from tattooing to identification cards

In the early Bangkok period (1782-1873), Siam had already practiced making its corvée labour “legible” by tattooing the wrist of *phrai luang* (commoners who worked for the King) with the name of their town and their masters (See Akin 1969; Terwiel 1979; Pinkaew 2015; 2018). Marking of the body was used to not only identify patronage protection but to differentiate class and prevent upward mobility (Pinkaew 2015, 5). Tattooing was also used to differentiate criminals and those who were not suited for labour such as disabled people and the elderly. Interestingly, Pinkaew (ibid) observes that “legibility” by wrist tattooing was only applied for Siamese subjects; foreigners and non-Siamese subjects were excluded from such identification.

The first record of the use of an internal passport in pre-modern Siam was in 1914 during the reign of King Chulalongkorn (Rama V). The purpose of the “travel document for Thai subjects” was to facilitate movement for traders crossing the regions—it was to be produced when asked for by authorities (BORA, n.d). However, the National Identity Act requiring Thai citizens to possess a national identity card would not be enacted until almost thirty years later, in 1943, by Pibulsongkram. Its application was limited to citizens in Pranakorn and Thonburi provinces, which later combined to constitute present-day Bangkok. The first national identity card was a 6-page-booklet with a Thai map as background. It contained a photograph of the holder and specific details including the names of parents and spouses, occupation, scars, physical appearance, race and nationality.

![Figure 2: The first version of the Thai national ID card issued in 1943](http://stat.bora.dopa.go.th/card/card1.htm)

Source: BORA website (http://stat.bora.dopa.go.th/card/card1.htm)

Under the military dictator Sarit Thanarat, the law was passed in 1962 to make the national identity card compulsory to all Thai citizens aged sixteen to seventy. This second version of the card was more concise, containing only information on the first name, last name, address, photograph and a personal identification number. It is interesting to note that in contrast to the first version of the ID which was used to “see” its subjects within the capital areas during the second World War, this second version issued during the Cold War was seen “as a tool to
counter communist insurgency and border crisis” (Pinkaew 2015, 7). It was first implemented in the Thai-Lao and Thai-Cambodia borders to differentiate the Thai from the potential communist others (Pinkaew 2015, 6). The issuance of this second version of the ID card was also assisted by the US, especially the United States Operations Mission (USOM). This version of the ID card would remain in use for 24 years until 1987.

Figure 3: the second version of the Thai national ID card issued from 1962-1987
Source: BORA website (http://stat.bora.dopa.go.th/card/card2.htm)

3.2 Identification cards as a tool of classification, restriction and differentiation

The highlanders living in the northern periphery were systematically excluded from the Thai identity, which came to be associated with three elements: Thai language, Buddhism, and loyal to the King (Pinkaew 2014, 146; see also McCargo 2011). They were not included in early state cadastral surveys and were not registered until 1960s as the Thai state attempted to document highlanders (Flaim 2017, 149-150). As mentioned previously, the Cold War turned the once-forgotten periphery into the politically-charged zone of security threats, surveillance and refuge. Between 1965-1985, the border zones saw influx of refugees, displaced persons and political asylum seekers (Pinkaew 2015, 9). Starting in 1967, the Thai state commenced the complex scheme of non-Thai identification cards to register and document the “Other” in the border zones as long-term “aliens”. By 2007, there were 19 types of such identifications and classification of aliens (Pinkaew 2014, 151-155; 2015). Therefore, the scheme of identification cards has been set up not for universal allocation of rights, but for ethnological classification, surveillance and differentiation (Pinkaew 2003; Toyota 2005, 111 and 120).

Building on Marx’s expropriation of the “means of production” by the capitalists from workers and Weber’s expropriation of the “means of violence’ by the state from individuals, Torpey (2000) argues that the “means of movement” has been expropriated by the modern states and the international state system. Gradually after the medieval period and in parallel to state’s
monopolisation of violence, states and the state system have “monopolized the authority to restrict movement” (2, emphasis original). Interestingly, Torpey (2000, 165) observes that only in the “authoritarian governments” that the internal passport or “pass” still functions to restrict movements of its non-citizens. He argues that “internal passports and passes constitute a reversion to practices generally abandoned by democratic nation-states by the twentieth century”.

In Thailand’s case, as a product of the Cold War, a non-Thai identification card serves as a personal identification and an internal “pass”. Its holder used to not be able to travel beyond the district under which they were registered. A legal change in 2016 has slightly expanded the scope of travel to the provincial level without having to ask for permission (Maesai News Online 2016). To travel beyond the provincial border, however, one is still required to ask for a permission letter from a local district office, which could take days and more documents to prove the need to travel, as traveling for pleasure is not permitted. This lack of freedom to be mobile is one of the most severe violation of rights experienced by stateless persons in Thailand. Beyond physical mobility, the non-Thai identification card also demarcate scopes of social mobility and a pathway toward citizenship. Although over the years, the Thai state has issued various Cabinet Resolutions to allow the “aliens” with long-term residency to apply for Thai citizenship, this “permission” occurred at different points in time for different groups of “aliens” (See Pinkaew 2015). It was also subject to their date of birth and proof of birth.

To illustrate the complexities of such a regime of timing and proof, I will use an example of the blue “highlander card” (บัตรประชาชนบนพื้นที่บั้นคัน) issued during 1990-1991. The 5th June 1999 Cabinet Resolution states that highlanders who entered the country before 3rd October 1985 are eligible for citizenship. Their children born between 14th December 1972 and 25th February 1985 are also eligible for Thai citizenship (Pinkaew 2015, 17). However, as universal birth registration was not enacted until 2008, generations of stateless persons were excluded from the most important “evidence” of their existence—a birth certificate—as well as other documentation required for a citizenship application such as a house registration. This means many of the

70 The purposes of identity documents in modern democratic states, argues Torpey, are not for social control or movement restriction per se, but for acquiring certain benefits of membership. Torpey’s seeming benign views of modern democratic states, granted, was the view expressed prior to 9-11. So-called “democratic states” are now increasingly clenching grips on both citizens and non-citizen others as seen in Stevens and Lawrance (2017) and the recent deportation and denial of legal rights as experienced by the “Windrush generation”.

71 Stateless highlanders and other persons without legal status are physically confined to a province under which they are registered. Until 2016, they were only allowed by laws to have 27 occupations. See https://www.unhcr.org/ibelong/invisible-thailand. See also Grisada (2017).
stateless persons who may be legally entitled to Thai citizenship are unable to prove their belonging through documentation (see Flaim 2015; 2017). Lack of proof results in being classified as “aliens” who immigrated into the country, as presumption of alienage—a person unable to prove his/her birth in the country is presumed to be an alien—prevails in the Thai legal system.

A case in point that perfectly captures both the unstable logics of membership and the failed regime of documentation in the borderland is that of Mon, a woman born in 1941 in Mae Ai District, Chiang Mai. Phunthip (2006, 44-45) recounts that Mon’s parents were born before 1913 and therefore were qualified to be Thai under customary law, but were not surveyed and granted Thai citizenship until 1956. However, Mon was not home on the fateful day when the survey took place and therefore missed out on the registration. As a result, when her parents became Thai, Mon became stateless. When another survey took place in 1979, she was misclassified as a “displaced person with a Burmese nationality” by the Thai official due to the policy at the time to survey and register “persons fleeing from the fighting in Myanmar who arrived in Thailand before 19 March 1976”. The authority did not believe that Mon was her parents’ daughter and refused to grant her Thai nationality. Despite her right to Thai nationality, Mon became classified under the category of alien who entered Thailand illegally but permitted by the Royal Thai Government permitted to reside in Thailand temporarily. An initial act of missing the survey became a burden Mon had to carry throughout her life to prove that she was by law a Thai citizen. Even after she finally got her Thai nationality in 1999, she became stateless again in 2002—Mon and other 1,242 persons in Mae Ai district were de-registered from the civil registry of Thai nationals without the opportunity to defend themselves. The district officer who led this mass revocation of nationality claimed to have followed the order of the Department of Public Administration (DOPA) after the district’s alleged corruption involving granting citizenship to aliens.

Far from being an anomalous case, Mon’s lifestory is a rather common fate among the highlanders. Flaim’s works (2015; 2017) reveal the discrepancies between the actual identity and the official record, as well as the frustrations of both the officials who conducted the survey in difficult terrains and the villagers who were surveyed. The language barrier, the power imbalance and the mistrust still feature today in interactions between the Thai officials and

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72 Mon finally was given back her Thai nationality following DNA testing and active lobbying by academics. For more details on this case, see Phunthip 2006 (44-45). See also Pinkaew (2014, 143-144).
those they deemed as the “Others Within” (Thongchai 2000a), as I will demonstrate in chapter three.

3.3 The “logic” of the numbers behind the ID cards
Since the first ID until now, the Thai state’s legibility practices have evolved to be more tightened, integrated and sophisticated. Since 1988, the Thai state has employed the 13-digit-personal identification number to document the subjects in its territory. Each digit contains specific information about a person such as the province at which they were registered and, to an extent, revealing their relationship to the state (BORA, n.d.) The first digit, in particular, suggests how a person is categorised by the state i.e. as a Thai citizen or a specific type of non-citizen. A Thai citizen born after 1984, for example, is assigned number one as the first digit in their blue personal identification number (see figure 4), while those classified as “hill tribes” and “other highlanders who are not hill tribes” are usually assigned number seven or six, suggesting their status as long-term alien residents.

In the training course on statelessness diagnosis, which I will discuss in the next chapter, the message is usually simplified that “a number seven card holder is an offspring of a number six card holder”. However, this type of formula can at times be misleading in reality, the registration is much more erratic and less predictable. Although the state reveals that there is the logic and consistency behind these numbers, the same number of card can still display different titles, causing some confusion to my participants (and myself) in understanding their rights (for example, see the different description between the two number 7 cards in figure 5 and 6).

Figure 4: a Thai national identity card starting with number 1

Source: my personal ID

Notice how the Thai ID card contains information in Thai and English, a barcode and a chip containing other biological information, while other non-Thai cards do not have this chip.
In principle, the same personal identification number appears across all official documents, suggesting a coherent system that tracks and traces a person’s documentary records. The database connectivity makes the state appear omnipresent, “knowing” and “seeing” all its populations. In practice, however, the regime of ID cards is far from stable and truly representative of a person’s identity. This instability is pronounced in the border areas where passports and driver licenses have their own series numbers but still display the 13-digit ID numbers.
the issuance and revocation of cards have become common state practices (Pinkaew 2014, 144).

### 3.4 Labour migration registration and blurred categories

Mass labour migration from the neighbouring countries to Thailand during its economic boom in 1990s further complicates the country’s situation of statelessness and the regime of identification. A largely migrant-export country until the 1980s, Thailand initially struggled to regularise the mass influx of labour migrants from the Greater Mekong Sub-region (GMS)—namely Myanmar, Laos and Cambodia—starting from the early 1990s (Supang et al. 2007). The push-pull factors, namely the rapid economic growth in Thailand and the dire livelihoods situations and political instability, are often used to explain this migration trend (ibid.). Supang et al. (2007) observe that there was no legal framework at the time to regulate low-skilled labour migrants. As a result, Thailand’s early labour migration policies have been described as “series of practical responses to unfolding events and changes in labor needs” (Revenga et al. 2006, 10). Although Thailand started the registration of unskilled migrant workers for the first time in 1992, registration was not widespread (Supang et al. 2007, 11). Most migrants remained undocumented. Policies to arrest and grant amnesty alternated during 2000-2005 (Supang et al., 2007), causing fear, insecurity and confusion to labour migrants. Such approach became a reality that labour migrants in Thailand have gotten used to.

In the age of mass labour migration, the borders have become both an economic gateway for migrants and a zone of surveillance for the state. Aung (2009, 21) argues that the strong connections between the Shan migrants from Myanmar and the Shan in Thailand make them possess “a cognitive map,” which stretches beyond borders, ignoring the nation-state’s scale and line of separation. With border-crossing and exchange long existed before the nation-state, Shan migrants do not perceive their migration to Thailand as illicit. As put by Wendl and Rosler (1999, 2), “Borders not only join what is different but also divide what is similar”. The regime of registration further makes this gap wider. Within these unorganised labour migration policies, it was not uncommon for the early migrants, especially those from the Shan state, to hold the “highland communities (but not hill tribe)” card instead of being registered as labour migrants. Similarly, it was also not uncommon for a highlander to be classified as a labour migrant. The difference between the two categories is immense in terms of determining a child’s prospect of attaining citizenship, as the law excludes the right to citizenship to temporary migrant labour and their children.
In 2004, the Thai state started to implement the Nationality Verification System as a means to regularise migrants from the GMS. This process “creates a transnational bureaucracy, linking the Myanmar and Thai states with the goal of regulating the long running, largely uncontrolled migration of Myanmar workers to Thailand” (Gruß 2017, 1). A temporary passport (known as MOU passport) is issued for migrants under this scheme to allow free movement between Thailand and their country of origin. In conjunction with the passport, a work permit is issued with specific details on the type of work and the address of employer. Pinkaew (2015, 10) notes the parallel between this requirement and the pre-modern Siam’s regime of labour control that “Like the pre-modern practice of binding the body of the commoner (Phrai) to the master (Munnaai) through inscription of the master’s name of the wrist, binding the worker with its patron through card is designed to prevent free labour from authorized mobility”. Grub argues that not only has the process been designed to extract financially from the migrants, who are required to continuously apply and reapply for registration and extension of registration, it also has resulted in making their temporariness permanent.

It is important to note that for many migrants, especially ethnic minority groups from Myanmar, entering this process marks the first time they are “seen” and recognised as citizens by the Myanmar state. For migrants who had lived in Thailand for many years, the national verification process is taken “with the grain of salt” (Gruß 2017, 9), knowing that the Thai state will continue to come up with new laws and rules to regulate them.

![Figure 8. An early version of a migrant work permit.](image)

Note: Myanmar was spelled as “Meanma”, its validity was extremely short validity (3 months). The card also contains the name and address of an employer

Source: fieldwork

Migrant children did not enter the consideration of policymakers during the early years of labour migration management. Many were not documented at all until 2005. Between 2005-2009, the Thai state implemented the “Strategy on Managing People with Personal Legal Status Problems and Rights” (ยุทธศาสตร์การจัดการปัญหาสถานะและสิทธิบุคคล) by conducting countrywide surveys.
and issuing a “person-without-legal-status” identification card (บุคคลไม่มีสถานะทางทะเบียน), also known as a “Number Zero Card,” “0 89” card (as its middle digits are 89) or a 10-year card as it permits the holder to temporary reside in Thailand for ten years. This “Number Zero Card” is a common identity document among children of migrants in northern Thailand who were surveyed during this period.

![This content is unavailable. Please consult the original source.](https://www.gotoknow.org/posts/510664)

Figure 9: the “person-without-legal-status” or “0 89” identification card

Note: This card was of Mong Thongdee, a famous former stateless child.

Source: https://www.gotoknow.org/posts/510664

Although this survey was conducted in schools, there are students who missed out and are left with detrimental life chances. Part two of this thesis discusses such cases in more details. Some of them were later issued a “0 00” card, which means the first digit is zero but the middle digits are 00. This type of card permits less rights than a “0 89” card (see table 1 below). In 2017, the Ministry of Interior issued a letter to urge all the civil registration officers to issue an ID card for non-Thai persons. However, this new card is yet another type of card, starting with “00”. It permits limited rights to its holders, and is considered worse than a “0 00” card. Worse, some of my participants end up getting a card for a temporary migrant worker through a broker. The card contains information of a fake employer and a fake job, but has real limitations in life in terms of rights and entitlements.

### 3.5 Hierarchy of statelessness

I have demonstrated that stateless persons in Thailand are not a homogenous group; their incorporation into the Thai society depends largely on the timing of their birth, their ethnicity as classified by the Thai state and the documents they possess. A table below is an attempt to summarise the categories of non-Thais among my participants, demonstrating the complex

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75 I will discuss Mong’s story more in part two of this thesis.
classification by the Thai state and the hierarchy within these categories in terms of prospects of becoming a Thai citizen.

**Table 1. the categories of non-Thais among my participants:**

<table>
<thead>
<tr>
<th>Categories</th>
<th>Sub-categories/notes</th>
<th>Path for citizenship/restrictions</th>
<th>ID numbers (1-, 6- and 7-digit)</th>
</tr>
</thead>
</table>
| A. Long term migrants as defined by Article 17 of the 1979 Immigration Act are legalized as legal residents by the 7- December 2010 Cabinet Resolution | Relevant categories to my participants are:  
a) The 9 recognized hill tribes in 20 provinces of North and Northeast of Thailand namely Hmong, Akha, Mien, Karen, Lisu, Lahu, Lua, H’tin, K’hm;  
b) Other persons or communities residing in the highlands (such as the Shan, the Dara-Ang) who migrated before and after 3rd October 1985;  
c) Illegal migrants from Myanmar, who migrated to Thailand after 9- March 1976 | Yes, through naturalisation—one can apply after being in category A for 5 years but must meet character assessment (no criminal records involving drugs, deforestation and human trafficking) and must demonstrate positive contribution to the country; once naturalized, cannot become politicians or be in the military | 1-digit: 6, 7  
6- and 7-digit: depends on sub category |
| B. A person-without-legal status who has been surveyed and registered by the Ministry of Interior under the Legal Status Management Strategy (2005-2009) and who is temporarily exonerated to stay in Thailand for an extended period of time | The sub category relevant to my thesis is: students who were enrolled in the Thai educational institutions and were surveyed in 2005-2009) | Possibly, but a recent Cabinet Resolution in 2017 indicates a possibility of extending citizenship to those who were born in Thailand and have completed tertiary education from a Thai university. | 1-digit: 0  
6- and 7-digit: 89 (see figure 2 for ID) |
| C. Temporary labour migrants and offsprings | Usually registered after 2010 | No pathway to citizenship  
Access to primary education and healthcare but legality rests upon work permit and passport validity; must report to authority every 6 months | 1-digit: 00  
or middle digit: 00 (see figure 3 for work permit ID) |
| D. Offspring of those in the category A who were born between 14 December 1972-25 February 1992) in Thailand | A pathway to citizenship through *jus solis* principle as supported by the Article 23 of the 4 Citizenship Act (added in 2008) but must have a complete set of documents including birth certificate, house | 1-digit: 6, 7  
6- and 7-digit: depends on sub category |
<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
<th>Rights</th>
<th>ID Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>E. Offspring of aliens who migrated to Thailand before 18 January 1995; must be born in Thailand after 26 February 1992</td>
<td>Yes through Jus Solis, with approval of the Cabinet as Through Article 7 Clause 2 of the 1965 Citizenship Act (amended in 2012) but must have a complete set of documents including birth certificate, house registration, certificate of education completion etc</td>
<td>Very limited rights</td>
<td>1st digit: 6 or 7 6th and 7th digit: depends on sub category (see figure 2 for ID)</td>
</tr>
<tr>
<td>F. A person without legal status (00) who has been recently registered since 2017</td>
<td>No pathway to citizenship Limited rights Can access basic education; unclear policies for higher education Must ask for permission to travel outside of the district Cannot own vehicles; unclear whether permitted to hold a driver’s license</td>
<td>Very limited rights</td>
<td>1st digit: 00 6th and 7th digit: 00</td>
</tr>
<tr>
<td>G. G card holders—students in Thai schools who were surveyed by Ministry of Education for budget head count but missed the survey by Ministry of Interior (during the 2006-2009 Strategy)—those in this category is not being included in the census. They do not exist in the official civil registration system of the Ministry of Interior and therefore do not “exist”</td>
<td>Very limited rights Can access basic education; most likely unable to access higher education</td>
<td></td>
<td>Do not have 13-digit numbers (see figure 4 for ID)</td>
</tr>
</tbody>
</table>
Given the hierarchy within the regime of identity cards, ID cards are therefore not only the state instrument of control but “survival resources to be assessed, classified, and circulated according to a hierarchy of values…” (Pinkaew 2015, 29), leading to various strategies to upgrade one’s status to emerge such as selling the ID cards of deceased highlanders to the new immigrants and adding the names of new immigrants into the highlanders’ households to get a highlander card (Pinkaew 2018). Commodification and the social life of ID cards will be explored further in chapter six.

This table also reiterates that the identity documents, with their varying “conversion power” into Thai citizenship, mediate the experience of statelessness in Thailand and turn statelessness into a hierarchy of hope rather than a homogenous category of legal lack. Recognising the hierarchy of statelessness is crucial to understanding the nuances of the lived experience of stateless persons.

In the last few years, the Thai state has been passing significant amendments to the citizenship laws that theoretically open a much wider door toward obtaining Thai citizenship. The Cabinet resolution passed on 7 December 2016 also states that stateless children and youth born to migrants and displaced persons may be considered for Thai citizenship under the conditions that they: 1) possess proof of birth in Thailand; 2) do not possess any other citizenship; 3) have proficiency in Thai (reading and writing); 4) demonstrate loyalty to the monarch; 5) possess a record of good conduct; 6) possess evidence of educational achievement — completion of a Bachelor’s degree (Asia Pacific Migration Network, 2016). However, this checklist is difficult to fulfil for many stateless children, whose educational attainment is not likely to reach a tertiary level due to various obstacles. Being Thai under jus soli is therefore not simply a birthright but involves a constant process of proving and becoming. The criteria also reflect how education is perceived as key to integration and production of “self-reliant Thai citizens”.

The ethnographic accounts in the next chapters of the thesis suggest a complex reality in which documentary requirements are difficult to fulfil, as the state itself could choose to not accept the documents held by stateless persons as valid.

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76 For some of my participants who have finally received Thai citizenship, this process of “proving and becoming” persists even after citizenship is conferred but it is not within the scope of this thesis. This is an area for future research.

77 Mukdawan (2009) examines in depth how national integration policies based on citizenship and education both incorporate and marginalise the highlanders.
4. Conclusion

In this chapter, I have examined how the unstable logics of membership and inscrutable scheme of documentation that not only have caused and sustained statelessness in Thailand, they also have made statelessness an issue too complex to get a fair “diagnosis” based on legal documents. By tracing the evolution of the Thai logic of membership and the Thai state’s legibility practices, I have contextualised them within the twentieth-century nation-building project, and the global political order including colonisation, the Cold War and the mass labour migration. As a result, this chapter reveals that the Thai regime of belonging appears rigid (racialised and ethnicised) but inherently flexible and time-sensitive (shifting with political and economic needs). In other words, eligibility criteria for Thai membership, far from being innate and primordial as they are sometimes made to appear, shift according to the broader economic and geo-political regimes. Although a “real” Thai is a highly unstable concept in itself, it remains powerful in perpetuating statelessness.

By examining the Thai state’s multiple categories of “alien”, I have also demonstrated how stateless persons in Thailand are not a homogenous population. Instead, through a convoluted system of identification, statelessness has come to be organised and experienced as a hierarchy of hope, rather than simply a homogenous experience of legal lack. My analysis points to the significance of time (as in dates) in the Thai Nationality laws and documentation practices, which can lead to dramatically different life chances and citizenship prospects. As a result, ID cards become not simply an object used by the state to monitor and govern its citizens and non-citizens but also a resource for non-citizens to acquire, obtain, and use to upgrade their legal status—the role that I will explore in the subsequent chapters.
Chapter 3: “Diagnosing” statelessness and everyday state illegibility in Northern Thailand

1. Introduction:

On a worn carpeted floor of a dimly-lit conference room, thirty of us form several small circles; heads leaning toward one another as if physical proximity would help our brainstorming. At the centre of our attention was a blank diagram in the shape of a family-tree, containing questions on identification information about us and our immediate family members such as name, date of birth, place of birth, date of entry into the country, type and number of identity cards, and date of issue. Mr. Maitri, a renowned advocate for the rights of stateless persons and the instructor of this two-day legal workshop on statelessness, circled the room and kept reminding us, “The first step to cure the statelessness disease is to ‘diagnose’ your legal identity—establish who you legally are, so that you can ‘prescribe’ legal steps necessary to progress your legal status”.

My team members and I took turns inspecting one another’s ID cards, interrogating each person’s life story and consulting the voluminous “Legal Status Toolkit,” attempting to fill the form and “diagnose” our legal identity. Apart from myself—a Thai citizen—the rest of the group members were of Shan ethnicity and were legally classified as “alien”—a legal term for non-Thai persons despite their birth in Thailand.

We marvelled at the various types of non-Thai identity cards among us, ranging from “a member of a highland community” (บุคคลในกลุ่มที่สูง), “a member of a highland community (but not hill tribe)” (บุคคลในกลุ่มที่สูง (ไม่ใช่ชาวเขา)), “a-person-without-legal-status” (บุคคลไม่มีสถานะทางทะเบียน) and ‘Non-Thai identity card (Myanmar)’ (บัตรประจำตัวบุคคลเชื้อชาติไม่มีสัญชาติไทย (เมียนمار)). Each card contained a 13-digit-personal identification number, which Mr. Maitri had taught us to decipher. The first digit is particularly important, as it indicates how a person is categorised by the Thai state and their subsequent prospect of attaining Thai citizenship. To untrained ears, it must appear as if we speak in strange codes— “Yes, if your dad is number 6, you are number 7 and can apply... 

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78 Parts of this chapter have been previously published in Statelessness and Citizenship Review (see Janepicha 2019). As per Victoria University of Wellington’s guideline, I have obtained a permission from the journal to include parts of the published article in this PhD thesis. I thank the members of the Thailand’s National Human Rights Council Sub-Committee on Indigenous and Minority Rights for allowing me to accompany them on their visit to the communities. I am also grateful for the constructive comments by the reviewers and the assistance of the editors.

79 A pseudonym
for Thai citizenship”, “No, you can’t apply because you are a 00”. The numbers suddenly take on a deeper meaning conveying varying degrees of hope and hopelessness.

The family tree exercise proved challenging for my young teammates, who were fraught with questions. Should the year of entry for the parents be—the actual year of entry or the year according to the temporary labour migrant registration cards? Which information to choose when one has two completely different sets of identifications? What to write down if one does not exist in the government database at all? How to provide proof of birth in the country if the policies at the time of your birth did not allow non-citizens like you to be registered? Which name to use if the name on your ID card does not correspond with the one on your birth certificate? Should one establish their legal status, if doing so could lead to a worse outcome? These discrepancies between the actual identity and what ends up appearing on an official record, and thus becoming a legal identity, are widespread.

Indeed, throughout the training Mr. Maitri shared with us many real cases of identity discrepancies. With good humour, he said it was not uncommon to find some villages, where everyone shared the same official birthday. Of course, this “coincidence” is nothing other than the shared birthday being either the day the villagers were surveyed by the Census officer or the cut-off date for qualifying for citizenship under certain clauses of the Thai nationality laws. The joke reveals how such seemingly simple questions often open up surprisingly complex issues. From the many anecdotes and from the lived experiences of my teammates, it appears that a person’s legal identity, far from being an “objective truth,” is largely determined arbitrarily by laws and one’s chance contact with the bureaucratic system. “Diagnosing” statelessness, then, can feel rather like a fictitious exercise. Yet, as state artifacts, legal identity documents have come to determine “the identity, action, and life chances of an individual” (Sadiq 2017, 168), regardless of whether they contain accurate information.

Mr. Maitri’s approach to diagnosing statelessness through identity documents echoes the message in the Ministry of Interior’s official communication letter to provincial governors issued on 12 May 2016, which I mentioned in chapter two. In fact, the letter and one of Mr. Maitri’s power point slides both reference the King’s call for inclusion and standardised treatment toward the non-citizen “Other”. Classified as “Extremely Urgent”, the letter urges all provincial governors and district officials in the country to be determined to address legal status and nationality issues in honour of the 70th anniversary of his reign, prompting one to wonder
what would come after the commemoration. The letter summarises principles of obtaining Thai citizenship and outlines specific instructions and warnings for operational bureaucrats. Attached to the letter is an eight-page document containing flow charts with a detailed breakdown of the required documentary evidence and the appropriate decision-making for a multitude of legal scenarios. In addition to reminding local officials to follow strictly the rules and protocols, it also urges them to be careful not to create any opportunities for any exploitations or corruption regarding civil registration and citizenship granting. The attached flow charts are also to be printed off and posted in local district offices so that they are visible to the public. This official instruction from the Ministry of Interior to the provincial governors indicates a serious attempt to standardise bureaucratic practices. Its core message also reinforces the view expressed by the Thai state and some activists that statelessness is an illness, whose “cure” depends on a proper “diagnosis” of identity documents. This language of pathology not only places statelessness as an anomaly (Arendt 1973), but also positions documentary diagnosis as a “clinical” and objective process of making stateless subjects legible to the state. This logic assumes that the subjects’ legal category and belonging can be neatly identified through their identification number.

As a country with a large stateless population, Thailand is a key target country for UNHCR’s global campaign on statelessness eradication by 2024, also known as #IBelong. While it is widely acknowledged that statelessness is complex and multi-faceted, with “no singular appropriate way to respond” (Bloom et al. 2017, 2), statelessness in Thailand is primarily cast by the state and some activists as an individual legal status issue, which can be resolved by standardised evidentiary procedures. In other words, statelessness is framed first and foremost as an issue of legibility to the state, with an assumption that once a stateless person is “properly seen”, due recognition will follow. This approach seems to produce a promising outcome — since 2011, over 23,000 stateless persons have been granted citizenship, earning Thailand praise from the UNHCR for its “progressive nationality strategy” (UNHCR, n.d.). Thailand’s dramatic rate of statelessness reduction seems to confirm the claim in the UNHCR Global Action Plan to End Statelessness that “with adequate leadership and effective implementation, statelessness can be ended” (UNHCR, n.d.). What, then, is the problem of framing statelessness

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80 I conducted my fieldwork intermittently from September 2015 – January 2018, totalling 13 months. My fieldwork started before, and lasted after, King Bhumibol’s death in October 2016. This letter was issued before his death.

81 These warnings include “beware of new illegal immigrants or labour migrants who claim to be members of highland communities” (2).
as an individual’s documentary issue? What are the implications of portraying “statelessness diagnosis” as a fair and rational process?

This chapter explores these questions using the framework of state illegibility (Das 2004; Campbell 2017) to challenge the dominant framing of statelessness within Thailand that bureaucratic processes involving statelessness determination and solution—from documentary issuance, to “statelessness diagnosis” and the citizenship acquisition—are fair and rational and that it is a stateless individual’s lack of documentation that causes their statelessness. This chapter reverses that argument by highlighting that the state itself and the processes are illegible and unpredictable, leaving stateless people to navigate their way through opaque bureaucracy.

In examining the complex entanglements of bureaucracy, documentation and statelessness, the chapter joins a growing body of literature that examines the limits of evidentiary approach and the burden of proving citizenship as experienced by many stateless persons around the world (see Lawrance and Stevens 2017). It also builds on and extends the works of scholars on the plight of citizenship among highlanders in northern Thailand (Feingold 2002; Toyota 2005; Chutima 2006), especially Flaim’s (2017, 148) argument on how “protracted statelessness persists in Thailand, paradoxically as a result of the bureaucratic and evidentiary procedures and the citizenship application process enacted to address it”. I argue that the state illegibility framework not only affirms Flaim’s argument on the myth of fair bureaucracy and an even production of evidence by the state, but reveals the process by which the bureaucratic burden of statelessness is placed upon the stateless. By portraying statelessness as a personal legal status issue to be resolved using a fair and rational evidentiary procedure, the Thai state downplays its past and present illegible documentary practices and marginalisation against certain minority groups and in turn shifts responsibility to stateless individuals. In other words, the assertion of standardised evidentiary procedures frames a root cause of statelessness as an individual’s neglect and inability to provide “proper” documents without recognising the state’s own unstable documentary practices, and is in itself an act of violence. By not recognising state illegibility, statelessness risks being reduced to an individualised legal status issue, rather than being recognised as a symptom of systemic discrimination. I argue that understanding these attitudes and dynamics of state illegibility is crucial to illuminating the conditions of statelessness in the 21st century and the obstacles for the effective solutions.
2. Somjai: Finding an erased identity

I first met Somjai, a teenage Shan girl, in 2016 when she was 12 years old at a “camp” for construction workers in the outskirt of Chiang Mai. Somjai and her parents live in a small 3x4 metres room in a row of structures made of bamboo walls and tin roof. Over the two years of our relationship, I have witnessed Somjai’s transformation from a carefree child into a serious teenager preoccupied with her legal status. Previously Somjai was registered under two distinct identities in the Thai registration database but she recently found out that at least one of her identities had been withdrawn by the Thai state without her knowledge. The urgency and worry were due to the fact that she needed the 13-digit-ID number to register for the national examination in order to progress to high school. “If I cannot resolve my legal situation by then, my future will be hurt”, Somjai told me.

Somjai’s parents arrived in Thailand by foot in 1992 from the Shan state of Myanmar, at the cusp of Thailand’s first migrant-labour registration. In its first 15 years of labour management, the Thai government often used the amnesty policy and periodic registration to manage irregular migrants. Her parents later were registered and held the one-year work permits issued to aliens when Somjai was born at a public hospital in Chiang Mai in 2003. She was registered at birth as Somjai B. and her parents were listed as Mong and Mon B. Given her parents’ legal status as temporary migrant workers and not highlanders, it is unusual that the identification number issued to Somjai’s birth certificate started with number seven, implying a pathway for Thai citizenship through section 7 bis (2) of the 2008 Nationality Act. The top left of her birth certificate issued by District A Office, however, stated “a person residing in Thailand illegally”. “Burma” was listed as her nationality, while her address was listed as the Central District, which was different from her parents’ address. This birth certificate was used to enrol her in school. Despite the conflicting information on her birth certificate, Somjai held out hope that she would one day apply for Thai citizenship using this birth certificate.

Under the government-led survey of undocumented persons during 2005–2009, Somjai was registered in District B under another name (Choojai B) and was issued another set of personal-

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82 Nationality (สัญชาติ) is used here as a synonym to citizenship.
83 It is not uncommon for zero card holders who do not have a house registration document to be registered under the central district address. A house registration (tabian baan) is a key document in a citizenship application. Thai citizens and permanent resident aliens with a fixed dwelling are registered in a house registration called Thor.Ror 14 which has a dark blue coloured cover. Temporary aliens, both legal and illegal, are registered under Thor.Ror 13 (BORA, n.d.). However, some may not have a house registration and therefore is registered under the central district address.
identification number known as “0 89”. In this registration, her parents’ names were also different from the ones on her birth certificate. The nationality was left as blank. The address listed was that of her aunt who lives in District B. Somjai thus has two conflicting identities with two different sets of identification numbers, both granted to her by the Thai authorities from two different districts. Her legal situation can be summarised as follows:

<table>
<thead>
<tr>
<th>Document</th>
<th>The first digit of the identification number</th>
<th>Issued by/year</th>
<th>Name on document</th>
<th>Parents’ name registered as</th>
<th>Address</th>
<th>Nationality</th>
<th>Status as of Jan 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Birth certificate</td>
<td>7 (tends to imply a right to apply for Thai citizenship under section 7 bis (2))</td>
<td>District A/2003</td>
<td>Somjai B</td>
<td>Pim and Pon B</td>
<td>Central government address in District A</td>
<td>Burmese (พม่า)</td>
<td>Number 7 identification series is revoked and replaced by number “oo”</td>
</tr>
<tr>
<td>The undocumented person identity card (0 89)</td>
<td>0 (might be considered for Thai citizenship if meeting the criteria including a Bachelor’s agree from a Thai university (law as of 2018)</td>
<td>District B/2008</td>
<td>Choojai B</td>
<td>Tong and Tan B</td>
<td>Aunt’s address in District B</td>
<td>None</td>
<td>Revoked</td>
</tr>
</tbody>
</table>

Table 2: Summary of Somjai’s dual legal identities

The crisis surrounding her personal-identity card started in 2015 when Somjai, during her visit to a hospital, found out that her “0 89” card was already “sold”. Her identity as “Choojai B” had ceased to exist in the official database. Aware that many people like Somjai were registered in the district that they did not actually live in, the government verified their addresses by

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84 This “0 89” card is called as such because its first digit is a number zero but its middle digits are 89. For convenience, it is sometimes simply called a “zero” card or a “ten-year-card” due to its validity. However, since recently, there has been issuance of another type of identification card that also starts with a number zero, but the middle digits are 00. This card has less rights than the 0 89 card as the holders are seen to have arrived later than the 0 89 group. See more detail on chapter two.

85 This term is commonly used to refer to a situation where an identification card is revoked and erased from the state’s database. An identity can be “sold” for many reasons such as death and inability to prove residence.
getting them to report to the District Office within a certain period of time. Those who failed to report were deleted from the system.

Initially, Somjai did not worry too much, as she still had her birth certificate, which in theory holds more legitimacy than the card. In 2016, Somjai went to the District A Office to change the address on her birth certificate from the central address to that of her parents’ Thai employer. This change in address is important as residency in a house registration is required in order to apply for Thai citizenship. She was stunned to find out that the identification number on her birth certificate had also been revoked. When inquired upon, the Thai state official said that the identification number linked to her birth certificate was issued by mistake and that a new identification number or a card could not be issued at the moment as the office was commemorating one year anniversary of the passing of the late King Bhumibol, but that she should come back at another time. From having two identities, now Somjai had neither a valid identification card nor a functional legal identity. Her chance of applying for Thai citizenship through section 7 bis (2) no longer existed.

These unexpected changes prompted Somjai to take actions to “save” her legal identity in District B. She had already gone to District B in October 2017 but was told to come back in January 2018 because the District was focusing on organising a commemoration for the anniversary of King Bhumibol’s passing. As the new date fell during my short visit to Thailand, Somjai and I agreed to meet in District B. Our objective would be to locate Somjai’s registration form under Choojai B (registered under form 89), prove her existence and retrieve her “0 89” card under this identity.

Despite being an official part of Chiang Mai, the journey to District B was a four-hour-ride on the meandering road up the mountains, giving it a sense of remoteness. With Myanmar’s border only kilometres away to the north, there were frequent check points and police cars present. No one paid any interest as my car, with a Bangkok license plate, entered the district. The police’s attention was more on the vehicles leaving the district to the direction of Chiang Mai.

By the time I finally arrived at the District Office and reunited with Somjai and her mother, the place was already crowded with people in the same situation as Somjai. Unsurprisingly, the busiest room in the building was the “Registry Office of District B”, its sign written in both

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86 Form 89 is a survey form to register a person-without-legal-status (in Thai: แบบสำรวจเพื่อดัดแปลงสถานะบุคคลที่ไม่มีสถานะทางทะเบียน)
Thai and Burmese. The “citizenship work” section looked particularly busy and dominated by the sounds of the printers, officers shouting names, people coming forward to take a copy of a form certifying identity and registration of persons without legal status. Those on the waiting benches shared a worried expression on their faces, clenching documents in their hands and waiting for their names to be called by the officers. Some had been here for almost two hours already. The reality of waiting starkly contrasted the prominent signs on the wall promising a smooth workflow of resolving each case within 10 minutes.

Figure 10: The translation of the work flow instructions on the wall of the District B Registration Office

Source: fieldwork

The notice board displayed the tattered list of people who had been granted Thai citizenship through section 7 bis (2). The columns contained information such as names, addresses, old identification numbers and new identification numbers. According to an official letter issued by the district officer on the notice board, 385 children of migrants cases have been solved using this law. As a proof, there was a fading photo of happy and smiling children at the
swearing-in ceremony organised in honour of King Bhumibol’s 70th reigning anniversary. Another announcement stated:

Filing for citizenship according to section 7 bis (2) and registration of aliens do not cost anything except administrative fees set by the laws such as fees for issuing certified copies of documents. If anyone claims authority or asks for bribes, please inform the District B Registration Office (fieldnote).

When we approached a stressed-looking officer to ask for a record of Somjai’s personal information, she insisted that the District had given all the forms to respective village heads. But Somjai’s village head was nowhere to be found. When Somjai’s aunt managed to get a hold of him on the phone, it was his turn to insist that the paperwork was with the District office. We were stuck in this back-and-forth game, with no one able to tell us where Somjai’s paper was. When lunchtime came, all the officers locked up the building and went for lunch despite a large number of people waiting to be served. The afternoon of waiting offered a glimpse of hope when Somjai’s relative appeared and said he knew the right-hand man of the village head. This man, he said, was much more helpful than his boss. When he appeared, he took us to the back entrance of the building to talk to an officer who had access to some papers to look for Somjai’s but, at the end, nothing came to fruition.

Somjai and her mother decided to take one more day off from their school and work to wait, while I had to return overseas. Through text messages, Somjai kept me informed. At one point she wrote, “they said they would search for my paper in all villages”. It was unclear who “they” were. Later she wrote “they said they found the paper but as it turned out, it was not mine. It was of another girl with a similar face”. Apparently, there were many young girls with similar faces in the same situation. I put Somjai in touch with a Shan youth activist I know, who was making his way District B to help negotiate and track paperwork for people like her. At the end, they still could not find her paper and the activist said they would have to wait for the District Officer’s return to address the issue. The paperwork never turned up. Four months after that visit to the District Office B, Somjai contacted me and let me know that she gave up on retrieving her “0 89” card there. Instead, she went back to District A and was issued a new “0 00” card, which unfortunately puts her down the rank of statelessness hierarchy and may affect her right to apply for citizenship.
Although I had previously heard various accounts from my other stateless participants about the difficulties they experienced in dealing with Thai bureaucracy, as a middle-class Thai citizen I had never truly experienced the feelings of limbo, oppression and powerlessness until that day. Only one day spent chasing the paperwork with Somjai was enough to overwhelm me with frustration and confusion. Despite the accountability flow chart or buzz words advertising bureaucratic efficiency all over the District Office, all I witnessed was chaos and desperation of those who kept waiting without knowing what to do next and how long they had to wait. Yet, the picture of those children getting Thai citizenship on the notice board almost serves as a reminder that citizenship is possible, not something completely out of reach. At the same time, the picture and all those flowcharts also hint that, if you do not get citizenship, it must be because you do not have the right documents and you only have yourself to blame.


At the World Children’s Day event organised by a local NGO, I came across the Deputy Governor of Chiang Mai. Like many in a powerful position in Thailand, the Deputy Governor was a man in his fifties who carried himself with an air of confidence and importance. He assumed his place on the podium after the cultural performance concluded. In his long speech conducted in an authoritative voice, he emphasised the status of Thailand as a nation-state with its own rule of law but also the respect for human rights. Strangely, the more he reassured his audience that the Thai laws and human rights go hand in hand, the less I felt reassured:

87 I will describe the event in more detail in chapter four.
“Thailand is a nation-state and we have our laws. But we are also aware of human rights…. In the future, it’s possible we will also grant Thai-born children of labour migrants a Thai citizenship. Wherever you were born, you are the people of that place…don’t worry…Thai people are very open about these things [human rights]. The Thai state and its policies place high importance on freedom, but it has to be according to the legal framework and other changes in the world” (fieldnotes).

I was further caught by surprise when the Deputy Governor made a very public promise to ensure that the stateless youth in the audience get Thai citizenship, provided that they were born in Thailand and that their parents entered Thailand before 18 January 1995. Of course, a citizenship application must be substantiated by proper documentary “evidence” and “witnesses”, he said, in order to increase the “confidence” of a district officer who would then pass the case further up the decision-making chain. To those who meet these documentary criteria, he reassured them that they would soon get Thai citizenship. At the same time, when one boy in the audience shared the difficulties he was facing in finding evidence for his case, the Deputy Governor told him to use his credentials when contacting the local officers to facilitate the process: “tell the District I sent you”. What emerges here are a few examples of state illegibility that regularly confront Shan youth and which they have to learn to figure out: Is the process to acquire citizenship governed by the rule of law or by special interventions performed by well-connected people? Are their rights granted to them as children, as universal human beings or are they conditioned by legal norms at a national level? If they are unable to meet the criteria for Thai citizenship, what rights are they still entitled to as stateless persons or persons with an undetermined legal status?

Struck by his message, I set out to have an interview with him. Through a middle school friend who was now a Chief District Officer, I was lucky to secure the Deputy Governor’s last availability of the year. On our appointment day, I found myself navigating the maze of governmental buildings. To respond to an immense population growth in the last two decades, Chiang Mai’s City Hall and other Provincial Government Offices is now located at an expansive property in the outskirt of the city. The City Hall boasts an immense square-shaped structure with huge pillars and Lanna style roof. The central courtyard fashions the shrubs groomed in the shape of Chiang Mai map. This building is the engine of public services and management of Chiang Mai Province, including migrant registration. When I arrived at the Deputy Governor’s office, I found a smaller front room shared by a few staff separated by the
door from the inner bigger office where the Deputy Governor sat. In this front room, there were quite a few people lining up to see him. With the end of the year approaching, it was common to see people come pay respect and bring gifts to the elders or those in power. I realised my faux pas for having come empty handed.

Inside the office far too spacious for one person, the Deputy Governor sat at his desk facing a large screen television, which seemed to occupy his interest. Considering the impression of “openness” he gave off at the event, I anticipated a stimulating and insightful discussion. Prior to our meeting, I had sent a list of interview questions as requested. To my surprise, the first words he said to me were “Here is your list of answers. There is no need to interview me anymore”, as he passed on a piece of paper with his written answers (see Annex 1). I was taken aback by this first greeting but did not relent. Instead, I invited myself to sit down. The conversation was off to an awkward start.

I raised the topic of the recently introduced change authorising a governor to grant citizenship on behalf of the central government, which he also mentioned in this speech. Many activists regard this amendment as a game changer that fast-tracks decision making. His said, “On issues like migration there are already fixed mandates and policies from the central government called the ‘function approach’. The city itself will adapt these policies using the ‘area approach’”. I find his reply vague and full of technical terms. However, he made it clear that with the Immigration Act under the authority of the Prime Minister, the central government still has power to dictate directions and priorities on citizenship authorisation. The governor’s authority applies to the cases filed under Nationality Act 2008 section 7 bis (2), which largely targets ethnic minorities in the highland communities but not labour migrants. Before a citizenship application reaches the governor for approval, a village head must sign it to confirm an identity of an applicant as an authentic local member of the community, not a new migrant. It is not uncommon for such signature to incur a bribe, even though, in theory, it should not cost anything.

Although the authority for citizenship approval under certain legal clauses now rests with a governor, the application still has to be sent to the Department of Provincial Administration (DOPA)—an agency within the Ministry of Interior—for final approval and issuance of the

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88 At another legal training workshop I attended, a lawyer activist mentioned that the law did not specify that a person’s membership in the community had to be approved by the village head but officials who check the paperwork still expect the signature of village heads.
identification number." Therefore, a citizenship application engages all three levels of administration: the local, the provincial and the national. When I asked about the overlapping tasks and challenges of these different agencies at different levels working together, he snapped, “We work in an integrated way already. You should not see things as separate”. With regards to my question on the areas of research needed to fulfil any knowledge gaps, he said, “There is nothing that I don’t know. The data, however, is not updated. Decision makers lack updated statistical information to make decisions. Currently policymakers do not really rely on information—we rely on what has been done in the past”.

Throughout the interview, there were clearly tensions in his views between the human rights discourse and national security. He said that NGOs keep pushing irrationally the human rights agenda, which is not compatible with national security, concluding. “NGOs’ human rights do not go with state’s national security. State cannot comply with NGOs’ demands”. He mentioned a few times that NGOs were “the tools of the US intervention” and expressed his disapproval that the foreign governments who take on only “capable refugees” and leave the unwanted and low-skilled ones to remain in the camps. At one point, he blasted at me “You can’t only be concerned about human rights issues. You are also a Thai citizen, aren’t you? Why don’t you care about Thai children?... The refugees live like kings at the camp. The UN and all the NGOs spend so much money to support these refugees while the Thai people who live around the camp still live in poverty. Have you heard that some of them were sent to the US but asked to come back to the camp because it is that comfortable?”

When I pointed out that these children in our conversation were born in Thailand like any other Thai children, he said “We need to have the right priorities. I need to prioritise Thai children. You will see, these aliens will own businesses and will become the capitalists, while the real Thai will be labourers”. He went on to complain about how the Burmese were all over town. “In the past, migrants were invisible but now it is hard to tell who is Thai and who is not as they are well-assimilated. They have cars to drive, houses to live in and they work hard”. At the same time, he speculated that in the future, “It is likely that the rules regarding migrant children will be more lenient …the goal would be to register and legalize them”. Priority,

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89 Notes from an interview with a DOPA officer.
90 The relationship between Thailand and the United States has worsened in the last few years, especially after the US Ambassador to Thailand expressed concern over a number of lese majesty cases (BBC 2015). The US is seen as meddling with internal politics; democratic values and human rights are seen as the US discourses and tools to intervene with Thai sovereignty. Snodin and Young (2015) note the anti-American sentiment in the capital of Thailand after the US Secretary of State’s published condemnation of the military takeover in Thailand appeared in the media.
however, will be given to those who have achieved higher education (i.e. those who have finished university level). “We must socialise them in a good way. We will follow the international human rights standards. But granting citizenships without careful consideration will lead to social issues”.

The Deputy Governor’s views are not unlike what the projection of mass media on migrants. While admitting that an aging society such as Thailand could not possibly survive economically without migrants and complaining that Thai people were too lazy, he also commended migrant children for working hard due to their “inferiority complex”. He mentioned a classic case of Mong Thongdee, a stateless Shan boy who made the headlines back in 2009. As a 12-year-old boy, Mong won the national paper plane competition but could not travel to compete internationally due to his lack of citizenship. The story of an innocent stateless boy drew huge public sympathy, leading the government at the time to issue him a temporary travel document and promised him citizenship in the future and a scholarship to the PhD level (Daily News 2018). Mong remained stateless until 2018 (Thairath 2018). When members of the famous Wild Boars stateless soccer team received citizenship, the public raised questions why Mong—the first famous stateless youth—was still not granted citizenship. It could be speculated that this public pressure was beneficial for Mong.

It might be useful to note that at the time of this interview (December 2015), there had been several international headlines regarding migrants from Myanmar in Thailand. Two Burmese migrants had been tried and sentenced for allegedly killing two British travellers on the popular tourist island of Koh Tao in Southern Thailand. The trial of the migrants was the subject of a good deal of speculation and there were rumours that the murderer was in fact the son of a powerful local politician. This scapegoating of migrants stirred anger in Myanmar to the point that the Thai Embassy in Yangon issued a warning for Thai people not to disclose their Thai identity while visiting Myanmar (Irrawaddy News 2015). Prior to that, the 2014 in depth report by the Guardian on inhumane treatment of migrant labour in the Thai seafood industry akin to modern slavery stirred an avalanche of global disapproval, reactions and scrutiny on Thailand’s human rights abuse (Hodal and Chris 2014). Consequently, the government took actions and investigations by focusing on the illegality of migrants (implying danger) and on advocating for stricter law enforcement on migrants on the grounds of national security. At the same time, the spokesperson of the Ministry of Labour mentioned the possibility of legalising the migrants. The fishing industry and Thai economy took a punch when migrants had gone home in fear of being arrested for being illegal. Countrywide, including Chiang Mai, the “crackdown” on
illegal migrants intensified as a result, leading to random raids and check-points (VoA News 2014).

The use of fear and unpredictable practices to control migrants is neither new nor unique to the Thai state. Yet, what is less documented is the way in which such processes are a result of entangled bureaucratic practices. For example, the admission of the lenient attitude toward migrant children, while criminalising their parents reveals the fundamental illegibility of the government’s attitude towards many migrants. With parents’ legal status weighing heavily on a stateless child’s chance to get Thai citizenship, criminalising the parents has a significant impact on a child’s status (Bhabha 2003; 2009).

During this rather hostile interview, it was apparent that he had shifted in his attitude on NGOs, migrants and migrant children from the public arena to our conversation in the private realm of his office. This contrast reminds me of Goffman’s (1958) notion of how a setting (backstage or on stage) determines an actor’s actions. The other actor in the room is myself, a foreign-educated scholar who must have represented what he perceived to be the NGO view and the US influence. Despite my attempt to get the Deputy Governor to clarify the processes involved in legalisation, he instead focused on degrading migrants and articulating the way the lines of responsibility between several state agencies at various levels were already clearly demarcated and the operations on the ground seamless. In fact, as demonstrated in the next ethnographic vignette, these different state agencies often make conflicting interventions on the legal status of stateless persons. Some of these state actions could be considered violation of basic human rights but they are, again, performed on the grounds of national security.

4. Highland communities and insecure citizenship

In late 2017, I unofficially accompanied the Sub-Committee on Indigenous and Minority Rights of the National Human Rights Commission of Thailand (NHRC) to investigate the complaints put forward by two stateless communities in the outskirt of Chiang Mai, a main city in Northern Thailand. Even though these villages are within a two-hour drive of the city centre and are still officially part of Chiang Mai, they felt rather remote. Within minutes from the turn-off from the main highway, we found ourselves among tall trees on a meandering unpaved road. With a dramatic drop to the left, our van climbed up the shoulders of the hills carefully.
The goal of the visit, as repeated several times during the trip by the investigators, was “to heal our brothers and sisters” (เยียวยาพี่น้อง), highland communities who had their Thai citizenship stripped from them years ago. The responsibilities of the NHRC include examining “acts of human rights violation or those which do not comply with the country’s international human rights obligations and propose remedial measures to individuals or organizations concerned” (NHRC, n.d.) and filing “a lawsuit on behalf of a complainant for the purpose of redressing the problem of human rights violation in general” (ibid).

The convener of this Sub-Committee at the time of my fieldwork was a former activist well-known for her work with the highland communities and her role as an experienced intermediary between the highlanders and the government. Other team members were seasoned development practitioners, academics and activists who all knew each other well and had worked together as a network to address legal status issues in Thailand. Many of the Sub-Committee members also sit in the multi-lateral working groups to solve statelessness in the north.

Our first stop was to investigate the impact of mass citizenship revocation on the highland communities in District C. In 2004–2005, the Department of Special Investigation (DSI) claimed that large-scale corruption took place during the process of granting Thai citizenship to these communities in the district. According to DSI, not all those who were granted Thai citizenship met all the criteria; most applications were incomplete and some proof fabricated (Manager Online 2006). The local government officers involved were condemned as “the sell-out gang”, who betrayed the country and the national security by falsely approving the identities of recent migrants as members of the community. The motive behind unlawful acquisition of Thai citizenship was speculated as to allow transnational criminals from Myanmar to assume Thai identity and traffic drugs and commit crimes (Bangkok Post 2006).

As a result, the government ordered a mass revocation of the citizenship of more than 5,000 persons and put a “pause” on all the activities related to their legal status including not issuing

91 However, it is worth noting that the structure of the NHCR remains intertwined with the government. For example, the commissioners and committee members at the time of my fieldwork were appointed by the National Council for Peace and Order, the military junta that has ruled Thailand since 2014. See more at http://www.nhrc.or.th/AboutUs/The-Commission/Background-and-History-2.aspx
92 Pinkaew (2014) also discusses a similar incident in another district at the opening of her chapter.
93 DSI was established in 2002 as part of the criminal justice system reform and wider bureaucratic reform during the 2000s. It sits under the Ministry of Justice of Thailand but operates independently of the Royal Thai Police. DSI is tasked with the investigation of special crimes such as white collar crimes, organised crimes and transnational crimes (see Department of Investigation, n.d).
their newborn babies with a Thai identification number. Suspension would be lifted once DSI completed a thorough investigation.

This blanket removal of citizenship had been affecting the daily life of these 5,000 villagers for more than a decade. When the villagers followed up, the district officers would say the documents were still with DSI and there was nothing to be done. Such practice was not deemed a violation of human rights, but protection of national security. With the District not wanting to do anything to contradict or disobey the order of a central government agency, an intervention by a neutral entity such as the NHRC was needed.

When we finally arrived, we were greeted by the villagers and led to a tribal museum-turned-meeting hall. A long table was set up in the front of the room for the Sub-Committee members, facing rows of chairs occupied by villagers who came from five affected villages in the district. The atmosphere was tense with anticipation. I noticed many villagers holding a folder containing all their official documents, ready to prove their identities to the committee.

After initial greetings, the convener asked for a show of hands of those who could speak Thai, those who attended Thai schools, those who were previously granted Thai citizenship and those who were born in Thailand. Different hands were raised at different times. An interpreter was on the side to facilitate the communication between the Thai committee and the highland villagers. A number of villagers explained, some in Thai and some in their mother tongue, how this legal limbo negatively impacted their lives. Holding a baby in her arms, a woman next to me shared her worries with me that her baby would not have a future due to lack of citizenship.

![Figure 12: Lahu villagers showing their now-invalid Thai identification cards to the Committee members.](source: fieldwork)
Committee members soon got the villagers to line up in order to investigate the authenticity of their documents. When the convener asked to visit a family home, a man and his wife volunteered. I went along with her while others continued looking through the documents. A short walk up hill from the meeting hall led us to a small tattered house made with bamboo and tin roof. The couple lived alone as their children were now living in Chiang Mai City. They showed us a folder of documents which included a birth certificate and a household registration with mug shots specific to the highlanders. It was clear that they had the documents required by the Thai state to claim Thai citizenship. The couple was particularly worried for their children’s future, as this “pause” in the legal status has been negatively affecting their life for more than a decade. The convener promised to bring justice to the villagers.

![Image](image.png)

Figure 13: The Convener’s visit to a Lahu villager’s household.

Source: fieldwork

4.1 The Hmong of Wat Thambrabok and the case of an empty promise

The second stop on our field visit was a small stateless Hmong community, whose life story complicates existing literature on the relationship between the Hmong and the Thai state and exemplifies state illegibility. During the cold war, the Thai army and the United States of America Central Intelligence Agency recruited the Hmong communities to fight against the
communist insurgents along the Thai–Laos borders through programmes that would ensure both legibility and loyalty to the state such as permanent settlement, military training and citizenship conferral (McKinnon and Vienne 1989, cited in Flaim 2017, 154; see also Leary 2008). These Hmong are officially referred to by the Thai state as “the Hmong of Wat Thamkrabok” (ม้งที่มาอาศัยในถ้ำแครบก), and also sometimes as ‘the Hmong who have contributed to Thailand’ (ม้งทําคุณประโยชน์). However, more than 40 years have passed and this family still is without the long-promised citizenship, affecting the lives of subsequent generations. A man in his 50s, whose father was part of the original group of Hmong fighters, explained to us that they moved up north because they had been evicted from Kanjanaburi province, where they were placed by the government after the Cold War ended.

Like the first group of villagers, they also had a folder full of various documentary evidences ready to show the committee members. These items included several letters issued by the Thai military circa 1972 confirming their contribution toward “saving the country”; a well-organised photo album of their home in another province before and during their eviction; pictures of them with one of the most well-known military men in recent Thai history, who later became a Thai Prime Minister in 1996; a type of identification card issued by the Thai Army with a vague message on the back stating “please facilitate this person”, and several more types of identification cards (see figure 14). Despite possessing the letters bearing the Thai government emblem and issued by representatives of the Thai state at various times, the family was told these documents hold no significance. The Sub-Committee members gathered around the table to examine multiple types of identification cards, touching and feeling them. One of the members remarked how unfortunate that none of these cards can be considered valid by the Thai state because they were not issued by the Ministry of Interior. Yet, every single one of them has been kept carefully and safely by the family in hope that one might turn into a valid proof of their “official” existence. Before our departure, the Hmong man reiterated the urgency of the situation. He told us, “even animals have a home, but we don’t”.

94 Wat Thamkrabok is a Thai Buddhist temple where many Hmong took refuge during the Cold War. See Ian Baird (2013) for more detail the relationship between the temple and the Hmong people.
That evening after the visits, the Committee had a debriefing session at a restaurant in preparation for an important official hearing the next day. The hearing would take place at the City Hall and be attended by the DSI, Department of Provincial Administration, the Governor, the Chief District Officer and the representatives of both groups who filed the complaints. After the hearing, the Committee members would then recommend a course of action in accordant with the international human rights standards. During the debriefing meeting, the members agreed that for the first case, it was appropriate to ask that the ID numbers be returned to the people first and reinvestigate again under the presumption of innocence rather than the presumption of guilt. Some members expressed the worries that the matter might not be able to move forward as the District might say they were waiting for the order from the Department of Provincial Administration and the latter would reply it was the responsibility of the District to follow up with DSI.

A large crowd of the highlanders gathered in front of the City Hall the following day again. Many dressed in their traditional costumes, holding up the familiar quote and picture of King Bhumibol (see figure 15). Despite having achieved full recognition as Thai citizens at one point, they are still “not considered authentic Thai”, to use the late king’s words. As a result, their Thai citizenship was collectively revoked due to a negative perception deeply rooted in a long history of discrimination. While I was allowed to attend the official hearing, I was asked not to use it in my thesis.
5. The illegible state

Legibility to the state in the form of documentary evidence constitutes the central problem for both the state and the stateless—the former insists on using documentary evidence as a way to “diagnose” statelessness, while the latter rest their hopes on being “seen” and “counted” by the state as a full member. Therefore, legibility sits at the core of the interactions between the state and the stateless. For the highland communities, the Hmong family and Somjai, documents are kept and handled with care. Their practice not only contradicts sharply with the image of state-evading “hill peoples” during the pre-modern state era (Scott 2009) but also challenges their contemporary portrayal by mainstream media as ignorant and negligent of documents. Instead, their collective experience affirms existing literature that possession of evidence is not a guarantee for a place in polity and, in turn, reveals to us various forms of state illegibility.

What I seek to demonstrate through the ethnographies above and the analysis below is that the state is far from being a rational, coherent and unified actor, as it sometimes is made to appear by the politicians, NGOs or the legal frameworks. Instead, it is elusive—the state’s

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95 As argued by Flaim (2017, 163), “no evidences, whether documents, data, or even DNA, can ever guarantee a place in the polity”. The other works in the same edited volume Citizenship in Question by Lawrance and Stevens (2017) also demonstrate that states produce statelessness in at least two ways: by questioning the citizenship status of their own citizens and by rendering its own citizens stateless through bureaucratic practices and procedures of concealing and failing to produce evidence that might vindicate an individual’s claim to citizenship. As put in the introduction by Stevens (2017, 2), “Citizens thus are at the mercy of information the agency opposing them is creating, maintaining and hiding from them”.

polymorphic and overlapping structure makes it hard to both draw the line of responsibilities and pinpoint where failures have occurred. As the state being enacted by individuals on an everyday level, their diverse beliefs and practices must also be analysed and understood as the social practice that gives the structural effect to what we call the state (Mitchell [1999] 2006). Thinking about the state in this sense allows us to gain some insights as to the nature of state illegibility, and also to the myth of the standardised solution to statelessness.

5.1 State illegibility through documentary practices

State illegibility in relation to documentary practices takes various forms. The first form manifests as uneven production of evidence by the state. Somjai’s two identities, and her later deprivation of both, are case in point. This kind of incident is neither new nor unique to Somjai; documentary errors and uneven registration practices by the Thai state are well-known. What is interesting is that despite this knowledge, state agents and those mobilising for rights of stateless persons alike, still insist on viewing legal documents as real and complete. The error in her identity document was normalised as acceptable and consequently was dismissed without much consideration of the possible psychological harms inflicted upon individuals by the delivery of misinformation, or lack of sufficient explanation. In addition, state-issued documents can be overturned, taken away, dismissed or removed at any time. A document may be valid today but it may cease to hold any meaning tomorrow, like in Somjai’s case and the citizenship of the highlanders. Alternatively, they could hold no meaning at all despite being issued by the Thai state. In the case of the Hmong family, although the letters and some of the identification cards in their possession were issued by the Thai state, these documents are not considered qualifying evidence for a citizenship application because they were not a birth certificate, a house registration or an identification card containing a 13-digit-number. Even if an official wants to believe their story, they cannot justify granting them citizenship due to their “insufficient evidence”. Failure to acknowledge unevenness of the state’s own bureaucratic practice and insistence on perceiving legal documents as objectively-produced evidence are not only a form of state illegibility but also a form of subtle violence, as it ignores the lived experience of stateless persons, who are left to find a solution for the situation they end up in, without acknowledging how they end up there.

The second form involves the interpretation of documents by state agents and is linked with stereotyping practice. Stateless persons in the accounts presented here all want and seek state
recognition in the form of a Thai citizen ID card issued by the Thai state, as such document not only provides physical and social mobility, but also allows them to be both visible and invisible to the Thai state—visible because a Thai citizen ID card allows them to be officially “seen” and “counted” as full members; invisible because once full membership is conferred, in theory they become one with the mass, holding the same blue coloured ID card as other Thai citizens. A Thai ID card is viewed as a pass to allow them to achieve full social and physical mobility and not having to be under constant threat of being arrested. However, this invisibility is precisely what the Thai state claims as dangerous. In practice of connecting crimes, especially drug trafficking, to highlanders and migrants, the state and its agents such as the Deputy Governor view granting or not granting citizenship to highlanders and migrants—those deemed the unauthentic Thai—not as a matter of human rights but national security. Subjected to the state’s prejudice, stateless persons in Thailand therefore have been caught in what Reddy (2015a) calls a “double bind”, whereby individuals are “mandated to be identifiable, via their papers, as singular individuals” and at the same time, are stereotyped and perceived as indistinct members of a group. For the villagers whose citizenships were withdrawn, their identity documents were collectively deemed by DSI as fraud. Instead of re-examining their individual documents to distinguish the genuine from the fabricated, the state agency applied a singular legal action across the board. In Somjai’s case, for a moment she was not indistinguishable to district officials from another girl “with the same face” and the same situation. Therefore, despite being required to be individually legible through personal documentation, stateless persons are all “the same” to the officials. They become visible only as a group, not as individuals. As noted by Flaim (2017, 148), “no matter how strong the ‘evidence’ to a citizenship claim may be, citizenship conferral ultimately requires the conferral of belief”. Despite the guidelines and flowcharts, the interpretation of evidence also rests on state agents’ consideration and willingness to believe. As seen in the case of the highland communities, a Thai identity card when acquired by a highlander is still met with suspicion whether such acquisition is “truthful”. Assessment of evidence, therefore, is not merely an objective activity, but one that is at risk of stemming from the practice of stereotyping a group. Because stereotyping also depends on an individual’s perception of the “Other”, it is unpredictable and is one manifestation of state illegibility.

De Chickera and van Waas (2017, 65) warn that “Failing to distinguish between the stateless and those who lack documentation, and the failure to distinguish stateless persons who lack documentation, can lead to the wrong solutions…”. However, such distinction is hard to make
in the legal regime, whereby individuals are perceived as indistinct members of a group and where the state officials are lost in the maze of the many sub-categories of non-citizen “Others”, various legal amendments and numerous types of ID cards that the state has created over time. Overwhelmed by the constant policy changes and unable to make the kind of distinction postulated by de Chickera and van Waas, those representing the state often fall back upon the deeply-rooted stereotypical practice. This knowledge gap within state administrative bodies partly accounts for why many stateless persons in many parts of the world are unable to benefit from the theoretically inclusive legal reforms.

Finally, while the international legal frameworks state that a right to a nationality is a basic human right, the structure of evidentiary procedures and local practices can present obstacles to stateless persons in achieving that right. The authority invested in village headmen as customary focal points in the citizenship application process — and as witnesses in certifying the identity of stateless persons — means that such local figures have significant influence over the success or failure of an application (Flaim 2017, 155-156; Chutima 2006). This procedure may be considered less bureaucratic and more rooted in local relationships assumed to be authentic, it often induces “tea money” and exacerbates an individual’s vulnerability. As shown in Somjai’s case, and in Flaim’s work, this arrangement depends on how helpful and active a village head is. With the village head’s signature counting as a reliable proof, evidence is once again far from being neutrally produced; it is subjected to the relationship between the powerful and the powerless. In the name of national security and adherence to the rules, the state could also revoke citizenship of groups deemed suspicious, disbelieve the promise and evidences produced by the state itself and disregard documentary mistakes committed by as anomalous errors. Statelessness is therefore a condition deeply entangled and produced within the complex circular dynamic of needing to be legible to the state but unable to be so due to state illegibility.

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96 My informal interview with the officers reveals that they often feel unequipped and under-resourced to understand the complex Thai citizenship laws.

97 Blitz (2017, 77-78) gives an example from Sri Lanka, where stateless persons could not benefit from a simplified procedure to demonstrate proof of citizenship because state administration bodies were not fully aware of the legal arrangements following the changes in nationality law in 2003.

98 Although there is no statute that states a witness in the application process must be a village head, my interviews with informants and the literature above indicate the dependence of stateless persons on such local authorities. See Pesses (2007).

99 A bribe
5.2 Reading the illegible state

Kamal Sadiq’s concept of documentary citizenship (2008) demonstrates that creative solutions through documents in the face of state power are possible—undocumented migrants in his study are able to falsely-acquire documents that confer full citizenship and enable mobility and agency. One of the conditions that allows for documentary citizenship to be achieved, in this interpretation, is weak and erratic bureaucracy in a developing nation. By contrast, my fieldwork suggests that an erratic bureaucracy is not necessarily a sign of a weak state. Instead, state illegibility, as argued by Campbell (2017, 318-19) is constitutive of the state itself; opaque policies and practices can be interpreted as a form of hegemony to provoke “uncertainty and insecurity for those at whom the practices are directed. I argue that the Thai state performs and normalises its illegibility and consequently justifies its production of arbitrariness in at least two ways.

Firstly, the state entitles itself to dictate what could be allowed and exempted from laws without making itself accountable to the law. It can grant citizenship in honour of a special occasion, under an exceptional policy or to an individual whom it judges to have substantially contributed to the nation (what constitutes contribution, again, rests on the judgment of individuals in power). Honouring the king, as seen in the letter at the beginning of this chapter and noted in my conversations with activists, was often cited as an occasion to speed up the process of citizenship granting. Similarly, mourning the king can also be used as a reason to delay certain processes such as in the case of Somjai. With opaqueness being a key character of state illegibility, it is also often unclear what truly constitutes a policy and how long the policy lasts (Shore and Wright 1997, 5). Must it be a written document? Or do political speeches and people’s interactions and experiences with street-level bureaucrats also count? In the case of the Hmong families, could the words and promises given by the officials representing the state considered a policy or were they just empty rhetoric? Can they be held accountable for their promise if one cannot be sure if the uttered words are policies and not individual voices?

Secondly, the state positions the citizenship acquired through naturalisation as a less legitimate type than the one obtained by Thai nationals at birth. Rather than a natural birthright, citizenship through naturalisation is subject to a state’s permission to begin with, and can be revoked at any time, usually in the name of national security. As seen in the case of the highland communities, acquired citizenship of villagers was not “effective” citizenship.
Despite the opaqueness of the state, I argue that having been subjected to state illegibility all their lives, stateless persons do not necessarily fail to “read” the state; most anticipate illegible practices by the state and respond in their own ways. For example, the Hmong family kept careful track of communications with the state. In Somjai’s case, she responded by finding ways to maintain more than one identity. Or, some people engaging in paying the “tea money,” despite meeting the citizenship criteria.100 Although in reality “tea money” has long been a common feature in the Thai bureaucratic transaction, the official state rhetoric has now declared such practice “intolerable”.101 Attempting to draw its legitimacy from being transparent and accountable, it flexes its muscles by “following the rules” and employing harsh measures and fear in its management of the non-citizen “Other”. Fallen into such category, stateless persons are pressured to familiarize with these new rules and mobilize accordingly. Approaching the National Human Rights Commission and demanding for recognition by demonstrating belonging through documentary evidence can be interpreted as one way of responding to state illegibility in the era where the state declares itself to be upholding transparency, human rights, and standardisation of practices. Reading the state is therefore both a skill and a burden that stateless persons constantly need to keep up with and modify their responses to fit the state rhetoric.

6. Conclusion

As argued by Lindsey Kingston (2017), statelessness is not only a cause but a symptom of marginalisation. In this chapter, I build on the work of other scholars to reveal a complex and unequal relationship between stateless persons and the state through the concepts of legibility and state illegibility. My ethnographic accounts affirm existing literature on the myth of complete and even bureaucracy, and further reiterate the circular dynamic of legibility and illegibility. With respect to legibility, the state demands that stateless persons wishing to obtain citizenship be “legible” through documents. Yet, the state and its administrative bodies’ own practices regarding documents are uneven. Through inconsistent rules and policies and

100 Many participants revealed to me that they still had to pay tea money to get faster facilitation or to obtain a signature from a village head in their citizenship application despite fulfilling eligibility criteria.
101 The current military government has war against bribery and all kinds of corruption, after it justified the 2014 coup on the basis of getting rid of the “corrupted” elected government. Curiously, this military government itself has since faced a lot of large-scale corruption scandals. See the Nation (2015) and Pavin (2018).
selective application of the rules, the state has created a system of governing that on the surface demands clarity but in practice operates under opacity.

In using the theoretical framework of state illegibility and ethnographic accounts, I further illuminate the process by which state places burden on the stateless. The forms of state illegibility in this chapter vary from mass revocation of citizenship, disbelieving the promise and evidences produced by the state itself and disregarding documentary mistakes made by the representatives of the state. Such patterns of legal incoherence, unexpected revocation of rights, reliance on favours from officials and mysterious disappearance of documents into a black hole of the bureaucratic universe confirm common challenges facing many stateless persons beyond the context of Thailand. I argue that stateless persons, having been subjected to state illegibility all their lives, are well aware of its various forms and continuously devise means to anticipate and respond to them. This knowledge does not take away the burden placed upon them. Neither does it reduce the danger of the state’s rhetoric of standardised and fair bureaucracy.

Therefore, for those working to address statelessness, it is important to recognise and acknowledge not only state illegibility, but also the fact that the state itself is far from being a rational and coherent actor. Failure to do so risks reducing statelessness to a legalistic issue to be solved primarily by amending the laws or producing documents. As shown by the ethnographic vignettes in this chapter, the denial of state illegibility risks placing blame on individuals for not possessing the right documents and further exacerbating vulnerabilities of stateless individuals. Conceptualising unevenness in state bureaucratic practices as state illegibility rather than weak bureaucracy allows us to recognise the violence that is systemic and rooted in discrimination, rather than viewing it as unintentional and anomalous errors.
PART 2:

Learning to be Stateless
Chapter 4: Learning to be stateless

1. Introduction:

Early on in my fieldwork, I became friends with Mei, a Shan woman in her early thirties who worked for a prominent NGO promoting the rights of migrant workers and children in Chiang Mai. The UN’s Global Campaign to End Statelessness had just been launched a year prior. With the conditions of statelessness among children of migrants becoming increasingly recognised, they are now referred to by the Thai NGOs not simply as “children of transnational labour migrants” (ผู้ลูกเหิรือแรงงานข้ามชาติ) or “second-generation” immigrants (หายาหุ่มเที่ยวแรงงานข้ามชาติ) but also “stateless children”. Aware of my research interest in childhood statelessness, Mei invited me to attend a public forum she was organising to commemorate the World Children’s Day. She explained that although the official title of the event was “the reflections and lessons-learned from the work on child migrants protection”, the underlying objective was to provide a platform for stateless children of migrants to learn about child’s rights and to voice their experience of marginalisation to the Thai public and officials. “Stateless children and some government officials will be attending. You should come too,” Mei extended her invitation to me.

The atmosphere was already vibrant when I arrived. Mei was running around to ensure that everything and everyone was in place. Around thirty teenage stateless students in various school uniforms occupied the centre rows of the conference room, busy chatting away to one another. Some Shan youth performers in the traditional Shan costume stood just outside the room, ready to wow the audience with their opening dance act. The room became noticeably quiet when the Deputy Governor and his entourage entered and made their way to the sofa, which was set up on the side of the stage for the VIP guests such as themselves. Once the Deputy Governor and team appeared settled and comfortable, the event officially started with the dance of “Toh” (โต๋)—a mythical Shan creature accompanied by the sounds of the Shan drums.

At this event, I also came across Aum and Fon, 14-year-old Shan girls who later became my core participants. The two teenagers were the key panellists in the session on lived experience of statelessness. They stood under the spotlight with confidence, sharing their fears, hopes and
dreams with the audience. So far, lack of Thai citizenship had not yet been a prominent issue in their immediate existence as middle school students but they knew that soon it would. Addressing the Deputy Governor, they asked that the government reconsider its laws and grant citizenship to Thai-born children of migrants such as themselves. On the stage, when asked by a moderator what their dreams were, Fon declared that she was in the process of designing a handbag with recycled materials. Aum said she wanted to be an actress. I could not help but admire the simultaneous confidence and innocence they radiated. What struck me most was how they exuded hope and positivity that almost seemed at odds with an image of voiceless and marginalised stateless children as often portrayed by many NGOs. However, as my fieldwork progressed, it became evident that a lack of legal status started to take up more space in both their minds and their lives. Like other young people without citizenship, Aum and Fon have to learn to adapt to the conditions and limitations brought about by their lack of legal status. In short, they have to learn to become stateless—a concern that might not have entered their minds a few years prior.

My interviews and participant observation with a number of stateless Shan youth reveal a certain pattern: being stateless is something my participants became aware of later in life. In other words, statelessness does not seem to be an identity that my participants necessarily identified with since birth but rather something they became aware of in punctuated moments that made them realise they were different from their Thai peers. This observation has led me to question the static framing of child statelessness as complete rightlessness, invisibility and powerlessness at all times. As observed by Cheney (2007, 15), “..the social sciences have yet to treat age as a social variable equivalent to others such as gender, class, and ethnicity”. Similarly, discussion on statelessness rarely focuses on age as a variable on the experience. I find the literature on the undocumented 1.5 generation Latino immigrants in the United States more relevant and helpful in unpacking the impact of legality in different life stages (Gonzales 2011; Suárez-Orozco et al. 2011; Chauvin and Garcés-Mascareñas 2012) and the confusing experience of growing up in the country that they call home but that does not regard them as full members (Gonzales and Chavez 2012). Similarly, stateless Shan youth such as Aum and Fon have known Thailand as their home but have been told by adult citizens that they do not belong here, or that their lack of legality is their problem.

In this chapter, I unravel this process of “learning to be stateless” and the impact of statelessness in various life stages through the lived experience of Aum, Fon and my other participants. In doing so, I conceptualise statelessness as a dynamic condition that constantly undergoes re-
interpretation by the affected youth according to their life stages. To capture this process of “learning to be stateless,” I use the term “recalibration” to refer to how my participants, once “aware” of their statelessness and its potential impact, learn to see themselves in a new light as relationally dependent, embedded, constrained and yet enabled by a wide range of actors. Recalibration involves scaling down dreams, hopes, aspirations, expectations and questioning their sense of place in society. At the same time, it involves actively looking for other avenues, for space to assert and perform belonging. This process is shaped by not only their own awareness of their lack of citizenship but also by the reactions of adults around them who perceive their legality in certain ways. Not only do stateless Shan youth in my research have to familiarise themselves with the complex system of legal categorisation, which I have discussed in chapter two, in order to understand the category of non-Thai to which they belong, they also have to learn to strategise when facing obstacles imposed upon them by the said category and by adult citizens. In this chapter, I focus on examining the concept itself, but I explore further the acts of recalibration performed by my participants in chapter five and six.

I begin this chapter by discussing a liminal space occupied by stateless youth in societal imaginings and a problematic representation of stateless youth by NGOs and the #IBelong Campaign. Arguing against such simplistic representation, which tends to homogenise stateless youth as outcasts who lead an “abnormal” life, I bring attention to the moments where my participants first became aware of their status as stateless persons. These punctuated moments represent the reality that for many Shan youth in northern Thailand born after the turn of the millennium, life could in fact appear quite “normal” until a certain age. I will then present two ethnographic accounts involving Fon and Aum seeking options to continue their education, and my involvement in their respective journeys. Their lived experience suggests a gradual journey of internalisation of the limitations imposed upon one’s dreams by a legal status. In addition to the emotional burdens of statelessness, their stories also point to the crucial role of the adult citizens in hindering or supporting stateless youth in making major decisions that impact their lives in the long run. Within the ethnographic vignettes, I weave in my reflections upon the dilemma I faced as an adult Thai researcher with a responsibility toward her stateless participants. My reflexivity highlights the complex power dynamics between the researcher and the researched when age, social capital, and legal status are at play. The asymmetries of power present in fieldwork relationships, though extensively written about in anthropology
generally, are rather under-discussed within research concerning stateless and immigrant youth."

2. Representation of stateless youth as abject subjects

In migration scholarship, undocumented immigrants are often understood in relation to the notion of “invisibility” due to their lack of a legal status (Varsanyi 2006; Chauvin and Garcés-Mascareñas 2012, 2014). Yet this represents a narrow view of migrants’ lives and their participation in the host society. Documented and undocumented migrants coexist alongside citizens as neighbours, family members, service providers, customers, fellow parents, and fellow classmates. Yet at other times, and in other spaces, they are marginalised and excluded. For stateless children, their rights are universal as both humans and children, yet constrained by the social norms and structure of the state. The nation-state framework and its citizenship practices limit stateless persons’ life choices and shape their everyday responses. That a child's legal status is predetermined by that of her parents is a strong evidence of the overwhelming power of legal structure. Stateless children are strikingly locked into this liminal space of being valued as children but being marked as non-citizens—their belonging is perceived by adult citizens as simultaneously genuine and harmless, yet suspicious and outside of the norms. Their lack of legal status alienates them from being fully embraced, but their status as a child allows them to still be placed within the margins of belonging.

Although the study of children has moved from seeing them as incomplete adults to active agents in constructing and determining their own social lives (see Oswell 2012; Allerton 2016), my fieldwork reveals that stateless children are still often subject to simple representations and are not treated as social actors who are knowledgeable about the social system of which they are a member the way citizen children may be perceived. An example of such a representation of stateless youth was an NGO event I attended a week or so after the one organised by Mei.

November was a busy month filled with competing events related to migrant and stateless youth, as several NGOs in Chiang Mai were trying to coincide their events with the annual celebration of World Children’s Day. At this second event, however, I felt rather uneasy and

104 The edited volume Children: Ethnographic Encounters by Allerton (2016) provides a critical reflection of the researchers’ experiences of working with children across a variety of cultural contexts beyond the usual focus of North America and Europe. Although the chapter by Allerton focuses on stateless children, other chapters deal with children who are in vulnerable situations but who are not migrants or stateless.
uncomfortable at the end of the day, as the organisers were pushing the one-dimensional image of stateless persons as abject subjects. In one panel, a moderator kept pressing a stateless student to say that he had difficulty accessing education, while he did not. Particularly disturbing to me was a theatre and short film competition about the lived experience of statelessness. Destitution, death, misfortunes, total lack of access to basic services formed the common storyline in these depictions of statelessness. The cast was mostly Thai, with participation of a few Shan youth. Some of the information presented on the rights of stateless persons was also inaccurate.105

Sitting through the live performances and the film viewing, I was overcome by frustration and disappointment at how such a well-intentioned event sought public awareness and support at a cost of perpetuating a homogenised image of stateless persons as helpless and suffering subjects. As argued by Gonzales and Chavez in their study of 1.5 generation undocumented Latino youth, while life stress due to the liminal and unstable nature of abjectivity is evident, it can also be "a condition that allows for the possibility of change, which opens up a space for human action and resistance" (2012, 259). A singular representation of stateless persons as a complete abject subject not only removes the agency and complexities of these individuals, it also does not acknowledge the important legal and societal changes that have been taking place in the last decade in Thailand thanks to mobilisation and activism by the pan-highland movements (McKinnon 2005 cited in Flaim 2017; see also Morton and Baird 2019). Rather than painting an image of total exclusion and invisibility, I find it more productive and pertinent to examine how increased rights and entitlements extended to stateless children since 2005 have impacted their lives. How does the transition to adulthood impacts their rights and entitlements? How does one’s awareness of their statelessness shape their sense of self and plans for the future? These questions, I believe, represent the complex reality of contemporary regime of statelessness we find in Thailand, which theoretically includes stateless children to some extent but also practically excludes them when they turn into adults.

There is general acknowledgment that further research is needed to understand stateless children’s perspectives (Bhabha 2013; Allerton 2017). Not only is there little research on the everyday experiences of statelessness among youth and children, there is not much data on the long-term impact of statelessness. More importantly, the question of how statelessness affects

105 For example, many performances portrayed stateless children as uneducated due to lack of access to education. Many others portrayed that stateless persons were left to die due to lack of healthcare.
a person in various “life stages” is often ignored. Statelessness is assumed to have the same devastating impact on every single child in the same way. In a course of a person's life, life pressure changes with age. Yet, to my knowledge, there is little research that pays attention to the particular intersection between the transition of age and the engagement with one’s own stateless status. My fieldwork suggests that although a child may be born stateless, she is not necessarily aware of her statelessness until a certain point in time. This overlapping between transitioning to young adulthood and “illegality” serves as the basis for my analysis. As the ethnographic accounts in this chapter and throughout this thesis highlight, the role of adult citizens in determining the impact of statelessness on a child is crucial but often under-analysed. I also show how in the transition to young adulthood, Shan youth learn to become stateless and, in doing so, learn what the state is and how it behaves and how they must “recalibrate” and behave in response.

3. The rights of the non-citizen “Other”

In our first meeting, Kru Ying—a veteran first-grade teacher a few years shy of her retirement—invited me to sit down at her desk and offered me a cup of instant coffee. We sat in her classroom surrounded by the first graders whose attention was divided between playing with each other and checking out the stranger in their class. She urged them to watch “the teacher”—not her but the one on the satellite television. Like many small schools with limited resources in the country, Bann Namtok 106 relies on distance learning via satellite broadcast from the school of His Majesty the King called “Klai-Kang-Won Palace” school. Also, like many public schools in certain neighbourhoods of Chiang Mai, a majority of the students in Baan Namtok are children of Shan migrants. What makes this school stand out from the rest is that it enjoyed a few moments of fame in 2008 due to its former Shan student by the name of Mong Thongdee, whom I mentioned in chapter three. As a 12-year-old boy, Mong won the national paper plane competition but could not travel to compete internationally due to his lack of citizenship (Telegraph 2009). The story of an innocent stateless boy drew huge public sympathy, leading the government at the time to issue him a temporary travel document that allowed him to travel to Japan to compete in the international paper aeroplane competition.

106 A fictional name
Kru Ying was one of the teachers who had helped Mong with his paperwork to get a temporary travel document. She recalled how the media was all over this sensational story, which sped up the process, while Mong and his parents neither seemed too bothered nor expressed their wish for an outcome. As the school rose to fame, it was visited by many state officials. Mong’s ordeal caused Abhisit Vejjajiva, the Prime Minister at the time, to publicly recognise stateless children as an urgent issue to be addressed by Thailand’s National Security Council, particularly in terms of education and health care access (Japan Times 2009). At a personal level, Kru Ying admitted that Mong’s case forced her to familiarise herself with legality of her students. “Before Mong, I had no idea what each number [in the ID] meant. I didn’t even know the difference between Shan (菏 (“ไทใฝ่”) and Burmese (mìn). Learning about these documents can give you a headache,” she warned me, before explaining that it was not uncommon to find students with a birth certificate under one name and an ID card under the other.

One can hardly blame Kru Ying for not knowing the meaning behind each number in the ID cards, or for being unfamiliar with the legality of Shan children of migrants. While it was uncommon to find this demographic in public schools in Chiang Mai before the turn of twenty-first century, now they constitute a majority in many. Since 2005, the rights of non-citizen children have been progressively expanded—no matter what legal status, all children in Thailand have the right to education and birth registration. Non-citizen children who possess a state-issued identity card can also access healthcare. As discussed in chapter two, due to the legal changes in Thai nationality laws, stateless students born to migrant parents now may be considered for Thai citizenship, if they fulfil documentary criteria.

Eager to help educate a newbie like me on the complexity of the non-Thai identity cards, Kru Ying pulled out from her drawers the various types of identity cards held by her students and gave me a quick run through each student’s family situation. Listening to her, I could hear the care and compassion she held for each of her students. My fieldwork would later reveal to me that as a teacher, Kru Ying was an exception to the rule. Many teachers, despite having daily interactions with their stateless students, do not always understand the various types of ID cards or the right of stateless persons. As adult citizens with daily interactions and a close relationship with stateless youth, teachers have the potential to be powerful allies and advocates for them. Yet, in the experience of my participants, most teachers do not assume that role.

107 An internationally recognised document that stateless persons can use in lieu of a passport.
Overhearing us discussing the ID cards, a first grader nearby said to his friend “What kind of ID card is yours? Mine is the Burmese one” (บัตรเธอบัตรอะไร ของฉันบัตรพม่า), by which he meant a non-Thai card. Although the importance of the type of identity document had already imprinted itself upon the consciousness of the young boy, the full impact of being stateless may not be evident in his daily life until later on.

4. Realisations of difference—awakening to a nightmare and developmental limbo

In many ways, compared to the generations before them, stateless children today officially enjoy the right to legal documents (birth registration and ID), education, occupation, movement (within a province under which they are registered) and even an opportunity to be considered for Thai citizenship for those meeting the criteria as outlined in chapter two. Although these rights are still conditional in many respects, it is undeniable that the daily experiences of statelessness today are very different from what we would have found less than two decades ago.

My participants, who mostly were born between 1997-2007, belong to the generation at the cusp of this expansion of rights. In their own words, the partial social and legal incorporation means that my Shan participants grew up relatively “normal” (โตมาแบบปกติ) and were not truly aware of the implications of not having citizenship. It is usually not until they reach teenage years (from around 13 years old) that they become aware of their “abnormal” legal condition (สถานะไม่ปกติ) and the barriers imposed on their social and physical mobility. Their lived experiences reflect the reality within the new regimes of simultaneous exclusion and inclusion. For many of them, statelessness is not something they were aware of while growing up, but something they have come to gradually realise its limitations. In other words, they have to “learn” to be stateless.

The first awareness always starts with the realisation that not possessing a Thai citizen identity card can deprive them of an opportunity. This awareness came to my informants at different points in time. For Yam, it was when she noticed that various announcements about social services in her village specified that they were “for those with Thai IDs only”. For Muay, it was during primary school when she was cut out of her school’s dance team. The team had to

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108 This child’s card was a zero-card issued to non-Thai but in his mind, being non-Thai seems to imply being Burmese.
travel to another province to compete, but the teacher did not want to bother getting a letter of permission for her. Even though it was something “small”, she felt a sense of injustice. For Ploy, it was when she wanted to apply for a summer scholarship to visit South Korea, her dream country, only to be told only Thai citizens were eligible. These experiences of discrimination and exploitation due to the lack of a Thai identity card have caused a sense of alienation and differentiation at specific moments. However, self-identification as a stateless person is a process that may not take place until the teenage years.

Upon reflecting on my own experience with my own ID card, I find that my relationship with it has evolved over the years. When I was a teenager, the Civil Registration Act at the time required that a person aged fifteen or older possessed an ID card. Two weeks after turning fifteen, I reported to a district office to be photographed, feeling anxious whether my unruly hair would make me look unflattering (it was a common practice among my friends to check out one another’s newly acquired ID cards to assess who would be the most or the least photogenic). This administrative ritual of getting an ID was also exciting because it marked a certain rite of passage from girlhood to womanhood — my official title would no longer be “Dek” (child) but “Nangsao” (Miss). Although this legal bureaucratic title change was by no means as exciting as a Quinceañera, it felt nonetheless important. However, I had never noticed the 13-digit-number on my ID card, as I hardly ever had to use it for anything. As a young teenager, my daily life barely required me to present my card. To further reduce its significance, after acquiring the card, I moved abroad and only returned to Thailand to visit my parents during school holidays. For a decade, the card sat to rot in a drawer in my childhood room. A more significant identity document to my life was my passport.

However, when I finally moved back to live in Thailand in 2011, the national ID card regained its significance. I soon noticed how often I was required to cite the 13-digit-number on my identification. So frequently was its usage in daily social and financial transactions that I ended up memorising the number sequence. Uttering or writing it down became second nature — whether it was signing up for a phone plan, opening a bank account, paying bills, renting an apartment, voting, or verifying my identity to a faceless phone operator. The identity card itself became an additional organ, a part of myself to be carried with everywhere as it would often be needed by governmental institutions or any service providers with whom I came into contact.

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The current Civil Registration Act, effective in 2011, reduced the requirement age to seven years old.

Quinceañera is the common celebration in Latin American culture of a girl's 15th birthday, marking her passage from girlhood to womanhood.
contact. Now as an adult, I engage in the activities and transactions that I did not necessarily do as a child. At the same time, how my daily life markedly intertwined with my personal identification number could perhaps be explained by a general increase in surveillance and commodification of personal data. As observed by David Lyon (2010), the twenty-first century has seen a global trend of a biometric ID card associated with a national registry database, surveillance, security and consumerism. Lyon argues that “…new IDs are key players in new modes of citizenship emerging in many countries around the world in the twenty-first century” (2010, 621). The ID cards are also pertinent to the life of the stateless. In the #IBelong campaign, issuance of an ID card is listed as one of the Global Action Plans that the governments need to take (UNHCR, n.d).

Given the rising importance of an ID card in daily transactions and in confirming an identity, it is often the starting place where many stateless youth begin to learn to be stateless. As the opening vignette of chapter three demonstrates, my participants who attended NGO training sessions were usually instructed to understand the meaning behind the numbers on their identity cards. There is a classification logic to these numbers—they contain all sorts of information about a person’s life to allow the state to identify and classify the card holder (see chapter two). Stateless youth have to learn to decipher the numbers and, in the process, learned where they were “ranked” in the hierarchy of statelessness—an experience that could be demoralising as I will further explore in chapter six. This realisation of their lack of legality is comparable to how 1.5 Latino youth in the research by Gonzales and Chavez (2012) experience as being “awakened to a nightmare” and that everything was “turned upside down”. The future that these youth had laid out for themselves is no longer attainable (263). Similarly, for my participants, being awakened to statelessness makes them realise that the dreams or the sense of belonging they had felt earlier are now being threatened; as a result, they have to “recalibrate” and adjust their personal projects.

Among my participants, age plays an important role in the journey of realisation of differences. In primary school, where the right to education for non-Thai persons has been established, a legal status did not have much significance in their daily life. “I didn’t really understand statelessness until sixth grade,” writes Srinuan (2014, 252) in her piece “A Personal Story about Statelessness”. Her experience proves common among my participants, who became aware of

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Under the Thai laws, a person is no longer considered a minor when they reach twenty years old. Until then, they are still subject to parental powers. However, a voting right is granted at the age of eighteen.
their statelessness and its long-term impact during their teenage years. They often compare being in middle school at 14 or 15 years of age with standing at a crossroad: they are now considered “old enough” to share the family’s financial burden and must decide which path to take for their future—to continue or to abandon their education, to branch out to vocational education or stay on the conventional educational path. A decision to continue their education also entails further decision on what disciplines/subjects to choose that would realistically ensure a better future. These anxieties once again echo what Gonzales (2011) observes among 1.5 generation undocumented Latino young adults in their transition to adulthood. Gonzales argues that although illegality has little direct impact on most aspects of childhood, it becomes “a defining feature of late adolescence and adulthood” as it prevents these youth from following normative pathways to adulthood (2011, 605). Family poverty and illegal status place undocumented youth in what Gonzales calls a “developmental limbo”. On the one hand, they are required to assume financial and other responsibilities beyond their age. One the other hand, they are not and cannot participate in many adult activities such as legally work, drive, or vote, due to legal restrictions, leaving them unable to complete important transitions. Nevertheless, this transition into adulthood begins to foreground both people’s legal status and the various kinds of identifiers—documents, ID cards, passports—that are essential to charting one’s way towards a future.

Thus, teenage years are critical for stateless youth as they not only begin to consider their pathways towards adulthood but also begin to understand how citizenship and legal status are tied up in these life transitions. Teenage years are also the phrase where they physically transition from being in a world of a child into a world of a teenager, let alone a stateless one. A state-issued identity card increasingly becomes a prominent feature in one’s life once one crosses the child-youth boundary. An identity document is increasingly needed for daily activities ranging from traveling to another province to sitting in the required national exams at the end of grade 9 and 12. As teenagers, they have become more aware of the restrictions placed on their physical body and social mobility, as evident in Muay’s frustration “It’s really uncomfortable [to have restricted mobility]. One time my mother wanted to go to Maesai. When she went to ask [for a permission letter] at the District office, they told her it was not possible if she had no friends there or had no specific place as a ‘destination’ ปลายทาง). At that time I wanted to ask the officer that “do we really have to know someone in all 76-77 provinces of the country?” Aum, who has so far been taking advantage of looking young, admits “When
I start to really look like a teenager, I might be questioned [when traveling without a document].”

With this “awakening to a nightmare” comes the realisation of the lifelong limitations and decline in optimism. “No one thinks that they can be stateless and have a good life in Thailand; everyone who is stateless knows that Thai citizenship will help them,” argues Srinuan (2014, 255), a former stateless person who was sponsored by foreign donors to receive education in the United States. The donors and an NGO also helped with her Thai citizenship application. Srinuan’s claim is confirmed by May, who tells me “I am very serious about my legal status…citizenship is so important. It makes life easier if you want to move around…My hopes [of getting Thai citizenship] had almost been reduced to none but it was revived when my friend received hers. She does not even have a birth certificate like I do. So, I don’t understand how they decide”. As will be evident throughout the thesis, seeking citizenship is a key concern for my participants. However, getting out of statelessness is not simply a matter of understanding of the complex laws and regimes of documentation. In chapter six, I demonstrate that it requires social and cultural capital, money, luck, and among other things, the understanding that despite their relationship with power and rational order, rules are rarely legible or easy to comply with. It also requires recalibration of personal projects, a sense of self, and exploration of certain avenues that they may not have thought of before.

5. Aum and Fon:

A week after we first met, Aum, Fon and I agreed to meet up to get to know each other better. I was particularly intrigued by Aum’s precarious and complex legal situation—when we met she did not exist in the government’s system. She held no proof of identity beyond a tattered student card featuring a photo of a six-year-old girl that showed little resemblance to the young teenager. Although her mother insisted that Aum was born in Thailand, there was no witness to testify to her birth because her mother was too afraid to go to the hospital due to her irregular status. When the government launched a country-wide registration of children of undocumented migrants in 2005, Aum missed out because she went to represent her school in a dance competition in Bangkok on the day the survey took place. Despite various promises by teachers to help sort out her situation, nothing was done for her in the past decade. In the past decade, her extremely precarious legal situation had not affected Aum much, as she was still going to the same school, which was located within one kilometre from home. Her daily life
until recently consisted of going to school, playing with friends and coming home. In 2015, Aum turned fourteen and started thinking more seriously about her legal status for the first time. Her current school only offers education until grade 9. If she wanted further education, she would have to think about her options and find a new school to attend. She feared that not having any form of identification would turn a normal process into a very challenging one.

I asked Aum to pick a place in her vibrant neighbourhood near Chiang Mai University, with which I am well familiar due to its proximity to my parents’ house. Over the years, this formerly quiet area has grown into a bustling zone overgrown with apartments rented out to university students. A plot of land in this area has high economic value. Aum told me to come to a small scale commercial food hall in the community. I arrived early, eyeing the surrounding in hope of finding a quiet corner where we could sit and chat. To my surprise, when she showed up, Aum invited me to a six-storied old apartment building just opposite of the plaza, where she, Fon and their families live. Crossing the road to the apartment, Aum quickly briefed me that her mother worked as a caretaker of the building. Her father used to work as a gardener but an accident a few years ago left him a paraplegic.

As soon as we crossed the street, I found myself standing in front of Aum’s father, who was sitting in a wheelchair and selling lottery tickets at the entrance of the apartment building. As soon as he saw us, he put away the Red Bull bottle he was about to drink. I introduced myself and explained my purpose of visiting and befriending his daughter but did not really know which word to use for “research”. Sensing my struggle, Aum said “You can just explain to dad what you do. He’ll understand”. After listening to my preamble, he nodded his head but did not say anything. He looked rather bored and indifferent. As our relationship developed, I would later learn that he was not her biological father. Although he held a non-Thai ID card number six, which could potentially have created a pathway to citizenship for his offspring, this card was of no use to Aum. Any claim of lineage is subject to DNA testing. Although he was the only father she had known all her life, their relationship would not be considered valid by the citizenship law.

The building’s ground floor was crowded by tenants’ scooters. Aum navigated through these tight spaces and led me to a small corner, where her mother was sitting on a low stool while making a Shan dish of fermented cabbage. Hung up on the wall behind her and above a sink were a mix of items such as clothes, pots and buckets. The tiny bed where Aum’s father slept at night was a few metres away. From here, all the parked scooters were still visible, but this
was clearly Aum’s family’s private space. Aum pointed to a small room nearby and said “this is where mom, my brother and I sleep but dad sleeps out here because of the wheelchair”. Ann’s mom greeted me in her mix of Thai and local Northern Thai dialect and offered me a plastic chair to sit on. Aum had already told her about me. Her gentle presence made me feel relaxed and welcome. Fon came down from her room upstairs to join us.

At one point during our one hour and a half conversation, she reminisced about the first time she came to Chiang Mai city. The family had walked by foot from the Shan state to Thailand in the late 1990s—a journey common to many Shan migrants who escaped from poverty and civil war in their homeland. They stayed in an orange orchard in Fang district for a while before moving to be with Aum’s grandmother in Maetang district. The grandmother had moved to Thailand a few years earlier. However, Aum’s mother wanted a job in the city so she travelled along to the urban area of Chiang Mai and was dropped off around the corner from where they now lived. She recounted feeling lost and confused, as she had never been surrounded by so many buildings before. She walked on the street and randomly asked people if there was any job she could do until she met the kind owners of this apartment, whom Aum considers her “grandpa” and “grandma”. She also recounted how she gave birth to Aum in secret in the orchard, her hardship, her struggle and how “stupid” she was when she first came to Thailand. She wanted Aum to have higher education so that she would not end up having a difficult life like her. This wish contrasted with a common belief held by many teachers I met, including Kru Ying, that migrant parents only want their children to be literate, and not much more.

Fon’s early lifestory was similar to Aum’s. Her parents had her elder siblings in the Shan state but migrated to Thailand by the time Fon was born. The family moved around various districts in Chiang Mai in Fon’s early years before settling into this neighbourhood. Fon and Aum have been friends since grade four, going to the same school and living in the same building. All five of Fon’s family members shared a single room and slept on the same queen-size bed. Her parents work in construction and do not seem to take any day off. Unlike Aum, Fon was surveyed by her school and received a person-without-legal status, or a zero-card.

Previous studies have demonstrated that parents of migrant and stateless youth typically understand education as “pointless” because it does not guarantee better livelihoods due to occupational restrictions placed upon non-Thai persons, which restrict them to 27 low-skilled jobs (Kamonwan 2014; Nongyao 2012; UNHCR n.d.-b). Now, education can be more important due to a few crucial legal amendments passed during the course of my fieldwork.
(September 2015-Jan 2018). The first is the 2016 announcement by the Office of the Prime Minister that in principle stateless persons can now access all the jobs and, to quote the Director-General of the Department of Employment, “can be anything they want to be” (Post Today 2016). The second is the December 2016 Cabinet resolution granting possibilities for stateless persons born in Thailand to migrant parents to apply for Thai citizenship but one of the criteria is a bachelor’s degree (Grisada 2017a; 2017b). These changes are meant to expand the rights of stateless persons but also put a lot of stress on proving and achieving higher education. Even though the 2005 Education for All Cabinet Resolution grants all children in Thailand the right to free primary education, it can still be costly to access education, especially at a higher level. Uniforms, textbooks, extracurricular activities and “voluntary contribution” make education unaffordable for the poor. Various standardised tests required to apply for a university could cost up to 9520 Baht or 480 NZD (Dekdee, 2019), forming another barrier to higher education for some families. To put into perspective, a legal daily wage for low-skilled labour is 300 Baht (15 NZD); migrant workers often get paid less than that.

For someone with neither a proof of birth nor a state-issued identification such as Aum, it is unclear what her right to education beyond primary school is, what the admission process entails and whether or not she is eligible for any financial aid. For Fon, who holds a “zero number” card, her pathway to higher education appeared more straightforward than Aum. However, as we shall see in the ethnographic account below, Fon’s journey was still thwarted by pre-conception of what a person without Thai citizenship should or should not study.

6. Recalibrating belonging

Me: “Are you worried about not having a Thai citizenship? Do you think it will be an obstacle in achieving your dreams?”
Fon: “If we are highly competent, they are going to accept us. Thai people will have to change their attitude”.
Me: “Why do you believe so?”
Aum: “If we believe, we can do it...Everything is possible if you believe in it.
Believing is hard work”
Fon: “Yes, believe in what you do, and do what you believe in”.

I am using the term “in principle” as it is to be seen whether this change has been effectively implemented and whether stateless persons have better access to the wider job market or not.
The conversation above is an excerpt from a semi-structured interview I had with Aum and Fon in late 2015, when they were both 14 years old. I was struck not only by their conviction that competency would bring acceptance, but also by their belief in the sheer power of “believing”. Although they did not use the word “hope,” I always got that feeling from talking to them—that “belief” (ความเชื้อ) and “hope” (ความหวัง) were interrelated. In this case, Aum and Fon had imagined that abundant hope and a positive outlook would override their legal situation. During the remaining months of my first phase of fieldwork, our relationship developed rapidly. We would catch up weekly in various places, including their homes, schools, and workplaces. When I was away from Thailand, we kept in touch by a popular chat programme called LINE.

When I returned for the second phase of my fieldwork in August 2016, legality became a major concern for both Aum and Fon. Our first catch up took place amidst the “migrants crackdown” by the Royal Thai Police and the Royal Thai Army ahead of an August 7 referendum on the new constitution draft by the ruling military junta (The Irrawaddy 2016). They told me that in the last two weeks it had been quiet at work, because a lot of the workers had to run away. During our conversation, excerpted below, Fon and Aum offered their understanding of the crackdown and how it affected them:

Fon: Aung San Suu Kyi came to Thailand and talked to Prayut (the Thai junta leader and Prime Minister). She asked for the rights for her people who came to work in Thailand but Prayut said it is impossible because some of them did not pay taxes. For them to receive these rights, it is not possible. So, they agreed that these people can return to her country so that they can help develop the society and economy in Myanmar…

Me: So, if they want to stay, they have to be registered?

Fon: Yes, there are several types of IDs, like the green cards with the red rim or the pink ones. They can choose to work in any of the ten occupations but those who do not have these cards, they will only have four options which are fishery, agriculture, construction, and domestic workers. They also have to have the correct employers…

Me: How did you hear about this?

Fon: I watched the news. My boss also watched the news and she told me.
Me: What does your boss think? Does she like the idea?

Fon: Yes, she seems ok with it. One employee at our shop doesn’t like Prayut because she loses benefits. But if you go to school [and are educated], you will know that Prayut is doing the right thing. But that lady, she didn’t go to school. She just came here to Thailand. She is actually following all the rules but she still is not happy about what’s going on.

Me: When did [the police] come to the market?

Aum: When the news was hot… I had to come to work and my mom told me to wear a school uniform, so that they see that I am a student. On the days that I didn’t wear the uniform, I felt really scared. I had to go find a Buddha shrine and pray. The other day my friend, Un, came to work in place of his mom because she didn’t register (ไม่ได้ตั้งบัตร. His shop is located at the front of the market, so I told him to send me a signal when the police come, so that I can run (laugh). He promised to send me a warning message to my phone”

Me: And you still have no ID, Aum?

Aum: No.

Me: Were you afraid?

Aum: Not too scared but I was nervous (ไม่ถึงกับกลัวแต่ให้กังวลว่า…I think as long as I am in the uniform, they will look at us as not yet a grown up (ยังไม่โต). Even if we work, they will think it’s temporary. They won’t think that this is our permanent job.

Fon: My mom told us that in a few years she would bring us home. Actually, without my braces, my mom would have taken us home now but I negotiated with her to wait until it is time to take my braces off. Because in the Shan state, there will be no doctors. I will have to go to Yangon or Myanmar.

Me: How do you feel about your mom wanting to take you back?

Fon: It’s ok, I guess.

Aum: I want to go back too. At first, I really didn’t want to go but after having started working, I am beginning to think about going there.
Me: What made you change your mind?

Aum: I don’t want to stay here anymore. It’s too complicated. I can go back to develop our country. I feel really horrible because there is a Thai person who posted online that “I feel sorry for the Shan people because in the past they didn’t help their country when Myanmar came to invade them”. Some people were scared. Some left to side with the Burmese. Some escaped to Thailand. If we had fought, it [the Shan state] would still have an independent country. We would have been people with our own nation instead of having to move around like this. I feel upset and ask myself “Why didn’t [Shan people at the time] fight?” If I had lived in that era and if I had known about the future, I would have fought for my country.

Me: So, you feel that you want to help your country and your country is the Shan state?

Aum: Anything that is ours. (อะไรมีให้พี่ต้องพยุง)

Me: What about you, Fon? Seven months ago, you and Aum thought very differently.

Fon: My mom said this is not our place. No need to feel attached (ไม่จำเป็นต้องยึดติด).

Me: You think you’ll adjust fine?

Aum: It will be hard at first. Even here, I don’t eat everything [Shan] that my mom cooks for me. I probably will be eating only eggs for a while.

Echoing Gonzales’s research (2011) that illegality has little direct impact on most aspects of childhood, Fon and Aum have lived the first fourteen years of their life without significant challenges or understanding of the extent to which lack of legal status could impose on their future. However, as (il)legality becomes a defining feature during adolescence, fear and awareness of illegality became apparent to Fon and Aum, both of whom experienced “awakening to a nightmare” that a legal status matters in determining their future. What I find particularly striking in our conversation is how Fon had internalised the Thai state’s narrative of illegality. She insisted that “Because it’s Prayut’s idea [to formalise the labour migrants]. It
must be the right idea”. Having been socialised in the Thai system all her life, she understands illegality as criminality. Her own lack of legality, then, becomes an issue.

In contrast to their views a few months earlier that competency would incur acceptance, Fon and Aum, now with new awareness of their own (il)legality, had started to question their sense of place and belonging. I interpret their newfound interest in the Shan state as part of the “recalibration” process, which involves scaling down hopes and dreams, questioning their place in society and seeking alternative avenues. While the first or 1.5 generation immigrants in the United States may be able to draw on the knowledge reserves acquired in countries of origin to help cope with their situation and adaptation (Fernandez-Kelly 2008), second generation Shan youth such as Aum and Fon may not have access to the same reserves. They have been socialised in schools, media, workplaces with almost exclusively Thai values and norms. Aum and Fon only visited the Shan state once as a young child, and do not have many memories to draw upon. Although they cite their familiarity with Shan culture through the food their mothers make or a major religious festival such as *Poy Sanglong*, they lack sufficient memories and socialisation in the Shan state itself to give them a sense of place and security. With Chiang Mai being the only place they have called home all their lives, the experience of realising the limitations brought by a stateless status is confusing and threatening to their sense of identity.

7. Recalibrating the future and the role of the adults

Although having expressed their interest to “go back” to the Shan state, Fon and Aum did not mention that project again. Instead, the following few months of my fieldwork, we started talking about their choice of a new school to attend in Chiang Mai as they would soon complete grade 9 in their current school in a few months. Fon had already secured a financial support from an NGO to continue her education at a vocational school. Aum still did not know where to go, as her lack of legal document now became an obstacle to enrol in a new institution.

One day during our weekly catch up, Fon shared that she had now enrolled in a construction programme. The announcement caught me by surprise, as Fon had always told me that she wanted to study accounting. When I probed her on the reason for her sudden change of heart,

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113 *Poy Sang Long* is a Buddhist novice ordination ceremony of the Shan people. See Eberhardt (2006) for more information
she confessed that her parents believed that there was no real career path as an accountant for a stateless person. At this time, the career options for stateless persons were still limited. Although several activists I met during my fieldwork mentioned the change would soon come, it was not easy to imagine when and how that would take place. Fon expressed her disappointment at this new path but seemed resigned to her fate. It was striking to me that the positivity and conviction that stateless persons could “be anything” that she possessed only a few months prior seemed to have dissipated. Instead, she had “recalibrated” her dreams and future plans to fit with what the adults thought her legal status would realistically permit. I shared with Aum and Fon the possibility of the upcoming legal change that the activists had told me earlier and suggested that perhaps Fon should talk to her parents again.

The following week Fon reported that now her parents agreed to allow her to study accountancy but she felt it was too late to change because she had already paid the deposit and had been measured up for school uniforms for that programme. To make things worse, her mother had lost the receipt—a key document needed to make a change. Fon called the school to inquire about the change, only to be told that it was not possible without the receipt. Fon was letting go of her hope, and no adult was not going to do anything more about it. Her parents were preoccupied with their work and were not comfortable with having to have any contact with a formal institution. Neither her Thai teachers nor employer offered their help negotiate with the school to rectify this seemingly simple situation. Fon’s employer, a market stall owner with whom she worked part time every evening, had urged me to help Fon. She said, “This girl is too smart to study construction”.

Finally, I took Fon and Aum to the school. Internally I felt nervous about making an intervention, albeit small, in the life of my participant and act on behalf of their parents. Even though Fon’s and Aum’s parents knew I was taking them to the school, I could not help question my role. As soon as we stepped out of the vehicle, a man in a white shirt and a necktie greeted us in an enthusiastic voice and a big smile. “Are you here for enrolment? Please come this way,” he directed us to follow him to a registration desk before we could answer his question.

After I explained that we were there to make a change to her enrolment from the construction to the accounting programme, he insisted that it was not possible without the receipt. Our negotiation went on for a while until finally the administrator retreated; he instructed us to go to the police station to declare that the receipt was lost. This piece of “evidence” would then be
used in lieu of the receipt to allow the administrative officer to abide by the school’s rules and fulfilling Fon’s request. We subsequently went to the police station and filled out various paperwork. When the programme change was finally complete, Fon and Aum were thrilled and amazed that we managed to get through this bureaucratic hurdle.

What this incident highlights is that a simple task or a problem that could be easily addressed can become an unexpected obstacle for children who do not have an adult to support them or advocate on their behalf. While Fon’s parents weighed in during the decision making process, they were not present when it came to interacting with the Thai authorities and institutions. Immigrant parents often rely on their children as language and cultural brokers, especially when it comes to interacting with service providers and the state (Orellana 2009). With stateless children’s higher level of education and literacy, they are sometimes left to navigate the difficulties stemming from their lack of legal status on their own. An additional stress is their knowledge that their families rely upon them to eventually be an educated income earner. Stateless youth therefore face the “developmental limbo” (Gonzales 2011). They are required to assume the roles and responsibilities beyond other youth their age. On the other hand, they know they increasingly face restrictions on activities they can participate in due to their lack of full membership in society.

Similar to Fon, Aum’s positivity about her future deteriorated when she approached the end of grade 9. The public vocational schools we talked to said they did not know how to handle her lack of legal status; some said they needed a 13-digit-ID for enrolment as it was “the government’s rule”. A few private vocational schools agreed to accept her, provided that she paid an international student rate because she had no proof she was a Thai citizen. A few NGOs supporting Shan students equally struggled to offer financial aid to a legally invisible person such as Aum, due to certain criteria set by their donors. With these obstacles, Aum admitted losing hope of continuing her education. Fon’s boss at the market, who also knew Aum, negatively predicted the girl’s future to me: “I could imagine how she would turn out. She would get a job, find herself a boy, become a teenage mom and that would be it”. Despite being critical of the mainstream Thai educational system as a site of subordination of ethnic minorities, I still encouraged Aum to continue her education as a student status could provide her a form of protection while waiting for the laws to be more inclusive. At the very least, with a vocational education certificate, Aum might have a “better” future than dropping out of school right now. Although this information was not official at the time, my sources within the NGO communities indicated that the government might consider granting a citizenship to
highly educated stateless persons—the point which added to my conviction Aum needed to continue her education."

After having seen how I stepped in for Fon, Aum asked if I could help bring her to a private and new vocational college located in the outskirt of the city, which was very far from her house. She had learned about this college through its representative who came to recruit prospective students at her current school. Despite this isolated location, Aum explained her wish to attend this college that “it was the only one that would take me without any ID card”.

The mood in the car during our long drive to the school was a mix between Aum’s hopeful enthusiasm, her mother’s anxiety of being out of her comfort zone, and my reservation about the school itself. I knew another Shan boy who was a student in this school but he did not give the impression he liked it much. I had travelled a lot to this area due to my other field site and knew the road quite well. Its remote location and accident-prone roads made me worried about how Aum would cope with the demands of daily commutes. I also knew a place like this would be too expensive for her family to afford, without scholarship.

When we arrived, we were greeted by an enthusiastic female teacher, who right away remarked on how she remembered Aum from her recruitment visit to her school. In turn, Aum introduced her mother, who gave a shy smile but did not say anything, before introducing me as an older sister. Looking at us quizzically, the teacher laughed and said “You both look quite different from each other”. I clarified that I was a PhD researcher from abroad and Aum’s former teacher."

The teacher led us to her office, decorated with pictures of alumni on the wall, cabinets full of trophies and a lot of files and papers floating around. We were left to stand in the middle of the room as she expressed her pity for Aum’s situation and her wish to help. Looking at me, she explained that other schools would not take people like Aum because the government only gave subsidy to students with a government-issued identity card. She added, “Private schools like us have more room to be lenient and make adjustment for this kind of case”. The teacher then gave examples of some successful stateless students who excelled at her school, before walking us through the fees and payment terms. My head was calculating all the factors and costs involved in being a student at this far away school. I found myself quickly slipped into

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115 Later, in December 2016, the Cabinet announced that a stateless person born in Thailand holding a college degree will “very soon” be permitted to apply for Thai citizenship (Rojanaphruk 2017).

118 I briefly taught English as a guest teacher at Aum’s school, after we met.
the role of the negotiator on behalf of Aum and her mother. I challenged the teacher’s claim about private schools being more flexible as the college we previously visited told us otherwise, and raised questions about the transport costs, a boarding house on site, multiple uniforms, and fees progression over time. It became clear that these expenses were beyond Aum’s parents’ capacity to pay. I felt that the teacher was taking advantage of Aum’s insecurity of her own legality and tried to push her to the decision that would add huge financial pressure to the family and might not be the best for Aum herself.

Possibly sensing my opposition, the teacher now turned to the girl and kept pressing, “You must make a decision soon. We can only keep your seat for you for a few days. Now that your mother is already here, why don’t you get her to sign this paper now and you can come back later to pay the deposit and do the rest of the paperwork?” The teacher handed the ink for her mother to make fingerprints in lieu of her signature, assuming that Aum’s mother was illiterate. While I could see that the teacher had won over Aum already, I sensed her mother’s hesitation. Throughout our conversation so far, the mother had not said a word: the exchanges were mostly led by the teacher and myself. Not wanting the teacher to press Aum and her mother any further, I said that we would take the form with us to think about it and would let her know later.

We left to sit down in a bench just outside the building. Aum was clearly annoyed and flustered with me for not letting her mother sign the paper. She sat in the middle between us, her face red with anger and disappointment. Up until this particular visit, I had positioned myself as a nice and open-minded big sister, with whom my participants could chat about various issues in their lives including romantic relationship or the secret trips to various attractions in Chiang Mai that they took without telling their parents. On that day, I realised that I had risked that dynamic of our relationship and her trust by enforcing my role as a more authoritative adult, who knew “better” than her and her mother. As I tried to convince Aum not to rush into making any decision and to take time to carefully explore more options, her mother, who barely said during the formal meeting with the teacher, nodded enthusiastically in agreement: “Listen to phi (older sister). Phi knows better, Phi is right. We want you to be happy. All we ask is for you to consider some other options”. She then repeated to me her narrative of her first arrival to the city, “When I first got here [to Chiang Mai], I was clueless and scared like a blind person. I want her to be educated. I don’t want her to be stupid like me”.

Reflecting back, it was a strange experience taking over the role of a “mother” when her actual mother was sitting there. Despite her mother’s apparent support for my action, I may have
undermined her by positioning myself as an “educated one” who spoke on behalf of the two of
them during the meeting. I felt guilty of playing out a certain cultural script according to age,
class, rank, and ethnicity. Aum and her mother retreated to the background and assumed their
expected roles of being silent. At the same time, it was evident that without such intervention,
Aum may have made the decision that was not in her best interest. I also now understand Aum’s
urgency to find a school that would accept her despite her lack of documentation as her act of
recalibration—to find a place to belong. Her lack of legality and documentation became a
source of existential crisis within a short span of time, as she came to truly realise their
implications only in her final year of middle school (grade 9). With the new awareness of her
vulnerability, Aum wanted to grab onto a promise of acceptance. Similar to Fon’s case, Aum
felt pressured and pulled into various directions by the adults in her life, including myself. At
the end, she took charge and made her own decision to enrol in the same college as Fon and
paid an international student fee for the first year.” She later thanked me for not letting her go
to that college we visited, as in retrospect she realised it was not a right choice for her.

8. Partial inclusion and exclusion: being a stateless child in the twenty-first century

As seen above, my participants’ experiences of statelessness and citizenship sit in between
those explored by Arendt (1973) and Ong (1999, 2006). For Arendt, statelessness equates
illegality and the state of being without any right and protection. Such an anomalous existence
results in constant transgression of the law (Arendt 1973, 286) and arising from this state would
require becoming “a genius”. For Ong, territorialized notions of citizenship are replaced by
new grounds such as postnational, flexible, technological, cyber-based, and biological to make
claim for resources, entitlements, and protection. Ong (2006, 504) argues that “we have moved
beyond the idea of citizenship as a protected status in a nation-state, and as a condition opposed
to the condition of statelessness (Arendt 1998[1958])”. My participants’ everyday life
demonstrates the constant negotiation between the two ends of the spectrum—the rights they
enjoy are granted to them on the basis of universal human rights, but are enacted and limited
by the state’s decision and the adult citizens with whom they come into contact. While stateless
persons in Thailand are not necessarily illegal and unprotected as most are documented and
legally recognised as subjects with partial rights, their lack of full membership in a nation-state

116 In chapter six, I will later discuss how Aum got her identity card at the end.
is still considered as the legitimate ground for their exclusion. For many of the stateless children of migrants in particular, their statelessness is rendered by migration and globalisation—the very mechanisms that give some others in a more prosperous situation a “flexible citizenship”. To them, the state is felt in different ways through their everyday existence—postnational world seems the opposite of their reality. Nevertheless, their statelessness is not a given, but something they come to know in different ways over time.

A more accurate description of the reality of stateless Shan youth in Thailand such as Aum and Fon is perhaps that of oscillation between the worlds of exclusion and inclusion. Their lived experience reflects what Coutin (2013) calls “membership in the breach”—an existence that threads “the gap between formal and informal forms of belonging” (112). While participating in society in many ways as if a citizen, stateless Shan youth in northern Thailand challenge the notion of “real” citizenship and blurs the line between formal and informal membership (Coutin 2013, 112). To use Sassen’s (2002) term for undocumented migrants, they are “unauthorized yet recognized subjects”. Sassen (2002, 13) argues that individuals, even when undocumented immigrants, can move between the multiple meanings of citizenship. Through engaging in practices that are the same as those of formally defined citizens in the routines of daily life, undocumented immigrants and the community enter an “informal social contract” (2002, 6). This status makes it confusing not only for the youth themselves but also for the adults in their world. What to do with the subjects who are not legal but also not illegal? How to handle the situation of a real person who is technically non-existent in the system such as Aum? Therefore, the role of adult citizens cannot be overlooked in trying to understand the daily experience of statelessness among youth, as it is these adults who interpret the laws, make exceptions (or not) to the rules, create or deny space for inclusion of stateless youth, and (re)produce state illegibility. The ethnographic accounts of Aum and Fon suggest how they have had to rely on the “insider tip” on the potential legal changes and hope for the best. The main challenge of being a stateless child in the twenty-first century therefore is not necessarily about lack of any rights, but the fact that it is unclear to what extent their rights are, as it depends on the adults interpreting and determining their entitlements.

9. Statelessness as a status in process

Citizenship is often seen as a “status in process” (Bhabha 2003, 58) for children, or as a distant “destination” to arrive at when youth reach adulthood, rather than “a broad range of activities
of everyday life through which [youth] claim space [and a sense of place] in society” (Flores and Benmayor 1997, 15). Some scholars argue that the view of children as “citizens-in-the-making” tend to exclude them from being seen as valid speaking subjects and agents of knowledge, leaving their voices out of the discussions of citizenship and belonging (Cheney 2007; Ríos-Rojas 2011). By contrast, for children who are stateless, their statelessness is rarely perceived as a process that they have to learn to understand, but a fixed identity that they are meant to identify with since birth.

Gonzales and Chavez (2012) ask “How do the abject in a society internalise their subject status?” The ethnographies above and throughout this thesis also indicate that to many of my participants, statelessness is not their intrinsic identity. Rather, it is an external identity assigned to them by adults who have authority over their life—be it their teachers, parents, district officials or any other state officials. I argue that being stateless is an identity that does not occur overnight. It involves a process, whereby my participants have had to learn to become and adapt to—from the first key moments of awakening, they have had to “recalibrate” and adjust their life “projects” accordingly. As seen in the case of Fon and Aum, stateless youth’s abilities to imagine the future are also largely curtailed by the judgment of adults such as their parents, teachers, employers, who anticipate on their behalf about implications of their lack of legality. Aspiring youth who are stateless face strong discrepancies between self-understanding and how others perceive of their abilities due to their legal status. When it comes to higher education, they are also caught in a dilemma: On the one hand, they are socialised to believe that education is an important tool to achieve social mobility. On the other hand, their lack of legal status makes the adults around them disregard their potential and at times actively discourage them from pursuing education that is deemed “too ambitious” for stateless persons. Confronting these reactions by adults, they have to learn to “recalibrate” by scaling down their hopes and dreams.

**Conclusion**

In this chapter, I have demonstrated the process of “learning to be stateless” and the impact of statelessness in various life stages through the lived experience of Aum, Fon and my other participants. The lived experiences of Fon and Aum indicate that statelessness is not an identity that a person necessarily identifies with as a young child but rather a status ascribed to them by adults and one that they have internalised later in life. Upon becoming aware of the limitations
of statelessness, stateless youth engage in what I call “recalibration,” which involves not only scaling down dreams, hopes, aspirations, expectations, but also searching for solutions and space to belong. I also highlighted the role of adults in this recalibration process—they can hinder or promote the right and projects of stateless youth, depending on their views on (il)legality. During the process of recalibration, my participants are also becoming more aware of state illegibility the way they may not have been previously. They now need to learn to “read” their own legal situation and interpret informal tip and other potential updates about the laws concerning them. This burden of statelessness means that they are likely to face and cope with “developmental limbo”. By calling attention to the simultaneous “regular” and “irregular” nature of my participants’ daily experience, I therefore illuminate hidden aspects of statelessness and state illegibility. Various acts of recalibration will be discussed more in details in the next two chapters.
Chapter 5: Looking Thai, Acting Thai: Aesthetics as Strategies

1. Introduction

My YouTube screen displayed four students in school uniform walking onto a stage in a neat row, with their backs upright and arms by their sides. They stopped at the centre, eyes staring straight into the crowd before performing a “wai”—the Thai greeting—to the audience below the stage. Three female students, with their hands put together in front of the sternum, bowed their heads and bodies low to the ground, their right legs pulling back in unison. The male student, by contrast, remained upright and simply bowed his head toward the hands in front of his chest. Once the gesture was complete, the four resumed the standing position. Behind them were the logos of several public and private institutions—Department of Culture, a local university, a commercial bank, and a few other businesses. The banner read that this was the final round of the prestigious National Thai Etiquette Competition, which had been taking place since 1972. To win this competition, students must first carefully listen to various scenarios read out by the Master of Ceremonies and then demonstrate their mastery of state-prescribed bodily arrangements by performing a gesture and role playing certain social situations. Their every movement would be assessed by the judges; points were granted based on the correct body movements (including speed), gaze and speech (clarity, tone and choice of words). The stakes were high—the team with the best performance would be awarded prize money and a trophy conferred by the Crown Princess. More importantly, they would also bring their school the reputation as the perfect upholder of the unique Thai culture.

The voice of the Master of Ceremonies over the speakerphone announced the word “ben jang ka pradit” (เบญจางคประดิษฐ์)—a Thai mode of prostration with five parts of the body touching the ground. The first student came forward to put herself on the floor in a slow and mindful manner. When she stood up and moved aside, the Master of Ceremonies announced the next instruction: “a role play” (เหตุการณ์สมมติ). The announced scenario involved a student receiving a visitor who came to see a school principle. The four students quickly assumed their respective roles—as a visitor, a student, a school teacher and as a principle. While I was stunned to witness that they even had a pretend conversation in their re-enactment of the scenario, the students in the video clearly were prepared to perform such an act. Like other participants in the competition, they had been trained by their teachers for months and had been studying the Manual of Thai Etiquette written by the Steering Committee for Thai Manners and Etiquette (คณะกรรมการดำเนินงานด้านมารยาทไทย). The Manual gives painstaking prescriptions on the “correct” bodily movement in
any given situation in both the public and the private realms, ranging from how to stand when receiving orders from elders, to how to walk, eat, sit and sleep. To keep up with the fast-changing world, there are even instructions on how to behave when using technologies (see Department of Cultural Promotion, 2010).

On YouTube, there are countless videos similar to this one, where students are seen practicing or competing in various Thai Etiquette Competitions. What made me watch this particular video in the first place was the fact that these four participants were my students at one of the schools where I conducted my fieldwork. I had just learned from their classmates that their team had won the National Thai Etiquette Competition earlier that year and had gone to Bangkok to receive their prize and trophy. The irony is that the team members are stateless or the “illegal others” who lack full legal membership. Their victory contradicts the claim stated in the Manual that the perfect performance of Thai etiquette is drawn from the genuine and innate characteristics of the Thai people such as humility, respect toward elders, gratitude to patrons; no one does Thai etiquette better than the Thais. They were not the first, nor will they be the last, “aliens” to have perfected the choreography of Thainess and outperformed the Thai.

As “man’s first and most natural instrument” (Mauss 1973, 75), the body is a simultaneous site of subjectivity and agency, of surveillance (Foucault [1977] 1995) and symbolic power (Bourdieu 1990), of performativity (Butler 1990) and tactics (de Certeau, [1984] 1988). Bodily comport—in the name of manners and etiquette—has been used to justify social hierarchy, exclusion, and identity politics (Laverty 2009, 229). In the Thai regime of power preoccupied by the “order of appearances” (Morris 2000) and “the performance of ideally nationalistic behaviour” (Morris 2000, 147), the body becomes an extension of the state ideological apparatus (Althusser 1970) that defines citizenship and (re)produces the state itself in the everyday. The pageant-like bodily performance such as the one described above makes it explicit that Thainess is not something abstract and subjective but rather a standardised and measurable choreography that can be taught, mastered and assessed. The body becomes a vehicle to perform a literal choreography of Thainess. In the recent legal amendments which outline the possibility of granting Thai citizenship to stateless children born to migrant parents, three out of the six criteria have to do with the body and its performativity—literacy in the Thai language, loyalty to the monarch, good conduct. The body and its aesthetics therefore constitute a crucial vehicle through which citizenship and belonging are instructed, performed and contested.
In this chapter, I explore the ways that bodily comport, practices and aesthetics come to be the modes of discipline by the Thai state and the site of agency for stateless Shan youth in northern Thailand. I mobilise a concept of aesthetic citizenship\textsuperscript{117} to describe the ways that appearances including movement, speech and clothing matter for mediating belonging at the level of the everyday. I portray the body and its aesthetics as a contested political locus through which the Thai state prescribes its norms and exercises moral discipline on its subjects—a practice that has its ideological roots in the nation-state building project. I argue that aesthetics can be accumulative like other forms of capital—it can be relearned, mastered and used to negotiate one’s membership in a community. When my participants compensate for their lack of full legal membership by performing state-prescribed aesthetic citizenship, they express both subversion and obedience, compliance and resistance.

This chapter highlights the importance of aesthetics in anthropological understanding of citizenship and statelessness, especially in Thailand. The aesthetics of citizenship in Thailand have been discussed by scholars such as Jackson (2004a; 2004b), Morris (2000) and Elinoff (2016). Their works reveal the interconnectedness between the politics and the aesthetics, and how Thai citizenship are heavily based on the regime of appearances. By examining the ways in which the aesthetics of the body are prescribed, monitored and performed on a daily basis by both the state and non-state actors, I intend to bring to light not only the strict governmentality on the body but also unexpected space for subversion. My ethnographic fieldwork shows that in their daily life, stateless Shan youth consciously enact aesthetic citizenship for several purposes: sometimes as a mode of camouflage by allowing them to ‘blend in’ and not stand out as illegal “others”; sometimes as a way to assert belonging by proving that they possess sufficient ‘Thainess’ or that they are ‘more Thai’ than Thai people. I find the school of practice theory, and particularly Ortner’s (2006) frameworks on “serious games” and agency, useful in understanding stateless youth’s strategic embodiment of aesthetic citizenship, which is attuned to a broader dynamic of power.\textsuperscript{118} According to Ortner social life

\textsuperscript{117}In her book Aesthetic Citizenship: Immigration and Theater in Twenty-First-Century Paris, Fişek (2017) examines the relationship between aesthetic practices (theatre) and the political personhoods negotiated by the immigrant-rights organisations in twenty-first century Paris. Although she does not elaborate on her conceptualisation of aesthetic citizenship, her thesis contends that theatre is an aesthetic means through which collective political agency is expressed. However, my definition of aesthetic citizenship in this thesis differs from that of Fişek—my focus on aesthetics is not in the art forms but in the body.

\textsuperscript{118}Serious games are “the projects and intentions that people strive to achieve, but which are constructed and played within a socio-cultural environment entailing constraints, limitations and opportunities” (Jakimow 2012, 1274). This notion of intention is an integral part of agency. While all social actors are assumed to possess it to varying extents, agency is shaped differently: “It can be nourished or stunted, under different regimes of power”
is “actively played, oriented toward culturally constituted goals and projects, and involving both routine practices and internationalised action” (Ortner 2006, 129). Stateless Shan youth’s choice of which mode of the body to employ depends on their broader “project” and how they “read” the situation. Stateless Shan youth’s use of the body to negotiate visibility/invisibility and legibility/illegibility thus reminds us of the integral role of aesthetics in mediating citizenship and membership—aesthetics can provide a means of strategic expression of one’s belonging in spite of a lack of legal status. Through empirical examination of how stateless youth strategise and employ their bodies to meet their ends, I challenge a common portrayal of stateless youth as helpless, bounded and alienated. The ethnographic accounts in this chapter offer a multidimensional and complex portrayal of both stateless youth and their bodies, which are the site where legality and belonging are negotiated and challenged.

This chapter is divided into four parts. The first part defines aesthetic citizenship and the conceptual influences of this framework. The second part locates aesthetics in the history of the Thai regime of image and the nation-building process. The third part discusses aesthetic citizenship’s modes of transmission in the Thai context. Finally, the fourth part provides ethnographic details on how my participants’ various strategic expressions of aesthetic citizenship negotiate their visibility/invisibility and legibility/illegibility to the Thai state. Throughout the chapter, I also include my reflections as an endo-ethnographer, who herself has been instructed on Thainess as part of her education, and whose appearance and body were also assessed by her participants and those she encountered during fieldwork.

2. Defining aesthetic citizenship

Growing up in Thailand, I have always been aware, and constantly made aware, of the importance of appearance and the appropriateness of bodily comport. A person may own a physical body, but it never belongs simply to him/her—there is a collective preoccupation with how one manages and carries the body. From a young age, a child is taught by the adults in their world how to move and control the physical body (Sit properly! Not with your legs up!). These bodily “rules” are further cemented at school. Althusser ([1971] 2006, 88) argues that as an educational Ideological State Apparatus, schools are where the children learn all kinds of

(Ortner, 2006, 137). Social actors are always enmeshed within relationships of solidarity with those close to them (family and friends, etc.) and omnipresent inequalities within society.
social “know-how” ranging from the “rules” of good behaviour, morality, civic and professional conscience and, ultimately, the rules of order established by class domination. In the Thai educational system, the “appropriate” way of regulating the body to correspond with the social codes and hierarchy is further instilled through taught subjects such as etiquette and morality, and other school and public rituals. Bodily comport deemed “inappropriate” can provoke moral outrage and elicit degrading remarks about one’s family and lack of “civilised” heritage. In other words, body aesthetics and morality fuse. As pointed out by Saito (2016), body and its movements facilitate an aesthetic communication of social virtues. In the name of virtues, manners and etiquette have been used to justify social hierarchy, exclusion and identity politics (Laverty 2009, 229).

My interest in this chapter is on the dynamic between the disciplinary side of aesthetics—the way in which the aesthetic expression of the body becomes a site of intervention for the state—and the locale for agency—a means of strategy for my stateless participants who lack legal recognition. As Leach says, “In all viable systems, there must be an area where the individual is free to make choices to manipulate the system to his advantage” (Leach 1962, 133). I am interested in how my participants use aesthetics, which is a prominent aspect of citizenship, to make themselves legible/illegible and invisible/invisible to the state. If, as Mauss claims, the body is our “first and most natural instrument” (1973, 75), how is this instrument played by stateless Shan youth?

The terms aesthetic citizenship and aesthetic politics have been mentioned by a few scholars such as Salime (2015), Elinoff (2016) and Fişek (2017). Both Salime and Elinoff conceptualise the relationship between aesthetics and politics under the influence of Jacques Rancière (2004). For Rancière, “Political action consists in showing political what was viewed as ‘social’, ‘economic’ or ‘domestic’. It consists in blurring boundaries” (2011, 4). Seeing “politics as an ‘aesthetic affair’” (2011, 7), Rancière is interested in “the meaning and import

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119 Inspired by Rancière, Salime (2015, 136) conceptualises aesthetic citizenship as “an aesthetic activity where dissensus can be displayed as spectacle. More than spectacle, aesthetic citizenship points to the formation of a subculture that cuts across the binaries of religious/secular to carve out a space for the political in everyday life”. In his study on a participatory urban housing project in Thailand, Elinoff (2016, 610) argues that aesthetic practices as the sites where residents, urban planners, and activists “propose, debate, and enact distinct political and moral orders”. Everyday expressions of aesthetics such as home improvements implemented by actors typically subordinated within pre-existing sociopolitical orders “…become potent modes of politics because they hold the potential to reconfigure the terms of audibility and visibility of [these actors]” (Elinoff 2016, 613). Aesthetics are thus intertwined with the politics; aesthetics becomes a vehicle through which political spaces can be reconfigured and participation becomes possible.
of the configuration of a specific sphere—the sphere of aesthetics—in the political distribution of the perceptible” (2011, 8).

Like Rancière and the scholars above, I recognise the interconnectedness between politics and the aesthetic dimension of the everyday. My interest is in how aesthetics of the body is used by my participants to negotiate the state’s demarcation of membership. My conceptualisation of aesthetic citizenship is more influenced by Mauss’s (1973) habitus and the techniques of the body, rather than Bourdieu’s habitus (1984; 1990). In Mauss’s conceptualisation of habitus, we see “the techniques and work of collective and individual practical reason rather than, in the ordinary way, merely the soul and its repetitive faculties” (73). Technique, for Mauss, is “an action that which is effective and traditional…There is no transmission in the absence of tradition” (1973, 75 my emphasis). The transmission of the techniques through teaching is “essential” (78). I resonate with Mauss’s observation that “the child, the adult, imitates actions which have succeeded and which he has seen successfully performed by people in whom he has confidence and who have authority over him”.

For Bourdieu, “The habitus is embodied history internalized as a second nature” (1990, 56). The lack of consciousness or will is an important characteristic of habitus—“agents never know completely what they are doing that what they do has more sense than they know” (Bourdieu 1990, 69). Bourdieu argues that “the habitus is what enables the institution to attain full realisation: it is through the capacity for incorporation, which exploits the body's readiness to take seriously the performative magic of the social, that the king, the banker or the priest are hereditary monarchy, financial capitalism or the Church made flesh” (57). In other words, incorporation of the social structure by way of habitus realises the social world. Habitus reproduces the structure that produces it (70-71). Social learning is ingrained on the body and imitated unconsciously through bodily actions (Fowler 1997, 17).

My conceptualisation, by contrast, emphasises the conscious ways my stateless participants use their body to aesthetically enact or refuse the state’s prescribed citizenship ideals in order to assert or resist belonging respectively. Mauss’s emphasis on effectiveness, practical reason, conscious transmission and enactment of the techniques of the body are therefore more pertinent to what I have observed during my fieldwork. However, I draw on Bourdieu’s

120 Although Bourdieu (1990, 53) acknowledges that “the responses of the habitus may be accompanied by a strategic calculation tending to perform in a conscious mode the operation”, he still insists upon that they “are first defined, without any calculation, in relation to objective potentialities”. This lack of calculation makes Bourdieu’s habitus less suitable for my conceptualisation.
symbolic capital to argue that aesthetic knowledge can be accumulated like other forms of capital—one that can be relearned, mastered and used to advance one’s status or, in some my participants’ cases, compensate for lack of legal status. Similar to accumulation of cultural capital, modes of acquiring and accumulating aesthetic citizenship are deeply personal (i.e. cannot be done by others but the self) and require time investment.

While for Bourdieu’s habitus, “the essential part of *modus operandi* that defines practical mastery is transmitted through practice without rising to the level of discourse,”(1990, 73-74), aesthetic citizenship in Thailand is reproduced through the body via discourse on preservation of national identity and everyday social practices. The first involves a top-down universal prescription and instruction aiming at standardizing Thainess and turning it into a set of fixed qualities and manners by the name of national identity and culture. The state-mandated and standardised codes of aesthetics and bodily comport—such as the etiquette competition, march songs, daily morning rituals at school, public celebrations of national days—are then transmitted through Ideological State Apparatuses (Althusser [1971] 2006). The second form is transmitted through everyday social interactions, producing the effect of the state (Mitchell [1991] 2006). At the same time, overt awareness of aesthetic citizenship allows agents to strategise and enact the most effective techniques befitting the situation. Therefore, the body and its movements are contested spaces through which nationalism, citizenship and belonging are constantly being mediated, shaped, reshaped and negotiated by both the state and individuals.

3. *Siwilai*: the history of the theatrics regime of power

The state-prescribed ideals and regularisation of the body in present-day Thailand can be traced back to the performing arts developed during the Ayutthaya era (1351-1767), where large public rituals and ceremonies were important state-making processes. However, in this chapter I will focus on the period of 1850s-1930s during which a concept of “*siwilai*” —a literal transliteration of the English word civilised—emerged and Thai manners and etiquette became standardised as a national project. Thongchai (2000b) examines in detail the origins and enactment of *siwilai* by Siam as a tool for political reconfiguration of power. He argues

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121 Like other premodern Indianised kingdoms in Southeast Asia, Ayutthaya with its splendour, artistic richness and preoccupation with pageantry was what Geertz (1980) calls a “theatre state” (Grow 1991, 95). Politics, dramatic performance and defence were infused; until the end of the nineteenth century all royal male children and senior military officers were trained in both dance and martial arts (Grow 1991, cited in Jackson 2004a, 224).
that under the new world order where Europe emerged as the new *axis mundi*, the ethos of civilisation was no longer cosmic, like heavens or gods, but civilisation and modernity (Thongchai 2000b, 533). King Mongkut (Rama IV, reign 1851-1868) sought a performative rather than a military response to Western imperialism by “projecting images of Siamese civilization upon the world stage” (Jackson 2004a, 235). This mindset became “the most important historical influence on the regime of images” (Jackson 2004a, 220). However, Thongchai argues that colonial threat was not the only motivator; it was the need to save its dignity and relative superiority in the region that drove Siamese elites to performance of civilisation and to confirm its position in the region (Thongchai 2000b, 529 and 534).

Both a quest for siwilai and the standardisation of Thai etiquette were intended to discipline and fashion individual bodies as a means of state-making. Thongchai locates *siwilai* as the transcultural process, influenced by European ideas and practices but "transferred, localized, hybridized in the Siamese setting" by the elites (Thongchai 2000b, 529). *Siwilai* connotes material development (new roads, electricity, technology), the founding and workings of key institutions (courts and judicial system, new bureaucracy) and physical transformation from “barbarian” to *siwilai* like Europeans (white teeth, dress code). It is the appearance of [material and behavioural] progress in both the collective and the individual. Qualifications of the Gentility (*Sombat Khong Phudee สมบัติของผู้ดี*), an influential treatise written in 1900 by Chaopraya Phrasadet Surentharathibodi, lists 182 items of what to do and what not to do. This treatise is an important example of the early top-down written instructions on how to appear *siwilai*. (Thongchai 2000b, 530). To be *siwilai*, there is a strong connection between the way the body moves and the morals that inform that movement: a person needs to govern not only his physical appearance but his thoughts and intentions. Purification of the mind is demonstrated through a perfect control of body and speech; each aspect is a part of a whole concept of *siwilai*.

While the motives of intervention on the body at first may have been to perform civilisation externally to foreign imperial powers to establish Siam as equal, the objective later shifted to construct the unified identity of Thailand as a modern nation-state to both its external and

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122 According to Thongchai, “black teeth had been a mark of beauty in Siam until *siwilai* needed them white” (2000, 538)

123 Each of the 10 chapters is divided into instructions on the body (กายจริยา), speech (วจีจริยา) and the mind/morality (มโนจริยา). For example, in “Chapter 4: A gentleman should have lovely manners”, one of the bodily instructions is “to not sit too long in someone else’s house”. As for verbal conduct, a gentleman is advised, among other things, not to share embarrassing tales with his friends.
internal audience. As discussed in chapter two, the military dictator Pibulsongkram oversaw the fervent creation and promotion of Thai national identity and culture to the extent that there was a Commission for the Creation of Thainess (1938-1945). Pibulsongkram was determined that the Thais had to appear “civilised” to the outside world but also to have a strong national identity in order to appear on par with the world and to remain relevant (Jackson 2004a, 220). As a result, there were many other state-interventions on daily life such as this image.

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Figure 16: A poster from the cultural mandate era
Source: https://en.wikipedia.org/wiki/Thai_cultural_mandates

This “Thai Culture” propaganda poster outlines the Do’s and Don’t’s. Clothing and fashion in the left box (e.g. going topless, showing upper body parts, having a shaved head, wearing a sarong, carrying things on the head, wearing traditional and regional clothing) were prohibited in public. Instead, “international” clothing and fashion on the right box (e.g. wearing a hat, wearing skirts and trousers, covering upper body parts), were enforced. Other mandates involved specific instructions to govern one’s mind and the body ranging from “Use the name ‘Thai’ to refer to all Thai people, without subdividing them.”, “Thai people should make an effort to consume only food made from Thai products” to “Eat meals at set times, no more than four daily”. These mandates encourage the Central Thai language and ways and discouraged local regional identities.

124 These mandates had been published in Thai in the Royal Thai Gazettes. I retrieved the translation from this page: https://en.wikipedia.org/wiki/Thai_cultural_mandates See Thamsook (1978) for more discussion on the mandates and Pibulsongkram’s nation building programme during 1941-1945.
125 Refer to chapter 2 on the exoticisation of other regional and primitive “hilltribes” identities.
Internalized as collective habitus but initiated through force of law, siwilai becomes a powerful engine driving the reproduction of class and social hierarchy. *Siwilai* has been formally codified not only into Thai manners and etiquette but essentialised as “Thainess”. I argue that this formalisation has reiterated the social order between the dominant and the dominated, as having correct etiquette means acting in accordance with one’s place in the hierarchy. These social codes of conduct are not well-kept secrets to be deciphered; they are instructed with the intention of bringing awareness of one’s social position so that one can behave accordingly and not disturb the existing moral order. Aesthetic logics of Thai citizenship are thus based on the performance of the awareness of hierarchy and relational thinking; movements are informed by one’s social position in relation to others with whom one interacts at a given time.

4. Choreographing Thainess: Education, school and the reproduction of aesthetics

During my first hour of fieldwork, I was instantly transported back to a familiar scripted performance of my own childhood: students in a school uniform running around, laughing and playing happily until a song— is played on a speakerphone. By the end of the song, orderly rows magically emerge at the centre school ground—like a colony of bees, everyone knows their place. Teachers stand at various corners with eagle eyes scanning for any troublemakers like those who move out of line or wear a skirt an inch too short or an inappropriate haircut. Like a play in a theatre, everyone in the school assumes his/her role in this daily performance that has become more or less habitual.

However, I was caught by surprise by an addition to the regular sequence of singing the national anthem, saying Buddhist prayers and listening to morning announcements—the children began a long chant of the “12 Values of a good Thai child”. This demanding list mandated by the military government contains citizenship instructions ranging from the vague (“Treasuring cherished Thai traditions”) to the specific (“Applying His Majesty the King’s Sufficiency Economy, saving money for time of need, being moderate with surplus for sharing or expansion of business while having good immunity”). This daily unison chanting by primary school

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126 A song can range from a popular song, a march song, or a school’s own anthem.

127 The full list is: 1. Upholding the three main pillars: the Nation, the Religion, and the Monarchy; 2. Being honest, sacrificial and patient, with positive attitude for the common good of the public; 3. Being grateful to the parents, guardians and teachers; 4. Seeking knowledge and education directly and indirectly; 5. Treasuring cherished Thai traditions; 6. Maintaining morality, integrity, well-wishes upon others as well as being generous and sharing; 7. Understanding, learning the true essence of democratic ideals, with His Majesty the King as Head of State; 8. Maintaining discipline, and being respectful of laws and the elderly and seniority; 9. Being conscious and mindful of action in line with His Majesty the King’s royal statements; 10. Applying His Majesty the King’s Sufficiency
children, some as young as five years old, sounded rushed and almost robotic. I could not help but observe the irony once again of stateless and migrant children shouting about how to be a good Thai child. As put by Bolotta (2016), children in Thailand are not subjects of rights; they are the subjects of duties.

Throughout my semester as an informal part-time teacher at the three public schools with a high percentage of stateless youth, I observed and participated in the daily instruction of aesthetic citizenship in the forms of displays, rituals and ceremonies, all of which foster systematic construction of the state. As argued by Keyes (1991, 112), “The primary objective of the national system of education in Thailand has been, and continues to be, to prepare children throughout the country to enter into a ‘Thai’ national world, a world structured with reference to the Thai state”. In addition to various daily rituals, aesthetic citizenship is turned into a “narration” of desirable bodily comportment, ethics, virtues, moral principles and traits of character taught as part of a subject called “Character Development”. While performances of loyalty and obedience are routinely performed throughout Thailand, school is a key Ideological State Apparatus (Althusser [1971] 2006), where aesthetic citizenship is formally instructed, reproduced, assessed and rewarded. Performance of the “correct” aesthetic behaviour pays dividends in the form of grades and compliments, thus converting aesthetic citizenship into a form of capital in exchange for total cultural assimilation. Indeed, as observed by Keyes (1991, 115-116) “It is in school that children throughout Thailand are first exposed to a national Thai culture through instruction in songs with nationalist themes, through participation in ceremonies celebrating national heroes as well as honoring the present king and queen, and through explanation of such national symbols as the flag, the national colors, and pictures of the king and other members of the royal family”. It is through the daily rituals taught and enacted at school on the daily basis that children in Thailand learn the order of the national world within which they are part.  

At school, certain important days demand an extra performance of aesthetic citizenship. One ethnographic moment that stood out from my fieldwork was the Queen’s birthday in August which is also Mother’s Day—a day for public and official declaration of love and loyalty to
both the mother of the nation and one’s own mother.\(^\text{129}\) The whole school was decorated in flowers and the colour blue, which was the “correct” colour for such an occasion because the Queen was born on a Friday and the colour for Friday in Thailand is blue. The picture of the Queen hung high up on the stage, while the song “the worth of mother’s milk” was played repeatedly, evoking gratitude toward the mother whose “blood was turned into milk to feed her child”. The sight and sound of the whole scene was so familiar to me that I found myself humming to the tune of the song I had heard every August throughout my childhood. Migrant mothers of the students, on the other hand, sat in the back of the room with an anxious look on their faces. To participate in this event, many had taken a day off from work, which meant no income for that day.

The school principal commenced the official ceremony by reading out loud from her official script the purpose of the day as she stood in front of the Queen’s photograph hung above the stage, as if to address the Queen in person. Starting from the youngest class, mothers and students were called upon the stage to publicly perform the act of accepting and expressing gratitude. With a garland of jasmine flowers in their hands, the children kneeled and prostrated at the feet of their mothers, while mothers bent down from the chairs to accept the garland. The teachers and other mothers eagerly took photos, which were sure to be shared on social media. Some alumni also came to give their former teachers jasmine garlands while performing the same prostrating gesture, as teachers are often considered the second mothers.

These formal and daily aesthetic rituals enacted in schools are part of the Thai theatrics regime of power. Jackson (2004a and 2004b) notes that the distinctiveness of Thai power seems to be “an intense concern to monitor and police surface effects, images, public behaviours and representations combined with a relative disinterest in controlling the private domain of life” (Jackson 2004b, 181). This preoccupation with what Morris terms the “order of appearances” (2000, 173) leads to “an overinvestment in appearances” (2000, 5) and “the appearance or the performance of ideally nationalistic behaviour” (147). Morris (2000, 48) also argues that “One is required to maintain the appearances of ideal cultural order in Thailand….\[T\]his

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\(^\text{129}\) Similarly the King’s birthday is a Father’s day and a national day. Previously, Pibulsongkram set the anniversary date of the Thai “revolution” (24 June) as the Thai National Day. Under yet another military dictator Sarit Thannarat in 1960, the National Day was changed to King Bhumibol’s birthday (5 December). The King’s birthday was also declared a Father’s day in 1980. After King Bhumibol passed away in 2016, the Cabinet had to meet and deliberate before announcing that the Father’s day and Mother’s day would remain the same. [Link](https://www.thairath.co.th/news/politic/1572868)
performance (this masking) need have no particular relationship to one’s subjective thoughts or commitments”.¹

With the concept of siwilai at the core of Thai citizenship, it is transmitted through formal education. Being “educated” implies embodying siwilai. When I first met Pon, a Shan activist in her early 40s known for her advocacy for the right to education for Shan children in rural orange orchards, she narrated in a well-practiced fashion her advocacy journey to me. When she first started setting up an informal school in the orchards, her effort was met with resistance from the parents, who did not see the point of letting their children learn. She managed to convince them to give her a chance and finally managed to receive a big break when the children started greeting their parents with a Thai gesture of “wai”—hands together at heart centre with a head bow.² She told me that “since then, the parents’ trust and attitude became positive because they could see that education had made their children civilised”.

Although education has been critiqued as a tool of the oppressor and the dominant class (Freire 1970; Bourdieu 1979), most activists advocating for the rights of stateless children in Thailand see it as a human right and a necessary key step toward a more inclusive society. Enrolment rate of migrant children in Thai schools becomes an indicator of success for many NGOs, without much questioning of “education by whom and for whom?”. At the same time, education is commonly acknowledged as a way to achieve social mobility and even a path to citizenship. It is undeniable that there are values of attending school and receiving education. As pointed out by Keyes (1991), through school, children enter a spatial culture that serves as a model of the state. Not only does their literacy in Thai permit access to understanding bureaucratic documents (ibid), which is incredibly important in the lives of migrants and their children, I argue that literacy on the aesthetics allows them to feel more comfortable in interacting with the bureaucrats and to “read” the state and its agents.

During my fieldwork, I encountered moments where my own body and level of education were used by Thai adults to illustrate the siwilai to stateless students. A teacher once asked me in

¹ While I agree with Morris to an extent, I observe that like in a play, an actor believes at the moment of performance in his/her character. In my view, an agent is conscious of behaving appropriately and truly strives to perform such act, therefore he/she does not consider the action ‘masking’.

² When one performs a greeting (wai), one is taught to configure the bodily arrangement such as the position of the hands and the level of the head in relation to the person whom one greets. A similar logic applies to speech. There is a hierarchy of the Thai language, with local dialects classified as familiar and less refined, central Thai as official and formal, and the Royal language (racha-sap) sitting above all. The Royal language is taught at school as part of the curriculum of the Thai language. A completely different set of words are used to address and describe daily activities, body parts, and objects of the King and members of the royal family.
front of the whole school during the morning service to inform the students that I was a doctoral student in New Zealand, before praising me for being beautiful. She asked the students, “What is a PhD degree? Having a doctorate means you achieve the highest level of education. And what if you have poor education, where do you end up? Labourers! Raising buffalos! If we have high education, we will get a good job that allows us to dress beautifully and wear red lipsticks in an office with an air conditioner. If we are poor, we will be smelly. When we enter the mall, people will frown upon us and say ‘ugh’”.

4.1 Everyday appearance, “appropriateness”, and an act of belonging

So far, I have discussed how techniques of the [Thai] body are rooted in the notion of siwilai and how their transmission through state ideological apparatus is meant to inscribe social hierarchy on the bodies. Now I turn the attention to the importance of physical appearance in the everyday interaction. I argue that it is through the notion of “appropriateness” imposed upon everyday appearance that we must acknowledge the effects of the state.

In Thailand, physical appearance is not only constantly judged; it significantly influences how one is perceived and treated by others. Weight, clarity of skin, shape of legs and arms, the shape of the eyes, the size of the waist, the style of clothing, or even the way make-up holds on the face in the heat—these are no private matters. Instead, they are subjects of conversation between family members, friends, colleagues, or even new acquaintances looking to forge the bond by showing admiration or sharing gossip about someone else’s appearance. With appearance seen as a way of embodying moral virtues (Saito 2016), “appropriateness” becomes its main concern. From her fieldwork with Thai women office workers, Kosum (2014, 285) observes “an omnipresence of the notion of appropriateness”—women are criticised by other female colleagues on “their ability or inability to comport according to the standard of ‘appropriateness’ with regards to dress and make up”. In one commercial bank where she conducted fieldwork, an email titled FYI (for your information) would be circulated before every corporate event to inform secretarial members of an appropriate dress code. Dressing appropriately is seen as a way to do one’s job “properly”. For her participants, looking “appropriate” is also at the heart of looking good (296). Failure to grasp the notion of appropriateness can significantly affect one's integration into the workplace, and turn one into the subject of public or private condemnation, gossip, and ridicule. The underlying meaning of

132 For some types of events, Thai dress is preferred to Western dress.
constant surveillance and assessment of physical appearance is therefore about assessing belonging.

Seeing physical appearance as a form of belonging, it is not a surprise that physical appearance in Thailand is understood as an object of self-improvement, a possible avenue for class mobility and a locale of citizenship. Kosum (2014, 285) argues that in contrast to beauty, which is seen by her participants as an innate quality of the body, “looking good” can be learned and “achieved through materialisation of the body” by using “appropriate” fashion and make-up. Kosum views learning to “look good” as an act of belonging and a process of social participation in the context of everyday life. Striving for “appropriateness” is therefore an expressing of belonging. Rejection of appropriateness, on the other hand, is to assert defiance.

5. The body and its strategies of obedience and subversion

As demonstrated in earlier chapters, legibility is a main concern to the stateless as much as it is to the state. Although documentary forms of legibility such as an ID card have important implications in determining the future of stateless youth, they do not have as much of an impact in an everyday context as the body and its appearance. Instead, I argue that the body—through appearance, movement, fashion, speech, citizenry performance—is a powerful instrument in rendering legibility and conferring belonging. There is a running joke in Thailand that to test whether a person is Thai or migrant, a policeman would order them to sing the national anthem. This tale of verifying national belonging demonstrates how the performance by the body can sometimes be used to determine membership in place of a legal document, especially when a legal document can be forged.

An example of how a (famous) body can grant informal acceptance and override an identification document can be seen in the experience of Mong, the first Shan youth to gain national attention when he won a national paper plane competition in 2009 at the age of nine. His story as a stateless migrant child with talents but no citizenship was very well-covered at the time by the media, provoking a public discussion on whether or not the Thai government should issue him a passport so he could compete at the international level in Japan. Years passed, Mong still held a zero card, which limited his movement and offered almost no potential to become a Thai citizen. Even though many years have passed, Mong’s fame

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Mong finally received his citizenship in 2018.
remains strong as he represents the image of a “deserving” stateless child. Every now and again, he would feature in a newspaper article discussing his life. During our interview, Mong mentioned his experience with the police, “When I was in Chiang Mai, I was on a motorbike with my friend. We were on our way to school, but we got stopped because my friend did not wear a helmet. The police stopped us and asked for our IDs. When he saw my school card, he looked at my face and said “Oh, this is Mong!” Then he asked to take a photo with me and then let me go”. Once recognised, Mong’s face was no longer perceived as an illegal “Other” but recognised as an important “Other”; his body and celebrity status make him visible and legible to the policeman. The police’s reaction also represents a form of state illegibility.

But not all of us are Mong and we have to devise another tool to get out of trouble. My stateless participants know very well the importance of the body and aesthetic dimensions of Thai citizenship. I will now discuss the various strategic enactments of aesthetic citizenship by my stateless Shan youth.

5.1 The camouflage

As mentioned in chapter three, the military junta’s order to crackdown on “illegal” migrants was a source of anxiety for my 14-year-old participant—Aum, who did not have any documentation. In order to earn some extra pocket money, Aum and her friend, Fon, worked every evening after school at a night market near the university. The market is usually a lively scene at night as it welcomes young customers, who are mostly university students, but that month it became unusually quiet. When I visited them one evening, I was surprised to see empty stalls and less of a crowd.

I had a chat with Fon’s employer about the raid. “Oh, yes that was quite intense,” said Tu, a friendly middle aged Thai-Chinese woman whom I had previously met and whom Fon calls “aa-goh” (aunty in a Chinese dialect). Tu and the girls told me that the market was empty within minutes when the news broke. Migrant workers apparently texted to warn one another about the police’s plan. “So, what did you do?” I inquired with worry, knowing that Fon and Aum were not legally allowed to work according to Thai laws due to their age and their legal status. “They didn’t detect me. I was wearing a school uniform and acted as normal as possible,” Fon replied. Tu interjected, “These kids [Fon and friends] are not afraid. They know they look and speak Thai just like us, unlike those newcomers. Look at Mooky (her other employee), no matter how hard she tries, she cannot get the accent right. Kids like Fon are not real Shan, they
are mutants (*glai pun*).’’ Ironically, that day Fon was wearing a t-shirt that said “I love Thailand”. I could not tell whether this t-shirt was a genuine love declaration for the country or a strategic move in the midst of the hunting down of illegal outsiders.

Fon’s reply on acting Thai and Tu’s comment on her being a mutant Shan did not catch me by surprise because I intuitively understood what they meant. Even though Fon did not elaborate specifically on what acting normal looked like, I understood that acting normal was acting Thai. As a Thai researcher, who has spent half of her life away from the country (and spent most of that time critiquing it through research), I am often told that I look like an outsider. Taxi drivers have told me that the way I walk and speak and my fashion sense give me away. An expat who has been living in Thailand for almost 20 years says it is the way I make eye contact, which is “too direct for a young Thai woman”. Similar to Kosum’s research experience, where her body was looked at and assessed by her participants, I too found that my participants and I have engaged in reciprocal looking to assess one another’s “Thainess”. For example, when I first met Fon and Aum, which I described in chapter four, I remember thinking how they shattered all the totalising image of the “voiceless” stateless and how they appeared “so Thai”. When I finally introduced myself to them that day, they asked me “Where are you from?”, to which I replied “Here, Chiang Mai”. They probed further, “Really? You neither look nor speak like you are from around here. Are you half-foreigner (*luk kreung*)?” Just as I was surprised at how Thai they appeared, they were equally surprised that I was actually Thai. Here, we have stateless Shan youth who appear more Thai than a Thai citizen researcher. This example of reciprocal looking demonstrates that looking Thai and acting Thai feature dominantly in the consciousness of people who live in Thailand. While no one can truly define what “looking Thai” means or how to locate it, appearing Thai involves tacit understanding of aesthetic behaviour and appearance that adhere to societal prescribed norms. In everyday situations, embodiment of Thainess is consciously and strategically used by my participants as a camouflage – to remain undifferentiated from the crowd. This mode of aesthetic citizenship therefore becomes a conscious strategy enacted to allow stateless youth to blend in, to avoid being questioned by authorities and to attain a higher degree of freedom of movement without being checked for an ID. In other words, it allows invisibility by being perceived as “normal”.

While with friends, Aum feels that she could be herself and could speak Thai with some words in Shan here and there, but she is conscious that she must behave “very Thai” when in the

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134 A person of mixed ethnicity; half-Thai, half foreigner.
presence of a senior Thai person. She does so by putting on a “proper Thai and formal” manner. She told me “that’s when I really have to erase my Shanness and not interject any Shan words. If we [second generation Shan children] want to, we can perform the Thai manner in order to blend in. Like we know how to adjust.” Aum is also aware that her safety and the unquestioned privilege she enjoys are owed to looking like a child, but not any other child – a Thai child. When I asked if she worried about being caught for not having a paper, Aum replied “When I start to really look like a teenager, I might be questioned but I look Thai enough, I can pass. Plus, I speak Thai with no accent. So, I think I will be fine.” Aum understands that in the eyes of the authority (i.e. the police in this context) all children belong to a single homogenous category of “innocence” and that illegality of children is often excused. She intends to make the most use out of her “look” as a child (dek) as long as her youthful appearance allows.

Although this camouflage strategy is usually enacted for convenience in daily life, it does not imply that youth reject the reproduction of the hegemonic norms associated with the Thai body. Subjected to the Thai educational system, my participants sometimes communicated their internalisation of Thainess’s superiority to other identities such as Shaniness, especially when it came to beauty and fashion. In my focus-group with three 14-year-old girls and one boy, the message “To look normal is to look Thai” was often emphasised to me. They often commented on who looked the most Thai in the photos we took or how “un-Shan” they looked in general. When I asked whether they could really distinguish a Shan person from a Thai only by looking at him/her, they all gave an immediate and enthusiastic “Yes”. They elaborated that the difference can be spotted in the mannerisms, the fashion and the expressions of confidence. “Shan people just look lost and outdated”. They then showed me some Facebook photos of their parents in order to make the point. Thainess, once again, prevails as something more desirable, more siwilai. Well-aware of this hierarchy of looks, some Shan youth strive to reproduce Thainess as a coping strategy, especially in a situation where their lack of legal citizenship is questioned.

5.2 Asserting or defying belonging

Aesthetics as an imposition of force, as an expression of defiance or as an articulation of belonging. This can be seen in the cases of Kamluang and Aye respectively—both are key members of a Shan youth group, with whom I engaged during my fieldwork. I first heard about Kamluang through a Thai academic, who previously worked with him and the group. She
mentioned how he got into trouble with the police many times because of how he looked. Later at an academic conference organized by the said scholar, I noticed him right away—he stood out from the rest of the well-groomed crowd with his shabby-looking clothing, uncombed hair, a gauged earlobe with a huge earring in the middle, a non-central Thai accent and a stick he chewed in his mouth. I introduced myself and we arranged to meet the following week.

Our meeting point was in front of a 3-star hotel on the main road between our neighbourhoods. It was not possible to wait by the road, so, when I arrived, I parked the car at an empty parking lot and waited for him to fetch me. As I waited, the hotel guard came to ask me very politely if I needed help, which I declined. Although I felt he had wanted to ask if I parked here as a hotel guest, he refrained. When Kamluang arrived on his old noisy scooter without a helmet—hair unkempt and clothes so baggy his trousers were about to fall from his waist—I could see the friendly expression on the face of the hotel’s guard change into scepticism and disapproval. In a society obsessed with looking “proper” and suave like Korean movie stars, he stood out as an “outsider” though I could tell he did not give a care in the world.

Kamluang’s appearance was a subject of discussion at several instances during my various visits to the Group’s office. As I would later learn from his friends and the man himself, his look usually gets him into trouble as it catches the authorities’ attention. His friends described him as looking like a “communist” and an “illegal immigrant”. He often gets stopped by the police, on the pretext that he rides his motorcycle without a helmet. While others including myself may have been able to play “innocent,” or cry our way out, he gets asked for papers and gets fined. Kamluang will never be let off the hook the way I was. Once, he refused to pay the fine and did the sitting contest. After several hours, the police got tired of him and let him go. I get a sense that he intentionally wants to keep his look as a way to defy authority and send a message that he does not care to comply with the Thai standard of “appropriateness”. He will not change his ways in order to “camouflage”. To him, his fashion style and appearance are part of his identity as a Shan person.

Kamluang’s aesthetic resistance, however, becomes a barrier for the group to implement some of its activities. One day, Aye, the group leader, approached me for help. The group had just received a grant to implement a scholarship programme to support stateless students’ access to

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135 Once I got caught without a helmet, a policeman said to me, “You look like so-and-so (name of someone famous). You can go”.

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higher education. They needed to do an outreach to advertise the programme to the Thai public schools that have high enrolments of stateless students. Their initial attempt to make contact with these schools was bluntly denied at the gate, when every school security guard saw Kamluang. Aye confessed that even though the group members considered themselves educated, they still felt intimidated by a formal institution. She explained to me, “Shan people fear formality. We dislike interacting with the state. Growing up in the Shan state, we have been oppressed and treated horribly by officials like the police. Sometimes they would point a gun to your head”. This fear of authority was shared by many other Shans. When I visited a Shan fortune teller with the members of the Shan Youth group, the card for bad luck was an illustration of a civilian being threatened by a policeman with a knife. Aye, however, wanted to learn how to engage with Thai authorities. “You know how to behave with these officials more than we do,” she said, and told me how my help would be tremendous.

Her request confronted me with a dilemma of playing a cultural script, but Aye was right. Having been subjected to various Ideological State Apparatuses throughout my early years of growing up in Thailand, I possess the “know-how” with regards to interactions with Thai teachers and officials. By contrast, Aye, Kamlaung and most members of the group migrated to Thailand in their late teen years and had never been socialised within the Thai educational system. They had had limited interactions with Thai teachers. The group had been very open with me and had provided me an important access to stateless children in the labour migrant communities. Recognising the need to reciprocate, I sat down with her to show her the ropes of Thai bureaucracy and formality, from writing a formal letter to making a phone call to secure a class time with a school counsellor in order to speak directly about the scholarship scheme to the stateless students. Aye observed me making the first few phone calls before trying to make one herself. Her first few calls did not achieve the intended results—upon hearing the first few sentences from her, the schools said they were not interested in hearing more about the scholarship. We then took a pause to deconstruct the experience by analysing her choice of words, tone of voice, reaction of the audience etc. I coached Aye on how to perform formality and by her last two phone calls, she was successful in getting appointments. We agreed that I would accompany her to the first three schools to show her how to interact with teachers.

When we met, Aye wore a black skirt and a blazer, which she told me she bought specifically for this occasion in order to look formal. Black was appropriate, and in fact a widely enforced order, as it was the year of mourning for King Bhumibol. I myself got dressed not in my usual laid-back outfit, but in heels and a black knee-length dress with shoulders covered and a nose
pin removed. During our ride, we discussed how Thai society heavily judged people by their looks. Aye voiced that Shan migrants, in her opinion, would never blend in because they did not know how to dress and project confidence like a Thai person. Conversations with Aye and my other Shan participants indicate that to them, Thainess is embodied in the fashion taste, speech (accent) and confident mannerism, which comes from possessing the “know-how”. While stuck in traffic, Aye pointed out passers-by to give me tips on how to spot a migrant—“loud” overly colourful mismatched clothes, tight jeans, a dyed and spiky hairstyle and darker/weathered skin. I was struck by her comment, “Look at me. Even though I know what a Thai fashion taste is like, I cannot replicate it. My hair style and my usual clothes scream ‘migrant!’”. She then turned to assess my look, “You don't look Thai. You look extra confident like a farang” (westerner). She then attributed my confidence to my halfie identity and she believed it increased my credibility as a more worldly person.

Our mission to visit the schools went very well. Initially I took the lead and made the introduction but Aye gained confidence over time. The teachers were interested in the programme. Some gave us time to talk to the students. One of the teachers even suggested that the group organise a training session for the teachers to understand the laws and restrictions facing their stateless students. Aye was pleased with the outcome and was very grateful for my help that allowed her to gain entry and have positive experiences navigating Thai formality. Although I was glad that I could return the favour and be helpful to the group, I reflected upon the implications of my involvement—was I an accomplice in reproducing the dominant paradigm of power? Aye, however, reassured me several times that this “training” allowed her to widen her participation in the social world. More importantly, it helped her complete her “project” of engaging with the Thai authorities to strengthen the right of stateless youth.

5.3: The “dutiful Other”

On the other end of the spectrum is the strategy to stand out in the public realm by excelling in the performance of formal aesthetic citizenship and embracing the “dutiful Other” identity. This “dutiful Other” strategy employs aesthetic citizenship to demonstrate loyalty and gain acceptance as equal (to force acceptance and acknowledgement).

Loyalty to the Monarch is one of the key expressions of being a “good Thai child” (Bolotta 2016). In one of the chats I had with a teacher, she iterated that “Instilling loyalty to the King is very important. We need to make sure migrant children and the parents understand this”. In
the recent legal amendments which outline possibility of granting Thai citizenship to stateless children born to migrant parents, loyalty to the monarch is among the criteria of obtaining Thai citizenship.

My participants certainly understand the importance of “the institution,” as many Thai’s call it. A few days after the passing of King Bhumibol, I met up with Nana, Dew and Nay, who said they were going to attend a vigil held at one of Chiang Mai’s key tourist attractions. When asked about their feelings upon finding out the news, Nana said “I cried more than when I was broken-hearted. Dew said she was with her father when the news broke. “My dad cried,” she said. Nay elaborated further, “For Shan people, we are forever grateful to the King that he let us stay and prosper in Thailand”. My other participants engaged in one form of mourning or another. Along with their classmates, Aum and Fon were summoned by the monks at a temple next to their school to decorate a flower tray as an offering to the late King. They spent their last day of the school holidays doing that. When I went to say hello, I saw a massive flower tray—small white flowers were pinned to form number nine (signifying Rama IX) against a black background made by plastic flowers. Fon said proudly that she designed it herself. One participant also showed me public mourning expressed by some Shan groups online. One group went to pay respect to the king’s tomb in Bangkok. The pictures they post on their Facebook group documented their journey and experience. Online audience could see them dressing in black, holding the King’s framed picture in their hands, joining the massive queue to pay respect to his casket. Accompanying these photos was a message describing their sadness, written in the Thai language and not Shan.

As elaborated in the opening vignette, a team of stateless students from one of my fieldsite won the National Etiquette Competition. My other three participants have also appeared on television as the “Thai cultural heritage ambassadors”. Shan youth use their public participation and victory as a means to subtly establish their visibility and legitimacy and demonstrate their superiority (or at least equal status) to the Thai peers. Every time a Shan student surpasses a Thai in a competition on Thainess such as Thai etiquette, Thai calligraphy, or Thai reading, it sparks intense debates among the Thai public, who are constantly shocked that inferior non-Thais have not only the abilities but the grace to behave better than Thais. Victory of stateless youth provokes outrage and comments such as “We have been overtaken by the Burmese!” or “Shame to Thai children for being so lazy!” However, it also begs the question of who, then, are Thai? It disrupts the notion of innate characteristics of Thai people. My participants who often participate in these types of competitions told me that they want to prove to Thai people
that the Shan are just as civilised or as even better: “We can do a better job than the Thai people”.

I find this strategy to be more complex than its apparent submission as it both challenges and confirms the ideals of the dominant class by embodying them. Perfect performance of aesthetic citizenship, when enacted by the “Other”, blurs the line that demarcates the “in-group” and sparks conversations, even temporarily, about the myth of Thainess. At the same time, there are limits to the ways it manages to provoke the status quo. The “dutiful Other” strategy leads to public discussions about possibilities of inclusion, not of all but only of those who embody Thainess. Those with perfect embodiment of Thainess are more likely to be seen as deserving of citizenship rights than others who fail to act Thai.

5.4. The conscious accumulation and conversion of aesthetics

In late 2016, I received an invitation from Mr. Santi, a senior official at the American Consulate in Chiang Mai, to attend a talk titled “The Last Journey of a Stateless Child”. The presenter was his former intern, Duangtha, who had recently undergone a complicated bureaucratic process to claim citizenship from Myanmar. Mr. Santi was excited for me to learn about this unique case because, to his knowledge, Duangtha was the first known person to take advantage of the Nationality Verification Scheme designed for temporary labour migrants from Myanmar to strategically rid herself of statelessness. I was fascinated by Mr. Santi’s brief description of Duangtha’s case, as most of my other stateless youth participants either had gone through a demanding process to get Thai citizenship or had chosen to wait and hope for the laws to change. None had attempted to go through a formal channel to get Myanmar citizenship.

When I arrived at the Consulate just before the presentation started, I stole a quick glance at Duangtha. Like all others in Thailand who were still mourning the passing of King Bhumibol, Duangtha was dressed in black, her hair pulled back in a ponytail. Observing her from a distance, I felt she encapsulated an image of a young activist full of drive and hopefulness. Her profile on paper alone already looked impressive and uncommon among stateless youth: a graduate from one of Thailand’s top universities, and an intern at an American Consulate. Her mannerisms emitted the air of confidence, in contrast to her nervous-looking parents seated next to her. When she started speaking, her speech was so clear and eloquent that, as she also later said herself, no audience would question for a moment that she was not Thai.
Duangtha took us through each bureaucratic step of her complex journey of acquiring Burmese citizenship. I will elaborate more on Duangtha’s lifestory and her journey to citizenship in chapter six, but for the moment, I want to draw an attention to her usage of aesthetics in her dealing with state officials. Duangtha had known for a long time that her chance of getting Thai citizenship was very slim, so she had long prepared herself to form a Myanmar identity by studying the Burmese language, choosing to take Southeast Asian Studies at university, volunteering in Burmese NGOs, following the news and announcements of the Myanmar government and resolving her family’s legal status. At the same time, she cultivated her Thai identity by speaking perfect Central Thai and mastering the “know-how” of dealing with bureaucracy and officials. All these social and cultural capitals she consciously accumulated would prove useful to her in the quest for Myanmar citizenship. However, the moments that stood out to me from her presentation was how she strategically embodied Thai and Burmese identities on different occasions to gain trust, acceptance and permission along her journey, especially in dealing with the border control police in Thailand and the officers in Myanmar. The agentic and performative aspects of aesthetic citizenship yielded symbolic power to allow Duangtha to be “seen” as a member of each group along the way. Duangtha’s story provides the insights into the situations and spaces in which stateless youth can strategically use multiple aesthetic aspects of their multiple identities—Thai, Burmese—to negotiate legality.

6. Conclusion

In this chapter, I have developed the concept of aesthetic citizenship to explore the complex interactions between the state and stateless Shan youth through the control and the performance of the body. This concept allows us to see aesthetics as at once a key component of statecraft and personal agency. By locating aesthetics within the historical and current Thai regime of power, I demonstrate its disciplinary nature and formal modes of transmission. By locating aesthetics also within the notion of “appropriateness” in the everyday, I highlight the effects of the state as well as space for resistance. Aesthetics, I argue, is a symbolic power and a form of capital that can be accumulated and used to negotiate one’s place in society.

A range of ethnography presented in this chapter from the etiquette competition, daily morning rituals at school, public celebrations of national holidays and interactions with parents and friends, illustrates how the state is aesthetically experienced and enacted on an everyday basis, and how stateless youth navigate this omnipresent state space using their body as an instrument.
Aesthetic strategies performed by stateless Shan youth demonstrate how hegemonic ideals of Thainess can be appropriated and employed as a tool of camouflage, assertion of belonging, and provocation of citizenship. I also argue that these strategic performances of aesthetic citizenship are not without contradictions and critical paradoxes: on an individual level, it demonstrates agency; yet, on a collective level, it can perpetuate the Thai state's project of hegemony and exclusion.

My contribution in this chapter also relates to the way that aesthetic citizenship, via the mastery of bodily comportment and aesthetics, enables my participants to assert their belonging within everyday life. As the Thai state is painstakingly obsessed with promoting “Thainess” through appearances and etiquette, embodiment of prescribed “Thainess” becomes very useful and essential for the daily life of stateless youth as it provides them with both visibility (recognition—as seen in the etiquette competition) and invisibility (not having their legality questioned as people assume they are Thai). Stateless youth’s perfect performance of Thainess also blurs the line of what it means to be Thai and, as a result, powerfully evokes sensitive and critical questions on belonging and membership in a way that a legal aspect of citizenship is unable to do.
Chapter 6: Dwelling and Respairing under Legal Triumphalism

1. Introduction

"[A birth document] is, in a very real sense, a matter of life and death…The unregistered child is a nonentity. The unregistered child does not exist."


“It was like I didn’t feel any different from others around me…even though I have never lived in Myanmar. I grew up here [in Thailand], but the first feeling I had [when presenting the Myanmar ID card to a service provider] is that I existed.”

—Muay, a Shan youth participant

“Write me down, make me real”—the slogan of the Universal Birth Registration Campaign launched in 2005—provides a stark reminder of how, in the twenty-first century, a person’s identity and existence are often reduced to documentation. The ongoing #IBelong Campaign to End Statelessness by 2024 further iterates the importance of documentation in resolving and preventing statelessness. Scholars have critiqued the Campaign for its documentary fetishism and “glorification of identity artifacts as an endpoint of the plan’s intervention” (Reddy 2015b; see also Staples 2012; Kingston 2017). (Reddy 2015b) argues that this focus on documentation also epitomises “legal triumphalism,” which is characterised by performative dimensions of speech acts that rights exist, the laws shall deliver, identity documents are stable, and faith is to be had in the face of the contradictions and impossibility. In other words, the constant reassurance to the stateless that their condition can be addressed through legal and policy solutions puts laws in the triumphalist position, while sidelining structural inequality or the role of both law and capitalism in the production of statelessness. Instead, documentation as a state artifact is conflated with “true” identity and belonging. Caught in this rhetoric, stateless persons including my participants feel an urgent need to seek identity documentation as a way to prove their existence and belonging.

This chapter describes and examines the narratives of seeking documentation and legality of three educated female Shan youth—Duangtha, Muay, and Aum. The first two were born in
the Shan state and migrated to Thailand with their parents at the age of nine and two respectively, while Aum lacks proof of birth and, until recently, did not legally “exist”. Their inability to prove their birth in Thailand means that they lack what the Thai laws consider “meaningful connections” \(^\text{136}\) with the Thai state, where they have been raised and educated. In order to obtain full legal status as citizens, the option available to them is to recognise Myanmar as their official state. In other words, they can only resolve their statelessness by getting citizenship from the state from which they fled. While Muay and Duangtha both sought out this option; their differing experiences demonstrate that seeking legal status in the face of state illegibility in both Myanmar and Thailand takes strategic planning, creativity, patience, willingness to take risks, social and cultural capitals and calculated embodiment of citizenship ideals. Aum, on the other hand, has decided to “wait out” \(^\text{137}\) (see Hage 2009) and focus on her day-to-day life in Thailand. Recently, she has managed to acquire a temporary identification document from another district. Although this document does not reflect her lived experience and ranks her at the lowest hierarchy of statelessness, Aum is still hopeful for future changes in the Thai policy that might open up space for membership for someone like her. While waiting tends to imply passiveness, inaction, or a state of disempowerment, I interpret waiting in this context as “recalibration,” and thus an deliberate act and a form of agency.

By comparing stateless Shan youths’ narratives to seek legality, this chapter provides two important insights. Firstly, it sheds ethnographic light on a common phenomenon Allerton \(\text{2017, 258}\) terms “documentary pragmatism”—a flexible attitude of stateless persons to the tactical acquisition or borrowing of identity documents.\(^\text{137}\) It also reiterates how under legal triumphalism, identification is reduced to documentation and identity documents are given the power to “prove” identity \(\text{Reddy 2015b}\). These conceptual frameworks help us understand both the practical and emotional implications of narrowly interpreting statelessness as a lack of documentation. I argue that my participants, like many children of migrants, are in search of a documentary solution not only to address their lack of legal status but also to feel a sense of recognition and belonging. While it might appear that acquisition of identity documents confers instantaneous belonging and puts statelessness to rest, the narratives in this chapter demonstrate a much more complex process of personal and mental preparation, state illegibility

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136 Thai nationality laws emphasize a “meaningful connection” to the country (จุดเกาะเกือบบ) which is often interpreted as being born in the country or having Thai parentage.
137 Allerton argues such pragmatism may have unintended or potentially problematic future consequences for children. (2019)
involved in securing legality, and the uncertainties that remain even after obtaining citizenship or an identification document. These narratives are also testimonies that, in the world where the maxim of “write me down, make me real” rules, legibility to the state in the form of documentation becomes powerful in validating one’s existence and providing senses of inclusion—a demonstration of the state effects and legal violence in the everyday.

Secondly, the shaping and retelling of stories can be used as a means to give a migrant the meanings to understand the past and make sense of their future (see Bönisch-Brednich 2016). The narratives of Duangtha, Muay, Aum and other participants contain not only the details of how one navigates through statelessness but also reflect the particular type of stories that Bönisch-Brednich (2016, 205) calls “the stories of belonging and of mapping genealogy: where am I from, how has this changed and might change further; who do I belong to; forging a migrant identity; expressing liminality?” Therefore, engaging with these narratives through this lens illuminates the “recalibration” process, which I discussed in chapter four. In her review of the growing trend in contemporary anthropological scholarship in understanding hope and its others, Gibson (2019) uses the concept of “respair”—the return of hope after a period of despair—as “an apt way to describe how hope has become a prominent concept within anthropology” (576). Applying “respair” to my participants’ narratives and lived experiences provides an insight into a process of hoping after despairing. I also find Zigon’s (2018) concept of “dwelling” pertinent in understanding my participants’ modes of adapting and emerging after realising their lack of citizenship. Zigon conceives of dwelling as “being-in-a-world in such a way that one is always open to new possibilities that can emerge from one’s world. When one’s world breaks down and becomes uninhabitable, then one is no longer able to dwell in this world” (2018, 23). Through the acts of dwelling and respairing, my participants recalibrate by seeking belongings, security and hope through the form of legal documentation—a simultaneous representation of an individual agency and the triumph of the law.

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138 Zigon’s use of the concept and the context of his work are very different from mine. His book Disappointment focuses upon the efforts of anti-drug war activists in Russia and North America (see Zigon 2018).
2. Duangtha/Khin Shwe Oo

My retelling of Duangtha’s lifestory here is based on her presentation at the US consulate in Chiang Mai about her experience with the Certificate of Identity (CI) process, an in-depth interview with her, her brief written narrative recounting her preparation to end her situation of statelessness and her BA thesis which also uses her family’s life situation as a case study. The details of the lived experience of Duangtha’s family and their documentary struggle are complex; I will focus on Duangtha’s journey to attain Myanmar citizenship.

1.1 The Beginning

Khin Shwe Oo migrated from the Shan state in Myanmar to Thailand in 2000, with her parents and younger brother, when she was 9 years old. The beginning of her life story was a fate all too common among migrants from the Shan state—the escape from violence and oppression on one side of the border in search of better livelihoods on the other side of the border; chain migration; fear of not possessing legal documentation; overt reliance on the kindness and proactiveness of employers; being at risk of exploitation; lack of information and inability to comply with the constant changes to the legal labour registration scheme. From the moment of her enrolment in a Thai school, her Thai identity “Duangtha Mongpha” was born. To fit in with Thai society, the family created its last name “Mongpha” by putting together the father’s name—Mong—and the mother’s name—Pha. Duangta’s brother was given a Thai name of Chulajak. For more than ten years, Khin Shwe Oo became an identity that was only used for the family’s internal communication.

“As a family, we have always been concerned with our legal status. We have always wanted to do the right thing and follow the laws,” Duangtha insisted on this message throughout her presentation at the American Embassy, where I first met her, and our subsequent skype interview. She conceded that during their early years in Thailand, the family could not keep up with the constant changes in the labour registration scheme and let the parents’ employer handle their legal documents. The employer added her father, mother and brother to a house registration, which Duangtha later learned was illegal. “We never used this document again,”

The Thai state practice of household registration for highlanders and migrants has been highly unstable and not within the scope of this chapter. Please see Pesses (2007) and Kritaya (2014) for more information on this issue.
explained Duangtha in her BA thesis (2015, 25), in which she explored the rights and various citizenship channels for stateless migrants like herself.¹⁴⁰

Duangtha attributed this oversight to her parents’ lack of knowledge, a simple wish to save some cost of registration and a hope for stability (Duangtha/Shwe Oo 2015, 3). However, I view the family’s situation as a common experience among migrants and a result of state illegibility—the state’s unpredictable practices and complex bureaucracy made it difficult for migrants to understand what steps to take. Neither literate in the Thai language nor familiar with the unstable registration practices in Thailand, newly-arrived migrant families are inexperienced at “reading” the state’s rules and practices. Instead they have to rely on Thai employers or brokers, who tend to seek out the most lucrative and convenient option for them, which may not be legal or in the best interest of the migrants (Gruß 2015).

Having been enrolled in a Thai school by her parents’ employer, Duangtha received a “person-without-legal-status card” (sometimes referred to as a zero card, a ten-year card or a “0 89” card) in 2011 as part of the Thai government’s outreach to take count of undocumented children in schools. Her brother was a novice monk at the time and missed out on the survey.

In 2012, her parents returned to Myanmar as part of the Nationality Verification Scheme (NVS) and, through a broker, obtained a temporary migrant passport from Myanmar.¹⁴¹ However, this new document contained an error with regard to their names. Despite the fact that they now had a legal document, it was technically incorrect.¹⁴² In 2014 when the Myanmar state called for census, many migrants, including Duangtha’s father went back to Myanmar to be counted. Her father, Mong, “read” the state and anticipated that the official policy would lessen the obstacles to being registered (Duangtha/Khin Shwe Oo 2015, 39). Although he no longer had his domicile in a village in the Shan state, he still had acquaintances and relatives of his wife who were willing to help verify his identity. In addition, he once possessed a Myanmar national identity card. Although he had since lost it, he could recall the number, further facilitating the nationality verification process. Upon getting a new Myanmar ID and passport, Father Mong (Pho Mong, as Duangtha calls him) proceeded to add the names of his children to the house registration as well, which proved very helpful for both Duangtha and her brother later on in

¹⁴⁰Duangtha mentioned in her thesis that the document itself had been annulled by the state.
¹⁴¹This type of passport was specifically designed for migrant labour from Myanmar, Laos and Cambodia, under the Memorandum of Understanding (MoU). It is not to be used for international travel beyond Thailand and their respective country.
¹⁴²In her thesis Duangtha did not elaborate exactly what went wrong.
proving their identity. My fieldwork reveals that this “documentary pragmatism” is a common practice exercised by migrant parents to provide their children a “safety net”, so that their children could one day apply for Myanmar citizenship if they failed to qualify for Thai citizenship. However, many migrants keep these back-up plans a secret in order to not jeopardise any current rights they may have to reside in Thailand.

In our follow-up interview, Duangtha’s narrative of her life emphasised her efforts to act in accordant with the laws. Growing up, she witnessed how her parents gained respect and acceptance from the locals by always offering to lend their hands to the community where they settled. Duangtha emulated this in her interactions with others. As a high achiever, she impressed her Thai teachers and other Thai adults, who then helped find her scholarships and helped connect her with contacts who could educate her about her legal situation. Duangtha said she was grateful to be a stateless person in Thailand because at least she had an opportunity to receive education. However, education came at the cost of being separated from her parents. To get high school education, she was sponsored by a Thai foundation to attend a boarding school in another province. The same foundation also financially supported her tertiary education at a leading university in the country and connected her with other experts on statelessness, many of whom later became her mentors.

### 1.2 Multiple identities, multiple loyalties

Duangtha spent her university years focusing on how to address her stateless situation. She cultivated crucial relationships with leading academics and activists on statelessness. After educating herself about the citizenship pathways under the Thai laws, she understood that she was unlikely to get Thai citizenship because she was born in Myanmar. She then decided to consciously reorient her sense of belonging by resurrecting her Khin Shwe Oo identity and identifying as a Southeast Asian, rather than a member of a specific country. Duangtha also started studying the Burmese language on her own and at university, volunteering in Burmese NGOs and following the news and announcements of the Myanmar government. Despite not knowing if she would be legally allowed to use her university degree to get a skilled job, she chose to complete a degree in the Southeast Asian Studies programme as a way to embrace her regional identity. She wrote a BA thesis on “Evolution of human rights management for

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143 Interestingly, this foundation was founded by the family of Dhanin Chearavanont, the sino-Thai business magnate.
stateless persons in Thailand who are entitled to Myanmar citizenship” (วิวัฒนาการของการจัดการสิทธิมนุษยชนเพื่อคนที่เสมือนเป็นคนไร้สัญชาติในประเทศไทย). Already anticipating that the discrepancies between her Thai and Myanmar names might be an issue later, Duangtha decided to write both Duangtha Mongpha (in the Thai) and Khin Shwe Oo (in English and in Burmese script ဒေါ်စော်ဦး) as her name in her thesis. She hoped that the university would issue her degree under both identities.

Her dual identification and public performance of loyalty was also evident in the acknowledgements of her thesis, in which she expressed her utmost gratitude to both the Thai and the Myanmar state, comparing them both as her “mother” (Duangtha/Khin Shwe Oo 2015, 3):

I would like to thank the Thai state, who, like a mother, has protected and educated me, allowing me to grow and survive in this land and improve our family’s capabilities to be able to not only help ourselves without being a burden to society but also help others. I also thank the Myanmar state for being like a mother to give birth and be ancestral roots to the Mongpha family, and for managing and lifting [legal] obstacles of my families and million others in the same situation, allowing us to improve our quality of life.”

Her thesis does not provide any critiques of either the Thai or the Myanmar state. Instead, it concludes that the Thai state provides human rights protection to stateless persons in its territory despite some challenges in implementing its policies. Similarly, the Myanmar state in theory also recognises and attempts to provide the right to recognition to its people overseas. Duangtha notes that an important part of the issue is the lack of awareness, understanding and involvement of stateless persons themselves in addressing their own legal status.” State illegibility, although present throughout Duangtha’s lived experience and narrative, is not expressed as such. Her recommendations focus upon educating stateless persons, but not changing the state’s practices.

144 Original text in Thai: คู่มือทางด้านบุคคลที่ ที่เขียนเป็น แม่ แม่ชื่อและชื่อเต็ม ได้ตัด โดยมีชื่อเต็มอยู่ในคำอื่น แต่ในชื่อที่เป็นสัญชาติของครอบครัวภำพานะ ชื่อสกุลต้องใส่ได้โดยไม่เป็นทางการของสัญญา รายละเอียดต้องสาธารณะในการติดต่อไปยังผู้ให้ใช้ของบุคคลที่มี ้ในนามของบุคคลที่มี

145 Original text in Thai: ผู้ที่มีสัญชาติของงานปฏิบัติการของประเทศต้องแสดงสัญญา เต็ม ตามที่ไม่ ไม่ซ้ำกัน และไม่ขัดผิดข้อสัญญา ของการจัดให้สัญญา คือกล่าวสาระจากของสัญญา การมีส่วน ในการเกิดปัญหาของต่างประเทศ (Duangtha/Khin Shwe Oo 2015, 2)
1.3 A road to citizenship and dual belongings

By 2016, Duangtha was in the final year of her Southeast Asian Studies degree at a top Thai university and an intern at the American Consulate in Chiang Mai. While so far she had managed to beat the odds and receive higher education, being stateless would be extremely limiting for her future. Practicing what she preached, Duangtha took a step to obtain Myanmar citizenship using a diplomatic channel. Regularly following news and updates on various registration processes in both Thailand and Myanmar, she learned that the Myanmar state issues a Certificate of Identity (CI), allowing migrants, including accompanied minors, to return to Myanmar for the purpose of nationality verification. With the help of her boss, Mr. Sonthi, Duangtha had a chat with the Myanmar consul in Chiang Mai, who confirmed the success of the scheme. At the Myanmar Consulate, she easily obtained the CI within two weeks of presenting a complete set of required documents (birth certificate, house registration in Myanmar, parents’ passports obtained through the NVS in 2012, copies of her parents’ Myanmar IDs, an application form for CI and a fee of 450 baht).

Throughout the presentation she gave at the American Consulate, which I briefly mentioned in chapter five, Duangtha insisted that she faced no major obstacles during her journey back to Myanmar, except “some confusion” at the Thai-Myanmar border. Although the guards at several check points along the way did not give her any difficulty over the CI document, the Thai officer at the border recognised CI but was perplexed by Duangtha’s case. He did not know how to classify her—she clearly was not a labour migrant, neither could she be classified as an accompanied minor (she was already twenty-five years old at the time). The usual process would be for a Thai immigration officer to put a departure stamp on the travel document of a migrant for the record. However, since Duangtha had never left Thailand since her arrival more than ten years ago and had no passport, she had no record of entry to Thailand and thus had no document for the stamp to be put on. In the end, following Duangtha’s explanation of her personal circumstances, the officer granted her the exception to leave the country without the stamp, but instead asked to keep a copy of her CI and her parents’ migrant labour passports. At the Myanmar border, she was again met with questions but was saved by her language skills. Upon explaining her situation to the officer in Burmese, they also let her go.

Once in Myanmar, Duangtha went to the Ministry of Information and got a form that must be signed by various authorities and institutions including a village chief, a hospital, a police department and another Ministry. Once again, due to her familiarity with the bureaucratic
system and her language skills, she did not have any trouble getting required documents and signatures. She also could answer questions during the interview conducted by various officials about her family tree and life history. The common question was “Why did you only come now to get the ID?” but her answer of “I have been living in Thailand” satisfied the officers as such migration is so common that everyone understands. Everything was as straightforward as can be for Duangtha; she did not have to offer anyone a bribe. The Mongpha family’s long preparation has borne fruit—Duangtha is no longer a stateless person but a citizen of Myanmar despite the fact that at the time she gained citizenship, she had not lived there for more than ten years.

During the presentation, Mr. Sonthi kept interrupting Duangtha and emphasising to the audience the significance of her case. He believed that this scheme could provide an option for other young people in similar situations. To Mr. Sonthi, the fact that local officials did not ask Duangtha for any bribes when they saw her CI was a testament to CI’s authority as an official document issued by the Government of Myanmar, which was recognised and feared by the local officials. The audience, who were mostly NGO workers and other Shan stateless youth activists, voiced their suspicion of Duangtha’s path to legality. They were not convinced that she did not have to engage in any bribery. Although they praised her determination and strategic planning, they questioned her story. For those who believed her, they saw her as the exception, not the rule.

I conducted an interview by Skype with Duangtha a few weeks after her presentation at the Consulate. She had already graduated from university and had moved to Yangon as a citizen to further her Burmese language skills. Her part-time was teaching the Thai language to some Burmese employees of Thai companies. She still thought first in Thai but wanted to improve her Burmese to an academic level in order to embark on her MA degree at a university in Yangon. As anticipated, the main issue for her now was that her passport under her Burmese name caused discrepancies with her Thai documents, especially her university diploma. Duangtha was in the process of trying to sort this issue out.146 Like many migrants, her paper trails are complex and unstable. Despite complications that came from having a new separate legal identity, Duangtha saw her Myanmar citizenship as crucial and beneficial. “Because I am

146 At the time of our interview, she was seeking options such as 1) asking the government agency that previously issued her the 0 card to validate that she is the same person as her Burmese identity; 2) getting her university to issue a letter confirming that the person in the passport and on the 0 card is the same person; 3) getting help from the Embassy of Myanmar.
both [Thai and Burmese], I have better opportunities… I want other stateless youth to know that being Burmese is not horrible. It’s another option that adds choices to your life. A person needs to have a nationality,” said Duangtha. She wanted the NGOs in Thailand to help spread the word about her experience and change the attitude of many stateless migrant children to embrace Myanmar identity and obtain the citizenship instead of waiting for the Thai laws to change. At the same time, Duangtha also stated that her frame of reference was neither Thailand nor Myanmar: she had chosen to identify as a Southeast Asian and did not take the boundaries between countries to be real. However, the reality of the border is very real to her daily life: now as a citizen of Myanmar, she is required to get a visa to enter Thailand if she wants to visit her parents, who remain in Thailand as temporary migrant workers. She still plans to make both Myanmar and Thailand her homes in the future.

Duangtha’s lifestory highlights her conscious efforts in the “recalibration” process. Upon realising that Thai citizenship was not easily attainable, she re-oriented her hopes, dreams and sense of belonging. I could not help but notice how little Shan identity featured in our brief interactions, because it could not grant her the legality she needed in both Myanmar and Thailand. It seemed as though the law had triumphed in recrafting her identity to administratively sort her legal status between these two states. In effect, by adopting a pragmatic and legal approach, Duangtha’s Shan identity retreated to the background as she focused upon building a sense of belonging and performances of loyalty towards the two nation-states that had denied her full membership.

3. Muay: how a lifetime of statelessness ended in ten days

Muay was one of the first stateless youth I met during my fieldwork, due to her well-known status among the NGOs as one of the few stateless youth in Chiang Mai who reached tertiary education. Her lifestory below is based on my four in-depth interviews with her between 2015-2018.

3.1 Statelessness and identity recalibration

My right hand wrote quickly to keep up with the long list of scholarships that Muay was citing to me. Even though Muay has spent her life since the age of two in Thailand and has attended Thai schools, her non-Thai identity card classifies her as a foreign student at her university. This status means an exorbitant fee and no access to government financial aid. Muay seeks
these external scholarships to fund her nursing degree at Chiang Mai University, where she is officially registered as a foreign student in an international programme. Without these scholarships, she would not be able to receive higher education. Most of the sponsoring organisations she listed were unknown to me, but they appeared to target underprivileged, non-Thai youth. One scholarship requires a recipient to promise to return to his/her “home country,” although it is unclear whether a stateless person like Muay and the organisation administering the scholarship, share the same definition of a “home country”.

In addition to being a veteran scholarship hunter, Muay is also an expert navigator between the formal Thai educational system and the informal system provided by Shan NGOs. After completing grade 9 at a Thai school in rural Chiang Mai, she faced a common dilemma among stateless youth: whether or not to continue her education. Further education was deemed pointless by adults around her, given the occupational restrictions imposed on stateless persons in Thailand. Muay describes the decision to quit school as “the most difficult period” in her life. Through a friend, she learned about the School for Shan State Nationalities Youth (SSSNY), which aims at educating Shan youth to become “active citizens participating in social and political change in Burma” (SSSNY). Their six-month-social justice education programme includes subjects such as “conflicts, resistance and peace”, “systems of democracy”, “natural resource management” and “history of Burma”. After completing the programme, Muay worked part-time as a teacher for Shan Youth Power Group, providing evening classes to children of Shan migrants at construction sites around Chiang Mai. She studied part-time at Bridging Educational Access to Migrants (BEAM), a Burmese NGO offering evening classes to migrant students. These classes are taught in English by foreign volunteers to help prepare for the General Educational Development (GED) tests. Muay used this American equivalence of a high school degree to enrol in the nursing programme.

In contrast to Duangtha, who stayed in the Thai formal education throughout, Muay’s educational journey involved moving back and forth between the formal and the informal educational systems. Informal education she received from the Shan activist groups increased her identification with Shan identity and its political struggle. She told me that in her early years, she “was somewhat aware” that she was different from other Thai children at school.

147 BEAM was set up by Kyaw Kyaw Min Thu. In his interview with me, he sees stateless Shan children as “children of Burma”.

148 GED tests are a group of subject tests which, when passed, provide certification that the test taker has United States or Canadian high school-level academic skills. It is an alternative to the US High school diploma.
when they made fun of her last name, which was obviously Shan.\textsuperscript{149} However, she “did not think of anything. I did not know who I was. I thought I was normal”. Although her parents spoke to her in the Shan language while growing up, they did not tell her much about their lives in the Shan state. When they did, they told her about how her dad was forced to work for the army, or how her mom had to squat and hold the baby when she ate, because she had to be ready to run and hide at all times. It was only through her later engagement with the Shan activist community that her Shan consciousness was born. Muay learned to read and write in Shan with the organisation. She describes the freedom she feels when with her Shan activist friends, “There is no barrier. [Being with them] frees my thinking” (ดีที่เรามีทางออกมานะ).

Like Duangtha, Muay’s family illegally migrated to Thailand to escape the oppression and forced labour imposed upon the Shan people by the military junta and by Shan Army. She had no memory of her brief time in Myanmar. When her very first memories were formed, she was already living in a small district of rural Chiang Mai, where her parents settled and still reside in. At the time when Muay and her parents moved, Thailand migration regulations and control were not as strict as now. They were not classified as labour migrants, but were issued a non-Thai ID card, recognizing them as members of the “highland community (but not hill tribe)”, also known as the “Number Six Card”. Like other ID cards issued to non-Thai persons, this card allows them to reside in Thailand at the discretion of the Thai state and is renewed every ten years. However, a holder of a Number Six Card can, in theory, be eligible for Thai citizenship if they were born in the country during certain years (see chapter two). The fact that Muay was born outside of Thailand ruled out this possibility.

When I interviewed Muay in 2016, she viewed her statelessness as transformative instead of limiting. She believed the struggle made her stronger and fuelled her to be ambitious and driven. “When I go back to my village, everyone always expresses their surprise at my success. I can’t believe that I have made it here [to study at university].” Muay recounted with both modesty and pride. “In the past, I did not think outside the box. I could not do anything [about my statelessness]”. Now, her attitude toward “the issue” has changed. Muay has been involved in several campaigning activities related to statelessness because “If I don’t fight about this myself, who will fight for me? If I wait until everything is ready, it might be too late.” She is

\textsuperscript{149} According to my Shan informants, in the traditional Shan naming custom, there is no last name. When Shan migrants moved to Thailand, they often put the name of a male figure in the family as a last name to complete a registration. It is common among Shan children to have a last name starting with the word “Loong” (uncle).
part of several stateless youth groups, one of which performed a play about being stateless. She was featured on Thai Public Broadcast Service (Thai PBS) channel, talking about her lack of legal status. True to the show’s title “Real life is more dramatic than drama”, the producers managed to make her cry by asking her repeatedly about her future as a stateless person.

I asked her if being on TV has changed anything for her legal situation. She paused to reflect for a moment and admitted that “Probably not much because there are many people in worse situations. The district officers and those with power have many other issues to deal with. I try to think positively. Change will come soon”. Despite admitting that the future was unclear, she tried to maintain a sense of optimism and hope generated through her own activism.

However, change did not come fast enough for Muay. In our subsequent meetings and interviews, she relayed how persistent the everyday burden of statelessness was. Knowing she was not eligible for Thai citizenship, Muay felt she could not claim to be Thai. Despite her pride in her Shan identity, Muay also felt she could not convey her Shan identity to outsiders due to their lack of understanding. For example, when she had to introduce herself in front of her international peers at university, she said she was from “Burma” to avoid further questions. “Other people can say which country they are from but I don’t feel that I could say I was from Thailand. Anyway, if I say I am from the Shan state, they will say “The Shan state is in Burma. So, you are Burmese”. To simplify things and minimize questions, she situationally adopted Burmese as her identity at university although she admitted feeling uneasy doing so. In her words, “Stateless children are confused about where they belong”.

In her third year of university, she had to travel to Macau as part of a course. She knew that as a stateless person, she could still travel using a Travel Document for Aliens issued by the Ministry of Foreign Affairs. Muay had to miss several classes to travel to the district office and explain to officials about her right to be issued the travel document, but her efforts bore no fruits. Through Muay’s connections with the NGO community, a famous local academic made a phone call on her behalf to convince an official to issue her the document. Here again, personal connections triumphed. However, Muay’s obstacles did not end there. She was questioned at the Chiang Mai airport by airline staff, who had never seen such a document before and almost refused to let her on the plane. She had anticipated such delay and went to

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150 The play was initially planned to be performed for “adults with decision making power” but at the end they only performed at two local schools in the border areas and at an old shopping mall in the city.
the airport four hours in advance, armed with information to prove her right to travel. Similarly, she anticipated questions from the Macau authorities and had emailed them in advance to inform them. It did not help, as she was still questioned and detained by Macau immigration officers. Even at the end of her trip, she almost was not permitted to leave Macau because the Macau Immigration Officer doubted her right to re-enter Thailand. For Muay, every step took anticipation, patience, connections and enormous nerve to stand her ground. “It was exhausting,” Muay admitted. Even with the limited rights to which they are entitled, stateless persons cannot always easily access these rights. Moreover, it is not simply that the Thai state is illegible to itself; as Muay’s experience demonstrates, most immigration systems are quite illegible to those who work in them. Rather than examining the details of an individual case, immigration officers choose to strictly follow a narrow set of rules. But, as I have demonstrated throughout this thesis, a narrow rendering of citizenship as either legal or illegal does not fit in the case of Thailand’s “stateless” people, whose mobility—both temporal and physical—are facilitated or forestalled by a layered set of documentary identities.

Similar to Duangtha, the deadline of graduation prompted Muay’s determination to resolve her legal status. When she inquired with the Nursing and Midwifery Council whether she would be eligible to take a licensing exam, they answered no because she lacked citizenship. However, they told her that as long as she had citizenship, even a foreign one, she could still sit the exams because she could speak and write in Thai as the licensing exam is in Thai. An NGO network on statelessness insisted that she was eligible and advised her to take the Council to court. Having little faith in the Thai judicial system, Muay did not want to dispute the case and instead sought the alternative option—returning to Myanmar to get citizenship.

Muay prepared for her solo trip with much fear and anxiety, as this would only be the second time in her life that she went back to Myanmar after migrating to Thailand. “I felt so nervous. There was also huge time pressure. I didn’t have much time to spend there because there was an important scholarship ceremony I had to attend. If I missed that, they would not renew my scholarship. Also the final semester was about to start. It all had to happen quickly,” Muay explained. Even on the van to go to the border, she was still “undecided” as to whether to go through with it.
3.2 A journey to a new belonging

To get to Myanmar, Muay used an agent, who arranged the necessary documents to circumvent the bureaucratic requirements and organized the transport from Chiang Mai to the village in Myanmar where some of Muay’s relatives still reside. At the border, Muay performed her perfect Thai speech and demeanor when interacting with the border guards, who easily let her go. After arriving in the Shan state, she was received by a Shan friend whom she had known from the Shan youth group in Chiang Mai. As Muay cannot speak nor write in the Burmese language, the friend helped her deal with all the administrative tasks at the local registration office. Similar to Duangtha, Muay’s parents came back to Myanmar a few years ago to add her to the house registration under her Shan name. After presenting necessary documents and witnesses, Muay was told to wait for a passport without knowing how long it would take. When I asked how she spent her time while there, she laughed and replied “I was feeling so lost! I didn’t know what to do with myself because there was nothing to do there. I just spent days helping my relatives peel onions and garlic”.

Ten days and less than 20 USD in passport fees later, Muay was a Myanmar citizen. She was handed a passport and a national ID card under her Shan name. She hid these documents and returned to Thailand using the same Number Six Card issued by the Thai state. However, on her way back, she got to use the newly acquired Myanmar identity while still within Myanmar, which gave her the newfound sense of belonging. “At the hotel or when buying the bus ticket, they asked for my ID card. [When I presented it], I felt like “I’m here”. It was like I didn’t feel any different from others around me…even though I have never lived in Myanmar. I grew up here [in Thailand], but the first feeling I had [when presenting the Myanmar ID card] is that I existed.”

Now, the question is once again about how to reconcile the Myanmar identity with the Thai one. Muay is registered at her university under her Thai name. She has already asked the university administration whether her name could be changed and, unsurprisingly, found out they had no idea how to deal with a situation like hers. At the same time, they did not seem resistant to her wish. She realised that exploiting the grey area was possible. Muay plans to change her name within the university system to the same name in her newly acquired Myanmar passport. She also plans to use the passport for the licensing exam. Similar to Duangtha, Muay has adopted a Southeast Asian identity, as she banks her hope on the ASEAN Economic Community (AEC), which claims to “open borders” for high-skilled occupations.
including nursing. “Hopefully I can work within the region and no longer be bounded”. The NGO network, however, was rather upset with her because they wanted her to fight the Council and be the “case study” to inspire other stateless persons. Muay was disappointed in their reaction but insisted that she made the right decision for herself: “It’s my life. I cannot keep waiting for things to change…In the past, I was sad because I tried to stay here. I was not flexible. Now I let go of the idea of having to stay and open my heart. There is no need to stay if they don’t want me”.

Whether it was because the Myanmar registration system was less robust, the corruption was widespread, or the officials were more inclusive, it is obvious through Muay and Duangtha’s cases that it is relatively easy to get Myanmar citizenship as compared to Thai citizenship. It is worth emphasising that it took both Muay and Duangtha less than two weeks to get Myanmar citizenship. By contrast, their lived experience through many years spent in Thailand, their belongings, social networks and informal membership to this society remain legally unrecognised. At the end, they were pushed to abandon hope of belonging to the “Thai” category and slotted themselves into the “other” category.

4. Aum: dwelling and waiting

Waiting, if you believe much of what is written about it, is ‘wasted’ time—‘time out’ from productive activity, spent kicking your heels and staring at the wall while you ‘wait’ for someone else, or the world as a whole, to get its act together, do what is needed so that you can get back to doing your own thing. ‘Waiting’, it is implied, indicates an inability to act, a lack of agency; we wait only when made to do so by others. But sometimes we actively choose to wait, to ‘hold off’ on doing something because it suits us to do so. At these times, ‘waiting’ is an explicit expression of agency.

—Monica Minnegal (2009, 89)

Aum, whom I introduced in chapter four, faced the most precarious and complicated legal situation among my participants. Until recently she was “stateless” (ไร้รัฐ) in the Thai legal
definition, that is, she was not registered by any state and thus did not “exist”. She did not have any proof of identity beyond a student card issued by her primary school and a G-series identification number issued by the Ministry of Education. This identification number, which starts with the letter G, allows public schools to still “count” these students in their budget. Apart from the benefits to school administrators, the G number does not confer legality to its holders and is not a replacement for the 13-digit-identification number. Although it has been assigned to her by a state agency, the G number is deemed irrelevant to prove Aum’s identity before the Thai state.

Aum’s friend, Patty, had been in a similar position—Patty was in the same dance group and also missed the survey by the Thai state. However, she was born in Myanmar and had a proof of birth document. However, not having any documentation in Thailand meant Patty faced similar issues to Aum when it came to changing schools. Patty’s mother decided that her daughter would be better off having some form of documentation. Through a broker and an unknown sum of money, Patty received a “Non-Thai identification card (Myanmar)” under a Burmese name. This card is for a migrant worker registered under the MoU between Thailand and Myanmar. On the back of the card is written the name and address of a fake employer. Type of work was listed as “labourer (construction)”. The card is valid until 2020 but can be renewed. This ID card contains nothing that reflects Patty’s reality but it gives her a legal identity. A few of my participants sought a similar solution and also got this card, but Aum was not interested. She did not want to be classified as a migrant worker. Although when she was 14-years old, she had expressed that she would consider going to the Shan state, she had since changed her mind and decided to be emplaced. At the moment, she would rather wait for an “opening” in the Thai laws to allow her to be registered than to seek legality elsewhere.

Aum’s patience had partially paid off. In early 2018, almost two years after her decision to “wait” and “find” her legal status, Aum sent me a link to a news report that the Minister of Interior had announced a policy in late 2017 to issue ID cards to non-Thai persons. This policy results in a new type of ID—the “00 00” card, which is ranked lower in terms of rights and entitlements than the “0 89” card to which Aum was entitled and should have gotten years ago. However, to Aum, any identity card was better than none. A month later, she received a card, which contains her right name but a different address in another district where she does not

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151 As explained in chapter two, although the terms “rai raat” (ไร้รัฐ statelessness) and “rai sanchaat” (ไร้สัญชาติ or nationalitylessness) are often used together in Thai by NGOs, media and lay people, some Thai scholars make a technical distinction between the two terms.
reside. Aum explained that the village chief in that district was more willing to help her than the district where she lives. Despite being entitled to this card due to the policy, she still had to pay a bribe. Her elation came through in her text to me the day she received the card. “I cried [when I got the card],” she wrote. “I am so glad I didn’t give up and I tried so hard until someone helped me”.

5. Recalibrating under the legal fiction: dwelling and respairing

Reddy’s concept of legal triumphalism is significant because it exposes the narrative of legal fiction (see also Coutin 2013; Flaim 2017). Although Duangtha, Muay and Aum have grown up and developed social ties in Thailand, these lived experiences are not counted because they fail to produce “proof” of belonging in the form of a birth certificate. Well socialised in the world of legal triumphalism, all three youth have well understood their chances of attaining Thai citizenship. In the simultaneous acts of dwelling and respairing, Duangtha and Muay practice documentary pragmatism by creating a documentary connection to a territory from which they had escaped. Their choices also involved reinterpretation and reconstruction of their own identities, not only to themselves but to others. Duangtha’s and Muay’s stories remind us that even where legal triumphalism prevails and morphs personal identity with documentation, identities can still be created and modified through paperwork (Sadiq 2008). By adopting documentary pragmatism, they reiterate that identities are always in flux and strategic and always attuned to the broader dynamics of power (Rios-Rojas 2011, 89). Documentary pragmatism forces people’s hands to choose a nationality that is made available to them, rather than one that may correspond with their lived experiences and belonging.

These narratives also demonstrate that the recalibration process and enactment of documentary pragmatism, however, are complex and do not take place overnight. For Duangtha, it took years of preparation, learning Burmese, taking Southeast Asian Studies, investigating the potential of the NVS as a possible solution, resurrecting her Khin Shwe Oo identity in parallel with building her social capitals as Duangtha. For Muay, the decision came after years of waiting and the exhaustion of having to explain herself to others. Statelessness, once seen by Muay as a source of empowerment and self-awareness, started to become increasingly burdensome and limiting. Upon realising that the degree she had fought hard to attain may leave her unable to practice as a nurse in the country she called her own, Muay respaired by choosing the option she had long been hesitant about. In doing so, she has once again recalibrated her experience.
of statelessness. She sees her action as liberating and meaningful in that it gives her a tangible sense of existence and belonging. Between having a citizenship, ill-fitting as it might be, and none at all, Muay chose what was available to her. The newfound legal status as a citizen of Myanmar does not mean that Muay and Duangtha now lead lives free of burden and worries—they are still left to deal with the administrative and practical complications of having had (and continue to have) a double identity.

Throughout my fieldwork, I also have observed the triumph of the law on a deeper level. While migrants and stateless children may see state officials as corrupt and inefficient, or bureaucratic processes as slow, they still somehow perceive the laws themselves as just. They may try to evade certain laws and break them out of necessity, but they rarely question the validity of the laws themselves. As I have argued in previous chapters, blame for statelessness tends to become individuated, resting on a person and their specific situation (“Why me? Why did this happen to me?”). State illegibility in bureaucracy is likely to be acknowledged while state illegibility of the laws and the documents themselves can sometimes go unnoticed. Legal triumphalism is internalised so deeply that many educated stateless youth are made to feel that only documents, not social relationships in the everyday, can offer belonging and validation of existence. This equation of documentation as identity carries various implications, one of which brings us back to the question of who can be considered stateless. Now that youth like Muay and Duangtha are Myanmar citizens and thus are no longer de jure stateless, are they de facto stateless if they still cannot reside legally and rightfully as citizens in the country where they have spent most of their life, speak the language, participate in society, have social networks and relationships? What, then, is citizenship?

6. Seeking legality: strategies, capital and transnational bureaucracy

If legality is a commodity, it takes various types of capital to get it. The first and most obvious form of capital needed to achieve legality in many cases is money. Even when a stateless person is entitled to a legal identity as part of a policy, as in the case of Aum, it might still not be straightforward to claim that right. More often than not, they may still be required to pay a bribe. The same goes for a process that involves transnational bureaucracy, such as the NVS.

In principle, NVS is about proving personal ties to a country to which one has a right to nationality. In practice, however, it is a highly lucrative, transnational and privatized business, involving various intermediary services such as influential brokers with ties to bureaucrats,
transportation companies, companies hired to be an ‘employer’, on paper, to migrants. To be ‘verified’ has expenses, making Nationality Verification a process that becomes a nexus of capital and law (Reddy 2015b). Duangtha’s and Muay’s reports of not having to bribe anyone to get their Myanmar citizenship are considered uncommon. Gruß (2015, 25) reports her informants’ view that “Anyone could get a Burmese passport” with the right amount of money. This observation is similar to the disbelief Duangtha received from her audience when she insisted that she did not have to pay a bribe to complete the citizenship application process. A few of my Shan informants expressed how they viewed the rules in both Thailand and Myanmar as “inconsistent” and “corrupt,” but somehow still thought the Thai state was more reliable between the two. Lack of confidence in the authorities on both sides sees migrants seeking legality through documentation in any way they can. Another informant shared with me that his two-and-a-half year old daughter has three birth certificates—one from Chiang Mai, where she was born, and two from the Shan state (from his hometown and from his wife’s hometown). He said this was for “security reasons” to ensure that his daughter is definitely registered. He told me, “you only have to pay 500 kyat for it. Very easy”. The baby, however, does not have a passport yet. Despite holding three birth certificates, the legal future of this baby is as unclear as most of my participants.

While money plays a crucial role in all levels of the different citizenship pathways, other forms of capitals and character traits also have proven useful. As we have seen in all three stories, it requires strong determination, bravery, resourcefulness and even public performance of “dutifulness” to “solve” legal status issues as they are never straightforward. The three youth, especially Duangtha and Muay, have accumulated social and cultural capitals that they could tap into, such as education and social networks, relationships with scholars, NGOs and bureaucrats. Their journeys also demonstrate how they have successfully exploited the grey areas of state illegibility on both the Thai and Myanmar sides to achieve legality.

Given Myanmar’s economic growth and Thailand’s declining fertility rate, educated stateless youth offer potential as critical “human resources” to be sought after by the two countries that have previously denied them membership. In the name of “human rights,” we could soon observe a legal trend to make room for the educated stateless population to obtain citizenship. Stories such as those of Duangtha and Muay, suggest that the prospects of achieving full legality and getting documentation would feature very prominently in the decisions of stateless youth in resparing and reorienting their belonging. Those excluded from such networks and
capitals possessed by Muay and Duangtha are more likely to be left behind and never see the light of full citizenship.

7. Waiting as a form of agency

Waiting with uncertainty is one of the outcomes of state illegibility. Stateless youth engage in many forms of waiting from the micro to the macro scale—waiting for the signature of the village head, waiting for information on the relevant policies, waiting for the right political momentum. Aum is not alone in waiting. In the last few years, there have been more reports in the mainstream media of highly educated stateless youth who have their future put on hold due to the lack of Thai citizenship. One example is that of Piao Phenphorn, a Karen youth who recently received a university degree in Allied Health Sciences. She submitted her citizenship application four years ago and is still waiting to be approved. In her interview with a Thai newspaper, Piao relays her experience of seeking legality: “After graduation, I have been following up [on my citizenship application] almost every month. Now it’s with the Department of Provincial Administration. I am not surprised that it is taking a long time but the problem is it is unclear what constitutes the standard in case management. For some people, it is fast. For others, it is very slow, even though they may all present the same evidence. I have asked the officials but they are not able to tell me how long I have to wait, whether it is three months or two months for each step”.

Piao’s statement encapsulates state illegibility and echoes the sentiments expressed by many of my participants.

While it is easy to recognise agency in Duangtha and Muay, it might be less obvious in the case of Aum or Piao. However, Minnegal (2009, 89) argues that it is in fact an “explicit expression of agency”. Piao echoes the sentiments in her interview, where she speaks of the strength it takes to wait for citizenship. “It is not the physical strength but the mental and emotional strength that have allowed me to go through difficult moments and obstacles. If I were not strong enough to wait for citizenship, I might have chosen to be an ordinary wage labourer. I always hope that soon I will be granted citizenship but if it does not happen, it does not mean that my life has ended. I will still keep going and think that “if it does not happen

152 Original text in Thai: “หลังเรียนจบเราตามเรื่องหน่อยเดือน ลองนั่งอยู่ไปที่โรงเรียนมาตั้งหลาย พอถึงปลายไม่รู้จะต้องทำอย่างไร ถ้าถูกจับกุม ใครจะมาช่วยเราได้ หรืออาจอยู่ได้ร่วมกับชาวกรีซอ”
today, it might happen tomorrow” (Post Today 2017). “I also find Jackson’s (2016) discussion of the oscillation between patience and agency useful, as it reveals the perpetual dance between submission and acting, rather than expecting people to act like an agent all the time.” To persist and remain in an unwanted situation requires choosing to accept the uncertainty, exercise patience and hope for a better future despite having no guarantee.

My other informants, including the famous Mong Thongdee, also expressed their choice to wait, but refused to expect the outcome. A decade later after earning his fame from the paper plane flying competition, Mong’s talents and interest in flying did not waver. At the time of our interview, Mong worked for a state-owned television station and was trusted with flying expensive drones. He also had private clients who hired him to shoot commercials or wedding videos. Once in a while, he would be called in for an interview about his citizenship status by some newspapers and researchers like myself. Mong told me, “I would rather not think about [citizenship] much. If they are going to give [Thai citizenship] to me, they will give it to me. I think we [stateless youth] should not worry or think too much. Just do our best.” Similarly, another participant, Joy, told me how she finds worrying about legal status unhelpful. “All I can do is do my best today”. When I first heard these words, I sensed the influence of a Buddhist concept of acceptance in their expressions. Upon further reflection, I detected a subtle form of resistance—to continue living one’s life, no matter what. While consciously choosing to wait and carry on living their lives without fixating on a lack of legal status could be perceived as resignation—a defeat of sorts at the hands of state illegibility, it could also be interpreted as an expression of agency. By refusing to have their identity reduced to documentation, stateless youth such as Mong place focus on themselves, rather than the system in which they find themselves. Time spent under imposed chronic waiting may be used as an “investment” to acquire further social and educational capital while in a limbo (see Jeffrey 2010).

Original text in Thai: ที่เป้าหมายคือสัญชาติในเร็ววัน แต่ในเมื่อส่วนที่เราหวังเสมอว่าจะได้สัญชาติไทยเท่านั้น เรารู้สึกว่าชีวิตเราจะจบลง แต่เรายังต้องดําเนินชีวิตต่อไป และคิดซะว่า ‘ถ้าเราวันหนึ่งได้รับสัญชาติไทยก็ได้แล้ว’

Jackson has written about agency and patiency in 2016, but this tension as expressed here was first introduced to me by Michael Jackson during a master class at Victoria University of Wellington in 2017.
8. Conclusion

This chapter interrogates the narratives of seeking legality and belonging among stateless Shan youth as they navigate limitations and constant state illegibility. The burdens of not having citizenship or a legal identity prompted these youth to seek documentation that would prove their existence and improve their life chances. Each youth presented in this chapter had their own journey of respairing, dwelling and recalibrating. The agency exhibited by them is evident; so is the chronic stress in their everyday lives even after attaining the status they had been looking for.

Their lived experiences illustrate not only oscillation between agency and patiency, despairing and respairing but also the symbolic violence of legal triumphalism. Duangtha’s and Muay’s fascinating journeys to obtain Myanmar citizenship illustrate how they used their university education and social capitals to find space and exploit the grey areas within two complex legal systems while still (appearing to be) abiding by the rules. Their decisions also point to the power of documents in providing the sense of belonging by materialising and confirming their membership. While their life stories are at present an exception rather than a norm, this unexpectedly flexible and strategic belonging may become more common among educated stateless youth in Thailand.

Through the ethnographic case of Aum, we observe another form of agency—waiting. While waiting tends to imply passiveness, inaction, a state of disempowerment, I interpret the choice to wait by many stateless youth as a deliberate act and a form of agency—to continue living one’s life no matter what.
Epilogue

On the day [the village head] called me to say I could now get my Thai ID, I felt like I had finally walked out of prison. Not to be overdramatic, but I felt as if I had been released. I am free. I can do whatever I want to do but could not do before. I could not stop smiling. [...] Today I am fully Thai and I can follow my dreams...every drop of tears that I shed for this issue has been worth it.

—Ploy, a 22-year-old-former stateless person

In mid 2017, I received a text message from Ploy about the biggest news in her life—she had just received Thai citizenship after about three years of waiting without any information. Even though we were thousands of kilometres apart—I in New Zealand, she in Thailand—I could sense her immense joy pouring from the texts. I asked if she could write me a short piece of reflection on the whole ordeal, which she promptly did within a few days. What stands out in her emotional reflection is the overwhelming gratitude expressed towards her friends for not hating her [for not being Thai], to her parents for taking care of her and helping her, to herself for not giving up, and to all the tears shed on this issue that had made her a stronger person. As a good Shan/Thai daughter, Ploy writes that it is now time to “pay back” her parents (ครอบครองบุคคลที่หนึ่ง), without whom she would not have today—the day she is fully Thai and can follow her dreams.

Ploy is among a recent batch of children and youth who have been granted citizenship by the Thai state since the launch of the #IBelong campaign. While the recent surge in citizenship approval may suggest that getting Thai citizenship is possible through presentation of a complete set of evidentiary documentation and witnesses, in reality it is often hard to determine what distinguishes a successful case from an unsuccessful one. The arbitrary nature of these outcomes is, as this thesis has demonstrated, an example of the everyday structural violence and emotional burdens that weigh upon stateless persons. It is also a signature of state

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155 An excerpt from her written reflection on her journey to citizenship (a private communication).
156 An original text in Thai: ของคุณที่หุ่นคนที่สองให้คำว่า ขอบคุณต่อหุ่นคนที่ไม่ยอมรับร่างและและกล้าเป็นกันที่ให้เค้า ขอบคุณต่อหุ่นที่ออกมา เรื่องของช่วยเหลือทางมาที่กันที่ เราไม่ยอมรับร่างแต่ก็ไม่มีวันนี้ วันนี้ทุกๆคนเป็นดีที่ได้ยินที่ช่วยเหลือวันนี้เพื่อให้เข้าใจวันนี้จะตอบแทนขอบคุณของตนเองที่ออก ดูแลและช่วยด้วยความตั้งใจ ขอบคุณต่อหุ่นที่ดีใจกับพวกนี้ ขอบคุณที่ไม่เลิกและยอมรับไปจน ขอบคุณนี้จากทุกคนที่นอกจากให้กับเรื่องนี้ที่ทำให้เกิดขึ้นจริงจากคุณ จริงๆค่ะ
illegibility, the framework that has been central to my analysis of unfolding regimes of governance aimed at managing statelessness in 21st-century Thailand.

In this thesis I have examined how the Thai state and its agents interpret, determine and govern statelessness under the political climate of the #IBelong campaign, and how stateless Shan youth make sense of the label of statelessness, “recalibrate” their personal projects and negotiate their place within the society that simultaneously includes and excludes them. Through the frameworks of legibility (Scott 1998), state illegibility (Das 2004; Campbell 2017), and legal triumphalism (Reddy 2015), I expose on the one hand the everyday impact of the unpredictable nature of the state, its practices, and its unstable logics of membership; on the other hand, I also demonstrate the everyday responses by stateless youth. These frameworks yield valuable insights into the modern regime of statelessness governance and its articulations, and unexpected space for agency of stateless youth as follows.

Firstly, the frameworks reveal the inherent violence and fundamental flaws in framing statelessness as an issue of legibility to the state. By portraying statelessness as a personal legal status issue to be “diagnosed” based on identity documents, and subsequently slotted and addressed through appropriate legal channels, the state in question downplays its past and present unstable documentary practices and marginalisation against certain minority groups. In other words, the state can appear “fair” and “open” by changing the policies and laws to allow stateless persons to submit “evidence” and put forward claims for citizenship. However, stateless persons may be unable to fulfill documentary requirements because the state previously refused to issue them, or refused to recognise the validity of the documents possessed by stateless persons. My findings affirm the existing literature on the limits of evidentiary approaches to solving statelessness (Flaim 2017; Lawrance and Stevens 2017) and the scholarly critique of #IBelong’s emphasis on documentation as an “end game” (Reddy 2015; Van Waas 2015; Bloom et al 2016). They also extend this scholarship by highlighting the dynamic of legibility and state illegibility, through which the state attributes a root cause of statelessness to an individual’s neglect and inability to provide “proper” documents, without acknowledging its own unstable documentary practices. I argue that this is representative of structural violence, as failure to recognise state illegibility risks reducing statelessness to an individualised issue of legal status, rather than understood as a symptom of systemic discrimination against and exclusion of minorities.
Secondly, these frameworks—along with other important literature from anthropology of the state, bureaucracy and policies—highlight the limits of laws and the illusion of the state as a centralised, rational, unified and coherent entity. With much of the attention on resolving statelessness being paid to legal amendments and documentation, it is worth re-evaluating the assumptions of the legal triumphalism, fair bureaucracy and a logical state. This reorientation might provide a productive way of understanding both the causes of statelessness and the challenges in eradicating it. While it is tempting to view the legal gaps, or the indifference of the policymakers, as the largest impediments to the progress of eradicating statelessness, these frameworks remind us that opaque, inscrutable, contradictory and unpredictable bureaucratic practices are constitutive of the state. They also remind us of the multiple locations of the state, which are not merely in the institutions but grounded in and enacted by everyday practices of people who are both state and non-state actors.

Thirdly, the frameworks highlight the practical and emotional burdens placed on stateless youth in having to “read” the state and navigate its opaqueness in their everyday life. With legal triumphalism and the turn towards evidence-led approaches to solving statelessness, many youth have sought to address their statelessness through a documentary solution, which might solve one category of statelessness (de jure) but led to the other (de facto), and as a result, undermines the right, belonging and lived experience of stateless persons.

Finally, the framework of legibility, when recognised not only as the tool of modern statecraft but also as a strategy of the stateless, permits complex agency of stateless youth to be acknowledged. As I have demonstrated in the thesis, a person can be “seen” in multiple ways—by documentation, by perception of the public, by performance of belonging (expressed through “techniques of the body” and performances of loyalty in the form of national rituals, cultural forms and waiting). Formal and informal membership can be conferred by these various types of legibility. Conceptualising agency in relation to various forms of legibility can challenge the common portrayal of stateless youth as completely deprived of rights and living a dejected life. Similarly, while state illegibility is a form of structural violence, it also permits space for stateless youth to exploit. Through the mastery of “reading” the state’s opaque bureaucracy and strategic embodiment of Thainess, educated stateless youth can anticipate the responses of state agents with whom they come into contact, and use their knowledge and skills to not only convince, appeal, and assert their right, but also exploit the “grey” areas at times.
1. Thesis contribution

Since the revival of statelessness as a global issue, significant contribution to statelessness scholarship comes largely from disciplines such as international law and human rights (Bhabha 2009, 2011; Bloom et al 2017; Van Waas and Edwards 2014; Kingston 2005, 2013, 2017), political sciences and international relations (Gibney 2011; Stevens and Lawrance 2017; Staples 2017), sociology (Flaim 2015, 2017) and anthropology (Allerton 2017; Reddy 2015a, 2015b). While debates and analyses in the areas such as the definitions of statelessness, the role of documentation and the international framework on the Convention have progressed, there are critical gaps in understanding the lived experience of statelessness and its impact, especially on children and youth. I have demonstrated throughout the thesis how anthropology can provide significant insights into their world through ethnography. This hallmark anthropological research method allows entry “into the realms of the social that are not easily discernible within the more formal protocols used by other disciplines” (Das and Poole 2014, 4), thus offering unique access to and perspective on statelessness at both quotidian and structural levels. The long-term approach taken in this PhD ethnographic research is crucial in revealing how my youth participants’ outlooks, vulnerabilities and aspirations have changed over time, as a result of both their age and the changing norms and practices which are subject to global, regional and local political climates. As a theoretical storytelling discipline (McGranahan 2015), anthropology’s attention to narratives has the power to interrogate the complex phenomenon such as statelessness and bring to the fore the voices of those affected by it—an ethnographically grounded way of approaching social analysis. Through engaging with reflexivity, anthropological research such as mine also acknowledges the power imbalance and structural inequality between the citizen adult researcher and the stateless youth participants—an angle that is sorely missing in statelessness research.

Throughout this thesis, I have argued against homogenising the statelessness experience and a narrow interpretation of the term statelessness itself. By demonstrating that even within a single country such as Thailand, there are shades and degrees of rights and rightlessness, this research highlights how experiences of statelessness are neither universally homogenous nor stable. This insight is important because it reflects complex identity politics and instability of the regime of membership, both of which tend to fluctuate with labour needs. By examining statelessness through the lens of historically and politically-charged relations between the people (ethnic minorities and migrant labourers) and the state, this research widens the scope of interpretation of statelessness simply a lack of legal status and reiterates the fact that
statelessness among children in Thailand cannot be addressed in isolation from its labour migration policies.

This thesis also contributes to the understanding of the human cost of statelessness, particularly in the Asian context, where there are both theoretical and empirical gaps (Bhabha 2011). While the common image of stateless children and youth presented in mainstream media and campaign materials is usually that of total marginalisation and exclusion, my ethnography rejects this image by giving depth, subtleties and complexity to their lived experience. Rather than assuming that statelessness is a static condition that affects one’s existence in a particular manner across one’s lifespan, my research advances the understanding of how statelessness affects children and youth differently at various stages in their lives. Statelessness, I argue, is a condition that most of my participants have only become truly aware of during teenage years and have had to learn to interpret, make sense of and cope with. Not only do they constantly have to learn to “read” the state and its agents, growing up within the regime of simultaneous inclusion and exclusion can be confusing and emotionally burdensome. Some ethnographic accounts in this thesis also highlight the role of citizen adults in shaping their sense of place in society by discouraging or promoting inclusion of stateless youth.

In this thesis, I call attention to one manifestation of statelessness in the twenty-first century—a condition of messy entanglement and partial legal belonging to the state, as opposed to not having any relationship or any bond to any state. By choosing to focus on participants who are educated and socialised within the Thai educational system and norms, the thesis challenges that the popular image of statelessness as being an “outlaw” or “having no rights whatsoever”. In fact, my participants’ relative integration into Thai society and the recent openness in the Thai legal system may sometimes obscure their vulnerability and might mask the various types of everyday violence they encounter as being non-urgent. Examining statelessness through their lived experiences provides two-fold advantages. Firstly, it allows the everyday state illegibility and legal triumphalism to surface and the impact of framing statelessness as a documentary issue to be recognised. Secondly, this approach emphasises youths’ agency through the ways in which they attempt to forge the bond, create new ones, or challenge the traditional notion of membership. I have demonstrated how Shan youth negotiate the impact of statelessness through various strategies such as using their bodies to perform “Thainess” and assert belonging, acquiring false documents, emphasising their Shan identity at certain times, and secretly obtaining Myanmar citizenship as a “safety net”. Through various ethnographic accounts, I not only explore the effects of new regimes of governing statelessness, but also the
way such regimes are adopted, manipulated, and enacted by the stateless youth to produce liveable futures for themselves.

2. Areas of future research

Ploy’s claim that she can now be “fully Thai”—thanks to the new ID—reiterates the reality of legibility to the state in the form of documentation becoming a priority for both the state and the stateless. For the Thai state, issuing of such ID officially reduces the number of stateless persons, moving the statistic closer to the target. For the stateless such as Ploy, being granted full membership provides the promise of total inclusion. Despite their first-hand experience of the instability of the regime of documents and “fiction of the rules”, stateless youth like Ploy have been socialised to believe in the power of identity documents in granting security, assuring full membership and affirming a sense of identity. It remains to be seen if this newly acquired citizenship makes a difference to her life in the way she has envisioned. As mentioned in chapter three, not all types of citizenship appear equal in the eye of the Thai state. Citizenship granted “at the discretion” of the Thai state, such as that of Ploy, seems more at risk of being revoked compared to the one issued at birth to those deemed “authentic” Thai citizens such as myself. How do former stateless persons fare after being granted citizenship? Are their life choices now wide open? Do the lifetime of stress and challenges truly dissipate and become replaced by security and freedom? Are they no longer threading the spaces between exclusion and inclusion? Is state illegibility less a burden with full membership? These are important research questions that remain to be explored.

3. Final reflections on anthropology and the study of statelessness

When I first commenced this PhD project, I felt reluctant to engage with the state bureaucracy and the complex Thai laws, as such tasks appeared tedious and “dry”. As a Thai citizen living abroad, Thai bureaucracy was not something I had to deal with on a daily basis, and when I did, I had the privilege of temporarily complaining about its inefficiency and then moving on with my life. My fieldwork, however, had taken me into the spaces where my initial naïve perception was proven completely incorrect. Due to the politics behind them, the documentation practices, the laws and the fascinating history of Thai membership are far from being dry. Instead they contain the microcosm of global economy, social practices and political
norms within them. Their dynamism reveals the complex social world that has made me reflect on my place in it.

A Thai legal scholar once asked me, “So, tell me, what actually is the point of doing anthropology? How does it contribute to solving statelessness? You find out that the documents are unstable. So what?”. Her confronting questions stuck with me for a long time, because during my fieldwork I often felt defeated for not being able to make any direct changes to the lives of my participants. As a former NGO worker, I found it frustrating that I was not involved in advocating or mobilising for legal changes. Whatever I was doing in the field, it did not seem tangibly useful. At the time I told myself I needed to think of a quick way to articulate the importance of the anthropological approach to understanding statelessness to fend off questions such as hers, but it took the process of sitting with the data, engaging with literature within and beyond anthropology, experimenting with my thinking and the actual writing of the thesis for my thoughts to crystalise. If anthropology is theoretical storytelling, then my value as an anthropologist is to bring the lived experience and the narratives of my participants into the theorisation of statelessness which is overly dominated by a view of law as factual. The purpose of my work is to shed light on the complex social world of my participants, where law, documents and the state are anything but dry, rational and impartial, and where stateless persons are anything but passive. As humans, we are all trying to make sense of the world in which we live and our place within it. Anthropology cannot “solve” statelessness on its own; neither is it meant to. But an anthropological perspective can bring complexities and nuances to understanding statelessness beyond simply a lack of legal status, and to remind us of the politics of statelessness solutions themselves.
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Annex

Annex 1: Translation of an official written set of answers to my interview questions to the Deputy Governor of Chiang Mai

1. What is the city’s vision/the long term plan for the children of migrants in Chiang Mai?

In Chiang Mai, there is a large number of children who have followed their migrant parents to live in the city. Some of them have been registered in the system and have met the criteria set out by the Cabinet Resolution dated 18 January 2005. The city has pressed the districts to urgently process some papers and register the children and those who enrolled in formal education but lack legal status. In the case where they were born in Thailand, if they have met the criteria, they can submit the paper to ask for Thai citizenship. If they have not yet graduated from university (bachelor’s degree), their status will be determined by the legal status of their parents, according to the strategic plan on legal status and rights management. In the case where they were born outside of Thailand, they have to meet the criteria of having lived in Thailand for at least ten years (must have entered the country before 18 January 2005), must have completed a Bachelor’s degree, and must fulfilled other criteria. Meeting all the requirements will grant them the status of a legal immigrant, which consequently grants them appropriate access to basic human rights.

2. When you attended the World Children’s Day (October 2015), you mentioned in your speech that around 100 or more children have been granted a Thai citizenship this year. What is the process involved? How is the decision made? What is the most important document to provide? Is it necessary that a child has to have a strong record of accomplishments?
Following the Cabinet Resolution on legal status dated 7 December 2010, Chiang Mai province has established a sub-Committee to appraise the claims filed for Thai citizenship and for legal alien status to minority groups residing in the city. On 17 September 2015, there were 430 cases filed, 4 of which are the amended cases. Chiang Mai province has submitted a demand for national ID to the Department of Provincial Administration. 426 cases were successfully approved to receive the National Identification Number. We are now at the process of waiting for the case holders to contact us to add their names to the house registration (tor ror 14).

The 1965 Nationality Act was amended on 18 January 2008 to add additional target groups based on Cabinet’s the strategic plan on legal status and rights management. The categories are as follows:

1. Those who have entered and lived in the country for a long time, which is 10 years (they must have entered the country before 18 January 2008)
2. Children and persons enrolled in educational institution but have no legal status
3. Stateless persons
4. Those who have contributed significantly to the country
5. Migrant labour from three nationalities: Myanmar, Laos and Cambodia, who are not able to be sent back to their home countries
6. Other aliens who cannot be sent back to their home countries

The category 5 and 6 have implications on national security and therefore require thorough investigation. Priorities are given to category 1-4. A person filing a citizenship claim must meet the criteria according to the section 7 and comply with the 7 conditions as follows:

1. The person has never possessed any other nationality
2. Was born and has resided in Thailand continuously, must has the name in a house registration and must have an official legal proof of having been born in Thailand
3. Can speak and understand the Thai language; children under 7 years old are exempted
4. Is loyal to Thailand and reveres the governance system that has the King as the leader
5. Has good conduct and has never been penalized under the criminal law, with the exceptions of accidents and misdemeanour. In case of penalties received, the date of submitting the file must be at least 5 years after the penalty.

6. Leads an honest profession, with the exceptions of Buddhist monks, novices and priests of other religions (who must have been practicing for no less than 5 years), underage youth, incompetent persons and quasi-impotent persons

7. Has no conduct that is harmful to national security

3. From Chiang Mai province’s perspective, what are the key issues that need to be urgently addressed regarding this group of children?

1. Children move and follow their parents as they change employers. This has posed a challenge in determining their legal status.

2. Children who were previously enrolled in public educational institution but have now graduated. This also poses a challenge in tracking their whereabouts.

3. Repeated registration. For example, there are many registration rounds for migrant students and for migrant workers of the three nationalities, namely Myanmar, Laos and Cambodia according to the 3721/2015 order of Chiang Mai province on 7 September 2015 and the announcement of Chiang Mai province on 25 September 2015.

4. What have been your experience with other sectors on these issues? Could you please share some examples?

Following the Cabinet Resolution on legal status dated 7 December 2010, Chiang Mai province has established a sub-Committee to appraise the claims filed for Thai citizenship and for legal alien status to minority groups residing in the city. Following the 3721/2015 order of Chiang Mai province on 7 September 2015 and the announcement of Chiang Mai province on 25 September 2015, a Committee to screen the nationality claims has been set up according to the 1965 Nationality Act section 7(2), with further amendments in 2008. The Committee consisted of government officials and officers from civil society organizations.

5. What are your visions and targets in the next 15 years on this issue of statelessness?
1. The target groups have been registered but registrations would be repeated. This will be regularly monitored.

2. Public communication to the target groups to ask for identity cards, for the useful purpose of tracking and biometrics in other areas such as crime.

3. More strict rules and monitoring of registration, especially birth certificates and movements, to assist in biometrics tracking and determination of legal status.

4. Serious law enforcement on exploitative groups on children, such as human traffickers.