

In Defence of Multilevel Citizenship – A Rejoinder

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The twenty-two responses to my proposal for strengthening urban citizenship suggest two general lessons. First, there is more common ground than I had expected. None of the authors defends a strong statist view that would not leave any space for a conversation about citizenship at the local level. Second, in spite of its long premodern pedigree, the idea of urban citizenship seems still so new that it needs to be fleshed out in more detail than I had considered thus far. Conceptual confusion makes it hard to distinguish misunderstanding from disagreement, so my most urgent task now seems to be clarification.

The contributions to our debate have helped me to clarify my ideas. but some have also thrown up questions that I am unable to answer. I cannot address all the insightful comments. I will regroup them around six general questions that are running through this debate: (1) What is the content of urban citizenship and does it warrant using the concept of citizenship? (2) Should local level polities enjoy the right to determine who their citizens are? (3) What is the connection between empowering cities and extending local citizenship to all residents? (4) Does local citizenship provide a transformative model for national citizenship? (5) Does a stronger urban citizenship increase the risks of exclusion from and marginalisation within the city? (6) Will enhanced local citizenship deepen or help to bridge the urban-rural divide?

The franchise and beyond: fleshing out local citizenship rights

Most comments spend little time to discuss what signalled for me most clearly the rebirth of urban citizenship in a new guise when I started to write about this topic twenty years ago: the phenomenon of local voting rights for non-nationals, who are disenfranchised at the national level. If we understand citizenship as a status of equal membership and participation rights in a self-governing polity, then those who can vote in democratic elections must be considered as the polity's citizens. And if non-nationals, who are excluded from national elections, can vote in local elections, this implies that the citizenry at the local level is no longer the same as at the national one.

[Alex Aleinikoff](#) shares my conception of citizenship as “membership in a self-governing political entity”, but goes on to write that granting voting rights to non-citizens is not enough to speak about a distinct local *citizenship*. This is indeed what we see if we see like a state. It is in most cases the state that grants local voting rights to non-citizens. Yet doing so does not change whom the state regards as its citizens. However, under a “seeing-like-a-city” view, the state's non-citizens

become the local polity's citizens when they have the right to participate in its self-government through their votes.

So far, this may seem like mere terminological sophistry. But I share [Luicy Pedroza's view](#) that a residence-based franchise matters also politically. I live at the outskirts of Vienna, a city of nearly 2 million residents, fully 30% of whom are disenfranchised because they do not have Austrian passports.¹⁾ This number includes EU citizens who cannot vote for the city parliament because Vienna is also a federal province and EU citizens are only granted voting rights in local, but not in provincial elections. The effect is that parties and candidates have strong incentives to talk up problems related to immigration but none to represent the interests of immigrants who cannot vote for them. [Warren Magnusson](#) thinks that this discrepancy could be resolved through more inclusive policies of national citizenship (easier naturalisation and *ius soli* for the second generation). This would certainly help. But many of those who could naturalise are unwilling to do so. Especially citizens of the European Union who enjoy free movement rights have very low naturalisation rates. In European cities extending local voting rights to all residents is the only way how to make local democracy sufficiently representative.

The local franchise is, however, not the only right associated with urban citizenship. Early on in the debate, [Avner de Shalit](#) and [Nir Barak](#) have made two friendly amendments to my account that I am happy to adopt. Like national citizenship in T.H. Marshall's account, urban citizenship should include not only political rights but also social and civil ones.

[De Shalit](#) introduces an important distinction between two types of social citizenship – those based on material redistribution and those guaranteeing access to public goods and services. This distinction does not neatly map onto that between national and local levels of government, but, by and large, the former are more important for social citizenship at the national level and the latter at the local level. De Shalit reports that, when asked about inequality in the city, urban dwellers mention spatial concerns that have to do with access to public goods, like parks or services like kindergartens and public transport, whereas they would mention the distribution of income and wealth when asked about inequality in the country. This suggests that citizens have an intuitive understanding of the division of tasks between states and city governments when it comes to securing social citizenship.

In Marshall's account, the promise of civil and political equality of national citizenship remains hollow if states fail to guarantee a 'modicum of welfare' for everyone. The other side of the coin is that social citizenship becomes the 'architect of legitimate social inequality' produced through markets. A similar story can be told about cities. The promise of equal citizenship for all residents in the city is hollowed out through spatial segregation and social marginalisation along the lines of class and race that blocks some groups of city dwellers from access to the public goods and services that the city provides to its residents. And just as social citizenship at national level requires regulating labour markets and a certain amount of redistribution of income and wealth through taxation and welfare benefits, so urban citizenship requires regulating private housing markets if they risk crowding out city folks

through unaffordable rents. A city that promotes equal access to its public goods and services does not thereby abolish social inequalities of class, but it enables its residents to see each other as equal citizens with a 'right to the city' that they claim through their daily uses of urban spaces, through their collective initiatives and protests, and their democratic votes.

There are also good reasons why city and national governments focus on different aspects of social citizenship. If cities were empowered to collect and redistribute income tax and determine the level of unemployment benefits, this would seriously undermine equality of social citizenship at the national level – not just because citizens in one municipality would then be worse off than those in another, but also because of the effects of free movement that could quickly undermine the capacity of socially progressive cities to maintain their higher levels of redistribution and welfare. Vice versa, if national governments were in charge of interventions in housing markets or provision of local transport systems, they would make a mess of the job because of their lack of local knowledge and political accountability to local residents.

[Nir Barak](#) places the emphasis on civil citizenship. People act as citizens when they claim the civil liberties of free speech and assembly that “enable civic engagement at the city level”. Yet, as Barak argues, these liberties must be guaranteed at the national level so that they can also be invoked against city governments. By contrast, [Barbara Oomen](#) points to cities and small towns that proclaim themselves to be human rights spaces, which signals mostly a critical stance towards their national governments' policies. At the same time, she regards human rights as a crucial component of urban citizenship that can also be invoked inside the city against policies of urban segregation and exclusion. My view is that civil liberties, which by their very nature are universal rights, must be protected and implemented by all governments and serve as checks against abuse of government power at all levels. Yet in the current world, the universal *recognition* of human rights depends on their entrenchment in international law, which is generated through state consent to international agreements and customary state practice. Barak is therefore right to emphasise the pre-eminent role of states in codifying human rights, but we should add that states also have the greatest powers to violate human rights and must be constrained and checked both from above (through international courts) and below (through local actors). The power of municipalities is unfortunately limited in this respect, as Oomen acknowledges, since they cannot take their states to international courts.

I would, however, resist Oomen's suggestion that international human rights law can do much to strengthen city-zenship. Human rights are universal, while citizenship narrative appeals to membership in a particular political community. Just as the claims of non-citizen immigrants towards the nation-state are stronger when they do not have to rely only on their human rights but can invoke their status as denizens and potential citizens, so the claims of marginalised residents within municipalities will resonate more powerfully if they are grounded in a conception of local membership.

My conclusion is that, while the tasks of governments at all levels are rather similar when it comes to protecting civil liberties as universal human rights, urban and national citizenship are distinct on the political dimension, where they are articulated through different constructions of the boundaries of the demos, and on social citizenship, where urban and national governments have different responsibilities.

Self-determination of local citizenship?

This Marshallian account does not fully settle the questions raised by [Liav Orgad](#). Are we talking about citizenship in the Arendtian sense of “the right to have rights” or in the sense of Roger Brubaker’s description of citizenship as an international filing system that allocates individuals to states? We might call these “Westphalian” conceptions of citizenship that refer to its functions in the international system of states as it has emerged since the 17th century. Urban citizenship is much older than this and deserves its name because of its domestic feature as a status of equal membership in a self-governing territorial polity.

Yet the old manifestations of citizenship in free city republics and the modern one of state-based nationality have one feature in common that contemporary urban citizenship is lacking on my account: the right of polities to determine under their own laws who are their citizens. Let me clarify why I do not see such self-determination of membership as a crucial feature of local citizenship.

Several commentators referred to my initial and slightly misleading statement that “cities should determine who their citizens are independently of how states do this” and pointed out that this creates a potential for cities not just to include non-nationals but also to exclude unwelcome newcomers. As I explained in my kick-off, the rule for determining local citizenship should be *ius domicilii*, i.e. the *automatic* inclusion of all residents. And this rule should not apply just to large cities but to all municipalities throughout a national territory. Cities should thus not adopt their own citizenship laws; rather, their citizenship should be attributed by the operation of a different set of rules than those of *ius soli*, *ius sanguinis* and naturalisation that determine who is a national citizen.

The question I raised about determining local citizenship is not: who should have the power to decide? but: what is the right decision? By default, this means that the higher the level that takes the right decision, the more municipalities will determine their citizens in the right way. This suggests that we should be looking beyond national legislation that occasionally has beefed-up local citizenship by granting self-government powers to municipalities and by enfranchising non-nationals in local elections. If such norms can be anchored in international law, this would be even better. For example, a [Convention on the Participation of Foreigners in Public Life at Local Level](#) adopted by the Council of Europe in 1992 foresees that states grant local voting rights to non-nationals after five years of residence. From this perspective, it is also welcome that EU citizenship includes local voting rights for EU citizens in other Member States, although it is regrettable that EU law does not extend these rights to third-country nationals.

The political case for local self-determination becomes strong only where national authorities block efforts of cities to adopt a more inclusive local citizenship, as happened in France, Italy, Germany, Greece and Austria when constitutional courts or councils struck down proposals for a local franchise for third-country nationals. The scattered examples of voting rights for non-nationals in some towns in Maryland and several Swiss municipalities are second-best solutions in national contexts where derivative conceptions of local citizenship prevail but leave some space for autonomous residence-based ones.

Empowering local self-government and extending local citizenship

[Stephen Minas](#) observes that in my kick-off “the notion of emancipation is applied both narrowly (to mean delinking ‘urban citizenship’ from a requirement to possess the nationality of the host state) and broadly (‘the emancipation of cities from the chokehold of the nation-state’).” In a similar vein, [Johanna Hase](#) “questions the relation between emancipating urban citizenship from nationality, on the one hand, and the growing competences of local polities, on the other hand.” Empirically, Hase has a point, since the extension of the local franchise to non-nationals seems to have happened more often in countries like the Nordic states where local governments have only weak power. Such a negative correlation could be explained by what I have called a diminutive conception of local citizenship that considers local self-government as of no great importance.

From a democratic and normative perspective, there are, however, good reasons for connecting the idea of local residence-based citizenship with that of local autonomy. If cities did not enjoy sufficient powers of self-government, then urban citizenship would not be a status of membership in a self-governing polity.

To turn local citizenship into a language in its own right, instead of just a dialect version of national citizenship, cities do not require a navy and an army ([Minas](#)). We also do not have to invoke the notion of sovereignty (Aleinikoff, [Josephine van Zeben](#)). Sovereignty is often understood as a binary – either the state has it or the city has it – or as a zero sum game – the more power is devolved to local levels, the more state sovereignty is diminished. This is unhelpful and disproved by any working federal system in which power is dispersed across levels of territorial self-government. As [Ken Stahl](#) points out: “Within the American constitutional order at least, local governments have little sovereignty, but they have the ability, and often the responsibility, to confer many of the rights that define citizenship in a liberal democracy.”

Instead of asking whether cities can be sovereign, we should ask why they have a claim to political autonomy and should not be treated as mere creatures of higher levels of government. One argument for granting a political autonomy relates to administrative efficiency; it refers to the city as a social formation whose density of agglomeration and material infrastructure creates special needs that are distinct from those of more sparsely populated areas. The second argument relates to democratic

legitimacy and applies equally to rural townships and municipalities. Public administration in modern societies is so complex that central administrations are incapable of deciding all local matters. Higher level governments thus face a simple choice: to maintain central control over local administrations that take decisions on all local matters, or to devolve decision-making power to local governments that are elected by local citizens. From a democratic perspective, the latter solution is the only acceptable one. National governments are elected by and accountable to the national citizenry. If they are politically responsible for all local decisions, this means that local citizens become permanent minorities dominated by national majorities. Local self-government is thus not merely a matter of administrative efficiency, but of democratic legitimacy.

This democratic argument provides support for [Ran Hirschl's plea](#) for constitutionally empowering cities. But Hirschl does not say what they need their power for and whether cities should have special powers that non-urban municipalities cannot claim. I suggest that all sufficiently large democratic states must create a layer of local level polities that enjoy the same basic powers of self-rule and that enfranchise all their residents as local citizens. Beyond this basic layer of local autonomy, cities have special needs and claims that may occasionally justify enhancing their powers, e.g. by upgrading them to provincial status. When Hirschl calls for “deep, across-the-board constitutional recognition of the metropolis as an autonomous order of government”, I would like to know first what kind of powers this would entail and how it would impact on the equality of local citizenship across the country.

In my view, the most important issue is not special government powers but territorial boundaries. Historic borders and administrative ones drawn by central state administrators are generally perfectly fine for local self-government of rural municipalities, but metropolitan regions should be united under a single government that is accountable to all residents.

I am not sure how all these arguments apply to the megacities in the Global South that Hirschl flags in his contribution. The combination of rapid urban growth with an absence of effective public administration presents a daunting challenge for any institutional theory of urban citizenship. There are cities in which nearly everyone is a recent immigrant and where the state is at best (and worst) present through its forces of order but not as a provider of services and infrastructure. It is in these contexts where it makes sense to think of urban citizenship as a practice rather than a status ([Helmut Aust](#)). It is here that populations thrown together through rural to urban migration might become citizens through city-making from below enacted in their daily practices of negotiating the spaces they inhabit together. However, it is also here that dystopian opposites of urban citizenship as conviviality of co-residents are even more likely to emerge than in the neglected and segregated urban “ghettos” of Western metropolises.

There is another question about city empowerment to which I have only a tentative answer. When global cities create networks and enter international arenas in efforts to resolve global collective action problems, such as the climate crisis and international refugee protection, does this not “introduce additional veto players who can block global efforts” ([Barak](#)) and would involving cities in international

agreements not exponentially increase coordination costs ([Minas](#))? We need to turn this question around. If states have failed to address or resolve urgent global problems, might bringing in multiple stakeholders (cities and other non-state actors) not help to unblock stalemates and reset frozen agendas? The participation of cities in such arenas would not be based on universal representation, but on opt-ins and it would not entail the power to sign and ratify international treaties that could turn them into veto players. Global governance is anyhow no longer an exclusive domain of sovereign states, and cities willing to play a progressive role should be welcome in global institutions.

Is local citizenship a trailblazer for postnational citizenship?

Several commentators see a progressive potential in a residence-based local citizenship. [Harald Bauder](#) argues that “the idea that a sovereign state can arbitrarily exclude people from its national community, even if they are already living in the country, has created the very problem that urban citizenship seeks to solve through including non-national residents.” [Monica Varsanyi](#) interprets sanctuary cities as engaging in “open border” policies in the sense of “minimising the bordering practices that exist both beyond and within the nation-state”. She suggests that an “open borders” model could eventually be adopted also by the nation-state and would allow to “pair that national community with a robust membership regime based on residence, whether urban, rural or suburban.” [Sandra Seubert](#) and [Luicy Pedroza](#) go one step further by proposing that the list of residence-based membership regimes should also include national citizenship itself. Should urban citizenship be upscaled to the level of the nation-state?

Varsanyi’s open border argument captures a central feature of local self-government in the period of modern statehood. It had to develop under conditions of internally open borders imposed by nation-states on cities. Local citizenship based on residence embraces this openness and can even turn it against the state when it challenges national bordering policies at the local level. Yet, we should not jump too quickly to the conclusion that nation-states can or ought to follow the same pathway to open borders for which cities have been trailblazers.

The Westphalian function of national citizenship entails that states are responsible for their citizens outside their borders and have to readmit them unconditionally to their territory. It also entails that they have the power to control immigration of foreign nationals for whom other states are similarly responsible. This is one reason why national citizenship, as long as it operates within the international state system, cannot be acquired and lost automatically on the basis of residence. As I have argued in my kick-off, the Westphalian function of national citizenship still allows for rights of free movement between states, but only on a basis of reciprocity. Next to enabling such nationality-based free movement, liberal democracies ought to open separate admission channels for refugees, labour migrants and family reunion. Such policies are utterly different from those of local municipalities that lack powers to control territorial admission in the first place. The reason why open local borders and

ius domicili cannot be upscaled to national levels is that states govern themselves inside a system of independent states without a higher-level government, whereas cities govern themselves within the territory of independent states.

The second reason why national citizenship should not be derived from residence alone is that relatively sedentary societies exposed to significant levels of mobility within and across state borders need two sources of solidarity: that among co-residents and that among co-nationals. The former have come together in cities based on their individual choices of staying, moving in or moving out. The latter have been born into a status of membership that they can carry abroad and keep for life. Residence-based local citizenship signals openness for newcomers and internal diversity, while birthright-based national citizenship signals the intergenerational continuity of a self-governing people and duties of its members towards future generations.

Does urban citizenship enhance risks of marginalisation and exclusion?

[Enrico Gargiulo and Lorenzo Piccoli](#) have set the tone for several subsequent contributions that point out how local self-government powers can be used by “mean cities” to exclude newcomers and marginalise the homeless and others who lack resources. [Margaret Kohn](#) argues that local autonomy enjoyed by Charter cities in the US and Canada should be granted only if they defend “normative orders that are inclusive and solidaristic”. She vividly describes how zoning laws are dangerous tools that can lead to policies driven by NIMBYism among current residents: “The result is homelessness, brutal commutes, and a crisis of affordability”. [Stahl](#) points to the counterexample of the YIMBY movement that has “made great strides in the struggle to transform land use regulation and improve access to opportunity.”

My two tentative responses to these risks are, first, that when it comes to decisions on zoning, rent control and public housing, central governments are not likely to be better than local ones. Second, a conception of local citizenship that includes all residents and aims at equal access to public services and public goods is a powerful discursive tool in the fight against NIMBYism and policies of marginalisation.

Even if cities can keep in check the mobilisation of partial interests, this does not yet address the more difficult issue of how current residents can be convinced to keep the city open for newcomers. As [Willem Maas](#) points out, “even the most cosmopolitan cities privilege the interests of current residents”. [Stahl](#) similarly argues that “to enjoy the rights of local citizenship, one must first *acquire* residence within the desired local community, and that can be a daunting proposition.” The operation of housing markets enhances not only social inequality within cities but may also hide it to some extent by keeping out those who cannot afford the escalating prices in the most attractive cities and urban neighbourhoods. And where city governments intervene to regulate markets, they often create further exclusion through qualifying criteria that exclude newcomers or socially undesirable people.

One of the most interesting contributions in our conversation picks up this challenge from an economic perspective. [Maarten Prak](#) argues that building a local welfare system and a public infrastructure requires long-term investments that are sunk costs for individual citizens. This prior investment gives natives and longer-term residents a stronger stake in the city, which may rationally explain their reluctance to provide the benefits of urban citizenship to those who have newly arrived. Prak helpfully points out that a negative attitude towards newcomers may be stronger in more stingy neoliberal or conservative welfare regimes where benefits are means-tested and depend on individual desert and effort. Natives may feel there that the inflow of undeserving newcomers does not merely potentially increase their tax and other contributory burdens but exposes themselves to risks of becoming welfare dependent. By contrast, more universalistic welfare systems, such as the Scandinavian ones, should make it easier to maintain a sense of equal citizenship with high levels of immigration.

I find this argument compelling. The structural openness of cities that lack instruments for formal closure at the gates of immigration and citizenship may indeed lead to resentment by those who have contributed in the past. This feeds what I have called nativist distortions of local citizenship that aim at turning public (non-excludable) goods into club goods that only natives or long-term residence get open access to whereas newcomers are excluded, put on waiting lists, or –maybe less invidiously – required to pay fees for. Access to public housing in Vienna provides a good example for a waiting period approach. As in the case of local NIMBYism, I believe that such policies erode an inclusive conception of urban citizenship that grants equal access to public goods for all residents. The apparent economic rationality of local nativism can sometimes be countered by facts that show the beneficial impact of economic immigration for sustaining welfare systems. Yet such effects are not guaranteed for all types of migration and may kick in only in the long run. Where cities are overburdened and lack resources to sustain open access, they ought to be compensated through fiscal redistribution at the national level.

The urban-rural divide

The final question I want to address here has been running through many contributions. One could try to group authors into urbanists and localists. The former focus entirely on cities and ignore the question of whether citizenship rights and powers of self-government should apply throughout the country to all municipalities, while the latter fight for equal rights of residents in all municipalities and worry about the claims and attitudes of those “left behind” in rural-to-urban migrations. This classification breaks, however, quickly down when authors regard the distinction between urban and rural areas as increasingly blurred (Magnusson) or counter-productive ([Hase](#)) and point out that rural municipalities are also engaged in inclusive practices of sheltering undocumented migrants ([Lenard](#), [Varsanyi](#)).

As I hope to have made clear, I support constitutionalising the distinction between local and national level citizenship, but not that between urban and non-urban citizenship. Yet this latter difference is still highly important as a matter of social justice and democratic politics, which is why we cannot simply replace the term

urban citizenship with local citizenship in all contexts. The urban-rural divide throws up major questions about the social marginalisation of citizens living in regions that have been deserted by the young, mobile and talented. And in spite of the anecdotal counter-evidence mustered by some of our authors, it is a fact that socially and culturally progressive citizens tend to be ever more concentrated in metropolitan areas. It is not by coincidence that the strongest resistance against nationalist-populist governments in the Višegrad states comes today from the capital city mayors (Pedroza). This is not only a sign of urban resilience but also a political weakness, since the concentration of progressive votes in cities diminishes the chances of progressive parties and candidates to win in national elections.

Policy reforms should aim at overcoming the rural-urban divide. Local citizenship can help if the same principles of *ius domicili* and equality of access apply to all municipalities of the country, which requires national efforts to rebuild infrastructure and public services outside urban areas and incentives that lure back the highly skilled, such as medical doctors, to half-deserted regions. In matters of electoral rights and representation, policy reforms should tilt towards the other side by correcting electoral system bias against cities and securing equal weights for urban and non-urban voters.

Here is one good example of how to bridge the divide. Emulating a successful Swiss scheme, the new Conservative-Green coalition government of Austria proposes to introduce a “1-2-3 annual ticket” for public transport. For the price of 1 Euro per day, one can travel on all buses and trains in one of the nine federal provinces, for 2 Euros in two neighbouring provinces, and for 3 Euros throughout the country. This scheme will require heavy public subsidies plus investments into the capacity of public transport. Its intended effect is to reduce carbon emissions from private car traffic and enable commuters from outside the cities to be mobile while maintaining their residence in the countryside.

We need such responses to address the dilemma that [Avigail Eisenberg's](#) contribution focuses on: Rural populations are often tied to ecologically unsustainable economies (mining, forestry, industrialised agriculture). In order to wean them off, urban dwellers must take part of the burden on their shoulders and engage in urban-rural partnership programs. I agree with that part of Eisenberg's diagnosis, but have doubts about her call to control the urban “culture of eco-esteem” in order to avoid democratic backlashes. Where the rural-urban divided overlaps with a cleavage on cultural issues such as gender justice or environmental ones like climate change, progressives must take sides. The culture of eco-esteem promoted by Fridays for Future, or the me-too and same sex rights movements are not the causes for the populist backlash and it is an illusion to think that voter resentment can be overcome by acknowledging imagined grievances. Yes, cities that thrive on diversity are better prepared for the rapid cultural changes of our age and the radical policy reforms that lie ahead of us. This is no reason for atonement but rather for making sure that non-urban populations are not left behind in these regards too.

Conclusion

As our debate has shown, urban citizenship is not intrinsically good or bad. It is one piece in a comprehensive institutional architecture of democratic citizenship that needs to be strengthened in order to make the building as a whole more resilient and adaptable in times of global crises. The basic principles and rights of urban citizenship need to be extended to all polities at the local level, but they should be kept distinct from those of national-level citizenship. Instead of flattening the differences by seeing citizenship like a state or like a city, we need to see it as multilevel membership in both types of polities.

References

- 1. This number includes EU citizens who cannot vote for the city parliament because Vienna is also a federal province and EU citizens are only granted voting rights in local, but not in provincial elections.

