Modelling the self, creating the other: French denaturalisation law on the brink of World War II¹

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One is almost tempted to measure the degree of totalitarian infection by the extent to which the concerned government use their sovereign right of denationalisation.

– Hannah Arendt (1968: 278)

IN 2014, DENATURALISATION (i.e. the deprivation of citizenship) surfaced as a pan-European (and more generally Western) problematic. Presented as yet another in a panoply of security measures within the ever-increasing array of counter-terrorism policies, denaturalisation was emerging as the favoured response of European countries (among which France, Britain, and the Netherlands) and the United States (US) against citizens departing their host states to fight, for example, in Syria. As denaturalisation is exposed as a political tool that would allegedly appease a feeling of insecurity, nationality law becomes a salient political area where

[citizenship] and security work together to separate those with the right to security from those who are excluded from it – the former by granting and denying rights, the latter by separating the citizenry from those seen as endangering the rights of men and citizens. (Guillaume and Huysmans 2013: 4)²

As such, politics of denaturalisation reveal a specific mechanism of inclusion and exclusion. Enacting a discourse of authority that differentiates between social political subjects deemed trustworthy or threatening, denaturalisation law rewrites the limits of inclusion and exclusion to the national community, and sheds new light on what it means to be a national citizen.

In this chapter, I reflect on such contemporary issues of securitisation by reading a historical case: the expansion of denaturalisation law in France on the brink of World War II. Based on French parliamentary archival documents related to denaturalisation's legislative process, the chapter discusses the extent to which denaturalisation became a major political strategy, authorised in the name of the security of the nation. Especially attentive to the language at work in those political juridical documents, that is, paying

particular attention to rhetorical tropes, semantic fields, and argumentative logics, the analysis raises questions about the power of security as a rhetorical and political device. More specifically, it demonstrates how security became a means to legitimise the relegation of democratic principles (Buzan et al. 1998: 23–8), showing the extent to which security-driven arguments mobilise the notion of security beyond its operational ground – the intended effect of the arguments being not necessarily security as such, but rather the legitimisation of denaturalisation practices. The effect is to turn nationality into a political tool – the denaturalisation of Charles de Gaulle, decreed on 8 December 1940 by the Vichy government, being the most striking illustration thereof. As politics of security impact on the political juridical concept of nationality, denaturalisation makes foreign those who are prosecuted in the name of the nation's security, highlighting those moments when notions of selfhood and otherness are shaped, mobilised, and transformed.

My approach to history is motivated by a genealogical method of research, starting with the recognition that contemporary denaturalisation practices continuously articulate a past that nonetheless remains only partially known to us. Accordingly, it reads the past not in terms of establishing a linear continuity between past and present, but rather by recognising the past's capacity to help us read the present while the present helps us read the past (Bal 1999), thereby revealing the contingency involved when some values of sovereignty become institutionalised while others are suppressed. Accordingly, the way I apprehend historical material acknowledges that 'the history delineated ... won't ... exhibit unbroken lines of value-preserving succession, but will rather be characterised by an overwhelming contingency' (Geuss 2001: 326). As such, genealogy opens up a space of critique: 'the critique of the injustice of the past by a truth held by men in the present' (Foucault 1984: 97). In Wendy Brown's (2001: 109) terms, genealogy attaches both history and philosophy to a political task – that of knowing who we are, knowing our ill body and bodies. 'The point of genealogy,' Brown (2001: 112) adds, 'is to introduce the possibility of a different discursive understanding of ourselves and our possibilities.' Introducing denaturalisation law as a seminal facet of Western systems of recognition and identification, this chapter compels us to look most critically at those contemporary events where security-driven arguments thrive, having an impact on questions of legitimate authority, political belonging, and citizens' rights. Before going into a systematic analysis, let me now open the chapter by contextualising denaturalisation practices during World War II through a close reading of a governmental note on the topic.

A short introduction to the language of denaturalisation

At work in the French national archives, I discovered, in box after box, documents related to denaturalisation practices during the war, ranging from

ministerial notes, parliamentary documents, debates and reports, bills, decrees, and ministerial responses. A governmental note caught my attention as its introductory paragraphs reviewed the scope of denaturalisation so far.³ It was dated 19 February 1951, written in the name of the French Ministry of Public Health and of the Population [Ministère de la Santé Publique et de la Population]. Addressed to the chair of the Commission for Justice and Legislation for the National Assembly [Commission de la Justice et de la Législation à l'Assemblée Nationale] in response to a bill amending certain provisions of the Nationality Code,⁴ including provisions pertaining to denaturalisation, it read:

De 1940 à 1941, la 'révision des naturalisations,' portant sur 500.000 personnes devenues françaises depuis 1927, transforme la nationalité en un jeu d'écritures. ... Dans le même temps, la déchéance devient une arme politique: à côté de 125 déchéances de droit commun, on compte 375 déchéances politiques.

[From 1940 to 1941, the 'revision of naturalisations,' which targeted those 500,000 people who had become French since 1927, transformed nationality into a *jeu d'écritures* [dummy entry] ... At the same time, denaturalisation became a political weapon: besides the 125 cases of common law denaturalisation, there were 375 cases of political denaturalisation.]⁵

It first struck me that these numbers from World War II no longer allow us to view, as is often the case in contemporary debates on the topic, denaturalisation as an exceptional measure. But most of all, the note interested me as it introduces a number of categories that informed denaturalisation practices at that time. These can be summed up as follows: (1) the systematic revision of naturalisation files; (2) the application of standards derived from common law jurisdiction; and (3) political motivations.

Due to space restrictions, this chapter will solely focus on the second and third categories, especially concentrating on the political and legislative processes that led to their implementation. Before going into the core of the analysis, however, let me first tease out what is at stake, starting with the following questions: what are the consequences of stating that only those latter 375 cases were *political* cases of denaturalisation, as opposed to those resulting from the revision of 500,000 naturalisation files and those resulting from common law jurisdiction? In other words, is the systematic revision of naturalisation files (a process that led to thousands of denaturalisation cases, or millions considering similar practices in other European countries at that time) not just as political as the political disagreements that resulted in the last 375 denaturalisation cases? On another level, is the interpretation of codified law not political in its own right too?

Besides, the two expressions '*jeu d'écritures*' and 'political weapon' encourage some preliminary reflections. If '*jeu d'écritures*' is commonly translated into English as 'dummy entry' by the Cambridge dictionary, the French expression also conveys that denaturalisation practices are likely to be embedded in the

heterogeneous space of language. Literal translations of the phrase '*jeu d'écritures*' result in 'game of writings,' 'game of scripts,' or in 'set of writings/scripts'. Metaphorically at least – but I suggest also performatively – the expression portrays denaturalisation as the meeting point between heterogeneous language and rigid administration patterns. The virtuosity of the legal scribe, who introduces some *jeu* as latitude in the system, is a vivid image of where law and language meet.

As for 'political weapon,' the phrase reveals the extent to which denaturalisation is mobilised in a defensive battle: clearly, some territory has to be defended, and denaturalisation is deployed as weaponry to this end. Moreover, the expression acknowledges the contingent character of denaturalisation. Contingent in the sense that denaturalisation belongs to a set of political norms and political beliefs that determine the ways in which one should act, think, and speak (that is, it establishes a set of moral and behavioural standards). Now, if denaturalisation becomes a political weapon allowing the government to get rid of those people expressing fundamental critique, and to claim a renewal of the body politic, then denaturalisation is indeed a political weapon; a weapon that we would expect to be used by a totalitarian regime.

As this chapter further addresses and questions those categories that have informed and legitimised denaturalisation practices during World War II, I am particularly interested in the following questions: if denaturalisation serves as a political weapon that has a role in safeguarding the national community, which national community are we talking about? In other words, in the name of which community is a denaturalisation decree authorised? And how does it impact on the notions of security and mobility?

In the first section, I demonstrate how a rhetoric of security came to legitimise the extension of denaturalisation practices. The discussion revolves around a selection of parliamentary documents and ministerial notes, including the 1939 bill amending the provisions pertaining to the forfeiture of French nationality, presented to parliament in December 1939. In the second section, I discuss the extent to which such rhetoric of security contaminates the politics of nationality with a 'totalitarian infection' (Arendt 1968). Shifting focus from security to mobility, the analysis discusses what is at stake when mobile exclusionary norms format the limits of nationality, interrupting our capacity to dissent while fixing the means to govern beyond democratic control.

Denaturalisation, security: the national community's operational limits

On 22 December 1939, the French Assemblée Nationale was presented with a bill amending the provisions pertaining to the forfeiture of French nationality, submitted by Albert Lebrun, President of the French Republic, Edouard

Daladier, Minister of National Defence and War and of Foreign Affairs, Georges Bonnet, Minister of Justice, Albert Sarraut, Minister of Home Affairs, and George Mandel, Minister of the Colonies. Inscribed in the context of the upcoming war, the bill's explanatory memorandum drew on the law of 19 March 1939 designed to give the government special powers to take measures deemed necessary for the defence of the country (Annexe n° 6356). This reference places denaturalisation on two axes. First, denaturalisation was an exceptional measure that required special powers in order to be pronounced. Second, denaturalisation served as a measure to defend the country.

Although the government presented denaturalisation as a security measure, the law of 18 July 1941, relating to measures to be taken against dangerous individuals, shows us that denaturalisation did not figure among the list of measures to take against individuals deemed to be a threat to national defence and to public security.⁶ Does it mean that denaturalisation was not convincing enough a measure to take against those deemed dangerous to public security and national defence? This is unlikely, as such a hypothesis contradicts all official discourses on denaturalisation – the notion of security has indeed proven to be the most recurrent argument mobilised to legitimise denaturalisation practices. The juxtaposition of those two documents suggests instead that the 1939 bill rhetorically mobilised a security-related argument, the intended effect of which was not necessarily security as such, but rather the legitimisation of denaturalisation practices. In other words, security was invoked beyond its operational ground. The effect is clear: relying on the idea that the nation had to be defended, denaturalisation reciprocally mobilised and constructed a specific kind of national community, thereby becoming an operational element in the maintenance of the national community.

The operational dynamic between denaturalisation and a related national community finds further emphasis in the explanatory memorandum to the 1939 bill pertaining to denaturalisation, which reads:

Il pourrait ... sembler superflu de prévoir dans une loi spéciale une modification aux textes du droit commun si, toutefois, l'état de guerre n'obligeait pas de mieux adapter aux circonstances les modalités d'application du principe de la déchéance.

On ne saurait, en effet, méconnaître que c'est pendant les périodes d'hostilités que la fraude du bénéficiaire de l'acte de naturalisation pourra se manifester avec la plus grande évidence, que le critérium de la sincérité de son adhésion à la nationalité française sera le plus clairement établie.

Il a paru, en conséquence, légitime, pendant la période des hostilités, de proroger les délais de la déchéance à l'égard des étrangers qui ont acquis notre nationalité et, d'autre part, d'étendre les cas dans lesquels peuvent être déchus les Français d'origine.

[It might ... seem superfluous to provide a special law to amend the texts of common law. However, the state of war forces us to better adapt to the circumstances and to revise the modes of application pertaining to the principle of denaturalisation.

One cannot indeed fail to recognise that during periods of hostilities, fraud by beneficiaries of acts of naturalisation will be manifest with the greatest evidence, and that the criterion of their sincere adherence to the French nationality will be most clearly established.

It has therefore appeared legitimate, during the period of hostilities, to extend the limits of denaturalisation practices for denaturalising foreigners who have acquired our nationality and, in addition, to extend the circumstances in which native-born nationals may be deprived of the French nationality.]

The excerpt is telling for several reasons. First of all, it rhetorically installs a security-related argument as central to the legitimisation of denaturalisation. Furthermore, it reveals the extent to which denaturalisation relied on the ambivalent meaning of nationality, turning denaturalisation into a mobile exclusionary norm, which I will further discuss in the next two sections.

Rhetoric and mechanisms of security

In terms of rhetorical structure, the excerpt opens indirectly with the hypothetical (and therefore ambiguous) mode of the conditional: *'il pourrait sembler superflu ... si, toutefois, la guerre n'obligeait pas'* ['it might seem superfluous ... however, war forces us to']. Fostering the illusion that the reader's potential objections have been taken into account ('it is superfluous' being the supposed expression of the reader's objection), such an indirect opening functions as a form of address towards the reader, who nonetheless has no room to speak back. Instead, the form of address mobilises a rhetorical pathos according to which the audience is expected to side with the authors, as the verb *obliger* [to force] conveys that denaturalisation is the sole appropriate answer to the situation of war: 'the state of war forces us to better adapt to the circumstances and to revise the modes of application pertaining to the principle of denaturalisation.' The effect is to silently shift towards the enunciation of a security-related argument which is posited as suitably central; the amendment of the law on denaturalisation was required – and hence appropriate – because of a state of insecurity.

The security argument is rhetorical in the first place, thereby typically instantiating a securitisation process. As Barry Buzan, Ole Wæver, and Jaap de Wilde (1998: 21, *emph. added*) point out, 'by saying "security," a state representative declares an emergency condition, thus claiming a right to use whatever means are necessary to block a threatening development'. Beyond rhetoric, however, the 1939 bill further emphasises the extent to which the enunciation of security facilitates a structural change as it enables the law to be adapted. Such flexibility and adaptability strikingly resonate with Michel Foucault's understanding of apparatuses of security. To Foucault (2007: 63), security is tightly connected to an operation of normalisation which 'consists in establishing an interplay between ... different distributions of normality

and [in] acting to bring the most unfavorable in line with the more favorable.' The term 'interplay' gives away that security is a matter of action and reaction between various normative structures, a dynamic that effects a process of repetitive changes and adaptations. In Foucault's (2007: 47) terms, 'security ... tries to work within reality, by getting the components of reality to work in relation to each other, thanks to and through a series of analyses and specific arrangements'. Furthermore, those analyses are grounded in the notions of risk, danger, and crisis (Foucault, 2007: 61): the norm is the result of a constantly renewed risk analysis, in which the expected behaviour of the population becomes both a benchmark of normality and that which needs to be normalised and controlled. This means that while operations of security produce a norm according to which suspect behaviour can be differentiated from what is deemed normal, the norm itself remains 'an interplay of differential normalities' (Foucault 2007: 63).⁷

Emphasising adaptability on the one hand and normalisation processes on the other, Foucault's approach to security is particularly helpful when scrutinising the politics of denaturalisation as presented in the 1939 bill. For, as the bill reads, denaturalisation is a *principle* which not only works according to certain '*modes of application*' (emph. added), but which also has the capacity to be *adapted* whenever it is deemed necessary. In this sense, denaturalisation can be compared to an empty signifier that facilitates and operationalises normalisation processes: available for semantic appropriation, it offers a structural space in which the constructed norm comes into operation.

But which are the norms both referred to and produced by this normalisation process? In other words, how does the bill pertaining to denaturalisation feed on and produce normative divisions that affect the notion of national identity, and, by extension, the notion of national community?

The rise of new limits to the notion of national identity during World War II: between security and mobility

As stated by the 1939 bill amending the propositions pertaining to denaturalisation, the French national community is limited by the normative criterion of a 'sincere adherence to the French nationality.' The text generates a norm from which the limits of the national community become operative, offering a criterion to identify those individuals who must be aligned against the national community. Its formulation, however, distinctively reproduces those mechanisms according to which processes of normalisation remain by definition dynamic and adaptive. National community is centred on the normative concept of national identity. In turn, national identity has no clear-cut boundaries, its limits depending on what is being done with it – the practice of denaturalisation being one striking expression thereof.

As denaturalisation practices rely on subjective criteria, the boundaries of the national community are drawn as a result of processes of subjective interpretation which, in turn, depend on the flexible and adaptive capacity of the law. For what does it mean to sincerely adhere to the French nationality? Who decides whether sincerity is sufficiently proven, and on which ground? Clearly revolving around a word with a broad semantic content ('sincerity'), the limitative criterion sets up a mobile, subjective norm that cannot be defined objectively. Instead, the manifest process of interpretation involved turns the normative criterion into an interplay of differential normalities as it effects a process of repetitive changes and adaptation. Based on specific politics of reading and interpretation, the various approaches to nationhood invoked translate into operational concepts whose meanings evolve with and through the adaptive capacity of the law. As a result, practices of reading both instigate the law's flexibility, and are at the core of those legislative (and judicial) processes through which specific normalities are being formed and defined.

I was provided with a vivid description of such politics of interpretation and adaptation in one of the archival documents consulted. It came as a typewritten note entitled '*pour Monsieur le Secrétaire Général*' ['to Mr Secretary-General'] on paper with the official letterhead of the Ministry of Justice.⁸ Although not dated, the note may be traced to 1941, as it was clustered with other documents from the same year. Its exact author and addressee remain unknown, the note being unsigned (which conveys that the document in question was a draft and not an official ministerial document). But its content reads as a response to a note by the Minister of Justice pertaining to the French politics of denaturalisation, which also evoked the jurisprudence of the Conseil d'Etat (Council of State) on the matter. More specifically, the content draws on the question of how to define the terms of '*actes contraires à l'ordre public*' ['acts threatening the public order'] – one of those categories central to denaturalisation practices, as those who commit an act threatening the public order are liable to denaturalisation. The note conveys that the Minister of Justice would have suggested it possible to define such a category objectively, while the author of the note, siding with the jurisprudence from the Council of State, emphasises the importance of keeping such a category subjective.

The first step in the author's argument reads that such politics of subjective definition 'both conforms with the will of the legislator and is reasonable' ('*cette politique est à la fois conforme à la volonté du législateur et raisonnable*'). Regarding the first proposition (i.e. the proposition to conform to the will of the legislator), the argument denotes a strong normative principle in line with Foucault's understanding of security. When conforming to the will of the legislator, loose definitions such as '*actes contraires à l'ordre public*' – and by extension the lack of 'a sincere adherence to the French nationality' – are 'intentionally used' so as to allow the government to pursue flexible policies so that decision-makers will not

be constrained in their work [*'en employant à dessein les termes très larges "d'actes contraires à l'ordre public" [le législateur] permet au Gouvernement une politique assez souple, une marge de décision suffisamment grande pour qu'il ne soit pas lié dans son action'*]. In other words, loose definitions allow regulation through adaptation. However, where Foucault's approach to security emphasises the population's behaviour as a benchmark of normality, the note's argument proves primarily concerned with the space available for the government to act. The top-down practical logic of the argument is striking: subjective definitions clearly serve those in power to intentionally broaden their space of action beyond control.

That such politics of normative adaptation is seen as reasonable tells us much about the discursive force of rhetoric when centred on the ideal of security. Far from conceding that subjective definitions extend the limits of the government's agency beyond democratic control, the note emphasises instead that a politics of adaptation serves the 'public interest' (*'l'intérêt public'*). The argument reads as follows: 'the same act can, at different times, constitute an act threatening public order' (*'Un même acte peut, à des époques différentes, constituer un acte contraire à l'ordre public'*).⁹ In other words, acts that would not qualify as a threat at a given time might become threatening in new circumstances. This is why, according to the author of the note, 'it would even be dangerous to lock the jurisprudence in overly strict regulations' (*'il serait même dangereux d'enfermer la jurisprudence dans des règles trop strictes'*). Indeed, the administration (be it the Ministry of Justice or the Council of State) 'must be able to keep a certain freedom of judgment. The government must also have the ability to vary its politics of denaturalisation in issuing more or less severe directives' (*'L'administration-Chancellerie ou Conseil d'Etat – doit pouvoir garder une certaine liberté de jugement. Le gouvernement doit aussi avoir la possibilité de varier sa politique de déchéance de la nationalité en lui donnant une orientation plus ou moins sévère'*). As the author concludes, '[we] are in an area where the inflexible rules of law have been discarded by the legislator and must not reappear via an overly strict jurisprudence' (*'Nous sommes dans une matière où les règles trop rigides du Droit ont été écartées par le législateur et ne doivent pas réapparaître par le biais d'une trop stricte jurisprudence'*).

Those arguments confirm the hypothesis that denaturalisation finds legitimacy in a rhetoric of security whose starting point is to prioritise the interest of the national community.¹⁰ Furthermore, declared 'legitimate,' the bill's proposition institutes the premise – or even the promise – of a shared reference through law and becomes an expression of the complex relationship between law and the authority asserting the legality of the law.¹¹ It thereby appeals to a certain notion of national community in which the content of the bill would find meaning and recognition. But now that some citizens (i.e. native-born nationals who were first affectively and even unconditionally included) face the risk of being excluded by denaturalisation, whose notion of nationhood is being invoked? In other words, to which collective body (i.e.

national community) and to which authority does the law appeal while seeking legitimisation?

Denaturalisation and totalitarian infection: when mobility becomes a threat for and from the normalising power

The bill as presented to the Assemblée Nationale on 22 December 1939 was not adopted before the instalment of the Vichy regime. After consultation of all proceedings of the Assemblée Nationale for the end of the year 1939 and for the year 1940, I have had to conclude that the bill had never even been officially debated. There is in fact no trace of a potential debate. The spirit of the 1939 bill, however, resurfaces in the laws of 22 July and 23 July 1940, decreed by the Vichy regime. The law of 22 July 1940 on the revision of naturalisation decrees announced:

Il sera procédé à la révision de toutes les acquisitions de nationalité française intervenues depuis la promulgation de la loi du 10 août 1927 sur la nationalité.

[One will proceed to review all acquisitions of French nationality pronounced since the enactment of the law on nationality of 10 August 1927.]¹²

One day later, the law of 23 July 1940 on the denaturalisation of French nationals who have left France decreed:

Tout Français qui a quitté le territoire français métropolitain entre le 10 mai et le 30 juin 1940 pour se rendre à l'étranger, sans ordre de mission régulier émanant de l'autorité compétente ou sans motif légitime, sera regardé comme ayant entendu se soustraire aux charges et aux devoirs qui incombent aux membres de la communauté nationale et, par suite, avoir renoncé à la nationalité française.

[All French citizens who left the French metropolitan territory between 10 May and 30 June 1940 to go abroad, without a regular mission statement issued by the competent authority or without a legitimate reason, will be regarded as having sought to evade the loads and duties binding members of the national community and, consequently, having renounced French nationality.]¹³

The latter law was amended by the law of 28 February 1941, which stated:

Cette déchéance sera également prononcée contre tout Français qui, hors du territoire métropolitain, trahit par ses actes, discours ou écrits, les devoirs qui lui incombent en tant que membre de la communauté nationale.

[Denaturalisation will also be pronounced against all French citizens who, outside the French metropolitan territory, betray by their deeds, speeches, or writings, the duties binding them to the national community.]¹⁴

A second amendment was brought by the law of 8 March 1941, in which it was decreed that denaturalisation would also apply to 'all French citizens who, without authorisation from the Government and as of 1 December 1940, went or will go to a dissident area':

*tout Français qui, sans autorisation du Gouvernement et à partir du 1er Décembre 1940, s'est rendu ou se rendra dans une zone dissidente.*¹⁵

Clearly, the national authority invoked in those texts does not refer to the national community in terms of all who consider themselves French. Instead, the national community appears as the sum of those being recognised as worth being French by the government at that time. In fact, many of those being denaturalised as a result of those new directives never ceased to claim being French and acting on behalf of the French nation. The most salient example is that of Charles de Gaulle, who, based in London and leader of the resistance movement called the Free France, never ceased to see his duty as being that of serving France, sustaining its autonomy and its resilience in the international context of the time. As François Bédarida's (1994: 23) study on de Gaulle and the resistance confirms, '[de Gaulle] boldly proclaimed himself to be the leader, not of a foreign legion based in Great Britain, but of the French nation at war'. Combined with de Gaulle's affective description of his patriotism in the opening pages of his memoirs (in which he explicitly refers to France as being *his* country, even describing its successes and errors as his own), his sense of duty towards France makes it unambiguously clear that the General never ceased to consider himself as a member of the French political community.

Accordingly, the national community invoked in the bill is bounded by the governmental, formal reading of the nation's limits, including an orchestrated securitisation of mobility. As the laws of 23 July 1940, 28 February 1941, and 8 March 1941 emphasise, denaturalisation practices primarily targeted political subjects crossing the nation's territorial borders – as well as its geographical borders demarcating between those areas admitting the Vichy regime and those resisting it structurally. But while physical mobility was marked as a sign of enmity, the government expanded its politics of denaturalisation by means of flexible and adaptive exclusionary criteria.

As such, denaturalisation law confronts us with an authoritarian vision of the nation's structure, in which those in power have – and take – the means to reshape the nation's exclusionary circumference at will. In order to further analyse such politics of national identity, I engage with Hannah Arendt's (1968) study on the origins of totalitarianism, in which she critically comes to grips with those political forces that led to the totalitarian catastrophe of World War II. Addressing the worrisome unpredictability of a political system whose adaptable juridical practices of interpretation prevented any form of genuine democratic control, she states that '[never] has our future been more unpredictable, never have we depended so much on political forces that cannot be trusted to follow the rules of common sense and self-interest – forces that look like sheer insanity, if judged by the standard of other centuries' (Arendt 1968: vii). Further analysing those processes that,

according to her, lead to the decline of the nation state and to the end of the rights of man (in the sense that those processes fully broke down the principle of equality before the law) (Arendt 1968: 290), she draws attention to the role denaturalisation practices play in totalitarian politics. As she tentatively puts it, 'one is almost tempted to measure the degree of totalitarian infection by the extent to which the concerned government use their sovereign right of denaturalisation' (Arendt 1968: 278).¹⁶ While Arendt's term 'infection' connotes otherness and parasitic takeover, it tellingly qualifies the government – the latter being not commonly associated with otherness. Knowing that flexible normative criteria have become a means to govern beyond democratic control, Arendt's formulation marks the tendency for governments to estrange themselves from democratic principles as they exercise denaturalisation; infectious elements affect the national community in the sense that they are parasitic to its democratic health. While governments act so as to shape a national community worthy only of the government's own normative framework, they dramatically reduce the people's capacity to contest authoritative claims imposed from above.

In the French context, such estrangement from democratic control turns up as the administration appropriates acts of political contestation to categorise dissent as a proof of enmity.¹⁷ Adopting a rhetoric of emergency and security typical of securitisation processes (Buzan et al. 1998), the French government imposed its politics of denaturalisation upon those constructed as foes. Its behaviour thereby perfectly ties in with Arendt's observation that

[denationalisation] became a powerful weapon of totalitarian politics, and the constitutional inability of European nation-states to guarantee human rights to those who had lost nationally guaranteed rights, made it possible for the persecuting governments to impose their standard of values even upon their opponents. (Arendt 1968: 269)

The claim that the measure is appropriate because of the state of war (1939 bill) does not stand up against Arendt's arguments. Anticipating any objections referring to a conceivable natural right to self-defence in times of hostilities, she indicates that

the behaviour of these governments may appear today to be the natural consequence of civil war; but at the time mass denationalisations were something entirely new and unforeseen. They presupposed a state structure which, if it was not yet fully totalitarian, at least would not tolerate any opposition and would rather lose its citizens than harbour people with different views. (Arendt 1968: 278)

The French context of World War II offers an interesting nuance to Arendt's perspective. Although it remains difficult to tell whether mass denaturalisation was foreseen, there are at least signs that denaturalisation was a controversial

measure. Such was the case of Thomas Olzanski, born in Poland in 1886, French citizen since 1922 and denaturalised on 7 December 1932 for having committed 'acts contrary to the internal and external security of the French state,' which sparked significant protest.¹⁸ A militant syndicalist and communist miner, Olzanski had been labelled a threat to national safety based on his communist publications in *L'Enchaîné*, a bi-weekly publication from the Nord département (Weil 2008: 244). The archival file documenting his case testifies to the controversies it aroused among the public and politicians alike. Often echoing the much wider political contest between the bourgeoisie and the proletariat, the file discloses numerous petitions calling the government to cancel Olzanski's denaturalisation and expulsion. It also contains a number of letters of protestation addressed to the Ministry of Justice, as well as letters of advice from national and international human rights organisations warning the French government against the negative impact Olzanski's denaturalisation would have on France's reputation. For instance, a protest letter from the Comité Régional Intersyndical Italien, dated 7 August 1932, notified the Minister of Justice that their trade union had 'decided to make every possible effort to alert workers about the outrageous fact [of Olzanski's denaturalisation], so as to denounce the so-called French democracy, whose methods are rather worthy of fascist countries' (*'nous avons décidé de faire le maximum d'effort pour alerter les travailleurs sur ce fait scandaleux, et dénoncer ainsi la soi-disant démocratie française, digne des méthodes des pays fascistes'*). For some, at least, pre-war denaturalisation policies already looked dangerously totalitarian.

Furthermore, in France, denaturalisation was not an entirely new measure. Its exclusionary logic had been developed since the beginning of World War I, and its structural insertion into the French civil code in 1927 points to the French government's structural tendency to reserve themselves the right (in a literal sense) not to have to tolerate any opposition. Now, it may be too strong a statement to claim that France therefore never reached its democratic principles but instead has kept functioning in a prescriptive and controlling manner.¹⁹ But in terms of a politics of nationality, it must be granted that the republican and liberal concept of nationhood claimed in all French official discourses does not hold. Instead, practices of denaturalisation betray a politics of nationality through which the nation's symbolic boundaries have been secured by means of a powerful exclusionary principle, based on a differentiated understanding of the concept of nationhood.

To such exclusionary ends, the adaptive quality of the law is crucial as it enables each new administrative political formation to redesign the limits of what is being perceived as acceptable opposition. Far from representing the necessary historical flexibility required to recontextualise ancient and sacred texts, the government's appropriation of adaptive practices betrays a crass authoritative logic, made unambiguous by the above-mentioned 'Note to Mr Secretary

General' tentatively dating from 1941. The context of World War II further demonstrates the extent to which normative limits are flexible and spaces available for contestation extremely narrow. While hundreds of French citizens were denaturalised because they had left the metropolitan territory without 'a regular mission statement issued by the competent authority or without a legitimate motive' (law of 23 July 1940), thousands of them were also denaturalised as a result of the massive and structural revision of all naturalisation decrees issued since 1927 (law of 22 July 1940).

Conclusion

Emphasising a fear of movement on the one side, and the operationalisation of adaptable juridical practices on the other, denaturalisation law manoeuvres at the core of the security/mobility dispositif. It demonstrates a regime of security where two kinds of mobility conflict with one another. Particularly suspicious of those political subjects practising mobility physically, a politics of denaturalisation nonetheless relies on adaptable juridical practices that shape the contours of the nation's exclusionary circumference. While denaturalisation law becomes a mobile norm of exclusion that relies on processes of subjective interpretation, a politics of denaturalisation performs as a means to model the national community while excluding those deemed a threat to its interests.

Denaturalisation law's relationship to security is likely to be misleading: despite it being legitimised by means of a security rhetoric, denaturalisation does not work as a genuine security device. On the contrary, this study has exposed that while governments invoke feelings of insecurity when they seek to legitimise denaturalisation practices, their rhetoric 'in the name of security' does not necessarily alleviate feelings of threat and vulnerability. Instead, in line with processes of securitisation (Buzan et al. 1998), their rhetoric of security serves to legitimise a substantial political intervention. With regard to mechanisms of inclusion and exclusion proper to the politics of nationality, the language of denaturalisation makes foreign those who are prosecuted in the name of the state's security (Honig 2002), not only because it literally makes foreign those being prosecuted through empirically defined administrative categories (e.g. national identity and citizenship). Most importantly, denaturalisation makes foreign those who are perceived as a threat beyond any empirical line (Honig 2002): it is used for political purposes, enabling governments to constantly review, adapt, and redefine who is considered a threatening subject.

As such, the politics of denaturalisation add to Giorgio Agamben's (1997: 108) dictum according to which states of exception cease to refer to 'an external and provisional state of factual danger' and come 'to be confused with juridical rule itself'. The product of exceptional measures stabilised into

law, denaturalisation law links those historical moments of threat to a politics of security that has become omnipresent, if not hyper-present, in modern Western societies. In a time obsessed with the securitisation of borders and identities, this chapter's genealogical exposure compels us to question what is really at stake in present-day denaturalisation rhetoric. Indeed, if the war in Syria is now used as a pretext to put denaturalisation on the agenda, the broader framework in which bills are drawn up is the fight against terrorism. An alibi for exceptional measures, the notion of terrorism nonetheless knows no definite definition (Tuman 2010; Jackson 2008). Yet, it reactivates those political juridical processes through which notions of selfhood and otherness are shaped, mobilised, and transformed.

NOTES

- 1 A preliminary version of this chapter was presented at the BISA conference in Dublin in 2014.
- 2 The term 'citizenship' encompasses much more than being a country's national, and includes for instance the potential to resist institutional forms of recognition (Isin 2012; Isin and Nielsen 2008; Guillaume and Huysmans 2013). It is beyond the scope of this chapter to discuss the relationship between nationality and citizenship in detail, as well as to discuss citizenship's potential to resist practices of exclusion such as denaturalisation. For the sake of clarity, nationality is here understood as a traditional citizen's right.
- 3 Dossier Proposition de la loi Hugues. Archives Nationales serial mark 20000145/4.
- 4 Annexe n° 10738. Proposition de loi tendant à modifier certaines dispositions du Code de la nationalité et à renforcer les mesures interdisant l'ingérence des réfugiés et ressortissant étrangers dans les affaires intérieures de la France. Appendix to the minutes of the 25 July 1950 meeting of the Assemblée Nationale. Archives Nationales, serial mark 20000145/4.
- 5 Unless otherwise indicated, translations from the French are by the author.
- 6 Loi du 18 Juillet 1941 relative aux mesures à prendre à l'égard des individus dangereux pour la défense nationale et la sécurité publique, published in the *Journal Officiel* on 1 August 1941; Archives Nationales, serial mark 19900353/1.
- 7 The term 'normalities' can best be understood as those normative criteria produced by and regulating processes of normalisation.
- 8 Archives Nationales, serial mark 19950165/10 C 2698, a box for which special permission was required for consultation, granted by the Ministry of Justice and the Ministry of Culture and Communication.
- 9 This sentence was a handwritten addition on the manuscript.
- 10 Denaturalisation being a practice that sets up the limits of the national community, it is fair to qualify the 'public interest' as 'interest of the national community'.
- 11 It would take the discussion too far astray to discuss here the broad philosophical debate on the concept of legitimization in detail. For further discussion, I refer to David Ingram's very comprehensive work *Law: Key Concepts in the Philosophy* (2006).
- 12 Loi du 22 Juillet 1940 relative à la révision des naturalisations, *Journal Officiel de la République Française*, Bibliothèque Nationale de France, Paris, serial mark MICR D-10046.

- 13 Loi du 23 Juillet 1940 relative à la déchéance de la nationalité à l'égard des Français qui ont quitté la France, *Journal Officiel*, Bibliothèque Nationale de France, Paris, serial mark MICR D-10046; Archives Nationales serial mark 19900353/1.
- 14 Archives Nationales serial mark 19900353/1.
- 15 Loi du 8 Mars 1941 relative à la déchéance de la nationalité à l'égard des Français qui se rendent dans une zone dissidente, *Journal Officiel* 11 March 1940, Archives Nationales serial mark 19900353/1.
- 16 The tentative style of the sentence backs up Arendt's realisation that her observation is not a universal rule, as she adds in parentheses 'it would be quite interesting then to discover that Mussolini's Italy was rather reluctant to treat its refugees this way' (Arendt 1968: 278).
- 17 Dissent being understood either in terms of an act threatening the public order, an insincere adherence to the French nationality, or the act of going abroad without the explicit consent of the government concerned.
- 18 Archives Nationales, serial mark BB/11/6489 di 41506x14.
- 19 It is a broadly sustained claim, however, to recognise that the Vichy regime was authoritarian more than democratic (Marrus and Paxton 1995; Weil 2008; Simonin 2008).

REFERENCES

- Agamben, G., 1997. 'The Camp as the Nomos of the Modern', in H. De Vries and S. Weber, eds, *Violence, Identity, and Self-Determination*, Stanford, CA: Stanford University Press.
- Arendt, H., 1968. *The Origins of Totalitarianism*, New York: Houghton Mifflin Harcourt.
- Bal, M., 1999. 'Introduction', in M. Bal, J. V. Crewe, and L. Spitzer, eds, *Acts of Memory: Cultural Recall in the Present*, Hanover, NH: University Press of New England.
- Bédarida, F., 1994. 'De Gaulle and the Resistance 1940–1944', in H. Gough and J. Horne, eds, *De Gaulle and Twentieth Century France*, London: Edward Arnold.
- Brown, W., 2001. *Politics out of History*, Princeton, NJ: Princeton University Press.
- Buzan, B., O. Wæver and J. De Wilde, 1998. *Security: A New Framework for Analysis*, Boulder, CO: Rienner.
- Foucault, M., 1984. 'Nietzsche, Genealogy, History', in P. Rabinow, ed., *The Foucault Reader*, New York: Pantheon Books.
- Foucault, M., 2007. *Security, Territory, Population. Lectures at the Collège de France, 1977–78*, New York: Palgrave Macmillan.
- Geuss, R., 2001. 'Nietzsche and Genealogy', in J. Richardson and B. Leiter, eds, *Nietzsche*, Oxford: Oxford University Press.
- Guillaume, X. and J. Huysmans, 2013. 'Introduction. Citizenship and Security', in X. Guillaume and J. Huysmans, eds, *Citizenship and Security: the Constitution of Political Being*, London: Routledge.
- Honig, B., 2002. 'A Legacy of Xenophobia', *Boston Review* 27(6).
- Ingram, D., 2006. *Law: Key Concepts in Philosophy*, London: Continuum.
- Inis, E. F., 2012. *Citizens without Frontiers*, London: Bloomsbury Publishing.
- Inis, E. F. and G. M. Nielsen, 2008. *Acts of Citizenship*, London: Zed Books Limited.
- Jackson, R., 2008. 'An Argument for Terrorism', *Perspectives on Terrorism* 2(2): 25–32.
- Marrus, M. R. and R. O. Paxton, 1995. *Vichy France and the Jews*, Stanford, CA: Stanford University Press.

- Simonin, A., 2008. *Le Déshonneur dans la République: Une histoire de l'Indignité 1791–1958* [Dishonor in the Republic: A History of Indignity 1791–1958], Paris: Grasset.
- Tuman, J. S., 2010. *Communicating Terror: The Rhetorical Dimensions of Terrorism*, Thousand Oaks, CA/London: Sage Publications.
- Weil, P., 2008. *How to be French: Nationality in the Making since 1789*, Durham, NC: Duke University Press.