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"A privilege, not a right": Contemporary debates on citizenship deprivation in Britain and France.

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Abstract

Citizenship withdrawal and expulsion of those posing a threat to national security has been a standard feature of liberal democracies throughout their historical development. The current revival of citizenship deprivation powers in numerous Western governments in the spirit of the so-called War on Terror is simply another chapter in that history. This paper, based on a dissertation entitled "Defining and Depriving Citizenship: Contemporary Practices of Citizenship Withdrawal in Britain and France" examines media and parliamentary debates in Britain and France to explore why and in what ways citizenship stripping has been retooled in this current juncture. It specifically asks why it is that Britain appears to have forged ahead in resurrecting these powers, with several new pieces of legislation and significantly increased number of deprivations, whilst all other countries, including France, have tended to tread more cautiously. The paper argues that while France proposed to revive deprivation as part of its naturalisation regime, Britain framed it as a complement to its deportation regime. The differing governing logics of these two immigration control regimes had divergent implications for citizenship deprivation and its ultimate legitimization.

Keywords

Citizenship, Britain, France, Governmentality, Deportation, Counter-terrorism

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1. Introduction

The power to revoke citizenship status as a form of punishment has always been a standard feature of liberal democratic states. This power was barely used throughout the last fifty years and at the turn of the 21st century was all but forgotten. However, in the years since the attacks on the World Trade Centre in September 2001, the denationalisation of citizens deemed to pose a national security threat has re-appeared on the political agendas of Australia, Austria, Canada, France, the Netherlands, the UK and the US. This long-held power is being revived and retooled for new purposes in the 21st century.

Denationalisation is practised for numerous reasons in many countries, commonly following acquisition of another nationality (Vink and Chun Luk 2014). This paper limits its focus to denationalisation as a punishment for crimes against national security. While most scholarly literature has focused on the ethics of statelessness and human rights violations (Gibney 2013b; Bauböck and Paskalev 2015; EUDO Citizenship 2014), this working paper situates current forms of citizenship deprivation in their historical context of state practices of expulsion and discipline. It critically examines public debate in France and Britain from the turn of the 21st century to compare and explain the differences in how these two western European states have (or have not) resurrected these powers.

"Citizens" and "aliens" have increasingly figured as central characters within debates surrounding the governance of national security in Western states (Nyers 2004; Walters 2004; de Genova and Peutz 2010; Papadopoulos and Tsianos 2013; Anderson 2013; c.f. Boswell 2007). In recent years UK citizenship law, immigration law and crime control have began to overlap with one another in certain areas, for example with the introduction of the *Life in the UK* citizenship test and the double punishment of deportation for foreign national criminals following prison sentences (Bigo 2002; Walters 2004; Bosworth 2011; de Noronha 2015). The decent hard-working citizen has at once been re-sacralised as the deserving recipient of protection from welfare scroungers, bogus asylum seekers, foreign national prisoners and international terrorists, but at the same time has increasingly had to prove his/her identity and worth as a citizen. The revival of citizenship deprivation laws should be placed squarely within this context.

Writing in the wake of the events of 9/11, David Cole (2002) raised concern regarding the inroads that would be made into the rights of non-citizen aliens, and the precedent this sets for citizens' rights. As the War on Terror played out, however, it has been observed that in moments of national security crises the rights of certain citizens are no more protected than those of aliens (Honig 2002; Nyers 2006). This has raised the question of whether the "right to have rights" is indeed contingent upon citizenship, as famously argued by Hannah Arendt (1951), or whether it is

contingent upon something else. Denationalisation offers an insight into these debates, as it transforms the citizen into an alien.

Some commentators use the terms denationalisation and denaturalisation interchangeably. This is because throughout the 20th century the majority of denationalisations in Europe comprised the reversal of a naturalisation. However, the distinction between the two is increasingly crucial in light of recent UK legislation. In 2002, the Nationality, Immigration and Asylum Act extended denationalisation powers to apply to all citizens, including those who obtained British citizenship at birth.

Britain has since legislated twice more to further extend its denationalisation powers, including the power to render naturalised Britons stateless. This contrasts with every other country where proposed amendments to legislation have been debated but ultimately rejected. The exception to this is Canada, discussed below. What is more, where most countries issue no more than one revocation a year, between 2006 and 2014 the British government served 27 deprivation orders on national security grounds (Glower 2015).

It appears that Britain is forging ahead in reshaping citizenship deprivation, whilst other state governments are holding back. On the other hand, such powers may already in *de facto* terms be in effect in the US, insofar as a number of its citizens have been detained without the usual rights of due process (Kingston 2005: 24; Nyers 2006). Numerous countries have also revoked the passports of citizens suspected of terrorist involvement (Keating 2011; Gerstein 2012; Mazetti *et al.* 2013). Passport revocation is a common executive power but this does not equate with the legal withdrawal of citizenship itself. Denationalisation is therefore a distinct policy option.

This paper compares legislation and public debate on denationalisation in Britain and France from the year 2000 to the present day. While many of the prevailing conditions, which help explain the revival of citizenship withdrawal, have been in motion since the 1980s, it was the declaration of the War on Terror that lit a fire under conversations on citizenship in western Europe. It is following these early 21st century events that denationalisation legislation made a distinct departure from the past.

Both France and Britain have open liberal citizenship regimes, shaped by their common colonial histories (Howard 2006). While each country has had separate experiences of terrorism throughout the 20th century, from September 11th 2001 onwards they have shared a common perception of the international terror threat (Foley 2013: 28).

Despite these similarities, debates on denationalisation in Britain and France have turned on different ideas with divergent outcomes. Like most countries, amendments to legislation tabled in

the French National Assembly have been consistently rejected. While the absence of change requires as much explanation as change itself, the main objective of this comparative analysis is to explore possible explanations for why Britain appears to have gone further than others in its legislation for and practice of citizenship withdrawal. More space will therefore be accorded to the British case than to the French one.

This paper will argue that the crucial difference between Britain and France is that they proposed to re-introduce citizenship withdrawal as an extension of two different immigration control regimes. For the UK, citizenship stripping has been framed as an extension of the deportation regime. In France, on the other hand, amendments to legislation on *déchéance de nationalité* (citizenship withdrawal, all translations my own) were framed as extending the logic of the naturalisation regime. Citizenship withdrawal has different implications depending on which regime it is incorporated into as they work through different governing logics. The effect is to make citizenship withdrawal more (or less) palatable to the legal system, to the political elite, and to the public at large. Further to this it is argued that deportation has become so embedded in the UK as the primary way to deal with those considered dangerous foreigners that it has brought legitimacy to other forms of expulsion like citizenship deprivation and Temporary Exclusion Orders. These forms of expulsion directly affect those British citizens who, despite their citizenship, are broadly perceived as both dangerous and foreign.

The following section outlines conceptions of modern citizenship in the contemporary European context. It then turns to the literature which places denationalisation alongside other state expulsion practices to draw out the historical relationships between citizenship, territory, and rights. Following an outline of source selection and methodology, separate case studies will set out how denationalisation legislation has developed in recent decades. A discussion section will follow, closely analysing public debate in Britain and France.

2. Contemporary Conceptions of Citizenship, Aliens and Expulsion

Modern citizenship emerged from the development of the contemporary European state system. The *Déclaration des droits de l'homme et du citoyen* 1789 instituted citizenship as a special legal status rendering all citizens equal before the law coupled with specific civic and political rights. The events following the French Revolution led to a shift from French membership based on *jus soli* to one of *jus sanguinis*: creating a model of citizenship founded on the notion of a 'national family' (Brubaker 1996: 35-49; Weil 2008). Citizenship came to serve as the legal dividing line between citizen insiders and alien outsiders: simultaneously celebrated for conferring equal universal rights and designed to be exclusive to its members (Benhabib 2004; Bosniak 2006). Modern citizenship thus

comprises three parts: (1) a legal status, which (2) confers a defined set of rights, and which (3) is based on a common national identity (Bosniak 2006).

Developments in liberal democracy, human rights law and European integration have, however, diminished the difference between citizens and resident denizens in terms of rights. The practical difference between citizens and non-citizens in Europe has been a subject of debate since the 1990s (Hammar 1991; Soysal 1994; Joppke 2007). The defining legal distinction between citizens and non-citizens increasingly turns on territory as the basic right of freedom to enter and remain, and on certain political rights. In the majority of countries, it is the citizen alone who cannot legally be expelled or refused entry to national territory, and who has the right to vote and stand in national elections.

First their rights, then ours?

Citizens of a given territory, whether a city- or nation- state, have not always been immune to state expulsion as they appear to be now (Walters 2002). In 17th century France perpetual banishment was considered a severe punishment ranked only after the death penalty and torture, but was reserved only for men (Kingston 2005: 26-27). In 1787 England became the first country to systematically employ the transportation of criminals (both male and female), initially to the United States and later to Australia. Both banishment and transportation were a form of punishment for political as well as civil crimes (Walters 2002: 272).

Over the course of the nineteenth century, however, the germinating modern state system and the fall of Empire meant that state expulsion became increasingly impracticable. In France the sentence of banishment was routinely transmuted into a prison sentence, because other powers on the continent refused to accept France's banished within their territories (Kingston 2005: 34). Equally English transportation of criminals throughout its Empire came up against problems in the disgruntled colonies (Walters 2002: 272).

As the consolidation of the international sovereign-state system rendered practices of banishment unworkable, this gave rise to another form of state expulsion reserved exclusively for non-citizens: deportation. Walters argues that deportation developed as a tool of both sovereign and governmental power. "Governmentality" was termed by Michel Foucault to identify the distinct modality of power emerging in modern society taking "population" as its object (Foucault 2006: 139). In contrast to the exercise of sovereign power as the meting out of punishment and deduction of taxes, governmentality rearticulates these forms of power to channel them away from the direct authority of the sovereign state and towards promoting the "wealth, health, welfare and prosperity of the population" (Walters 2002: 277-278). The practice of deportation functions as an extension of the logic of the sovereign right to control who enters and remains on state territory. Whilst in the

late 18th century this form of expulsion was reserved for political dissidents who threatened sovereign authority (*ibid*; Kingston 2005: 32), by the end of the nineteenth century the targets for deportation had expanded to embrace various categories of social enemies seen to threaten the wellbeing of the population (Walters 2002: 278). For instance, Britain's 1905 Aliens Act empowered immigration officers to deny access to those whose sickness, destitution or criminality classified them as "undesirable immigrants" (Anderson 2013: 37; c.f. Kanstroom 2000).

It is thus only in the past two hundred years that state expulsion, in the governmentalized form of deportation, came to be reserved exclusively for aliens and that the defining right of citizenship came to be freedom to enter and remain upon national territory. Walters remarks that citizens' ascension to being "in-expulsable" is under-explored, speculating that "when this story is told, it will no doubt reveal that this was not a linear path of progress but something prone to reversal." (Walters 2002: 276). The absolute ink between citizenship and territory is historically contingent.

Further, the *normative* dividing line between in-expulsable citizen insiders and deportable alien outsiders does not always map directly onto the legal definition dividing citizens from non-citizens (Anderson *et al*. 2011). Yaser Esam Hamdi, dubbed "the second American Taliban" and "the accidental citizen", was born an American citizen in Louisiana to Saudi Arabian parents and left the country as a toddler. He was captured by the US military in Afghanistan in 2002 and held uncharged for over two years. During this time, Hamdi was denied the rights and protections accorded to US citizens. Hamdi was only able to secure his release Hamdi through renouncing his US citizenship (Nyers 2006).

As Hamdi's story emerged in the press, a number of voices countered his claim to citizen rights with the argument the he was only a citizen by "accident" of birth. This exposure of a fundamental birth*right* as a hollow and contingent birth-*accident*, Nyers argues, creates a potential crisis in political legitimacy. In response, the "accidental citizen" must be made into a status that threatens the body politic and is therefore subject to exceptional sovereign measures (Nyers 2006: 26). This case exposes the flaws in David Cole's assessment (2002: 955) of US civil liberties under the War on Terror, that: "It is often said that civil liberties are the first casualties of war. It would be more accurate to say that noncitizens' liberties are the first to go."

The warning is that inroads made into the rights of aliens are harbingers of an erosion of citizens' rights. However, as the case of Hamdi demonstrates, it is not simply a matter of first aliens' rights, then citizens' rights. Writing in response to Cole, Bonnie Honig argues that US citizenship has never guaranteed protection from state persecution: "...although we may ... sometimes persecute

people because they are foreign, the deeper truth is that we almost always make foreign those whom we persecute." (Honig 2002)

The fact remains, however, that states are constrained in terms of whom they can legitimately persecute and how by international law, their domestic legal systems and their polities. In this vein, Walters suggests that deportation is constantly at risk of losing its legitimacy due to its historical association with other state practices that today would be considered non-liberal (Walters 2002: 276). Hence, the normative ideas which surround state expulsion practices turn not only on notions of citizenship and belonging but also on contested popular imaginaries of what states and the law should and should not be able to do.

3. Methodology

Whilst this working paper examines denationalisation legislation, it is less interested in the legislation process than in how citizenship deprivation has been understood and contested within public debate. In order to capture this, a close reading was conducted of mainstream media articles and parliamentary debate.

A corpus of media articles was built using Nexis, with the time period set as 1st January 2000 until the March 7th 2015. Articles were selected from the most read daily UK newspapers of each newspaper group (tabloid, mid-market and broadsheet): These are *The Sun*, *The Daily Mail* and *The Daily Telegraph* (The Migration Observatory 2013). The search terms were variations on 'citizenship stripping' and 'deprivation'. The UK newspaper that had published the most articles containing these search terms was *The Guardian*, another widely read daily broadsheet newspaper. Including these *Guardian* articles allowed the corpus to capture a left-wing media voice. The final corpus contained 119 articles. French media articles were selected from the most read national daily newspapers according to the *Office de Justification de la Diffusion* (OJD). These are *Le Figaro*, *Le Monde* and *Aujourd'hui en France*. Searching for *déchéance de nationalité* within these publications also generated 119 articles.

For UK parliamentary debates, the focus was on the Hansard report for specific bills debated in both houses of parliament: the 2002 Nationality, Immigration and Asylum Act, the 2006 Immigration, Asylum and Nationality Act and the 2014 Immigration Act. For the French National Assembly debates each *Table analytique des débats* (Assemblée Nationale) within the time period was searched for the term *déchéance* in order to identify relevant debates. These texts were read a number of times, with a critical eye on which imaginaries of citizenship, belonging and the state were invoked and how they were contested.

4. Case Studies: Powers of Deprivation in Britain and France

This section details developments in deprivation powers in Britain and France since the year 2000. A general outline of citizenship in each country is first in order so as to give an impression of the different approaches to citizenship and what is "at stake" within public debates.

Modern national citizenship is typically considered an invention of the French Revolution of 1789 which introduced equality before the law and certain political rights (Brubaker 1996: 35; Weil 2008). The transition from *jus soli* to the 1803 principle of *jus sanguinis* which served as the model for western European citizenship was an influential but brief period (Weil 2008: 173-193). In the 19th century, the fact that *jus sanguinis* exempted young men born in France to foreign parents from conscription laws, came to be seen as an "ideologically scandalous" privilege (Brubaker 1996: 105). French nationality law reverted to the principle of *jus soli* in 1889 and has since remained virtually unchanged, based on the Republican notion that "Frenchness" derives from socialisation within French society and that citizenship collapses all differences between citizens (*ibid.* Isin and Turner 2007: 6; Weil 2008: 52-53).

This conception of assimilation formed an important part of French colonial rule. A special case was made of Algeria, which was incorporated as an integral part of Greater France with its citizens possessing French nationality. The violently won independence of Algeria in 1962 raised questions about French nationality, resulting in a debate which echoes through current debates on denationalisation in France.

At independence the majority of Algerians opted to take Algerian rather than French citizenship. However, the children of Algerians living in France continued to automatically acquire French citizenship at the age of majority by birthright. Many children of Algerians reaching the age of majority in the 1980s resented this as a neo-colonial imposition (Brubaker 1996: 134-168, Weil 2008: 152-167). In parallel to these grievances there arose a nationalist critique of nationality law, arguing that its expansiveness had produced a generation of French citizens who were French "on paper" without being "French at heart" (Brubaker 1996: 142-3). The slogan of the newly popular far-right party *Front National* (FN), "*Etre Français, cela se mérit*e" (To be French, you have to deserve it) remains well-known in France today.

In response, the centre-right government proposed to have second-generation immigrants declare their intention to become French at the age of majority and to expand the list of criminal offences that would bar citizenship acquisition. These proposals were met with strong criticism from the political left, trade unions and human rights groups for their "civic exclusion" of immigrants. When these criticisms appeared to be creating divisions within the government and centre-right, the proposals were dropped (Brubaker 1996: 134-168; Weil 2008: 152-167). Brubaker explains the

intensity of the opposition to these amendments in terms of enduring characteristics of French political culture. There was, he explains, a prevailing self-understanding among the French elite as guardians of a "unitary nation" where the civic incorporation of immigrants had been a French tradition for over a century (Brubaker 1996: 161). Such exclusion was thus intolerable to the French political elite.

Whilst French citizenship signifies the blueprint of European nationality law, scholars have regarded British citizenship as so atypical as to render analysis "fruitless" (Karatani 2003: 3). Indeed, the statute book did not contain the term "British citizenship" until 1981 (*ibid* p.1). Before 1981, there were Citizens of the United Kingdom and Colonies (CUKC), British subjects without citizenship and citizens of Commonwealth countries. Until midway through the 20th century, free movement between the UK and the colonies was enabled by the citizenship rights granted to all holders of British subjecthood. Subjecthood was determined by the *jus soli* principle of birth upon the territory of the British Empire which assumed allegiance to the British monarchy.

Under the 1971 Immigrants Act, with the breakup of Empire, immigration control for Commonwealth citizens was integrated with that of non-citizen aliens into a single system (Karatani 2003: 8; Anderson 2013: 39-40). The 1981 British Nationality Act (BNA) brought citizenship legislation into line with the now separate body of immigration legislation, stipulating that to obtain British citizenship one had to be born in the UK to at least one parent who was born or settled in the UK. For many UK residents, the transition from subjecthood to citizenship was barely marked.

Despite criticism of the 1981 BNA (Paul 1997; Tyler 2010), Hansen contends that at the turn of the 21st century British nationality law remained among the most open regimes in Europe, even more so than famously expansive France (Hansen 2000: 42, 44). Unlike in other countries "applicants for naturalisation [did] not have to demonstrate their loyalty to the British nation" (*ibid.*). The following case study demonstrates how Britain's citizenship legislation took a distinctive turn just two years later.

Britain: An expanding power

The power to deprive British citizenship was first introduced in 1914 by the British Nationality and Status of Aliens Act 1914. This Act allowed naturalised Britons to be stripped of citizenship on grounds of fraud. The Act was amended in 1918 as naturalised Britons of German origin became the targets of xenophobic suspicion. The Home Secretary was enabled to revoke the nationality of naturalised citizens for trading with the enemy, for imprisonment of a year or more within five years of naturalisation, or for remaining the subject of a state with which 'His Majesty' was at war (Gibney 2013a: 644). Throughout the remainder of the 20th century these denaturalisation powers underwent a number of "liberalising" changes (Gibney 2013a: 651). The

range of grounds for deprivation was narrowed and the 1981 BNA outlawed the creation of statelessness. The power was also decreasingly applied: like in most of Europe the power was barely used since the 1950s and by the turn of the century appeared moribund (Gibney 2013a: 651-2).

The 2002 Nationality, Immigration and Asylum Act (NIA) instituted a number of changes to Britain's citizenship regime, including introducing the Life in the United Kingdom citizenship test. The Home Office White Paper *Secure Borders, Safe Haven* published earlier that year had identified the need to reinvigorate "civic trust and values" between British citizens and announced plans to "update" procedures for citizenship deprivation (Home Office 2002).

These plans translated into three major changes to citizenship deprivation powers, instituted by the NIA Act. The reappearance of this disused power in 2002 was part of the response to the attacks on the World Trade Centre. However, a conversation about "making British citizenship mean something" had been underway before the terror attacks. The so-called race riots of early 2001 involved clashes between young Asian men and members of the English Defence League in northern England. The 1990s vision of multiculturalism was declared a failure as claims emerged about a lack of integration of Asian communities, and particularly of Muslims in Britain (Hansen 2000: 42; Alexander 2004; Gibney 2013a). The changes enacted in the NIA Act were therefore partly responding to debates on integration, although the advent of the War on Terror lit a fire under these debates.

The 2002 NIA Act consolidated grounds for deprivation from several different grounds, including being of bad character, into a single standard. It was now required simply that the Secretary of State be "satisfied" that the individual "has done anything seriously prejudicial to the vital interests of the UK or a British overseas territory". The second major change was that this power was to apply to *all* types of citizen, whether native-born or naturalised. Finally it was required that the individual must not be rendered stateless. The powers could therefore only apply to citizens with dual nationality.

Gibney argues that the provisions made in this Act can be understood partly as an effort to bring denationalisation powers in line with human rights principles (Gibney 2013a: 649): The wording for the single standard for deprivation was lifted from the 1997 European Convention on Nationality (ECN) and there was to be an automatic right of appeal. The case for expanding the power to apply to all citizens regardless of how citizenship was acquired was made on non-discrimination grounds, consistent with Article 5 of the ECN. The provisions keeping the powers consistent with human rights principles were incrementally dropped over the following years. The first protection to be dropped was the caveat stating that an individual served with a deprivation would only lose their nationality once all appeal rights had been exhausted (Weston 2011).

The changes to deprivation powers were voted through with complete silence from the press, and would have received next to no attention had it not been for the sensationalised case of Abu Hamza. Discussed at length below, Hamza was the only individual to be served a deprivation order under the 2002 powers.

The next change to the law came in the aftermath of the 2005 terror attacks on London with the 2006 Immigration, Asylum and Nationality Act. The standard required to revoke citizenship departed from the ECN wording to be brought explicitly in line with that required to deport non-citizens. The Secretary of State could now order a denationalisation if satisfied that it was "conducive to the public good."

Once again, this amendment attracted little press attention. One newspaper article explains that the new powers had been "overshadowed by the furore over the terrorism bill." (Branigan 2005 *The Guardian*). Public debate was largely silent on this topic until 2011 when *The Guardian* ran two articles criticising the increased use of deprivation orders under the new Conservative government: eight orders had been served since 2007, five of which in 2010 (Taylor 2011 *Guardian*).

The Guardian ran another critical article in January 2012, this time following the story of Bilal el-Berjawi, a British citizen killed in a US drone strike in Somalia having been stripped of his British citizenship (Cobain 2012 *Guardian*). In October that same year, the *Daily Mail* ran several articles following the story of Mahdi Hashi, a British citizen held and allegedly tortured in a Djibouti prison before being taken to stand trial for terror offences in New York, enabled by his citizenship deprivation (Verkaik 2012).

With the 2014 Immigration Bill the Conservative government passed new amendments to citizenship deprivation powers with little opposition, but more press attention. Most significantly, these amendments allowed the Home Secretary to render a naturalised British citizen stateless if there is "reasonable grounds to believe" that the individual is able to obtain another nationality. These amendments were to "address the specific issue highlighted by the Supreme Court in the al-Jedda case" the previous year (HC Deb (2013-2014) 580 col.192-193). The claimant Hilal al-Jedda won his appeal against his deprivation order on the grounds that it had left him stateless. Home Secretary Theresa May claimed that Al-Jedda's statelessness was caused by his own failure to apply for restoration of his Iraqi nationality. Even though May's contention was unanimously rejected in the Supreme Court (Reynolds 2013), the Home Secretary saw the case as evidence of an exploitable "loophole" in current denationalisation legislation in need of closing (HC Deb (2013-2014) 580 col.192-193).

Once again, amendments to deprivation powers were overshadowed in the media, this time due to "infighting" among the Conservative party. May's amendments were voted through parliament

with support from all parties. The Labour opposition explained that they would not "do anything that puts the security of the United Kingdom at risk" (HC Dec (2013-2014) 580 col.201).

The summer of 2014 marked the beginning of the most recent conversation on citizenship withdrawal in Britain. Observing the increased numbers of European citizens travelling to Syria and Iraq many heads of European states warned of the threat of "foreign fighters" returning radicalised to their home nations. In the UK parliament and media there were calls firstly to prevent people from leaving Britain for Syria and Iraq and secondly to prevent those who had already left from returning to Britain. Questions were raised regarding those "jihadists" who held only British citizenship and were thus protected from citizenship deprivation powers due to protections against statelessness. The government response was the introduction of Temporary Exclusion Orders (TEOs), incorporated into the 2015 Counter-Terrorism and Security Act.

TEOs prevent the individual in question from returning to the UK without a permit issued by the Secretary of State or unless the return is the result of the individual's deportation to the UK. A TEO may be imposed if the Home Secretary reasonably suspects that the individual is involved in terrorism-related activity outside of the UK (United Kingdom 2015). The introduction of this power is significant, as the right of entry and abode in Britain is the only citizenship right that is specifically attached to the status of British citizenship as established by the BNA 1981 (Karatani 2003: 1). Temporary Exclusion Orders signify the modification of that basic right.

France: Tackling delinquents of "foreign origin"

Following terrorist attacks carried out in 1995 by the *Groupe Islamique Armé* in connection with the Algerian civil war (Foley 2013: 25) the French government legislated to enable a court to denationalise naturalised French citizens convicted of terrorism crimes. This standard was added to a number of instances which allowed denaturalisation provided that both the conviction and the deprivation order occurred within the ten-year period following naturalisation. The 1996 amendments do not constitute a retooling of deprivation powers but a continuation of legislation for, and the infrequent application of, denaturalisation that has existed in France since 1915.

The origins of France's modern deprivation powers parallel those of the UK. During the Great War, the government passed laws in 1915 and 1917 to allow for the withdrawal of French nationality from "naturalized persons of enemy origin" (Weil 2008: 61). Laws introduced in 1927 and 1938 provided for the withdrawal of nationality in cases of acts inimical to the security of the French state or being sentenced to a prison sentence of one year or more (Weil 2008:107-108, 242-243). Citizenship deprivation in France is associated in popular memory with the Vichy government established in 1940 (Rousso 1991). Laws under Vichy denaturalised 110,000 Algerian Jews and a further 15,152 French citizens who had naturalised since 1927 (Weil 2008: 88, 128).

In spring 2010, Interior Minister Brice Hortefeux demanded that a naturalised French citizen Liès Hebbadj be denaturalised on grounds of alleged benefit fraud enabled by polygamy. This demand did not attract significant mainstream press coverage and was dismissed by other government ministers as an improper application of the law (Le Monde 2010). France saw rioting in July of the same year. In Grenoble in response to the death of Karim Boudouda under police fire, a small number of young men set fire to cars, looted shops and two opened fire on police officers (Bordenave 2010 *Le Monde*). Later, in Saint-Aignan a young Roma man was also shot by police, prompting an attack on a police station by "around fifty" Roma people (Le Figaro 2010).

In a speech responding to the riots, President Nicolas Sarkozy declared a "war on traffickers and delinquents". Sarkozy announced that a "delinquent minor" born to "foreign parents" should no longer automatically acquire French citizenship at the age of majority (TF1 2010). The head of state also stated that French nationality should be withdrawn from all persons of "foreign origin" who "attempt the murder of a member of the police force or any other person invested with public authority."

These announcements were incorporated into the Immigration, Integration and Nationality bill debated in the National Assembly in September 2010. It was proposed to make it possible to withdraw citizenship from an individual convicted of the (attempted) murder of one of the following: a magistrate, a jury member, a lawyer, a public or ministerial official, a member or agent of the international criminal court, a soldier of the national army, an officer of the national police, a customs officer, an officer of the prison administration, or any person invested with public authority including a professional or volunteer fireman or building caretaker.

The National Assembly voted in favour of this amendment. It went on, however, to be rejected by the Senate. The generally conservative Senate echoed the arguments made in the National Assembly by the Socialist opposition, namely that the proposed amendments contravened the first article of the French Constitution (Aujourd'hui en France 2011). The amendment was tabled again for the second reading of the bill in March 2011. However, opposition to the amendments, drawn from centrist members of Sarkozy's party *Union Mouvement Populaire* (UMP) as well as from left-wing and centrist parties had strengthened following the vote in the Senate and the amendment was consequently dropped (Chevalet 2011 *Aujoud'hui en France*).

French public debate remained silent on citizenship deprivation until June 2014, when the same concerns as in Britain and other European countries surfaced about returning foreign fighters from Syria. The UMP, now in opposition, tabled a number of amendments to deprivation powers in December 2014. The amendments explicitly emulated the "British model" by proposing to extend

deprivation powers to *all* French citizens, whether naturalised or by birth. This amendment was rejected by the National Assembly for being unconstitutional and disproportionate.

5. Discussion

This discussion section provides an analytical reading of public debates on citizenship deprivation, drawing out how citizenship was conceptualised and explaining how its deprivation was (or was not) legitimised.

France: *An ongoing debate*

The debate on denationalisation that emerged in France in 2010 can be seen as a continuation of the debate ongoing since the 1980s. It was firmly rooted in the same issues concerning the perceived incompatibility of certain cultures with French values and the need to make citizenship more meaningful, especially to young people. The proposal to extend citizenship withdrawal to those guilty of the (attempted) murder of a person endowed with public authority was explicitly framed in parliament as the logical extension and *reversal* of earned naturalised citizenship. Thierry Mariani (UMP) claimed that the "killers of police officers" had "broken the moral contract which founds their accession" to French nationality (National Assembly 30th September 2010).

This formulation of citizenship as a social, even moral, contract was accompanied by another proposal, tabled within the same article of the bill, that individuals acquiring French citizenship should sign a Charter of Rights and Responsibilities. The bill under discussion also proposed that re-offending minors of 'foreign origin' should not automatically acquire French citizenship at the age of majority. The focus of these proposals combines immigration, nationality and criminal law to define the Good law-abiding citizen via the naturalisation process.

The 2010 amendments thus focus on individual behaviour and its consequences for earning or losing citizenship. In contrast with the UK, the consequences that *follow* citizenship deprivation, like deportation, are not mentioned. Rather, the proposals envisage a disciplinary power portrayed as being consistent with the logic of conditional naturalisation.

Protecting the fragile state

What is striking about the amendments of Sarkozy's 2010 immigration law is their link not only to the nation but to the state, in that the proposal was to extend deprivation powers to French citizens of 'foreign origin' convicted of (attempted) murder of a member of the police force or any person invested with public authority. Affirming the state's centrality to the nation, immigration minister Eric Besson said of the July rioters: "In attacking the authority of the state in this way, these

people have struck at the heart of the nation. ... We must reaffirm the authority of the state in the face of those who threaten its essential interests, that is to say the life of its agents." (National Assembly 30th September 2010).

This rhetoric is consistent with a tradition in French public discourse that conceives of France as a potentially fragile polity. Comprising thirteen constitutions since 1789 and two invasions in the 20th century, French historical experience warns of instability and vulnerability. The implication is that there must be a strong state, in keeping with the Republican ideal that the state represents the common good (Foley 2013: 57-59).

What is striking is the attempt to embody the simultaneously strong-fragile state through the lives of its agents, not only through *gendarmes* but also through *gardiens d'immeuble* (building caretakers). These individuals are held to represent a state in need of protection from its own (naturalised) citizens, rather than the other way around.

Republican principles and the meaning of French citizenship

The main reason for the proposal's rejection in the Senate was that it contravened the 1st Article of the French Constitution by discriminating against a specific type of citizen. This argument was made repeatedly by members of the Socialist party (SRC). Appeals were made to the National Assembly as representatives of the Republic with a duty to safe-guard France's ideals of equality. Jean-Marc Ayrault (SRC): "What did our elders leave us? They left us principles and above all that which ensures "the equality before the law of all its citizens regardless of origin, race or religion" – you will have recognised that as the first article of the Constitution." (National Assembly 29th September 2010).

These appeals to the Republic and its constitution are characteristic of the debate in both the National Assembly and the Senate. They signify the self-same notion of "unitary" nationhood prevalent among the French political elite in the 1980s (Brubaker 1996: 161). However, at the same time that equality was being held up as a foundational principle that could not be compromised, the *exception* of applying citizenship withdrawal to terrorists was consolidated. Ayrault continued:

> "If the … Constitutional Council accepted an infringement of this principle [of equality] for acts of terrorism, this is due to the particular nature of these acts which clearly demonstrate the intention of those who commit them ... to make themselves enemies of the Republic. With regards to crimes under the common law, we can make no exceptions: ... a French citizen is a French citizen – and whatever their ancestry, the punishment must be identical." (National Assembly 29th September 2010).

Indeed, in 1996 the *Conseil Constitutionnel* had reasoned that the need to reinforce the fight against terrorism justified the infringement of equality by citizenship deprivation powers (Le Figaro 2010b). Accordingly, an enduring feature of France's counter-terror strategy has been that terrorism is regarded as an "exceptional" crime justifying exceptional state measures (Foley 2013). The debates in the National Assembly over the 2010 proposals reflected this view.

In 2010 as in the 1980s, opposition to restrictive and nationalist amendments to citizenship legislation eventually attracted proponents from within the right- and centrist-parties as well as from the left, threatening party divisions and causing the government to back down (Chevalet 2011 *Aujourd'hui en France*). It appears therefore that the Republican culture surrounding French citizenship remains a strong force in French political culture, as it did in the 1980s, among the right as well as on the left (Brubaker 1996: 161).

Because the 2010 amendments were framed as the logical extension of the naturalisation process, they proposed to work along boundaries of belonging which proved ultimately unacceptable to the French political elite. The amendment was rejected thanks to legally embedded distinctly *Republican* notions of what citizenship is supposed to mean that the French political elite hold dear: once in possession of citizenship, all differences are collapsed.

Britain: "Throw him out"

The revival of deprivation powers in the UK in 2002 initially contained a number of similarities with the French case. Although this occurred in response to the attacks on the World Trade Centre, conversations on citizenship in the UK had already been sparked, as in France, by riots in northern England. Similarly to France, the extension of deprivation powers were initially proposed in conjunction with a number of measures to re-invest value in British citizenship via the naturalisation process, such as the Life in the United Kingdom test.

Nonetheless, with the Abu Hamza case, citizenship deprivation came to be defined directly as part of the process towards ultimate deportation. The extended deprivation powers only attracted press attention in 2003, when the radical cleric and imam at Finsbury Park Mosque Abu Hamza became a target of national outrage, not only for his anti-Western comments but also for alleged welfare fraud and bigamy.

Abu Hamza was born an Egyptian citizen and acquired British citizenship through marriage to a British woman in the 1980s. He had been identified by the press in the wake of the September 11th attacks in the US as a follower of Osama bin Laden. As US President George Bush's Global War on Terror was put into gear in the UK, pressure mounted on the government from parliament and the media to take action regarding Abu Hamza.

From the beginning, it was considered common sense that the appropriate way to deal with Hamza was through removing him from the UK. Reports of "throw him out of the country" were heard from Labour MPs in parliament, calling for David Blunkett to "strip him of the British citizenship that he so obviously despises, swiftly followed by his deportation" reveal that the visceral response to Abu Hamza was not limited to sensationalist media (Clarke 2003 *Daily Mail;* Travis 2003 *Guardian*).

It was equally considered common sense that the law *should* enable the state to deport Hamza and others "like" him. The extended deprivation powers of the 2002 NIA Act would not come into power until later in 2003, and there was a tone of frustration amongst those advocating for his removal. Conservative MP David Cameron: "Every country must have the right to decide who it allows to stay within its borders. We must make sure we have the right to deport people who are a threat." (Williams *et al.* 2003 *Daily Mail*)

The assertion, couched in terms of sovereign power, was that “people who are a threat” should be deportable under the law regardless of their citizenship status. Why was it so clear that Abu Hamza should be dealt with via deportation? What precisely was this “threat” he posed to the UK? In spite of his British citizenship, Hamza was experienced as a foreign alien. It is through his foreignness that he came to be defined as a deportable “threat”, rather than a mere criminal to be dealt with domestically.

Hamza received as much press attention for his alleged bigamy and welfare fraud as his anti-Western preaching, which alone cannot explain why he was so unpalatable to the public. He represented less the terrorist than the inassimilable Muslim and the scrounging immigrant. In the period prior to the implementation of the new deprivation powers, an inquiry was launched into whether his citizenship was obtained fraudulently through marriage, as it appeared that the British woman was already married and she and Hamza signed the marriage contract (Dodd *et al.* 2003 *Guardian*). The press tended to refer to Hamza’s marriage as "allegedly bigamous" without giving further details (Clarke 2003 *Daily Mail;* Woolcock 2003 *Daily Telegraph*). The effect was that Hamza was painted as a bigamist with readers left to fill in the gaps, inviting the confirmation of stereotypes of patriarchal Muslim men, in a close parallel with the French case of accused polygamist Liès Hebbadj. Abu Hamza was thus simultaneously portrayed as a hook-handed, eye-patched super villain, the inassimilable Muslim and scrounging immigrant. He was even portrayed as an overly fertile father, an image usually reserved for immigrant and working-class women (Anderson 2013). In a word, Abu Hamza was *foreign*.

The instinctive calls for his deportation can thus be explained as an extension of the governmentalized logic of the deportation regime which had come to target specific alien social

behaviours considered to pose a threat to the population (de Genova 2002; Walters 2002; Kanstroom 2000). It is in this way that the full sense of Cameron's comment on "people who pose a threat" can be understood. Whilst on the face of it, "threat" was couched in sovereign terms of national security, the "threat" posed by Abu Hamza endangered *not only* national security *but also* the population in terms of his social and sexual behaviour.

In keeping with this, *The Sun* identified four other candidates for deportation along with Abu Hamza. The first on the list is described as: "The Syrian, on more than £300-a-week benefits in Tottenham, North London, gives anti-West rants." (Rae *et al.* 2004 *The Sun*). The citizenship status of these four other candidates was not mentioned.

Abu Hamza's British citizenship was treated as a contingent and meaningless technicality. It was consistently described as having been "won" through a "bigamous" marriage. The effect is closely akin to that of "accidental citizenship" in the US (Nyers 2006: 26). However, where Nyers explains that "accidental citizenship" renders the individual vulnerable to "the exceptional measures of a national security state" (*ibid*.), in the present case it is a matter not of the sovereign exception but of the extension of the embedded and governmentalized logic of deportation. Citizenship deprivation becomes something that the law *should* permit in order to enable the deportation of manifestly deportable individuals. Citizenship deprivation is thus considered a technical step within the broader process of deportation.

In contrast with Nyers' analysis of the "accidental citizen" as "a complex process of unmaking citizenship" (Nyers 2006: 32), citizenship deprivation in the UK context cannot be understood as a mechanism for "making something natural into something foreign" (*ibid*.). If citizenship deprivation is considered a necessary step to enable deportation – a consequence reserved exclusively for foreign nationals – then the individual must *already* appear as foreign for the very notion of citizenship deprivation to occur to the public imaginary. Whilst Honig's argument that "we almost always make foreign those whom we persecute" (2002) is a powerful one, in this case the individual has already been made foreign, and this determines *how* they are persecuted.

Comparing the public debates on citizenship deprivation between Britain and France reveals that, in Britain, citizenship as an institution is not revered in the same way as it is by the French political elite. Where in France citizenship's equalizing capabilities are considered as foundational to the Republic, in the British case citizenship is treated as a legal technicality. This difference exemplifies what might be called different cultures of citizenship, as while in French Republican ideals the individual's link to the nation is forged directly through civic inclusion within France, in Britain it is allegiance to crown and country that takes primacy over British citizenship in defining the link between individual and nation.

Contrary to Walters' hypothesis that deportation is always in danger of losing its legitimacy due to its association with other state practices of expulsion, it in fact appears that the embedded and accepted nature of deportation has enabled the legitimisation of citizenship withdrawal for those who appear foreign and deportable.

Critical Consensus

The argument made so far that citizenship deprivation was re-legitimated in the UK by virtue of its incorporation into an embedded and accepted deportation regime is further supported by the critical consensus that emerged in the press between 2011 and 2013.

Criticism began when it emerged that deprivation powers had been consistently applied to individuals who were already outside of UK territory (Taylor 2011 *Guardian*; Cobain 2011 *Guardian*). Stories were subsequently published on how a number of these deprivation orders preceded the rendition or killing of the individuals concerned (Cobain 2012, 2013 *Guardian*; Verkaik 2012 *Daily Mail*). On the killing of Bilal el-Berjawi, *The Guardian* wrote:

> "An alleged al-Qaida member from London is reported to have been killed in a missile attack from a US drone ... The 27-year-old's wife is understood to have given birth to a child in a London hospital a few hours before the missile strike, prompting suspicions among relatives that his location had been pinpointed as a result of a telephone conversation between the couple. About 12 months ago, Berjawi was stripped of the British citizenship he had held since his family moved to the UK from Lebanon when he was an infant." (Cobain 2012 *Guardian*).

Later the same year, the *Daily Mail* wrote:

> "A British citizen whose family believe he is being tortured by American secret agents has suddenly had all his rights as a UK national removed by the Home Secretary ... The Mail on Sunday has established that while Mr Hashi was out of Britain, Home Secretary Theresa May used a *little-known power* – which does not require a court order – to deprive him of all his rights as a British national (Verkaik 2012 *Daily Mail* my emphasis).

No other newspaper mentioned Hashi's story until July 2013, when *The Guardian* G2 magazine published a long-form article charting the stories of Bilal Berjawi, Mohamed Sakr, a Vietnamese-born convert to Islam, and Mahdi Hashi, all of whom were, according to the article's heading:

> "Trapped in the matrix: In the White House situation room it's known as the 'disposition matrix'. To others it's a secret kill list - a complex grid of suspected terrorists to

> be traced, then targeted in drone strikes or captured and interrogated. And, using a *little-known power* to revoke suspects' citizenship and leave them open to attack, the British government appears to be colluding in it." (Cobain 2013 *Guardian* my emphasis).

In this context, in contrast with earlier debates on Abu Hamza, citizenship deprivation was constructed as a sinister and "little known power". The articles repeatedly relay that: "The Home Office is ... refusing to say whether it is aware of other individuals being killed after losing their British citizenship. On one point it is unambiguous, however: "Citizenship," it said in a statement, "is a privilege, not a right." (Cobain 2013 *Guardian*).

The Home Office is here given the persona, in keeping with provocative Orwellian themes of overly powerful states, of the cold face of authority. Citizenship deprivation in this context is thus met with concern as it emerges in association not with deportation but with other practices that are considered to signify excessive and illegitimate use of state power. It appears therefore that the previous legitimacy of citizenship deprivation in the UK was reliant upon the legitimacy of deportation.

The individuals targeted by deprivation powers were consistently portrayed as young unthreatening family men. The local belonging of "the four young Londoners" was emphasised (Cobain 2013) and the *Daily Mail* referred to Hashi as the "23-year-old care-worker from Camden" (Verkaik 2012 *Daily Mail*). It was emphasised that the men were either born in the UK or acquired their citizenship when they were children. It was thereby through ideas of local residency and belonging that the men's claims to the rights of British citizenship are affirmed in a way that is reminiscent of UK anti-deportation movements (Anderson *et al*. 2011). Abu Hamza is not mentioned at any point throughout this episode.

What is revealed by taking the Hamza and 'young Londoners' episodes together? It emerges that citizenship can be viewed as contingent when it is considered that the individual in question 'should' be vulnerable to *legitimate* state practices like deportation. At the same time, it appears that citizenship and belonging can become meaningful when the individual is seen as an undeserving victim of the machinations of an overly powerful state.

It has been acknowledged that the imagined boundaries of belonging of national citizenry are contested and not fixed (Anderson *et al*. 2011). What this analysis indicates is that imaginaries of citizenship in the UK are contingent on and interact with normative ideas surrounding state power. Citizenship may not be considered as foundational to the nation and state as it is in France, and may in some cases be viewed as merely a legal technicality hindering the "legitimate" "commonsensical" course of justice, in this case deportation. Nonetheless it can also be viewed as an important legal

protection for the individual *vis-à-vis* the state when state power is deemed to have gone beyond the pale (Isin and Turner 2007: 6).

France and Britain: Converging debates on "foreign fighters"

If between 2011 and 2013 there appeared to be a critical consensus in the British press regarding the targeting of deprivation orders at individuals already outside of British territory, in the summer of 2014 – with the heightened terror-threat of returning foreign fighters – a very different media narrative emerged. Within a space of four days in late August 2014, there appeared nine articles between the *Mail*, the *Guardian*, and the *Telegraph*. The articles reproduced the same quotations from the same handful of provocative right-of-centre public figures, all of whom called for swifter, tougher measures against Britons returning from fighting with so-called Islamic State. Conservative MP David Davis: "British jihadists should be treated as traitors and ... stripped of their citizenship ... Since these young men are in effect swearing allegiance to a hostile state, they should all forfeit their British citizenship – not just those who are dual nationals." (Sparrow 2014 *Guardian*).

Just as it had been common sense that the law should enable the state to deport Abu Hamza, it now emerged as common sense that British jihadists should either be kept from leaving for Syria or, if they had already left, kept from returning. On 1st September 2014, David Cameron announced plans to introduce Temporary Exclusion Orders (TEOs). As noted earlier, this measure sought to modify the single defining right of British citizenship of leave to enter and remain. The measure was framed within Home Office documents as a direct complement to citizenship deprivation powers (Home Office 2015b).

TEOs can therefore be seen as the product of citizenship withdrawal incrementally legitimating different forms of state expulsion and the reformulation of citizenship rights in relation to territory. Rather than state expulsion practices threatening the legitimacy of deportation (Walters 2002), in the UK the legitimacy of deportation has instead increased the legitimacy of other forms of state expulsion and "temporary" exclusion. It indeed appears that the link between citizenship and territory is "prone to reversal" (Walters 2002: 276), in that the basic right of access to territory is being made conditional. It remains to be seen how this will work in practice.

Throughout the same period in France a similar debate emerged regarding French citizens travelling to fight in support of ISIS in Syria and Iraq. France, like the UK and many other European countries, perceived an identical threat concerning the return of "radicalised" fighters to France. Voices were raised from the political right demanding extended powers for and increased application of citizenship deprivation. In December 2014 it was proposed by the UMP to make it possible to deprive all French citizens of citizenship, *regardless of how citizenship was acquired*, who take up arms against French armed forces or the police force. The extension of the powers to citizens by birth

was infrequently alluded to as the "British model". These amendments were dismissed outright in the National Assembly as disproportionate and unconstitutional.

It appears that citizenship withdrawal has come to be seen by the French political elite as legitimate only when practiced in association with the naturalisation process, specifically within a fixed period following naturalisation. Attempts by the centre- and far- right to tie citizenship withdrawal to expulsion were therefore stumped by the powers' legal and political associations with the naturalisation regime.

Discussion Summary

This paper has argued that the crucial difference between citizenship withdrawal procedures in Britain and France since the turn of the 21st century is that each country proposed to incorporate the practice into different immigration control regimes. In France the incorporation of citizenship withdrawal into the naturalisation processlimited the power to apply solely to convicted terrorists, in that the singling out of naturalised citizens on other grounds was rejected as unconstitutional. It also constrained later attempts to extend the powers to apply to all citizens and tie it to expulsion.

In both Britain and France deprivation powers were consistently used as symbolic attention-grabbing policies. And yet, the public debate on citizenship withdrawal in Britain was considerably more limited than France's already limited debate. This is primarily because citizenship deprivation's incorporation into the UK deportation regime was much more palatable to both domestic and international law as well as for the popular imagination.

Very little attention was paid whenever new amendments to deprivation powers were publicly announced. It would appear that the British public at large, or at least the mainstream media, saw little to be anxious about in these amendments. This is because they were framed as being part of the deportation regime. By virtue of the governmentalized logic of Britain's deportation regime it now appeared as common sense that certain individuals should be vulnerable to deportation due to their posing a foreign "threat". Through this mechanism their citizenship was rendered a technicality hindering the broader procedure towards their deportation.

Ultimately, whilst it has been acknowledged elsewhere that laws governing immigration, citizenship and crime are currently being (re)combined in numerous ways, what this analysis has uncovered is that *which* immigration control regime is extended is consequential for who comes to be governed and how. This is because these different regimes work through different governing logics.

Hence, in this case, Britain's deportation regime and France's naturalisation regime had different implications for how citizenship and its deprivation were understood and legitimated. In the

case of Britain, citizenship deprivation's legitimacy proved to be contingent upon the legitimacy of governmentalized deportation, revealing a flexible attitude to citizenship as a legal barrier between the citizen and the state. In France, the prevailing notion of citizenship as foundational to the Republic made it politically impossible to distinguish between naturalised and birthright citizens on criminal grounds. This trumped the need to protect the strong-fragile Republican state.

6. The future of deprived citizenship

In Britain, legislation on citizenship deprivation has incrementally normalised practices of expelling citizens, culminating so far in the introduction of Temporary Exclusion Orders and more recently in targeted drone strikes on British citizens in Syria without first depriving them of citizenship (Watt 2015). Then again, legal practitioners and academics alike are dubious about the longevity of such state practices. High profile UK legal commentators such as Guy Goodwin-Gill and Liberty see current practices as contravening Britain's obligation to other states and to international law (Goodwin-Gill 2014). Matthew J. Gibney assesses them as being too dependent on bilateral agreements to last (Gibney forthcoming). Other commentators, however, suggest that the "legal wind" is finally behind Theresa May, as alleged al-Qaida activist Minh Quang Pham recently lost his appeal against his deprivation order in the Supreme Court (Kadri 2015).

What is more, this process of normalisation applies not only to Britain but to other countries where parliamentarians, notably in Commonwealth countries Australia and Canada but also France and the Netherlands, have explicitly proposed to emulate the "British model" as a response to their nationals travelling to join ISIS. January 2015 also saw a Constitutional court ruling in France, following soon after but unrelated to the attacks on the *Charlie Hebdo* offices in Paris, which confirmed the citizenship deprivation of Franco-Moroccan Ahmed Sahnouni el-Yaacoubi. This was the eighth occurrence of citizenship stripping in France since 1973 (*Associated Press* 2015). Even if British citizenship legislation continues to present an anomalous case, analysis is certainly not "fruitless" as it appears to be highly consequential for citizenship practices in other countries (Karatani 2003: 3).

Then again, the ways in which proposals to emulate Britain have been received in these countries appear to bear out the hypothesis that the UK is a unique case and that the institution of citizenship remains protected in other countries by the constitutional law that the UK lacks. On the other hand, the Canadian constitution did not appear to keep Canada from introducing deprivation powers almost identical to the UK's under the Strengthening Canadian Citizenship Act with the crucial difference that these measures require the individual to have been *convicted* of a terror-related crime (BCCLA 2015).

Rather than distinguishing Britain from states founded on constitutional law, then, it may be more fruitful to distinguish between separate genealogies of citizenship. Developed within the making and unmaking of Empires and the emergence of modern nation-states and legal systems, citizenship in Britain and Canada (a Commonwealth country), though given the same name, may differ greatly from citizenship in France or another former colonial power like the Netherlands. These historically formed approaches to citizenship, this working paper has found, play an important role in shaping contemporary public debate on citizenship and its deprivation and therefore merit further investigation.

Voices are multiplying on this subject, many of whom invoke the work of Hannah Arendt (1951) to reiterate the need for a right to citizenship and therefore the "right to have rights" (Kingston 2005; Gibney 2013a, 2013b; EUDO Citizenship 2014). A close analysis of public debate on citizenship deprivation has on the contrary revealed that, as in the cases of Abu Hamza and Yaser Esam Hamdi, possessing citizenship is no guarantee of accessing those rights. Rights, it is increasingly clear, are contingent on something other than citizenship. There is thus mounting need to pin down what this "something" is, and to think of possible models beyond rights and citizenship (Papadopoulos and Tsianos 2013). The possibilities of unburdening the world of citizenship should not be lightly dismissed.

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