

Ben Herzog. *Revoking Citizenship*. New York, NY: New York University Press Paperbacks, 2017. 216 pp. US\$ 49.00 (Cloth). ISBN 978 1-4798 7771-3.

It is a punishment more primitive than torture, for it destroys for the individual the political existence that was centuries in the development... The punishment is offensive to the cardinal principles for which the constitution stands.

Chief Justice Earl Warren wrote these words as part of his opinion in *Trop v. Dulles*, a Supreme Court case that considered the legality of stripping away one's citizenship as punishment for a crime. In *Revoking Citizenship*, Ben Herzog highlights this opinion, as it illustrates the translegal idea of citizenship in a seminal case as part of a long and twisted road that travels alongside the struggle with concepts of citizenship. Herzog explores the history of expatriation from colonial America to the War on Terror, providing the knowledge one *needs* to formulate informed opinions as these issues of citizenship are in the forefront of current affairs.

Citizenship, "the right to have rights", is more than just a definition of nationality that is most often used in everyday language; instead, it becomes a social, political, racial, gender, religious and state term. Herzog weaves his way through modern history highlighting the struggles these different ideas of citizenship have caused from the aftermath of the American Revolution to the present day.

Only with the Fourteenth Amendment and Expatriation Act of 1868 could a citizen officially choose to follow the Hobbesian assertion that allegiance can be transferred and accordingly renounce his American citizenship. However, once the idea of citizenship was potentially divorced from birthplace, the nation-state was able to demand the reverse. In other words, it had the power to revoke citizenship from persons who did not deserve (from a congressional point of view) to be members of the polity anymore. (42)

The United States is often described as the 'land of the free', a country of immigrants that found its identity in rebelling against British oppression; as such, it is (according to this ideology) to be juxtaposed against exclusive totalitarian regimes where a citizen's rights can be stripped away at the drop of a dime. Herzog points out that in fact the stripping away of rights has been a practice that is as American as apple pie, and that furthermore, in many ways this country of immigrants has been just as exclusionary: "[H]istory shows that over 80 percent of this history... most of the world's population was ineligible for American citizenship solely because of race, origins, or gender" (12). After all, "[a]dmission and exclusion are at the core of communal independence. They suggest the deepest meaning of self-determination" (13).

The book begins by laying the ground work with definitions of key terms regarding the loss of citizenship, and a useful roadmap that alerts the reader of things to come, before jumping into history. While delving into the minds of key figures such as Thomas Jefferson, who believed "[o]ur citizens are free to... become subjects of another power, and free to do whatever the subjects of that power may do" (33), or Abraham Lincoln who, in the aftermath of sharply divided post Civil War America, vetoed a bill passed by Congress that would have forced expatriation on Confederate leaders, Herzog shows just how far the treatment of American citizenship has come. On a global scale, Herzog writes of the "final solution" in Nazi Germany—the extermination of all of the Jews, which could only legally be accomplished *first* by passing laws retracting citizenship of any Jew living within the country. Then, once Jews were no longer citizens, they

could be forced into concentration camps. This law, an often overlooked but key step to these abominations, highlights the role of citizenship in one of modern histories darkest times.

Revoking Citizenship highlights the War on Terror, and here Herzog discloses the story of Yaser Esam Hamdi, who was captured in Afghanistan and sent to Guantanamo in the aftermath of September 11th. Later, it was revealed Hamdi was an American citizen, and therefore had the procedural rights of an American citizen. Having studied Constitutional Law, I previously considered *Hamdi v. Rumsfeld* through the lens of basic constitutionality (i.e.: is every citizen of the United States entitled to the proper judicial procedure before indefinite detention?). However, Herzog illustrates that citizenship is so much more than just the rights of one's nationality or the procedures one is entitled to. Using Hamdi as an example, the author puts to the test everything we know legally and socially about citizenship, making one question the legitimacy of how we look at these issues and even makes one question the evolving idea of citizenship as a whole. And while forced expatriation is legally not allowed, socially it is clear that it is still widely accepted as an appropriate punishment in certain situations in today's society. "Regardless of the evolution of the government, it is evident that many people still hold the belief that some actions against the United States should be punished by expatriation" (115).

Overall, *Revoking Citizenship* provides a well-organized and engaging survey of judicial and legislative treatment of expatriation throughout domestic and global conflicts to try and formulate not only what citizenship means at its core, but also where the law and sentiment stands in modern America. Providing legislative history, Supreme Court decisions, helpful graphs, and a mountain of research, Herzog masterly paints a readable and engaging book to understanding this highly complex topic. Arguably, the book could not be written at a more apt time; the foundation Herzog provides in *Revoking Citizenship* is knowledge necessary to making informed opinions that are at the forefront of our political elections, executive-branch agencies, and our society as whole. As Herzog writes in one of the many moving passages in this book: "[L]oss of citizenship is not determined by its location within the field of citizenship, but derives from the fact that the game is played. The policy of expatriation results from the uncontested assumption that the world is divided into sovereign political entities and that rights are dispensed accordingly" (139). This is a most dangerous game indeed.

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