

# The Meaning of American Citizenship

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What does it mean to say, "I am an American citizen?" The law supplies dry technical answers: the statement means that one falls under a constitutional or statutory category conferring full membership in the American polity. The chief ones are, with minor exceptions, birth within the United States, which confers citizenship under the Fourteenth Amendment, plus birth to American parents overseas, and naturalization, categories regulated by federal statutes.

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Yet in saying these words, most Americans surely mean to express more than their juridical status under national law. They are professing their sense of belonging to a unique nation, with a heritage of great deeds and tragic flaws, a shining set of ideals, vast resources, and a singularly commanding and demanding position in today's world. For many the sentence is also a revelation of their sense of self, of who, for better or worse, they feel themselves to be at the deepest emotional level. It has, then, much more than a merely legal meaning. It is at bottom a statement of political and personal identity that evokes complex, powerful, and often contradictory ideas and sentiments, for Americans and non-Americans alike.

But while the laws regulating American citizenship have never captured all the rich significance of the status, neither have they been immune to these broader political and personal meanings. Because being a United States citizen has stood for different things to different Americans at different times, the constitutional provisions, legislative statutes, and judicial decisions governing civic membership have blended several distinguishable and evolving conceptions of what American citizenship means.

"Blended" may be a deceptively soothing word. America's changing citizenship laws have been produced by recurring, often bitter contests between partisans of rival notions of American civic identity--a historical drama that is entering a momentous new phase in our own time. To oversimplify for clarity, there have been three basic conceptions or "ideal types" of American citizenship that the nation's laws have always combined, though in strikingly different mixtures. Scholars have termed these conceptions "liberal," "republican," and "nativist."

**Concepts of Citizenship** The "liberal" conception derives from the emancipating spirit of the eighteenth-century Enlightenment and from the political experience of the middle classes in England and America, who fought in that era against restrictive feudal economic and political prerogatives and against intolerant religious and intellectual orthodoxies. The liberal citizen believes that all persons should have freedom from any imposed political status, religious creed, or economic position, and equal opportunities for the pursuits they find most meaningful--political activism or private family life, spiritual perfection or material enrichment. In the great revolutionary and constitutional documents of eighteenth- and nineteenth-century America, these beliefs were presented as rationally discoverable natural or divine rights to "life, liberty, and property" or "the pursuit of happiness." In the twentieth century, liberals no longer hold their truths to be self-evident, and so they stress even more the right of all to pursue their preferred beliefs in a fruitful plurality of communities and associations. But in both its older absolutist and its modern relativistic phases, the liberal tradition has conceived of citizenship, in America and in all nations, as properly a matter of choice, not inheritance or prescription, and as involving at root only a duty to abide by the laws of regimes in which human rights are honored and a multitude of private and public activities flourish.

The republican conception reflects the new form of government and of civic life that formed the goal of many leading seventeenth- and eighteenth-century revolutionaries in England and America, who often signed their writings with names of their Roman republican heroes, such as Cato, Cicero, and

Publius. Republican citizens are convinced that they cannot be truly free, and cannot have dignity, unless they participate actively in the political decisions that shape the common life of their people. They value popular, or republican, institutions that promote extensive democratic participation; small, relatively homogeneous political communities, in which citizens feel themselves to be a great civic family; and a public morality of civic virtue, of services and sacrifices on behalf of the common good--even if this means the abandonment of many personal aspirations and "liberal" private pursuits.

The nativist conception was not so visible until the late nineteenth and early twentieth centuries, when the nationality the American revolutionaries created came to seem natural to later generations, and to be threatened by new immigrants and other social changes. Yet from early on, Americans often identified membership in their political community not with freedom for personal liberal callings or republican self-governance, but with a whole array of particular cultural origins, customs, and traits--with northern European, if not English, ancestry; with Christianity, especially Protestantism, and its message for the world; with the white race; with male leadership and female domesticity; and with all the customary economic and social arrangements that came to be seen as the true, traditional "American way of life." In the first Federalist paper, John Jay described Americans as a Providentially-guided "band of brethren," "descended from the same ancestors, speaking the same language, professing the same religion, attached to the same principles of government, very similar in their manners and customs"--an account by a wealthy Anglo-Saxon Protestant that ignored the considerable ethnic, regional and religious diversity Americans already displayed.

But while nativism has often been cruelly narrow-minded, at its heart are genuine feelings of affection, belonging and loyalty that Americans might today express as love for their land of "baseball, hot dogs, apple pie and Chevrolet." These are feelings born of deep human needs to affirm one's origins, needs captured memorably by Sir Walter Scott: "Breathes there a man with soul so dead/Who never to himself has said/This is my own, my native land!" It is questionable whether any country's laws of membership can or should be so liberal as to leave no place for such nationalistic sentiments. They have, in any case, always had great influence on America's citizenship provisions.

In their unmixed, archetypal forms, these three conceptions are in tension. For a pure liberal, the republican and nativist conceptions are too intolerant of human variety and privacy. For a pure republican, the liberal conception licenses selfish egoism, while nativists are patriotic enough, but may not value political participation enough. Nativists believe that only their conception really captures who they are; so while they may cherish liberal ideals and republican institutions because they are American, they will not allow them to shield "unamerican" trends that endanger the particular communal order they take as definitive of their very identity.

None of these conceptions has ever won exclusive sway in American law. From the founding to the present, they have waxed and waned, always exerting some discernible influence. Painting broadly, we can describe three eras in which particular combinations have been especially predominant in the nation's governing policies, laws, and judicial decisions.

**'Liberal Republican' Citizenship** The first era, from the birth of the nation through roughly the 1880s, was the period in which the three were best harmonized. It can nonetheless be termed the era of "liberal republican" citizenship, for these two elements were most pronounced. During the American Revolution, liberals, republicans, and incipient nativists were united by the belief that the cause of liberty required throwing off English monarchy and establishing an American republic dedicated to securing inalienable human rights. That liberal goal argued for open immigration and easy naturalization policies which would make America an "Asylum" for the "oppressed and persecuted of all Nations and Religions," as George Washington urged repeatedly in the 1780s. Liberal policies basically prevailed for the first third of the nation's history--but only when tailored to nativist and, particularly, republican concerns.

Thomas Jefferson, for example, originally feared extensive immigration of the unrepublican offspring of Europe, who would make the American public "a heterogeneous, incoherent, distracted mass," incapable of self-government. While he later decided that the young republic needed new population to fill the Western agrarian lands that would preserve rustic republican virtues, he always urged the prompt "amalgamation" of newcomers into the pre-existing society. Similarly, in the early nineteenth century nativists proclaimed the Anglo-Saxon race peculiarly suited for liberty and self-government. But so long as the nation clearly needed more inhabitants, citizens of English stock were confident that they could bestow their innate virtues on other European peoples by assimilating them into the mold of that purified new Anglo-Saxon creation, the American.

Even so, republican and nativist concerns did produce major restrictions on eligibility for citizenship. Both the unreconstructed feudal elite of Europe and the "uncivilized" non-European masses were excluded. Under federal law, naturalization was available only to those who surrendered their unrepublican aristocratic titles, and only to whites. Applicants also had to spend a period in residence, usually five years, to imbibe republicanism, and then swear allegiance to the principles of the Constitution. The states, as the chief repositories of republican powers of self-government, were constitutionally entitled to maintain an exclusive and homogeneous body of citizens if they so chose, and most denied rights of citizenship to blacks and to those most worthy of the title, "Native Americans." Women were disfranchised citizens, confined to the role of "republican mothers," which meant they were to teach civic virtue to their sons. Even so, in the years when the national experiment in republican government required rapid population growth, American citizenship was easier to obtain than virtually any in the world. Once the Civil War extended the liberal rights of the Declaration of Independence, and citizenship, to American blacks, persons of African descent (but not other non-whites) were also made eligible for naturalization.

But as the West started to fill, and immigration increased and diversified during the nineteenth century, both republican and nativist tenets were invoked to justify new, restrictive citizenship laws. The cosmopolitan belief that American membership should be available to all who professed liberal principles did not persuade those who found their community identity threatened by the alien newcomers, now from southern and eastern Europe and China, who were transforming America's urban vistas.

**'Republican Nativism'** In the 1840s and 1850s, the nativist "Know-Nothings" urged exclusion of the foreign-born and Catholics from public office and a requirement of 21 years of residence prior to naturalization. Their efforts failed, but they made familiar an alliance of republican and nativist arguments that would be used to defend every restrictive policy thereafter. Free republican institutions, they insisted, required intelligent citizens, accustomed to self-government, and united by the fraternal feelings bred by a common faith and customs. Republicans and nativists further contended that those born to different races and raised under despotic governments and religions generally lacked the ability and upbringing to grasp the principles of free government, and to exercise political power responsibly. Certain groups must therefore be denied access to full American citizenship if the republic and its unique Christian civilization were to be saved. In the late nineteenth century, the nation's officials repeatedly recited these claims as they instituted new limits on immigration and naturalization and created legal categories of second-class citizenship. Thus commenced a harsh era of "republican nativism" that would reach its nadir in the 1920s and extend through the Second World War, leaving shameful legacies that seem almost ineradicable.

The treatment of Asian immigrants provides an example of "republican nativism" in action. For a variety of motives, economic, political, and xenophobic, the Chinese were portrayed as habituated to despotism, dishonesty and disease: even crusading journalist Horace Greeley claimed their "heathenish propensities" would mean the end of "republicanism and democracy." In the 1880s and 1890s, immigration of Chinese labor was first partly curtailed, then banned entirely. The U.S. Supreme Court upheld these anti-Asian views when it confirmed the new immigration restrictions in the famous *Chinese Exclusion Case* of 1889. The Court contended in nativist fashion that "differences of race" which made assimilation "impossible" meant that the Chinese were a danger to American morals, institutions, indeed "the preservation of our civilization." Beginning in the early

twentieth century, Japanese applicants for naturalization also began to be rejected on the ground that they were non-white, a position the Supreme Court eventually affirmed in 1922.

Similarly, after America's burgeoning nationalism turned to aggressive imperialism during the Spanish-American war, the Filipino and Hispanic inhabitants of the nation's new Pacific and Caribbean colonies were denied full citizenship because the different "religion, customs, laws, and modes of thought" of "alien races" made it impossible to rule them according to "Anglo-Saxon principles" of "free government" (as the Supreme Court held in regard to Puerto Ricans in 1901.) The flagging liberal legacy of belief in human equality was of little help in opposing the prejudices of these years, for this was the heyday of "Social Darwinism," and the thesis of the inferiority of non-white races claimed to be more "scientific" than the old ideals of the Declaration of Independence and the egalitarian abolitionists.

Prodded by Henry Cabot Lodge and the handful of Boston bluebloods who comprised the Immigration Restriction League, the nation also repeatedly considered, and in 1917 adopted, a literacy test for immigrants that was chiefly aimed at excluding southern Europeans. Further, it added more ideological requirements for naturalization designed to ban the newest threats to republican government Europe's radical socialists and anarchists. These restrictive developments culminated in the landmark immigration and naturalization laws of 1921 and 1924. They created the patently racist national quota system, which limited European immigrants to 3 percent of the number of foreign-born of each nationality present in the United States at the time of the 1910 census, thereby favoring northern Europeans, and banned completely all those ineligible for naturalization, including virtually all Asians.

The menace of foreigners to republican institutions was a constant refrain of the supporters of these measures, but republican arguments continued to serve in another important way to further nativist ends during this era. The constitutional traditions of federalism and states' rights, originally, generated by republicanism's advocacy of small, self-governing, homogeneous political communities, retained great vitality at least up to the New Deal. Thus even after more egalitarian principles were enshrined in the Constitution via the equal protection clause of the Fourteenth Amendment, traditionalists could still argue that the states must be permitted to decide for themselves who should exercise political power and on what terms. The federal judiciary repeatedly invoked deference to the states' republican powers of self-determination to justify acquiescing in direct and indirect denials of political and civil equality to women and blacks. The pattern was evident as early as *Bradwell v. State* (1872), where the Supreme Court upheld Illinois' refusal to permit a qualified woman to practice law. Justice Joseph Bradley wrote a notorious concurrence in the case that drew on the arsenal of nativist justifications for ethnic discriminations. Bradley argued, in parallel fashion, that "nature" and the "divine ordinance" supported permanent legal relegation of women to the "domestic sphere." The majority of the Court, however, relied on the republican contention that the practice of law, like the ballot, was a privilege of state citizenship, which states could bestow in any way they thought beneficial. This republican "states' rights" argument subsequently served as a chief justification for innumerable state actions that effectively disfranchised and segregated blacks in the late nineteenth and early twentieth centuries, making a mockery of their constitutionally equal citizenship.

**The Revival of 'Liberal' Citizenship** But beginning in the Progressive era, the more cosmopolitan, liberal conception of American citizenship was revived in somewhat altered form. President Woodrow Wilson articulated it deftly in a 1915 address to newly naturalized citizens, who had just sworn allegiance to the United States. Wilson told the new Americans that they had vowed loyalty "to no one," only to "a great ideal, to a great body of principles, to a great hope of the human race." He urged them to think of America, but to "think first of humanity," so as not to divide people into nationalistic "jealous camps." The true prophet of the new liberal conception of citizenship generated by Progressive thought was, however, Horace Kallen, a Jewish philosopher influenced by the pragmatism of William James and John Dewey. Like Dewey, Kallen was disgusted by the harsh Americanization movement of World War 1, which included public and private efforts to strip recent immigrants of "alien" characteristics virtually overnight. He argued in opposition that the

true ideal of American identity was "cultural pluralism": the United States should be a "federal republic" in form, but a "democracy of nationalities" in fact, a commonwealth of numerous organic communities that would cooperate voluntarily in the "enterprise of self-realization" within culturally distinctive, but mutually respectful, ancestral groups. Kallen thus added to Wilson's emphasis on shared liberal ideals the contention that needs for a "native" community should be met by memberships in smaller ethnocultural bodies. This did not mean that Kallen's interpretation of American citizenship was less cosmopolitan than Wilson's. For Kallen, that citizenship was "no more than citizenship in any land with free institutions" that permitted heterogeneity while encouraging cultural cross-fertilization. In his important 1924 summary of his views, *Culture and Democracy in the United States*, Kallen wrote that the enlightened citizen, educated by the experience of diversity, would be "essentially a citizen of the world."

Wilson's liberalism, and its elaboration in Kallen's cultural pluralism, did not forestall the inflamed xenophobia of World War I and the postwar period. In fact, Wilson himself came to urge repressive measures against native dissidents and aliens alike, to safeguard morale" for the war effort. The chief monuments of the nation's rising nativism, the bigoted immigration laws of the 1920s and the second-class citizenship accorded blacks, women, and other minorities, continued to predominate in American law and public policy through the Depression and the Second World War. But in the wake of that conflict with racist totalitarian regimes, liberal egalitarian forces gained new vigor in American life.

In the 1950s, most leaders of ethnic groups, immigrant organizations, and social reform movements came to accept some form of cultural pluralism, of equality among autonomous but cooperative ethno-cultural groups, as the proper ideal for American life. Slowly, they gained successes in re-shaping American laws and policies to accord with this modern liberal conception. In 1952, Congress passed the McCarran-Walter Act, which finally abolished all overt racial requirements for naturalization, though the national quota system was largely maintained, and as part of the Cold War, federal powers to deport ideologically undesirable aliens were increased. Shortly thereafter, the Supreme Court struck down racial segregation, and later in the decade Congress adopted tentative legislation on behalf of black voting rights.

The 1960s marked the real ascendancy of the liberal notion of "cultural pluralism" as the dominant conception of civic identity in American public law. The historic 1964 Civil Rights Act promoted social equality for blacks and also for other minorities and women; the Voting Rights Act of 1965 furthered their political equality, and the 1965 Immigration and Naturalization Act at last terminated the discriminatory national quota system. New governmental programs were created to address the special needs of ethnocultural minorities, such as educational curricula more attuned to the nation's varied cultural heritage, bilingual ballots and governmental publications, and federally sponsored affirmative action programs in hiring and school admission policies. In the early 1970s, many of these initiatives were extended, by legislative amendments and by judicial decisions that broadened remedies against discrimination for all citizens and that provided almost equal protection to aliens as well.

Those measures could not, however, succeed in erasing the marks past policies had left on American institutions, social practices, and Popular beliefs. Efforts to do so, moreover, increasingly encountered resistance. The tense struggle over desegregation, especially in northern cities, remains an ongoing national dilemma. Affirmative action measures, and the spread of representative quotas, explicit or implicit, within political parties and governmental administrative proceedings, have produced mounting acrimony. Concerns about the social changes that might result from the Equal Rights Amendment grew so strong that it was defeated, at least for the present.

The return to more open immigration since 1965 has led to an unprecedented influx of Asian and, especially, Spanish-speaking newcomers, heavily concentrated in a few regions, where they sometimes constitute local majorities. In consequence, many are again expressing fears that native American citizens are losing jobs to aliens, and that our political institutions and expanded social programs are being rendered unworkable by strangers in the land who cannot or will not participate

in them responsibly. Recent controversies over bilingualism, refugee policies, amnesty for illegal aliens and education for their children, all reveal that the sorts of anxieties many Americans experienced prior to the closing of the immigration doors in the 1920's have not disappeared, but only slumbered in the intervening years. Their re-awakening has already had an impact on the actions of legislators, judges, and immigration officials, who show signs of a new hardening toward the claims of aliens, refugees, and domestic ethnic minorities. The Supreme Court has recently broadened the range of public employments that states may limit to citizens; the Immigration and Naturalization Service has resurrected near-punitive confinement for refugees awaiting processing; and federal officials have stopped advocating affirmative action programs and sweeping desegregation measures.

To be sure, few in public life today would defend the explicitly racist and chauvinistic nativism that pervaded American public discourse in the first quarter of this century. But immigration, ethnic, and racial questions are once again visibly central to America's public life; and so it is impossible to avoid the fear that the nation will see heightening ethnic conflicts in the years ahead. These consequences of the post-war move toward policies promoting "cultural pluralism" raise anew some disturbing and unsolved questions. Can Americans hope to meet their needs for a sense of meaningful civic identity and national community if citizenship in the United States rests only on the cosmopolitan ideal of shared commitment to liberal principles, and so means no more than membership in any land with free institutions? Or must liberal policies always prove counterproductive, thrusting people back into their more communitarian subgroups, and generating not tolerance and openness but bitter ethnocultural rivalries? Will these quarrels, in turn, generate a disaffected citizenry that limits its political participation to agitation on behalf of special group interests, leaving more remote than ever the republican ideal of a vigorous public actively cooperating for the common good? Can feelings of allegiance to one's roots, the fuel of American nativism, be made to serve a healthy patriotism, or must they generate parochial perspectives that can only produce bigotry in a society that is now ineradicably heterogeneous?

These painful and perplexing issues will probably continue to be addressed in American law through some combination of liberal, republican and nativist views. Whether any new combination can be found that will seem legitimate, meaningful, and satisfying to Americans is a further question, however--one that the nation will be unable to avoid as it ponders the significance American citizenship should be given in public policies and adjudication during the American Constitution's third century.

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Suggested additional reading Milton Gordon, *Assimilation in American Life* (1964).

Louis Hartz, *The Liberal Tradition in America* (1955).

John Higham, *Strangers in the Land: Patterns of American Nativism, 1860-1925* (1966).

James Kettner, *The Development of American Citizenship, 1608-1870* (1978).

J.G.A. Pocock, *The Machiavellian Moment* (1975).

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