Designed to Fail: a Biopolitics of British Citizenship
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Abstract

Tracing a route through the recent 'ugly history' of British citizenship, this article advances two central claims: Firstly, British citizenship has been *designed to fail* specific groups and populations. Failure, it argues, is a design principle of British citizenship, in the most active and violent sense of the verb *to design*: *to mark out, to indicate, to designate.* Secondly, British citizenship is a biopolitics - a field of techniques and practices (legal, social, moral) through which populations are controlled and fashioned. This article begins with the 1981 Nationality Act and the violent conflicts between the police and black communities in Brixton which accompanied the passage of the Act through the British parliament. Employing Michel Foucault's concept of state racism, it argues that the 1981 Nationality Act marked a pivotal moment in the design of British citizenship and has operated as the template for a glut of subsequent nationality legislation which has shaped who can achieve citizenship. The central argument is that the existence of populations of failed citizens within Britain is not an accident of flawed design, but is foundational to British citizenship. For many `national minorities` the lived realities of biopolitical citizenship stand in stark contradistinction to contemporary governmental accounts of citizenship which stress community cohesion, political participation, social responsibility, rights and pride in shared national belonging.

Biographical Note

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Children and young people born in the UK who have lived here all their life may be shocked to discover ... that they are not citizens of the country where they have always lived.

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Cynthia Weber argues that 'modern liberal citizenship is a failing design' (2008, p. 125). Weber's argument draws on design guru Bruce Mau's statement that 'For most of us, design is invisible. Until it fails' (2004, p. 1). If, for Mau, successful design becomes naturalised so that it no longer visibly intrudes upon its environment, then, for Weber, 'the sheer volume of ideas, images, and events' in circulation about citizenship regarding 'who has it but shouldn't have it, who should have it but doesn't have it, [and] who had it but renounced it' is evidence of a failure of citizenship design (2008, p. 125).[1] Mau's statement tellingly begins with the phrase, 'for most of us', and it is those whom citizenship fails that this article will focus on. Tracing a route through the recent 'ugly history' (ILPA, 2007, p.7) of British citizenship, this article advances two central claims: Firstly, British citizenship has been *designed to fail* specific groups and populations. Failure, it argues, is a design principle of British citizenship, in the most active and violent sense of the verb *to design*: *to mark out, to indicate, to designate.* Secondly, British citizenship is a biopolitics - a field of biopolitical[2] techniques and practices (legal, social, moral) through which populations are controlled and fashioned.

This article begins with the 1981 Nationality Act and the violent conflicts between the police and black communities in Brixton which accompanied the passage of the Act through the British parliament.[3] Employing Michel Foucault's concept of state racism (2003), it argues that the 1981 Nationality Act marked a pivotal moment in the design of British citizenship and has operated as the template for a glut of subsequent nationality legislation which has shaped who can achieve citizenship Some of the consequences of the abolition of birth right citizenship (*Jus soli*) in the 1981 Act and the subsequent institution of harsh immigration and asylum laws and systems are explored through an account of the experiences of a failed asylum-seeker, Sonia, and her children, drawn from interview data and the campaign materials of anti-deportation activists. The central argument is that the existence of populations of failed citizens within Britain is not an accident of flawed design, but is foundational to British citizenship. For many `national minorities`[4] the lived realities of biopolitical citizenship stand in stark contradistinction to contemporary governmental accounts of citizenship which stress community cohesion, political participation, social responsibility, rights and pride in shared national belonging. Indeed, the (counter) argument

that I develop in this article, is that from the 1980s onwards British citizenship has become a mechanism through which democratic freedoms are retracted from individuals and communities, as wealth and power is concentrated in the hands of the social and political elites.

State Racism

Although a vast theoretical literature on citizenship has been imported into Britain, citizenship is an oddly undeveloped concept within British society and culture.[5] The first substantive accounts of British citizenship emerged in the 1950s, inspired by economist John Maynard Keynes (1936), social reformer William Beveridge (1942) and sociologist T.H Marshall (1950).[6] If British citizenship has its roots in the liberal welfarism that predominated after the Second World War, by the early 1980s citizenship had become dislocated from any redistributive ideals, the Marshallian constellation of *welfare state, social rights and class equality* was replaced with *nationality, immigration and security.* The 1981 Nationality Act was not concerned with the constitutional rights of citizens, nor with mapping out the relationship between citizen and state; it was an Immigration Act designed to define, limit and remove the entitlements to citizenship from British nationals in the Commonwealth (the former colonies) thereby restricting immigration to the British Isles and creating 'aliens' within the borders of the nation state. This Act instituted a 'citizenship gap' within the British state, and between the state and former British colonies, as large numbers of British nationals found they had been *designed out* of citizenship (see Alison Brysk and Gershon Shafir 2004). Political geographer Brad Blitz argues that 'the revocation of the rights to citizenship and residency' often take place 'during periods of state building'. The 1981 Act was passed by the conservative Thatcher government (1979--1990) during a period of intense institutional reorganization that was to transform Britain into a neoliberal nation-state, a transformation as significant as the social and infrastructural reforms that took place during the 1950s post-War period (2006, p. 453).

The 1981 Nationality Act created several categories of nationality and citizenship, including a category of 'Commonwealth citizenship', which removed from British nationals in the Commonwealth and Hong Kong their historic rights to residency in the United Kingdom. As *The Sunday Times* reported in 1981, the act 'for the first time seeks to define British Citizenship and those who "belong to Britain" [and] to abolish the historic right of common British Citizenship enjoyed by the colonial peoples' (in Baucom, 1999, p. 195). Whilst race and ethnicity were never directly named, the 1981 Act effectively designed citizenship so as to exclude black and Asian populations in the Commonwealth while leaving 'routes home' for

white nationals born within the boundaries of the empire. As postcolonial theorist Ian Baucom notes, 'to be British, [the Act] mandated, one had to trace a line of descent to an ancestor born on the island. In effect, the law thus drew the lines of the nation [...] around the boundaries of race' (1999, p. 195). The passage of this Act through parliament was thus a significant event in the history of British race relations, a moment when, through citizenship, racism was implicitly incorporated within the judicial body of the State becoming an active component part of its operational system of 'legal justice'. Indeed, critical lawyer David Dixon described the Act as 'constitutionalising racism' (Dixon 1981).

The Nationality Act provoked public debate about the meaning of Britishness and the relationship between the United Kingdom and the Commonwealth. While the Act was being passed in parliament, riots broke out in Brixton, a borough of London with a significant black population.[7] The Brixton riots marked the beginning of a significant period of civil unrest sparking three months of intensive rioting between Black and Asian communities and police across England. In Brixton, public anger was directed towards the Metropolitan police force, and the uprising was triggered by a police operation called Operation Swamp 81. The operation's name was widely interpreted as a reference to a notorious comment by Margaret Thatcher in a 1978 television interview in which she implied that a white native population feared being swamped by 'people of a different culture'. Operation Swamp 81 was purportedly part of a city-wide operation to reduce street crime in London. In actuality it focused on Brixton, employing ancient vagrancy legislation, the infamous 'sus' laws.[8] In the first six days of the operation, 120 plain-clothes officers stopped and searched 943 people in Brixton, arresting 118 predominantly black male youths.[9]

Lord Scarman's influential report into the causes of the Brixton riots, *The Scarman Report: The Brixton Disorders 10-12 April 1981* (1982), argued that the black population in Brixton had been subject to 'disproportionate and indiscriminate' policing. The 'sus laws' were abolished on the recommendation of his report. Scarman also acknowledged that social deprivation and racial prejudice had contributed to the riots but refused to accept claims of institutional racism within the police or indeed other parts of the state. The report argued that institutional racism referred to a society 'which knowingly and as a matter of policy discriminated against Black people' and denied that this was the case in Britain (Scarman 1982, p.28). However, others have insisted that the Brixton riots should be read as a response to the 1981 Nationality Act. The creation of a 'second-class' commonwealth citizenship and news coverage of the Act created palpable anxiety and growing rage within

black communities across Britain. These communities perceived that a new form of imperial racism was driving the citizenship agenda. As an anonymous commentary in the journal *Race and Class* argued in 1981, the Nationality Act transformed immigration law into an instrument of domestic social control and formed 'the administrative basis for what is tantamount to a pass law society. [This Act has] brought immigration law within doors' (1981, p. 242).

This Act illustrates what Foucault termed 'state racism': a means of classifying, distinguishing and opposing a population on the basis of appeals to essentialist categories of origin. For Foucault racism always disguises, or is an alibi for, an historical class struggle. In the context of Britain a post-imperial class struggle over the resources of a diminished Empire was underway. The 1981 Act, produced `ethnic hierarchies` in Britain which, combined with the existing class divisions, led to civil unrest. This in turn enabled minorities to be constituted `as a threat to the social body' and targeted through policing and reform (see Nelson, 2008, p.33). The claim that the Act was ushering in a new period of 'home rule' through state racism was central to Salman Rushdie's polemical 1982 essay 'The New Empire within Britain'. Rushdie argued that as the British Empire contracted, the borders of the Empire were being reproduced at home through newly legitimized practices of state racism, which in turn explained hostility towards the police as agents of state power. As Rushdie wrote, 'For the citizens of the new, imported Empire, for the colonized Asians and blacks of Britain, the police force represents that colonizing army, those regiments of occupation and control' (1982).

The 1981 Nationality Act and the nostalgia for a British homeland expressed within it, exposes a fear amongst the ruling elites that Britain was losing its sense of national identity as it lost its hold on the Empire. Right wing MP Enoch Powell, who was in many ways the real author of this act, declared on hearing that it had passed through Parliament: 'from the humiliation of having no nation to which we distinctively belong, the people of the United Kingdom are now setting themselves free'. The Nationality Act, Powell stated, marked 'the end of our brief imperial episode ... and the laying of that ghost, the Common-wealth' (in Dixon, 1983, p. 175). The link between post-imperial national identity, democratic freedom and immigration control, has become cemented into a form of common sense in Britain and drives the New Labour citizenship agenda. As Prime Minster Gordon Brown stated in a 2008 speech on citizenship:

there is a real danger that while other countries gain from having a clear definition of their destiny in a fast changing global economy, we may lose out if we prove slow to express and live up to the British values that can move us to act together. ... being more explicit about what it means to be a British citizen we can not only manage immigration in a way that is good for Britain - for our citizens, our way of life, our society, and our economy but at the same time move forward as a more confident Britain (Brown 2008).

State racism is legitimized predominantly through the need for security and the idea that non-citizens threaten to overwhelm the diminishing resources of the Welfare state and are stealing the resources which rightfully belong to citizens. Perversely, appeals to Marshallian rights-based notions of citizenship, rooted in welfare and distributive justice, are thus used to legitimize the abjection of 'illegal' populations from the protections of citizenship and the enforcement of brutal and inhumane immigration controls.

Home front

In the last decade, 'security' has emerged as a central preoccupation of European and North American governments. Increasingly, the idea of security is framed less in relation to external threats than in terms of securing the state from the hidden threats of `dangerous classes` within the 'nation home'. In the US this is perhaps best encapsulated by the establishment of the office of Homeland Security in 2001, a title that echoes the now defunct British Government office, the Ministry of Home Security established during the Second World War to manage national civil defence in anticipation of foreign invasion. In this context, the nation is implicitly or explicitly redesignated as the 'home front', a battle line behind which the civilian populace is mobilized as a supporting arm of the military. It implies the imperative of effective militarization of a society during wartime. This redesignation legitimizes the militarization of everyday life and presumes a popular consensus in favour of forgoing democratic freedoms in the face of external and internal threats to security.

Michael Hardt and Antonio Negri describe the shift from 'defence' to 'security' as a movement from 'a reactive and conservative' to an 'active and constructive' mode of government (2005, p.20). For Hardt and Negri this shift is framed by a simultaneous movement to a 'perpetual state of war' in which war is an active and indeed integral component of state governance, 'justifying constant martial activity in the homeland and abroad' (2005, p.21). Britain, understood as 'a nation at war', is thus able to implement endless 'security measures' including the use of 'terror laws' to suspend indefinitely the

liberties and rights promised by citizenship. Changes to the Terrorism Act in 2006 criminalised 'anti-governmental' activities in ways unprecedented since the Second World War. There have also been calls for Britain to develop its own homeland security office, a development which many predict will be a key recommendation of the Government's Commission on National Security in the 21st Century. The first publication to result from this commission, entitled 'The New Front Line: Security in a changing world', states that, 'old notions of the security front line no longer work and that some frontlines now exist overseas in places like Afghanistan, while some also exist at the local community level here at home (Kearns and Gude, 2008, p.7).

There is nothing new here, of course. We have been aware for some time that the front line is here, at home, this is precisely what Rushdie argues when he states that the frontline of the Empire was brought home by the 1981 Nationality Act. William Walters terms this reconfiguration of the relations between citizen, state and territory 'domopolitics': 'a fateful conjunction of home, land and security' which 'rationalizes a series of security measures in the name of a particular conception of home' (2004, p. 241). As he writes:

> [Homeland] has powerful affinities with family, intimacy, place: the home as hearth, a refuge or a sanctuary in a heartless world; the home as *our* place, where we belong naturally, and where, by definition, others do not; international order as a space of home…Domopolitics embodies a tactic which juxtaposes the 'warm words' of community, trust, and citizenship, with the danger words of a chaotic outside - illegals, traffickers, terrorists; a game which configures things as 'Us vs. Them' (2004, p. 241).

'Domopolitics' is a performative politics which employs the rhetoric of home as a means of sanctioning exceptional measures, including the violent abjection of non-citizens. As Walters suggests, citizenship, a legal sign of belonging to the nation-home, is integral to this refiguration of the nation and, indeed, of the international order *as a space of homes.* Furthermore, domopolitics is perfomative because the mechanisms though which the militarisation of everyday life is ushered in, are not clandestine but take place in full view with public sanction: from the police brutality in Brixton to the current deportation of hundreds of thousands of non-citizens. British citizens *demand* it. As Foucault has extensively argued, every citizen is sovereign in the context of the bio-political state, just as every German citizen was responsible for spying on and exposing their Jewish neighbours, so in contemporary Britain, all citizens are expected to report on those cheating the system—this extends from those seen to be exploiting social security or national health care, to those

without passports. As Didier Bigo (1994) suggests, the militarisation of the nation is figured as part of a necessary 'security continuum' that 'stretches from terrorism to regulation of asylum rights, including drugs, action against crime, clandestine immigration, and migratory flows' (Bigo cited Walters, 2004, p. 240). Citizenship plays a central role within this securitised State, enabling specific groups and populations to be legitimately targeted and criminalised as non-citizens, or failing citizens. Central to this home rule is a 'transfer of illegitimacy' in which previously 'protected' populations, such as regular migrants and asylum seekers, and their British-born children, find themselves subjected to diverse bio-political and carceral technologies (Bigo cited Walters, 2004, p. 240).

I have argued that from the perspective of the 1981 Act the proliferation of categories of people variously marginalised by or excluded from citizenship (and the rights which flow from this status) is not an unintentional 'design flaw' but is an integral component of British citizenship design. If British citizenship has been designed to fail, it has been thus designed in order to govern populations within the state by producing some subjects as successful citizens and others as variously precarious or failed. These failed citizens, who have been legally abjected from the state are nevertheless often contained and sometimes detained 'within the state as its interiorised other' (Butler 2007, p. 17). These populations of the failed are in the strange position of being outside the legal protections of citizenship, but nevertheless subject to the full force of state power. As Judith Butler describes it, they are 'both expelled and contained...saturated with power at the moment in which [they are] deprived of citizenship' (2007, p. 40). In the next part of this article, I will introduce the story of one family of failed citizens to examine the ways citizenship functions as a biopolitical regime.

Sonia

In 2006 a heavily pregnant West African teenager, 'Sonia', was apprehended trying to leave Britain with a false passport. Despite her young age and her condition, the Crown Court deemed it appropriate, employing new legislative guidance, to punish this offence with a six-month jail sentence in an adult prison. The court also recommended that Sonia be deported immediately after serving her sentence. For a decade now, Britain has been engaged in a significant deportation programme. According to the British Government 63,140 non-citizens were deported in 2008, 'one person every eight minutes' (Byrne2007). The brutal treatment of unwanted migrants at the borders of European states and at the land and coastal borders

of the European Union became routinised during the 1980s and 1990s. Within the securitised imaginary that currently dominates in Britain, the mass imprisonment and deportation of failed asylum seekers and other suspect foreigners, is widely perceived as the only logical solution to the imagined threats of immigration (Tyler 2006). Sonia's case is thus not exceptional, but it nevertheless enables us to focus on some of the micro-practices which are a consequence of the constellation of citizenship, borders and failure that I have been describing. One of few notable things about Sonia's case is that it was reported, albeit very briefly and factually, in a national newspaper. In one sense, this news story simply reinforces the perception that Britain is 'tough on illegals'. From another perspective it is extraordinary, for Sonia's 'crime' involved an attempt to *leave* Britain, a country in which she was deemed to be illegally residing.

When I interviewed Sonia, she explained that when she was arrested at the border she had been desperate to escape Britain. She had been evicted from her temporary accommodation and was destitute, and she feared for what would become of her and her unborn child on the streets of Britain, or if she was deported to her country of origin. So she had planned to travel to another African state where she had some friends and contacts. Now a convicted criminal, Sonia's ability to make a fresh claim of asylum had been severely compromised, and she has failed all her possible appeals.

Asylum-seekers convicted of crimes, however minor, rescind their rights to political asylum in Britain. For the purposes of this article, the legitimacy of Sonia's claim for refugee protection under interntional law is less significant than her disproportionate treatment by the British State. A teenage girl, heavily pregnant in a foreign country, she was imprisoned for six months and detained for over a year for using a fake passport. Sonia is totally traumatized and deeply ashamed at being treated 'like a criminal...I just really...really...I didn't think it was true...I just couldn't believe it ... I worried very much [about] what would people [at home] think of me if they found out'. Sonia served the full six-month custodial sentence at Holloway Prison, where she gave birth to her daughter, 'Mary'. She recalled being taken in handcuffs to ante-natal appointments and had to endure the presence of prison officers throughout her labour and childbirth.

After serving her prison sentence, Sonia and Mary were transferred directly to Yarl's Wood Immigration Detention Centre, the largest immigrant prison for women and children in Europe, to await their deportation to West Africa. The detention of people subject to migration control in Britain was first codified under the 1920 Aliens Act and elaborated in the 1971 Immigration Act. Britain now has more wide-ranging powers than any other European

nation to imprison foreign nationals, however, prior to 1988 non-citizens were rarely detained, or indeed deported. There were on average between 200 and 300 people in detention at any given time. By 2003, that had 'escalated to over 2260 people detained, including children and pregnant women' (Welch and Schuster 2005, p. 402). Mary, who had been imprisoned since her birth, was, like most children in detention, failing to thrive in conditions which the British Government's own prison inspectors have repeatedly called totally inappropriate for pregnant women, nursing mothers and children. Sonia's homeless and destitute husband 'Jonah' was stopped from visiting his wife and daughter in detention. Sonia's body shakes as she recounts to me what she happened to Jonah, 'he was shouting and screaming at them [the guards] ... they just said we can't tell you if she is here or not because you don't have a [visting] pass...they [the guards] told me later that he went crazy right there... ripping at his clothes....crying...finally they brought a doctor [and] took him away'. Jonah was later sectioned under the Mental Health Act (1983). As far as Sonia is concerned he had literally been driven to insanity by the British state. Whilst she was in Yarl's Wood, Sonia took part in a hunger strike with other mothers to protest at the detention of their babies and children. Months later, with the support of anti-deportation activists, Sonia managed to obtain a lawyer and, with the help of a friend, was eventually granted bail out of detention. Mary had spent the first six-months of her life in prison.

When I interviewed Sonia in 2009, she was living in social housing in a city in the North of England with Mary, now a toddler, and a new baby, 'Sam'. She tells me Jonah doesn't live with her and his children but that he visits them. She suggests, indirectly, that he is struggling with mental health problems. Like all failed asylum seekers, Sonia cannot work. She has absolutely minimal benefits, significantly below those deemed necessary to support a dignified life for British citizens, and she has no legal access to health or social care. She is dependent on charity for basics such as clothing and furniture and receives social housing because she has children, (otherwise as a failed asylum seeker she would be made forceably homeless). My field notes read. *There is little very furniture, or stuff in the house, apart from a television, which playing an African movie very loudly, and a sofa. Everything is clean but I am shocked by the condition of the children, Mary seems tiny for her age and they are both covered in ezcema and rashes, and they are dressed in dirty clothes. Sonia is also dishevelled, it occurs to me that she is frightened of me. Outside in the garden I see a washing line with all the families clean clothes blowing dry in the wind. I feel ashamed that I am passing judgement on her, as though I could possibly know what it means to be living her life.*

Sonia and her children are surviving in conditions of crushing poverty and deprivation. When I ask her how she managed to survive, she reassures me that things `aren't that bad now' and describes as a counterpoint a period immediately after she had been bailed from immigration detention but before she was in reciept of any state benefits. `I was *so* hungry, I thought I was going to die - the terrible pains in my stomach', she grasps herself as she talks. Sonia has exhausted all her legal appeals for leave to remain in Britain, and remains under 'bail conditions' - subject to detention and deportation at any time. Sonia detailed her daily routines, explaining how she has to register at the local immigrant office each week, (ironically, this is in case she absconds). She explains that 'this is much better than before because when they first moved me here I had to register *everyday* and it was a long way from my house, two buses'. Many failed asylum seekers are taken into detention when they register, and Sonia describes how she always leaves her children with a friend whilst she attends at the imigration centre, as she thinks that the border and immigration officials will be less likely to detain her without them. Registering with the immigration and border control can take hours if it is busy. Throughout my interview with her, Sonia is extremely agitated and wary. She is literally on the edge of her seat. She relaxes only at the end of the interview when I turn off the recorder. I represent the state who has treated her `worse than a dog', or perhaps one of `those activists` who she worries will draw attention to her, whilst what she wants is to become invisible: 'The longer nobody comes [to deport her and the children], I keep thinking, it is possible they have forgotten about me, and that I can stay and have [a] normal life then the door knocks...I think, "No!"...because I cannot describe it [the prison and the detention centre]...I cannot go back...anything is better than that'.

Sociologist Saskia Sassen argues that the criminalisation of migration is slowly poisoning European civic societies. In particular she suggests that the growing numbers of (predominantly African) migrant deaths at European borders 'represent a failing policy, but also a gradual corrosion of the sense of citizenship, responsibility, and ultimately humanity itself' (2008). Sassen's intervention is important, but the risk of this 'moral bankruptcy' argument is that it fails to acknowledge the increasingly central role of citizenship in establishing border controls. As I have argued, the 1981 Act instituted a mass classification of types of citizens that was designed to exclude specific post-colonial populations and manage 'migrant' populations within the nation-home. The abjection of migrants like Sonia and her British-born children, who came to Britain from a former European colony, is an effect of the racist design of British citizenship, the abolition of birthright citizenship and removal of residency rights from former colonised peoples.

Sonia's story also reveals how borders are highly gendered practices. As Martha Escobar argues, `Ideal migrant labor is frequently defined as sojourner and exploitable, meaning that they migrate, labor for a while, and return to their home countries. The presence of migrant women disrupts this ideal since they represent reproduction and settlement (2008). Immigration controls often focus on the reproductive bodies of women, for example home office guidelines stipulate that pregnant women should be routinely questioned by immigration officials as suspected `heath tourists'. However, if unwanted migrant mothers are soft targets for immigration controls, they are also sites of migrant resistance. For whilst their status as mothers often constitutes their vulnerability and otherness - as maternal figures who represent `life itself' they carry moral and ethical *weight*, which is why mothers and children feature so prominently in anti-deportation campaigns.

<u>Mary</u>

Despite the fact she was born in Britain, the Government was able to imprison Sonia's daughter, Mary, indefinitely from birth because under the British Nationality Act 1981 (which came into force on 1 January 1983) children born in Britain to non-citizen mothers are not entitled to British citizenship. As the UK Border Agency states on its website:

> Even if you were born in the United Kingdom, you will not be a British citizen if neither of your parents was a British citizen or legally settled here at the time of your birth. This means you are not a British citizen if, at the time of your birth, your parents were in the country temporarily, had stayed on without permission, or had entered the country illegally and had not been given permission to stay here indefinitely (United Kingdom Border Agency2008).

Mary's birth certificate, like that of all *de facto* stateless children born in Britain, was confiscated by the immigration authorities. Had Mary been born before 1983, she would automatically have been granted citizenship, and as a citizen her indefinite detention as a British Citizen could have been legally challenged. As it stands, Mary, like thousands of other children born in Britain each year, is in the extraordinary position of *having entered Britain illegally at birth.* With the cut of the umbilical cord and her first breath she became subject to the full force of Britain's border controls including indefinite detention within a rapidly expanding, privately owned, 'for profit' immigration prison estate.[10]

Detention centres in the UK are generally screened from public view and, as one humanitarian report on conditions inside detention centres notes, 'The voices of the people

affected by detention are seldom heard in the debate about immigration detention….
Detainees are forcibly physically separated from the outside world. As a result, their rage,
bewilderment and shock at what is happening to them remains largely hidden' (2004, p. 12).
If they are released, detainees are often too afraid to speak out about their experiences,
fearing backlash and targeting from immigration authorities. Hence there are very few
accounts of detention or representations of British detention sites in circulation. Few images
exist of the physical structures themselves and little documentary evidence of what takes
place within the regimes of detention is in circulation. Places of detention are literally
enclosed by internal borders, states within states screened from view. Paradoxically,
however, the existence of detention centres is a matter of public fact, a fact that is routinely
capitalised on in Governmental rhetoric as a means of demonstrating Britain's 'toughness'.
Immigrant prisons and practices of deportation thus play a central role in materialising
borders in the national imaginary. Thus detention centres have a visible and instrumental
existence; they physically separate citizens and non-citizens, keeping apart those who
deserve to be protected by the British state from the abject -- those who do not. Rushdie
argued that the abolition of birthright citizenship in the 1981 Nationality Act was State
Racism, the implications of which would impact on all the people of Britain, stripping away
their most fundamental freedoms. As he wrote:

> For nine centuries any child born on British soil was British. Automatically. By right.
> Not by permission of the State. The Nationality Act abolished the *ius soli.* From now
> on citizenship is the gift of government. You were blind, because you believed the
> Act was aimed at the blacks; and so you sat back and did nothing as Mrs. Thatcher
> stole the birthright of every one of us, black and white, and of our children and
> grandchildren for ever.

Since the abolition of birthright citizenship, maternity wards across Britain have become
'border zones' through which 'aliens' enter Britain. Pregnant non-citizens are searched at
airports as 'health tourists', turned away from hospitals in childbirth, detained, deported. The
bodies of non-citizens, pregnant women, mothers and children, have become one of the key
sites through which Britain's national borders materialise. In migration studies, borders have
tended to be understood as places; however, borders are also practices, and for non-citizen
mothers the everyday activities of mothering, attending toddlers' groups, and the school run
can become routines fraught with risk as they make themselves and their children visible
and thus vulnerable to immigration control. As Nyers argues, 'For people without status,
everyday activities (working, driving, and going to school) are at risk of being transformed

into criminal and illicit acts with dire consequences' (2008, p.166-167). This anxiety about visibility in everyday situations is not misplaced. As Liz Fekete has noted, the British Home Office issued Border and Immigration Officials with a manual advising on 'the use of control and restraint techniques for deporting asylum seeker children, stipulating that they must have skills in paediatric emergency lifesaving'. The same manual also 'gives official sanction to the rounding up of children from schools to be detained with their families' (2005, p.75). For pregnant women and mothers the possibility of 'flying below the radar' of the social apparatuses that trigger the bureaucratic machinery of detention and deportation is almost impossible. What Rushdie foresaw was the ways in which governance through citizenship would come to subject not only non-citizens but all citizens, so that all social institutions, prisons, factories, hospitals, universities, schools become border zones, sites of immigration control. Indeed, one of the obligations of citizenship is henceforth to establish the right to citizenship of others.

The 1981 British Nationality Act has formed the basis for some of the most discriminatory and dehumanising state practices to take place on British soil in the modern era. It designated who could be a citizen and from whom citizenship could be legally deprived. For example, section 40 of the Act granted powers to the Secretary of State to deprive a British citizen of their citizenship status if s/he 'is satisfied that to do so is conducive to the public good' (Goldsmith 2007). Being without citizenship in a world of states is often devastating. As political scientist Matthew Gibney argues:

> In an international system where sovereign states each claimed the right to fashion their entry and citizenship policies according to their own national or ethnic criteria, refugees were outcasts. They were, in Arendt's words, 'the scum of the earth' (2004, p.3)

While international protections, such as the Convention relating to the Status of Refugees (1951) and the Convention on the Prevention of Stateless Persons (1954) were ostensibly put in place by the international community to enable non-citizens to have access to the protection of states, since the 1980s individual states and regional governments have increasingly flouted international law. Since the mid 1990s, Britain has witnessed one of the largest imprisonments of foreign nationals (non-citizens) since the internment of German nationals during the Second World War, the deportation of hundreds of thousands of failed asylum seekers and other 'illegals', and the enforced destitution of at least 250,000 men,

women and children who have failed to secure citizenship, and have no access to the provisions of the welfare state, but are unable or unwilling to return to their often war-torn countries of origin. This final, and by far the largest group, are *de facto* stateless; they have no civil or political rights, no legal right to work, no access to any social security, housing or health care (except in life or death situations), and they are consequently vulnerable and subject to exploitation (Blitz 2006).

Conclusion

At an historical juncture when the British government is instituting a programme of reforms aimed at 'deepening citizenship' through further legislation, compulsory citizenship education, and new categories of 'active' and 'earned' citizenship (Goldsmith 2008, p.11, and Smith 2008), this article has made a critical intervention in debates about citizenship and its design. It has explored the abject underside of the democratic veneer of British citizenship, the gap between stated objectives of social citizenship agendas and the authoritarian character of much legislation, policy and practice in this area. This is not an original claim. Michel Foucault (and latterly Giorgio Agamben) argued that the bestowal of rights and liberties to people always marks the institution of a biopolitical relation between the subject and the state. In this respect, citizenship has always been 'two-faced', 'the bearer both of subjection to sovereign power and of individual liberties' (Agamben, 1998, p. 125). Similarly, political geographer Erik Swyngedouw has used the term 'governance innovation' to describe the ways in which the proliferation and expansion of purportedly democratic forms, such as citizenship, are employed as a means of controlling and in some cases excluding of populations deemed undesirable (2005, p. 1992). However, this article does make a specific historical claim, that the 1981 British Nationality Act marked a decisive break from a Marshallian model of liberal citizenship, founded in social justice, welfare and mutual obligation, to a model of citizenship, in which it is the responsibility of the individual citizen to earn, demonstrate or buy their 'right' to state protection and care. The result is aA citizenship which combines the post-imperial state racism I have been describing in this essay, with a neoliberal ideology in which the market has become 'an ethic in itself, capable of acting as a guide for all human action, and substituting for all previously existing ethical beliefs' (Harvey 2005, p.3). The intersections of state racism and global markets are illustrated by the tremendous growth of a global immigration industry, a global multi-billion-dollar business, which is one arm of the massive 'industrial corrections complex'. Whilst it is beyond the

scope of this article, this argument suggests we need better accounts of the economics of state racism as it intersects with global corporate interests.

In 1981, then, British citizenship was redesigned to fail specific populations. British citizenship transitioned into biopolitical 'governmentality',[11] a vast and proliferating bureaucracy from which flow categories of people marginalised by, excluded or disqualified from citizenship and the rights which flow from this status. British citizenship now describes a legal, political and social field of intelligibility, a biopolitics which produces some bodies and groups as failing, abject or outside of the realm of citizenship altogether. This might mean failures at mundane and banal levels of everyday identification, such as the failure to have the right kind of educational aspirations or the right kind of body, or the kinds of failures I have described in this article--such as possession of the wrong kind of paperwork, the failure to produce the right kind of evidence to secure leave to remain, or being born in Britain to a 'failed' mother. The central point is that failure is *an organising logic of British citizenship*.

Any account of British citizenship will be provisional because citizenship is continually recreated through complex legal, political, social and pedagogical practices. Different kinds of citizens emerge at the intersections of formal and informal practices of states, within institutions, legal and political practices, communication flows and through pedagogical training. Conflicting forms of citizenship materialize through local, national and transnational bureaucratic processes: for T.H Marshall, debate about citizenship was evidence of its democratic potentiality. I do not wish to devalue the diverse, rich and important history of citizenship in global democratic struggles, or claim that citizenship can never be a positive force for social change. However, we must acknowledge the other face of citizenship, the global business in immigrant prisons, the vast, monstrous bureaucracy from which flows categories of destitute peoples marginalised by, excluded or disqualified from citizenship. There are many hundreds of thousands of people like Sonia who are living 'unliveable lives' at the borders of the British State, and their children born in British hospitals are *de facto* stateless aliens. As a group of hunger-striking mothers held in immigration detention with their children wrote in a letter to the British Government in 2008 `Even a dog is better treated than a child who is born in this country'. If citizenship is increasingly designed for purposes of disenfranchisment and political dispossession, in what sense can it be said to retain any radical promise for social justice?

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[1] I am indebted to Weber's argument that citizenship designates some US citizens as normal, safe, and successful and others abnormal, unsafe, and temporarily failed (Weber, 2007, forthcoming).

[2] Biopolitics is understood here as the 'explosion of numerous and diverse techniques for achieving the subjugation of bodies and the control of populations' (see Foucault, 1981. p. 140).

[3] See Keith 1993.

[4] `National minorities` is a term used by Hannah Arendt to describe precarious populations within a nation-state who risk disenfranchishment.

[5] Whilst British citizenship has arguably existed in fragmented forms in common law since the mediæval period, it was predominantly a means of legal protection (for property owners) against crown and/or state power, enabling the wealthy to remain free from state interference, rather than offering rights or protections to the majority population (see Isin and Turner, 2007, p.6).

[6] It was Marshall's pivotal 'Citizenship and Social Class' (1950) that placed citizenship at the

centre of debates about the establishment of a new 'civic bargain' between the individual

and the state in Britain. In a series of essays and books written over three decade, Marshall

laid down the principles of a social citizenship founded in equality and political solidarity

across classes. Nevertheless, within popular culture citizenship remained an obscure and

often derided concept associated with radical unionism or communist politics.

[7] Approximately a quarter of residents of Brixton are of African and/or Caribbean descent. Brixton is particularly associated with the 'Windrush Generation' British Nationals from the former colonies who immigrated to Britain from the West Indies in the 1940s.

[8] 'Sus law' is the informal name for the use of an 1824 law which enabled police to 'stop and search' people on suspicion alone. This law was abolished as a consequence of the Brixton riots and as a recommendation of the Scarman Report (1982). However, recent terror laws have arguably returned the powers of 'sus law' to the police

[9] This data is taken from Channel Four, http://www.channel4.com/history/microsites/U/untold/programs/riot/timeline.html

[10] The detention of Sonia and Mary cost British taxpayers at least £2,000 a week. This was

paid to Global Solutions Limited (GSL), the multinational company that managed Yarl's

Wood during this period. GSL is an arm of multinational security company GS4, which

describes itself as 'the largest security services provider globally with operations in more

than 100 countries on 6 continents', a turnover of £4.5 billion in 2007, and over 570,000

employees (GS4, 2009). In July 2007, then Immigration Minister Liam Byrne delivered a

speech to Border and Immigration Agency staff entitled 'Border Security and Immigration:

Our Deal for Delivery in 2008', in which he promised further, massive expansion of Britain's detention estate, financed through public-private partnerships.

[11] I am defining governmentality, after Foucault, as a mode of governance in which power and authority is defused and becomes distributed through a range of social and institutional sites and practices within the state.