

EDITORIAL

Citizens and their Guests

Antony Duff

Travelling as a British citizen to EU countries after the COVID lockdowns reminded me of one symbolically important feature of Brexit: I could no longer join the passport queue for EU citizens, since my fellow citizens had collectively resigned our membership; I had instead to join the 'All Passports' queue. The practical effects of this are not dramatic: the queue might be somewhat longer, and might move more slowly; but I get through, and find the same kinds of friendliness and helpfulness (sometimes tinged with a touch of sympathy) in the countries I am visiting. But it is symbolically significant, and painful: here is a community to which I had become accustomed to belonging, during the 47 years of UK membership of the EU, from which I was now formally (self-)excluded. In an important sense, I am no longer a European.

The example is a trivial one: the collectively self-inflicted loss of EU citizenship is hardly comparable to the harms suffered by those who are deported and deprived of their citizenship, or by those who desperately seek, and are liable to be refused, entry to a polity as immigrants or as refugees. However, it highlights two significant points about citizenship: that it matters symbolically as well as materially; and that it is to some extent necessarily exclusionary – that when there are citizens who are members of a polity, there are non-citizens who are excluded from membership. (It also reminds us that citizenship is not always citizenship of a nation state: we can talk, at least in aspirational tones, of the EU as an emerging political community with which citizens of its member states can also identify themselves as citizens.)

The exclusionary aspect of citizenship is of course prominent, and exaggerated, in the more stridently xenophobic species of nationalism: the state, the polity, exists to serve the interests of its citizens. Non-citizens – foreigners, strangers, potential enemies or invaders, the 'others' – are admitted to its territory, if they are admitted at all, only on sufferance; 'we' must always protect ourselves, and expect our government to protect us, against 'them'. This is not the place to examine the various ugly forms that xenophobic nationalism can take, or the brutal ways in which non-citizens can be treated. My point is simply that this is one, dangerously damaging, way in which the idea of citizenship can be used. But the question then is this: is this a necessary implication of making citizenship central to our conception of political community; or is it rather a pathological distortion of how citizenship can and should be understood?

Those who think that a focus on citizenship is necessarily, or inevitably, exclusionary in such damaging ways might then urge us to guard against such harms by taking a cosmopolitan path. On this view, what ultimately matters is not our citizenship

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of this or that nation state, but our humanity, our membership of the universal human community (to which others would add that we should expand our conceptual and normative horizons to recognise a larger community of sentient beings). Nation states might, at least for the time being, have a role to play, as might membership of them, but their importance is secondary and instrumental. We should preserve nation states, and recognise their (limited) sovereignty, only to the extent that this is a useful and efficient way to promote the good of humanity, and to protect humanity against the various and manifold dangers that we face. Our membership, as citizens, of such states is likewise only of instrumental significance – it gives us no special normative standing as compared to those who are not citizens. In the end our efforts both individual and collective, personal and political, should be directed towards humanity and its interests.

The cosmopolitan perspective expresses an admirable, and challenging, moral ideal: it asks us to recognise, and to be moved by, our common humanity. I think it is better understood, however, and makes more plausible normative sense, not as a rival to nationalism, but as an essential dimension of a decent nationalism. At the heart of nationalism is a recognition of our political human nature: of the fact that we find our goods only in and by living together in political communities, and of the contingent but deep fact that, given our limited and corporeal nature, such a political living together is feasible only in communities much smaller than ‘humanity’. Political community involves a recognition of a shared civic project (a project that also, in decently liberal societies, includes the fostering and protection of diverse ways of life lived in diverse subcommunities), but that project cannot be one that we share with all of humanity – although what we do share is the need for participation in such projects.

To assert such a nationalism, however (and all I am doing here is gesturing towards it, without either explanation or argument), should not be to deny any cosmopolitan concern, or to embrace the kind of xenophobic nationalism with which we are all too sadly familiar. First, because as well as the recognition of our fellow humanity that as individuals we owe to each other, beyond and independently of what we owe to each other as fellow citizens, nation states must also recognise themselves as members of a community of nations, which owe each other a collective version of the ‘equal concern and respect’ that citizens owe each other. Second, because political communities can and should be generously open-armed about membership. They should welcome new members (as well as enabling existing members to leave if they want to); without suggesting an ‘open borders’ policy as to either entry or citizenship, we can urge a readiness, indeed an enthusiasm, to embrace new citizens. Third, there will still be many who live, for brief or long periods, within a polity’s territory without obtaining, often without even seeking, citizenship: if asked what status they can have, and whether they will not inevitably be treated as somehow inferior to, of lesser importance than, citizens, a decent nationalist can reply that they should be accorded the distinctive, and respected, status of guests. There is much to be said about what it is to be a guest, about the rights and obligations that can attach to being a guest (and about the differences between

guests who are invited, guests who are admitted on request, and guests who seek to enter without either invitation or permission). All I can suggest here is that if we take the ideas of guesthood and hospitality seriously, we can see how citizens of a polity can both insist on the significance of their shared citizenship, and also extend to guests an appropriate (and not lesser) kind of respect and concern. I am now a guest in (the rest of) Europe, and the shift from citizen to guest marks a real loss, but I still have a polity, a civic home (the really serious loss would be the loss of citizenship of any polity), and I am still treated as a welcome guest by those who were my fellow citizens.

This brings me to the *Netherlands Journal of Legal Philosophy*. Having happily served on the editorial board for the last ten years, I will be stepping down next year. The journal provides a nice example of the kind of decent nationalism to which I gestured above. It is the *Netherlands Journal*: it is edited in the Netherlands, about half its articles are in Dutch, it deals with topics of particular concern to Dutch lawyers and theorists – it speaks in a distinctively Dutch voice about distinctively Dutch issues. But it also addresses and engages with the wider – the worldwide – community of legal philosophers, speaking in a philosophically cosmopolitan language to a cosmopolitan audience (given the linguistic limitations of members, especially the Anglophone members, of this community, that language has also to be English). Just as citizens of a national polity can take their citizenship seriously, whilst also recognising and engaging respectfully with the citizens of other polities, so an academic journal can – as *NJLP* successfully does – speak with a national voice to the members of the national community in which it is rooted, whilst also engaging with the members of an academic cosmopolis.