



HOW CITIZENSHIP DIVIDES: A RESPONSE TO LOIC AZOULAI

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ABSTRACT: This note is a brief response to Professor Azoulai's reaction (*On Dubious Parallels: The Transnational Europeans and the Jews. A Note on Gareth Davies' Article*, in *European Papers*, Vol. 5, 2020, No 1, forthcoming, www.europeanpapers.eu) to my *Article, How Citizenship Divides (How Citizenship Divides: The New Legal Class of Transnational Europeans*, in *European Papers*, Vol. 4, 2019, No 3, www.europeanpapers.eu, p. 675 *et seq.*). He takes exception to my suggestion that Jews in early 20th century Europe, like mobile Union Citizens, were in a sense outsiders within the states that were their homes, and as members of a pan-European persecuted minority, also in a sense transnational. He seems to think that to suggest a minority may have a different sense of place and belonging in their state is to insult them. I think that to deny it is to deny them a voice and identity, as well as to reinforce the nationalist idea that the only good citizen is an uncomplicated one.

KEYWORDS: Union Citizenship – Jews in Europe – Judaism – minority identities – cosmopolitanism – European Union.

I was interested to read Loic Azoulai's comments on my *Article, How Citizenship Divides*.¹ In that *Article* I suggest that Union Citizenship law is creating a new class of people, who are to some extent outsiders in the states in which they live, and tending to be transnational in their lives.

I do not think that Professor Azoulai agrees with me on this, but his objection is largely that I go on to make a comparison between the position of the mobile Union Citizen, and the position of Jews in European society at the beginning of the 20th century. It is a brief comparison, a paragraph in the conclusion which suggests that we should reflect on the similarities, but nevertheless he finds it unacceptable.

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¹ See L. AZOULAI, *On Dubious Parallels: The Transnational Europeans and the Jews. A Note on Gareth Davies' Article*, in *European Papers*, Vol. 5, 2020, No 1, forthcoming, www.europeanpapers.eu and G. DAVIES, *How Citizenship Divides: The New Legal Class of Transnational Europeans*, in *European Papers*, Vol. 4, 2019, No 3, www.europeanpapers.eu, p. 675 *et seq.* A minor detail: at one point Professor Azoulai refers to "up-rooted professions" in quotation marks. That phrase does not in fact appear in my *Article*.



The simplest comparison between mobile Citizens and Jews is in the reactions that they inspire in nationalists and populists. In recent years we have seen the emergence of anti-mobility rhetoric, in some quarters, which draws on old ideas of cosmopolitan rootlessness, on the stranger within importing alien values, and so on: the recognizable tropes of anti-Semitism then, and indeed now. Why note this? It reminds how Europe's majorities can react to those they see as other, and how mobile Citizens, European though they may be, could come to be seen this way. It is a warning: we should not assume that tolerance of those seen as strangers is a stable default. This point could of course be made *a fortiori* with respect to immigrants from outside the EU, but here I want to say that it can also be true within the community of Europeans. This seems hardly controversial, and indeed important.

I go further however, and suggest that mobile Citizens and Jews in Europe share some substantive characteristics. The similarity of the reactions is not arbitrary. Jews too were, to some extent, outsiders, and often, in some ways, transnational. At this point, if I understand him correctly, Professor Azoulay objects most strongly: he thinks, I believe, that I am perpetrating anti-Semitic stereotypes.

Anti-Semitism did not begin with the Nazis. For centuries, persecution and exclusion from rights were the norm in Europe. There had been many migrations across the continent, leading to a complex European diaspora. In the 1800s and early 1900s most European countries began to grant Jews civil rights and legal equality, but anti-Semitism did not stop there, and the social distance between Jews and non-Jews, and the de facto, if not always legal, exclusion from certain positions and roles, continued. I assume that this is not news.

When I say that Jews were to some extent outsiders I mean that they were seen that way by many in the majority, and that they will, inevitably, have been aware of this, and that their position in their states was fragile and conditional. They will have known that they were not fully accepted as equals, or even as fully belonging, by their non-Jewish compatriots. They will also have been aware that they were part of a Jewish community, a wider Jewish community, that was European, but in which Israel also played a role, for some symbolically, and for others, in the Zionist years, practically. They may certainly have been proud and patriotic Austrians, Poles or French citizens, but that was not the whole story of their identity, for most.

Professor Azoulay complains that I am stereotyping Jews, reducing them to generalisations, as if they all held the same attitudes. Of course, he is quite right to point out that such a large community – as it then was – was as diverse as any other, and there was no uniform attitude, lifestyle or set of beliefs. But I do not think it is going too far to suggest that for most Jews, whether a Frankfurt doctor or a poor Ukrainian farmer, an awareness of anti-Semitism by the majority around them, and an awareness of their belonging to the community of Jews, will have been part of what formed their political consciousness.

It is then inconceivable to think that Jews, in general, will have had the same relationship to their national community, their fellow-citizens, and to their nation as an institution and idea, as non-Jews had. Certainly, some of the more integrated and secular members of the Jewish community thought that they did. They turned out to be wrong.

To deny this is to deny their experience, indeed to deny their Jewishness – that it meant anything, or that it shaped their lives. It is like saying that all Americans – or Europeans – are the same and so there is no need to talk about colour. It is not for the majority to claim this until the minority tell them that it is so – and perhaps not even then.

It seems sometimes that Professor Azoulai thinks it is derogatory to suggest that people may have complex, or even conflicted identities, a sense of belonging that goes beyond the state. I disagree. It is not. Certainly nationalists would think otherwise: they despise nuanced belonging, and prize exclusive and absolute attachment to local peoples and soil. They are, however, the problem. Surely we do not combat them by accepting their demands and then pretending that everyone conforms? Is the answer to nationalism to insist that immigrants can be nationalists too? The nationalist says that only those who are unquestioning, unconflicted, nationalist, and full-blooded patriots are deserving members. I disagree – in fact, although it goes beyond this discussion, I would go further: it is the unquestioning who undermine nations, and the divided who may save them. That is, I would suggest, the European idea.

What the nationalist does, however, is twist features into slurs, turning cosmopolitan into disloyal, different into lesser. It is that twisting which is objectionable, not being either cosmopolitan or different, and if we allow ourselves to be convinced to the contrary we hand the xenophobe a great victory. When I described Jews as “often distinctively transnational in lives and identity” I was making a relatively banal and factual statement about what it was to be part of a historically persecuted pan-European minority. There is nothing, absolutely nothing, that is derogatory in that statement, and I am rather shocked that someone who is neither nationalist nor xenophobe could think there is.

It may be – I am not certain, and if this is not Professor Azoulai's view then I apologise, but it would seem to fit his argument – that he is just being a good Republican, defending the claim that a Polish Jew is the same as a Polish Catholic, and a French Muslim the same as a French atheist: there are merely citizens, not groups within them. However, that view is about rights, not identity. Certainly we may hope that the rights of all citizens are the same, and their religion or ethnicity makes no difference: an admirable ideal. However, that is not to say that their sense of their place in the world is the same. To claim this is to trivialize the features of who they are. If Frenchness is just a question of paperwork and civil rights, then there may be little need to distinguish between groups within. But if Frenchness is also about a sense of belonging, of safety, of acceptance, of home, then there are many ways of being French, and the history and experience of every individual and group will be part of what Frenchness and France means for them. Is that inconvenient for the Republican myth? *Tant pis*.

The reader may wonder why I am even going down this path. The *Article* is about Citizenship, and I could have just made the lighter point that criticism of the mobile often has anti-Semitic overtones and left it there. The answer is that I think cosmopolitanism enriches the continent. Those who feel the pull of more than one community, who experience a layered and even conflicting sense of belonging can help break down the walls between those whose sense of home is more absolute and defined, and they can help national communities change, grow and look at themselves in new lights. This can be true of the Basque-Spaniard, the Muslim Swede or the Transgender Pole as well as the mobile Citizen, a foreigner in her chosen home. We should celebrate that Europe is making space for people to exist as insiders-outsiders in the states where they live.

But these people are vulnerable. The national tribes are still the majority. I look at the Jews so that we do not forget the viciousness that can be produced for those who are inside the nation, but differently located within it. Certainly the comparison must not be stretched too far – studying abroad does not make one a Jew. But I do not think that the parallels, even if limited, are trivial in this time of populism and backlash. If Europe is creating Europeans – good. But that will create dangers too, and we should remember, and be prepared.