

CIVIS BRITANNIA SUM

– Ahmad Thomson

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No-one in this day and age can begin an article with a Latin title without providing a quote or two:

“In the bygone days of Empire, the Australian sheep farmer, the Gold Coast witch doctor and the Bengali peasant shared a common bond. All owed allegiance to the British sovereign; all were British subjects by virtue of that allegiance. As Edmund Burke put it, these were ties ‘which, though light as air, are as strong as links of iron.’ In a moment of difficulty or danger, a man’s British citizenship could easily be his most valuable possession. In 1849, when Don Pacifico, a Jewish merchant of Malta, was refused compensation by the Greek government for injuries he had suffered at the hands of some of its citizens, Lord Palmerston, Britain’s Prime Minister, sent the British navy to blockade Piraeus. British subjects the world over, Palmerston told the House of Commons at the time, could boast as proudly of their citizenship as St. Paul did when he said: ‘Civis Romanus sum.’” (Time, March 8, 1971)

This plea, “Civis Romanus sum” – “I am a Roman citizen”, sufficed in ancient Rome to stop arbitrary condemnation, bonds and scourging. No Roman citizen could be condemned unheard; by the Valerian law he could not be bound; and by the Sempronian Law it was forbidden to scourge him or beat him with rods. When the chief captain commanded that Paul “should be examined by scourging”, Paul asked a centurion: “Is it lawful for you to scourge a man that is a Roman, and uncondemned?” (Acts 22:24-5)

“I therefore fearlessly challenge the verdict which this ... house is to give,” said Lord Palmerston on the 25th June 1850, quoting Cicero, “... whether, as the Roman, in days of old, held himself free from indignity, when he could say “Civis Romanus sum”; so also a British subject, in whatever land he may be, shall feel confident that the watchful eye and the strong arm of England will protect him against injustice and wrong.”

Implicit in this oath of allegiance and the protection afforded through it is that anyone who had not given their allegiance was not entitled to such protection. If Paul had not been a Roman citizen, there would have been no restriction on his being “examined by scourging”, that is, on his being tortured in order to elicit information. If Don Pacifico had not been a British subject, Lord Palmerston would not have ordered the blockade of Piraeus in order to secure justice for him.

As with everything in life, empires come and go. The Pax Britannica has gone the way of the Pax Romana – and the Pax Americana is a far cry from its predecessors.

President Bush has publicly declared that, “Those who murder innocent woman and children are evil.” He is right – and yet he appears to be oblivious of the hundreds of thousands of innocent woman and children who have been killed by means of the American military-industrial complex since the end of World War II in countries such as Vietnam, Argentina, Columbia, Peru, Chile, Afghanistan, Iraq and Palestine, to name but a few.

But then of course none of these victims had given their allegiance to the United States of America – and therefore, following that ancient reasoning, they were not entitled to its protection.

And although international human rights law is not based on any oath of allegiance and is meant to apply to everyone, equally, everywhere – in practice it is often observed selectively.

The human rights of the victims of Srebrenica, for example, did not save them from their fate – and yet the UN troops who collected their weapons and then betrayed their trust were immune from prosecution.

And although, for example, the Attorney General advised that regime change was not permissible under international law as a justification for the invasion of Iraq, the inevitable civilian ‘collateral damage’ of the shock and awe bombing spree that was deemed necessary in order to have a tyrant and his henchmen ultimately hanged was accepted as unavoidable, with no remedies or compensation either for the victims or their surviving relatives in accordance with human rights law.

These are the harsh realities of the world in which we live – harsh realities which impinge on our daily lives even in the British Isles.

A British citizen may say, “Civis Britannia sum” – “I am a British citizen”, but for an unfortunate few, a combination of rendition for torture and Guantanamo Bay style detention camps have guaranteed inter alia the “arrest” of people who were kidnapped and exchanged for a bounty of a few hundred dollars and of journalists who did not take the precaution of being embedded – that is, of accepting to be told what they may and may not report.

Indefinite detention without charge, without hope, without independent legal representation or trial; torture and “evidence” obtained through torture used in court – we are all aware that these things happen.

We all hope that we will not fall under suspicion, maybe even be wounded or executed by mistake – we are all aware that these things happen.

We all know that under the current legislation, which we are told has been promulgated to protect us, anyone can be arrested on the grounds of a suspicion which does not even have to be reasonable – and if deemed necessary, we can for example, be extradited to the USA even when there is no prima facie evidence to support either the extradition request or even a prosecution in the UK.

We are told that such measures are intelligence led – but what if the intelligence is mistaken, or worse still, cynically uncaring or disinterested? What if being called Muhammad or Khan is enough to warrant arrest?

It is not surprising, in this climate, that neo-con think tanks seek to marginalise mainstream Muslims and misrepresent Muslim organisations in the name of promoting social cohesion while knowing full well that the intended result of their strategy should result in the opposite, so that ultimately their quarry should be cowed into tolerating their intolerance.

This is why I found the presentation of Justice Albie Sachs at the Minority Lawyers Conference 2007 such a source of inspiration and hope:

Here stood a man who had been given a unique experience in life, who had not only witnessed what appeared impossible, but who had taken part in making what appeared to be impossible happen.

He had spoken the truth in the court of a tyrant. He had spoken out against ignorance and bias, blind prejudice, inhuman treatment, arbitrary arrest, detention, torture and institutional murder – to the extent that the people whom he criticised tried without success to have him blown up and killed.

And then when the apartheid state was dismantled, he did not busy himself with seeking revenge, but rather he busied himself with establishing justice and making his part of the world a better place.

As Justice Albie Sachs humbly concluded, without a trace of bitterness in his voice, “If this could happen in South Africa, then it can happen anywhere.”

There is no power and no strength except from Allah.