

# The Rights and Duties of French Citizenship

Men squabble as much over symbols as over more tangible realities, and this in itself is a reality of the human condition. It is not surprising, then, that an amendment to the French constitution precipitately proposed by President Hollande in the wake of terrorist attacks in Paris on 13 November should have caused controversy, all the more so as it is admitted on all sides that the amendment is of symbolic rather than of practical significance. The question, then, is what does it symbolize?

The amendment would make it possible to withdraw French citizenship from those holding dual citizenship who are convicted of terrorist offences. No one supposes that this by itself will, either as deterrent or punishment, have much effect on the prevalence of terrorism: but it would at least be a gesture signalling the depth of the country's repugnance.

When the President proposed the amendment in the speech he gave to both houses of the French parliament immediately after the attacks, he received a unanimous standing ovation. Political unanimity can never last very long in a free society, however. Soon the nit-pickers and naysayers were out in force.

Among the critics were one of the government's cabinet ministers, Christiane Taubira, a radical from Guyana. As Minister of Justice, a position from which she had recently resigned, she had a reputation for being soft on crime, for always seeing the problem from the criminal's and never from the victim's angle.

The amendment to the constitution would affect mainly dual citizens of North African descent. Theoretically, of course,

it could affect any dual citizen, but at least for the foreseeable future it is unlikely to be of much application to, say, Bolivian-French citizens.

What do opponents of the amendment have against it, other than its irrelevance to the defeat of terrorism? This, of course, is a serious objection in itself, for it goes against Lord Falkland's wise dictum that when it is not necessary to change, it is necessary not to change. As one online comment put it in response to an article in *Le Monde*, the debate over the amendment is, in the present circumstances, a little like that over the sex of angels.

Four days before the amendment was scheduled to be debated by the National Assembly, Madame Taubira published a short book with the title *Murmures à la jeunesse* ("Whispers to the Young"). The book had an initial print run of 40,000 copies and was obviously intended to galvanize opposition to the amendment.

Liberals and the Left (by whom President Hollande had been elected) objected from the first that the proposed amendment would create two classes of French citizens: those whose citizenship was inviolable and those from who it could be withdrawn. This has been forbidden under the constitution, a prohibition that was no doubt a reaction to what had been done under Marshal Pétain and his Vichy government. To this argument, Madame Taubira added the following:

*To whom and of what does the deprivation of nationality from those who are French by birth speak? Since it doesn't say anything to terrorists, who become the recipients of the message by default? Those who, by chance, share nothing with the targeted criminals but dual nationality. It is at them that it is aimed, maybe unintentionally, this proclamation that to have dual nationality is to be under a suspended sentence. And a threat: a threat made by those obsessed by difference, by the maniacs of exclusion, by the fanatics of*

*exclusion, that they will make weigh heavily, that already make weigh heavily because of their paranoid and conspiratorial statements, on those whom they perceive only as fifth columnists.*

These are the words of someone who feels so strongly, so viscerally, that she has lost control of her thoughts. Moreover, one suspects that the emotion is in part bogus, that Madame Taubira has deliberately worked herself up into a state of indignation for the sheer pleasure of it. For which of us does not like to feel righteous? Strength of emotion, or at least strength of expression of emotion, is often taken nowadays as a measure of actual rectitude.

Irrespective of the practical value of the proposed amendment, no one has suggested the withdrawal of French citizenship from anyone other than those convicted of terrorism. Moreover, and contrary to Madame Taubira, dual nationality is a choice, not a fatality, at least for adults. The amendment imposes no very onerous duty on those who wish to retain their dual nationality (not to be a terrorist, that's all).

The former Justice Minister also says that a country ought to be able to cope with its own citizens, and continues: "What would the world be like if every country expelled its native-born who it considered undesirable? One would have to envisage a rubbish-dump land where they would be grouped together."

This, again, is nonsense. In fact it insults the countries of which the former dual citizens remain citizens, equating them with rubbish heaps. True, the countries to which the former dual citizens might be deported should their French citizenship be withdrawn might not welcome them, to say the least. That, surely, is a hazard of the terrorist occupation.

Another objection (though I have not actually seen this used) is that there might be miscarriages of justice, of which all jurisdictions, no matter how scrupulous, are sometimes guilty.

An innocent man might then be deprived of his nationality, and the fear of injustice is at least in part proportional to the scope of the punishment inflicted.

But Madame Taubira's fulminations illustrate a very prevalent strain in modern thought or feeling: namely that if there is a right to  $x$  (in this case, a nationality), there must be a right to  $x$  and  $y$  (in this case terrorist activity), for if  $y$  abrogates  $x$ , the latter could not have constituted a right. Hence if I have a right to dual nationality, I must retain it even when I attack one of its moieties.

Once some legal benefit, privilege, or concession is elevated to the status of a right, it becomes, as a matter of psychological fact, invested with a metaphysically inviolable quality, immune to all other considerations. As rights grow in number and spread like ink through blotting paper, thought and feeling are coarsened, until outbursts such as these can be mistaken for argument.

Everyone can see that it is desirable to consider a limited number of rights—such as that to a fair trial, and freedom of opinion—as natural and therefore inviolable, irrespective of any abstract philosophical justification for doing so. But as the notion of rights comes to dominate moral reflection more and more, so many people find it difficult to make important distinctions, one of which is surely between a man with dual nationality and a man with dual nationality who commits atrocities against one of the two nations to which he owes allegiance.

This is not to say that President Hollande's hasty proposal of a constitutional amendment was wise. Because symbols are so important to us, what are supposed to be only gestures can lead to real conflicts. Because of his proposal, made in the heat of the moment, he will be attacked on the Left if he persists in it, and on the Right if he desists from it. Yet another problem has been conjured from thin air.

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