



In November 2016, the city of San Francisco enacted a ballot initiative that was somewhat overshadowed by other election results. It permitted [noncitizens with children in the public school system to vote in school board elections](#). Though it is unclear whether the measure will have much practical impact on the city schools, the measure has enormous symbolic significance because it helps clarify why local policies regarding immigrants, including noncitizen suffrage but especially the decision of cities like San Francisco to [declare themselves “sanctuary cities” and limit law enforcement cooperation with federal immigration authorities](#), have become [perhaps the most contentious set of issues on the national political stage](#). In short, local policies regarding immigrants have steadily eroded the distinction between citizens and noncitizens and raised the fraught question of [who is a citizen](#).

As the immigrant population in the United States has exploded in the last few decades, [the line between citizens and noncitizens has increasingly blurred](#), with noncitizens often being granted benefits previously reserved for citizens. Several cities have been at the [forefront of this trend](#), issuing municipal identification cards to undocumented immigrants, prohibiting discrimination based on immigration status, and barring law enforcement from inquiring about individuals’ immigration status. As such, participation in the political process has taken on special significance as the mark of [what distinguishes citizens from noncitizens](#). Though noncitizens [had the right to vote in many states prior to the twentieth century](#), no state today permits noncitizens to vote in state elections, and Congress [enacted a law](#) in 1996 that prohibits noncitizens from voting in federal elections. The Supreme Court has upheld the exclusion of noncitizens from political participation, writing that “[t]he exclusion of aliens from basic governmental processes is not a deficiency in the democratic system but a necessary consequence of the community’s process of political self-definition.” Yet, San Francisco [is the latest of several cities](#), including Chicago and a few small municipalities in Maryland, to grant noncitizens the right to vote in certain local elections, and other cities have debated [doing the same](#).

It is surely not coincidental that San Francisco enacted this measure at the same moment Donald Trump was elected President on a wave of anti-immigrant and anti-urban sentiment. In fact, this confluence of events is evidence of a broader phenomenon that illuminates the volatile politics of our present moment: citizenship is not distributed solely by the nation-state but exists at multiple scales simultaneously. Furthermore, each scale may define citizenship differently – local citizenship, for example, is generally distributed based on residence and interest, whereas national citizenship is distributed based on identity and allegiance. Usually these different meanings can co-exist with little difficulty, but during times of demographic change and economic turmoil, conflict can erupt between the different scales over who qualifies as a citizen.

As an initial matter, our political system features distinctive conceptions of local and national citizenship, or what Yishai Blank refers to as [“spheres of citizenship.”](#) Suffrage is an instructive example. At the federal level, voting rights are contingent almost entirely on American citizenship. With a few exceptions, all adult citizens are entitled to vote in federal elections [even if they do not reside in the United States](#), and noncitizens may not vote in federal elections even if they do reside in the United States. Citizenship is conferred by birth or lineage, or through naturalization, which requires an [extensive residency period and a demonstration of fealty to national civic ideals](#). At the local level, however, and usually the state level as well, voting rights are tied to residency. Moving from one municipality to another generally means that an individual loses a right to vote in the former municipality and gains it in the latter. States and localities are prohibited from requiring a minimum [duration of residence](#) or imposing [other prerequisites](#) on the right of local residents to vote, but are not required to enfranchise anyone who is a [nonresident](#). All state constitutions today bar noncitizen residents from voting in state elections, but local governments generally have the [authority](#) to expand the municipal franchise to include noncitizen residents, as San Francisco has done.

The contrast between a birth, lineage or naturalization standard and a residency standard marks an important conceptual distinction between local and national citizenship. Insofar as citizenship is based on residence, it is something consensual and rational. According to an influential theory known as the “Tiebout” model after the economist [Charles Tiebout](#), individuals are perceived as “consumer-voters” who have a variety of options of where to reside within a metropolitan region, and make that choice based on which community offers the most attractive package of municipal services – low taxes, quality schools, and so forth. The consumer-voter is a shopper who votes with his or her feet, and municipalities are essentially [firms](#) that compete to attract residents who contribute to the fiscal bottom line. “Citizenship” is a market transaction, a private [contractual relationship](#) between the resident and the locality.

A logical endpoint of the consensual idea of citizenship is the enfranchisement of all local residents regardless of nationality. In principle, under the Tiebout model, membership in the community is determined by interest rather than identity, and one’s interest can be determined entirely by the choice of where to reside. In the debate leading up to the Maryland City of Takoma Park’s decision to enfranchise some noncitizens in municipal elections, one noncitizen resident [made the case](#) for noncitizen suffrage in exactly those terms: “I have as much interest in the community as anyone. . . . We’re not asking for a voice at the national level or in foreign policy . . . . But in local matters, we’re no different than somebody who has moved to Takoma Park from California.” Cities have a strong financial incentive to confer citizenship on immigrants because, in our age of [globalization](#), immigrants have become perhaps the ultimate footloose consumer-voters. Cities around the world are competing for the [massive economic benefits](#) that accompany concentrations of immigrant labor, and the enactment of policies like noncitizen suffrage and sanctuary city ordinances is one way for cities to attract immigrants.

In contrast to local citizenship, the federal idea of citizenship is rooted in nationality rather than residence, and therefore reflects a primordial conception of the citizen as deeply embedded in the territory. As [Yael Tamir](#) writes, the federal idea of citizenship “sees social roles and affiliations as inherent, as a matter of fate rather than choice.” The notion that citizens can choose their state or a state can choose its citizens [in the manner of a market transaction](#) is hostile to this conception. For that reason, many

lawmakers and others have expressed a preference for welcoming immigrants with [cultural and linguistic ties](#) to the United States and [object to basing immigration policy on immigrants' financial contributions](#).

The distinction between local and national citizenship is a logical consequence of those institutions' respective evolutions. Cities have [long depended on foreign trade to survive](#) and could never rely on borders to buffer themselves against global forces; as a result, they have generally made membership in the urban political community available to those who reside or do business in the city. The modern nation-state, on the other hand, is entirely a creature of its borders, predicated on the idea that the [state's sovereign authority extends the full length of the territory it controls](#). Thus, it has been considered essential to the very idea of the nation-state that the government must be able to differentiate members from non-members based on their connection to the territory.

Until recently, the tension between the two modes of citizenship remained latent because they were perceived as complementary rather than mutually exclusive. Closure at the national level facilitated openness at the local level. According to [Michael Walzer's formulation](#), communities

can be open only if countries are at least potentially closed. Only if the state makes a selection among would-be members and guarantees the loyalty, security, and welfare of the individuals it selects, can local communities take shape as 'indifferent' associations, determined solely by personal preference and market capacity.

Today, however, globalization is causing the local and national modes of citizenship to come more directly into conflict. The global economy is [steadily eroding the borders that defined nation-states](#), subjecting them to the vicissitudes of the same global forces that shaped the city. Both labor and capital can now "vote with their feet" in choosing nation-states in which to locate, placing pressures on states that wish to succeed in a global economy to cater to their demands. As this occurs, the very nature of national citizenship is changing to resemble local citizenship. Many nation-states have begun shifting in the direction of a de facto residence standard for citizenship. Increasingly, civil rights and access to social benefits are conferred on the basis of residence rather than citizenship, moving toward what Yasemin Soysal calls a "postnational" version of citizenship rooted in the individual rights of the person rather than nationality.

Needless to say, the emergence of a postnational standard of citizenship has been profoundly destabilizing for many people. Although this standard strips away the accident of birth as a privileged status, it substitutes a new privileged status, that of mobility. "[The freedom to move, perpetually a scarce and unequally distributed commodity, fast becomes the main stratifying factor](#)" in our global age. Those with mobility are moving [away from declining rural and manufacturing areas](#) towards the urban areas that are the [hubs of the new global knowledge-based economy](#). The ones left behind [resent](#) those who have benefitted from mobility, especially the immigrants who are the most visible symbols of a mobile society, and their reaction is to retrench a definition of citizenship based on place. The city, with its open borders and flexible approach toward citizenship, appears as the [embodiment of the evils of globalization](#). The re-awakening of a nostalgic vision of citizenship rooted in "[blood and belonging](#)" thus leads to the demonization of cities, with the "sanctuary city" becoming the pivotal flashpoint in a reckoning over the meaning of citizenship.

[Immigration, Local Government, State Law](#)



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