

Marco Scalvini

The secret war: British nationals stripped of their citizenship

**Newspaper/Magazine article
(Published version)**

Original citation:

Scalvini, Marco (2013) *The secret war: British nationals stripped of their citizenship*. *OpenDemocracy* (15 Mar 2013)

Reuse of this item is permitted through licensing under the Creative Commons:

© 2013 openDemocracy.
CC BY-NC 3.0

This version available at: <http://eprints.lse.ac.uk/69460/>

Available in LSE Research Online: February 2017

LSE has developed LSE Research Online so that users may access research output of the School. Copyright © and Moral Rights for the papers on this site are retained by the individual authors and/or other copyright owners. You may freely distribute the URL (<http://eprints.lse.ac.uk>) of the LSE Research Online website.

The secret war: British nationals stripped of their citizenship

MARCO SCALVINI 15 March 2013

Stripping those born here of their citizenship by arbitrary acts of government has alarming historical overtones and raises serious questions about the British state. Why have such acts increased so rapidly under the Coalition?

A recent investigation by the *Bureau of Investigative Journalism* for *The Independent* revealed that the British government “has secretly ramped up a controversial programme” to revoke citizenship “on national security grounds.” According to the published report, this power of stripping British nationals of their citizenship was used only four times after 2002, but it has been used sixteen times since the current coalition government came to power.

This government’s power to strip citizenship was established in the wake of 9/11, through an amendment to the [British Nationality Act 1981](#) (Section 40, Deprivation of Citizenship) introduced by the [Nationality, Immigration and Asylum Act 2002](#) (Section 4). The new regulation establishes that British nationals could be stripped of their citizenship, if the “Secretary of State is satisfied that the person has done anything seriously prejudicial to the vital interests of a) United Kingdom or b) a British Overseas Territory”.

After the London bombings, a new amendment introduced by the [Immigration, Asylum and Nationality Act 2006](#) was intended to expand the Home Secretary’s power in such a way as to make it more accessible in the fight against terrorism. This new amendment establishes that the Secretary of State can strip British nationals of their citizenship if they are “satisfied deprivation is conducive to the public good” (section 56). In particular, “Public good” is defined in Section 55.4.4, [Chapter 55](#) of the [Nationality Instructions](#) as “depriving in the public interest on the grounds of involvement in terrorism, espionage, serious organised crime, war crimes or unacceptable behaviours”.

Human rights organizations have expressed deep concern about the arbitrary nature of the power to revoke citizenship. In particular, 1) deprivation of citizenship is exercised by the Home Secretary on the grounds of the “the public good” without proving a breach of law; 2) the revocation is carried out without any sort of due process or transparency; 3) those who are deprived of their citizenship have only 28 days to appeal to a court before being deported; 4) deprivation is also applied to those who were born and raised in the UK and have never been charged with any crime.

The evolution of the government’s power to strip citizenship has profound political implications as citizenship entitles membership in both the legal and political community. Therefore, questions can be raised as to what extent may the government withdraw a citizenship that has been legally achieved? Can citizenship deprivation be based on secret evidence or exercised by the Secretary of State through an administrative act? To what extent is the government making valid use of executive power? These questions are thus essential to reflect on the risk of arbitrariness embedded in this asymmetrical hierarchical relationship of power, in which the present government wants to decide in an arbitrary way who is a threat to security or not.

In *The Origin of Totalitarianism*, Hannah Arendt explores how following the First World War, many nations enacted laws to revoke citizenship from individuals whose ethnic, religious and political backgrounds were deemed incompatible or dangerous. Citizenship, in this sense, has been signified by Arendt (1958: 294) as “the right to have rights” - that is, as a concrete political status that establishes legal rights. Conversely, the loss of citizenship is an expulsion from humanity, in Arendt’s words “the loss of home and political status become identical with expulsion from humanity altogether” (1958: 297).

However, for Arendt, the mark of a truly totalitarian government is the revocation of citizenship from born citizens, not naturalized citizens. The totalitarian indifference for where humans originated was brutally demonstrated when millions of people were stripped of their citizenship and rendered “stateless” and denied the “right to have rights.” Here, the most substantial case was the [Nuremberg laws](#) in 1935, which deprived Jews and other minorities of their German citizenship because they were considered to be a threat to German blood.

Today, citizenship deprivation is not a totalitarian problem—it is however a political and human rights concern, as the anti-terrorism agenda is increasingly dealing with naturalisation and citizenship in general. Before 9/11, those immigrants who were naturalized and suspected of being disloyal could be stripped of their passport, while native-born nationals have been always considered safe. In fact, the [Bureau of Investigative Journalism](#) reported that [5 of the 21 people deprived of their citizenships were actually born in the UK](#). At the same time, citizenship deprivation can be only applied to dual nationals in order to avoid statelessness, as the UK adopted the 1961 [Convention on the Reduction of Statelessness](#).

Liberal democracies have a long tradition of debating “[how to prevent illiberal and undemocratic forces from abusing the rights and powers that liberal democracy extends to all](#)” (Kymlicka 2009: ii). European democratic countries have never stripped citizenship of the supporters of either Communist or Republican parties, although these groups did want to abolish British institutions, such as Parliament or the Monarchy and in some cases also through the use of violence and terrorism. Democratic liberalism is in fact based on the assumption that governments cannot interfere in the lives of individuals outside of guaranteeing that all citizens are protected from the arbitrariness of law. While this emerging agenda of security and extremist prevention is based more and more on the assumption that political authority should be the arbiter over who is democratic and who is not.

Cameron, in a famous [speech](#) given during the [Munich Security Conference](#) in 2011, claimed the necessity of “muscular liberalism” in order to fight home-grown Muslim radicalism. In particular, Cameron articulated his speech around three different assumptions: 1) multicultural policies have failed to promote integration, as British society has become too tolerant, less secure and more vulnerable to Islamic extremism; 2) security as a strategy to tackle the home-grown causes of extremism, through 3) a “muscular liberalism” involved in guaranteeing that Muslims respect national British core values such as democracy, equality and respect of the law.

Cameron claims thus the legitimacy of the State in terms of its authority and obligation to protect its citizens from any threat that can disrupt political stability. However, this attempt to prevent extremism through the deprivation of citizenship has deep implications also for the future relationships with Muslim communities. If Islam, or at least its more radical parts, is represented as threatening, then relations between the State and Muslims are no longer “a matter of normal democratic debate and negotiation, but a matter of state security” (Kymlicka 2010: 106).

Finally, despite the fact the social media are having more of a central role in covering news and events, investigative journalism remains a fundamental way to offer the public the information they must have to prevent any abuse of power. The report published by the [Bureau of Investigative Journalism](#) is a very good example of watchdog journalism that also makes an important contribution to the work of activists, researchers and anyone who pursues the public interest.

References:

Kymlicka, W. (2009). *Multicultural odysseys: navigating the new international politics of diversity*. Oxford, Oxford University Press.

Kymlicka, W. (2010). The rise and fall of multiculturalism? new debates on inclusion and accommodation in diverse societies. *International Social Science Journal*, 61(199):97-112.

Arendt, H. (1958) *The Origin of Totalitarianism*. New York, Harcourt.