The Challenges Facing American Citizenship Today

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In the 19th century, the greatest questions concerning American citizenship were whether this new modern experiment in large-scale republican self-governance could work at all, and whether its initial reliance on slavery could be overcome. The answers proved to be that a large-scale republic centered on commercial, not martial aspirations could indeed endure, and that it could achieve the elimination of chattel slavery, though not without enormous costs. In the 20th century, the major issues became whether formally equal citizenship could be extended to all adults, regardless of race and gender. The answer proved to be that women and non-whites could gain genuine possession of the franchise and access to public office, even if only through great civic struggles, and even if those gains still left the nation far short of achieving practical equality in many spheres of public and private life. Though much remains to be explored in regard to those past developments, it is obviously timely now to ask, "What are the major issues facing American citizenship in the 21st century?" It is also tempting to speculate about how laws and public policies will deal with them, though that quest of course carries us out over even thinner ice.

At this early date, three questions concerning citizenship seem most prominent. The first arises because, though the U.S. has officially embraced racial and gender equality in its civil rights laws, it has not reached any consensus on how law and public policy should deal with the ongoing reality that distinct and in many ways unequal racial and gender identities and statuses still exist in American society. Many argue that law and public policy should take no notice of racial identities, in particular, at all, beyond banning acts of deliberate racial discrimination. Supreme Court Justice Clarence Thomas is among the most prominent champions of such "color-blindness" in law (e.g., Thomas 1987). In contrast, no one quite urges complete "gender-blindness." Even so, much legal analysis, at least, focuses on identifying the forms of gender discrimination that should be banned, not on the ways gender identities should be conceived or properly recognized.[1]

Yet whatever view one takes of the origins and proper character of racial and gender identities, the undeniable fact is that in innumerable contexts, Americans still are classified and still classify themselves in such terms. Those classifications correlate strongly with a vast range of profoundly significant consequences. Public laws and public policies cannot really avoid both reflecting and having a major impact on those identities and statuses. Like many others, I believe that to seek for laws and public policies to be largely color-blind or gender-blind usually amounts to perpetuating entrenched systems of racial and gender hierarchy, instead of achieving genuinely equal citizenship (see, e.g., Smith 2003a). That claim may be wrong. But even if it is right, it leaves unanswered just what kinds of conceptions of race and gender laws and policies should embody and what forms of public treatment are appropriate to them. These questions are made only more complicated by the rising number of Americans with roots in Asia and Latin America, not Africa or Europe, by increases in inter-marriages and claims for modified racial categories, as well as by increased acceptance of a variety of gender identities as a product of the gay rights movement. Because American citizenship has been so pervasively shaped by racial and gender discriminations through most of U.S. history, and because current developments are making these categories only more numerous, rather than making them go away, it is likely that the issues of how we should conceive and deal with racial and gender identities will continue, in old, new, and changing ways, to be central to citizenship throughout the 21st century as well.

How are public laws, policies, and programs likely to respond to those issues? Again like others, I have expressed the hope that Americans will adopt measures that will increasingly reduce the correlations between recognized racial and gender identities and systematic inequalities in the opportunities for and possession of wealth, power, and social status—and make racial and gender identifications more matters of voluntary choice rather than inescapable social ascription (Smith 2003a). I think a variety of public and private developments in the 20th century moved us in that direction in some important measure, though we are far short of achieving it, and I think over time we will continue on balance to progress more toward that condition. But I do not anticipate easy, rapid, or unbroken progress, because that has not been the nation's civic pattern. Instead, I suspect we will perpetuate a pattern that Daniel Sabbagh (2005) has highlighted in the ways Americans treat race in public life. We profess to be as blind to racial and gender identities as possible, in the name of according every individual equal respect, while at the same time we nonetheless seek somehow to address invidious inequalities in racial and gender group opportunities and

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statuses. So we ban racially targeted programs; but we still boast and try to prove that alternative measures are reducing material racial disparities. If they don't, we try something else—so long as it doesn't appear to be aimed at doing what we know we should do. Similarly, Americans have not adopted the sorts of quotas for gender representation in their political parties and legislatures that some European nations have done, but we still track and hope to increase the presence of women on ballots and in public offices. This ambivalent approach to the task of reducing the correlations of race and gender with persistent systems of unequal advantages is not likely to be very efficient, but it seems to be the best that Americans can sustain politically.

The second set of citizenship issues that are likely to be prominent in the 21st century arise from a whole host of developments, including improved international transportation and communications systems, the spread of regional trade agreements, the increased potency of international non-governmental organizations, and the "war on terrorism," all often linked as features of the heightened interconnectedness labeled "globalization." These developments are in a great variety of ways making questions of the distinctions between citizens and aliens more salient than ever. Some changes, like heightened population mobility and more elaborate systems of transnational economic, social, and political cooperation, work against placing great significance on whether or not persons are citizens of the United States. Others, notably national security concerns and heightened economic and social worries about, especially, Latino immigrants, push in favor of denying to all aliens, even legally admitted residents, many of the rights that are provided citizens (except when they, too, are suspected of terrorism). Will the United States in the years ahead provide more equal social benefits to immigrants, treat most inhabitants of North America as virtually equivalent to citizens for economic and security purposes, and accept the spread of multiple nationalities among those it still sees as its citizens, somewhat as the European Union has been doing (though not without backlash)? Or will economic, cultural, and security anxieties generate a resurgent American nationalism that draws the lines between citizens and aliens more sharply than ever? Will, in short, the U.S. embrace some "globalization" of its citizenry, or resist? Those questions are likely to persist at least through much of the 21st century.

Normatively, I have urged that we embrace certain "globalizing" trends by increasingly creating a world in which individuals possess multiple memberships in moderate, "semi-sovereign" political communities—some larger than existing nation-states, like the European Union, some smaller, like the Navajo Nation, all with some meaningful authority resting on the consent of their people, but none with absolute power over those people (Smith 2003b). Writing now at a time when France and the Netherlands have rejected a proposed European Constitution, when welfare states that extend to aliens are increasingly seen as too inefficient to sustain, and when renewed terrorist assaults are sharpening concerns for national security, this advocacy may seem wildly unrealistic. These conditions do make it hard to suggest that the dominant pattern in the 21st century will actually be toward greater governmental acceptance of persons possessing multiple citizenships or toward policies relaxing distinctions between full national citizens and various categories of aliens.

Nonetheless, with some important qualifications, I still think citizenship laws and policies will tend in those directions. Powerful economic and political actors will continue to push for expanded free trade zones, seeking to add a CAFTA (Central American Free Trade Agreement) to a NAFTA (North American Free Trade Agreement) and more nations to the European Union and kindred regional organizations. Even national security concerns are likely to press for greater transnational cooperation, as the United States, for example, tries to achieve joint border control systems with Canada and Mexico in order to limit the access of Middle Eastern and Asian terrorists to North America. The increasing choices of private individuals to pursue work that involves living in more than one country for significant periods of time, the trans-national marriages that will follow, and the multinational offspring these marriages will produce, all will foster still-small but growing groups of individuals who wish to claim equal rights in more than one political community. The multinational corporations that hire many of these individuals may well find their own interests served by advocating for such rights for their employees. If these multiple citizenship individuals are not perceived as threats by other powerful political actors, they may prevail. That, of course, is a big "if." Fears about threats to the economic and security interests of existing national populations will certainly work against affording aliens every single right that citizens receive.

But it is not clear that those interests will in the end combat trends that minimize the differences between citizenship and alienage. They may instead only work to make citizens more like aliens. In the U.S., at least, the sobering reality is that today concerns about national security and national economic health are in fact being invoked to reduce the welfare and due process rights of citizens, along with those of aliens. For example, the 1996 welfare reform law, the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), ended the AFDC program established in the original New Deal Social Security Act, replacing it with Temporary Assistance to Needy Families (TANF) block grants to the states, and made immigrants arriving after its enactment ineligible for all federally funded means-tested benefit programs like TANF and Medicaid for five years, with a state option to restore them thereafter. It denied them Supplemental Security Income (SSI) and food stamps altogether. Congress then restored eligibility to most pre-enactment immigrants via the 1997 Balanced Budget Act, the 1998 Agricultural Research Extension and Education Act, and the Farm Security and Rural Investment Act of 2002. The states have chosen to provide TANF and Medicaid benefits to most pre-enactment immigrants. The upshot is that the 1996 initiative reduced welfare rights for both citizens and immigrants, leaving resident aliens somewhat worse off than citizens, but not dramatically so (Singer 2005). Similarly, both the U.S.A. Patriot Act and President George W. Bush's order authorizing military trials for suspected terrorists appear on their face only to eliminate many procedural rights for aliens; but the administration has argued, using the 1942 precedent of *Ex Parte Quirin*, that the same procedures can be applied to citizens suspected of terrorism as well (Smith 2005). Although economically and politically conservative measures are often advanced in nationalist tones, then, their particulars do not necessarily stem the tides pushing in the direction of greater equality of rights for citizens and aliens. Often they simply reduce the level of rights both groups can claim.

Thorny as issues of race, gender, and alienage are, the third major issue facing American citizenship today may be the most intractable as well as paradoxical. The paradox arises from the fact that today virtually everyone assumes, at least in public rhetoric, that a legitimate political society must be democratic. Though many around the world object to the strategies through which the Bush administration is pursuing its express goal of promoting democracy, virtually none do so on the grounds that democracy is an undesirable goal. They simply quarrel with the administration's tactics, as well as its definitions of what count as acceptable democracies. The notion that legitimate political regimes should be democratic seems, at this point in history, as unassailable as Francis Fukuyama (1993) has famously argued. And embrace of democracy logically seems to entail the embrace of democratic

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citizenship, in which all citizens share in the most important acts of self-governance.

Yet the reality of governance in the 21st century is that most citizens experience it as the preserve of a variety of economic and political elites and experts, and they are right to do so. The success of movements to establish formally equal civic rights has also meant, by and large, the demise of mass, participatory civic movements, period. Through a combination of hostile governmental policies, internal difficulties, and transformations in economic sectors, union membership and activism have sharply declined, enhancing the relative political influence of those few who control great fortunes. The impact of a variety of globalizing trends, including the rise of extraordinarily wealthy multinational corporations, the spread of regional international trade and other policy agreements, the creation of various supra-national organizations like the European Union, the African Union, the World Trade Organization, the International Court of Criminal Justice, and more, all may have many benefits, but they also increasingly remove important decision-making power from direct democratic participation or even ultimate democratic accountability. The fundamental phenomenon is that, as the world grows more interconnected in a huge number of ways, as political jurisdictions become more encompassing and political institutions more vertically structured, and as many types of economic inequality mount, democracy increasingly becomes far more a legitimating slogan than a lived reality for most citizens. The question of whether the rhetorical triumph of the ideal of democracy is being accompanied by the practical eclipse of democratic practices is, I submit, the final major issue facing democratic citizenship in the U.S. and the world in the 21st century.

And though I believe I have not been blindly optimistic in regard to the first two issues I have raised, this is the issue where it seems to me prospects are least promising. One can imagine a number of reforms that might make democratic participation more a meaningful part of civic life in the United States, to be sure. Simply shifting voting to a weekend date would increase turnout. Altering electoral laws favoring the two-party system might well allow for the emergence of more parties that would succeed in mobilizing a higher percentage of the citizenry. A revived labor movement might provide for larger-scale democratic involvement in more effective forms of John Kenneth Galbraith's "countervailing power" (1952). Many more innovations can be suggested.[2]

But not only is moving from suggestion to enactment exceptionally difficult. Even more fundamentally, it is hard to envision any restructuring of modern political life in which many matters would not inevitably have to be dealt with by governing bodies with jurisdictions over rather vast expanses of territory and population. We may be able to devolve many issues to more local levels of governance that are more open to direct democratic political participation, but it is hard to see how fundamental aspects of military security, international economic relations and organization, and the regulation of systems of human transportation and communication can ever become matters of less than supra-national governance. And as long as these issues have to be decided by political actors with authority over extraordinarily large populations that often inhabit multiple contemporary states, in concert with economic actors who head similarly huge transnational organizations, they are not likely to be decided through processes that include much in the way of direct democratic participation. We are not likely to shrink the politics of most important matters to the scale of the New England town meeting, the Athenian Assembly, or even the first Congress convened under the Constitution of the United States. As a result, though talk of democratic self-governance will not become entirely meaningless—majorities will still be able to throw many political rascals out, and that is a very precious right indeed—in practice most decisions are not likely to be made very democratically, and most democratic citizens are not likely to be very actively civic.

In sum, the issues facing American citizenship in the 21st century are likely both to have recognizable roots in the citizenship struggles of the past and distinctive new forms in the present and future. For partisans of genuinely equal democratic citizenship, there are reasons to hope for slow but real continuing progress on many fronts. It is likely nonetheless that at the end of the 21st century, as at the end of the 20th, the horizon of full democratic citizenship for all will be one that we can see ourselves as in some ways approaching. But it will also be one that, in other ways, will seem always to be receding further into a distance we can never really hope to reach.

Notes

1. A point of continuing validity made perhaps most influentially by Catharine A. MacKinnon (1979, 101–141; 1987, 32–45).
2. I am grateful to Amy Gutmann for the example of weekend voter registration. For other imaginative reform ideas, see, e.g., Ackerman and Fishkin (2004); Leib (2004).

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