American Political Science Review (2018) 112, 1, 99–111
doi:10.1017/S0003055417000442 © American Political Science Association 2017

Democratic Citizenship and Denationalization

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Are democratic states permitted to denationalize citizens, in particular those whom they believe pose dangers to the physical safety of others? In this article, I argue that they are not. The power to denationalize citizens—that is, to revoke citizenship—is one that many states have historically claimed for themselves, but which has largely been in disuse in the last several decades. Recent terrorist events have, however, prompted scholars and political actors to reconsider the role that denationalization can and perhaps should play in democratic states, in particular with respect to its role in protecting national security and in supporting the global fight against terror more generally. In this article, my objective is to show that denationalization laws have no place in democratic states. To understand why, I propose examining the foundations of the right of citizenship, which lie, I shall argue, in the very strong interests that individuals have in security of residence. I use this formulation of the right to respond to two broad clusters of arguments: (1) those that claim that it is justifiable to denationalize citizens who threaten to undermine the safety of citizens in a democratic state or the ability of a democratic state to function as a democratic state, and (2) those that claim that it is justifiable to denationalize dual citizens because they possess citizenship status in a second country that is also able to protect their rights.

Are democratic states permitted to denationalize citizens, in particular those whom they believe pose dangers to the physical safety of others? In this article, I argue that they are not. The power to denationalize citizens—that is, to revoke citizenship—is one that many states have historically claimed for themselves, but which has largely been in disuse in the last several decades. Recent terrorist events have, however, prompted scholars and political actors to reconsider the role that denationalization can and perhaps should play in democratic states, in particular with respect to its role in protecting national security and in supporting the global fight against terror more generally (Forcese 2014; Gibney 2013a; Lavi 2010; Macklin 2014). It is in this context that some states demand the power to revoke citizenship from those who have committed and, in some cases, are believed to be intending to commit, a series of crimes that are taken to be "seriously prejudicial"[1] to the interests of the state and the citizens it is responsible for protecting (Macklin and Bauböck 2015). These "seriously prejudicial" crimes are various, and contemporary discourse focuses on terrorist crimes in particular. According to some, revocation laws complement other powers—for example, no-fly lists and passport cancelations, which aim to restrict the mobility of possible foreign fighters, and increased surveillance of communities that are supposed to be the source of terrorism—that together are described as forming a package that states must adopt in order to protect their citizens from terrorism.

In this article, my objective is to show that denationalization laws have no place in democratic states. In particular, I argue that none of the reasons presented in favor of denationalization is compelling. To understand why, I propose examining the foundations of the right of citizenship, which lie, I shall argue, in the very strong interests that individuals have in security of residence. Armed with this understanding of the grounding of the right to citizenship, I will defend the claim that denationalization violates it.

I begin with an introduction to the revocation laws that are under discussion in democratic states, and how previous scholars have responded to them; the purpose here is to situate my own argument in this small but growing literature. I then offer an account of the right to citizenship itself, as imposing distinct obligations on the international and domestic orders. I argue that, at the international level, the right to citizenship is grounded in the importance of protecting individuals from the harms of statelessness; the international order has an obligation to ensure that each and every person is a citizen of at least one country, which is responsible for protecting their rights. I then argue that, at the domestic level, the right to citizenship is about protecting the strong interests that individuals have in staying

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I have presented this work at several workshops and conferences, and owe thanks to those who invited me and to the generous and friendly audiences who engaged with my work. They include: Lucas Stanczyk, who invited me to give the earliest version of this article at the MIT Political Theory workshop; Miriam Ronzoni and Christine Straehle, who invited me to present this work to the Normative Theory and International Institutions workshop at the University of Manchester; Rainer Bauböck, who invited me to present this work at the European Union Institute; Daniel Butt, Zofia Stemplowska and Cecile Fabre, who invited me to present this work at the University of Oxford's Department of Politics and International Relations seminar series; Avigail Eisenberg, who invited me to present this work at the University of Victoria; Margaret Moore and Amandine Catala, who invited me to present this work to the Territorial Rights: New Directions and Challenges workshop at the University of Quebec at Montreal; and Jay Drydyk, who invited me to present this work to the excellent students of Philosophy and Public Affairs at the University of Carleton. I owe special thanks to the following individuals who offered written comments on this work, as it proceeded through its many stages: Rutger Birnie, Jacob J. Krich, Margaret Moore, Robert Sparling, Peter Spiro, Annette Zimmerman, and the wonderfully generous reviewers for this journal.

Received: February 03, 2017; revised: July 14, 2017; accepted: September 13, 2017. First published online: November 7, 2017.

[1] This is a reference to the language used in the British denationalization law.

https://doi.org/10.1017/S0003055417000442 Published online by Cambridge University Press

where they are, that is, as essential to underpinning the confidence they need to build their life in a place, with the expectation that they can continue to do so. I use this formulation of the right to citizenship to defend against claims that denationalization is permissible. I respond to two broad clusters of arguments: (1) those that claim that it is justifiable to denationalize citizens who threaten to undermine the safety of citizens in a democratic state or the ability of a democratic state to function as a democratic state and (2) those that claim that it is justifiable to denationalize dual citizens because they possess citizenship status in a second country that is also able to protect their rights. Each of these claims has multiple variants, and I respond to many of them over the course of the discussion. I conclude, in sum, that denationalization is a violation of the right to citizenship in democratic states.

DENATIONALIZATION IN DEMOCRATIC STATES

Historically, there is nothing unusual about denationalization, which has taken many forms, including banishment and exile.[2] Perhaps most famously (at least among political theorists), the Ancient Athenians practiced ostracism, a process through which citizens could elect to expel individuals who were thought to pose dangers to democratic stability. There, expulsion wasn't understood as punishment, although like contemporary defenses of the practice, it was defended as *protective*, not of national security as it is said to be now, but of democracy itself. Variations on the practice of denationalization have persisted since then (e.g., Kingston 2005; Gibney 2013b, 647–48).

It is therefore not surprising that many contemporary democracies have laws that permit the denationalization of citizens, under at least some circumstances. One study of 22 European states suggests that only nine have no legislation to permit the revocation of citizenship (Government of Finland 2014). A larger study of 30 European states gives an overview of the vast range of reasons for which states retain the right to denationalize (de Groot, Vink, and Honohan 2010). The reasons range from fighting in foreign armies (sometimes only if this fighting is against one's state of citizenship), to public service in a foreign state, to long-term residence abroad, to voluntary acquisition of another citizenship, and so on. This study found that 14 states permit denationalization in cases where citizens engage in "seriously prejudicial behaviour," broadly understood to be actions that are "contrary to the interests of the state" (de Groot, Vink, and Honohan 2010), and its authors warn in conclusion that there is a trend towards adopting additional legislation of this type (Ibid, 5).

For the most part, the right of states to denationalize citizens has remained unquestioned and unexplored. In part, this may be because in the last several decades, although these laws have remained available for deployment, most states have chosen to denationalize only a very small number of individuals. In practice, they have fallen more or less into disuse across most states. In light of this evidence, Peter Spiro suggests that it is fair to conclude, in spite of a recent revival in public interest in laws that permit revocation, the frequency of, and comfort with, denationalizing citizens is at an all-time historical *low* (Spiro 2011).[3]

There are all kinds of possible reasons to explain their relative disuse. One main reason is that most states acknowledge the tremendous harms of statelessness (even where their denationalization laws permit the imposition of statelessness), and so choose against rendering an individual stateless in most cases. Another reason is that, in many cases, denationalizing a dual citizen makes that individual liable to deportation to a human rights-violating state, and states recognize the harm in that as well. Yet another reason is that states by and large recognize the importance of cooperating to fight global threats; denationalizing a dangerous individual from one state simply foists responsibility for that dangerous individual onto another state.[4]

Yet, as I said above, states are showing renewed interest in adopting and reinvigorating denationalization laws, largely in the context of the global fight against terror. Citing the exceptional time faced by the global community as it confronts the increased sophistication of terrorist groups, which intend to commit serious harm against citizens of democratic states, defenders of revocation laws argue that democratic states must be prepared to act swiftly against those who pose dangers to national security, even at the cost of undermining the security of citizenship status. Public discourse focused on their alleged value in offering this protection often arises following terrorist incidents that have injured and killed citizens. As defenders are quick to say, no law-abiding citizens need fear denationalization laws.

As of yet, states considering the adoption or reinvigoration of these laws have pursued significantly different courses of action. In the United States, a series of Supreme Court judgements have rendered denationalization effectively unconstitutional (Weil 2012); this has not stopped a series of American political actors from both sides of the aisle, as it were, to attempt to defend it nevertheless (Savage and Hulse 2010). In 2010, Joseph Lieberman proposed the Expatriate Terrorists Act, which

[2] At this point, it is appropriate to say something about the language I use here. Historically, states and communities have deployed many strategies to expel individuals: exile, banishment, outlawry, expulsion, and so on. I use the term "denationalization" and "revocation," because they are those that are used in contemporary discussions.

[3] Although historical forms of banishment differ in their details, they all share (with denationalization) the withdrawal of state protection from certain individuals, typically as punishment for an alleged wrongdoing. My argument depends on the existence of a modern (post-World War II) conception of citizenship that is not available historically. There is much to learn about the ways in which states historically banished citizens, the reasons for doing so, and the perception of its severity as a punishment. I thank Alan Ryan for this observation.

[4] And thus, possibly, perpetuating a race to see which state can denationalize a dual citizen faster, to avoid taking responsibility for her. This is part of the larger problem, observed by a reviewer to this piece, that talk of revocation focuses too much on the revoking state rather than the state that stands to receive the alleged wrongdoer.

https://doi.org/10.1017/S0003055417000442 Published online by Cambridge University Press

if passed would have permitted the United States to denationalize US citizens guilty of "engaging in hostilities against the United States or providing material support to a foreign terrorist organization" (Spiro 2014, 2171). The Act failed to pass in to law then, as did a lightly modified Act, when reintroduced by Ted Cruz in 2014. In France, ex-President François Hollande proposed adopting a citizenship revocation law specifically for terrorists, in the wake of the terrorist incidents in France in 2015 and 2016, and then backed down in the midst of significant public outcry (CBC News 2016). In Canada, the Conservative Government adopted a revocation law in June 2015, which has been overturned by the more recently elected Liberal Government. In Australia, legislation to permit the state to revoke the citizenship of convicted terrorists passed into law in 2015 (Thwaites 2015). To my knowledge, among democratic states, the UK has the broadest of denationalization laws, which permits denationalizing even a single nationality citizen (and so permits making someone stateless), if it can be shown that her continued possession of UK citizenship is not "conducive to the public good" (Gibney 2013a, 650). Using this clause of the UK denationalization law, as Home Secretary, now-Prime Minister Theresa May proposed rescinding the citizenship of dual-citizens convicted of child trafficking (Parveen 2017), saying their continued presence in the UK was "not conducive" to the public good.

One possible response to these laws is to acknowledge their legitimacy, either in the face of the exceptional threats posed by terrorism, or as part of the long tradition of political theory that has accepted the right of states to banish citizens who are perceived as threats (Gibney 2013b, 648–49). One might simply argue, following broadly in this tradition, that the creation of society should be understood in contractual terms, where any party who fails to carry out her part of the deal can be expelled. A long history of US jurisprudence treated treasonous crimes in specifically this way: those who committed certain crimes were considered disloyal citizens who, by their actions, had acted voluntarily to terminate the contract which bound citizen and state to each other (Weil 2012). Such individuals could, correspondingly, be denationalized and expelled.

And yet, recent scholarly assessments of revocation laws are cautious, recognizing that the costs of being denationalized, to the individuals who lose the protective status of citizenship, are very high. Correspondingly, they warn against any defense that would permit states to denationalize easily, or without respecting due process, including the right to appeal denationalization decisions. Nevertheless, they have tended to remain within this broad political theoretic tradition, by leaving at least some space for denationalization laws to operate, at least in cases of egregious harm, under a narrow set of circumstances.

Christian Barry and Luara Ferracioli, for example, propose that where an individual commits a *severe* crime against a state, of a political nature, where she has been aided by a second state in which she possesses citizenship, and which can be expected to protect at least her basic rights, she may be denationalized and deported to that state (Barry and Ferracioli 2016). Similarly, Rainer Bauböck and Vesco Paskalev argue for what they term a "genuine links" view, according to which when there is evidence that, by their wrongdoings, citizens intend to sever links to the state and the citizens it represents, they are justly liable to denationalization (Bauböck and Paskalev 2015). Shai Lavi defends a "civic allegiance" view, according to which certain crimes can be understood as attempts to undermine the capacity of a state to self-govern, and thus their perpetrators can be legitimately denationalized (Lavi 2010); in a short piece, David Miller concurs with this general view, drawing on the Ancient Athenian practice of ostracism, namely, that where certain actions threaten to undermine the stability of a democracy, those who perpetrate them can be legitimately subject to denationalization (Miller 2016). These attempts draw resources from a range of political theoretic traditions, but share the general thought that, although limited, there are cases where denationalization can be permissibly imposed on wrongdoers.

There are two significant exceptions to this trend. Mathew Gibney has argued that denationalization violates principles that are at the heart of liberal democracy. For one thing, denationalization that permits statelessness is "unjust and cruel" (Gibney 2013b, 651). For another, denationalization laws that target only dual citizens (who would not be made stateless by losing one of their citizenships) violate the egalitarianism to which democracies must be committed, and is thereby invidious (Ibid., 652). And finally, the imposition of denationalization is too often arbitrary in how it is applied or in its effects (Ibid.). Similarly, elsewhere I have argued that the defenses offered for denationalization do not meet democratic standards of justification, and that correspondingly denationalization is undemocratic (Lenard 2016a, 2016b).

What is absent from prior discussions of denationalization, however, is any account of what kind of right the right to citizenship is, and what it is intended to protect. In this article, my objective is to argue that a proper understanding of the foundations of the right to citizenship shows why citizens should be protected from denationalization. Doing so is challenging, however; as Linda Bosniak observes, while there is widespread agreement among political theorists that citizenship should be seen as "embodying the highest normative value," it is a striking fact about the political theory of basic and human rights that whether the right to citizenship is among them is rarely raised (Bosniak 2000, 451). There is ongoing deliberation focused on which rights are attached to the status of citizen—the most frequently cited is the right to vote—and are therefore "membership rights" and which rights are attached to individuals in virtue of their humanity, and are therefore "human rights" or "basic rights"—for example, the right to bodily integrity or the right to be free from slavery. But, where the right to citizenship itself should be situated, and why it might belong (or not) on a short, or even a more expansive, list of basic or human rights, has not been adequately elaborated. In particular, whether the right to citizenship is

https://doi.org/10.1017/S0003055417000442 Published online by Cambridge University Press

revocable, unliterally, by states, or whether it should be treated as forfeitable by one's actions, as many other human rights are, is underexplored. In my view, the challenge of properly situating the right to citizenship stems from its domestic and international dimensions; these dimensions rest on different foundations, which need to be carefully distinguished.

THE RIGHT TO CITIZENSHIP: INTERNATIONAL AND DOMESTIC DIMENSIONS

The suggestion that the right to citizenship should be treated as a basic human right can be traced back to Hannah Arendt's important work. Across multiple texts, she observes that the murderous strategy pursued by the Nazis began slowly, by first demoting Jews to second-class citizens in Germany (for example, by denying them the right to hold certain jobs), and then by denationalizing them. In her analysis, the murder of Jews was made easier by their having been made stateless first, as a result of which they were formally denied the protection that citizenship could and should offer. (Arendt 1963). In a well-known passage, Arendt writes,

> if a human being loses his political status, he should, according to the implications of the inborn and inalienable rights of man, come under exactly the situation for which the declarations of such general rights provided. Actually the opposite is the case. It seems that a man who is nothing but a man has lost the very qualities which make it possible for other people to treat him as a fellow-man (Arendt 1973, 300).

From this historical experience, Arendt proposes, we must understand citizenship as the "right to have rights," because without a state designated to protect an individual's rights, she is vulnerable to abuse from which she has no way to protect herself.

Responding to the same set of prompts that motivated Arendt's pleas, the Universal Declaration of Human Rights acknowledges the "right to nationality" as among the basic set of rights deserving of protection. As a matter of political theory, citizenship and nationality are of course distinct phenomena; however, for the purposes of this article, I take the "right to nationality" that is protected in international law to be equivalent to the right to citizenship to which I refer throughout this article. The Declaration reads as follows: "1) Everyone has the right to a nationality, and 2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality." The Universal Declaration thereby directs us, as a matter of international law, to acknowledge that individuals have a basic, human, right to citizenship *status*. The justifications offered in favor of recognizing this right as a basic human right are distinctly normative in content: in designating the right to nationality a human right, the framers of the Universal Declaration were targeting statelessness and its many and varied harms. As Mathew Gibney explains, to impose statelessness on an individual (or to permit someone to remain stateless), is to subject them to cruelty, because it is "a recipe for exclusion, precariousness and general dispossession" (Gibney 2013b, 651). Just as Arendt noticed in the case of denationalized Jews in Nazi Germany, stateless individuals are particularly vulnerable to rights abuses, by state and nonstate agents, since they have no clear entity from which they can demand recourse for rights violations (Bloom, Tonkiss, and Cole 2017; Gibney 2013b). Yet, as many observers have recognized, the obligations imposed by the international right to citizenship are limited. The international order is simply responsible (in the ideal) to ensure that all individuals have access to *a* citizenship, not any particular one (Howard-Hassman 2015; Edwards 2016). Access to citizenship somewhere, as it is protected in international law, is a basic human right, but it is not all that is meant by the right to citizenship.

If the grounding of the international right to citizenship is in protecting individuals from harm, what is the grounding of the domestic right to citizenship? Traditionally, domestically, citizenship is thought to guarantee three rights—the right to vote, the right to hold a passport (and associated travel rights), and residential security. In my view, residential security should be understood as prior to the others and is therefore best understood as the foundation of the right of citizenship. To see the plausibility of this ordering, imagine a state granting the right to vote or issuing a passport to someone who has been exiled (permanently) from that state.[5] It would be unthinkable for a state to permit an exiled individual—a person who was no longer permitted to reside in that state—to vote or to travel with its protection. So, the right to citizenship is grounded first and foremost in the fundamental interest individuals have in possessing security of residence.[6] It protects the confident expectation that individuals will be able to continue living where they are for the foreseeable future and permits them to make decisions about how their lives will go (Angeli 2016).[7] The importance that should be placed on confident expectation of

[5] In fact, to be slightly more specific, I have elsewhere argued that the right to vote is not a right of citizenship, but instead should be available to all long-term residents, whether citizen or not. See Lenard (2012, 2016).

[6] I am relying on Joseph Raz' interests-based account of rights (Raz 1984). On this general view, very strong interests that individuals possess serve to ground a right and correspondingly duties on others to respect it.

[7] This way of thinking about the right to citizenship relies evidently on Joseph Carens' important work on the moral right of irregular migrants to remain in their states of residence; in his view, their long-term residence grounds their right to gain citizenship (or at least regularized) status, even where their initial entrance to a state, or their continued presence in a state, is technically in violation of immigration law (Carens 2010, 2015). In my view, Carens draws too heavily on the notion that the right to stay for irregular migrants stems from the connections that they make over time; this appears to leave irregular migrants who form inadequate connections at risk of removal and it appears to render irregular migrants subject to subjective evaluation of the quality of their connections by others. It is better, I have argued elsewhere, to simply rely on residence in the case of irregular migrants as underpinning the right to citizenship. In making this argument, I could appear to be side-stepping the complicated questions of whether there are normative differences between long-term residents and citizens (especially in criminal cases). My

https://doi.org/10.1017/S0003055417000442 Published online by Cambridge University Press

residential security is echoed by political theorists of territory, who observe that "individuals make choices and develop aims and activities on the assumption that they live in a place" (Moore 2015, 38) or that the right of individuals to occupy territory confers "secure rights of use and access to a particular geographic space," which are "of central importance for an individual's life-plans and projects" (Stilz 2013, 334). The duty that corresponds to this right is the duty to refrain from undermining a citizen's confident expectation in her ability to stay where she is.[8]

Let me make two additional observations about the importance of security of residence and the corresponding duty on the part of the state to protect it. First, the interests we have in staying are typically best understood as interests in staying within a particular state's territorial boundaries, rather than anywhere within that state. I am not claiming that the state (necessarily) possesses a duty to protect an individual's ability to stay in a home if she is not able to pay her mortgage, nor am I aiming to deny (necessarily) the right of a landlord to evict nonpaying (or otherwise problematic) tenants; in a market economy, in which the sale and rental of homes and apartments are matters of private contracts between individuals, the state is not (necessarily) implicated in protecting the right to stay in a particular abode. Having said that, note that states regularly take a strong interest in security of residence even in these circumstances, for example by limiting the conditions under which evictions from privately owned and rented property are possible.[9] Second, it is of course true that the state is deeply implicated in where citizens choose to live, and regularly adopts policies that encourage or discourage the movement of citizens from one place of residence to another; the Canadian government recently offered residents of small and hard-to-reach communities in Newfoundland, which it is obliged to service at considerable state expense, the opportunity to abandon their communities in exchange for large sums of money (CBC News 2013).

DEFINING DENATIONALIZATION

In what follows, I define denationalization as follows:

> *The unilateral, forced or effectively forced, deprivation of the status of citizen from an individual, who has at any time legitimately held the status of citizen.*[10]

On this understanding, denationalization transpires in both of the following cases: (1) unilaterally, where the state determines that an individual should be denationalized, and (2) effectively unilaterally, where a state strongly pressures an individual to renounce citizenship, in such a way that no person faced with the relevant choices could reasonably be predicted to resist so-called "voluntary" renunciation. The former captures the standard cases of denationalization. The latter captures cases in which wrongdoers are given the option to accept denationalization in exchange for significantly reduced punishment (typically in the form of significantly reduced incarceration time). The most famous example of the latter is perhaps the case of Yaser Esam Hamdi, who was accused of fighting for the Taliban in Afghanistan against the US, and detained as an "enemy combatant" at Guantanamo Bay. While there, he was discovered to have been born in the US, and so (because the United States practices birthright citizenship) American. He was then told that, if he renounced his American citizenship, he would be freed from Guantanamo Bay and deported to Saudi Arabia where he had been raised and where he was also a citizen.[11]

Notice that the definition above does *not* make explicit reference to the deportation that would ordinarily follow denationalization. Indeed, it is nearly always the case that deportation from territory follows denationalization.[12] But the two are not essentially connected; it is possible, both in principle and in practice, to distinguish between denationalization from citizenship status and deportation from territory. In particular, there are cases—though not many—where states choose to withdraw citizenship status from an individual who cannot be deported. One reason is that, although an individual does possess a second citizenship, it is citizenship in a state that practices torture; international law forbids deporting individuals to states in which they may face state-sanctioned torture.[13] A second reason is that although the denationalizing state has reason to *believe* that an individual possesses a second citizenship, and so is, in principle, deportable to that state in case of denationalization, that second state refuses to recognize the individual's status; as a result, the individual cannot be deported. A third reason is that some states (for example, Austria, Belgium, Bulgaria, and many other European states) reserve the right to withdraw citizenship, even in cases where individuals do not possess a second citizenship (not even one that is in dispute, in other words) and will thereby become stateless (de Groot and Vink 2010, 14). In this case, an individual is not eligible for deportation, and will be forced to reside permanently (and paradoxically) within the state's territorial jurisdiction, since without citizenship one cannot obtain the travel documents

general view that long-term residence does in fact generate expectations of residential security; but, for reasons of space, I cannot spell out the details of this view, here, and have chosen to focus simply on individuals who already possess the status of citizen. See Lenard (2015b).

[8] This is certainly subject to a prior assumption that the citizen (and its corresponding state) is legitimately entitled to be on the territory in question. A citizen of a state that is illegitimately occupying territory does not necessarily have a right to the confident expectation that she can stay where she is.

[9] For more on why the move to treat access to permanent shelter as an essential precondition for being entitled to the equal protection of citizenship rights in a democratic state is morally problematic, see Feldman (2006).

[10] This slightly awkward phrasing is intended to leave open the possibility that people who have acquired citizenship fraudulently can be denationalized.

[11] For more on this case, see Nyers (2006).

[12] There is another situation of course, which is where denationalization from status is enacted while a citizen is abroad.

[13] More generally stated, states may believe that there are additional mitigating circumstances that tell against deporting someone whose citizenship status has been withdrawn. One can imagine permitting a parent to continue to reside with her citizen-children, even after her status has been withdrawn, for example.

https://doi.org/10.1017/S0003055417000442 Published online by Cambridge University Press

needed to enter another country (Lenard 2015a). In what follows, unless I state otherwise, I assume deportation follows denationalization.

ATTEMPTS TO DEFEND A STATE'S RIGHT TO DENATIONALIZE

There are two clusters of defenses offered in favor of the right of states to denationalize. One set begins by stating the priority of democratic principles and suggests roughly that, where denationalization is protecting democracy or is an expression of democratic principles, it can be justified. In principle, these defenses allow for the imposition of statelessness on single-nationality citizens. A second set begins by observing the privilege associated with dual citizenship, and argues that, since statelessness is not the result of rescinding (one) citizenship in the case of dual citizens, the revocation of (one) citizenship is permissible. Each of these clusters of arguments has multiple variants; in the following two sections, I will examine them and argue that none is persuasive.

1) Denationalization protects democracy

One defense of the right to revoke hooks it to the importance of physical safety in democratic states. A defining feature of a legitimate and sovereign state is its willingness and ability to protect the safety of all citizens; this understanding of a sovereign state's key obligation goes back at least to Thomas Hobbes' explanation for why individuals cede authority to a Leviathan, that is, why they trade physical insecurity for the protection he offers. If this is correct, then an individual who by her actions aims to threaten this physical safety, by engaging in crimes that threaten a state's security must be stopped and also prevented from doing so again in the future; one way to ensure this is to denationalize her.

This is more generally the claim made in contemporary discourse on revocation: the state has one central responsibility, to protect its national security, one aspect of which is to protect its citizens from grievous harms, including those caused by terrorism. Many political actors propose that terrorism poses *unique* threats to the physical safety of citizens. They tell us, we are in a state of "exception" or "emergency," where civil rights can be sacrificed in exchange for ensuring security (for a discussion, see the contributions to Ramraj et al. 2005). Or, put differently, under conditions of exceptional risks posed to citizens, states can reasonably claim that their sovereignty rights should trump the rights of citizens (Davis and Silver 2004; Joyner 2004; Golder and Williams 2006). This is precisely what UK Prime Minister Theresa May said in the wake of recent terrorist attacks, when she declared that she would not permit human rights legislation to restrain her terrorism-fighting strategies: "if human rights laws stop us from doing it, we will change those laws so we can do it" (Mason and Dodd 2017). Correspondingly, under these exceptional conditions, it is reasonable to accept that normally unjust punishments can be justifiably deployed.

Even granting the possibility that there is something uniquely dangerous about the terrorist threats many democratic states face, in the case of punishments as severe as denationalization, however, it seems reasonable to demand evidence of its contribution to protecting safety as a condition of its use. Yet, there is no clear evidence that this particular power serves to make democratic states safer (Lenard 2016a). Citizens and outsiders perpetuate acts of terrorism in states that have long had revocation laws on the books, in states that have recently passed revocation laws, and in states that have rejected revocation laws. More importantly, every democratic state possesses a robust criminal justice system through which crimes against the state can be effectively prosecuted. No defender of the right to revoke has provided reasons for believing that the existing suite of criminal powers in democratic states is inadequate to deal with the kinds of crimes that might, otherwise, trigger the revocation of citizenship. In particular, democratic states regularly incarcerate dangerous offenders, and while there are certainly many difficult moral questions to be asked about the appropriate use of jails and prisons, and the conditions under which inmates live, there is no clear reason to believe that the physical safety of citizens is protected *better* by expelling wrongdoers than it is by incarcerating them.

A variation on this protective argument draws heavily on the Ancient Athenian practice of ostracism I described earlier (Forsdyke 2009). This practice, which appears to have much in common with contemporary revocation laws, permitted Athenians to vote to expel citizens who had gained power—by amassing wealth for example or popularity—of a kind that threatened to undermine democratic practice in Athens. The exclusion from Athens was temporary—for ten years only—and was not accompanied by a loss of property or citizenship; after ten years, ostracized individuals were permitted to return to their untouched property, and the rights that citizenship in Athens entailed, but (ideally) with much reduced influence over democratic political life.

The thought that individuals threaten to undermine the practice of democracy in *contemporary* democracies is uncompelling, however. Whereas the foundations of democracy in Ancient Athens may have been unstable, the same is not the case in contemporary democratic states. The practice of ostracism may have served to protect Athenian democratic institutions, as David Miller notes in a recent article (Miller 2016); although it is surely right, as Miller claims, that the stability of democratic states should not be taken for granted, it is hard to believe that the power to denationalize individuals is in any significant way related to the ability of contemporary democracies to protect their ability to function. The dis-analogy continues: those who were targeted by ostracism in Ancient Athens were the most powerful, whereas those who are at risk of being targeted by revocation laws are presently among the least powerful. It should not escape notice

https://doi.org/10.1017/S0003055417000442 Published online by Cambridge University Press

that those most likely to be targeted by revocation proceedings are disproportionately Muslim citizens; rather than offer protection to citizens in democratic states, there is considerable risk that such laws will instead be used to further victimize already vulnerable citizens.[14] The claim that the practice of democracy requires expelling individuals who will otherwise undermine its foundations is implausible.

A slightly different way of defending revocation suggests its purpose lies in its expressive role (Hampton 1992). A democratic state typically relies on the fact that individuals have internalized its norms, and thus do not require costly and physical coercion in order to abide by them. One way that a democratic state communicates these norms is by delineating a range of unacceptable behaviors and their associated punishments. From the point of view of an expressivist theory of punishment, revocation may appear to be, logically and symbolically, the right punishment for certain categories of crimes, in particular, crimes which states understand as an attack on their foundations. This kind of defense does not risk being rejected for inadequate evidence that it is *in fact* the case that the crime undermines democratic stability. Rather, it is simply that any individual who has by her actions attempted to rob her fellow citizens of the benefits of living under democratic rule, by attempting to undermine the foundations for the effective function of democratic institutions, deserves to have their status rescinded, that is, to be denied the very rights and benefits she has attempted to deny to others. Ultimately, denationalization is a way of reasserting the importance of democratic values, and is thereby a *fitting* response to certain crimes.

But we should resist this sort of *fittingness argument* for several reasons. First, the practice of incarcerating those who harm, or aim to undermine, democratic institutions, appears to be fitting in much the same way as denationalization. In both cases, the purpose is to separate the criminal from society and thereby to reduce her access to a large list of basic freedoms that law-abiding individuals can take for granted, and in so doing, to signal that she is to be treated as a kind of partial or conditional citizen (Vaughan 2000). To the extent that it makes sense to treat criminals as individuals who have violated the terms of the social contract that ought to bind citizens in a law-abiding state, the criminal is forced by both incarceration and denationalization to confront her failure to have lived up to the terms of the agreement.

Yet, there are reasons to believe that incarceration *rather* than denationalization is a more appropriate punishment, in the sense of more consistent with a range of democratic values. First, incarceration permits the harmed democratic community the knowledge that it is issuing punishment and ensuring that it is exacted. The state that has been harmed returns the harm, as it were, by constraining a criminal's freedom, perhaps forever. The criminal's ability to inflict additional harm is removed (they are prevented from perpetrating future harm, at least during the period of incarceration). The epistemic advantage of incarceration over denationalization is considerable; while democratic states can incarcerate wrongdoers, and thereby know with certainty that the appropriate punishment has been carried out and that the wrongdoer is prevented from carrying out further harm, denationalization can carry with it a range of uncertainties, including whether the state to which the criminal is subsequently deported will prove willing and able to ensure that appropriate punishment (or surveillance) is carried out, so that she cannot commit further harm.

Second, it is worth noting that among theorists of punishment, there is considerable disagreement about the purpose of punishing wrongdoers, and to the extent that finding the *fitting* punishment as I described above is an objective, it is only one of many. Another is articulated in a recent article by Elizabeth Cohen, in which she argues that part of what makes a punishment appropriate for democracies is that those who are punished are treated as capable of moral reform, and therefore as people who can return to the ranks of full and participating citizens in their own state (Cohen 2016). Denationalization denies opportunities for reform and is therefore an unacceptable punishment in a democratic state.

Third, there is a widespread belief that criminals should face trials, and be punished, in the communities where they have committed the crime. The general reasoning here is that a political community has a right to exact punishment on individuals who have done it harm; the crime is considered to be against a particular community (Duff 2001). This thought runs through discussions of the appropriate locations for trials, domestically and internationally. Domestically, it is common practice to hold the trial in the jurisdiction in which a crime was committed; where there are deviations from this practice, and they are rare, it is normally because there is some belief that a local trial will not be fair. The argument for holding the trial—and subsequent punishment—in the jurisdiction in which the crime was committed is that the harm was done to a particular community, which is entitled to witness the pursuit of justice on its own behalf. This in part also explains the general view that when an individual engages in a criminal act outside of her territory of citizenship, she should face punishment in that jurisdiction—she should face those she has harmed—rather than her own jurisdiction.[15] The underlying logic is that the relations requiring reparation are between a community and a criminal who harmed a particular community. Note that the language here is of *reparation*, that is, it is language that assumes, as above, that rehabilitation

[14] The worry that revocation laws will target members of the community is, indeed, expressed by Muslim citizens in states that are newly implementing or reinvigorating revocation laws. See, for example, Vucetic et al. (2016).

[15] This belief also underpins the motivation for extradition treaties; states should be willing to return, in some cases forcibly, criminals who entered their jurisdiction for the purposes of avoiding prosecution and punishment elsewhere. This is tricky, though. There are times when there is a widespread belief that someone who has committed a crime should nevertheless not be extradited; Edward Snowden is perhaps a recent example.

https://doi.org/10.1017/S0003055417000442 Published online by Cambridge University Press

of the criminal into the status of a law-respecting citizen is the goal, or at least a genuine possibility. Denationalization denies the criminal and the community she has harmed the opportunity for all stages of reparation.

One possible response to this set of objections to denationalization is this: the account just above assumed that one or both parties *wants* the relation to be repaired. But that may be true, in fact, of neither party. What if the criminal *prefers* denationalization over incarceration, or possibly even intends to sever connections with her state of citizenship by committing grievous crimes? Would that preference for denationalization justify it? One might think that the preferences of the criminal ought not to be respected since, after all, she is a criminal. But this is mistaken. For example, it is permissible, and perhaps even morally required, to consider the preference a criminal has for the location of her incarceration; for example, she may prefer to be incarcerated as close to her family as possible, and this can be justly considered a relevant preference. And yet even if one believes that criminals' preferences for the conditions of her incarceration should be respected in some cases, it seems reasonable to deprioritize (at least some of) them where the crimes are grievous and aimed at undermining the foundations of democracy. In particular, it seems morally relevant that the reason for the preference is, at least in part, to trade a more burdensome punishment (in this case, incarceration) in favor of one that is less burdensome (possible freedom, elsewhere). Any criminal can presumably be expected to prefer a lesser sentence. But that preference appears morally unrelated to the question of what is a fair and just sentence; it is therefore, when offered as part of an apparent reduction in sentence, to be understood as coerced denationalization (as in the case of Hamdi, which I noted earlier), and thereby unjustifiable because the conditions of consent are not present.

Perhaps though the wrongdoer aims to signal—exactly as the defenders of revocation posit—that she is no longer loyal to her state of citizenship, that she no longer respects the norms and values that underpin the institutions that govern the relevant political community and indeed, that she means by her actions to sever the relations between herself and her co-citizens. Citizens are already permitted to sever citizenship bonds on a voluntary basis, if they so choose.[16] Wouldn't it then be consistent to argue that a wrongdoer's preference for denationalization is adequate to justify it, since it should count as an instance of the right that citizens possess, as a matter of international law, to renounce citizenship?

Although there is considerable plausibility to this view, I do not believe so. Here, the danger of a slippery slope is too high: accepting that some actions count as evidence of voluntary renunciation puts judges (or other similar figures) in the position of interpreting behaviors as evidence of attitudes in ways that lend themselves towards dangerous overreach. This view—that there is potential for dangerous overreach—finds expression in a key American Supreme Court ruling (Afroyim v Rusk, 387 U.S. 253 (1967)). In this decision, which itself overruled decades of jurisprudence that had treated certain actions by citizens as equivalent to their renouncing citizenship, the Court argued that the state could not reliably interpret certain behaviors, by citizens, as evidence of a desire to renounce citizenship. As a result, the revocation of citizenship in the United States was rendered unconstitutional (except in cases of fraud) (Weil 2012, 175; Spiro 2014). The only act that can and should be interpreted as a desire to renounce citizenship is a formal renunciation, made under conditions of consent.

What if the denationalizing community would prefer not to repair relations with the wrongdoer? Aren't these preferences morally relevant, given that they are those expressed by the democratic majority, which is the aggrieved party? Again, in my view, they are not. It is worth repeating the democratic political community's obligation to treat a wrongdoer as though she can be rehabilitated. The political community is bound by a public culture that is or should be defined by a set of shared norms and values. The deliberations that determine the content of these norms and values must be open to all citizens if, indeed, the culture is to be understood as adequately *public*. The ways in which these norms and values are imparted to citizens are multiple; some formal and others less so. But it is fair to say, in broad terms, that one responsibility a political community—that is, a political community that is bound by a shared public culture—possesses is the responsibility to ensure that the shared norms and values are imparted to all members of the community, coupled with the requirement that the venue in which its content is deliberated is adequately open and inclusive.[17] Where it fails to impart these values and norms adequately, it must take responsibility for this failure. When citizens act in ways that are taken to be demonstrating disloyalty or as failure to have internalized the shared norms and values of the community, and who thereby act to undermine the foundations on which the political community is based, the political community may properly be understood as having failed its citizens, both those who are harmed as well as the criminal herself.[18] This responsibility requires taking charge of punishing the wrongdoer, within the boundaries in which the crime was committed; denationalization amounts to an unwillingness to take responsibility for its failure to successfully educate its citizens and for punishing them appropriately.

[16] Indeed, the Universal Declaration of Human Rights notes, no state is permitted to refuse the right of a citizen to abandon her nationality (except, in some cases, where doing so would result in statelessness), if she wishes to do so.

[17] There is obviously much to be said on what counts as "adequate" from the perspective of being open and inclusive.

[18] I say "may be responsible" rather than "certainly responsible" deliberately, because there are, of course, cases in which democratic states pursue and protect unjust laws, and it would evidently be problematic to claim that where citizens protest these laws, the *moral problem* is that states have failed to adequately impart unjust norms to citizens. The point is simply a general one, which is that a generally just state is responsible for inculcating a commitment to justice among its citizens.

https://doi.org/10.1017/S0003055417000442 Published online by Cambridge University Press

One might propose that a state does not possess this responsibility in the case of *immigrants*, in which their formative years were spent elsewhere (Miller 2016). But, that proposal is mistaken—as in the case of more generally imparting norms and values to citizens born on a territory bound by a particular public culture, the process of immigration and naturalization to citizenship places a responsibility on the state for educating newcomers to citizenship, that is, into this public culture. To the extent that the relation between immigrants and the state they join is properly understood as a contract, the state takes on responsibility for providing the conditions under which the successful integration of immigrants—to the social, economic, and political communities they have joined—is possible and, indeed, likely. Where it fails to impart these norms and values, it again must take responsibility for its failures,[19] in the form of punishing citizens in such a way that they retain—perhaps in the far distant future—the opportunity to repair the relations they have damaged, and to return to the political community as full and equal members of society.[20]

2) Dual nationality is a privilege

In the discussion above about whether denationalization is compatible with democratic principle, I made only brief mention of a key element of many contemporary discussions of denationalization, which I will now highlight. This is that, in many states that permit revocation, it is permitted only if individuals would not thereby become stateless; as a result, only dual nationals are affected by revocation of citizenship laws. So long as the revocation law is written and implemented so as to make it impossible to render an individual stateless, say some of its defenders, revocation can permissibly be imposed on dual nationals who have committed or intend to commit grievous crimes (de Groot and Vink 2010). This argument is pressed in a variety of ways, and I shall refute them all.

To begin, it is worth noting that all of the following justifications for denationalization in cases of dual citizenship rely explicitly or implicitly on the notion that there is an unfairness of some kind generated by the fact of dual nationality (Herzog 2010). One might simply deny that there is something unfair about dual nationality in the first place. Nationality may simply belong on the list of so-called morally arbitrary factors about an individual, including race, sex, gender, religion and so on, that should not have any impact on how one is treated by the social and political institutions that govern a state. This would be consistent with global trends towards recognizing the legitimacy of dual citizenship, a shift which generally reflects an abandonment of the view that loyalty to a state is indivisible and that, correspondingly, dual citizens cannot be trusted to demonstrate adequate loyalty (Bauböck 2007; Bloemraad 2004). An accompanying thought is that, even if there are cases where dual nationals are significantly more loyal to one state than another, there are enough dual nationals for whom their status in both states is meaningful; correspondingly, even in cases where dual nationals generally reside in one state (as inevitably they will), it is a mistake to infer that their connection to a second state is insignificant. If these underpinning thoughts are genuine, they rule out treating the *citizenship* of dual citizens differently, by permitting its revocation as punishment for, or to deter, crimes. Defending revocation policies requires asserting that the citizenship of dual citizens is less robust than that of single-nationality citizens. One might therefore reject any claim that dual nationality is unfair, by responding that any differential treatment of the citizenship status of some individuals is a violation of the equality that citizenship is intended to protect in democratic states.

But, since some believe that dual nationality is a source of inequality, it is worth fleshing out the ways in which the objection—that it is acceptable to subject only dual nationals to the threat of denationalization—is presented, so that I can be more specific about why these attempted defenses of revocation ultimately fail.

One thought is that the possession of two nationalities is a kind of privilege that confers a significant advantage, which violates the foundational equality on which democratic states rely. It is not that dual nationality is impossible to come by—there are many cases where individuals choose to migrate and then to naturalize into a second nationality, which though time-consuming is within the realm of possibility. But, doing so is cumbersome enough that those who *already* possess these two nationalities can legitimately be understood to be advantaged. These advantages mainly consist in a larger pool of convenient travel, work, educational and residence opportunities; as a result, dual nationality violates equality and making dual nationals liable to denationalization is a permissible way in which to reestablish equality between single and dual nationality citizens.[21]

It is, of course, a basic principle of egalitarian political theory that, where differences among citizens generate inequalities, they should be remedied as far as possible. Much hinges on what the relevant metric of inequality is thought to be—if the focus is on material inequalities, then it is typical to permit and encourage the redistribution of wealth. If the focus is on welfare inequality, then emphasis is given to protecting the equal access to welfare for all citizens. If the focus is on political equality, then emphasis is given to eliminating inequalities that threaten to disrupt citizens' ideally equal capacity to influence political decision making.

[19] There is evidently a deep complication here, reflected in the more general literature on policies that have been deployed by ostensibly democratic states to segregate and marginalize minority and immigrant communities. In these cases, it would not be surprising if these communities reject rather than internalize the dominant norms of the larger community. I leave this aside for now.

[20] Note that this same reasoning makes life sentences without parole and the death penalty unjustified, for assuming that rehabilitation is not possible.

[21] I would specifically like to thank Zofia Stemplowska for many discussions about how different conceptions of equality might treat the revocation of citizenship in cases of dual nationality.

https://doi.org/10.1017/S0003055417000442 Published online by Cambridge University Press

The point is that where we have identified a preferred metric (or metrics) of equality in a political state, benefits (and burdens) are unjust where they disrupt that form of equality, and compensation can legitimately be demanded of those who benefit by those who are burdened. So, one question we might reasonably ask is whether the possession, by some citizens, of dual nationality is such that it disrupts a relevant form of equality.

One preliminary challenge that must be faced in responding to this question is how to measure the advantages of possessing multiple citizenships. If one believed that dual nationality was an inequality that demanded compensation because of the unearned benefits it offers to those who hold it, one would also have to acknowledge that some citizenships, as a matter of practice, offer greater benefits than do others. At present, US citizens can travel to 174 countries without procuring additional visas; Somali citizens can travel to only 31. Similarly, the number of opportunities that accompany living in the United States, and the quality of rights protection, are significantly greater than those that accompany living in Somalia. Thus, a state considering the value of the benefits offered by a particular second citizenship will surely have to consider that the benefits of some second citizenships are insignificant compared to the benefits of others. Correspondingly, revoking some citizenships is costlier than revoking others.

Complicating this accounting further is the question of whether a person should be penalized for having a second citizenship when the second country does not permit renunciation of citizenship. Many defenders of denationalization propose that such individuals should be exempt from denationalization policies. This willingness to exempt stems from the thought that those who would genuinely like to protect themselves from the risk of expulsion can do so "easily," by renouncing the second citizenship. If this severance is impossible, then we cannot hold dual citizens responsible for their failure to hold only a single citizenship status. Yet, if one truly believes that benefits—even those that are unasked for, and which one cannot refuse—require compensation, one must also believe that the benefits associated with an unrenounceable second citizenship require compensation from its holder. Even if it cannot be abandoned, a second citizenship will still provide at least some greater opportunities to travel and reside abroad, and these require compensation in some form. Finally, any state engaging in the process of developing a schema to articulate the precise compensation for holding a second citizenship will have to confront that some states also impose costs on their citizens, regardless of whether they are residents. These costs include, mainly, national service requirements and tax burdens, and surely would have to be balanced against the residence and travel benefits provided by the second citizenship.

Let's say, though, that all of these measurement and balancing challenges were successfully meetable and met. What, then, is reasonable compensation for the possession of dual citizenship and its attendant benefits? Is liability to denationalization a reasonable compensation? To answer this question, it is worth noticing two things. First, to the extent that dual nationality does confer genuine advantages, these are advantages that do not in most cases bear directly on the internal material and political relations of a state.[22] As citizens interact with each other in political and social environments, whether some possess an additional citizenship is generally irrelevant.

Second and more importantly, recall that the essential protection offered by citizenship status is residential security. Generally, we can see that even where we believe that benefits for some small proportion of citizens generate an inequality, and where we believe that compensation is thereby due to fellow members of the state, this compensation must be reasonable in the sense that it returns the internal state of affairs to equality as much as possible. However, since as I said above, the benefits (though real) are minimal from the perspective of internal, political relations, it is not legitimate to demand that dual nationals compensate in the form of accepting weakened protection for a basic right. Notice, furthermore, that one possible response—dual-nationals can escape denationalization simply by refraining from engaging in heinous crimes—is unacceptable; it would be similarly unacceptable to adopt a law imposing greater criminal penalties on residents of the east side of a city than those on the west side, with the justification that east-siders can avoid these penalties by refraining from crime. The mere fact of having one subgroup liable to denationalization undermines residential security.

A defender of revocation might insist, nevertheless, that the small chance that dual nationals have of being subject to denationalization is justifiable for this reason: even if we make their status very slightly less secure in one state, they retain citizenship status elsewhere. Dual citizens are not at risk of statelessness, which is the grievous harm that must be avoided at all costs. Thus, we might believe, the reduction in security offered to dual citizens in state X is more than compensated for by the additional security provided by their citizenship in state Y. Although this argument satisfies the requirements imposed by the international dimension of citizenship, it falls afoul of the domestic dimension of citizenship, namely, its grounding in the strong interests citizens have in residential security *here*.

To remind, residential security permits the confident expectation that one can continue to live *here*, and make decisions about how one's life should go. The

[22] That said, it is possible to conceive cases where it might. Consider for example a dual citizen of a repressive state and a democratic state, who chooses to reside in the repressive state and militate for change within it. This citizen has an "exit option" in case the repressive state chooses to target her for persecution, and others (i.e., single nationality citizens) do not. There is a genuine inequality between citizens who do and do not have such an exit option. I thank Christine Hobden for this example. It may also be possible, as some scholars propose, that the opportunity to participate (in particular to vote) in the political life of two states is a violation of democratic equality. For a discussion of the latter, see Goodin and Tanasoca (2014).

https://doi.org/10.1017/S0003055417000442 Published online by Cambridge University Press

ways in which we interact—with political institutions, with a cultural environment, with particular people including family members and friends—are themselves shaped by and dependent on being present, *here*, in a particular political and cultural environment. Autonomous lives are lived by individuals in particular cultures (Kymlicka 1995). Some political theorists deny the claim that any particular individual has a right to live their lives in a particular and preferred cultural environment. To the extent that individuals require *a* cultural environment in which to live autonomously, they are entitled access to a cultural environment that can offer the prerequisites for autonomous living. But individuals may not demand support to sustain a particular and preferred culture, nor may they demand the right to join a culture—citing a cultural preference—whose members do not wish to include them. The right to cultural or national self-determination, or the slightly weaker right to access one's own political or public culture, is thereby denied on the grounds that while we all have a right to self-determination, which is often expressed in political forums, and while we all have a right to live in the context of a flourishing culture, we do not necessarily possess the right to do so in our preferred political culture.

The same objection could well be raised here, that is, that whereas individuals have a right to citizenship they do not have a particular right to citizenship in the state of their preference. This argument is what those who would permit the expulsion of dual citizens are, in effect, suggesting; no one can be denationalized if they would thereby become stateless, but dual citizens are not faced with statelessness, simply with being required to reside in, and accept state protection of their rights from, their state of second citizenship, even while preferring to reside in their state of first citizenship. The objection might continue, their (domestic) right to citizenship is not violated, because although they are not necessarily entitled residential security in the state of their preference, they are nevertheless guaranteed residential security in a (human rights respecting) state.

Expressed in one way, this position is defensible. A citizen of Norway who simply desires to migrate to Canada and adopt Canadian citizenship, because she prefers Tim Horton's coffee and hockey (the central aspects of Canadian culture), is not (necessarily) entitled to do so simply because that is what she prefers. Typically, although there are certainly important exceptions among open border advocates (Carens 1987; Cole 2000), many scholars agree that states may, under some conditions, legitimately exclude individuals who are not yet on their territory, and who do not yet hold citizenship in that state. In the case at issue here, however, an individual already possesses the relevant citizenship (i.e., they are not *requesting* access to residence, they are already entitled to it), and those who advocate the possible denationalization of citizens deny that such an individual—even though she possesses citizenship in the state in question—is entitled to keep that citizenship, and correspondingly to have her residential security protected. That dual citizens have an in-principle access residential security elsewhere is inadequate—dual citizens are entitled to residential security in the state in which they reside, where they have family and friends, and to whom they owe redress in cases of violations (including grievous ones) of shared norms and laws.

What about the state in which they do not normally reside? Can that second citizenship be justifiably revoked in these cases? No. Here let me first remind readers of my earlier observation about the nature of dual citizenship and its growing acceptance. This acceptance depends on committing to the view that a dual citizen can plausibly be loyal to two states at the same time.

One might then press the point, further, with this scenario: imagine a dual citizen, who was born in state X, who has resided all her life in state X, whose second citizenship (in Y) is an inheritance from a parent. She has not visited state Y; is not familiar with its language or culture; and has no friends or family there. Now, imagine that this individual *either* commits an (allegedly) denationalization-worthy crime in X, or that she crosses very briefly into Y and commits an (allegedly) denationalization-worthy crime there, before returning to X. Surely, a critic might propose, in this case, there is nothing problematic about state Y revoking her citizenship; the relevant dual citizen, by any measure, is simply not connected to state Y, and so denationalization from this second citizenship would constitute neither a great harm nor a significant erosion of the personal relations that matter to them, in particular, it does not appear to undermine her security of residence in a problematic way. The critic might even concede that it would be *better* if state Y chose against denationalization (perhaps simply on the grounds that it is better if states stay out of the business of assessing the inner attitudes of citizens), but propose that it is nevertheless permissible for a state to denationalize in these admittedly limited and unlikely circumstances.

I understand why one might accept the permissibility of revoking citizenship in these limited kinds of cases, in which security of residence appears not to be threatened by revocation. It should be clear, however, that I aim to resist this conclusion. Rather, as I have argued, citizenship status should be treated as permanent, that is, irrevocable, even in the kinds of egregious cases that have motivated recent attempts to reinvigorate or adopt denationalization policies. This commitment does not translate, however, into believing that *all* the rights of citizenship are protected for nonresident dual citizens.[23] In other words, it is reasonable for states in which citizens are nonresident to treat some subset of rights as protected *only* for residents of that state. Protecting a subset of rights for resident citizens is a practice already in place in many states. Here is one familiar example: citizens who reside outside of a country for extended periods of time are normally not permitted to access the full complement of social services generally available to residents in the state in which they do not reside. Similarly, in many states,

[23] I would like to thank Daniel Weinstock for the ideas that inform this paragraph.

https://doi.org/10.1017/S0003055417000442 Published online by Cambridge University Press

only *resident* citizens are permitted to vote. Citizens who reside outside of the country for extended periods of time can be denied the right to vote, while they are residing abroad. In both cases—of voting and social service provision—citizens retain the right to return to *reside* in their country of citizenship, and then to requalify for the associated rights and privileges once they have remet the residence requirements. For these policies to be justified, the residency period must be short, but it is reasonable to impose one nevertheless.

The point of this discussion is simply to observe that my defense of citizenship as *permanently irrevocable* does not demand that states retain the obligation to protect the full set of rights and privileges of citizenship for nonresident citizens. It is reasonable to require nonresident citizens, who *return* from abroad to reside, to fulfill some obligations before their full set of citizenship rights are returned to them. By their nature, dual-nationals are nonresident citizens of at least one state. Citizenship for nonresident citizens protects their right to return to reside, in the confident expectation that once they have met certain residency requirements, they can expect the full complement of citizenship rights to be protected. This view follows from how I have understood the right to citizenship in the first place, as protecting the strong interests that individuals have in residential security, even (as in this case) for citizens who are not presently residing on the territory in question.

What does this general view mean for the difficult case, in which a dual citizen with significant ties to country X but not Y commits a grievous crime? It means that normal criminal procedures should be followed in whichever jurisdiction the crime was committed. If the states agree, a prison sentence can be served in X even if the crime was in Y, as occurs in some criminal cases. But there is no implication for the citizenship rights of the perpetrator. If the normal procedures of Y are to deny nonresident citizens rights such as voting, they may do so in this case, but the crime is not relevant to that decision. When the criminal justice procedure has run its course, the dual-citizen should retain her rights to residence in both states; no state has the right to rescind citizenship.

CONCLUSION

I opened this article by noting the trend toward adopting and revitalizing laws that permit states to revoke citizenship of individuals, in particular those who commit grievous crimes. My objective here has been to refute the set of arguments deployed in defense of a state's claimed power to revoke citizenship. In order to make sense of these defenses, I have presented them in clusters. One cluster of revocation defenses proposes that these laws protect democratic states; I countered these claims by arguing, rather, that there is insufficient evidence to believe that revocation plays a protective role in democratic states, and furthermore that revocation is inconsistent with the principles that define just punishment in democratic states. A second cluster of revocation defenses targets dual nationals, emphasizing that dual citizenship is a kind of privilege that can legitimately require compensation in the form of liability to denationalization; I countered these claims by noting that a commitment to the legitimacy of dual citizenship requires accepting that loyalty to multiple states is possible and permissible. Subjecting dual citizens to the risk of revocation amounts to denying the legitimacy of dual citizenship itself, by offering weaker protection to their residential security than is offered to citizens of only one state. Ultimately, I argued that a clear understanding of the right to citizenship—as protecting an individual from harm (internationally) and as protecting an individual's strong interests in residential security (domestically)—makes denationalization unjustifiable in democratic states.

Globally, the fear of terrorism is palpable, and there is no doubt that states are obligated to do what they can to protect their citizens from harm. There is therefore nothing surprising about states demanding more expansive powers to carry out this essential role. But revocation laws, as well as laws making citizenship more difficult to attain in democratic states, contribute to a growing sense that citizenship as a meaningful status is itself under threat. It is imperative that we resist both of these trends. Citizenship is an essential right and a foundational pillar of democracies; defending its status, in the face of fear, is imperative.

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