

On Citizenship

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Candice Lewis Bredbenner, *A Nationality of Her Own: Women, Marriage, and the Law of Citizenship*. Berkeley and Los Angeles: University of California Press, 1998. ii + 294 pages. \$45.00 cloth.

Rogers M. Smith, *Civic Ideals: Conflicting Visions of Citizenship in U.S. History*. New Haven, CT: Yale University Press, 1997. 712 pages. \$40.00 cloth, \$19.95 paper.

For the last two years, I have spent Saturdays in February at lunar new year celebrations. The new year is a time for reconciliation, renewal, and house cleaning. My daughter and I go out for dim sum and watch a lion dance, startled by the firecrackers set off to scare off the past year's bad spirits. We also go to a potluck; families bring everything from Kentucky Fried Chicken to pot stickers. The children make paper lanterns, and some watch *Mulan*, Disney's animated film about a girl who rescues China. In San Francisco, the only other place I have celebrated the lunar new year, the parade and crowds and firecrackers are all reason enough to take that stop on a tour of world holidays. Now, however, I celebrate the new year because like thousands of other Americans in recent years, and like many of our friends, I adopted my daughter from China. Like many other white parents who have done so, I have joined in hybrid celebrations where I can talk about childrearing and my daughter can toddle with other girls who have almond-shaped eyes and straight dark hair.

I would like to thank Elizabeth Chambliss and Helena Silverstein for comments on earlier drafts of this essay. Address correspondence to Susan M. Sterett, Department of Political Science, University of Denver, Denver, CO 80208.

My daughter has a Chinese passport but a green card, automatically granted by virtue of my adopting her. We await her naturalization (and have been since August 1998; intercountry adoptive parents receive a very gentle lesson of what it means to have to deal with the Immigration and Naturalization Service.) That too is automatic because I adopted her. She does not have to answer any questions about who the presidents were, which is a good thing given that her language skills have moved from “hi” and “bye-bye” to “firecrackers make a noise.” How in a liberal state does she become a citizen without her consent? All children born in the United States are citizens by birth; the presumption is an amalgam of consent and ascription in which the fiction is that one’s consensual citizenship is contingent upon the state including one’s children, according to Rogers Smith (pp. 130, 308–10, 440). My daughter, though, was not born in the United States. In what sense is she American? Or not American? Or Chinese? The paperwork required to settle her in this country, at once extensive but routine, contrasts with the continuing effort parents make to incorporate some Americanized version of Chinese culture into their girls’ lives.

Historically, my daughter is in an anomalous position. U.S. law has long favored settlement of nuclear family members. Between 1882 and 1943, however, immigration from China and then Japan (until 1952) was dramatically restricted. People from Asia could not become citizens, but children of those already in the United States were admitted, leading to suspicion on the part of immigration officials that every claim to kinship by Chinese Americans was fraudulent (Salyer 1995). Even under that scheme it is hard to see how my daughter might have been admitted, because we are making no claim that she had been born to me. Her automatic citizenship fits with an emphasis on family in U.S. immigration policy. Any effort to develop some sense of Chinese culture would once have been evidence that she and others like her simply could not assimilate to American culture, confirming that they ought not to be eligible for U.S. citizenship. Culture, family, race: these have been ascriptive elements in U.S. citizenship, elements seemingly incongruous with the country’s egalitarian aspirations.

The global movement of people combined with Western countries’ efforts to close their borders and debate who belongs have contributed to the surge in citizenship as a category for analysis in recent scholarship (see, e.g., Brubaker 1992; Neuman 1996; Kerber 1998; Soysal 1994). This renewal has not only led to attention to ambiguity in membership and anomalies in citizenship in Western Europe, although it has led to that. It has also led to a reconsideration of the bases of U.S. citizenship, which has sometimes been treated as a story of contract and consent, despite a few terrible glitches like slavery and a civil war and the

substantial inequality of women. Recent scholarship has noted how much even U.S. citizenship, on its face more liberal than that of many other Western industrialized states, has enacted assumptions concerning gender, culture, family, and race (Cott 1998; Kerber 1998; Salyer 1995; Takaki 1993). Those who have attended to ascriptive inequality as a central part of American life—from Elizabeth Cady Stanton to W. E. B. DuBois to Patricia Williams—have criticized subordination through other American ideals, primarily the abstract promise of equality.

Smith's magisterial *Civic Ideals* argues that U.S. citizenship has embodied three intellectually distinct strands: liberalism, or a belief in and practice of universal equal rights; republicanism, or an emphasis in the importance of a vigorous and practicing citizenry; and what he calls ascriptive Americanism, or a belief that only some kinds of people are worthy of citizenship. Smith focuses on the last element of U.S. citizenship. By doing so, he means to reconsider what he argues is the ongoing and well-recognized emphasis on liberalism and republicanism as elements of U.S. citizenship. He uses as a counterpoint the perspectives of Alexis de Tocqueville, Gunnar Myrdal, and Louis Hartz, arguing that they represent the dominant perspectives concerning the meaning of U.S. citizenship. The status of these texts as the central statements of the meaning of American citizenship is more open to question than Smith suggests; many analyses of citizenship in recent years have emphasized the importance of hierarchy in American life without trying to provide the overall synthesis Smith does.¹ Although acknowledging the importance of writers who have argued for the centrality of race and gender in U.S. citizenship, Smith argues that Tocqueville, Myrdal and Hartz still provide dominant analyses.

Smith also argues that ascriptive Americanism surges after American governance has engaged in egalitarian reforms, for liberal theorists have not offered a compelling alternative to ascription to hold a people together; abstract liberal equality is not enough. The last part of the book draws out these concerns. Smith tries to find a sense of belonging that could help to limit the importance of ascription.

The long-standing dependence of women's citizenship on their husband's status that Candice Bredbenner analyzes is part of the ascriptive element of U.S. citizenship. Bredbenner is attentive to the intertwining of race and gender in legislation determining who could be a citizen. Indeed, much of the ascriptive

¹ In a critique of an earlier version of Smith's work, Jacqueline Stevens has argued that the importance of racial hierarchy in American life has been so thoroughly documented and acknowledged that it is a misrepresentation to argue that the liberal synthesis is still the dominant approach to U.S. citizenship. Smith argues in part that analysts seldom portray racism and sexism as fully developed theoretical perspectives in their own right (see Stevens 1995 and Smith 1995).

element of citizenship was not just a question of legislative perception of women, but one of *marriage* and the different meanings it had for men and women by race and nationality. Bredbenner's story is not one of an unchanging ascription; activists for suffrage and women's rights saw independent citizenship as crucial to equality for women. Egalitarian arguments used in social movements can and have undermined ascription in American life.

For Smith, it is crucial that the liberal egalitarianism that contributed to, for example, women's independent citizenship is distinct from ascriptive arguments. Much hinges on this understanding of liberalism. If ascription has been a critical illiberal part of American identity, granting equality without appealing to more particular understandings of belonging will never satisfy the U.S. polity. What makes the Chinese-American women marrying Chinese men in the early twentieth century American? Under the 1922 Cable Act, as Bredbenner discusses, nothing did. Can we create a particular sense of national belonging that recognizes the different strands of American life without thereby enacting hierarchy?

Liberal Interpretations

Is liberalism distinct from ascriptive arguments? Tocqueville argued that democracy and equality were fundamental to American politics. He largely did not address women in his discussion of politics but did argue the importance of the domestic sphere, holding that women were self-governing there. Myrdal treated racism as anomalous in the U.S. polity, inconsistent with its liberal ideals and therefore likely to be both a subject for fiery debate and something that should disappear as the United States fulfilled its liberal commitments. In addition, he argued that liberalism shaped American racism, that Americans emphasized scientific justifications for racial inequality, a preference that emerged out of the same Enlightenment that gave us liberal principles. Finally, Hartz argued that liberalism was the only ideology available in American life and that liberalism had a difficult time justifying racial inequality. Although Smith draws out what he can of these theorists' explanations of race and gender subordination, his primary point is that these theorists deal with the intellectual justification for subordination very badly. To the extent that they see democracy and liberalism as crucial in American life, race and gender subordination seem to be inconsistent and irrational prejudice (pp. 21–30), anomalous. In contrast, Smith argues that justifications have always abounded, that they have not all rested in rationalist thought, and that justification for ethnocentric subordination provides a set of arguments in American life distinct from liberalism. There is no reason, he

would argue, to treat liberalism as fundamental in American life and everything else as anomalous (pp. 30–39).

Does liberalism entail subordination by race and gender? Myrdal partly saw America's racism as consistent with its liberalism, in that both came from Enlightenment thought. Tocqueville saw women's life at home as important to men's republican life in politics. An alternative Marxist perspective, one that Smith also distinguishes from his own, also holds that American liberalism has required and reinforced racism and sexism. Both prevent class alliances. Smith (pp. 26–30) argues instead that liberalism, with its commitment to universal rights, has never required ethnocentric nationalism. He treats ideas concerning genetic superiority as independent of a material base. Why is subordination not part of liberalism if one can find links between them? And who cares?

If liberalism includes race and gender subordination it cannot erode subordination. The subtle or not so subtle purpose of calling racism an anomaly can be to try to fight it by calling Americans to their true ideals. If race and gender subordination have instead had separate, illiberal, positive justifications, however, then calling Americans to their true ideals would include calling them to support race and gender subordination in addition to (not as part of) liberalism. Liberalism could still promise equality. The overarching theoretical question—whether ascriptive hierarchy is part of liberalism or is an independent strand in American citizenship—can seem somewhat circular. Liberalism emphasizes equality; some parts of the thought of major liberal thinkers do not emphasize equality, so those parts are not liberal and not important to their thought. The aspects of U.S. political life that are not egalitarian are also not liberal by definition. Because Americans have positively (and not apologetically) argued for hierarchy, Americans are not wholly liberal. The accomplishments of equal rights activists, however justified, begin to make the question of whether subordination is or is not central to liberalism less pressing than the acknowledgment of the persistence of hierarchy as well as the efforts to erode it.

In his volume, Smith traces these ideas from the founding of the republic through 1912. He does so through an analysis of 2,500 court cases addressing citizenship in some fashion along with an analysis of intellectual justifications for inequality and analysis of state statutes and practices. What precisely is entailed in national citizenship is nowhere thoroughly defined, particularly before the Fourteenth Amendment, so approaching understandings of citizenship requires approaching rights surrounding citizenship, what T. H. Marshall in his famous formulation titled political, civil, and social rights (Marshall 1950). In working in the spirit of this approach, Smith addresses cases concerning African Americans, Native Americans, women, and peoples in the

dependent territories. In subject matter, he also addresses challenges under the privileges and immunities clauses in the U.S. Constitution and federal diversity cases. Because so much regulation was state regulation, examining rights concerning citizenship requires examining rights in the states during the nineteenth century. Smith emphasizes the importance of state citizenship, calling citizenship in the confederation era a question of belonging in “small republics” (pp. 87–114). He addresses state regulation, but often through the lens of cases that made it to the federal courts. Because Smith is discussing U.S. national citizenship, the choice to focus on federal issues is justifiable and the way he does so does get at rights defined in the states. State-level restrictions on the movement of paupers, on people with diseases, and on those likely to be a public charge, however, suggest how crucial analysis of state regulation must be to understanding the rights of citizenship in the United States.²

From the very beginning, U.S. citizenship had a noncontractual basis. African Americans, Native Americans and white women were considered incapable of full citizenship. Over the years, American intellectuals have explained why. They have not tried to hide inequality as unworthy of Americanism, which we might have expected from an anomaly thesis. African Americans were first considered incapable of citizenship by virtue of readings of the Bible, as were white women. From the Jacksonian period onward justifications from science of the day also explained why people did not have the capacity for self-governance required by a liberal republic.

Naturalization also has ascriptive elements, odd in a state that finds its legitimacy in consent. Naturalization draws from feudal conceptions of subjectship, not citizenship. It is based in the idea that it is natural to be subject to the ruler under whom one is born and that it is so natural that one is subject to that ruler for life, according to Smith (p. 13). Not only do those ideas not accord with liberal understandings of citizenship; one should never be able to *become* naturalized. The procedures required—in the case of my daughter, the tax returns and documentation of income I had to file to get her a green card, then the application for her citizenship, which depended on her having a green card—make clear how very much one may not be born to the status. Nevertheless, early in the history of the United States, Chief Justice Marshall said in dicta that it would be illegitimate to distinguish between native-born citizens and those naturalized. In 1868 the United States Congress enacted the Expatriation Act, which assured that the American government would protect naturalized citizens as it did native-born citizens (pp. 191, 286). Nat-

² See Neuman 1996; Sterett 1997. State-level restrictions on African Americans have been the subject of extensive scholarship, and Smith also discusses the importance of the black codes limiting African Americans in the Southern states.

uralization might first appear to be foundational to a society made up of immigrants and those whose ancestors were conquered. With naturalization made strange, the concept of the United States as one based in contract and consent among people who might share little else, as founding myths have it, is questioned as even a matter of justification.

Governing and Belonging

Smith argues that diversity has been at the heart of the United States from the beginning. Not only were free blacks and slaves subject to American governance, but so too were Native Americans. Public thought in the early republic saw none of these groups as worthy of citizenship. Even within the group of white men incorporated into citizenship, individuals during the Confederation period saw tremendous diversity by religion, by region, and by where groups had originated. When Federalists wrote of one people, they were trying to create that people (pp. 70–86).

Americans have had a rough and ready understanding of ourselves as representing a melting pot society. Nowadays we think we can do better, and the popular metaphor is a mixed salad, with each element distinct but contributing to a whole. In the first metaphor, citizenship is a civil status and one that all can aspire to should they wish to contribute their bit to the amalgam as well as become an undifferentiated part of it. The second metaphor emphasizes the cultural distinctness of tomatoes and lettuce and jicama while allowing that each element can still share equally in the civil status of citizen. These understandings of citizenship contrast dramatically with approaches in much of Europe, where France argues that all can be French as long as they are willing to adopt French culture or where Germany emphasizes blood ties (Brubaker 1992). Even in Britain, a culture with a less clear definition of national belonging than other European countries, culture matters in justifying exclusion. A British barrister noted to me that in the United States he could be Pakistani American, whereas in Britain, he was Pakistani, no matter that he had been born in London and was a British citizen. In contrast, melting pots and salads have a homey, welcoming feel.

Historically, neither metaphor for American belonging has captured U.S. citizenship. First, slavery, the tremendous subordination free blacks faced, and the extensive legal disabilities imposed after abolition made it clear that African Americans were not part of the polity. Further, the U.S. government has continued to treat Native Americans abysmally. The status of people living within the United States while not wholly subject to its governance has continued to provide challenges to the courts, although treating Native Americans as making up the sovereign

nations they were supposed to be seldom bothered the U.S. government for long. In 1882, the United States began to exclude Chinese from immigrating and made them ineligible for citizenship. The government could do nothing about children of Chinese immigrants, who were American by virtue of having been born here or born abroad to parents with a right of settlement, but there were some contests over paper sons who claimed to have been born in China to a parent legally settled in the United States. Immigration officials not only believed that the specific claims were fraudulent, but they believed that they *should* treat the claims as fraudulent because Chinese ethnicity people were not truly capable of citizenship. Republican U.S. governance required people capable of participating in civic life. Having become accustomed to “oriental despotism,” the Chinese were not considered capable. When in the early twentieth century the courts considered who could be naturalized, they also determined that East Indians could not because only white people could be and the common meaning of white did not include East Indian (Haney-Lopez 1996).

Finally, even white women who were not subject to all the indignities and exclusions based in race listed above have only contingently been considered citizens throughout much of U.S. history. United with their husbands once married, women gave up their status as independent citizens. Even after post-Civil War reforms that allowed women to keep their wages, courts attributed most of women’s earnings to their marriage (Stanley 1998:175–218). Through most of U.S. history, women could not vote; whether voting and jury service were rights and duties related to citizenship or whether citizenship is simply a bare civil status implying little else has been open to contest. Much of the regulation of the rights of citizenship was left up to the states, allowing for a variability that has made determining who is a citizen within American practice a matter of circular reasoning from the cases of African Americans, women, and children.

In cases concerning citizens, courts often found themselves concluding that no particular rights were entailed in citizenship. Women and children were citizens, but they could not vote or serve on juries or serve in the military, so none of those duties or privileges was necessary to citizenship. In contrast, even in the antebellum United States, aliens and some free African Americans in some states could vote. As Smith writes (pp. 214–16), judges could conclude simply as an assertion that neither African Americans nor aliens were citizens and therefore voting was not evidence of citizenship (Cott 1998; Neuman 1996).

Women's Citizenship and Marriage

If citizenship did not entail any political, social, or civil rights at all, it had to at least allow what Nancy Cott has called the minimal definition: "allegiance and the nation's reciprocal guarantee of protection" (Cott 1998:1446). Even under that minimal definition, women's citizenship was distinct from that of men's. Through much of U.S. history, a married woman's status depended on that of her husband.

Candice Bredbenner discusses belonging through the lens of the regulation of immigration and married women's citizenship. From 1855 through 1934 in the United States, women's citizenship was a derivative of that of the men they married. Women were not only domestically subject to coverture; whether married women could be citizens depended on whether the men they married were citizens or were eligible for citizenship. Campaigns to separate women's citizenship from that of their husbands were part of the equal rights strand of feminist organizing.

The derivative nature of women's citizenship raises questions about the meaning of liberal contract theory in American governance. Smith would tell us it is an illiberal element. Carole Pateman would argue it is crucial to liberalism. Pateman argues that reproduction of humanity is a necessary precondition for political society and that it requires a sexual contract. Liberal contract theorists assume reproduction and work from already existing people in discussing the formation of political society by consent. Consent has historically formed little part of the sexual contract, or at least as a prepolitical contract, it is not worth discussing in political contract theory (Pateman 1989). Marriage, as the officially sanctioned format for reproduction, is therefore a public institution, one in which political society has a stake.³ Indeed, Smith (pp. 21–22) notes that Tocqueville does argue that the domestic role of women, one not based in political democratic equality, is appropriate; to insist that men and women could be equal when nature did not make them so would be pointless. Much of the debate concerning women's citizenship revolved around questions of who was appropriately American. Just as Smith argues that naturalization evokes a feudal patriarchal model of subjectship, derivative citizenship for women embodies governance of women in which they are naturally subject to their husbands. Pateman argues that it is intrinsic to liberalism; if liberal arguments concerning equality instead undermined women's derivative citizenship, perhaps liberal arguments hold more promise for equality.

³ For a discussion of marriage and citizenship, arguing that the laws concerning citizenship and marriage suggest how great a stake the state has had in it, see Cott 1998 (especially p. 1442).

As Bredbenner points out, the 1855 Naturalization Act automatically made women citizens if they married U.S. citizens and were themselves eligible for citizenship (p. 15). In the nineteenth century, that restriction was interpreted only to exclude people on the basis of racial ineligibility. By the early twentieth century, American reformers were concerned about international trade in prostitutes and wished to exclude women who had married American men and engaged in prostitution. They feared that women who would have been subject to deportation for prostitution might marry and remain eligible to stay in the United States. In response, Congress would not naturalize women who had been arrested or who were subject to deportation before they were married (p. 41). A faith in the redemptive power of marriage to a U.S. male citizen persisted; any crimes committed after a woman married did not affect her naturalization.

Before the Nineteenth Amendment, Bredbenner states, suffragists complained that natural-born American women could not vote when men “who scarcely understand our language” could (p. 45). Despite the ongoing challenges to women’s dependence raised by the suffrage movement, in 1907 the assumptions embedded in women’s derivative citizenship were expanded rather than withdrawn. That year, Congress decided to denaturalize women who married men who were not citizens. Bredbenner says that Congress did so as a part of the xenophobia taking hold in American life, the concern to limit the foreign ties that citizens had in response to the massive immigration the United States had recently experienced (pp. 57, 63). The popular image Americans had of women who wed aliens was that of the wealthy American heiress marrying foreign nobility, an image that contributed to support for the law. Despite what we might now regard as serious due process concerns with blanket denaturalization, the U.S. Supreme Court upheld the law in 1915 in a prominent case that fit with all the stereotypes: a wealthy San Francisco woman had married a British man and challenged her expatriation (pp. 65–69). Objections to the automatic naturalization of alien women who married U.S. citizens met congressional puzzlement: of course women’s loyalties followed their husbands.

Equal rights advocates had every reason to support independent citizenship for women. Derivative citizenship assumed the ongoing significance of coverture, that a woman’s identity was subsumed under that of her husband and that her interests followed her husband’s. The significance of suffrage cannot be overstated. Others have argued that women’s voting came after years of attention in state and local politics to reform questions raised by women’s organizations. Groups organized as women’s reform groups had proposed everything from playgrounds to kindergarten to mothers’ pensions to public health provisions to

prohibitions on the sale of liquor. When women got the vote, argues Paula Baker, women lost their distinctive qualities and were no longer able to argue that they could contribute something “above” politics (Baker 1990). Women’s interests became subsumed in men’s. In law, however, suffrage for white women meant further erosion of coverture, the legal treatment of women as intrinsically dependent. Shortly after suffrage, the Supreme Court implicitly overturned earlier decisions allowing the states to enact protective labor legislation for women (see, e.g., Zimmerman 1991). The Court held that women now had freedom of contract, just as men did. They could therefore bargain over the conditions of labor as men could, and the state had no reason to offer special protection. Bredbenner notes that the Nineteenth Amendment also drew pledges from the parties to abolish derivative citizenship, addressed in the Cable Act of 1922 (p. 81).

The Cable Act was under consideration when the federal government was restricting immigration. Any expansion of women’s citizenship had to fit with the goals of restriction. The Cable Act did so by requiring that women provide proof of their suitability for citizenship; making naturalization independent of a man’s naturalization fit with the aspirations to independent citizenship anyway. It left some women stateless; if they were natives of a country that made a woman’s nationality dependent on her husband’s, such as Britain, a woman could be deprived of her British citizenship while also not yet being eligible for U.S. citizenship (Bredbenner, p. 101). The act also stripped American women who married aliens ineligible for citizenship—Asian ethnicity men—of their citizenship (p. 98). In addition, the act continued to strip American women who lived abroad of their citizenship; had it not, it would have expanded who might be seen as an U.S. citizen, including the foreign-born children of marriages. Women’s citizenship gained some independent basis, but only for aliens marrying American men who were white or black. Women’s rights organizers had advocated independent citizenship for women, but some of the arguments that carried the day in Congress urged the importance of American mothers raising the next generation of citizens; therefore, the women needed to become naturalized citizens with their own consent quickly (p. 96). Family, culture, race: even in periods of reform, U.S. citizenship for women was shot through with prescriptions for the correct way to link the political world of citizenship with the family.

However intimately tied into racism it was, the movement for independent citizenship accomplished some legal recognition of women as individuals distinct from their husbands, people who had to consent to governance before they could be naturalized. The connection between organizing for equal rights and erosion of coverture suggests that although the sexual contract has been

important in governance, it is not wholly necessary to a political society aspiring to equal rights. Foundational liberal theorists did, as Smith notes, seem to see sexual subordination as necessary to consensual political society. Liberalism might well contain the possibility of dismantling its continuing commitment to hierarchy. Most normative theories do contain enough tensions and contradiction to allow social critique to begin from within, which is, after all, the only position anyone can take (Laitin 1986; Ewick & Silbey 1995). Bredbenner's analysis of connections between equal rights organizing and women's citizenship is a helpful statement of just how such change comes about.

Conclusion: Group Identification in a Liberal State

Racism and gender subordination have clearly been significant strands in U.S. citizenship, ones for which politicians, intellectuals and activists have argued. They have not just been awkward afterthoughts. They are so deeply intertwined that even egalitarian reforms have at the same time included arguments about group difference. Naturalization in the 1922 Cable Act was expanded not only on egalitarian grounds but also, notes Bredbenner, because immigrant women raising the next generation of citizens had to become Americanized, so to raise truly American children (p. 96). Women did not fully gain independent citizenship until 1934; before that, women could sacrifice their citizenship by marrying the wrong man. Until the moment the 1934 statute was signed, the State Department opposed allowing women who lived abroad, married to alien men, to retain their citizenship. The children born of such marriages would be yet another generation of Americans of dubious loyalty. The pressure of a 1930 international convention, during which it was difficult for the U.S. delegation to criticize "hyphenate" Americans abroad, increased the pressure on the U.S. government to equalize nationality between men and women (p. 209). The erosion of ascriptive arguments does make arguments for equality more difficult to answer. In turn, however, bare arguments for equality as the basis for belonging might make it very difficult to tell who is American and who is not. If Americans who have long lived in another country as well as their children are American, who is not? Race has long provided the answer; egalitarian reforms make that more difficult.

Although Smith's book is historical in approach, he has strongly normative concerns, and his epilogue addresses those explicitly. He argues that we see a resurgence of ascriptive arguments when movements for formal equality gain some ground and leave very little to distinguish "us" and "them" in their place. Smith notes the return of arguments today for why Americans should recognize the superiority of white European culture. *The*

Bell Curve, most notoriously, used that as a reason Americans should not try to address inequality (Herrnstein and Murray 1994). Peter Brimelow (1995), in *Alien Nation*, argued that by accepting immigrants from all over the world, Americans are diluting the true Anglo-Saxon nature of the country. The resurgence of these arguments results in part from the real gains for equality made in legislation. The cost of not recognizing the significance of ascriptive understandings of citizenship, Smith argues, is to ignore the undeniable desire people seem to feel to be part of an “us,” an us that seems to require a “them.” We do not have, Smith argues, a civic ideal other than ascriptive hierarchy that allows us to recognize ourselves as a distinct national community (although the arguments concerning flag burning in the early 1990s were quite precisely about loyalty to some civic ideal that would perhaps draw people in who might otherwise object to some of the Republican platform).

Smith (p. 481) critiques Rawls, whose political liberalism assumes conditions that the attempt to achieve today should shame Western states: closed borders. Rawls would allow for a sense of community from plural social groups; the United States could be an association of smaller associations, with the common project and identity being one of belonging to a polity that enforces individual rights. Smith argues that such a representation has too thin an approach to belonging to replace the ascriptive hierarchies that have shaped so much of American life. Smith wants to acknowledge immigration and cultural diversity while hoping that it is possible to do so without appealing to ascriptive notions of what it means to belong. Smith also critiques democratic pluralists such as Iris Marion Young who would acknowledge group loyalty while disallowing state enforcement of hierarchy. Young and Will Kymlicka, democratic theorists who are committed to the importance of groups also, Smith argues (pp. 485–87), provide a very thin sense of national unity and purpose. Without that sense of national unity, we deteriorate into groups firmly committed to ascriptive hierarchies.

The problems of group loyalty are evident when loyalties follow ascriptive lines. Even with formal commitments to equality, group identifications are often more invidious than we would like to credit. Vicki Schultz has argued that the way to make sense of much of sexual harassment on the job is not as an expression of sexual desire, which earlier models emphasized, but as a matter of possessiveness concerning a kind of job. Women or men of color or gay men are simply not supposed to do some kinds of jobs, according to the men who might already hold those jobs (Schultz 1998). Models of belonging based in group loyalty, with the national state having only the weak purpose of governing in common the associations, suggest that equal respect can allow for celebration of holidays, or chat over sports, or preferences for

music without any of those spilling over into the distribution of resources. Discrimination does not seem to work that way. Smith's insistence that we need a sense of a common national purpose (one not dependent on warfare) is a welcome recognition of the depth of ascriptive loyalties and the problems they can entail.

To the extent that group loyalties concern a respect for practices such as celebrating the lunar new year (or not) or talking about sports (or not) it should be fine to treat these as a matter of possibly deeply held but circumscribed beliefs. An ability to talk about sports (or not), however, often translates into a willingness to maintain privilege, even if maintaining that privilege is not about hostility to outsiders but instead only concerns feeling most comfortable with those like us. Indeed, practices such as race and gender discrimination in employment sometimes result from the cognitive perception of difference. People give benefits to others they perceive to be like them and notice problems in those they perceive to be unlike them (Krieger 1995). This preference emerges among people who vigorously deny that they notice any differences at all.

The problems that come with recognizing difference—inevitable, because we clearly do notice the culturally significant differences between us—are not solved by advocating that we stop noticing difference. Indeed, Young advocates a deep democratic pluralism for just that reason. The universalist position on race has been to urge color blindness, for example. Yet we usually recognize that an inability to perceive colors is a problem, not an asset (Sacks 1995; Williams 1998). To pretend that it is insignificant whether an orange is orange or not is strange; part of what an orange is, is orange. Race and gender are culturally tremendously significant and are part of our identities. We need to recognize that, which certainly Smith believes because it seems inevitable. Given the multiple forms that discrimination can take it is difficult to recognize differences without then tying in benefits for dominant groups.

Smith argues that belonging to a nation could be like choosing a political party: it could be a lifelong allegiance, one generally gained in childhood, and one that is meaningful. In belonging to a party, one need not think that the other party is genetically or culturally inferior. Smith aspires to a mild form of nationalism for us all, an "imagined community" (Anderson 1991) that could be a shared animating ideal across internal differences. National belonging would be a particular thing, not the universal compact for the promotion of the general welfare Smith critiques in left liberal thought. The story we would tell would be one particular to the United States and one that does not require hero worship as the only form the national story can take. Instead, according to Smith, it would require an acknowl-

edgment of slavery and genocide against Native Americans as part of the national story, along with a celebration of our national parks (pp. 497–98). Once people shared a sense of a common national identity not dependent on ascriptive hierarchy yet richer than a commitment to abstract equality, the political significance of differences among people within the polity would erode.

Is the problem, though, that we lack a national story, leaving us at a loss after a period of reform? Many of the elements that Smith mentions as significant in a story of national identity are already significant in our public culture, which of course they should be. We do note the beauty of American landscapes and the position of the United States as a preeminent capitalist country. We can be tempted to sound like Texans and point out the sheer size of our country when people from other countries make their inevitable anti-American comments, the ones that miss the mark about what we find worrisome within our country. To say that it is a lack of a national story that makes it so possible for ascriptive writings to take hold in recent years misstates the depth of belief in hierarchy, the significance of which Smith has spent his book documenting. California's anti-affirmative action Proposition 209 and the similar initiative in Washington follow a rather extended period of national retreat from civil rights commitments, not recent gains. Nor is it a time in which we have had a modest amount of national pride, not after the Gulf War and American economic resurgence.

The gains we have made make it more possible to agree that the crimes that still savagely enact hierarchy are wrong. The murders of Matthew Shepard in Wyoming, of Billy Jack Gaither in Alabama, or James Byrd in Texas brought an outpouring of public grief. That the murders have been publicized, that communities have come together to deplore them, and that it is possible to gain convictions in these cases are very real changes in American history, despite the retreats from the 1980s onward in enforcing antidiscrimination law. Yet the crimes themselves are difficult to ascribe to anything other than an ongoing belief in hierarchy rather than a backlash against recent progress. Smith's urging of a nationalism that unites people is an admirable shift in political theory. It sits uneasily, though, as a solution to the hierarchy he so extensively documents. If belief in ascriptive worth is an independent strand in American public life, we can have a story that unites us, one that emphasizes factors he lists, and still find ourselves perfectly capable of differentiating ourselves internally.

Many adoptive parents know the importance of race in our world, however awkwardly those of us who have adopted across

racial lines might handle it.⁴ E-mail threads have discussed whether we need to naturalize our daughters quickly given Japanese and Japanese-American internment during World War II and the refusal to naturalize the Chinese through much of American history. Parents not only go to lion dances because we enjoy them, although we do. We want somehow to help our daughters have a sense of where they were born so that when they question some of their difference from school friends and when friends comment on difference, they have something to say. In that, we might well be participating in creating the kind of civic identity Smith urges: one that acknowledges the particular history that we share, a history that is far from wholly noble, one that is a story in which we can choose which threads we will continue to write.⁵

Such a story would need to acknowledge commonality rather than emphasize the autonomy and separateness of groups. We historically are quite ambivalent about the cultural losses such a blurring entails. My daughter is not “basically white,” to use a critique of the problem and impossibility of assimilation one adult adoptee recently made, although she has a white mother and many of the adults we know are white. If we could blur boundaries, if we could know we celebrate the lunar new year not only for her but because it has become part of American culture, we simply could not enforce hierarchy across ascriptive boundaries. We are far from accomplishing anything like that, and adoption itself enacts its own hierarchies. (Some white parents are still more reluctant to adopt African American children than they are to adopt across other racial lines. Furthermore, as Linda Gordon [1999] noted in a discussion of an adoption case in the early twentieth century, in the controversy over cross-racial adoption we do not even discuss the possibility of adults of color adopting white children.) In blurring boundaries, however, we might make it more difficult to enact hierarchy.

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⁴ Some of that awkwardness can include emphasizing all the wrong things, as parents are wont to do. (See Wolff 1999.)

⁵ For a discussion of the alternating emphases on nation as important and insignificant in intercountry adoption, see Yngvesson (forthcoming).

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