

# Dual citizenship and the revocation of citizenship

Ben Herzog

Yale University

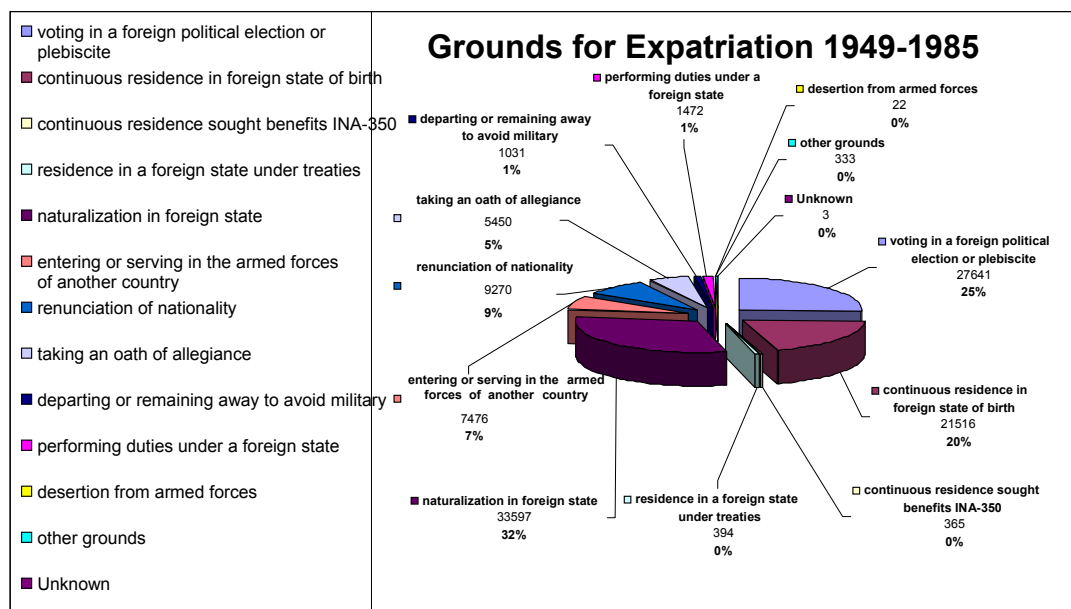
## **Abstract**

In this paper I compare revocation of citizenship laws in three democratic countries – Canada, Israel and the US. At first glance it appears that in each of the countries there is one common factor that provides the pretext for expatriation - wars. This explanation accords with the existing literature on citizenship. This paper shows that there is a greater principle that all countries share that plays a role in the perception of citizenship and its revocation, both in the past and present. I argue that the extent to which a country desires immigration (and fears emigration) is what explains revocation of citizenship laws. That is, forced expatriation as a policy became more widespread with the institutionalization of the national world order which does not tolerate multiple national allegiances. However, states do start to allow dual citizenship, in contradiction to the national world order, when they fear that it will undermine desired immigration to the country.

## **Keywords**

Citizenship, Forced expatriation, Military conflicts, Immigration

The 20th century has brought numerous changes to our society. One of the major transformations was the crystallization of the national world order (and some would say the beginning of its demise). This paper is a comparative analysis of one of the less acknowledged phenomena in the western democratic world – that of stripping away citizenship. It is less known, because there is an assumption that the status of citizenship in democratic countries is secure. The revocation of citizenship is associated with totalitarian or oppressive regimes (Arendt 1973; Dugard 1980; Kingston 2005; Mathisen 2006; Torpey 2000), but not with democracies. New (and not only illegal) immigrants are sometimes suspected of dual loyalty, but native-born nationals are safe. For example, it is said that having been born in the US makes you 100 percent American. But, the truth is different. Between 1949 and 1985 more than 100,000 Americans lost their citizenship on various grounds. Many others lost their citizenship in the period from the American Civil War until today, but this was not recorded by any official American agency. The United States is not unique. Most countries in the world (United States 2001) have some variation of statutes that specify grounds for forced expatriation.



In this paper I compare revocation of citizenship laws in three democratic countries – Canada, Israel and the US. At first glance it appears that in each of the countries there is one common factor that provides the pretext for expatriation - wars. This observation accords with the existing literature on citizenship in the three countries. In the US it was during military conflict that most expatriation bills were legislated; in contrast, Canada was less affected by wars and hence has allowed multiple national loyalties; and in Israel, it is the constant conflict with the Palestinians that has shaped the revocation of citizenship. However, the comparative and historical method has had a crucial effect on the outcome of this investigation. Only by comparing the three countries can it be shown that there is a greater principle that all countries share that plays a role in the perception of citizenship and its revocation and explains the relations between the particular factors within each context. I argue that the extent to which a country desires immigration (and fears emigration) is what explains revocation of citizenship laws. That is, forced expatriation as a policy became more widespread with the institutionalization of the national world order which does not tolerate multiple national allegiances. However, states do start to allow dual citizenship, in contradiction to the national world order, when they fear that it will undermine immigration to the country.

I will begin by describing the existing (although limited) literature on the revocation of citizenship as a legal procedure. I will show that those legal theories only describe expatriation rather than explain its origin and waning use. I will investigate this procedure in three countries so as to identify the factors that determine taking away citizenship. I show that previous scholarly assessments of citizenship that looked at each case separately provide only partial explanation for

this phenomenon. Finally, I provide my own assessment of the sociological source for the genesis, persistence and curtailment of forced expatriation in democracies.

Up till now, the issue of revocation of citizenship has been predominantly dealt with from a legal perspective (Abramson 1984; Aleinikoff 1986; Appleman 1968; Boudin 1960; Cashman 1967; Graham 2004; Griffith 1988; Gross 2003; Matteo 1997; Ronner 2005; Schwartz 1982). Most academic articles described and assessed revocation laws or the specific cases where these laws were applied. That is, legal experts investigated the relationship between those rules or court decisions and other legal instruments: bills, acts, constitutional amendments, international treaties or other legislative instruments. In this study I intend to position the revocation of citizenship within a sociological framework. That is to say, I shall not just compare these pieces of legislation with other legal acts, but rather situate the notion of expatriation within its social, political, economic, and historical contexts. Indeed, last year an edited book was published on expatriation (Green and Weil 2007). However, it deals mainly with expatriates – those who voluntarily leave their countries - rather than with the policy of forced expatriation. There are two main advantages to looking beyond the confines of the terminology of the various laws. First, by not limiting ourselves to the language of legal proceedings, we can locate the meaning originally invested in these laws rather than just their contemporary interpretations. Second, by relating the analysis of the loss of citizenship to existing sociological theory on citizenship, I can review ongoing academic debates on the ‘nature’ of citizenship itself from a fresh perspective.

The most scrupulous theorization of the notion of loss of citizenship was made by Aleinikoff (1986). In this paper, he tries to determine whether stripping Rabbi Meir Kahane of his American citizenship for assuming a seat in the Israeli parliament

was constitutional or not. Aleinikoff argues that the current denationalization measures adopted by the US Court cannot be supported by the constitutional system (at least implicitly, as the constitution does not directly address the question of revocation of citizenship). The rulings in both *Afroyim*<sup>1</sup> and *Terrazzas*<sup>2</sup> establish the intent-to-relinquish test for the denationalization of citizens by the government. However, none of the constitution's four possible implicit conceptions of citizenship (as delineated by Aleinikoff) can independently give justification for the present doctrine. "The rights perspective gets us to the doctrine, but it is internally incoherent. Consent takes us no place. Contract and communitarian theory cannot rule out state power to terminate citizenship against the will of the individual" (Aleinikoff 1986 1499). The conclusion of this theoretical investigation was that the constitution should have protected Meir Kahane from being denationalized<sup>3</sup>. However, Aleinikoff's study was principally legalistic. Although he tried to locate a perception of citizenship adequate to account for the policies of loss of citizenship, he did not explain the notion of citizenship itself or the meaning of its revocation.

Aleinikoff (1986) divided the reasons for denationalization into three categories: allegiance, punishment, and public order. Many states try to regulate and enforce exclusive allegiance of its citizens. The breach or denial of this allegiance would invoke the state right to revoke citizenship from its subjects. Other countries might justify denationalization as punishment. Lastly, some states believe that public order can be attained only by the exclusion of certain people from being members of the state. While this distinction will be the foundation for my description of the justification for involuntary expatriation, I am compelled to make two important corrections.

First, two other grounds for the revocation of citizenship as it is used against citizens should be added –expatriation for the sake of bureaucratic integrity and the so-called “voluntary” renunciation of citizenship. Moreover, I believe that Aleinikoff’s category of public order is a euphemism for ethnic cleansing as, in effect, it refers to the revocation of citizenship for the “transgression” of being born. The second rectification of Aleinikoff’s classification is that there is a difference between grounds and reasons for expatriation. Many times people are stripped of their citizenship according to one regulation while it is clear that this was only the justification of this action for other purposes. Moreover, at times it is almost impossible to distinguish between the original grounds and reasons for expatriation.

The latter distinction may be only an analytical categorization as we can usually obtain only the justification for governmental actions rather than the authentic motive of the government for its action. These points may provide another underlying explanation for the Kahane case. In the end, Meir Kahane was stripped of his American citizenship as a punishment for his political opinions rather than for intending to terminate his allegiance to the US (which was the grounds for his denationalization). This stance is illuminated even further when we realize that Marcia Freedman who was also an American who was elected to the Israeli parliament (two years prior to Kahane) was exempted from having to relinquish her citizenship. The Kahane case could be seen as a punishment justified by a need to maintain exclusive allegiance. We should be aware that the official justifications may not represent the reasons for this policy. This paper tries to locate those reasons by looking at the debates on those laws, rather than observing only the statutes themselves. In other words, I shall elucidate what factors determine the implementation of forced expatriation. In order to locate the main factors that shape

this policy, I compare three democracies - US, Israel and Canada - which have taken away citizenship for various reasons during the 20<sup>th</sup> century.

The main contribution to my paper that has been derived from Aleinikoff is the understanding that any revocation of citizenship is tied to the state's expectation of single allegiance from its citizens. Under the national world order, multiple national loyalties are not permitted. Thus, acquiring an additional citizenship is the main justification for countries to take away the original citizenship status. Restrictions on dual citizenship and forced expatriation are different sides of the same coin. Both are state policies that demand single national allegiance.

So we shall examine what the reasons are for removing someone from the national community. Or better put, what are the reasons that countries allow dual citizenship in contradiction to the national logic? A promising explanation can be located in the relationship between wars and the nation-state. Citizenship has always been associated with soldiering and military service. This bond can be located on many levels. The social and political construction of citizenship was made with respect to warfare. Granting and expanding rights was associated with conscription and service in the army. Immigrants are automatically suspected of having multiple loyalties. Thus, it is not surprising that policies of stripping away American citizenship have almost always been connected to military conflicts.

The introduction of most bills occurred in response to events that generated fear for the existence of the US as an independent state. The first expatriation laws were introduced during the American Civil War in response to the rising numbers of deserters from the Union's army. The Nationality Laws of 1940 were a response to the growing military requirements of the Second World War. The amendment of 1944 dealt with the treatment of Japanese disloyal to war efforts. In the same manner

the Immigration and Nationality Act of 1952 and the Expatriation Act 1954 were initiated in respect to fears of the Cold War. The revocation of citizenship is not a random policy that is introduced for election purposes but is contingent on militarized conflicts. Citizenship as a social construction has more to do with the actual needs of the state than with a general coherent and stable ideological perception.

On August 19, 1896 Charles W. Eliot, the president of Harvard University, gave an address praising American civilization. In his view, the first principle that established the United States as superior to other national polities was "the advance made in the United States, not in theory only, but in practice, toward the abandonment of war as the means of settling disputes between nations, the substitution of discussion and arbitration, and the avoidance of armaments" (Eliot 1897 2). Of course, such a declaration would never pass muster today. Not only has the 20<sup>th</sup> century demonstrated the exact opposite, but historical evidence shows that even before that, the US was constantly engaged in war and its culture was constructed accordingly (Anderson and Cayton 2005; Ferguson 2004). As the historical survey of expatriation policies in the US shows, it was during (or in relation to) wars that taking away citizenship was initiated. However, it is less clear how military conflict actually determines or shapes that exact formulation of this policy.

In each of the conflicts that produced legislation to revoke citizenship, the construction of the "enemy" was different. In the Civil War the perceived danger – desertion - followed republican ideals, in World War II the definition of the opponent was based on ethnicity – Japanese-Americans, while during the Cold War the enemy – Communism - was established in respect to the liberal tradition of citizenship. In the years prior to the First World War, immigrants were perceived as a threat to the national integrity of the US. The restrictions imposed on newcomers were justified as

both liberal (economic) and ethnic (restriction of immigrants with Asian origin). Nevertheless, during the Vietnam War no new legislation was enacted that denationalized or stripped away American citizenship. It is not that such measures were not considered, but at that same time the Supreme Court declared invalid the section in the 1940 Act that based expatriation upon desertion from the armed forces and the provision that grounded expatriation in evading wartime US military service.

<b>Conflict</b>	<b>Perceived "enemy"</b>	<b>Principle</b>
Civil War	Desertion	Republican
World War I	Immigrants	Ethnic /Liberal
World War II	Japanese-Americans	Ethnic
Cold War	Communism	Liberal
War on Terror	Terrorists	Ethnic/Republican

Historically, 1954 was the last time a new ground for expatriation was enacted. Nevertheless, such decrees have been considered since and might be developed in the future. For example, the Domestic Security Enhancement Act, informally known as Patriot Act II (a bill drafted by the Justice Department in 2003 that was leaked and never reached Congress) included a provision to strip citizenship from anyone who materially supported (even if indirectly) activities of organizations that the executive branch has deemed “terrorist”. Today, such activities are grounds only for criminal prosecution, not for the loss of citizenship (Mariner 2004). It is apparent that expatriation is still associated both with punishment and armed conflict.

Comparing Canada and the US, Bloemraad (2007) proposed a similar causality for dual citizenship. In contrast to Canada that removed the restriction on multiple citizenships in 1977, the United States does not explicitly allow dual national allegiances. She suggests that acceptance of dual citizenship is associated with limited military conflict. The particular security concerns and histories of nation-building in

each country gave rise to greater tolerance for dual citizenship in Canada. The United States was created out of an armed revolution and has since participated in many wars. Thus, its citizenship is perceived as an issue of national security. US expatriation policies have usually been presented (and justified) as the means to prevent dual loyalty of its citizens. Although this law has not been enforced in the past three decades, dual nationality is prohibited in the United States. Most grounds for taking away citizenship are based on a direct or indirect presumption that the citizen has transferred his nationality or desires to do so. This guiding principle can explain why expatriation was common in the US, while Canada has involuntarily expatriated only 37 people since 1977.

In 1947, Canada introduced for the first time the status of independent Canadian citizenship. The Citizenship Act of 1947 made Canada the first member of the British Commonwealth to establish citizenship distinct from that of the "Mother Country". Until then, both native born and naturalized citizens were considered British subjects. The current regulations regarding citizenship came into force thirty years later with the Citizenship Act of 1977.

The difference between the two laws regarding the loss of citizenship is a significant one. The Citizenship Act of 1977 is a benchmark for the perception of Canadian citizenship and its loss. Until then, citizenship was associated with a single national fidelity and, thus, could be revoked on many grounds. Subsequent to the 1977 legislation, citizenship was perceived as a natural right which the government cannot revoke. That is, prior to 1977, citizenship might have been lost on the grounds of acquiring another nationality (other than by marriage), serving in the armed forces of another country, taking an oath or other declaration of allegiance to a foreign country, renouncing Canadian citizenship or obtaining that citizenship by false

representation, fraud or by concealment of material circumstances. In contrast, after 1977 most of these provisions were lifted.

According to the 1977 legislation, citizenship can only be revoked for two reasons. On the one hand, the Governor in Council can order citizenship to be removed if it was obtained by false representation, fraud or by knowingly concealing material circumstances. On the other hand, second-generation Canadians born abroad will lose their citizenship when they turn 28 unless they make an application to retain it and produce evidence of living in Canada or having a substantial connection with it. It is important to state that between 1977 and 2002; only 37 Canadians lost their citizenship as the result of the former provision. Furthermore, it may be argued that this act was not a revocation of citizenship, as those people should not have received it in the first place. Thus, the 1977 Citizenship Act articulates the principle that Canadian-born citizens can never lose their citizenship<sup>4</sup>.

So far, the historical evidence from both the US and Canada supports the argument that it is mainly military conflicts that shape the state's attitude on dual national loyalties. The US initiated expatriation policies after military conflict, while Canada, which had a relatively peaceful history allows multiple allegiances. However, Canadian revocation policy and history suggest otherwise. Until 1977 Canada had an expatriation policy similar to that of the US. Both countries had parallel concerns about military threats and the formal attitude of each toward forced expatriation/dual citizenship was also similar. Since the 1977 Citizenship Act, the US and Canada have taken different paths regarding the official position on multiple national loyalties. However, we cannot attribute this change in policy to significant changes in international relations in Canada or in the US.

Although the US was much more involved in military conflicts during the 20<sup>th</sup> century, Canada had a very similar position in relation to international military conflicts. Canadian troops fought alongside American soldiers in both World Wars and had comparable attitudes toward dual loyalties during those wars (Repka and Repka 1982). Moreover, they had parallel fears about the dual loyalty of deserters, criminals, Communists and Japanese-Canadians. Like the US, Canada had a “red scare” in which Communists were suspected of treason (MacKenzie 2001). In Bill C-58 (1958) Canada amended the Citizenship Act to include acts of treason in Canada as reasons for forced expatriation.

The current proposed Bill (C-18) was introduced in the second session of the 37<sup>th</sup> parliament with the intent of establishing new grounds for the revocation of citizenship –security reasons and by annulment. Bill C-18 proposes to create a special revocation process for those accused of terrorism, war crimes or organized crime. In the name of security, this proposal might have harsh consequences for judicial due process as it allows the use of protected information which is disclosed only to the judge while being concealed from the person accused. Moreover, no appeal or judicial review would be permitted<sup>5</sup>. Both of the abovementioned revisions for the Citizenship Act will, if enacted, change the current policy that once Canadian citizenship is acquired it cannot be revoked due to any conduct carried out after the grant of citizenship. For both reasons of due process and of citizenship rights those provisions in the proposed bill are being recommended for removal by the Parliamentary Standing Committee on Citizenship and Immigration (2005).

Both the Canadians and Americans constructed, and still construct their citizenship laws in respect to military conflicts. Since the two countries were allies in most armed conflicts, we cannot attribute the formal difference only to wars. However, the most

powerful evidence against the assumption that lack of armed conflicts causes countries to allow dual citizenship is presented in the Israeli case. In Israel, a state that has endured constant military struggles since its establishment, dual citizenship is legally and explicitly permitted. Thus, it is not only in peaceful countries that dual citizenship is permitted. In Israel, the demographic exigencies that made additional Jewish immigrants essential, constructed different attitudes toward dual citizenship, which consequently advanced a different understanding of the ties between the individual and the state.

Both the Israeli state and Israeli citizenship are relatively new creations and should be understood accordingly. After the establishment of the state (1948), the Knesset (Israeli Parliament) enacted the 1950 Law of Return and the 1952 Citizenship Law. These laws promulgate the regulations for obtaining Israeli citizenship and the grounds for its revocation. Ideologically and institutionally, the State of Israel is an *aliyah* state (literary “going up,” a normative term for Jewish immigration to Israel) and as such, has always discouraged non-Jewish immigration (Kemp and Rajjman 2000). The Israeli Law of Return (1950) recognizes and endorses (rather than creates) the 'natural' right for any Jew in the world (whether persecuted or not) to come to Israel as an *oleh* (immigrant).

As Kemp et al. put it: “While state and quasi-state agencies actively encourage immigration of Jews and are committed to their successful absorption, they restrict strongly non-Jewish immigration” (Kemp, Rajjman, Resnik, and Schammah-Gesser 2000 98). That is, the intention of the Law of Return (1950) was to confer on Jews and Jews only, the right of immigration<sup>6</sup>. The Jewishness of the Israeli state is evident in most aspects of its existence. Institutionally and symbolically the Jewish religion and nation are permanently fused (Kimmerling 1999). ‘Jewish religion, or more

accurately, Orthodox Jewish religion, is guaranteed an important role in the country's public life. This is manifested primarily in four important areas: ...Jewish holidays ...family law ...educational institutions [and the] ...exemption from military service granted Orthodox women and Orthodox *yeshiva* students' (Peled and Shafir 1998 413).

One of Israel's national founding myths, still potent today, is the protracted conflict with the Palestinians, frequently perceived by the masses as a struggle for the nation's survival. The armed 'conflict' is perceived as an integral part of Israeli society (both ideologically and in day-to-day practice), and as such it plays a decisive role in establishing the power relations within it (Ehrlich 1897). The constant perception of conflict has generated Israeli 'cultural militarism.' This does not mean that the military dominates the state but points up Israeli-Jewish society's image of itself as a 'nation at arms,' an image based both on the hegemony of militaristic and masculine discourse, and on the blurred distinction between state and society in Israel. Israeli militarism is evident in the tendency to prefer military solutions to social challenges (Ben-Eliezer 1988). If the hypothesis that dual allegiance is permitted only in peaceful countries is valid, we would expect to have a harsh expatriation policy in Israel.

According to the ethnic principle of the Israeli state, the Law of Return (1950) explicitly refers only to the right of Jews to reside in Israel. Nonetheless, the Israeli parliament legislated an additional statute to regulate citizenship in Israel. In this law, the Knesset discussed the reasons for forced expatriation in the newly established state. The second section of the Citizenship Law of 1952 refers to the revocation of citizenship. Similar to many other countries, the Israeli legislation distinguished between two routes: voluntary renunciation of citizenship and involuntary loss of

citizenship. With regard to the former, Israeli law permits the relinquishment of citizenship. Nevertheless, until the fourth revision of the Citizenship Law in 1980, this concession required (at least theoretically) the approval of the Interior Minister. The latter element of the revocation of citizenship dealt with loss of citizenship initiated by the state.

According to Section 11 of the Citizenship Law of 1952, a citizen can lose his citizenship on one of three grounds. The revocation of citizenship based upon any of the subsections of the law is not automatic but must be initiated by the Interior Minister or on his behalf. First, if a person obtains his or her citizenship using false information it will be revoked. Second, continuous residence in a foreign country for more than seven (7) years during which the person does not have a substantial relationship with Israel and as long as this lack of relationship was not forced on him, may allow the state to revoke his citizenship. Third, the citizenship of any person who carries out an act considered a breach of trust to the country may be taken away. This third provision theoretically guarantees the authorities almost unlimited opportunities to denaturalize a citizen. Consequently, the proposal to utilize this clause has been posited many times by politicians as grounds to revoke the citizenship of terrorists, criminals, military traitors or even radical politicians. This extreme provision corresponds to the argument that insisting on a single allegiance is associated with military conflict. Nevertheless, in all of Israel's history, this clause has been implemented only twice. Moreover, in the 1952 citizenship law, dual citizenship is formally allowed.

Thus, the accepted explanation that military conflict is the main independent variable for American, Canadian and Israeli expatriation policies should be revised. I

believe that the debates around the initiation of this measure in Israel can shed light on an alternative reason for this policy.

The most significant and visible topic discussed during the deliberations on the Israeli Citizenship Law which related directly to the issue of revocation of citizenship was whether the state should allow (or at least tolerate) dual or multiple citizenships. In this deliberation on dual citizenship, the ultimate justification for allowing multiple citizenships is to encourage immigration.

Israelis were struggling with multiple pressures and life in the new state was difficult and demanding. On one hand, Israel was in an armed conflict with the Arab world in which there was little assurance that the Jewish population would ever prevail. On the other hand, economic life was very harsh, especially with the need to absorb more than a million Jews from Levantine countries (more than the Jewish population resident in Palestine at that time). Thus, some Knesset members feared that permitting dual citizenship would enable individuals to emigrate from Israel (either back to their home countries or to more prosperous countries like the US). Therefore, there was a constant and recurring hesitation about permitting multiple citizenships. “There is a need to state that a person who wants to become an Israeli citizen cannot be a partial Israeli citizen. It should not be possible for a man to decide to leave if he is not keen on something or if he thinks that the fate of the country and its citizens is difficult” (MK Yohanan Bader).

In opposition to the latter view, some MKs argued that multiple citizenships would actually provide incentives for Jews to immigrate to Israel. “We, as an immigration country, are interested in encouraging immigration in various ways, and if allowing dual citizenship might remove the hesitations of some immigrants from certain countries – all to the good” (MK Zerach Warhaftig). In support of this, it was

argued that some immigrants have property abroad and renunciation of their former citizenship would cause them financial hardship.

A third line of reasoning places the issue of dual citizenship within the context of international laws. Having multiple rights and obligations can produce tricky situations both for the governing states and for the individual himself. On the one hand, the administrative or legal status of this person could be disputed in court and be abused by the state. On the other hand this person would be obliged to perform multiple (and sometime conflicting) duties – such as the registration of property or conscription to the army.

However, being drafted to two armies would produce an even greater problem than a bureaucratic difficulty. The main objection to dual citizenship was that it assumes dual loyalties, which the nation-state could not tolerate. It was emphasized over and over that “citizenship is not only a document but a real relation that stems from our deepest emotions and consciousness” (MK Beba Idelson). Israel should be the only homeland for Jews and the state should not imply otherwise (especially as it can undermine the legitimating principle of the Jewish state). “Citizenship should be a serious and important matter for the Jew who arrives to our land, or other citizens according to the constitution. Thus, dual citizenship reflects degradation of the Israeli citizenship” (MK Arie Altman). According to the state, loyalty cannot and should not be divided.

In the end, the vast number of objections from both sides of the political divide did not change the administration’s view that multiple citizenships should be permissible<sup>7</sup>. It was the desire to incorporate the maximum number of Jewish immigrants that was the decisive argument for the Israeli government. Formally allowing multiple citizenships was part of the cultural militarism in Israel. According

to this perception, all spheres of life should support the armed struggle with the Arab world, including having a policy which at first undermined Jewish nationalism. Indeed, once again it was the armed conflict that shaped the citizenship and its removal. However, in contrast to the US, armed struggles caused the State of Israel to adopt dual citizenship rather than to forbid it.

The same logic appeared again with the collapse of the Soviet Union. This event had immense consequences for the State of Israel because it opened up a huge reservoir of Jewish immigrants.<sup>8</sup> Because the role of immigration is understood by the Zionist colonial project as being fundamental to the demographic make-up of the new state, non-Jewish immigrants were not perceived as a substantial challenge for the ethnic identity of the state – as long as they were not Arabs. The economic impetus of many immigrants from the former USSR to go to Israel was encouraged by the Israeli establishment as it increased the percentage of non-Arabs in Israel. In Israel, the logic of the armed conflict with the Arab world ensured the continuity of ethnic-based naturalization policies (Joppke and Roshenhek 2001).

As a policy, the revocation of citizenship established and symbolized the desired relationship between the individual and the sovereign. The first Knesset members understood that, and held heated debates in order to shape and reshape the existing national order. “The citizenship law establishes in the first place the relation between the citizen and the state. [A relation] about which the young citizen should be educated with regard to his rights and obligations” (MK Arie Shaftal). We have seen that wars usually elevate the importance of this relationship. In particular, during military conflicts there is a need for clear distinctions between national memberships. However, militaristic considerations do not always push states to prohibit dual

citizenship. In Israel, the need for Jewish immigrants resulted in the adoption of a lenient attitude toward multiple allegiances.

The explanation for the different policy in the US and Canada should not be limited only to military conflict. Instead we should shift our attention to immigration policies. Although immigration is the focus of most scholarly studies of citizenship, I would like to highlight another aspect of this phenomenon. Most academic work on the relationship between citizenship and immigration deals with the identity of the immigrants. That is, the focus is on the distinction between those who are allowed to enter the state and those who are excluded from membership in the state (For example, see Brubaker 1992; Jacobson 1996; Joppke 1999; Schuck and Smith 1985; Shafir and Peled 2002; Smith 1997; Soysal 1994). I argue that in addition to the identity of the immigrants, an important factor is the extent to which any immigration is desired. That is, it is not only who is entitled to enter the national community, but also, how many. In the cases discussed, Canada and Israel have an explicit aspiration for more immigration; the United States sees immigration as an individualistic enterprise. Accordingly, Canada and Israel dropped the nationalistic demand for distinct citizenship in favor of more immigrants, while the US officially bans dual allegiance. Citizenship does not only address the type of obligations demanded and rights conferred on individuals within the national territory, but addresses the extent to which those principles should apply.

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## Endnotes

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<sup>1</sup> *Afroyim v. Rusk*, 387 US 255 (1967).

<sup>2</sup> *Vance v. Terrazas*, 444 US 252 (1980).

<sup>3</sup> Aleinikoff is aware of the irony in this conclusion. That is that the US should protect Meir Kahane from precisely the same harm that he advocated inflicting upon the Arabs living in Israel.

<sup>4</sup> Since the 1980s both liberal and conservative governments signaled their desire to enact amendments to the Citizenship Act. Those attempts include producing discussion papers, initiating committees and even introducing Bills to the Canadian Parliament (Bill C-63, C-16 and B-18 which is still on the table). However, until now, none of those attempts have actually materialized into a revision of the 1977 Citizenship Act.

<sup>5</sup> Another ground for the revocation of citizenship would be the annulment process. This measure gives the government a new power to expatriate naturalized citizens in the first five (5) years after the original citizenship decision. This annulment mechanism would essentially create "probationary citizens".

<sup>6</sup> The converse of this practice is the consistent prevention of Arab immigration (especially Palestinian refugees) in order to maintain Israel as a Jewish state, or rather a "non-Arab" state. The State of Israel has in fact absorbed many non-Jews, for example, during the *aliyah* from the former Soviet Union. However, they were not Arabs (Lustick 1999).

<sup>7</sup> Some parliament members from the opposition parties claimed that the policy of dual nationality served a particular partisan desire, as most citizens with dual citizenship were supportive of the current administration. Thus, *Mapai* (LSM), the leading party did not want to lose their votes by stripping them of their citizenship rights.

<sup>8</sup> The 1970 amendment to the Law of Return even enlarged this pool as the right to naturalization in Israel extended to non-Jewish family members as well. Therefore, the immigration 'wave' of the 1990s consisted of many immigrants who were not Jewish according to the *Halacha* (religious law), but also according to their self-identification and cultural practices.