

Cities vs States: Should Urban Citizenship be Emancipated from Nationality?

Rainer Bauböck

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Since the first decade of the millennium – for the first time in human history – more people are living in urban areas than in rural ones. According to [UN projections](#), in 2050 the share of urban populations could rise to more than two thirds of the world population. Will this demographic change also lead to a decline of nation-states and a rise of cities as the dominant arenas of politics, democracy and citizenship? My response will be ambivalent.

Yes, cities should play a greater role in addressing global problems, such as the climate crisis or international refugee protection, where sovereign states have failed dismally precisely because their sovereignty hampers cooperative solutions. Yes, cities should experiment vigorously with democratic innovations that could diminish the severe legitimacy crisis experienced by representative democracy in many countries around the world. Yes, cities should determine who their citizens are independently of how states do this.

No, contrary to the catchy title of the late Ben Barber's book (2013), mayors should not rule the world. No, cities cannot replace nation-states and supranational institutions as political arenas that need to be filled with democratic life and to whom citizens can feel to belong. No, national citizenship should not be based on the same principle of membership as urban citizenship.

We need a new citizenship narrative

There are two reasons for my ambivalence. The first is my belief that the global problems that the international system of sovereign states is unable to address require a multilevel political architecture, in which supranational, regional and local political authorities play different but complementary roles. The European Union, in spite of its many structural weaknesses and policy failures, shows how state sovereignty can be pooled. Multilevel democracy beyond the nation-state is a European idea that is worth promoting in other world regions. Yet multilevel democracy requires also that citizenships at various territorial levels must be complementary and not substitutive.

The second reason has to do with the 'democratic recession' (Diamond 2015) and the rise of populism. According to many diagnoses these threats result from new political cleavages that cut across the traditional one between left and right (Kriesi et al. 2008). The new divisions are between attitudes in favour of more open or more closed states and societies; between those embracing cultural and gender

diversity and those asserting conservative national and religious values; between those who worry about the climate crisis and those who worry about their traditional ways of life. The former are overwhelmingly concentrated in metropolitan regions and university towns, the latter are more widely dispersed across rural areas and declining industrial towns as well as working class neighbourhoods of larger cities. This divide is also closely associated with patterns of increasing geographic mobility among younger urban populations that disconnects their spaces of opportunity and imagined identities from those of sedentary majority populations whose life worlds remain predominantly local and national ones.

Liberals and democrats may hope that the growth of urban populations and the persistence of more open attitudes among younger cohorts will eventually swing the political pendulum towards greater openness (Lutz 2012). However, current electoral systems often give greater weight to voters outside the big cities (Rodden 2019), enabling political victories of illiberal populists who can wreak havoc by destroying democratic institutions and the capacity of states to tackle the global challenges of our time. The response cannot be just to politically mobilise those who are already in favour of more open societies – although it is certainly very important to do so. Radical democrats (Mouffe 2005) emphasize the need for partisan mobilisation and radical urbanists (Bookchin 1987; Harvey 2008) pitch the city as a site of struggle against neoliberal capitalism or a laboratory for emancipatory democracy and ecological utopias against the nation-state. Beyond mobilisation that articulates and deepens the new cleavages, there is, however, an urgent need for new narratives that can bridge them.

Such narratives have been successfully told in the past when democracies faced new challenges. And they focused on the idea of a common citizenship – as a status and bond that is able to support a sense of equality and unity in difference. After World War Two the British sociologist T. H. Marshall (1949/1965) justified the effort to build a welfare state in response to intolerable inequalities of social class, the acceptance of which had been undermined by the sacrifices of ordinary British people during the war. His story was that after the emergence of universal civil rights in the 18th century and political rights in the 19th, 20th century democracy needed social citizenship, i.e. a floor of social equality provided through public services and redistribution that could provide legitimacy for the inequality of social outcomes in capitalist markets.

In the 1990s the Canadian political philosopher Will Kymlicka (1995) commented that Marshall's model for integrating the working class through social citizenship could not provide a template for how to integrate culturally divided societies with indigenous peoples, national minorities and immigrants from diverse origins. His response was again framed in the language of citizenship. In order to build fully inclusive liberal nations, culturally diverse democracies had to provide minorities with differentiated rights to cultural accommodation, special recognition and territorial self-government. The point of calling this a project of multicultural *citizenship* was that Kymlicka – in contrast with most critics of multiculturalism – was convinced that it would help to unite national societies rather than segregate them along cultural lines.

A citizenship narrative for our times must not abandon these older ones. Social inequality and cultural diversity remain among the most pressing challenges and Marshall's and Kymlicka's answers to these seem to me still fundamentally the right ones. But we have to face new problems now that can no longer be contained within the nation-state, which both Marshall and Kymlicka assumed to be the self-evident and stable background for integration through citizenship. If such a new story aims to bridge cleavages and integrate divided societies, it cannot be only about the city. It must instead tell urban and rural, young and old, mobile and sedentary populations what they have in common and why they have to respect each other as equals who share a stake in institutions that express their common desire for democratic self-government.

I believe that such a narrative must be about multilevel as well as transnational citizenship. For this reason, it must take sides and embrace the open society side of the globalization divide, just like Marshall's story focused on the benefits for those deprived of substantive citizenship through market inequalities and just like Kymlicka's focused on the benefits for disadvantaged cultural minorities. And this means that an attractive vision of urban citizenship must be at the core of the new story since it is in the big cities that mobile populations find their homes while their voices and votes remain all too often unheard and undercounted in national arenas. Yet, again like the two earlier narratives, the story must have a broader appeal if it aims to re-integrate democracies and strengthen their problem-solving capacity.

Three accounts of urban citizenship and a fourth alternative

Once upon a time, all citizenship was urban. Rural folks didn't have citizenship and town-folks had it only if they were both lucky and tenacious in fighting to get and keep it. This time is not a distant past. Less than 250 years ago, the American and French Revolution introduced a modern conception of national citizenship that tore down the physical and institutional walls that had protected free cities. Empires, most of which were eventually destroyed from within by national, democratic and colonial revolutions, had subjects rather than citizens, but they lacked the instruments of social control over territorial populations wielded by the modern nation-state. Empires left thus lots of space for local autonomy. Cities with independent sources of wealth owed allegiance to emperors and the rulers of principalities, but they had a fighting chance to establish themselves as free republics within autocratically ruled territories (Prak 2018).

The democratic revolutions that invented the new notion of a national citizenship inherited ideals about freedom, equality and collective self-government from the city republics that they destroyed. But the new conception of citizenship also created something historically entirely new by turning citizenship into a device for sorting human populations into states (Brubaker 1989). Citizenship as nationality is no longer just a domestic privilege but a status in the international system. It is still particularistic in the sense of linking individuals to specific states but at the same time universal in the sense of aiming to categorize all of humanity.

Talking about urban citizenship in this context has seemed anachronistic for a long time. No longer so today. Yet any conception of urban citizenship worthy of consideration must figure out the relation between nation-states and cities – both in the sense of structural constraints that the former imposes on the latter and in the sense of more or less utopian visions how to overcome these.

Three different accounts of this relation emerge from present debates, which we can call diminutive, derivative and postnational urban citizenship.

The first view captures the ‘constitutional silence’ (Hirschl 2020 forthcoming) on the powers of local level government in many democratic constitutions and the treatment of municipalities as creatures of higher level governments whose borders and competencies are determined by them for the sake of administrative convenience. This is the attitude prevailing in the US and Canadian federations as well as in continental European centralized states like France or the Scandinavian countries. The diminutive view of urban citizenship may not see a problem with thoroughly undemocratic practices, such as the appointment of mayors by the central government, which was common in 19th century Europe or the still existing plutocratic franchise in several Australian cities (Ng, Goghil, and Thornton-Smith 2016) and the [City of London](#) that gives business corporations and real estate owners extra votes in local elections. A diminutive view shines also through in some interpretations of the expansion of the local franchise to immigrants independently of their nationality in fourteen European and eight South American states (Arrighi and Bauböck 2017; Pedroza 2019). On this account, immigrants can be optionally included in the local demos because the matters decided at local level are of minor importance or because local citizenship for immigrants is merely considered as a training ground for national citizenship (See e.g. [Patti Lenard's review](#) of Luicy Pedroza (2019) for GLOBALCIT.).

A derivative conception gives more weight to urban citizenship by regarding it as similar to citizenship in the constitutive polities of a federation (cantons, provinces, regions or states). Citizenship in a US state is derived from federal citizenship and attributed to all federal citizens who take up residence in a state. Why not extend this principle further down in a triple-level federation that would give constitutional status also to municipalities? In fact, countries like Austria, Germany and Switzerland are triple-level federations of this kind. In the former two, Constitutional Courts have invoked a principle of homogeneity of the federal people in order to strike down attempts by cities to introduce local voting rights for (non-EU) foreigners (See the GLOBALCIT reports on access to electoral rights in [Austria](#) and [Germany](#)). [Switzerland](#) has taken a different path, since it is still in some aspects a confederation in which federal citizenship is derived upwards from the lower levels of municipalities and cantons. This has enabled some cantons to introduce the local franchise for non-Swiss citizens or to allow their municipalities to adopt such rules for themselves. Cities in two-level federations could adopt a similar strategy by campaigning for their upgrading into a federal province, as [Toronto](#) has done for some time.

A third interpretation of urban citizenship is postnational. It aims to sever the relation between city and state as much as possible and tells a story about the emancipation of cities from the chokehold of the nation-state through forging transnational city networks (Acuto 2013), through promoting new forms of direct democracy, such as participatory budgeting and randomly selected citizens' assemblies (Smith 2011), through providing sanctuary to irregular immigrants whom national governments want to deport (Varsanyi 2006), through issuing city ID cards (de Graauw 2014), and also through enfranchising those who lack the national approval stamp of the right passport.

This postnational view gets many things right. Democracy is strengthened if cities do all these things. But the justifications for doing them cannot rely only on the interests of migrants and urban populations. We need to think how urban citizenship could contribute to overall democratic integration within and beyond nation-states.

Consider again the case of the local non-citizen franchise. In EU member states it is derivative from EU citizenship, which is in turn derived from the nationality of one of the member states. In most cases this means that only EU citizens can vote in local elections. In twelve EU countries, however, non-EU citizen can vote as well. The demos that authorises local governments through democratic elections is thus composed of all residents in the city. Instead of giving immigrants special representation (for example in elected advisory bodies) citizenship is attributed to all co-residents no matter where they come from.

This is appropriate because the distinction between nationals and non-nationals is irrelevant from the perspective of local democracy. In order to safeguard the human right to free movement inside the territory of states, municipalities must have open borders and cannot control who takes up residence in their territory. They have to provide public services for local populations who select themselves into municipalities by taking up residence, by moving out or by staying. Urban citizenship must therefore be constructed in such a way that it integrates mobile populations into a common membership and this is achieved through deriving it from residence instead of territorial birth or descent. The integrity and inclusiveness of local democracy would be jeopardized if those born in the city or descending from parents established in the city enjoy special privileges – as they do under the Chinese hukou system of household registration. Local democracy is equally undermined if large urban populations remain disenfranchised because they do not hold national citizenship.

A citizenship based on *ius domicilii* creates a status of equality that is uniquely appropriate for cities as it can be shared by sedentary and mobile populations (Bauböck 2003; Bauder 2014; de Shalit 2018). But it cannot be limited to cities only. It applies just as much to rural municipalities and small towns as to large cities. If everybody has a right to free movement within a national territory, then everybody must be regarded as a local citizen in any municipality where she takes up residence. Local citizenship is therefore not just urban; it is a basic status of local equality among co-residents in a country.

Complementing, not replacing national citizenship

This does not mean that local citizenship is going to replace national citizenship. Non-national residents who are turned into local citizens retain their nationality of origin and it is *this* status that provides them with free movement rights in the international system. They have an unconditional right to return to their country of nationality and – if they are multiple citizens – can freely move between their countries of origin and destination. Native citizens sharing a local citizenship with immigrants also need their national citizenship when they emigrate – as a protection when they are abroad and a guarantee that they can return. Finally, for sedentary people whose life plans do not reach across international borders as well as for migrants, national citizenship signals their belonging to an intergenerational political community. The fact that national citizenship is attributed at birth to people who have been thrown together without exercising choice is a resource for solidarity in mobile and diverse societies that a more ephemeral local membership based on residence cannot equally generate (Bauböck 2017).

That is of course only true if national citizenship itself is sufficiently open for naturalisation of immigrants and automatically includes second generations born in the territory. Such openness does not erase the difference between local and national memberships. Only national citizenship based on birthright (be it *ius sanguinis* or *ius soli*) can currently guarantee sufficient stability of democratic citizenries across generations. This is essential for promoting a sense of responsibility for the future of a country and its institutions, for a stable allocation of state responsibility for protecting individuals in the international state system, and also for enabling international free movement that states are only willing to grant to the citizens of other states on a basis of reciprocity.

Similar caveats apply to dreams about cities resolving the global collective action problems that states have been unable to tackle. Even if cities form international networks these are by their very nature selective in membership and geographic scope and cannot substitute for the role of states in creating international institutions and law. Globally networked cities can set agendas and locally demonstrate the feasibility of solutions for the biggest problems facing humanity, but they cannot create binding rules and secure their implementation on a global scale (Aust 2017).

What we need therefore is an urban citizenship that is derived from residence rather than nationality and that complements national citizenship instead of replacing it.

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