

Prime Minister Harper's Slippery Slop: Stripping Canadian Citizenship

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In an interview with the Metro, Canada's prime minister Stephen Harper got serious about pervasive, all consuming danger. The opening lines from the paper suggest as much, noting the prime minister's insistence that the world was full of it.

The vehicle for harnessing this is the idea that expert opinions – call it that preserve of babbling elites – counts little in the populist manipulation of the demos. “Look, it’s not that elite opinion doesn’t matter, and in all matters expert opinion always counts, but you cannot govern well and you cannot govern properly unless you understand the values and the realities of ordinary Canadians.”[1]

The “ordinary Canadian” is a handy, moveable prop across the stage of political fear. At times, the ordinary Canadian also becomes Harper’s handy bludgeon, easy to deploy against journalist and critic. The motif comes out most when Harper is cornered and asked to account for his reactionary stance. Disagreeing with him is tantamount to disagreeing with true Canada, or at least that Canada of ordinariness that conservative leaders peddle with predictable consistency.

The policy of stripping Canadian citizenship from those convicted of terrorist crimes and associated offences is a standard affront to international laws and tends to sit uncomfortably with domestic laws as well. But it fits in well within this economy of manufactured fear.

Apologists for it have come out everywhere, and Harper can count on substantive legal opinion to back his claim. If you can have citizenship removed in circumstances of fraud, you can certainly have it pinched off you if you are a convicted terrorist.

But the prime minister does not even need the sophists of legal notoriety, claiming that those who oppose the policy are petrified by their own meekness. “This is kind of elite political correctness on steroids.” This amounts to having “two classes of citizens”, a wonderful nonsense if one considers that there are always classes of citizens. (Why stop at two?) “We can’t have a class of people who are war criminals and convicted terrorists as opposed to everybody else.”

The Commonwealth bloc has been busily going about eroding rights to citizenship, with Canada doing so with the passage of C-24. Britain did so in May, and even took one step further, throwing the book of executive overreach at international law by allowing the stripping of citizenship even if it caused statelessness.

The House of Lords, after showing initial resistance, removed the bar to statelessness in the bill. In a country that gave the Western world the Westminster system, common law and various concepts of constitutionalism, even native-born Britons can be subjected to the deprivation.

All of this is inflicted at the behest of the home secretary who has the power to determine such citizenship that is “seriously prejudicial to the interests of the United Kingdom”. There are no public hearings offered, no permitted scrutiny other than an appeal to a specially constituted immigration court.

Harper drew considerable inspiration from this prototypical act of police state rationality. The enormous power vested in the citizenship and immigration minister is a dominant feature. This effectively amounts to an unwarranted vesting of judicial power in the executive. The Canadian Tories did, however, stop short of allowing the infliction of total statelessness. Even in Harper’s Canada, some vague compliance of international law is occasionally admitted, in this case the UN 1961 Convention on the Reduction of Statelessness.

The Tories have also embraced a strategy of lobbing problems of security and terrorism to the next recipient. Not only is Harper’s response here one of outsourcing the problem of a citizen’s delinquent propensities, one who has befouled the obligations to the community, it is one of denying the very essence of ownership as related to the state.

Harper concedes that citizenship is a matter of possession, but that the state retains the ultimate power over the subject to deprive. This is a property owner of poor graces, confiscating possessions for ill-conduct. Misbehave, and you will have that citizenship taken off you with minimum oversight.

Having lost that citizenship, you may well be given your marching orders, sent to a state which will have to contend with what amounts to an imported problem. Effectively, Canada can become an exporter of convicted terrorists, circumstances permitting. State responsibility to the international community is thereby circumvented.

Under the Harper cook book of confiscation, there is little reason why the logic cannot be taken further, to remove the citizenship of those who have not been convicted of terrorist charges, but other crimes.

On The Andrew Lawton Show, Harper did just that, answering a question posed by Lawton on how far the law could actually go in future. Would, for instance, a rapist or serial killer fall into that category? “Well, you know, obviously we can look at options into the future.”[2]

Liberal electoral contender Justin Trudeau saw the slippery slope appear with ominous prospects before the legislative landscape. It was made more acute by “this prime minister who has made a habit of calling out First Nations groups, environmental groups as terrorists”. The frog continues to boil.

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Notes

[1]

<http://www.metronews.ca/news/canada/2015/09/29/stephen-harper-on-terrorism-syrian-refugees-and-citizenship.html>

[2]

http://www.huffingtonpost.ca/2015/09/30/bill-c-24-harper-tories-criminals-trudeau_n_8223162.html

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