*Why the denationalization of dual nationals violates equal respect*

Introduction

The literature on the state’s right to exclude has generally focused on the state’s right to exclude *non-citizens* from entering its territory, settling within its territory, or become members of the state. I consider a very different possibility: that the state’s right to exclude may also include the right to exclude current *citizens* by revoking their citizenship, which I will term ‘denationalization’. While citizenship is a broad concept (for example, European Union membership is commonly described as a form of ‘citizenship’), I focus exclusively on the revocation of *national* forms of citizenship. Such revocation is typically accompanied by removal from the state’s territory, although in some cases individuals may be stripped of their citizenship after they travel outsideoftheir state of citizenship, therefore blocking their re-entry. Although the question of the right to exclude citizens has not enjoyed as much philosophical attention as the exclusion of non-citizens in recent years, there seems at least to be a *prima facie* case for the revocation of citizenship. For example, Christopher Heath Wellman has suggested that the freedom of association, which he regards as grounding for the right to exclude, includes ‘the right not to associate and even, in many cases, the right to disassociate’ (2008, p. 109). It is not automatically obvious, here, why the state should not be able to disassociate from people who are its citizens. Matthew Gibney has also observed that the expulsion of unwanted members seems to also be a right typically granted to other associations (2011, p. 12). It seems possible that this could be straightforwardly extended to the state, especially when states have claimed this right, both historically and presently.

Today, denationalization by the state, and not as a matter of personal choice (as some voluntarily renounce their previous citizenship) is largely enforced in the name of *national security*. Motivated by the fear of Islamist terrorism, several liberal democratic states have passed, strengthened, or considered legislation that would enable their governments to strip certain persons of their citizenship (Barry and Ferracioli 2015, p. 1). A recent publicized instance of denationalization involved an Afghan dual citizen whose UK passport was removed by the Home Secretary after his detention by British forces in Afghanistan in 2011, for the reason that he posed a national security risk. Yet certain aspects of the UK’s current denationalization practices have proven controversial. One problematic issue for UK law at present is the fact that dual nationals are especially vulnerable to having their citizenship revoked. Previously, many denationalization laws, including those that of the UK between 1914 and 2002, allowed governments to strip citizenship only from *naturalized* citizens, and not from those who are native born citizens. One objection was that this implied that naturalized citizens held a ‘second class status’ in comparison to the native born (Gibney 2011, p. 13). In response, through its amendment of the British Nationality Act in 2002, the UK government collapsed the distinction between naturalized and native-born citizens in its provisions for denationalization (ibid), defending their decision to enlarge the purview of denationalization by presenting it as an ‘anti-discrimination measure’ that would uphold the equality of all citizens (Gibney 2011, p. 17). However, combined with the amendment that the Secretary of State could not deprive individuals of their citizenship if it would make them stateless (ibid), this created a *new* distinction; citizens with a *dual* citizenship could be denationalized, while citizens with a non-dual citizenship could not.[[1]](#footnote-1) Other countries look set to go down a similar path. In February 2016, France’s lower house of parliament approved a bill to strip French-born dual citizens convicted of terrorism of their French citizenship. Similarly, in December 2015, the Australian government allowed those deemed to have joined a terrorist organization to have their Australian nationality revoked, provided they were dual citizens.

Instead of engaging in a more general ethical analysis of denationalization as a practice, this paper focuses only on the policies that render dual citizens denationalizable in pursuit of national security. In particular, I defend Gibney’s view that the denationalization of dual citizens is wrongful because it violates the principle of equal respect and generates a group of second-class citizens (2011, p. 12). I do this by developing an account of the constraints that equal respect places on the pursuit of national security, and demonstrating that this is violated by the denationalization of dual citizens. Notably, I do not attempt to rule out the possibility that denationalization, in select cases, may be morally permissible. I only aim to show that it is wrong to denationalize *only* dual citizens in the current social context. This does not mean that I endorse the view that denationalization would become permissible if the field was levelled and *both* dual and single nationals were eligible for denationalization. It may be wrong to do this for other reasons that I will not address.

I start by outlining two justifications for the importance of national security to states, therefore accounting for the widespread belief that it may justify particular modes of exclusion. Next, I argue that states must demonstrate *equal respect* for all citizens, and refrain from introducing policies that demean particular groups. National security measures ought not to be exceptions to this rule. Thirdly, I explain why the denationalization of dual citizens violates the constraint of equal respect in the present context, by making an amendment to Gibney’s claim. Specifically, even if there are ‘relevant differences’ between dual and single nationals, such policies expresses disrespect for British Muslims by reinforcing the Islamophobic stereotype that they are permanent outsiders hostile to British society, by dint of their ethno-religious identity.

National security

As a starting point, we first must understand *why* national security is valuable for states, to the extent that it might presumptively justify the exclusion of citizens in the form of denationalization. In this section, I will unpack two arguments for the importance of national security. While both accounts focus on normative significance of *individual* security, I will show that we can extrapolate from these to see the value of *national* security.

*Shue: the right to security as the precondition for other rights*

Henry Shue has described the right to security as a right ‘not to be subjected to murder, torture, mayhem, rape, or assault’ (1996, p. 20). Here, the focus on personal bodily integrity bears strong similarity to Emma Rothschild’s definition, which characterizes security as the ‘freedom from the prospect, and therefore the fear, of personal violation’ (1995, p. 62). These accounts, I think, capture a very intuitive understanding of what individual security is. Significantly, Shue has distinguished the right to security from other less fundamental rights, such as the freedom of expression or assembly, by describing it as *basic*; to him, it is a ‘line beneath which no one is to be allowed to sink’ (1996, p. 18), and one of ‘everyone’s reasonable demands upon the rest of humanity’ (Shue 1996, p. 19). But what, exactly, is so important about the individual right to security? Shue’s instructive response is that security provides a *precondition* for all other rights:

No one can fully enjoy any right that is supposedly protected by society if someone can credibly threaten him or her with murder, rape, beating, etc., when he or she tries to enjoy the alleged right. Such threats to physical security are among the most serious and – in much of the world – the most widespread hindrances to the enjoyment of any right. If any right is to be exercised except at great risk, physical security must be protected. In the absence of physical security people are unable to use any other rights that society may be said to be protecting without being liable to encounter many of the worst dangers they would encounter if security were not protecting the rights. (1996, p. 21)

In other words, being physically secure is an importantcondition for the exercise of any other rights, and if we are to guarantee anything *else* as a right, guaranteeing physical security must be part of it (Shue 1996, p. 21-2). To use one example by Shue: suppose that the state purports to recognize the right to peaceful assembly, but it is not unusual for these assemblies to be broken up, or for violence to be exerted on their participants (1996, p. 22). Shue argues that it would be a mistake to say that people have a right to peaceful assembly *even* if they could still try their best to assemble, and succeed on occasion, as they remain vulnerable as ever to the threat of physical violence (ibid). The point is we have a right to a *secure environment*, as a type of public good, in order to secure other rights (Waldron 2009, 214), and this right may warrant ‘activities and institutions’ aimed at providing social guarantees for individuals’ security, such as police forces, criminal courts, penitentiaries, guards, and taxes that uphold a large system for the ‘prevention, detection, and punishment of violations of personal security’ (Shue 37-8).

Shue’s claim that we cannot exercise our other rights without the guaranteed protection of our right to security may strike us as an overstatement. As Jeremy Waldron points out, ‘security is not an all-or-nothing matter, but a matter of more or less. I may be provided with a guarantee of protection but not a cast-iron guarantee’ (2009, p. 218). The fact that the provision of security as a public good is less than perfect, or falls short of what is reasonably required under certain circumstances does not seem to make the enjoyment of rights impossible (ibid). One way around this, I think, is that we should not read Shue as *literally* saying that our effective exercise of a particular right (e.g. the right to assemble peacefully) is automatically curtailed the instant we lack some degree of physical security against attack. Rather, his claim is that that we cannot be *committed* to the protection of such rights if we are not also simultaneously committed to the protection of individual security, because of the deep connection between the two, even if there is no way for us to *guarantee* perfect security. We may continue to exercise the right to peaceful protest even if we are insecure to some degree, but the state cannot meaningfully claim to recognize the right, if it will not also recognize the right to securely exercise it.

*John: Security and ‘reasonable planning’*

Moving away from the language of rights, a second important suggestion comes from Stephen John, who claims that physical security is a necessary condition foragents to function as ‘reasonable planners’, which he believes that all persons have a basic interest in. I will now sketch out his view.

Interestingly, distancing himself from the notion of physical security as freedom from attack or violation, John contends that an agent will enjoy physical security iff ‘there is warrant for her to believe that she will continue to achieve normal human physical functioning across the range of plausible futures, and this belief would be true’ (2011, p. 73). In turn, this warrant depends on the *reliability* of the mechanisms that we use to meet our needs for normal physical functioning (John 2011, p. 74). Reliability can be understood to hold when the destruction of security cannot be foreseen in the near future; when it is ensured that we will swiftly regain security even if it is temporarily compromised; and lastly, when threats to it are highly improbable (Herington 18-19). Our security is positively correlated with the reliability of the mechanisms that we rely on for needs fulfillment, as reliability means we are likely to continue to meet our needs, and the belief that we will continue to function in the future is warranted (John 2011, p. 75). Thus, physical security is read as the *reliable fulfillment* of our ‘vital’ physical needs – the broad range of goods that are necessary to our achievement of a normal level of physical functioning (John 2011, p. 74), and not only to freedom from physical violation. Nevertheless, his analysis can be nicely applied to cases of physical violation. Bodily integrity is quite evidently necessary for our normal human physical functioning; we cannot function properly if we are injured or maimed. And the more reliable the mechanisms that we use to guarantee our preservation of bodily integrity (e.g. the ‘activities and institutions’ that Shue suggests) are, the more physically secure we become.

From here, John argues that human agents have a basic interest in being able to function as ‘reasonable planning agents’ – that is, agents who are able to make reasonable plans about the future (2011, p. 76). One significant way that plans can fail to be reasonable is if they are based on beliefs that are unlikely to be true (ibid). For example, my plan to visit the zoo on Monday is not a reasonable one, on John’s view, if it is premised on the false belief that the zoo is open on Mondays. In order for us to be able to function as reasonable planners across the board, the presupposition that we will continue to achieve normal physical functioning must be likely to be true; like in the previous case, it would be unreasonable for me to make plans to visit the zoo on a Monday, *if* my belief that I would continue to enjoy normal physical functioning on Monday turns out to be false. However, this is only likely to be true if the mechanisms on which we rely for meeting our vital needs are reliable (John 2011, p. 77). To sum up, ‘if we assume that we have an interest in being able to function as a reasonable planner, then the extent to which this interest is met turns on whether or not the mechanisms on which we rely for future needs fulfillment are, in fact, reliable’ (John 2011, p. 78). Put differently, it seems that *security*, defined as the reliable fulfillment of our physical needs, is *essential* for our functioning as reasonable planners.

*National security as a collective right*

In the above sub-sections, I have sought to summarize two reasons why individual security might be so valuable to us: it is necessary for the fulfillment of our rights, as well as our ability to function as ‘reasonable planners’. How, then, can these insights be applied to the concept of *national* security?

At this point, we should draw a distinction between individual and *collective* accounts of national security. Insecurity on Shue’s account ‘just is an individual’s being directly subject to evils like rape or murder or the threat of them’, and the ‘absence of physical violence *directed specifically at the right-bearers, considered one by one*’ (Waldron 2009, p. 211). Likewise, insecurity on John’s account is the unreliabilityof the mechanisms that help *individuals* to achieve normal physical functioning. On these views, national security would be something like the prevention of threats that violate each person’s right to security on a national scale. However, as Waldron points out, those who say that we must give up some of our rights for the sake of security, in the wake of terrorist attacks, are not necessarily referring to security against the physical attack of each and every right-holder. Rather, they mean a more *collective* sense of security, as in the ‘general security of the nation against attacks of this kind’ (ibid). For example, while it is said that a loss in ‘homeland security’ is suffered when terrorist attacks occur, or when their danger is heightened, but the impact of those attacks may affect only a tiny proportion of citizens (Waldron 2009, p. 212). Looking at an event like September 11, or even the Paris attacks in 2015, through the lens of the individual account, might force us to reach the conclusion that the true extent of insecurity stemming from the attack is low (ibid). At the same time, ‘the probability of any of us actually suffering the evil that is threatened is somewhat smaller than the insecurity that we all accept when we drive on the freeway or engage in physical labour in a factory or construction site’ (ibid). As we continue to regard these events as *catastrophic*, even if they leave average citizens with an extremely low probability of suffering death and injury as a result, it seems that the notion of national security is *not* a simple function of individuals’ security being threatened (ibid).

In this vein, James Griffin states that ‘it is plausible that there should be a collective right to security’, and that ‘such a right can be seen as grounded in individual rights to security of person’ (2001, p. 9). Perhaps a parallel can be made to the (presumed) collective right to self-determination. The state’s right to self-determination may be premised on the same values (e.g. the intrinsic value of autonomy) as the individual right to self-determination, but it is not *reducible* to the individual right to self-determination; it is commonly understood as the citizens’ right to determine the future of their collective life together, and not the sum total of each citizens’ capacity to being able to determine their individual futures. Likewise, even if the collective right to security is premised on the same values as the individual right to security, which I will attend to shortly, it is the citizens’ right against physical attack *as a collective entity*, and not the sum total of each citizen’s right against physical attack. Collective security can be severely diminished by a terrorist attack, even if there is hardly any dent in the individual security of many citizens – much like how an American moon landing may increase the world’s admiration for the United States as a collective entity, but this does not translate into increased admiration for individual Americans (Margalit and Raz 1990, p. 450). I will assume, for the remainder of the paper, that national security refers to the state’s *collective* right to security against physical attack, rather than the individual one.

Does it make sense, then, to say that states have a *collective* right to security, in order to fulfill other rights, or to be able to make reasonable plans, in a way that is conceptually distinct from the individual right to security? This seems highly likely. For example, consider states’ right to self-determination. We might say that the right to national security is a necessary precondition for states to exercise this right. In the same way that the individual right to peaceful protest cannot be fully exercised if peaceful protests are constantly subject to violent attacks, states cannot fully exercise their right to make autonomous decisions about their future if certain decisions are constrained, or if their hands are forced, by the threat of war by neighbouring states, or the risk of terrorist attacks. It is part of the FBI’s definition of terrorism, for example, that an act must appear to be intended to ‘influence the policy of a government by intimidation or coercion’, or ‘to affect the conduct of a government by mass destruction, assassination, or kidnapping’ (*FBI*).

The idea of ‘reasonable planning’ is also highly pertinent to the state as a collective agent. It is plausible that the state also has a *basic interest* in ‘reasonable planning’, as it has to carry out the maintenance and improvement of its basic infrastructure, to ensure the continued well-being of its citizens, and it seems important that these plans be based on beliefs that are *true*, as basing plans on false beliefs might be severely harmful for its citizens. For example, the state would fail to function as a reasonable planner, thus endangering citizens’ lives, if policymakers were convinced that a severe drought was about to take place, and intricate plans were made to cope with it, and in fact serious *floods* were actually going to occur. Much like reasonable planning on the individual level, the state *obviously* cannot engage in large-scale reasonable planning *without* the warranted belief that national security will prevail, e.g. that there will be no major disruptions to the schedule like mass injury and death, the collapse of buildings, or the destruction of transport networks. Furthermore, while states structure their plans around what they believe might happen, it is also possible that threats to national security can make the act of planning *itself* impossible, or very difficult. Thomas Hobbes’s forceful statement about the state of nature seems relevant here. In these insecure conditions, where ‘every man is enemy to every man’ and is under the constant risk of attack,

…there is no place for industry; because the fruit thereof is uncertain: and consequently no culture of the earth; no navigation, nor use of the commodities that may be imported by sea; no commodious building; no instruments of moving, and removing; such things as require much force; no knowledge of the face of the earth; no account of time; no arts; no letters; no society; and which is worst of all, continual fear, and danger of violent death; and the life of man, solitary, poor, nasty, brutish, and short. (*Leviathan* I, p. 13)

The first few lines of this passage suggest that the state of nature brings about tremendous *uncertainty*. There is no room for industry precisely because the risk of continuous violence and war means the inability to know whether we will receive returns for our hard work, and our constant fear of violence distracts us away from engagement in projects like ‘commodious building’, or the pursuit of knowledge. Similarly, it becomes challenging for states to construct future plans if they are unsure when projects will be stalled or destroyed by violence, or when insecurity is so rife that they can only channel their resources towards security measures and damage control.

To conclude this section, national security might be vital for two reasons: firstly, states’ ability to exercise their self-determination, and secondly, their ability to engage in reasonable planning.

National security and equal respect

*The constraint of equal respect*

I turn to the question of what constraints, if any, there must be on the state’s pursuit of national security. It is widely assumed, from a liberal standpoint, that state action must be constrained by *equal respect* for each and every citizen. One paradigmatic example of this view is Michael Blake’s contention that at the core of liberalism is a commitment to the moral equality of all persons, and therefore ‘equal moral concern and respect for all who share common humanity’[[2]](#footnote-2) (2005, p. 225). But what, exactly, does the principle of equal respect prescribe for states?

Following Elizabeth Anderson and Richard Pildes, I take it to mean that states are required to act in ways that ‘express appropriate attitudes towards various substantive values’ (2000, p. 1504) – in this case, the attitude of respect. Much like how persons can express rich mental states through their speech or actions, such as the indifference of a shrug, or the disdain of a sneer, state policies can be fittingly read as expressing official state beliefs and attitudes (Anderson and Pildes 2000, p.1506). And much like the many forms of disrespect that persons can express towards others, state policies can express a vast array of disrespectful attitudes including contempt, animus, or even an objectifying or infantilizing stance towards particular groups of citizens.[[3]](#footnote-3) These, in turn, give rise to what Anderson and Pildes term *expressive harms*, which occur when a person is ‘treated according to principles that express negative or inappropriate attitudes towards her’ (2000, p. 1527). Expressive harms can be separated from the *material* harms or burdens of a disrespectful policy. Think, for example, of racially segregated toilets under Jim Crow laws. They may have significantly inconvenienced a black person with a full bladder, who was not within close distance of a ‘black-only’ toilet. But the expressive harm lies in the negative *message* that is communicated to black persons by the segregated toilets: that the state regards them as *inferior* to whites, whose spaces must be legally protected from pollution by their presence. On top of the inconveniences they posed, segregated toilets served to *demean* and *stigmatize* black persons.

What, then, determines the *content* of expressive meaning? Put differently – why do certain actions send the messages that we think they do? To start with, it is evident that expressive meaning is not solely determined by our *intentions.* Suppose that I offend you by sneering at your paintings. It would be odd to try to assuage your hurt by saying that I *intended* to express my admiration and approval through my sneer. Regardless of my intentions, my sneer *expresses* contempt towards your oeuvre, and it does so in virtue of the *public meaning* of sneering. (Likewise, a bright smile can be said to express happiness regardless of the actual feelings and intentions of the person behind it.) Given the standard definition of public meanings as those that are apparent to competent speakers of a particular ‘language’ – in this case, the language of facial expressions – it is tempting to assume that the public meaning of an act is reducible to *shared understandings* about what it expresses. Anderson and Pildes, however, are quick to note that ‘the public meaning of an action is not even determined by shared understandings of what the action means’ (2000, p. 1524). This is because actions, in their view, can be disrespectful even before they are *generally* recognized as such (2000, p. 1525), and thus before there was a widespread ‘shared understanding’ about their meaning. Rather, public meanings result from an interpretive framework or context that consists of the community’s history, practices, and shared meanings; how ‘actions fit with (or fail to fit with) other meaningful norms and practices in the community’ (ibid). Even if they are not *presently* recognized as insulting, they must be *recognizable* as such if interpretive self-scrutiny is exercised (ibid). To return to the example of race-segregated toilets: it is highly likely that, at that point in American history, there was no ‘shared understanding’ amongst the white majority about the insult they expressed to black people; after all, one of the arguments used by segregationists was that it was customary in some states for blacks and whites to be socially separated. Nevertheless, it could – and came to be – *recognized* as such because its *failure to fit* with other meaningful norms and practices, like the notion of ‘equal protection of the laws’ to all citizens.

Although it is beyond the scope of my paper to offer a full defense of the expressive approach to state action, I will make two assumptions for my present purposes: firstly, that states are entities that can express attitudes through the policies they introduce, and secondly, that the equal moral status of persons means that states must refrain from expressing *disrespectful* attitudes towards them.

I wish to suggest that the constraint of equal respect applies to national security. On this view, the state must ensure that national security measures do not express disrespectful attitudes towards particular groups. Specifically, it is not permitted to subject particular groups of citizens to demeaning measures to advance national security as a whole. This constraint, I believe, is already a widely acknowledged one. To illustrate this point, it is worth delving into a past national security measure regarded as a clear violation of respect: the internment of Japanese-Americans during World War II. Two months after the attack on Pearl Harbour, Franklin D. Roosevelt signed Executive Order 9066, which authorized the War Relocation Authority to force 110,000 people of Japanese descent into relocation camps (Des Jardins). While Japanese-Americans had been objects of suspicion for some time, and already subjected to measures like strict curfews and raids on their homes, this time they were rounded up by the military, uprooted from their communities, and forced into hasty tent cities (Guo, 2015). Although the official justification given for internment was that it was necessary to protect the safety of Japanese-Americans *themselves*, it was clear that Japanese-Americans were regarded as a disloyal threat to American *national security*.

The Japanese internment, I believe, was wrong for the same reasons that racially segregated toilets were, even if it was performed in service of national security. It violated the principle of equal respect by exposing Japanese-Americans to several dimensions of demeaning treatment. As Aya Gruber writes,

My mother recalled with ire observing her father taken away to pick potatoes, accompanied by armed soldiers. She related with sorrow the taunts of the white children from outside the barbed wire and fences, while like a Kafka-esque vision, she and other Japanese children saluted the American flag. She also told me about the prelude to and aftermath of the internment: the pain her family felt in leaving their home, only permitted to bring a few solitary belongings, and reporting to a relocation center with the trepidation of a family whose fate was unknown. She recounted the extreme desperation and despair her family felt when, upon release, they lived in abject poverty in a boarding house, having been stripped of their home, land, and possessions. (2006, p. 1)

In this passage, Gruber details various harms suffered by her mother’s family, including the disruption of their lives and the ‘abject poverty’ they experienced after internment, which are no doubt reasons for condemning it. More than these, however, internment was also deeply *demeaning* to Japanese-Americans, and reflected an abject failure on the part of the state to treat them as equal to white citizens. Think, for example, of the stigmatizing attitude that was expressed when they were rounded up and were placed behind barbed wire and fences. The message sent was that Japanese were dangerous, disloyal, and untrustworthy aliens who had to be fenced in like animals for the good of the nation. Also imagine the deep humiliation of being marched around by armed guards, as if one were a violent criminal. The treatment of Gruber’s grandfather communicated the state-sanctioned belief that all Japanese posed a potential violent threat, and thus had to be carefully surveilled and kept under control at all times. The principle of equal respect and its application to national security, I believe, does much work in explaining why this policy is regretted.

*Can the constraint of equal respect be overridden?*

But what if the internment of Japanese-Americans was only wrong only because it was *unwarranted*? It is possible to make this claim without denying that the principle of equal respect ought to hold in many other cases. All that needs to be said is that *some* threats to national security are so dangerous that they warrant the suspension of equal respect. We know today, it may be said, that the Japanese-Americans did not pose such a threat; but what about the rest?

Michael Walzer considers the possibility that ‘supreme emergencies’ may, out of necessity, require the adoption of extreme measures (2000, p. 253) that are otherwise barred by moral convention (2000, p. 51). Notably, Walzer does not provide a cut-and-dried definition for what constitutes a ‘supreme emergency’, other than to say that it must place us in imminent danger of an ‘unusual and horrifying kind’ (2000, 52). After acknowledging that the perception of supreme emergency is often a result of war-time propaganda and rhetoric that we ought to be skeptical of, he suggests that we need to ‘search for some touchstone against which arguments about extremity might be judged’, and one way to do this is to draw up a map of human crises, and indicate those that fall into the realm of ‘desperation and disaster’. (Walzer 2000, p. 253). As he puts it, it is ‘[t]hese and only these [that] constitute the realm of necessity’, truly understood (ibid). *The* quintessential example of a supreme emergency that Walzer presents is Nazism, which he vividly describes as ‘an ultimate threat to everything decent in our lives, an ideology and a practice of domination so murderous, so degrading even to those who might survive, that the consequences of its final victory were literally beyond calculation, immeasurably awful’ (ibid). It is in these circumstances, if there is no other way of avoiding the evil, that a ‘determinate crime’ like the killing of innocents can be justified (Walzer 2000, p. 259-260). This because there is simply no other option, Walzer believes, than to ‘accept the burdens of criminality’, as the alternative is for our history to be nullified, and our future condemned (2000, p. 260).

We may choose to accept a similar logic for the dangers of Islamist terrorism. The spectre of terrorism is so dreadful, it might be said, that it constitutes a ‘supreme emergency’ of the kind that Walzer was concerned with. In this climate, we are justified in *overriding* ordinary moral rules that would otherwise apply in order to avert the imminent danger posed to us. As Tom Sorell writes, in the case of a genuine emergency, ‘extraordinary uses of power seem to me to be in order: they reflect the departure from the ordinary of the situation they are applied to’ (2003, p. 33). If this is the case, why bother talking about equal respect at all? Isn’t the requirement to treat all subjects with equal respect *overridden* under conditions of supreme emergency, when there are far more serious harms at stake? To resist this argument, we may take two paths. One is to disagree firmly with Walzer, and insist that we cannot adopt extreme measures even if when we are faced with what he calls ‘immeasurable evil’ (2000, p. 259). Another is to accept his argument, but deny that the demand for equal respect is overridden in the case of terrorism.

I will go down the second route. It seems that supreme emergencies, for both Walzer and Sorell, are defined as events that place us in *imminent danger*, and it is this sense of imminence that seems to drive the overriding of moral rules. In Sorell’s words, ‘much of everyday bourgeois morality could seem pointless if the emergency were imminent enough, enveloping enough, and final enough’ (2003, p. 26). On this view, terrorism places us in a situation where we must *act now* or forever live with the consequences. But even if terrorist attacks *do* give rise to such emergencies (the ISIS attack on the Bataclan theatre, which involved hostage-taking and mass shooting, certainly seems like one), the threat of terrorism does not place us in a *constant* state of emergency. More accurately, we are positioned *outside* the realm of imminent danger, and trying to figure out how best to avoid future instances of it. This seems like a separate matter altogether, and to bring out the difference, I will use a smaller-scale example:

An elderly man and his adult son are out for a walk after a visit to a pub. The elderly man has a heart condition and starts to experience chest pains. There is no quick means of summoning an ambulance, which may in any case take too long to get there. The son breaks into the nearest car, jump starts the engine, and drives his father to the nearest Accident and Emergency department, breaking the speed limit dangerously, and nearly running over a child along the way. How are we to judge the agent in such a case? Probably not unsympathetically. Admittedly, he has damaged and stolen other people's property and nearly killed someone, but only because he thought he had to act quickly to save his father's life. What is more, he has succeeded in getting his father to people who are in a position to save his life if the chest pains are a heart attack. What is even more, he has shown presence of mind and ingenuity in a situation where other people might have panicked or succumbed to indecision. Far from having done anything wrong, it might be said, he has only done what is necessary in an emergency. (Sorell 2003, p. 22-23)

I agree with Sorell that the emergency presented by the old man’s death means that his son is justified in his actions. However, we would judge his son very differently, I believe, if his son *pre-emptively* stole cars and sped them around on a regular basis, for the reason that he needed to always be prepared for his father’s potentially suffering a heart attack. It seems that the son’s exceptional conduct is only justified *within* the confines of the *ongoing* emergency, and not simply to *avoid* future instances of imminent danger where his father suffers a heart attack without a car in hand; his avoidance of emergencies remain constrained by ordinary moral rules. Likewise, the aim to *avoid* or *deter* future terrorist-related emergencies does not seem sufficient to justify overriding the moral rules that would otherwise apply.

Secondly, even if you disagree that the constant threat of a terrorist attack does not constitute an ongoing, interminable emergency, Walzer clearly states that exceptional measures are only warranted if they are the *only* remaining option: ‘Obviously, if there is some other way of avoiding the evil or even a reasonable chance of another way, I must wager differently or elsewhere’ (2000, p. 260). He is not saying that a supreme emergency *in itself* can justify exceptional measures. Rather, the burden is on us to prove that we are doing something *necessary*. So the suspension of ordinary morality, at least for Walzer, is not something that is warranted *the instant* we come face-to-face with an emergency. Instead, it happens when we have reached a stage where it is clear that no other feasible alternatives will succeed in averting the crisis. Thus, according to this standard, it would be inadequate to say that terrorism, by its nature, overrides the principle of equal respect. In order to make this claim, an extra step must be performed to show that we *have no choice but to do so* under present circumstances. Whether or not this is true is beyond the scope of my paper, but I suspect that it is unlikely, and past historical events seem to dissuade us from believing so. The mass removal of Japanese-Americans was publicly ‘deemed the only effective way to clear up a situation that was becoming more critical and chaotic with every passing week of the war’ (Guo, 2015). However, it has since been revealed that the government knew that they posed little security threat, and were incarcerated mainly to quell public fears about the ‘sly and treacherous’ nature of Japanese people (ibid). This cautionary tale illustrates the dangers of violating the requirements of equal respect on the grounds that it appeared to be warranted by a national security emergency.

To sum up, despite the appeal of ‘emergencies’ and the overriding of moral rules that they may seem to justify in some cases, the pursuit of anti-terrorist security measures must remain reined in by the demands of equal respect. This does not necessarily rule out denationalization as an option where *all* are equally subject to it, but only in instances where *some* are singled out.

Denationalization and equal respect

I have sought to show that we have legitimate grounds for valuing national security, but that our pursuit of national security must continue to be reined in by equal respect for all. Keeping this constraint in mind, I will evaluate the UK’s denationalization policy towards dual citizens.

Recall that, under UK law, both naturalized and native-born citizens can be denationalized, but typically only if they have dual citizenship. As I have also mentioned, naturalized citizens who are single nationals can be denationalized if there are reasonable grounds to believe that they could acquire another nationality, but I leave aside this issue for now. Gibney believes that the distinction made between dual nationals and single nationals is illegitimate. As he writes, ‘If dual national citizens can commit the same crime but not be subject to the same penalty as single national citizens, then, it seems, they can rightly claim that they are being treated as second-class citizens’ (Gibney 2011, p. 18). Here, I interpret ‘treatment as second-class citizens’ to mean that the state has treated some citizens as *inferior* to others, and therefore *failed* in its duty to treat all citizens with equal respect.

Gibney considers the objection that some laws in liberal democratic states may permissibly shield particular social groups from certain penalties, because those penalties are believed to impose much higher penalties or hardship on those groups, in comparison to others (Gibney 2011, p. 19). One example is the imposition of larger fines for richer people, in order to make an impression upon them, and judges’ taking a person’s age and health into account while determining the length of their prison sentences (ibid). So it might be argued that the state does not treat dual nationals *disrespectfully*, as the different policy that is extended to them simply reflects the fact that it imposes significantly *less* hardship on them than it would on someone without another country of citizenship.

Gibney rejects this argument for two reasons. The first is that holding a second nationality does not obviously capture a *relevant difference* in the hardship of denationalization for individuals (2011, p. 19, my emphasis). In his words, ‘A person made stateless by denationalization but allowed to remain in the UK might find themselves in a far more favourable position in terms of the rights and protections available to them than a dual national who was suddenly forced to rely only on their citizenship of Haiti and Iraq or some other country with few resources and little infrastructure for the protection of human rights’ (ibid). The suggestion, here, is that people can suffer equivalent levels of hardship regardless of whether they become stateless. His second argument seems to be a restatement of the initial equality-based objection. Gibney simply repeats that ‘the status of citizenship, as the grounding principle of state membership, simply ought to be a status which admits of no gradations or rankings. Citizenship worth its name entails equal standing amongst the members of political community’ (ibid). The problem with denationalizing dual nationals and not single nationals is that, in making their citizenship less secure than that of their compatriots, it ‘marks them as lower in standing to their fellow *citizens*’ and illiberally treats dual nationals as inferior citizens (Gibney 2011, p. 20).

Christian Barry and Luara Ferracioli disagree. They acknowledge that there are ‘no morally relevant differences between naturalized and non-naturalized citizens’, as withdrawing citizenship from one group would leave naturalized citizens vulnerable in exactly the same way as withdrawing citizenship from the other group (14). But this logic does not apply when it comes to people who would be rendered stateless by denationalization and those who would not, as the fact that one group would continue to enjoy the benefits of citizenship elsewhere is a ‘very relevant difference’ between them and those who would become stateless (Barry and Ferracioli 2015, p. 14-5); it means that ‘the burdens of the first class of persons would be likely to bear as a result of denationalization would be very different from those likely to be borne by the second class of persons’ (Barry and Ferracioli 2015, p. 15). Furthermore, against Gibney’s point about the impermissibility of hierarchies of citizenship, they note that there are *already* differences in the rights possessed by different classes of citizens (ibid). For example, the foreign-born children of some UK and US citizens are automatically entitled to citizenship in their parents’ country *if* the parent has resided in their country of citizenship for significant periods (ibid). They argue that this inequality does not seem unreasonable, as the ‘amount of time spent in the country appears a reasonably good proxy for determining whether the parents have located life plans there’ (ibid).

Here, there seem to be two disagreements. One is over whether the possession of dual nationality, or the lack thereof, is a suitable proxy for determining whether or not a person will have to endure significant hardship. The second, however, is more fundamental to the question at hand: is it true that citizenship ought to be a status that allows ‘no gradations or rankings’, as doing so would automatically express a statement of inferiority about the classes of citizens with fewer rights? Or is it actually the case that citizenship *can* admit these differences between different groups, so long as there is a ‘relevant reason’ given? While I offer support for Barry and Ferracioli’s answer to the first question, I will concentrate on how the second disagreement between Gibney, and Barry and Ferracioli can be resolved. Chiefly, I argue that distinctions in rights between citizens are not uniformly stigmatizing in the way that Gibney suggests, but whether or not they are stigmatizing does not rely on the provision of *relevant* reasons, contrary to what Barry and Ferracioli mistakenly assume. I conclude that, in the case of denationalization, the distinction between dual and single nationals *is* stigmatizing, but to understand why, we must refer to the present social context: the widespread suspicion and antipathy towards *Muslim* citizens with dual nationality.

*Is dual nationality a relevant difference?*

Following Barry and Ferracioli, I now argue that the difference between dual and single nationals *is* relevant to whether or not a person can be permissibly denationalized. The fact that some stateless persons may be better-off than dual nationals who are stripped of one citizenship *does not* count against using dual nationality as a proxy for significantly less hardship. There are two reasons for this. One is that the existence of *exceptions to the overall pattern* do not usually count against the use of a particular marker as a proxy for something, as this would seem to be overly demanding. Consider, for example, the parallel that Gibney mentions: the fact that age is usually taken into consideration during sentencing. Greater leniency for older offenders is sometimes premised on the belief that a prison or jail sentence is perceived as presenting a greater physical and psychological toll on older inmates, who may be more vulnerable to aggression from younger inmates and less likely to adapt well to confinement (Steffensmeier and Motivans, 2000). Nevertheless, it remains possible that imprisonment could be objectively and subjectively *worse* for some younger offenders than it would be for some older offenders. An older offender who dealt well with conditions of confinement could be significantly better-off than a young offender who was highly claustrophobic. But the existence of such possibilities does not seem to render it impermissible for judges to take age into account. It seems sufficient for age to *generally* function as a reliable proxy for how much hardship a person may suffer, such that *most* older offenders are significantly more burdened by prison sentences than younger offenders.

Thus, the next question is whether statelessness *does* function as a reliable proxy for significant hardship. Acknowledging this does not commit us to disregarding the serious problems faced by many citizens of states who are unable to protect their human rights, and how the citizens of wealthy countries by-and-large have their rights more effectively protected than those of poorer countries. As the Institute on Statelessness and Inclusion observes, stateless persons ‘face challenges in all areas of life’, including ‘entering or completing schooling, accessing healthcare services for preventative medicine or to treat an injury or illness; finding gainful employment or signing a labour contract; buying or inheriting a house; registering a car or a business; obtaining a birth certificate, driving license, marriage certificate or even death certificate; opening a bank account or getting a loan; falling back on social security; and enjoying a pension’ (2014, p. 29). This is largely due to the fact that many societies are organized around the assumption that all persons are citizens of *some* state, such that citizenship is the prerequisite for participation. This leads Kristy Belton to observe that ‘almost every right enumerated in the Universal Declaration of Human Rights – from the right to a nationality (Article 15) to various civil, political, social and economic rights – is violated when one is stateless’ (2011, p. 60). As matters stand, much like how age is a proxy for increased hardship during incarceration, we do have good reason to believe that statelessness *does* function as a reliable proxy for significant hardship, *even* if there may be cases where a stateless person is better-off than a non-stateless person.

*Equal respect and ‘relevant differences’*

I now turn to my argument. Specifically, I contend that a state policy can be stigmatizing, and thus contrary to equal respect, *even* if it utilizes a relevant difference between two groups. Consequently, Gibney’s claim that the exclusive denationalization of dual nationals treats them as inferior does not, at all, rest on the separate claim that the state makes an irrelevant distinction between dual and single nationals. This is because the question of whether a policy makes use of a relevant difference between two groups can be pried apart from whether it is disrespectful. The use of an *irrelevant* difference is neither a necessary nor sufficient condition for disrespect.

To understand why, let us briefly return to the examples of disrespectful treatment discussed in Section 3: race-segregated toilets and the Japanese internment. They should not be regarded as disrespectful, I think, because they make use of *irrelevant differences* between groups. In the first case, it could certainly be asserted that race-segregated toilets *are* problematic precisely because they are justified by an irrelevant difference; there is no rationale for believing that persons of different races ought to use separate toilets (compared to gender-segregated toilets, where legitimate concerns about women’s safety and privacy may obtain). But why, then, aren’t race-segregated toilets disrespectful to *both* black and white people? After all, *both* groups are made to visit race-specific toilets on the basis of an irrelevant difference. The ‘irrelevant difference’ explanation does not seem sufficient to account for the fact that race-segregated toilets are *only* disrespectful to blacks in the manner that I have described.

In the second case, the idea of an ‘irrelevant difference’ does not go much further in explaining why the Japanese internment was disrespectful to Japanese-Americans. Was it *really* true that internment did not make use of a *relevant* difference? An apologist for the internment might attempt to argue that ethno-cultural origin *was* indeeda relevant difference. Consider these unsavoury comments made to Congress by Lieutenant General John L. Dewitt:

I don't want any of them [persons of Japanese ancestry] here. They are a dangerous element. There is no way to determine their loyalty... It makes no difference whether he is an American citizen, he is still a Japanese. American citizenship does not necessarily determine loyalty... But we must worry about the Japanese all the time until he is wiped off the map. (Thomas and Nishimoto 2010, p. 20)

Here, Dewitt’s claim is that Congress *did* have reason to think that Japanese-Americans were a ‘dangerous element’, as ethno-cultural ties, rather than citizenship, are primary determinants of loyalty. Thus, their Japanese ancestry *was* ‘relevant’ in the decision to place them in internment. To be sure, I am not saying that we should accept Dewitt’s logic. We may deny the legitimacy of the rationale he used. Perhaps it *is* true that citizenship functions as a reliable proxy of loyalty, rather than ethno-cultural origin. This, indeed, was the sentiment held by many Japanese-Americans who attempted to demonstrate their patriotism.

My point, rather, is that what settles the disrespectfulness of internment is *independent* of the question of whether citizenship functioned as a reliable proxy of loyalty in comparison to ethno-cultural origin, and by extension the question of whether Japanese-Americans were interned on the basis of a *relevant* difference. As Patrick Shin remarks, the claim that an agent expresses disrespect by acting on *irrelevant reasons* oftenseems ‘explanatorily misguided or incomplete’, as ‘it seems to focus on the wrong aspect of the treatment in question’ (2009, p. 7). To further draw out this concern, suppose that a state decided to follow in the footsteps of Nazi Germany and promptly denationalized all the members of one ethnic group. Perhaps there is no doubt that the state takes an irrelevant difference into consideration, as there is no relevant difference between the members of that ethnic group and its other citizens that would justify such a decision. But it would seem very odd to focus our criticism of the state’s behaviour on the fact that the differential treatment of the ethnic group was motivated by an *irrelevant difference*. It is, after all, not clear what is *so bad* about differential treatment on the basis of an irrelevant consideration. We may fault an agent who does so with thoughtless, irresponsible, or idiosyncratic behavior – which may surely be vices unto themselves. But these charges are very different from those that say an agent acts with *disrespect*, which is to fault it with the expression of demeaning, contemptuous, or stigmatizing behaviour. And, as I have tried to show above, in his claim that vulnerability to denationalization would make ‘second-class citizens’ out of dual citizens, it is precisely these charges that Gibney is levelling against states that practice such policies.

To re-iterate my argument: we can say that the distinction made between dual nationals and single nationals is disrespectful *even* if it picks out a relevant difference between the two. The source of disrespect I am identifying is the *expressive meaning* of the policy; the message it sends about the affected group. Below, I attend to why the UK’s denationalization policy sends out such a message.

*c. Why is it disrespectful to denationalize dual nationals and not single nationals?*

If relevant differences between dual nationals and single nationals do not disqualify the denationalization of dual nationals from violating the requirements of equal respect, does this straightforwardly back up Gibney’s contention that that ‘the status of citizenship, as the grounding principle of state membership, simply ought to be a status which admits of no gradations or rankings’, and that ‘[c]itizenship worth its name entails equal standing amongst the members of political community’ (2011, p. 19)? Yes and no. It does insofar as he does not need to prove that there are no relevant differences between dual and single nationals. Yet, at the same time, it is not obvious that the two assertions are equivalent; it remains entirely possible that citizenship *can* admit a degree of gradation without disrespecting some of its members.

I will now reconsider the example cited by Barry and Ferracioli. Does it offend against equal respect for some foreign-born children to not be automatically entitled to citizenship in their parents’ country, if the parent has not resided in their country of citizenship for a sufficient period of time? I think it is worth looking at the exact policies in question. Under the United States’ law, a child born abroad to two U.S. citizen parents who are legally married automatically acquires U.S. citizenship at birth *if* one of the parents had a residence in the U.S. or one of its outlying possessions, before the child’s birth (*Bureau of Consular Affairs*). On the other hand, a child born abroad to one citizen and one alien parent who are legally married only automatically acquires citizenship if the U.S. citizen parent was physically present in the U.S or its outlying possessions for at least five years, and two after the age of fourteen (ibid). The answer seems to be no. In line with Barry and Ferracioli’s reasoning, it does not seem wrong for the automatic citizenship of children to rest on whether at least one of the parents has resided in the U.S. or its territories for a minimum period of time. Note, however, that my conclusion does not fully rest on whether the residence period is an accurate proxy for whether the parents have located their life-plans elsewhere. Rather, it expresses no disrespectful judgment about the inferiority of these couples, or the children born to them. Gibney’s statement about distinctions in the rights possessed by different groups of citizens being inherently disrespectful seems overly forceful.

I want to argue, in contrast, that the denationalization of citizens who are dual nationals is very different. To see why, we need to delve briefly into the history of stigma against them, and its current grounds. Dual citizens *in general* have historically been viewed with immense disapproval. This was largely because citizenship and political loyalty to a single state was considered inseparable, leading politicians of previous centuries to view dual nationality as an ‘abhorrence of a natural order, the equivalent of bigamy’ (Faist and Gerdes 2008, p. 3). During war in the 19th and early 20th centuries, policymakers feared that dual citizens who maintained exclusive loyalty to the country of original citizenship would exert ‘foreign’ interference by the enemy (ibid). As Randall Hansen observes, ‘Once tantamount to treason, American administrations and the U.S. Congress viewed dual nationality with intense distaste during the Cold War’ (2002, p. 179). More recently, in spite of a more open policy following the 1960s, Mexico’s 1998 decision to allow its citizens to hold dual U.S. citizenship re-inflamed Cold War anxieties of ‘foreign influence and shadowy fifth columns infiltrating domestic U.S. politics’ (ibid). In yet another example, the generally liberal German constitutional court claimed in a 1974 ruling that dual nationality was an ‘evil that should be avoided or eliminated in the interests of states as well as in the interests of the affected citizen’ , because states ‘want to be secure in the duty of loyalty of their citizens – which extends if necessary as far as risking one’s life – and do not want to see it endangered by possible conflicts with a loyalty to a foreign state’ (Aleinikoff and Klusmeyer 2001, p. 163).

In recent times, however, the fear of ‘disloyalty’ in dual citizens, on the whole, seems to have dissipated somewhat. Thomas Faist and Jürgen Gerdes note that an ‘astonishing change’ has taken place over the past few years, where an increasing number of policymakers no longer regard dual citizenship as a problem *per se,* such that more than half of the states in the world are now tolerant of some form or element of dual citizenship (2008, p. 3). However, while the ‘dual national’ writ large is not a threatening figure, a *particular* group of dual nationals have come under intense scrutiny. In this day and age, while the concept of ‘loyalty’ has become antiquated with regard to many dual nationals, there remain deep concerns about the loyalty of *Muslim* populations.

Audrey Macklin states that the amendment to the British Nationality Act specifically targeted so-called ‘home-grown terrorists’ who are birthright citizens of the United Kingdom; ‘[t]he message is sends is clearly directed at second-generation children of immigrants (especially Muslims) who likely possess UK citizenship as well as the citizenship of their immigrant parents’ (Macklin 2008, p. 60). It is no coincidence that the *Nationality, Immigration* and *Asylum Act*, which for the first time gave the British state the power to denationalize native born citizens with a second nationality, was passed in the wake of September 11, and the *Immigration, Nationality and Asylum Act* in 2007, which significantly reduced the standards required by the Home Secretary to order the denationalization of individuals, was passed soon after the 2007 underground bombings in London (Gibney 2011, 5). Even if, *in theory*, *any* dual citizen can be denationalized, it seems obvious that *Muslim* dual citizens are the policy’s main targets. Similar concerns have been voiced about the proposed French policy to denationalize dual nationals. As one article states, ‘Many French citizens with dual citizenship from North African countries sense that they – not Franco-Germans or Franco-Americans, say – are the only dual citizens that lawmakers really have in mind (*The Economist*, 2016).

What message, then, is sent to Muslim dual citizens? As Macklin trenchantly observes, ‘The law signals that for these dual nationals, UK citizenship remains tentative and subordinate to their ‘real’ nationality, which aligns with the ethno-religious identity transmitted to their parents’ (2008, p. 60). Here, we see strong similarity to the motivations that guided the internment of Japanese-Americans. However, it is not only that Muslim citizens are feared to be *disloyal* and more committed to their ethno-religious identity, but that their Muslim identity is marked as inherently threatening and malignant. Stasiulis and Ross point out how their vulnerability is buffered by ‘ideological justification and visceral force’ by the demonization of certain populations – chiefly, male Muslims and Arabs – by characterizing terrorism as an ideological struggle rooted in a clash between an ‘evil’ Islamic civilization and a benign Western one (2006, p. 337). This plays into the commonplace portrayal of Muslims on Western territories as a threat to the country. A YouGov poll in 2015, for example, found that 56% of Britons believed that the practice of Islam was a ‘major’ or of ‘some’ threat to Western liberal democracy (Rogers, 2015). As a result, it seems that Muslim citizens are placed far below in the ‘pecking order’ amongst citizens of dual origin, who are considered to be of varying worth and ‘moral suitability’ by the receiving state, which continues to exact serious consequences for their ability to access basic citizenship rights and entitlements (Stasiulis and Ross 2006, p. 337-8). Such consequences already include states’ suspension of diplomatic protection and consular assistance with regard to male Muslim dual nationals who were subjected to illegal detention and alleged torture in foreign states (Stasiulis and Ross 2006, p. 330), when access to these services is believed to be a basic entitlement.[[4]](#footnote-4)

Given these facts, it is difficult not to see the denationalization of dual citizens as yet another instance where the citizenship rights of Muslim dual nationals are abrogated. Even if these denationalization policies do not *explicitly* single out Muslim dual nationals, and the denationalization of dual nationals could *in theory* apply to *any* dual citizen, I have tried to suggest that it is the belief that Muslim dual citizens are *denationalizable* simply because they are considered a *danger* to other citizens and perceived to be of less value than them, that has driven states to introduce the policy in the first place.[[5]](#footnote-5) Moreover, it is disproportionately Muslim dual nationals who face the consequences of denationalization policies, even if they are *prima facie* ‘neutral’. To fully understand why the denationalization is objectionable, we need to turn our gaze to the broader political context, where it seems the entitlement of Muslim citizens to equal citizenship with other (non-Muslim) citizens is ‘provisional, precarious, and continually under surveillance’ (Macklin 2008, p. 60).

To wrap up this section, although Gibney is correct that the denationalization of dual nationals *does* express the inferiority of dual nationals, he leaves out a deeper analysis of the socio-political conditions behind this. It is *not* that distinctions amongst citizens are inherently demeaning, but that the distinction between dual and single nationals *in this instance* are demeaning because of the *public message it sends* about Muslim dual nationals. Mirroring the attitudes expressed towards Japanese-Americans by their internment, it reinforces widespread Islamophobic beliefs about the inherent illiberalism of Muslim citizens, and their hostility to ‘Western culture’, by casting them as enemy aliens, or permanent outsiders who are never ‘truly British’. It also suggests that they must be specially disciplined by placing their citizenship on shaky ground, through the availability of exceptional measures to expel them back to where they *really* belong – an option that remains off the table for equally dangerous criminals who do not fall into the category of ‘Islamic terrorists’.

Conclusion

I have sought to show that national security policies must be constrained by the principle of equal respect, as the ‘war on terror’ does not seem to fall into Walzer’s definition of a ‘supreme emergency’, and it is not obvious that it warrants abandoning the liberal commitment to equal respect. Despite the important value of national security, liberal states remain prohibited from utilizing security measures that would be demeaning or stigmatizing to particular groups. The denationalization of *only* dual citizens, and not single citizens, fails to meet this standard. While it is not true that ‘tiers’ of citizenship, where different classes of citizens have different rights, are *always* stigmatizing, the denationalization of dual citizens *is* because it expresses disrespectful beliefs about Muslim citizens. We should not act as if the change to British immigration law is directed at *all* dual citizens, when it is clearly motivated by growing concerns about Muslim dual citizens who are terror suspects.

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1. Interestingly, a further change to this law has been made. Section 66 of the *Immigration Act 2014* has given the British state the power to denationalize some naturalized *single nationals* who have ‘engaged in conduct ‘seriously prejudicial’ to the UK’s vital interests’, and the ‘Home Secretary has reasonable grounds to believe that they could acquire another nationality’ (Gower , p. 1). For example, consider the case of Minh Pham, a naturalized British citizen who originally held Vietnamese citizenship. Upon suspicion that he was a supporter of the terrorist group Al-Qaeda, and had visited the group’s base in Yemen, the Home Secretary issued an order that his citizenship be withdrawn in December 2011. Shortly after, she ordered that he be deported directly to Vietnam, where he was subsequently detained in (ibid). Importantly, he was stripped of his citizenship even when it was claimed to be unlikely that his previous state of citizenship, Vietnam, would accept him back, and he was detained there as a stateless person (ibid). However, it remains considerably *easier* to denationalize dual nationals insofar as there is no need to prove that there are ‘reasonable grounds’ for believing they can acquire another nationality, and therefore I therefore maintain that the focus on dual nationals in this paper is warranted. [↑](#footnote-ref-1)
2. ‘Equal concern’ and ‘equal respect’ should, of course, be treated as analytically distinct concepts. However, here I restrict my discussion only to the demands of equal respect. [↑](#footnote-ref-2)
3. I am indebted to Andrea Sangiovanni’s discussion of inferiorizing treatment in Chapter Three of *Humanity Without Dignity*, forthcoming. [↑](#footnote-ref-3)
4. One prolific example was the case of Maher Arar, Abdullah Almalki, Ahmed El Maati, and Muayyed Nurredin, all dual citizens of Canada and a Middle-Eastern country, who were detained abroad in countries with documented human rights abuses and tortured without diplomatic assistance from Canada. It is worth noting that Canadian intelligence has been suspected to be complicit in their detainment (Stasiulis and Ross 2006, p. 341). [↑](#footnote-ref-4)
5. Another relevant case, unrelated to terrorism, is how the Home Office has considered stripping the citizenship of the ringleaders of the widely-publicized Rotherham sex abuse case, who are all British-Pakistanis perceived to be Muslims. While the actions of these criminals are deplorable, it should be pointed out that the revocation of citizenship has not been considered for other sex offenders. Tellingly, a headline in the Bristol Post reads ‘Foreign sex abusers to be stripped of their UK citizenship and deported’ even when the men in question are British dual nationals and not foreigners. [↑](#footnote-ref-5)