(In)Security and Citizenship: Security, Im/migration and Shrinking Citizenship Regimes

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This Article points to a widening gap between citizenship theories and practices. Although discourses of citizenship resonate widely and are used extensively by scholars and policy makers, the author argues that the social, economic, political and even psychological processes of citizenship are shrinking in a contemporary context of global insecurity where im/migration and ever more restrictive national security concerns have become enmeshed in law, as well as in the public consciousness. As a result, this Article explores new trends of securitization *and related processes of* marketization, racialization *and the* invisibilization *and/or* instrumentalization *of women and evaluates their impact on citizenship in Canada and Britain. A citizenship regime framework structures the analysis and highlights the contraction of citizenship in both countries. In the end, despite their purported concern with citizenship, social exclusion and social cohesion, British and Canadian state's responses serve to perpetuate feelings of insecurity on the part of both citizens and non-citizens.*

INTRODUCTION

In recent decades, ever more encompassing and nuanced accounts of citizenship have been articulated by scholars and policy makers: conceptions of *citizenship-as-political discourse* have become increasingly refined and views of *citizenship-as-legal practice* have become more defined. In addition, for women and men in various communities, *citizenship ideals*, *statuses* and *practices* have come to mean much more than the narrow passport-holding sense of having a formal legal connection to a particular nation-state. Yet the gap between citizenship-in-theory and citizenship-in-practice appears to be widening. As *discourses* of citizenship are expanding, the *social*, *economic* and *political processes* of citizenship are actually contracting. As we shall see, the erosion of citizenship not only comes as a response to a contemporary global context of growing insecurity, but it, in turn, serves as a catalyst for further insecurity of various kinds, i.e., political, socio-economic, personal and so on.

The heightened sense of global insecurity has several root causes, but, most recently, arises out of a climate of fear spawned by i) the greater mobility of capital and people resulting in intensified patterns of im/migration; and ii) states' responses to 9/11, the "war on terror" and subsequent destabilizing attacks (as in Bali, Spain, Britain, et cetera). More problematically still, these two developments are increasingly conflated as im/migration and restrictive security concerns have become entwined in law, as well as in the public consciousness.

Indeed, states have beefed up their security responses in recent years, but in so doing have reverted to narrower notions of security, along with repressive security practices. Retreating from broader, liberal ideas of "human security" — such as freedom from danger, deprivation, fear and want — states are once again advancing more traditional, realist-inspired, "national security" preoccupations. With "national security" the protection of the state, by force if need be, is paramount. The Bush administration's "new world order" after September 11, for example, is defined starkly by "hyper-racialized surveillance, forms of punishment under the guise of 'national security' and the ever-increasing naturalization of militarization."[1] Whereas the U.S. government's reaction has been characterized as "hysterical,"[2] given

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1 Robyn Rodriguez & Nerissa S. Balce, *American Insecurity and Radical Filipino Community Politics*, 16 PEACE REV. 131, 132 (2004).

2 The hysterical reaction of the U.S. government, with its imposition of severe restrictions on the liberties of its terrified citizens, its extensive buildup of

its "obsessive" focus on terrorism and national security, other governments have not shied away from using related measures and "the manipulation of fear" that comes along with them.[3] Reactionary responses to the risk of terrorism, including the ideology that immigrants and refugees pose a threat to national security, can be found in many western, liberal democracies. This Article contains reflections on the implications of this *securitization* turn (i.e., the promotion of circumscribed security priorities that involve protecting the state at all costs) for citizenship in relation to Canada and Britain. In both states security and citizenship have become all-encompassing concerns, but ones that are operationalized in ever more restrictive ways, ironically perpetuating more, not less, insecurity.

Furthermore, in conjunction with *securitization*, we see the intensification of other problematic processes. Blatant market calculations run alongside both restrictive national security and citizenship rationalizations. Canada and Britain have gone to great lengths to show that they take terrorism and illegal immigration seriously, all the while portraying themselves as prime destinations for immigrants, albeit those who are knowledgeable, highly skilled and can thrive, or invest, in a competitive economy. And so, *marketization* works in concert with, and often bolsters, *securitization*. Concomitantly, *racialization*, in old and new guises, as well as both the *invisibilization* and *instrumentalization* of women (where women are either out of the picture entirely, or positioned in highly strategic ways) are also implicated in processes of *securitization* and *marketization*, exacerbating conditions for racism and inequality. Limited and limiting citizenship practices both feed these fires and fan these flames. Consequently, state actions/inactions on all these fronts have only served to perpetuate feelings of insecurity amongst citizens and non-citizens alike.

In the pages that follow, the intention is to clarify, expand upon and substantiate the contentions made that broader citizenship discourses, statuses and practices are being fundamentally challenged and, indeed, undercut, by states as a result of processes of *securitization*, *marketization*, *racialization* and the *invisibilization* and *instrumentalization* of women. Part I elaborates upon the context and basic premises alluded to in the

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> intelligence and surveillance apparatuses, its racial and ethnic profiling, its widespread questioning and detention of individuals of Middle Eastern origin and blockage of their bank accounts or businesses, and its wars on Afghanistan and Iraq, menacingly points to the path ahead.

Haideh Moghissi, *September 11 and Middle Eastern Women: Shrinking Space for Critical Thinking and Oppositional Politics*, 29 Signs 594, 594 (2004).

3   Charlotte Bunch, *A Feminist Human Rights Lens*, 16 Peace Rev. 29, 29 (2004).

Introduction. Part II uses the "citizenship regime"[4] conceptual apparatus as a framework, and provides concrete illustrations from Canada and Britain to assess the implications of developments detailed in the first half of the Article. This is then followed by a brief Conclusion.

I. CONTEXT AND CENTRAL PREMISES

Citizenship discourses have deepened and widened considerably in recent years. As individual and collective identities become more diasporic, citizenship theorization takes on an ever more cosmopolitan hue. While the saliency of recent trends in cosmopolitan citizenship ideas/ideals can be debated, there is little doubt that, for the most part, their intent is to address political and social exclusion philosophically. Some cosmopolitan theorists go even further and encourage governments to pursue policies that produce a world without borders,[5] or, at least, as Seyla Benhabib's work suggests, if not necessarily open, then porous borders.[6] Unfortunately, the reality is one where states perform a more complicated role when it comes to inclusion/exclusion. In post 9/11 Canada, for example, steps have been taken to counter notions that the border between it and the United States is anything but "porous."[7]

Granted, the relevance and prominence of citizenship discourses have increased in state circles as well as in the scholarly arena. State actors in Canada and Britain have shown tremendous concern of late with issues of citizenship, im/migration, as well as community membership, inclusion/exclusion and social cohesion. Canadian efforts to rewrite immigration and citizenship policy in the 1990s "placed immigration and citizenship policies at the forefront of the political agenda."[8] The Liberal government then introduced new immigration and citizenship legislation and passed the Immigration and Refugee Protection Act (IRPA) in 2001 (coming into effect June 2002, nine

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4   Jane Jenson & Susan D. Phillips, *Regime Shift: New Citizenship Practices in Canada*, 14 INT'L J. CAN. STUD. 111, 111 (1996).

5   In Canada and Britain respectively, see JOE CARENS, CULTURE, CITIZENSHIP AND COMMUNITY (2000); TERESA HAYTER, OPEN BORDERS: THE CASE AGAINST IMMIGRATION CONTROLS (2d ed. 2004).

6   SEYLA BENHABIB, THE RIGHTS OF OTHERS: ALIENS, RESIDENTS AND CITIZENS (2004).

7   Charlotte M. Janssen, *The Smart Border: Movement of People — Immigration and Refugee/Asylum and Other Aspects*, 29 CAN.-U.S. L.J. 127, 127 (2003).

8   YASMEEN ABU-LABAN & CHRISTINA GABRIEL, SELLING DIVERSITY: IMMIGRATION, MULTICULTURALISM, EMPLOYMENT EQUITY AND GLOBALIZATION 61 (2002).

months after the U.S. terrorist attacks),[9] marking perhaps the most significant change in Canada's immigration law in decades. IRPA's efforts to curb "abuse" of immigration and refugee systems, combat terrorist threats and consolidate safety and security certainly fit with post 9/11 priorities, even though most of the changes were already drafted before the September 11 tragedy. Concomitantly, "social cohesion" became a new buzzword. Studies were launched and policy initiatives framed with the intent of fostering social cohesion.[10] Their expansive discourses aside, states still grant and withhold citizenship and can engage in exercises that tighten citizenship rights. IRPA, for instance, put more restrictions on people who have been refused status or are out of status, making the Canadian state's response stronger and less tolerant of those who are without status, especially those considered to be "economic" refugees, "queue jumpers," or suspect security threats.

In Britain, the approach to citizenship, immigration and inclusion/ exclusion was mixed, reflecting what others in this volume have identified as an approach soft on the inside, i.e., gentler touch for certain groups of "insiders," and tough on the outside, i.e., harsher treatment to those deemed "outsiders," especially illegal immigrants and asylum seekers. And so, citizenship and community became political touchstones for the New Labour Prime Minister and tackling social exclusion became an over-arching objective,[11] coordinated across departments, in an effort to create "joined up" government. Citizenship was a "joined up" concern, advocated by the Prime Minister's team at Number 10 Downing Street, as well as central departments and units. Both the Education ministry and the Home Office, for instance, advocated citizenship education. As of 2002, the former required students in England (aged eleven to sixteen) to take a three-part citizenship class that covers social and moral responsibility, community involvement, and political literacy.[12] The Home Office sought social cohesion with citizenship policies geared to reinforce British values, culture and history. Citizenship ceremonies

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9   Immigration and Refugee Protection Act, 2001 S.C., ch. 27 (Can.).

10   Jane Jenson & Denis Saint-Martin, *New Routes to Social Cohesion? Citizenship and the Social Investment State*, 28 CAN. J. SOC. 77 (2003); Deena White, *Policy and Solidarity, Orphans of the New Model of Social Cohesion*, 28 CAN. J. SOC. 51 (2003); Janine Brodie, *Globalization, In/Security, and the Paradoxes of the Social*, *in* POWER, PRODUCTION AND SOCIAL REPRODUCTION 47, 48 (Isabella Bakker & Stephen Gill eds., 2002).

11   This was not only reflected in countless policies, but even in the creation of new institutions, as with the Social Exclusion Unit (SEU) installed in the first year of Tony Blair's first term in office (in December 1997).

12   Ben Kisby, *Social Capital and Citizenship Education in Schools*, 1 BRIT. POL. 151 (2006).

were established in 2003 with new Britons pledging their loyalty to Britain and having to demonstrate some facility in English. The Labour government put a premium on citizenship through its discourses and policy priorities, but the way citizenship actually got played out became increasingly problematic. Its immigration and asylum policies provide a vivid illustration.

As in Canada, im/migration reform was a priority, but in Britain, even more castigatory and penalizing measures (tightening entry controls; tackling illegal immigration; restricting benefits to asylum seekers and setting up a policy for their dispersal) were instituted.[13] While the Labour government sought to attract skilled workers, successive reforms underscored the fact that the Labour government had set out to smash its image of having a "soft touch" with immigrants, refugees and asylum seekers.[14] Britain's five-year immigration plan, announced in February 2005,[15] removed immigrants' immediate right to bring in more relatives and ended the appeal system for those applying for permits. On asylum it was worse: "refugees [would] no longer be given permanent protection but only temporary leave to stay, subject to review after five years; [and there was to be] more detention of failed applicants."[16] In the 2005 British general election, both the Labour and the Conservative parties seemed to engage in a "bidding war" about who could take the hardest line on asylum seekers. Clearly, issues of citizenship and immigration are not only intensely political, but also highly politicized.

Pervasive discourses of citizenship aside, then, states are paradoxically pursuing ever more circumscribed policies in the realm of im/migration, and especially in response to security "threats." Such contradictions can be explained in light of growing securitization described below, and with it, the rise of several problematic tendencies.

A. (In)Security: Securitization and Concomitant Trends

Securitization refers to the adoption of more conventional notions of security where the primary concern is protecting the nation state. This downgrades "thicker" notions of security that came to the fore in the 1990s, such as

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13 Alexandra Dobrowolsky with Ruth Lister, *Social Exclusion and Changes to Citizenship: Women and Children, Minorities and Migrants in Britain*, *in* WOMEN, MIGRATION AND CITIZENSHIP: MAKING LOCAL, NATIONAL AND TRANSNATIONAL CONNECTIONS 149 (Evangelia Tastsoglou & Alexandra Dobrowolsky eds., 2006).

14 William Walters, *Secure Borders, Safe Haven, Domopolitics*, 8 CITIZENSHIP STUD. 237, 238 (2004).

15 *Tough on Rhetoric*, GUARDIAN WKLY., Feb. 11-17, 2005, at 3.

16 *Id.* at 3.

the United Nation's Development Program's (UNDP) more robust human security framework that included multiple dimensions, from economic, environmental, food and health security, to personal and community security. While Canada's former Liberal Foreign Affairs Minister, Lloyd Axworthy, did not go quite as far as the UNDP, he nonetheless advocated the human security approach, based on humanitarian principles; i.e., a "people-centred" (making individuals and communities secure), rather than a "state-centred" approach to Canadian foreign policy in the late 1990s. However, September 11 "raised into stark relief the unresolved tensions between national security and human security," both domestically and internationally.[17]

States' regulatory and coercive capacities are apparent in response to not only the greater global mobility of people leading to higher volumes of im/migration, but are also intensified given the "war on terror" environment. While im/migration and security concerns were already interlaced by states prior to 9/11, as IRPA in Canada illustrates, the knot was tightened post 9/11.[18]

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17 Brodie, *supra* note 10, at 51.

18 For a more detailed examination of this tendency, see Catherine Dauvergne, *Evaluating Canada's New Immigration and Refugee Protection Act in its Global Context*, 41 ALTA. L. REV. 725 (2003). Immigration policies in North America are now tied to national security concerns. *See* RONALD J. DANIELS ET AL., THE SECURITY OF FREEDOM: ESSAYS ON CANADA'S ANTI-TERRORISM BILL (2001); Audrey Macklin, *Borderline Security*, *in* THE SECURITY OF FREEDOM: ESSAYS ON CANADA'S ANTI-TERRORISM BILL, *supra*, at 383; ABU-LABAN & GABRIEL, *supra* note 8; KENT ROACH, SEPTEMBER 11: CONSEQUENCES FOR CANADA (2003); DANIEL DRACHE, BORDERS MATTER: HOMELAND SECURITY AND THE SEARCH FOR NORTH AMERICA (2004); Reginald Whitaker, *The Security State*, *in* CANADIAN POLITICS 223 (James Bickerton & Alain G. Gagnon eds., 4th ed. 2004). The same is true in many wealthier immigration counties around the world. *See* Evelien Brouwer, *Immigration, Asylum and Terrorism: A Changing Dynamic Legal and Practical Developments in the EU in Response to the Terrorist Attacks of 11.09*, 4 EUR. J. MIGRATION & L. 399 (2002); Thomas Faist, *"Extension du domaine de la lutte" International Migration and Security Before and After September 11, 2001*, 36 INT'L MIGRATION REV. 7 (2002); Michael Humphreys, *Refugees: An Endangered Species?*, 39 J. SOC. 31 (2003); Sophie Robin-Olivier, *Citizens and Noncitizens in Europe: European Union Measures Against Terrorism After September 11*, 25 B.C. THIRD WORLD L.J. 197 (2005). Canada's IRPA incorporates various security concerns into its objectives. Some even argue that, post 9/11, Canada "restored the traditional discriminatory practice of dividing immigrants into preferred and nonpreferred groups based on country of origin. However, the rationale for distinguishing the two groups differs; in the past, the goal was to select immigrants who were best able to integrate into Canadian society, while now the concern is to protect Canadians from immigrants who are suspected as security threats." Erin Kruger et al., *Canada After 11 September: Security Measures and "Preferred" Immigrants*, MEDITERRANEAN Q., Fall 2004, at 72, 86 (2004).

Consider here the British White Paper entitled "Secure Borders, Safe Haven," released six months after September 11. This was pitched as an effort to modernize immigration and asylum policy in Britain and to promote social integration and cohesion in the UK in relation to citizenship. However, it also featured provisions meant to stem "abuse" of the asylum system and to secure borders to prevent "illegal entry," "illegal working" and "people trafficking," thereby drawing "an equation between enhanced immigration and asylum controls and improved sense of citizenship and community within British society."[19] Thus, the security/immigration nexus was reinforced and linked to what the British government considered better community and citizenship, in turn tapping into, and feeding, wider sentiments that erroneously link security threats, and even terrorists, with im/migrants.

In the ensuing climate of fear, states can flex their muscles with greater impunity, constricting citizenship practices by using national security as a justification. While this logic and these powers have always been available to states, the post 9/11 environment makes their usage appear even more convincing and compelling, especially when they are propagated by politicians of various political stripes, the popular press, and popular opinion. In Britain, for example, reactionary anti-asylum seeker, anti-immigrant and anti-terrorist responses, involving a citizenship crackdown, are not only championed by the right wing press and right wing parties, but have been adopted by the Labour government. Anti-terrorist measures announced by the British government after the London bombings of July 7, 2005, for example, expanded the state's powers to strip citizenship from naturalized citizens if they participated in extremism.[20] The immigrant/security association, anti-immigrant hysteria, and constriction of citizenship, in other words, are exacerbated by processes of securitization.

While Canada's "get tough" stance and border controls were part of the plan for Canada's new immigration law prior to the events of September 11, they clearly became more prominently featured after the attacks in Washington and New York. When IRPA came into effect in June 2002, its safety and security provisions received top billing.

Pointedly making national security more of a priority post 9/11, the Canadian government also passed several security related statutes in late 2001 and early 2002, including Canada's Anti-Terrorist Act (ATA), which

19 Walters, *supra* note 14, at 239.
20 Joe Friesen, *Blair Announces Tough Anti-Terrorism Measures*, GLOBE & MAIL, Aug. 6, 2005, at A13.

came into force in December 2001.[21] The ATA amended the Criminal Code[22] to include a number of new offences that pivot on the commission of a "terrorist activity," an action now defined in law for the first time in Canada. Canada also signed a Joint Statement of Cooperation on Border Security and Regional Migration Issues with the U.S. in December of 2001. This integrated border enforcement between the two nations, introduced information sharing on airline passengers and included the Safe Third Country Agreement. The latter came into effect in 2003 and requires refugees landing in Canada to make their claims within the country, thereby preventing them from traveling to the U.S. and then applying for status there. The Safe Third County's Agreement's objective was to prevent so-called "asylum shopping," and to counteract American perceptions of a "porous" Canadian border.

Whereas Security Certificates that facilitated the deportation of permanent and non-permanent residents deemed to be threats (i.e., those who are detained under a Security Certificate are incarcerated without having information about the case against them and can be deported without charge) had been in place in Canada since 1978, their use increased dramatically after September 11.[23] In fact, millions of dollars went towards building a new facility to house Security Certificate prisoners in isolation, separate from regular prisoners.

Other security policy developments followed, including the establishment of the Canada Border Services Agency in December 2003. It brought together border security and intelligence functions that had been the remit of the Canada Customs and Revenue Agency, Citizenship and Immigration Canada (CIC) and the Canadian Food Inspection Agency. LiveScan digital fingerprint machines at major border offices were set up to identify individuals seeking to enter Canada. "These machines capture fingerprints, biographical information and photographs of all refugee claimants and individuals whose identity may be in doubt. This data is sent electronically to the RCMP for further checks."[24] CIC, the Canada Customs and Revenue Agency and the Canadian Border Security Agency also formed Canadian Passenger Analysis

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21 Anti-Terrorism Act, 2001 S.C., ch. C-41 (Can.).

22 Criminal Code, R.S.C., ch. C-46 (1985) (Can.).

23 Canadian Council for Refugees, Key Issues: Immigration and Refugee Protection (Mar. 2004), http://www.web.net/~ccr/key issues.htm.

24 PRIVY COUNCIL OFFICE, CANADA, SECURING AN OPEN SOCIETY: CANADA'S NATIONAL SECURITY POLICY 1, 42 (2004). On the genesis and work of the Canada Border Services Agency, see Canada, Government's Role in Public Safety (Jan. 9, 2007), http://www.safecanada.ca/role_e.asp?DeptID-48.

Units, "an advance passenger information system to predetermine whether anyone on an air flight is cause for concern."[25]

With national security as the focal point, human security fell off the government's radar. Keeping the state secure was the prime consideration. For instance, in April 2004, the Liberal government released the document *Securing an Open Society: Canada's National Security Policy*, which outlined a new strategic framework and action plan on national security. Although it referred to prior security breaches and terrorist-inspired tragedies (specifically, the loss of 329 lives aboard Air India flight 182 in 1985), this document was billed as Canada's first-ever integrated approach to national security as a response to the September 11 tragedy in the U.S. and the attack on commuter trains in Madrid (as well as the events like the SARS scare and the 2003 electrical blackout in Canada). Its primary interest, however, was with border and transportation security, international terrorism and intelligence as well as emergency planning. Although there was some discussion of the management of public health emergencies, the more "people centered" discourses of human security, including issues of personal safety, economic security and humanitarian issues, were notably absent.

In Britain, national security became a major preoccupation after 9/11, and then, given the events of 7/7 in London, even more so. Recall that after the September 11 terrorist attacks, the British government issued "the first and strongest declaration of supporting the United States and condemning terrorism."[26] The United Kingdom's Anti-terrorism, Crime and Security Act (ACSA) of 2001 swiftly followed. Only days after this bill became law, in early December 2001, the government used its new powers to detain international terrorists.[27] The London attacks spurred more extreme anti-terrorist measures. Plans announced in the summer of 2005 included:

> Expanding grounds for deportation of foreigners, including fostering hatred, advocating violence to further a person's beliefs or justifying such violence; Creating a list of bookstores and websites and organizations linked to terrorism; Expanding the government's powers to strip citizenship from naturalized citizens if they participate in extremism; Refusing asylum to anyone with terrorism links; Creating

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25 Kruger et al., *supra* note 18, at 79.

26 Virginia Helen Henning, *Anti-Terrorism, Crime and Security Act 2001: Has the United Kingdom Made a Valid Derogation From the European Convention on Human Rights?*, 17 AM. U. INT'L L. REV. 1263, 1265 (2002).

27 Phillip Johnston, *Terror Suspects Rounded Up*, DAILY TELEGRAPH, Dec. 13, 2001, at P2.

a new crime of condoning or glorifying terrorism; Considering an expansion of police powers to hold suspects for three months without charge.[28]

In Britain, with growing securitization, issues of im/migration and asylum became more narrowly defined "security" considerations. For example, the most controversial, and "most draconian provisions," are contained in the section of ACSA that deals with immigration and asylum.[29] Moreover, Home Secretary Charles Clarke's five-year plan for immigration contained provisions such as: stronger border patrols; a new fingerprinting system for all immigrants on visas at ports of entry by 2008; identity cards for all foreign migrants planning to stay in the country for over three months; restrictions on dependents of migrants; as well as plans to speed up deportation of "bogus" asylum seekers.[30] The problem here is that this emphasis on security squeezes out other considerations, such as questions of human rights. The impact this has on citizenship will be discussed later in the Article. But now let us turn to the next significant trend, that of marketization, and its links to securitization.

B. Marketization

Alongside securitization, we see the push and pull of market forces, or *marketization*. Neo-liberalism champions unfettered markets, justifies the decline of redistributive services, and calls for privatization and deregulation. While Canadian and British governments, arguably, have softened their neo-liberal approaches in recent years, moving to "Canadian way" and "Third way" policies respectively (a middle road between neo-liberalism and social democracy), and advocating "social investment,"[31] the market is still a significant factor. Consider here the explicit sway of labor market concerns on immigration policy. For example, while family migration used to be Canada's largest immigration category, by the mid 1990s it slipped to second place behind economic migration, "signifying that building the

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28 Friesen, *supra* note 20, at A13. *See also* Statement by Prime Minister Tony Blair (Aug. 5, 2005), *available at* http://www.timesonline.co.uk/article/0,,22989-1722621,00.html.

29 LIBERTY, ANTI-TERRORISM LEGISLATION IN THE UNITED KINGDOM 21 (n.d.).

30 *Tough on Rhetoric*, *supra* note 15, at 3; Workpermit.com, UK — Labour Government's New Five Year Plan for Immigration (Feb. 7, 2005), www.workpermit.com/news/2005_02_07/uk/labour_five_year_plan.htm?PHPSESSI.

31 ANTHONY GIDDENS, THE THIRD WAY: THE RENEWAL OF SOCIAL DEMOCRACY (1998).

economy takes precedence over reunifying families."[32] Furthermore, with IRPA, in order to respond to specific labor market needs, temporary entry into Canada became even more straightforward than with the purely market-driven North American Free Trade Agreement (NAFTA).

While marketization is not a new phenomenon, now it works in the context of securitization and results in contradictory decisions being made by states in terms of exclusion and inclusion. For instance, the British White Paper, "Secure Borders, Safe Haven," on one hand polices borders, but on the other, makes it easier to allow some types of migrants, highly skilled ones and certain low-skilled casual workers, to enter the UK. "Operating at different ends of the employment spectrum, both initiatives are to improve the supply of labour to the UK economy to 'meet the challenge' of a globalizing environment."[33] The perpetuation of a two-tiered labor system (where industrializing states lose their skilled workers while their unskilled laborers are excluded from industrialized countries) is also apparent in Labour's five-year plan for immigration and asylum. It contains a new "points system" for immigrants, which would "shut out the unskilled unless they live in the newly widened EU."[34] In announcing this plan, Home Secretary Clarke succinctly summed up the Labour government's position that reflects both marketization and securitization: "Migration for work, migration to study is a good thing . . . . What is wrong is when that system isn't properly policed."[35]

Marketization plays out incongruously in the context of securitization. It can be something of a mitigating factor, in that market demands can trump security and im/migration strictures as with, for example, the growing use of atypical employment contracts and efforts to attract investors and skilled migrants. However, marketization in a climate of securitization can also act as an aggravating factor, in that it can create employment barriers for certain targeted groups and/or promote the exploitation of others. There have been cases of Muslim Canadians, for example, who have lost their jobs, or had their assets frozen, or their businesses unduly jeopardized, simply because they have been accused of being security risks. To illustrate, a photocopy shop operated by a family of Middle Eastern descent in Toronto was subjected to a police raid on the mistaken suspicion of abetting terrorist activity, and as a result, this business faced permanent closure

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32 CATHERINE DAUVERGNE, HUMANITARIANISM, IDENTITY & NATION: MIGRATION LAWS IN CANADA AND AUSTRALIA 6 (2005).
33 Walters, *supra* note 14, at 239.
34 *Tough on Rhetoric*, *supra* note 15, at 3.
35 Workpermit.com, *supra* note 30 (citing Home Secretary Charles Clarke).

given all the negative media attention.[36] Furthermore, border policies and policing are also linked to economic policy whereby those on the "inside," working poor citizens for instance, through various coercive employability programs, can substitute for migrants and can intensify wage inequalities.[37] Of course, the aforementioned examples also involve processes of racialization, invisibilization and instrumentalization, to which we will now turn.

C. Racialization and the Invisibilization and Instrumentalization of Women

Securitization and marketization lead to other problematic trends, as with the emergence of different forms of *racialization*. To be clear, im/migration, refugee and asylum policies have had a long and dishonorable history of racialization in both Canada and Britain, with repercussions and deviations that continue to the present.[38] Yet, these longstanding tendencies of exclusion are exacerbated post 9/11 with growing securitization and are joined by new forms of racialization, primarily directed against Muslim and Arabic groups.

Critics warned of the potentially disastrous effects that Canada's ATA would have on particular racial, ethnic and religious constituencies. Indeed, since the passage of the ATA, immigrants from certain cultural backgrounds that had been considered part of Canada's "mosaic" are eyed with suspicion and treated differently given their ethnicity, race and/or religion. Numerous communities (from Middle Eastern, Central and South Asian communities to Muslim groups), and individuals (particularly young men with Muslim sounding names) feel that they are being targeted, singled out, profiled, presumed guilty, and have modified their activities in response.[39] Beyond the

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36 Wesley W. Pue, *The War on Terror: Constitutional Governance in a State of Permanent Warfare*, 41 OSGOODE HALL L.J. 267 (2003).

37 *See* Adriana Kemp, *Managing Migration, Reprioritizing National Citizenship: Undocumented Labor Migrants' Children and Policy Reforms in Israel*, 8 THEORETICAL INQUIRIES L. 663 (2007).

38 For example, the Law Lords ruled that practices initiated in July 2001 to block Roma people from flying to Britain (e.g., stationing British immigration officers at the Prague airport) amounted to "'inherent and systematic' racism." Derek Brown, *Asylum Scheme Ruled Racist*, GUARDIAN WKLY., Dec. 17-23, 2004, at 12. On Canada, see Sunera Thobani, *Closing Ranks: Racism and Sexism in Canada's Immigration Policy*, 42 RACE & CLASS 35 (2000).

39 On why Canadian immigrants and their communities "feel more insecure and threatened in the post-9/11 security environment," see Edna Keeble, *Immigration Civil Liberties, and National/Homeland Security*, 60 INT'L J. 359, 372 (2005). Growing evidence shows "that immigration practices towards nationals from specific, predominantly Muslim countries include profiling, and that airport security

ATA, other policies, like those contained in the Joint Statement of Cooperation on Border Security, have also been condemned for their propensity for racial profiling. One study surveying Canadian Muslims in 2002, noted that a significant number of respondents felt that their lives in Canada had worsened since September 11, with 60% of those polled indicating that they had encountered personal discrimination post 9/11.[40] In Britain, racialization in the context of securitization has had some devastating consequences, as with the police shooting of Brazilian Jean Charles de Menezes, mistaken as a terrorist threat. The Canadian Maher Arar debacle poignantly illustrates that the combination of securitization and racialization applies not only to newcomers. Based on an unproven accusation of being a terrorist, Arar, a dual citizen of Canada and Syria, was detained and interrogated in the U.S., and deported to Jordan then Syria, where he was subsequently imprisoned and tortured for a year. Moghissi wryly observes, "Having lived long in the country and obtaining citizenship, having built a home and raised a family here, does not make you a Canadian citizen . . . with the same democratic rights, legal protections, and life options as white citizens of European origin."[41]

The foregoing is also undoubtedly gendered, and leads to either the *invisibilization* (i.e., rendering invisible) or *instrumentalization* (i.e., strategic, instrumental use) of women. These opposite, and rather contradictory, responses reinforce the ambivalent location of women within national and citizenship discourses.

When it comes to the invisibilization of women, we see that in the context of securitization, men appear as the primary players: they are the decision makers, and they also become the targets. Consider how the "international coalition against terrorism was . . . a men-only event."[42] Moreover, in the post 9/11 climate, terrorists are the main security "threats" and are personified as young men of color, often of Middle Eastern or South Asian background, and typically Muslims. As we have seen, in response to these new "threats," states have narrowed their notions of security, focusing on protecting the state

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personnel profile non-citizens and citizens alike," especially "differentially targeting" Arabs, persons of Middle Eastern appearance or Muslims. Yasmeen Abu-Laban, *The New North America and the Segmentation of Canadian Citizenship*, 29 INT'L J. CAN. STUD. 17, 26 (2004).

40 Denise Helly, *Are Muslims Discriminated Against in Canada since September 2001?*, 36 CAN. ETHNIC. STUD. 24 (2004).

41 Moghissi, *supra* note 2, at 595-96.

42 "The one woman in a publicly prominent White House position . . . Condoleeza Rice . . . played a relatively limited role." Hilary Charlesworth & Christine Chinkin, *Sex, Gender and September 11*, 96 AM. J. INT'L L. 600, 600-01 (2002).

from this proto/stereo/typical terrorist. This has the effect of marginalizing women who are already on the outside looking in when it comes to many state policies. The point here is not to advance a formal equality argument and suggest that women, like men, should be viewed equally as targets, but rather to underscore the fact that the consequences of securitization on women are not being considered, and hence are perpetuating the invisibilization of women.

For example, what happens to the wives and families of men who are arrested on the basis of suspicion of terrorist involvement? While their husbands are indefinitely detained, what impact does this have on the economic and personal security of these women and their children? And, if and when these terrorist suspects are released, what is the fall-out for their marriages and their families' future livelihoods?[43] Even though Maher Arar was gainfully employed before his ordeal, after his release and exoneration he could not find work because employers feared unwanted attention from security services. Moreover, for those like Arar who are tortured, or for those prisoners who are held in isolation for months at a time, one can anticipate that their physical and mental health will be adversely affected. Here it is not unreasonable to assume that it will most likely be women (wives, mothers, girlfriends, partners, sisters) who will be responsible for their care upon release. These are the repercussions that are not being considered and thereby perpetuate the invisibilization of women.

Furthermore, women's concerns are typically linked to a broader human security agenda that deals with more expansive human rights and equality issues, or with the precarious lives they lead in relation to economic or physical (violence against women) security.[44] These are precisely the kinds of humanitarian concerns that seem to have fallen by the wayside, with national security front and center. The lack of attention paid to issues like economic and personal security is a problem for women especially, given that they are more disadvantaged economically and more vulnerable in terms of personal safety and bodily security than men are. For example, marketization aggravates economic inequalities and contributes to the invisibilization and/or instrumentalization of women in all too familiar ways.

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43 Monia Mazigh, who tirelessly worked to publicize the injustices committed against her husband Maher Arar, provided a rare glimpse of the disastrous effects of his ordeal on herself and her two young children. *See* Monia Mazigh, *Please Send My Husband Home*, GLOBE & MAIL, Jan. 18, 2003, at A19.

44 Linda Basch, *Human Security, Globalization and Feminist Visions*, 16 PEACE REV. 5 (2004); J. Ann Tickner, *Feminist Responses to International Security Studies*, 16 PEACE REV. 43 (2004).

To illustrate, states promote competitive, prosperous market actors to situate their countries favorably in the cut-throat global economy, affecting many policy realms, including im/migration, with gendered outcomes. In Canada, the preferred "economic" and "independent" immigration categories are masculinized, whereas the family category is less favored and has been "ideologically constructed as a feminine one, with the consequence that the economic contributions made by its members are rendered invisible."[45] Furthermore, the point system in Canada (and soon in Britain) grants more points to those with higher education, language skills and training. This human capital may not be as easily attainable for women as men, contributing further to the invisibilization of women, and while some women do have the requisite education and experience, whether these qualifications are accepted, or can be fully exercised, is questionable.[46] Moreover, marketization also means that many of the state's responsibilities either fall to the market or to the family, on the presumption that women will take up the slack in the realm of care. Women's under-valued and unpaid work in the home, then, can negatively impact their paid work opportunities. Thus, women are also used in highly instrumental ways that reinforce gendered inequalities.

Somewhat paradoxically, women's instrumentalization also renders certain women highly visible in the post 9/11 context. Consider Muslim women wearing headscarves and other forms of religious dress who, due to racialization and securitization, become one of the most obvious targets for profiling and other forms of discrimination. Indeed, after the September 11 terrorist attacks, and due to increased incidents of harassment, the Muslim Council of Britain distributed pamphlets warning those "whose faith is visible — such as women who wear hijab" — that they should "take care before going out alone."[47]

More recently, some British state officials have reacted to the climate of fear by questioning the practice of wearing the hijab, niqab, burka and chador. House of Commons leader Jack Straw asked women in his Blackburn constituency office "to remove their veils because it made communication difficult" and Tony Blair "'fully supported'" a school decision to suspend a primary school classroom assistant for refusing to remove her veil while teaching and called the veil a "'mark of separation' that makes others

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45   Thobani, *supra* note 38, at 39.

46   Janet Salaff & Arent Greve, *Why Do Skilled Women and Men Emigrating from China to Canada Get Bad Jobs?*, *in* WOMEN, MIGRATION AND CITIZENSHIP 85 (Evangelia Tastsoglou & Alexandra Dobrowolsky eds., 2006)

47   Tania Branigan, *Council Warns of Anti-Islamic Backlash*, GUARDIAN WKLY., Aug. 20-26, 2004, at 14.

feel uncomfortable."[48] In other words, in Britain, the moral panic around im/migration and anti-terrorism has pushed the social cohesion agenda to new extremes, eclipsing a multicultural ethos, with Muslim women becoming a strategic marker. The limited purview of securitization, and the related limiting processes outlined above, mean that these women's needs, as well as the needs of those who give voice to inequalities based gender, race, religion, class, and their intersections, remain unaddressed as the demands of national security and social cohesion take precedence.

A more systematic approach to citizenship should help to evaluate the implications of these trends of securitization, marketization, racialization and the invisibilization and instrumentalization of women vis-à-vis citizenship. This is where the citizenship regime conceptual apparatus becomes quite useful.

II. (IN)SECURITY AND ERODING CITIZENSHIP REGIMES

A. The Citizenship Regime Conceptual Framework

The concept of citizenship regime will be used to structure the remainder of this analysis. According to Jane Jenson,[49] a citizenship regime includes the discourses, institutional rules and understandings that help to organize the boundaries of political debate. It informs problem definition, and guides and shapes decisions affecting the policy priorities of states, as well as the claimmaking of citizens. This theorization incorporates the image of a diamond in recognition of the fact that the citizenship regime has an impact on four sectors, or four interrelated points of a diamond: i) the state, ii) the family, iii) the market and iv) the community. Indeed, our discussion already indicates why it is important to examine not only the state and market, but also the family and community.

The citizenship regime is complex and multi-layered but is essentially comprised of the following components:
- *Responsibility mix*: involves the basic values and key boundaries of state

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48 Hamida Ghafour, *U.K. Targets the Veil and Critics Are Asking Why*, GLOBE & MAIL, Oct. 18, 2006, at A3.

49 The citizenship regime concept, and the theorization and categories that stem from this concept, are taken from the work of Jane Jenson. *See* Jenson & Phillips, *supra* note 4; Alexandra Dobrowolsky & Jane Jenson, *Shifting Representations of Citizenship: Canadian Politics of "Women" and "Children,"* 11 SOC. POL. 154 (2004).

responsibilities and differentiates them from those of markets, families and communities
- *Rights and duties*: incorporates formal recognition of various rights bundles: civic, political, social, cultural; individual; collective
- *Governance*: denotes various political practices, routes to representation and modes of participation in civil life
- *Belonging*: encompasses identity and membership, both the feelings and actual boundaries of inclusion and exclusion

Each of these categories will be considered in turn. They are used as organizing concepts, but also address more normative claims. While Jenson uses this framework to trace the contraction of fundamental citizenship categories, with moves from welfare statism to neo-liberalism and, more recently, with social investment perspectives, here citizenship regime concepts are featured to stress how citizenship practices are being negatively affected by securitization, as well as marketization, racialization, and the invisibilization and instrumentalization of women.

B. Responsibility Mix

The responsibility mix has shifted as a result of both marketization and securitization. The state's role becomes one of at times abdicating responsibilities, especially with respect to human security issues, and at others becoming more directive and even coercive regarding national security. As human security becomes more attenuated, states run the risk of failing to provide basic material conditions and to respect human rights.[50] This undermines any efforts to address social exclusion, let alone equality, and this obviously has a deleterious impact on citizenship practices.

Promoting such neo-liberal priorities as marketization negatively affects broader notions of citizenship by undercutting the role of the state and welfare liberal ideals:

> [A] neo-liberal technology of governing holds that the security of citizens, their well-being and quality of life, are increasingly dependent on their own capacities as free individuals to confront globalized insecurities by making calculations and investments in their lives . . . . The theory of individual economic agency as the most efficient form of distributing public resources was embraced under the . . . policies of Thatcherism and Reaganomics. Ironically, as neo-liberal values of

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50 Isabella Bakker & Stephen Gill, *Global Political Economy and Social Reproduction*, *in* POWER, PRODUCTION AND SOCIAL REPRODUCTION, *supra* note 10, at 3, 10.

> flexibility, mobility and entrepreneurialism become citizenship ideals, they undermined the democratic achievements of . . . liberalism based on ideals of equal rights.[51]

The material conditions of human security were challenged well before 9/11 with neo-liberal re-structuring under Canadian and British governments of the 1980s and early 1990s. By the end of 1990s, however, work had to be done to address societal problems wrought by a shrunken and tattered social safety net. This helps to explain the rise of discourses of social inclusion/exclusion/cohesion, as well as the "social investments"[52] proclaimed by Prime Ministers Chrétien and Martin in Canada, and produced by Prime Minister Blair in Britain.

Nonetheless, with the demise of the welfare state, the Marshallian tradition of citizenship — social citizenship as a requisite for civil and political citizenship — was fundamentally challenged.[53] Today, there are few champions of explicit redistribution and social rights, and even notions of equality have become less prominent as social exclusion and cohesion become top concerns.[54] Not only has the goal of achieving substantive equality of condition been abandoned in favour of promoting formal equality of opportunity, but the objective of tackling inequality (which involves a recognition of difference and diversity) is lost in the scramble to foster social cohesion (which promotes sameness). And, while "social investment" (often a code word for spending) marked a change from the deep cuts that occurred at the height of neo-liberalism, the nature of the investment was highly strategic and constituted a different set of priorities than those of the post-war welfare state.[55] The emphases now lay with work/employability

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51 Aiwa Ong, *(Re)Articulations of Citizenship*, 38 PS: POL. SCI. & POL. 697, 698 (2005).

52 Alexandra Dobrowolsky, *Rhetoric Versus Reality: The Figure of the Child and New Labour's Strategic "Social Investment" State*, 69 STUD. POL. ECON. 43 (2002); Jenson & Saint-Martin, *supra* note 10; Ruth Lister, *Investing in the Citizen-Workers of the Future: Transformations in Citizenship and the State Under New Labour*, 37 SOC. POL'Y & ADMIN. 427 (2003); Alexandra Dobrowolsky, *The Chrétien Legacy and Women: Changing Policy Priorities with Little Cause for Celebration*, 9 REV. CONST. STUD. 171 (2004); Alexandra Dobrowolsky & Jane Jenson, *Social Investment Perspectives and Practices: A Decade in British Politics*, 17 SOC. POL'Y REV. 203 (2005); Alexandra Dobrowolsky & Denis Saint-Martin, *Agency, Actors and Change in a Child-Focused Future*, 43 J. COMMONWEALTH & COMP. POL. 1 (2005).

53 Bryan Turner, *The Erosion of Citizenship*, 52 BRIT. J. SOC. 189, 190-92 (2001); Lister, *supra* note 52.

54 Jenson & Saint-Martin, *supra* note 10.

55 *See* sources cited *supra* note 52; as well as GIDDENS, *supra* note 31; and Bob Jessop,

and contributing to market innovation, a knowledge economy, flexibility, and human capital through education, for these were identified as the keys to global competitiveness and prosperity. Clearly, some continuities with neo-liberalism remain, particularly with the marketization thrust, and securitization reinforces this connection.

Securitization and marketization tend to go hand in hand. Consider here the December 2001 Smart Border Declaration signed between Canada and the U.S.[56] This agreement facilitates smoother border crossings for commercial goods and, for example, transport drivers, in order to increase the volume of goods crossing borders. At the same time, however, it seeks to improve cooperative intelligence and law enforcement efforts in order to screen out "higher risk flows."[57] Indeed, Canada took pains to harmonize its security measures with the U.S. because it is its most significant trading partner. Anne McLellan, the former Liberal Minister of Public Safety and Emergency Preparedness, made no bones about it when she stated (in March 2004) that "Canada and the United States place the highest priority on ensuring our borders are safe and secure in order to facilitate the $1.9 billion in daily trade between our two countries."[58] When national security is enhanced to promote free trade, it is obvious that securitization fits with marketization.

At the same time, national security comes at the expense of human security in a context of strategically deployed and carefully costed resources. Protecting national security, and furnishing the state with tools with which to do so, necessitates pouring more funds into the securitization pot. In the Canadian government's words, when border management "became even more urgent in the aftermath of the September 11 attacks," it took "immediate steps to enhance security . . . by allocating $646 million in Budget 2001 to initiatives including equipping and deploying more intelligence, investigative, and front-line personnel."[59] By April 2004, it earmarked $690 million for its national security plan.

> The money, to be doled out over five years, [was] intended to tighten

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From the KWNS to the SWPR, *in* RETHINKING SOCIAL POLICY 171 (Gail Lewis et al. eds., 2000).

56 The Smart Border Declaration was signed on December 12, 2001 between American Governor Tom Ridge and Canada's Deputy Prime Minister John Manley. *See* Canada, Smart Border Declaration: Building a Smart Border for the 21st Century on the Foundation of a North American Zone of Confidence (Dec. 12, 2001), http://geo.international.gc.ca/can-am/main/border/smart_border_declaration-en.asp.

57 PRIVY COUNCIL OFFICE, CANADA, *supra* note 24, at 43.

58 *Id.* at 43.

59 *Id.* at 41.

security at seaports and computer data centres, make it more difficult
to forge Canadian passports, allow security agencies to hire more
officers, improve the analysis of intelligence, and make it easier for
agencies to operate alongside each other during a crisis.[60]

Under Canada's new Conservative government, more funds geared towards
national security mean fewer funds for other policy areas: the 2006 budget
called for $1.1 billion in new spending over two years to the military, and
$2 billion in overall spending cuts.[61] In short, the state is flexing its muscles
in certain respects, but lax in its other responsibilities. The "state is back,"
but it has not returned to provide welfare (à la the welfare state) but rather to
bolster national security (i.e., the securitized state in the context of a global
"risk society").[62]

In Britain, securitization also can be seen to be working in concert with
marketization and here too, strategic choices are being made about state
resources, as with the Labour government's push to keep asylum seekers out
by cutting benefits. Such moves are supported by a sensationalist tabloid,
anti-im/migrant press quick to make spurious allegations with respect to
im/migrants taking away jobs, or receiving excessive benefits and/or special
treatment from the state. The post 9/11 and 7/7 climate of suspicion and
fear heightens the negativity and means that there is not much sympathy
for providing state support to im/migrants, refugees and particularly asylum
seekers. For example, the British newspaper, *The Sun*, ran an advertisement
in 2003 to "end the asylum madness." This launched a campaign which
suggested that "this sea of humanity is polluted with terrorism and disease
and threatens our way of life . . . . Blair must . . . revoke the human rights
law and lock up all the illegals now," to which hundreds of thousands of
Sun readers went on to subscribe.[63]

Consequently, the Labour government has been able to impose a series
of punitive measures targeted at asylum seekers. For instance, section 9 of
the 2004 Asylum and Immigration Act[64] sets out a process that withdraws
benefits from failed asylum seekers. In September 2005, a woman and her

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60 Jeff Sallot, *Ottawa Unveils Security Plan to Beef up Defence*, GLOBE & MAIL, Apr.
    28, 2004, at A5.

61 *Priority One 28 Tax Cuts*, GLOBE & MAIL, May 5, 2006, at A1.

62 Ulrich Beck et al., *The Theory of Reflexive Modernization: Problematic, Hypotheses,
    and Research Programme*, 20 THEORY CULTURE & SOC. 1, 10 (2003).

63 This example is cited in CHARTERED INSTITUTE OF HOUSING, PROVIDING A SAFE
    HAVEN — HOUSING ASYLUM SEEKERS AND REFUGEES 4 (2003).

64 Asylum and Immigration (Treatment of Claimants) Act, 2004, c. 19, § 9 (U.K.).

four-year-old child became the first family evicted from their home as a result of a pilot scheme that took away all benefits from failed asylum seekers who refrained from leaving Britain voluntarily.[65] Even though asylum seekers experience the most extreme social exclusion (homelessness, destitution and even separation from their children in Britain, or the risk of returning to countries to confront even greater insecurities), they face the removal of the remainder of their negligible material assistance.

In sum, marketization and securitization mean open borders for trade and labor-capital mobility; open borders for certain (in demand) workers; but closed borders to refugees and asylum seekers, and a clamp down on terrorists. The objective is to seal up borders to so-called security threats but yield to market priorities by freeing up borders for trade. For instance, borders are open to certain migrants who can work temporarily, but there is no interest in having them stay. Rather, the approach is one of guest-worker denizens. Given shifting state priorities, i.e., choosing to spend on national security, there are fewer funds available to provide support for im/migrants, even when im/migrants, and especially refugees and asylum seekers, are prime candidates for social exclusion.[66]

The Canadian and British states' insensitivity to gender and race analyses exacerbate the matter. What happens to women and racial minorities ties into the larger point being made here: that these new emphases serve to weaken citizenship as a political and socio-economic category more broadly. To illustrate, the promotion of market "flexibility" typically means more precarious work, work that often falls to women, or constitutes feminized labor, which is low paid, and, in turn, contributes to more economic insecurity.[67] By holding so much in store when it comes to paid work or productive labor, these states continue to devalue unpaid work and the critical reproductive labor that is mostly the responsibility of women. While such responses may not be new, what is different is that redistribution and social services are becoming increasingly compromised in the context of marketization and securitization, perpetuating kinds of insecurity that are not being addressed in the push to protect national security. This affects women who disproportionately care for others and are at an economic disadvantage compared to men, for they rely more on redistribution and social services, both of which are in short supply. Moreover, when notions of equality

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65   David Ward & Owen Bowcroft, *Failed Asylum Seeker Evicted Under Pilot Project*, GUARDIAN WKLY., Sept. 2-8, 2005, at 14.
66   Dobrowolsky with Lister, *supra* note 13.
67   Bakker & Gill, *supra* note 50.

are no longer part of the equation, as social cohesion becomes the central objective, the invisibilization of women is perpetuated, given that women and other disadvantaged groups had previously relied on equality as a mobilizing strategy.

We have witnessed the state, in one realm, building up its capacities in terms of security, but in the others, divesting itself of many of its responsibilities. This has an impact on the private sector (with, for example, private companies adopting "patriotic" and nationalistic messages as marketing strategies and business practices), no doubt, but also on women and families, as well as on communities. For example, as the state tries to "streamline" and become more prompt and efficient in immigration matters,[68] it increasingly relies on the voluntary sector and various "partners" in the community to provide immigration services.[69] However, preoccupations with security can also trickle down to the community. Some service providers may feel that they must also toughen their approach to immigrants, refugees or asylum seekers in a new security climate.[70] Thus, securitization can also affect third sector organizations with which the state increasingly works in "partnership," along with its conventional private sector partners.

Ironically, despite efforts to speed up im/migration processes, new bureaucratic hurdles combined with security preoccupations have slowed down various im/migration related procedures. Applying and receiving citizenship takes longer, just as traveling through airports takes longer. In Canada, state downsizing in the name of efficiency has translated into less face-to-face interaction with state officials. Instead of being able to walk into an immigration office to discuss concerns with a real person, service users are left with only virtual interaction via telephones and computers.

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68   According to the former Immigration Minister Judy Sgro, another justification for "speeding up the system" is "to reduce potential abuse." She went on to explain, "removing unsuccessful refugee claimants in a timely manner is a critical factor in developing refugee policy." Judy Sgro, Canada's Refugee Program: Upholding Our Humanitarian Tradition into the 21st Century, Address Prepared for the Consultative Committee on Practices and Procedures of the Immigration and Refugee Board (May 11, 2004) (notes on file with author).

69   From 2002-2003, the Liberal government provided funding to develop partnerships with immigrant-serving NGO's to "Strengthen Settlement Capacity." Yasmeen Abu-Laban, *Jean Chrétien's Immigration Policy*, *in* THE CHRÉTIEN LEGACY: POLITICS AND PUBLIC POLICY IN CANADA 141, 145 (Lois Harder & Steve Patten eds., 2006).

70   DIANE CROCKER ET AL., SECURITY AND IMMIGRATION CHANGES AND CHALLENGES: IMMIGRANT AND ETHNIC COMMUNITIES IN ATLANTIC CANADA, PRESUMED GUILTY? (forthcoming 2007).

The foregoing shifts in the responsibility mix, then, also relate to issues of governance.

C. Governance

The retraction of social citizenship means redesigning governing practices as more responsibilities fall to the market, as well as to families and communities. On one hand, traditional control and command patterns of governance run up against governance practices that involve not only state, but non-state actors. On the other hand, however, growing securitization complicates governance and often works at cross-purposes with states' stated objectives. Recent British and Canadian governments have talked the talk of tackling democratic deficits, working more transparently, promoting accountability and building partnerships with the voluntary sector. However, when it comes to walking the walk, and realizing these practices, the results are mixed, and with securitization, multi-level governance and openness are sacrificed more often than not.

Contrast the amount of consultation that took place in the lead up to IRPA with what occurred in the case of Canada's ATA. Prior to IRPA, and since 1994, "Canada has undergone an almost unceasing process of public consultation about potential changes to its immigration law."[71] Various plans and public discussions took place throughout the 1990s, culminating in the tabling of a new bill in early 2000. This, then, sparked more consultations and debate, but the bill dill died with the 2000 election called. With the introduction of IRPA, another round of consultations was held, some further changes made, and the bill was eventually passed in 2001. Conversely, the ATA was rushed through Parliament in the fall of 2001, with hearings in the House of Commons and Senate taking place at the same time, and the bill being passed by Parliament and given Royal Assent in an amazingly abbreviated two-month period.[72]

In Britain, the speed at which the legislative process turned to produce anti-terrorist legislation is also illustrative:

> After a stormy passage through parliament, in which the government timetabled just sixteen hours over a three-day period for MPs to debate the emergency measure, the Anti Terrorism Crime and Security Emergency Bill 2001 passed through the legislative process on 13

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71   Dauvergne, *supra* note 32, at 17.
72   Alex Mazer, *Debating the Anti-Terrorist Legislation: Lessons Learned*, Can. Parliamentary Rev., Summer 2003, at 21.

December and was given Royal Assent the day after. At that point, barely a month had passed since the bill had been submitted to the legislature. Even the House of Lords was given only nine days to reflect on it.[73]

Although social investment discourses and practices rely on partnerships with not only the market but the third sector, some voluntary organizations experience a more coercive, rather than a cooperative, state in light of securitization. With laws like the ATA and the climate of fear that accompanies it, community and associational life have been adversely affected. In Canada, contributions to charities in the Muslim communities "were hit hard because of the stigma of being attached to a so called terrorist organization" and members of these communities note that they have had to curtail their social and cultural activities in the current climate.[74] Clearly, if social and cultural activities are considered potentially problematic, political activities would appear even more risky. Recent allegations of spying even within religious institutions rocked Canada's Muslim community, with one report suggesting that Canadian Security Intelligence Service (CSIS) spies and Royal Canadian Mountain Police (RCMP) informants could be found in "virtually every major mosque in Toronto."[75] These experiences also relate to a changed climate in terms of the statuses and practices of citizenship when it comes to both rights and duties, as well as to belonging.

D. Rights and Duties

With marketization, rights become individualized and universalized. There is more concern with individuals fulfilling duties/obligations, and discourses of choice become more prevalent, but there is less recognition of collective rights, equality and social justice. This has a negative impact when it comes to marginalized collective identities that have used rights discourses and strategies to bring about change. Securitization worsens the matter. The emphasis on questions of national security edges out other considerations, notably questions of human rights and compassionate considerations.[76]

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73 Dirk Haubrich, *September 11, Anti-Terror Laws and Civil Liberties: Britain, France and Germany Compared*, 38 GOV'T & OPPOSITION 3, 8 (2003).

74 *See* CROCKER ET AL., *supra* note 70.

75 Omar El Akkad, *Muslims Say CSIS Has Spies in Many Mosques*, GLOBE & MAIL, July 29, 2006, at A1.

76 To be sure, there are some exceptions. For instance, IRPA contains some compassionate grounds, but these deal with children. *See* DAUVERGNE, *supra* note 32, at 147. This, interestingly enough, fits with social investment, as the figure

This contributes to the invisibilization of women who have sought recourse in rights, especially equality, as mobilizing tools. It also makes it more difficult to seek redress when racialization occurs as a result of securitization. Harms faced by individuals become justified or are minimized when measured against the war on terrorism. Yet, "consequences that may appear insignificant when viewed in isolation or from an abstract individual perspective become deeply problematic when viewed from a community perspective of systematic exclusion."[77]

Clearly, securitization has resulted in rights trade-offs. With the new anti-terrorist laws in Canada and Britain, a balancing act between freedom and security took place. However, a good deal of the weight fell on the security side of the scale. One study compares legislation in Britain, France and Germany and examines the claims of governments and civil rights groups in relation to the status of rights and freedoms in the respective states post 9/11. All three countries "have made it into the top five of a name-and-shame list jointly published by several non-governmental organizations concerned with the protection of human rights"[78] and "the British Anti-Terrorism Act represents the most extensive and, relative to the degree of infringement on liberties, the most disproportionate case of the three countries analysed."[79]

The ATA illustrates the effects that both securitization and racialization can have on rights. Canada paid a price for the "modicum of security" provided by its Anti-Terrorism Act:

> Without question, we have breached fundamental principles of criminal law, compromised liberty and freedom, conferred increased power on state agents to invade privacy and to deprive persons of liberty, hampered the freedom to associate, and increased the risks associated with racial or religious profiling and discrimination.[80]

An even broader array of rights, beyond freedom and liberty, are at stake, including equality rights and multicultural commitments, meaning

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of the child is prominent in its discourses and policy priorities. And yet, with a growing securitization thrust, even these types of concerns get edged out.

77 Reem Bahdi, *No Exit: Racial Profiling and Canada's War Against Terrorism*, 41 Osgoode Hall L.J. 293, 316 (2003).

78 Haubrich, *supra* note 73, at 7.

79 *Id.* at 19.

80 David M. Paciocco, *Constitutional Casualties of September 11: Limiting the Legacy of the Anti-Terrorism Act*, 12 Sup. Ct. L. Rev. 183, 189 (2002).

that multiple rights and liberties could be "trampled upon in the war on terrorism."[81]

For example, the ATA heightened the risk of discrimination for Muslims in Canada on basis of race, religion, color, ethnic and national origin. It was predicted that the ATA

> will target Muslims, a community which suffers from historical disadvantage and ongoing stereotyping. The definition of "terrorist activity" and the designation of "terrorist groups" as outlined in the Act, will adversely impact on Muslims by subjecting them to differential treatment in the enforcement of criminal law provisions and administrative processes. An additional feature to consider will be the fact of intersecting inequalities, particularly those of a systemic nature, such as the case of non-citizen Muslims, who will be at an even greater risk of discrimination and for whom the adverse effects will be exceptionally grave.[82]

The ATA, then, risks undermining section 15(1) of Canada's Charter of Rights and Freedoms,[83] which prohibits discrimination, and "instills a well-grounded fear amongst members of a disadvantaged group not only that the law will adversely affect them, but also that, in implementation, it will actually target them on the basis of their race, religion, colour and ethnic or national origin."[84]

Although there were efforts to "Charter proof" the ATA,[85] to many scholars, and for certain communities, the basic status of various rights and liberties in the Charter, from freedom of speech and association to basic legal and equality rights, are jeopardized.

Rights infringements can manifest themselves in blatant ways, but can also take more insidious forms. Canadian citizens detained outside Canada have experienced extreme deprivation of rights and liberties.

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81 Stephen J. Toope, *Fallout from 9-11: Will A Security Culture Undermine Human Rights?*, 65 SASKATCHEWAN L. REV. 281, 286 (2002).

82 Faisal A. Bhabha, *Tracking "Terrorists" or Solidfying Stereotyipes? Canada's Anti-Terrorism Act in Light of the Charter's Equality Guarantee*, 16 WINDSOR REV. LEGAL & SOC. ISSUES 95, 97 (2003).

83 Part I of the Constitution Act, 1982, being schedule B to the Canada Act 1982, ch. 11 (U.K.).

84 Bhabha, *supra* note 82, at 120.

85 Kent Roach, *The Dangers of a Charter-Proof and Crime-Based Response to Terrorism*, in THE SECURITY OF FREEDOM: ESSAYS ON CANADA'S ANTI-TERRORISM BILL, *supra* note 18, at 131.

Beyond Maher Arar, Canadian-born Omar Khadr, a teenager detained by the United States, is being held "indefinitely without charges, trial or Geneva-Convention protections in a military prison at Guantanamo, Cuba."[86] And what conclusions can be drawn by the fact that the number of Canadian visas granted to applicants from Middle Eastern and predominantly Muslim countries has dropped?[87]

Both perceptions and realities of the meaning and practices of Canadian citizenship have changed in the aftermath of September 11.[88] Acts of violence and discrimination against visible minorities and specific religious groups were evident in Canada immediately after September 11. Those of Muslim and Arab descent, in particular, had to endure the monitoring of their charitable donations, restrictions on their travel (especially to and from the United States), and "increased surveillance on the part of Canadian law enforcement and intelligence officials."[89] Up to the present, people of color, women, men and children, especially those with Muslim or Arab "sounding" names, are suggesting, time and again, that they are being singled out at airports and searched when no "white" passengers are being stopped or searched, suggesting that racial profiling is alive and well in Canada.[90]

In Britain, the war on terror "not only raised suspicions over asylum seekers, but caused massive problems for members of ethnic communities long settled in Britain. Britain's now substantial Muslim population have been victims of irrational panic reactions in what has been termed 'Islamophobia.'"[91] Attacks against mosques and Muslim individuals, and even the desecration of cemeteries, took place after September 11.[92]

Securitization and racialization can have an impact on everything from travel to getting an apartment and obtaining employment, for citizens and non-citizens alike. New forms of racialization in the new securitization environment can even trump marketization. Consider the career consequences, post 9/11, for two Canadian citizens. One man of

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86   Abu-Laban, *supra* note 39, at 32.

87   Abu-Laban, *supra* note 69, at 153.

88   *See* Victoria M. Esses et al., *Public Attitudes Toward Immigration in the United States and Canada in Response to the September 11 "Attack on America,"* 2 ANALYSES SOC. ISSUES & PUB. POL'Y 69 (2002).

89   Kruger et al., *supra* note 18, at 85.

90   Reem Bahdi, *No Exit: Racial Profiling and Canada's War Against Terrorism*, 41 OSGOODE HALL L.J. 293 (2003); CROCKER ET AL., *supra* note 70.

91   WILLIAM NORMAN COXALL ET AL., CONTEMPORARY BRITISH POLITICS 394 (4th ed. 2003).

92   Branigan, *supra* note 47, at 14.

Iranian descent, who works as a truck driver, has to cross the border three times a week where he is repeatedly fingerprinted and must submit to photographic checks. One can certainly question how long he will be willing to subject himself to such targeted scrutiny. Another man, an Iraqi-born industrial engineer, will no longer travel to the United States for training sessions because of the profiling he endures.[93]

Calculations are being made that undermine people's sense of their rights and liberties and chip away at Canada and Britain's so-called multicultural mosaic. Some families now weigh whether their sons should go out into the world with the name "Mohammed" or simply use the more ambiguous short form "Mo." Women now question whether they should refrain from wearing headscarves or other forms of faith-based dress in order to make themselves less visible.[94] This minimization of difference becomes the strategic response for racialized groups and certainly impinges on feelings of belonging.

E. Belonging

The final aspect of the citizenship regime to be considered is belonging. While we have noted how the responsibility mix, governance, and the emphasis on rights and duties have all shifted, these changes also contribute to diminished feelings of belonging. As a result, not only is citizenship as a social-economic and political category challenged, but it is also compromised culturally and psychologically. Belonging encapsulates the idea that citizenship involves more than the narrow passport-holding sense of citizenship, and encompasses broader understandings of inclusion, acceptance, attachment and connection. These are exactly the feelings and relations that have been undermined in the context of securitization, marketization, racialization and invisibilization and instrumentalization.

In Canada, the stated objective of IRPA was that immigrants to the country should be welcomed and the intent of the ATA was that the citizenry should feel a growing sense of comfort, safety and security. However, many immigrants feel that they are more likely to be targeted than those born in Canada, or that they are increasingly cast as political, or social, cultural, religious villains, as "aliens from within."[95] For Canadian citizens too, especially those with certain racial, ethnic and religious identities and

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93 Peter Small & Christian Cotroneo, *"We Don't Welcome You Anymore": Foreign-Born Canadians Find Trouble at U.S. Border*, Toronto Star, Nov. 7, 2002, at A3.

94 Crocker et al., *supra* note 70.

95 Yasmeen Abu-Laban, *Liberalism, Multiculturalism and the Problem of Essentialism*, 6 Citizenship Stud. 476, 476 (2002); Macklin, *supra* note 18.

backgrounds, negative perceptions are also apparent. They sense more of a coercive, restrictive police state, and perceive that basic rights are at risk, if not undermined, with IRPA and ATA.[96] In the end, this does little to enhance feelings of pride and appreciation regarding the fairness of Canada's justice system, and the Canadian government's commitment to Charter principles and democracy in general. These troubling developments perpetuate feelings of social exclusion and do little to enhance sentiments of belonging.

Ironically, states are keen to promote forces of integration, or social cohesion. Under the Chrétien government, for instance, the term integration "emerged as the professed means of 'including' those who are newcomers to Canada."[97] Problems arise, however, when seeking integration and cohesion become more important than tackling inequality. Integration and cohesion also run the risk of papering over differences that can help to uncover the roots of discrimination, risking further exclusion and, in turn, a further weakening of senses of belonging. When the logic of integration or social cohesion and citizenship is unpacked, it reveals a very different outlook than that of multicultural citizenship. Integration can be viewed as a "less radical alternative to the term — and politics of — multiculturalism."[98] Social cohesion emphasizes unity and a "one nation" ethos versus a "community of communities" approach. Put differently, social cohesion favors "sameness" over "difference" and "diversity," and securitization underscores these proclivities.

To illustrate, in Britain, with the push for social cohesion and citizenship, there has been a marked distancing from policies of multiculturalism. This was already apparent pre 9/11 and 7/7, especially in light of race riots that had taken place in Bradford, Burnley and Oldham in the summer of 2001. However, the idea that multiculturalism wreaks havoc spread post 9/11, and especially after 7/7, given that the London bombing suspects were not "outside" threats but "inside" threats, i.e., British citizens.

The Home Office responded to the 2001 race riots by establishing a Community Cohesion Unit that prepared a report on the incident focusing on cohesion, but not exclusion.[99] It criticized the fact that Asian and white populations in Britain were often segregated at school, at work, in the community and at home. Beyond the paucity of meaningful interchanges, it noted that there was "little attempt to develop clear values which focus on what

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96 CROCKER ET AL., *supra* note 70.

97 Abu-Laban, *supra* note 69, at 147.

98 *Id.* at 148.

99 HOME OFFICE, THE END OF PARALLEL LIVES? REPORT OF THE SOCIAL COHESION PANEL (2004).

it means to be a citizen of a modern multiracial Britain."[100] Thus, the report emphasized citizenship in terms of shared values and called for integration with citizenship ceremonies, citizenship education and citizenship activities so that "[a]ll citizens, whether by birth or naturalized, White or from a Black and minority ethnic (BME) group . . . need to be able to see themselves as 'British.'"[101]

The 9/11 and subsequent London attacks brought new urgency to efforts to seek out social cohesion in ways that emphasize integration, and sameness over difference, via symbols of British citizenship. Shamit Saggar (Political Science professor, advisor and now consultant to the British Prime Minister) has stated that

> Blair has been encouraging, indirectly, the debate about what it means to be British for four years, but now . . . he'll want to lead it quite openly . . . . We will want to pin down, in policy terms, whether we have been encouraging an excess of diverse attitudes and identities which inadvertently have loosened the bonds or cement that are meant to tie us together in British society.[102]

While the Home Office has taken the lead when it comes to fostering feelings of national pride towards "Britishness," now even the Chancellor, Gordon Brown, the likely successor to Prime Minister Blair, has endorsed this approach. After cultural clashes erupted due to Muslim protests against cartoon depictions of the Prophet Mohammad in February 2006, the Chancellor, in a speech to the Fabian Society, suggested that Britain adopt a national day like America's July 4th, and promote the Union Jack. He commented, "Instead of [the racist British Nationalist Party] using it as a symbol of racial division, the flag should be a symbol of unity and part of a modern expression of patriotism."[103] The problem here is that symbols of citizenship are being held up to promote social cohesion and integration, and yet little is being done to root out discrimination, racial hatred and both "deliberate and unconscious exclusion."[104] Such state actions and inactions, then, do little to instill meaningful and enduring feelings of belonging.

Nevertheless, the British Prime Minister made his intentions very clear

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100 Joe Friesen, *Blame Canada (For Multiculturalism)?*, GLOBE & MAIL, Aug. 20, 2005, at F8.
101 HOME OFFICE, *supra* note 99, at 8.
102 Friesen, *supra* note 100, at F8.
103 Doug Saunders, *Scheme to Boost Britishness Looks Like a Stale Crumpet*, GLOBE & MAIL, Feb. 4, 2006, at A15.
104 YASMEEN ALIBHAI-BROWN, IMAGINING THE NEW BRITAIN 105 (2001).

in a December 8, 2006 lecture where he asserted "the duty to integrate" post 7/7. Blair explained that this was all about "integrating at the point of shared, common unifying values. It isn't about what defines us as people, but as citizens, the rights and duties that go with being a member of our society" and suggested that "[p]artly the answer lies in precisely defining our common values and making clear that we expect all our citizens to conform to them."[105]

CONCLUSION

To promote human security "in a globalizing era will require the redistribution of income and opportunity, both horizontally, through borders and across geographic and cultural expanse, and vertically from those who have benefited disproportionately from globalism to those it has forgotten."[106] Such humanitarian aspirations are becoming less of a possibility given increased and intensified securitization, where national security is paramount. The state sheds some of its responsibilities, and in other ways becomes more coercive and restrictive. On one hand, with marketization, the state offloads certain concerns onto the market, family, or community. On the other hand, the securitized state exerts its control, to the detriment of non-state actors. Both the British and Canadian states have reverted to top-down forms of governance, with state officials exercising greater discretion about how, when, and why they include/exclude, and against whom they castigate and penalize. The racialization of particular groups and the exacerbation of tendencies that result in the invisibilization and instrumentalization of women have resulted and contributed to the general perception, and the reality for some, that citizenship plays out in radically different ways depending on one's race, ethnicity, religion and gender. In turn, this serves to not only undercut senses of security for citizens and non-citizens alike, but also to undermine notions of belonging.

Consequently, the growing disjuncture between contemporary discourses of citizenship, both in terms of the critical traditions of research regarding citizenship in theory and in how citizenship gets formally portrayed at the state level, and the actual narrowing of citizenship in practice, will

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105 Tony Blair, The Duty to Integrate: Shared British Values, Speech on Multiculturalism and Integration Delivered at Number 10 Downing Street, London, for the "Our Nation's Future" Lecture (Dec. 8, 2006), *available at* http://www.number-10.gov.uk/output/Page10563.asp.

106 Brodie, *supra* note 10, at 65.

undoubtedly become more apparent. Changes to the responsibility mix, governance, rights/duties and belonging will also be more acutely felt. What this means, in turn, is that we can expect more, rather than less, insecurity in the future. This is precisely *why citizenship* — why it still matters, and so profoundly.