

Dimitry Kochenov

Citizenship. Cambridge, Massachusetts: MIT Press, 2019, 337 pp.

Among the public rituals of liberal democracy, what can match the grace and prowess of a citizenship ceremony? Behold the invocation of the nation's founding narrative, its pledge of equality and the rule of law, and the keen partaking by a diverse slice of the population... that is, subject to the odd attempt to exclude women with religious face-coverings (secular masks being kosher, if not *de rigueur*).¹ That citizenship is so valued by newcomers who actually consent to the proffered social contract—as opposed to the homegrown masses whose consent is implied—surely speaks to its potency. Not so, argues the constitutional scholar Dimitry Kochenov, for whom its symbolism elides “an abstract status” that is utterly “totalitarian in nature” (38). Indeed, he regards most citizenships outside his privileged European zone, coupled with the United States and Canada, as outright liabilities.

Human rights and personhood are the true prizes in Kochenov's provocative account—distinct from citizenship, which is everywhere a “glorified” idea whose *only purpose* is to make states “better governable by promoting servility and complacency” (239). How has it come to this, when from Aristotle down to the liberal age we have been told otherwise, most famously in T. H. Marshall's critique of “social citizenship?” Are the raging civic struggles for what racialized minorities and Indigenous people deem to be claims to full citizenship missing the point? Is the global movement for ethically responsible citizenship on climate change, including radical legal reform, simply naïve? Kochenov's case for the prosecution of citizenship, past and present, is pitched under four rubrics: Status, Rights, Duties, and Politics. These add up ultimately to a “legal fiction devoid of moral and ethical *contenu*,” he avers at the outset, poised to punish “critics of the inequitable in the world it has evolved to perpetuate” (3).

Kochenov is surely on solid ground when he stresses the dominance of a statist ascription of one's legal status as overriding other aspects of where or how one belongs to a national territory. The coherence that citizens bring to what Benedict Anderson called the “imagined community” of modern nationhood is subject to the state allowing for such a construct, among people who *happen to be* in a specific place. This top-down, arbitrary reality is reflected in the lottery of wealth and quality of citizenship within and between states, notes Kochenov. Being a citizen of the Organization for Economic Cooperation and Development (OECD) puts you at an exponential advantage over the rest in terms of what your passport is worth—yet offers no assurance that you will actually enjoy equality in relation to your fellow nationals, especially if you happen to be a woman, a visible minority,

¹ Alex Boutilier, “Zunera Ishaq Granted Citizenship in Time to Vote Oct 19,” *Toronto Star*, 9 October 2015, www.thestar.com. A Federal Court of Appeal decision allowed Ms. Ishaq to bypass a government “requirement” that she doff her *niqab* (Muslim face covering) to attend her citizenship ceremony.

transgendered, and/or poor. Recalling the global history of imperialism as well as the aftermath of decolonization, racism and its cognates are not incidental but an “essential characteristic” of citizenship (96).

An obvious precondition to enjoying the rights that citizenship confers is access to the conferring state, where one ends up if deported from elsewhere.² This access, Kochenov insists, is what citizenship is about (133)—competing with the prevailing idea that one’s rights accrue by virtue of being human, not a national. Not having citizenship in one’s place of domicile is a condition of acute vulnerability to the most arbitrary exclusions, from pot-smoking in Germany to a selfie with buttocks exposed on a Malaysian mountain (133–34). The upshot: a robust bid for human rights over citizen-rights evinced in landmark European and United Nations Human Rights Committee decisions against deportations of non-citizens with ties to their countries of residence,³ giving protection “from the intended punitive effects of the assignment of citizenship status” (155).

Likewise, claims Kochenov, we need protection from the idea of duties attached to citizenship—in particular that of being “a good citizen,” which compels us “to blend into the state-sponsored narrative” (176). Taxation, military service, and submission to a collective narrative have been the traditional rationales for duties; the first of these is increasingly tied to residency (with the notable exception of the United States), while the other two are becoming hard to sustain in liberal democratic settings. We are left, then, with “the notion of a ‘political community’ with its ‘values’ [as] the last bastion justifying citizenship’s grip on our imagination” (230). For Kochenov, the decline in electoral voter turnout is but one more nail in the coffin. All that matters today is the enabling value of a miniscule number of “super citizenships,” which allow global mobility and the making of a rewarding life where these elite holders choose (247–49).

Nowhere in this picture is there room for civil society, for ethical duties to fellow citizens aside from the hegemonial state (as during the COVID-19 pandemic), or for the deep *nexus* of human rights and citizenship. These are key facets of what constitute the bonds of citizenship. Kochenov’s state and its lawmaking are stripped of their moorings—the *social* imaginary that shapes inclusion/exclusion, and lends/denies legitimacy to official institutions.⁴ He is oblivious to Richard Bellamy’s trenchant critique of duty-free European Union belonging,⁵ made even more compelling by Brexit and other centrifugal forces that privilege duties *and* rights “at home” over Brussels. How does identity politics relate to shared citizenship amid *societal*, not just

² National security and public health, however, can be invoked to deny such access. See e.g. Michael Sheer and Caitlin Dickerson, “Trump Considers Banning Re-entry By Citizens Who May Have Coronavirus,” *New York Times*, 10 August 2020, www.nytimes.com.

³ *Beldjoudi v France*, No 12083/86, [1992] ECHR (Ser A) 42, 14 EHRR 801 (1992); *Stewart v Canada*, UNHRC, UN Doc CCPR/C/58D/538/1993 (1996); *Jeunesse v Netherlands*, No 12738/10, [2014] ECHR 1036, 60 EHRR 17.

⁴ Charles Taylor, *Modern Social Imaginaries* (Durham, NC: Duke University Press, 2004). It is this domain that constitutions, statutes, and human rights treaties acknowledge in their preambles, which are not juridically binding yet have contextual weight.

⁵ Richard Bellamy, “A Duty-Free Europe? What’s Wrong with Kochenov’s Account of EU Citizenship Rights?” *European Law Journal* 21, no. 4 (2015): 558.

statist, nativism?⁶ Kochenov concludes that because of its failings, citizenship lacks “basic relevance” and will “perish” (251); by that logic, democracy, statehood, and even human rights would be headed the same way. As a corrective to the uncritical glorification of citizenship, this is a sobering account. But as part of what the MIT Press proclaims is a series on “Essential Knowledge,” the book’s flaws are as striking as its insights.

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⁶ Amy B. Sajoo, “After Identity Politics? Faith in Liberal Citizenship,” *Canadian Political Science Review* 14, no. 1 (2020): 77.