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A Pledge of Double Allegiance: Prospectus for a New Inquiry of Dual Citizenship in the United States

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Prospectus for a New Inquiry of Dual Citizenship in the United States

When the linguists arrive to study the word “transnational,” chances are they will find that it is closely associated with the concept of dual citizenship. “Trans-National America,” a 1916 essay by Randolph Bourne occasionally attributed with introducing the “transnational” term, is an early example of the connection. According to Bourne, United States immigration was failing to follow the “melting pot” model as of 1916. Germans, Jews, and Scandinavians, for example, were entering turn-of-the-century America and establishing themselves economically and politically, but were nevertheless maintaining “assiduous” ties to their homelands. Rather than worrying, Bourne analogized the new immigrants to Americans living in France, as people that supposedly sympathized with their adopted home, but that did not surrender their “native attitude,” and that saw “no shameful conflict” in juggling multiple allegiances. In all, America’s new migrants had demonstrated that the U.S. was “coming to be, not a nationality but a trans-nationality, a weaving back and forth, with the other lands, of many threads of all sizes and colors.” To expedite this new process, Bourne proposed that the U.S. “may have to accept some form of that dual citizenship.”

In 1916, with nationalism and nativism at a fever pitch during the Great War, Bourne’s proposal was a provocation. In a strict legal sense, dual citizens maintain allegiances, memberships, and rights within two separate nation states at the same time. In 1849, the U.S. diplomat George Bancroft blustered that states would “as soon tolerate a man with two wives as a man with two countries; as soon bear with polygamy as that state of double allegiance.”

Pursuant to the Naturalization Act of 1795, candidates to American citizenship must still take an “oath of renunciation and allegiance,” swearing to “absolutely and entirely renounce and abjure

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all allegiance and fidelity to any foreign prince, potentate, state of sovereignty” to which they have otherwise been subject.⁵ Even today, it is the U.S. State Department’s official position that American citizenship is exclusive; dual nationality is “disfavored” and not officially recognized under United States law.⁴ But to say that the U.S. government disfavors dual citizenship is not to say that the condition doesn’t exist. Today, the State Department does not enforce the renunciation prong of the naturalization oath. At the same time, other governments have caught a dual citizenship bug. France, Canada, Russia, Britain, Brazil, Colombia, Mexico, the Dominican Republic, Jamaica, and Peru, among others, now offer dual citizenship options to their people living abroad.⁵ The State Department has responded by looking the other way.

American academics have taken a number of paths when analyzing dual citizenship. Demonstrating a mastery over changing legal doctrine, U.S. law professors offer tales of upward evolution, with legal regimes and policies gradually but inevitably moving from a “restrictive” past to a “tolerant” present. Postmodern social theorists, operating most feverishly in the mid-1990s, mirror the predictions of Bourne many decades before, portraying dual citizenship as the start, not the end, of something very big. For them, dual citizenship heralds the arrival of a new “post-national” era where individuals enjoy multiple “fluid” identities at once. Looking backward instead of forward, other historians and legal scholars working from a New Left tradition of civil rights activism prefer to offer a caveat, focusing on past cases where American naturalization laws disfavored or eliminated opportunities for dual citizenship. Perhaps the most rhetorically convincing work in the citizenship field, this scholarship nevertheless fails to grapple with significant changes in law, politics, and demography over the latter half of the twentieth-

century. As a matter of cold, hard fact, the likelihood of multiple nationality has increased in the U.S., despite lingering strains of nativism in the American body politic.

Predictably, a good share of scholarship on dual citizenship produced in the U.S. is written from a U.S.-centric perspective. In some areas of inquiry, this may not be a problem. But in the study of dual citizenship, where competing rules, practices, and national allegiances of at least two distinct states are directly at stake, the U.S.-centric approach is peculiar. In recent years, scholars of Latin America have begun to fill in perspectives on dual citizenship from the modern sending nation’s view, offering critical insight on the other half of the dual citizenship equation. We now know, for example, the internal reasons why many Latin American governments adopted a dual citizenship model in the 1990s. Moreover, we are beginning to understand the decision-making process for Spanish-speaking immigrants that choose to take the dual nationality route. The following essay analyzes the dual citizenship output of scholars from the evolutionary, postnational, New Left, and Latin American schools. Now informed with the perspective of scholars working beyond U.S. borders, it is clear that a more balanced and nuanced understanding of the dual citizenship equation is beginning to form. The field, however, still awaits a synthesis. Future work on dual citizenship could recite rules, competing perspectives, and individual stories, but could also offer a grand unifying theory of either how they all fit together, or why they do not. While most work on dual citizenship resides in journal articles or edited volumes, a larger book-length format may permit future authors the space to undertake such an inquiry. This piece, yet another dual citizenship essay, concludes by speculating on the path that writers could take if they are interested in launching such a book-length foray.

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Some of the most active writers on dual citizenship in the United States are legal scholars. This should not be surprising. From the days of the early republic, the U.S. government has used the institution of citizenship to extract obligations such as military service
and taxes from people under the color of law, while also securing a modicum of protective rights, such as the opportunity to vote and to serve on juries. More specifically, dual citizenship offers a well-worn set of law school “hypotheticals” in the “conflict of laws” genre. The classic dual citizenship issue involves a rules conflict between a nation state that grants legal citizenship to children born within that state’s legal boundaries (jus soli), and another that grants citizenship to children on the basis of their parent’s citizenship (jus sanguinis). When a child is born in a jus soli jurisdiction to parents from a jus sanguinis location, a dual citizenship “problem” has appeared when only one claim of citizenship per person is tolerated. Another typical dual citizenship hypothetical involves a citizen from a first state, State A, naturalizing in a second state, State B. Will this individual retain citizenship in State A while gaining citizenship in State B? And what if a citizen of State A marries a citizen from State B? Do they retain their old citizenship while gaining a new affiliation? Finally, what if they do not marry, but have a child? Is the child a citizen of State A, State B, both, or neither?

American legal scholars are particularly effective in describing how U.S. legal doctrine has addressed these scenarios over time. One of the most prolific is Peter Spiro, a law professor at Hofstra. Writing in 1997, Spiro argued that the legal history of dual citizenship in America had passed through three distinct phases. From the late eighteenth century to the 1860s, the U.S. first existed in a “hostile world” on the verge of war, where strong European states enforced “perpetual allegiance” on their citizens to secure continued military service. Dual citizenship was disfavored, according to Spiro, as it would require individuals to serve in two competing armies, while also enabling them to seek diplomatic protection under two flags, thus complicating international relations. While the U.S. styled itself as a jus soli state granting citizenship to its immigrants, Spiro explained, it simply could not resist continued claims on its citizens from stronger jus sanguinis states like Britain. Only after consolidating its own business after the Civil War would the U.S. Congress pass an “Expatriation Act” in 1868, declaring the right of U.S.
citizens to shed old national ties. By 1870, the U.S. State Department had secured agreements from Britain, Germany, and other European states that immigrants to the U.S. could voluntary renounce, or “expatriate,” their former citizenship status.\textsuperscript{6}

According to Spiro, the 1868 statute and 1870 treaties ironically launched a second phase in the U.S. - “the turn to exclusivity.” By the late nineteenth century, some naturalized citizens were maintaining ties with their sending states, while other citizens were marrying foreign nationals or moving overseas. At the same time, with the proclaimed “closure” of the western frontier, native politicians became interested in policing entry and exit into the U.S. The history of dual citizenship became inextricably linked with U.S. immigration, naturalization, and expatriation policy. In 1907, Congress passed a restrictive statute that would involuntarily expatriate women who married foreign nationals, voiding the possibility that they could potentially enjoy two citizenships at once. Congress passed additional statutes in 1940 and 1952, creating additional grounds for expatriation. People residing overseas for a certain period, or that voted in a foreign election, could lose their citizenship. Meanwhile, children born as dual citizens would be required to “elect” a single citizenship at a specific age.\textsuperscript{7}

Spiro’s second phase abruptly ended in 1967, with the U.S. Supreme Court’s decision in the case \textit{Afroyim v. Rusk}. There, the Court blocked an attempt by the U.S. State Department to expatriate a U.S. citizen that had voted in an election for the Israeli Knesset. Laws that involuntarily expatriated American citizens were suddenly unconstitutional; under \textit{Afroyim}, U.S. citizens could only lose their citizenship if they voluntarily and expressly stated their intent for this outcome. For Spiro, this began a third and final phase in American dual citizenship law – the “voluntary retention” era, where U.S. citizens could choose to retain additional citizenships

\begin{itemize}
\item \textsuperscript{6} See Peter Spiro, “Dual Nationality and the Meaning of Citizenship,” \textit{supra} note 2, at 1419-29.
\item \textsuperscript{7} Spiro at 1430-50.
\end{itemize}
without losing their status in the United States, and where the State Department would not enforce unitary allegiance upon naturalization.\(^8\)

Spiro’s view of the history of dual citizenship was evolutionary, with a clear beginning, middle, and end. The U.S. was once politically weak and subject to “citizenship bullying” by stronger nations, but now was strong and made its own rules. With time, its rules had become more accepting of diversity, to the point of “complete toleration” of dual citizenship. By adopting a narrative of evolution, starting with a restrictive U.S. state and ending with a tolerant one, Spiro made the path to dual citizenship seem natural and almost inevitable. Moreover, his account was entirely U.S.-centric and top-down in the formulation, with elite legal actors (courts, diplomats, and lawyers) making and changing the legal doctrine. Readers could watch the evolution, but there was no opportunity to see examples of flesh-and-blood application of the rules. As such, Spiro’s account was more effective in relaying information about internal shifts in U.S. legal understanding than it was in explaining any outside influences, international parallels, ironies, inconsistencies, or conflicts in its development.

Issues of historical contingency are largely irrelevant to scholars like Spiro working in the “legal evolution” school, who are more interested in telling longue durée stories of continually more enlightened policy development. In 2007, however, Triadofilopoulos, a scholar working within the evolutionary tradition, attempted a more empirically-grounded explanation of the growth in dual citizenship toleration. Triadafilopoulos pinpointed the change to a post-World War II decline in the demands made on citizens for military service, as the “warfare state” moved towards a professional, volunteer army and navy. While Triadafilopoulos gestured at other explanations for the rise in dual citizenship, from increasing international fiscal interdependence, calls for gender equity, and the political successes of civil and human rights campaigns, his explanation, confined to a book chapter in an edited

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\(^8\) Spiro at 1450-61.
volume, only hinted at how all of these factors have played out on the international stage.\(^9\) In another article, University of Virginia law professor David Martin provided a less suggestive and more typical explanation for the evolution of dual citizenship in the U.S, chalking up the move from “opposition” to “endorsement” as an example of elite legal actors moving with a vague liberal spirit, or “\textit{Zeitgeist},” of the times.\(^{10}\)

As law professors, neither Spiro nor Martin were afraid to take a normative stand in their work. Martin’s article ended with a series of suggested improvements for dual citizenship law. In 1997, in response to the grumbles of continued opposition among conservative U.S. law professors,\(^{11}\) Spiro argued that dual citizenship should be wholly “embraced,” asserting that it lowered the cost of naturalization in the U.S. and increased the opportunity for political participation by immigrants. Spiro added to this by making a \textit{Zeitgeist} argument of his own, asserting that an acceptance of dual citizenship reflected “the transformation of citizenship in a postnational world.”\(^{12}\) In this, Spiro himself was following the spirit of the times. Beginning in the mid-1990s, postmodern social theorists had begun to assert that the world had entered a “transnational,” “deterritorialized,” or “post-national” age after the Cold War. Postnational social theory portrayed dual citizenship as evidence of a larger break from nation-based history. According to sociologist Yasemin N. Soysal, the European Union’s grant of political rights to individuals, and the social welfare opportunities afforded resident aliens in foreign states (namely, Turks in Germany), had separated citizenship from territory; citizenship, for Soysal, was “no longer unequivocally anchored in national political collectivities.”\(^{13}\)


\(^{12}\) Spiro at 1416.

\(^{13}\) See Yasemin Nohuglu Soysal, \textit{Limits of Citizenship: Migrants and Postnational Membership in Europe} (University of Chicago, 1994), 137.
from Europe to Asia and studying Hong Kong businessmen, sociologist Aiwha Ong added that late twentieth century “cultural logics of capitalist accumulation, travel and displacement” now privileged “flexible citizenship,” characterized by people adopting “practices favoring flexibility, mobility, and repositioning in relation to markets, governments, and cultural regimes.”

Tying these phenomena back to practices in the North America, scholar Michael Laguerre cited the increasing calls for dual citizenship among Haitians residing in the U.S. as proof that a “globalization process” driven by the high-speed movement of people, capital, and information had created “diasporic” communities that finally transcended “the state-society unit.” While law professors like Spiro and Martin favored an evolutionary account of dual citizenship anchored in legal regimes and following a stately pace, the postnational sociological perspective portrayed not so much a “road” to dual citizenship, as a “launching pad” to denationalization. In the postnational age, nation-states, borders, and formal legal categories were suddenly and irrevocably passé. Not surprisingly, the dual-citizenship-as-evidence-of-denationalization argument perturbed American legal scholars, still content with studying the laws that formal state actors enacted and enforced.

In 2008, Spiro lamented that citizenship as a rights-granting institution may have reached a nadir of “diminished significance” too soon in the rush towards denationalization. Eight years earlier, however, Rutgers law professor Linda Bosniak was already debunking postnationalist claims regarding dual citizenship. According to Bosniak, the term “citizenship” meant different things to different people, ranging from (a) an opportunity to participate in legal governance, (b) a system that defines legal rights and obligations, and (c) a sense of identity and psychological commitment to a particular place or group. Returning to the U.S., Bosniak argued that

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denationalized citizenship existed more as an aspirational trope than an empirical reality. The claims of Soysal and others, Bosniak explained, conflated the meanings of citizenship; a feeling of transnational identity did not automatically entitle resident aliens to social services in the U.S.; the government increasingly extended these services only to legal citizens. As for dual or multiple nationality, this was empirical evidence against the existence of a post-national present, since a dual citizen was really making two unitary citizenship claims. According to Bosniak, any form of citizenship-as-legal-status claim remained a claim made - and “firmly bound” to - “nation-state entities” that created, policed, and enforced the citizenship-as-legal-status category as a matter or law. Bosniak’s article appeared in 2000, on the heels of the passage of California’s Proposition 187, which denied state social services to many immigrants and resident aliens, and the 1996 Personal Responsibility and Work Opportunity Reconciliation Act of 1996, which performed similar work at the federal level. Dual citizenship still was not available to Laguerre’s Haitians. A year later, the Patriot Act would appear, placing more restrictions on flows of people and capital into and out of the United States. Guantanamo’s Camp X-Ray and Iraq’s Abu Ghraib, where U.S. actors aggressively applied asymmetric legal rules to non-citizens without apology, soon followed. The predictive ability of a happy, protective interpretation of postnationality was in serious doubt.

In his 1997 article, Spiro noted that tolerance towards dual citizenship was frequently accompanied by a backlash towards “retrenchment.” This eventually prompted Spiro to make his argument in favor of dual status. The same year, Linda Kerber, a New Left historian of U.S. citizenship at the University of Iowa, attempted to make Spiro’s normative argument by example. In a presidential address to the Organization of American Historians, Kerber chronicled the unfairness of earlier eras in U.S. history that rejected the legal status of dual citizenship. Referencing Proposition 187 and Congress’ 1996 statute, Kerber asserted that “the elements of

18 Id. at 463.
19 Spiro at 1460.
destabilized citizenship[] remain problematic,” noting the increasing lack of state-sponsored protection that non-citizens received. According to Kerber, the chief victims of rules prohibiting dual citizenship were American women. The 1907 law that forced expatriation upon marriage to a foreign national, she reminded, at first only applied to U.S.-born brides. As she later underscored in a second presidential address before the American Historical Association in 2007, a woman expatriated from the U.S., and then denied citizenship in a jus sanguinis jurisdiction, would not be a dual citizen. She would be “stateless.” While statelessness would have been cause for celebration for Soysal or Ong, the prospect horrified Kerber. Citing Hannah Arendt (who lived as a stateless individual in the United States when escaping Nazi Germany), Kerber identified statelessness as a symptom of totalitarianism, further arguing that recent immigration laws had created millions of “effectively stateless” people within the borders of the United States, subject to the whims of a government unwilling to act in their interests.

Spiro’s article portrayed U.S. legal regimes on a constant upward glide to greater equality. Kerber’s presidential addresses presented a view from the gutter. Unlike Spiro, Kerber made “retrenchment and backlash” her featured theme, if not her entire story. In her 1997 address, Kerber still held out hope for citizenship. Equal citizenship was, after all, the status that African-Americans fought for during the civil rights era, and that woman sought when seeking the right to vote. If the United States was incapable of extending its meaning, maybe universally-enforceable “human rights” would accomplish this instead. By 2007, however, with postnationalism on the defensive and the hegemonic state apparently in complete control, Kerber showed little remaining hope. Rejecting chronology, her addresses marshaled the Dred Scott


21 See Kerber, “The Stateless as the Citizen’s Other: A View from the United States,” American Historical Review 112 (Feb. 2007), 1-34.

22 Kerber (1997) at 851.
opinion, Proposition 187, and the 1907 statute at strategic points to underscore her larger refrain on exclusion. In the end, her audience was left with the impression that the rules designed by Spiro’s elite legal players did not evolve, but rather continued to reflect a continuing attempt by an anonymous elite hegemon, “The State,” designed by another anonymous elite (namely, White Anglo-American Men) to exclude otherwise powerless people from political life. Moving from history to theory, Kerber posited in her 2007 address that “from the days of the founding to our own time . . . the state has needed the stateless.” For Kerber, citizenship was defined as the negation of the stateless non-citizen, a group that the state had actively manufactured. \(^{23}\) If this were genuinely the case, however, the U.S. “state” would never have revoked most of its statutes on expatriation, and would have never tolerated duality. Such evolutions in behavior, however, were not Kerber’s concern.

Operating from a more radical stance than Spiro, Kerber was still working within the American legal scholar’s tradition. While Kerber was more likely to identify moments of “ineffective” citizenship than Spiro, she assumed that unitary U.S. citizenship was a universal good, something that \textit{all} people have been rightfully struggling to acquire and retain since the eighteenth century. Like Spiro, she assumed that the story of “citizenship,” even as applied to dual nationals, was essentially an \textit{American} story based solely in the United States, involving rules made and enforced by U.S. elites. Kerber merely saw the U.S. as stuck in phase two of Spiro’s evolution; it needed to be kick-started, preferably by skilled academic rhetoric, to move from “exclusivity” to “toleration.” In the end, she was largely uninterested in the increase of dual citizenship in the United States; it was accessibility to U.S. citizenship that really mattered. In 1997, in fact, she characterized multiple citizenship as evidence of “transnational civic life” that was still too “embryonic” to involve much independent inquiry. Rather than increasing the number of citizenships available, Kerber’s project was to expand, bolster, and extend an inclusive

brand of U.S. citizenship to more people (predominantly women) within the boundaries of the United States. To make this point, she emphasized retraction over expansion, instances of expatriation over dual citizenship. As a piece of white-hot political rhetoric, her addresses were brilliant. As empirical analyses of dual citizenship, a legal status that involved people, governments, and rules that actually existed across multiple state lines at the time she was speaking, they were incomplete.

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Neither Spiro nor Kerber focused on the mental life of the people actually seeking U.S. or dual citizenship status. They also did not address the role of immigrant-sending states. The blind spots were glaring. If, by definition, U.S. dual citizens claimed citizenry with another state, and if, by definition, the U.S. government still formally disfavored dual membership, telling the story of dual citizenship in America only from a U.S. legal perspective was like trying to solve an algebra problem while only analyzing half of the equation. Since the late 1990s, scholars working from non-U.S.-centric perspectives, looking primarily at the rules and politics concerning citizenship in immigrant-sender states, have begun to do Spiro and Kerber’s remaining dual citizenship homework. By the 1990s, many Caribbean and Latin American countries that sent workers to the U.S. were officially permitting their immigrants to retain their previous citizenship. Not surprisingly, the work of Latin American scholars provides a particularly rich vein of academic analysis on the dual citizenship phenomenon.

Some Latin American scholars explained the dual citizenship phenomenon in a way that was congruent to Spiro’s story - as the inevitable evolution of events progressing towards a more inclusive present. In 1998, Mexico shifted from an earlier policy of expatriation for its emigrants, allowing Mexicanos abroad to retain their Mexican citizenship. While Mexicans that left the republic were originally seen as pochos, or sell-outs, they were now allowed to be a continued
component of the Mexican polity.\textsuperscript{24} The scholar Paul Johnston placed this phenomenon within a larger context of “citizenship development” among Mexican immigrants in the United States, primarily within California. According to Johnston, Mexican immigrants became accustomed to making “rights-based” claims to governmental actors during the migrant farmworker movements of the 1960s and 1970s. During that period, they focused their attention on their rights and citizenship opportunities within the United States. However, with the liberalization of immigration laws in the United States following the 1965 Immigration Act, and with the end of the “Bracero” guest worker program in 1964, entire families began arriving in the United States from Mexico, eventually extending their involvement beyond the agricultural sector. According to Johnston, \textit{Mexicanos} in the U.S. turned to another governmental entity, Mexico, during the Proposition 187 backlash of the early 90s, lobbying in this instance for dual citizenship.\textsuperscript{25}

Johnston’s story of “dual citizenship from below” contrasts with the analysis of Michael Jones-Correa of the same events. Jones-Correa saw Mexico’s changes coming “from above,” arguing that Mexico adopted dual citizenship not because of grassroots lobbying from \textit{Mexicanos} in the United States, but because of “top down” party politics at home. According to Jones-Correa, the Mexican road to dual citizenship differed from the road taken in the Dominican Republic, where Dominican men in the U.S. leveraged their economic clout to participate in island politics.\textsuperscript{26} In the Mexican example, Mexico-based political parties that were competing in newly-contested elections each pursued a policy of \textit{acercamiento}, or closeness, with Mexicans abroad, seeking political and financial support from those who left for the U.S., and from their family members that stayed behind. After the loss of many resident-alien social rights following


Proposition 187, the same political players adopted dual citizenship as another way to draw Mexicanos in the U.S. back towards Mexico.  

Both Johnston and Jones-Correa demonstrated a larger tendency in Latin American dual citizenship literature to focus on the causes for the evolution of dual citizenship rules. In this respect, they offered a more complex, second-order reading than U.S.-centric law scholars like Spiro and Martin, who focused mainly on the first-order observation that “the rules have changed with the times.” This additional detail was understandable, since most of the legal citizenship rules that were really changing in the dual citizenship arena were Latin American in origin. But despite their shared project to offer an explanation for changing rule structures in Mexico, Johnston and Jones-Correa offered wildly different interpretations of the same events. While Johnson focused on the behavior of individual Mexican families in the U.S., Jones-Correa looked at formalized political aggregates in Mexico itself. 

In an article written in a 1999 special edition of The Journal of American History on Mexico and the United States, Jorge Durand, Douglas Massey, and Emilio Parrado offered a third interpretation. The Durand team centered on Anglo politics in the United States, characterizing exclusionary rules in the 1980s and 90s as the main driving force for change. The catalyst for the Durand group was the 1986 Immigration Reform and Control Act (“IRCA”), which increased border patrols and penalties for the undocumented, discouraging cyclical migrations between Mexico and the United States. After IRCA, more Mexicanos made the U.S. their permanent home out of necessity, still supporting family members in their home country. Later, the threat of family breakups and the loss of social welfare services during the new anti-alien legislative push in the mid 1990s convinced newly-permanent Mexican residents in the U.S. to naturalize in the

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Writing in the same journal issue, Mexican diplomat Carlos Gutiérrez amplified this point from across the border, stating that the Mexican government adopted its current stance on dual citizenship in solidarity with the interests of Mexicanos impacted by Proposition 187, reducing the costs of U.S. naturalization for their Mexican diaspora while seeking to maintain economic and cultural ties.

The accounts from Johnston, Jones-Correa, Durand, and Carlos Gutiérrez all featured Mexicans transcending problems associated with their old home nation’s proximity to the United States, primarily through the instrument of dual citizenship. When writing about Dominican men in New York, however, Jones-Correa described dual citizenship as a consolation prize, a “temporary solution” for men that wanted respect and equality in their adopted home, but that eventually wanted to return to the Dominican Republic with their Dominican-ness fully intact. Dual citizenship, Jones-Correa confirmed in other work, has meant different things to different groups of Spanish-speaking people in the western hemisphere.

In the same issue of The Journal of American History as Durand and Carlos Gutiérrez, the historian David G. Gutiérrez applied Jones-Correa’s Dominican story back to Mexico, surveying the mental landscape of people of Mexican descent living in California after Proposition 187. For David Gutiérrez, Mexicanos in America retained a long memory of slights perpetrated by both the U.S. and Mexican governments. They had been dismissed as pochos in their home country, and had been branded as unwanted “aliens” in their new home. As such, Gutiérrez’s Mexicanos suffered “double marginality.” But unlike Jones-Correa’s Dominicans, Gutiérrez’s Mexican-Americans did not settle with dual citizenship, instead occupying a subaltern

“third space” where they could practice an “oppositional consciousness” and a “politics of refusal,” eschewing political participation as either Mexicans or as Americans. For Gutiérrez, this new group was best represented by “young people” that had formed new Chicano identities pushing them away from “mainstream society.” With thin statistical evidence, Gutiérrez claimed that Mexicanos had naturalized at low rates in the United States, and would continue to do so.32 In a later piece, Gutiérrez claimed that his “sullen” group of Chicano radicals was part of a movement to create a new “post-national” political configuration, a system that sought rights transcending national citizenship.33 Instead of Soysal and Ong’s world of freedoms and free movement, however, Gutiérrez’s post national future more closely resembled a staging ground for a zapatista-style rebellion within U.S. borders.

Looking out across a century of restrictive U.S. immigration laws spanning from the 1924 National Origins Act to Proposition 187, and wary of Mexico’s history of porfiriato dictatorships and one-party systems, Gutiérrez did not seek solace in unitary citizenship or dual citizenship, but in an ambivalent, third-way Chicano culture of his own making. Starting from the same point as evolutionist historians of Mexican-American dual citizenship, Gutiérrez thus ended at a very different place, adapting the post-national prophecies of Soysal and Laguerre to Kerber’s style of seeing history as a morality play. In the end, Gutiérrez wrote about dual citizenship, like Kerber, from the standpoint of moral outrage. At the same time, he echoed his fellow Mexican-American historians in awarding agency to mexicano subjects. But how many of Gutiérrez’s Chicano insurgents were there among the mexicano immigrants to the U.S., ready to forswear all forms of legal citizenship status? Gutiérrez revealed much about the inner life of people forced to choose U.S. citizenship under duress, but in the process discounted real political and demographic shifts and economic and familial demands that, as seen in Johnston, Durand,

and Jones-Correa, had prompted many to take the dual citizenship plunge despite the psychic costs.

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Nearly a century after Randolph Bourne’s prediction, dual citizenship has finally come to America. It hasn’t come from Germany, Scandinavia, or from within the U.S., but largely from Latin America. And it is not clear that a Bourne-like cosmopolitan air of tolerance has also arrived. Instead, a less utopian view of dual citizenship has begun to form, characterized in equal parts by shades of _laissez faire_ tolerance within the U.S., _realpolitik_ rule changes at home and abroad, moments of private creativity and constraint, and stammers of nativism. As seen in Jones-Correa’s Dominican-Americans, the study of multiple citizenship in the U.S. serves as a multiplier of U.S. immigration history; to understand the phenomenon in the U.S., by definition we need to go beyond American borders. Moreover, as seen in the Mexican-American example, just as there are debates in U.S. historiography about the meaning of U.S. citizenship, debates have formed around the meaning of dual citizenship abroad. And, as seen in all of the work discussed, dual citizenship can mean many things to many people. For Spiro, it is the culmination of a grand process of enlightenment and toleration. For some Latin Americanists, it is a pragmatic solution to the thorny problem of forced engagement with a volatile superpower that is at times welcoming, and at other times exclusionary. For Kerber and David Gutiérrez, it is a small footnote in a longer story of inequality, expatriation, and injustice.

Chances are, the Latin American rush to dual citizenship will not lead to the “devaluing of citizenship” as lamented by Spiro, or the “world government” predicted by Bourne. Instead, Gutiérrez may be correct in predicting the peopling of a tense, improvised, asymmetric “third space” of belonging. Most of the writing on dual citizenship occurs in short formats, in journal articles or book chapters in edited volumes, however, and has not fully explored the terrain of this new zone. While short pieces allow for a multiplicity of perspectives, they do not allow space for
a single author to synthesize different theories and grapple with competing storylines. It is probably time, then, for a historical monograph on dual citizenship. When and if it arrives, it should endeavor, like Spiro’s work, to show how practices concerning dual citizenship have changed in the U.S. But it then should go beyond the nation’s borders to describe events in states that have formally adopted the dual citizenship form. And while explaining like Kerber how citizenship has been used to exclude, it should also explain the tangible legal, political, and economic reasons that states have accepted or rejected dual citizenship, and the personal reasons that some individuals have chosen the option. Finally, a dual citizenship monograph would do well to tolerate accounts of dual citizenship where the United States plays only a secondary role. The story of citizenship in Ireland or Israel, where dual citizenship was used as a way to grow the nation-state by incorporating a real or imagined diaspora living abroad, may provide an option in this direction.34

As citizenship forms go in the United States, dual citizenship is still in the probationary phase of its existence. In many ways, the history of dual citizenship is being written on a daily basis by courts, governments, and, above all, by the individuals that choose the path. This isn’t necessarily new, as clandestine dual citizens have existed in the U.S. both before and after the invocation of its recent “don’t ask, don’t tell” policy. In a recent article, Sunaina Maira depicts a group of South Asian youth that appreciate the benefits of multiple citizenship, but that also understand its costs. Through subject interviews, Maira determines that young Indian Muslims and Pakistanis generally want to live a flexible “postnational” life in the U.S., but feel like they no longer have this option after 9-11. Instead, U.S. naturalization and citizenship processes are seen as “artifacts created by the state that they need[] in order to move across national borders and to be reunited with their families.” At the same time, these requirements are viewed as a

34 See, e.g. Mary Daly, “Irish nationality and citizenship since 1922.” Irish Historical Studies 32: 127 (May 2001): 377-407 (describing government approval of Irish dual citizenship status in 1950s as an attempt to compensate for earlier immigration drain).
“source of disruption of family ties[,] and cleavages of emotional bonds.” For many, dual citizenship, a legal tool with the double effect of maintaining old ties while shielding against new injustices, may be an improvised solution to the condition Maira describes. Neither unitary citizenship nor statelessness, dual citizenship is a distinctly transnational category, replete with internal and external benefits, drawbacks, and contradictions. Like unitary citizenship, dual citizenship is subject to multiple readings, telling a winding story of public laws, private unions, and communal longings all its own.