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Citizenship Revocation as a Human Rights Violation: The Case of Shamima Begum

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MERCEDES MASTERS AND SALVADOR SANTINO F. REGILME JR., NOV 28 2020

Is it morally legitimate for a state to revoke the citizenship under certain conditions? Should a state revoke the citizenship of its nationals who joined a publicly known non-state terrorist organisation abroad? Although the 1948 Universal Declaration of Human Rights affirms that "all human beings are born free and equal in dignity and rights" (United Nations 1948), there is a wide variation on how states respect the inherent dignity of all individuals within its territory. In the contemporary international system, states remain the primary legal guarantor of human rights (Regilme 2019a; Regilme 2020). State-based citizenship constitutes the quintessential entry pass for a human individual to enjoy a wide variety of rights and privileges that are only possible through formal membership in a legitimate, territorially-bound political community. For that reason, citizenship revocation and statelessness have lethal effects upon human individuals. The absence of formal membership in a political community concretely means cutting off access to various tools for survival — sense of belongingness as well as material means of livelihood, amongst many others. Yet, there are millions of people who remain stateless, one third of which are children (UNHCR 2020), while many states practice citizenship revocation, especially of people deemed with inferior, minoritized, and dehumanised identities.

One of the most recent and widely known cases of citizenship revocation pertains to the British government's dehumanising treatment of Shamima Begum, who left Britain to join the self-proclaimed Islamic State (IS) in February 2015 and was discovered in the al-Hawl camp in Northern Syria. In 2019, Begum left IS territory and pleaded for repatriation to Britain to provide her unborn child with a better chance of survival. When Shamima Begum asked to return in February 2019, Britain's Home Secretary, Sajid Javid, revoked her citizenship, thereby making Begum the first-ever widely documented British woman stripped of her citizenship. Begum's case triggered wide-ranging policy debates and questions concerning the contentious politics of citizenship, human rights, and state power. These debates in British and global politics expose the gendered, racialised, and class-based logics underlying the security and citizenship discourses in the post-9/11 British context, explored briefly in this opinion piece as well as in the earlier peer-reviewed article that we recently published in the *Journal of Human Rights Practice* (Oxford University Press).

After 9/11, Western states employed the 'Us vs Them' discourse to legitimise anti-human rights practices (Regilme 2018a, 2018b). In Britain, multiple Prime Ministers and their respective Home Secretaries frequently indicated the 'worth' of swapping human rights for security measures (Grierson 2019; Walawalkar 2019; Turnbull 2019), generating notions of *national security* protecting *collective* citizenship rights, namely through citizenship revocation (Macklin 2014:17; Dearden 2019; Batty&Noor 2019). Citizenship is largely considered the primary human right – the right to have rights via an unwritten social contract between the state and the individual (Arendt 1951). Conversely, the absence of citizenship reduces a person to bare life, or *homo sacer* (Agamben 1998). In the legalistic notion of citizenship, citizens with *jus sanguinis* are more likely to have their citizen stripped over those with *jus soli* (Macklin 2015; McGhee 2010; Kapoor 2018). Citizenship revocation is thus deeply politicised, and it establishes a hierarchical human rights system for two 'forms of life' (Benhabib 2004; Agamben 2000; Schuilenburg 2008:2), transforming the 'non-citizen' into an 'undesirable' entity (Macklin 2014:2-3).

This notion of 'undesirability', as reinforced by citizenship revocation, traditionally belongs to marginalised groups in

Britain, such as women, minority groups, and wage workers, rather than men, Caucasians, and property owners, who are deemed exemplary 'British' citizens (Glenn 2000). In attempting to 'prove' loyalty to Britain, a narrative of 'British values'/'Britishness' was established (McGhee 2010). This concept, however, only suits the aforementioned prototype, with those falling outside presented as 'Other' and 'un-British' (Clarke&Garner 2010). These narratives were employed surrounding Begum, labelling her a security threat as she 'is' against 'the values we stand for' (Javid 2019a). Particularly post-9/11, Muslims are expected to assume 'Britishness' above all other minority communities (Tufail&Cohen 2017). This expectation is also gendered: Muslim women are frequently viewed as victims, perceived as 'incapable' of speaking English and thus allegedly 'more susceptible' to extremism, abuse, and not promoting/communicating 'British values' (Smith 2016:303; Mason&Sherwood 2016). Yet for Begum, this belief is lacking. Rather than addressing the online grooming (Segalov 2019); exploitation (*ibid*); international trafficking (*ibid*); underage 'marriage' (Gopal 2019); statutory rape (*ibid*); trauma (Davies&Ward 2019); and her potentially being a child soldier (Jorgensen 2019:5); the government defined Begum as 'a real threat' (Javid 2019b).

Muslim women are therefore seen as both victims and threats. By branding Begum as 'threatening' and revoking her citizenship, female Muslim agency is viewed as perilous to the white secular state. Perhaps, then, Begum's 'equivalence' to a 'security threat' is not actually about threatening state security, but threatening the state's conception of what constitutes an agency-driven 'British' woman. For the British state, Begum does not match the historical and contemporary illustrations of the 'female Muslim victim', thus when her own agency is visible, she becomes a threat, and upon wishing to return, she receives the ultimate state punishment: citizenship revocation.

Shamima Begum's case highlights how the dignity of citizens from marginalised backgrounds — in this case a combination of an ethnic minority, a girl/woman, a Muslim, and a mother— has been systematically undermined by the state. Begum's case reminds us that a constitutional order's affirmation for human rights is always subjected to the persistent political contestations within the state-society nexus, which is embedded by racialised, gendered, and class-based logics (Regilme 2019). The British state's revocation of Begum's citizenship constitutes a fundamental assault on the dignity of Begum's humanity. Through citizenship revocation, the British state expelled Begum from her political community, as she was also denied of any recourse to procedural fairness and access to substantive justice. The practice of citizenship revocation also undermines the dignity of the human person from marginalised identities, particularly because of their race, gender, socio-economic class, disability, amongst others. Citizenship revocation is just one of the many states' dehumanising practices deployed against people from marginalised communities. Yet, citizenship revocation causes an immediate and blatant banishment of a human person from one's political community, thereby reducing that dignified human person to a bare human, or *homo sacer*. Human rights activists worldwide should collectively mobilise against any state practice that dehumanises anyone through denaturalisation and perpetuates the statelessness of minoritized individuals.

Notably, such dehumanising practices concerning citizenship have gained traction in recent years, both in the Global North and the Global South. In the United States, the Trump administration has intensified its denaturalisation efforts that systematically targeted people of colour and from very poor socio-economic backgrounds. In many places elsewhere, the United Nations High Commissioner for Refugees (UNHCR 2020) has reported millions of stateless people from many parts of the globe. Accordingly, in the case of Myanmar, nearly 600,000 individuals living in Rakhine state remain stateless on the basis of the current law, which effectively denies citizenship for members of Muslim minority groups. In the Ivory Coast, approximately 700,000 Burkinabe migrants remain ineligible for Ivorian citizenship, while Europe has around 500,000 stateless individuals, many of whom are from the Baltic states and Eastern Europe (resulting from the collapse of the Soviet Union in 1991).

The case of Shamima Begum illustrates the enduring political logics of stratifications within humanity. Amidst hundreds of thousands of stateless individuals worldwide, usually from minoritised groups, the crisis of statelessness and citizenship revocation is a crisis of fundamental human rights. In the contemporary international system, where states remain the primary guarantor of human rights, statelessness and citizenship revocation should be considered as an assault to the dignity of the human person. Although statelessness and denaturalisation programs have persisted even before Begum's case, such practices remain largely invisible in mainstream scholarly and policy discussions as well as the policy agendas of powerful states and global governance institutions. Hence, we should continue to resist any political initiative that champions citizenship revocation or statelessness within and beyond the

level of state-level policy-making.

References

Agamben, G. 1998. *Homo Sacer: Sovereign Power and Bare Life* (D. Heller-Roazen, trans.). Stanford University Press.

Agamben, G. 2000. *Means Without End: Notes on Politics— Theory Out of Bounds* (V. Binetti and C. Casarino, trans.). University of Minnesota Press.

Arendt, H. 1951. *The Origins of Totalitarianism*. New York: Harcourt, Brace.

Batty, D., and P. Noor. 2019. Who has Been Stripped of UK Citizenship before Shamima Begum? *The Guardian*. https://www.theguardian.com/uk-news/2019/feb/20/who-has-been-stripped-ofuk-citizenship-before-shamima-begum (referenced 4 Nov 2020).

Benhabib, S. 2004. *The Rights of Others: Aliens, Residents, and Citizens*. New York: Cambridge University Press.

Clarke, S., and S. Garner. 2010. *White Identities: A Critical Sociological Approach*. London: Pluto Press.

Davies, G., and V. Ward. 2019. Shamima Begum is 'Traumatised', Says her Lawyer as he Likens ISIL Bride to a First World War Soldier. *The Telegraph*. https://www.telegraph.co.uk/news/ 2019/02/18/isil-bride-traumatised-says-lawyer-likens-first-world-war-soldier (referenced 4 Nov 2020).

Dearden, L. 2019. Shamima Begum: Number of People Stripped of UK Citizenship Soars by 600% in a Year.*The Independent*. https://www.independent.co.uk/news/uk/home-news/sha mima-begum-uk-citizenship-stripped-home-office-sajid-javid-a8788301.html (referenced 29 July 2019).

Glenn, E. 2000. Citizenship and Inequality: Historical and Global Perspectives. Social Problems 47(1): 1–20.

Gopal, P. 2019. When Do You Become 'British Enough'?. *Al Jazeera*. https://www.aljazeera.com/ indepth/opinion/british-190228141135189.html (referenced 4 Nov 2020)

Grierson, J. 2019. Priti Patel's Record on Human Rights Prompts 'Extreme Concern'. *The Guardian*. https://www.theguardian.com/politics/2019/jul/25/priti-patel-record-human-rightsextreme-concern (referenced 4 Nov 2020)

Javid, S. 2019a. Sajid Javid has a Message for Shamima Begum. RT UK. https://www.youtube. com/watch?v=1zsRrYl0Y7Q (referenced 4 Nov 2020).

Javid, S. 2019b. Home Secretary Speech on Keeping Our Country Safe. *UK Government — Home Office*. https://www.gov.uk/government/speeches/home-secretary-speech-on-keeping-our-coun try-safe (referenced 4 Nov 2020).

Jorgensen, N. 2019. Children Associated with Terrorist Groups in the Context of the Legal Framework for Child Soldiers. *Questions of International Law* 60: 5–23.

Macklin, A. 2014. Citizenship Revocation, the Privilege to Have Rights and the Production of the Alien.*Queen's Law Journal* 40(1): 1–54.

Macklin, A. 2015. Sticky Citizenship. In R. E. Howard-Hassmann and M. Walton-Roberts (eds),*The Human Right to Citizenship: A Slippery Concept*, pp. 223–40. University of Pennsylvania Press.

Mason, R., and H. Sherwood. 2016. Cameron 'Stigmatising Muslim Women' with English Language Policy. *The Guardian*. https://www.theguardian.com/politics/2016/jan/18/da vid-cameron-stigmatising-muslim-women-learn-english-language-policy (referenced 4 Nov 2020).

McGhee, D. 2010. *Security, Citizenship and Human Rights: Shared Values in Uncertain Times*. Palgrave Macmillan.

Regilme, S. 2018a. Does US Foreign Aid Undermine Human Rights? The 'Thaksinification' of the War on Terror Discourses and the Human Rights Crisis in Thailand, 2001 to 2006. *Human Rights Review* 19(1): 73–95.

Regilme, S. 2018b. A Human Rights Tragedy: Strategic Localization of US Foreign Policy in Colombia. *International Relations* 32(3): 343–65.

Regilme, S. 2019a. The global politics of human rights: From human rights to human dignity?. *International Political Science Review*, *40*(2), pp.279-290.

Regilme, S. 2019b. Constitutional Order in Oligarchic Democracies: Neoliberal Rights versus Socio-Economic Rights. *Law, Culture and the Humanities.* (May 2019). doi:10.1177/1743872119854142

Regilme, Salvador Santino Fulo Jr. (2020). Human Rights and Humanitarian Interventions in the International Arena. In Berg-Schlosser, Dirk, Bertrand Badie & Leonardo Morlino. (eds). *The SAGE Handbook of Political Science.* Thousand Oaks, CA: SAGE, pp. 1462-1479

Schuilenburg, M. 2008. The Refugee as Homo Sacer: A Short Introduction to Agamben's 'Beyond Human Rights'. *Social Engineering* 15: 86–9.

Turnbull, E. 2019. Boris Johnson's Track Record on Human Rights Here at Home. *British Institute of Human Rights*. https://www.bihr.org.uk/blog/new-pm-human-rights (referenced 4 Nov 2020).

UNHCR. 2020. Statelessness Around the World. https://www.unhcr.org/statelessness-around-the-world.html (referenced 13 Nov 2020).

United Nations. 1948. Universal Declaration of Human Rights. https://www.un.org/en/universal-declaration-human-rights/ (referenced 18 November 2020).

Walawalkar, A. 2019. Where Does Boris Johnson's New Cabinet Stand on Human Rights? *Each Other*. https://eachother.org.uk/where-does-boris-johnsons-new-cabinet-stand-on-humanrights (referenced 4 Nov 2020).

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