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Denizenship and democratic equality

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ABSTRACT

Democracy is assumed to require the equal political inclusion of denizens, as sustained political inequalities between members of society seemingly undermine the democratic ideal of equal freedom. This assumption is prominently expressed by Walzer's *Principle of Political Justice*, according to which democratic institutions must attribute equal political rights to denizens in order to sustain their equal protection from domination and the recognition required for free agency. This paper rejects this influential assumption. We argue that denizenship constitutes a social position in which equal freedom can be enjoyed without political inclusion on equal terms to citizens. Many denizens are citizens somewhere else, and enjoy status, rights, and protections in virtue of their external citizenship, which can protect them from domination and provide them with the recognitional basis of self-respect. The cross-border relationships between denizens and their home country, as well as between the host country and the home country, must therefore be considered when evaluating claims to political inclusion. Accepting the democratic legitimacy of the partial political inclusion of denizens allows us to focus on the most pressing political claims, such as those of refugees and stateless persons. Partial inclusion schemes can also make less restrictive immigration policies more rational and desirable for citizens.

KEYWORDS Democratic equality; equal freedom; immigration; denizenship; political rights-differentiation; citizenship

Introduction

According to the latest United Nations Migration Report, approximately 281 million people live outside their country of origin, often for extended periods.¹ Host countries pursue different strategies for politically including these foreign residents, or *denizens*.² Countries such as Denmark and Switzerland favour a *partial inclusion* model. They quickly include denizens to some extent in democratic decision-making, for instance through local

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voting rights, but make full political membership virtually inaccessible. Other countries, such as Canada, favour an *all-or-nothing* model of inclusion: They do not grant partial political rights but encourage denizens to go on a path to citizenship. Many political philosophers share an abiding commitment to 'citizen-making' and believe that only the all-or-nothing model is democratically legitimate (Kymlicka, 2022, p. 247; Song, 2018, p. 158; Torresi, 2009, p. 24).³ By contrast, we argue that the partial inclusion model can also be compatible with democratic commitments, and thereby reject the widely shared assumption that territorial admission must escalate to full political inclusion.

The all-or-nothing model prohibits states from offering prospective migrants territorial admission without a path to citizenship, even if some migrants would gladly accept such offers, and even if such offers genuinely provide them with additional options.⁴ This prohibition creates a tension between democratic requirements and aspirations of global justice, which comes out clearly in the 'numbers-versus-rights trade-off': while increased labour migration may promote global justice, citizen support for it decreases if immigrants are entitled to full political inclusion (Bauböck & Ruhs, 2022, p. 535; Blatter et al., 2022, p. 1215; Van Parijs, 2022, p. 609). Our arguments dissolve this apparent tension between democracy and global justice, as we show that territorial admission can legitimately be decoupled from full political inclusion and access to citizenship. Our arguments thereby expand the space of democratically legitimate policy options.

Many republican theorists share a commitment to citizen-making and consider the naturalisation of denizens to be the only way to ensure the equal political status of all members of society. Most influentially, Michael Walzer voiced the concern that the (partial) political exclusion of denizens renders them vulnerable to *domination* and denies them the *recognition* that constitutes their social basis of self-respect.⁵ Denizens are thereby relegated to a form of second-class citizenship, an inferior social position reminiscent of the *metics* of ancient Athens (1983, p. 60). Recently, several contributions have questioned this commitment to citizen-making in the case of migrants who pursue *temporary* migration projects.⁶ We argue that some denizens pursuing *open-ended* migration projects need not be fully politically included either, as their *external citizenship* protects them from domination and provides them with a secure social basis of self-respect. External citizenship denotes the extra-territorial status, rights and protections provided by the home state (Bauböck, 2009). Unlike, Athenian *metics*, denizens who enjoy external citizenship in a democratic polity and occupy a secure and recognised guest status in their host state are not confined to an inferior status. Indeed, Walzer (1983, p. 60) already hinted at the idea that 'the original citizenship of guests' could function as a substitute for their full political inclusion, but we develop this idea systematically.

Some denizens profit more from their external citizenship than others. Expats from stable and powerful democracies enjoy significant extraterritorial rights and protections, as well as recognition of their status as moral and political agents. By contrast, stateless persons and many refugees lack external citizenship altogether. Such differences must be taken into account when determining the degree of political inclusion that denizens need in order to enjoy an equal political status. Accordingly, we argue that denizens have differentiated claims to political inclusion. While a path to citizenship should be secured for the most vulnerable – refugees and stateless persons – local voting rights or other partial inclusion schemes may be appropriate for citizens from powerful and stable democracies. Thus, republican democratic commitments permit political rights-differentiation between denizens and citizens, and also among denizens.

We proceed by situating our argument in the debate on democratic equality in Section 2. Subsequently, in Sections 3 and 4, we discuss Walzer's concerns with non-domination and recognition — in their most prominent contemporary explications — for the case of denizens who effectively profit from their external citizenship.⁷ We conclude, in Section 5, by considering the political potential of our position in light of its implications for denizens who profit less from their external citizenship.

Equal freedom, citizenship, and a democratic say

The widespread view that territorial admission must escalate to full political inclusion derives from two premises: the *democratic inclusion* thesis, according to which denizens must be included in the democratic process, and the *democratic equality* thesis, according to which all who are included in the democratic process must receive an equal democratic say. We argue that (some) denizens may be partially politically included, and thereby deny the *democratic equality* thesis. In this section, we situate our argument in the debate on citizenship and democratic equality.

The *democratic inclusion* thesis draws support from standard principles of political inclusion, like the *all-affected interests* and *all-subjected* principles. As denizens are clearly affected by and subjected to the rule of their host state, these principles imply that denizens should be democratically included (Beckman, 2006; Lenard, 2015; Song, 2009). Traditionally, republicans emphasise the connection between democratic participation rights and citizenship, and accordingly hold that those who are democratically included must be 'set on the road to citizenship' (Benton, 2014, p. 50; Walzer, 1983, p. 60). They worry that the extension of a democratic say to non-citizens would undermine the *value of citizenship*. However, the value of citizenship does not solely derive from rights to democratic participation. Citizenship denotes a legal status that comes with a bundle of rights

(as well as duties), which typically include rights to a democratic say, to reside on and re-enter a states' territory, and to diplomatic protection abroad (Benton, 2014, p. 65). While citizenship may be a sufficient ground for political inclusion, sustained territorial presence also provides strong reasons for inclusion (Carens, 2013, pp. 158–169; Lenard, 2015; Song, 2018, pp. 173–188).⁸ Territorial models of enfranchisement ensure that all who are subjected to the state's rule have a right to a democratic say, even if they are not citizens. According to these territorial models, denizens can thus have claims to political inclusion *as* denizens.

While standard principles of political inclusion tell us *who* should be included in the democratic process, they do not obviously require *equal* inclusion. Both principles allow for a range of different interpretations, some of which permit, or even require, differentiated political rights. They could, for instance, be interpreted as requiring political inclusion to the degree to which individuals are affected by or subject to political decisions (Brighouse & Fleurbaey, 2010; Goodin & Arrhenius, 2022). The *democratic equality* thesis, therefore, needs further justification.

A natural strategy for evaluating the *democratic equality* thesis is to ask whether and how it reflects the underlying *value of democracy* (Lippert-Rasmussen & Bengtson, 2021, pp. 1028–1030). In the republican tradition, the value of democracy is typically considered to lie in upholding the (maximum) *equal freedom* of all who are subject to the state's rule.⁹ In line with recent republican thought, we assume that non-domination as well as social relationships of mutual recognition are necessary conditions for individual freedom (Schuppert, 2014). The ideal of equal freedom, in turn, motivates prominent principles of democratic inclusion, including Walzer's *Principle of Political Justice*, according to which 'the processes of self-determination through which a democratic state shapes its internal life, must be *open, and equally open*, to all those men and women who live within its territory, work in the local economy, and are subject to local law' (Walzer, 1983, p. 60; see also Brighouse & Fleurbaey, 2010; Beckman & Rosenberg, 2018). However, substantive egalitarian commitments, like the commitment to equal freedom, may find expression in a wide range of institutional arrangements (Beitz, 1989, p. 17; Pevnick, 2011, p. 182).

Our discussion complements rather than contradicts the literature on democratic equality for citizens. Like many democratic theorists, we accept that there are good reasons to uphold the *democratic equality* thesis for citizens, at least as a default assumption, because citizens are subject to far-reaching legal, social, and (arguably) moral duties and expectations that otherwise compromise their equal freedom (Wilson, 2019, pp. 18–26). However, this rationale does not necessarily support the equal inclusion of denizens, who do not have the same duties towards their host state as citizens.¹⁰

Traditionally, an equal democratic say means ‘one person one vote’ or, more broadly, equality in formal democratic decision-making *procedures*. As this procedural understanding of democratic equality does not account for inequalities suffered by structurally disadvantaged groups, many democratic theorists use the notion of an ‘equal democratic say’ to refer to equality in the broader democratic *process* (Ganghof, 2021, p. 54). On this processual understanding, equality in formal procedures is not sufficient and may not even be necessary (cf. Beitz, 1989, p. 111; Christiano, 2008, pp. 295–299; Wilson, 2019, p. 117). Appropriate deviations from procedural equality could involve reserved seats in parliament, weighted voting power or voting rights in local but not in national elections. As we cannot attempt to adjudicate this debate here, we use the notion of an ‘equal democratic say’ ecumenically to refer to whatever the sense is in which citizens should normally be democratically equal.

We argue that the equal freedom of some denizens can be secured without an equal democratic say in the host state. Our argument resembles a familiar justification for deviations from democratic equality among citizens. Most democracies concentrate political power in the hands of legislators, judges, and other officials, who seemingly have a greater say in collective decision-making than ordinary citizens. A prominent justification for such procedural and processual inequalities is that they promote *substantive* equality. Arguably, we need certain privileged social positions to realise equal freedom. Systems of judicial review, for instance, are inherently unequal but protect minorities from tyrannical majorities (Rawls, 1971, §37).

Denizenship can be understood as a distinct social position, similar to office-holding in representative democracies. Generally, denizens are citizens somewhere else and maintain relationships with their home country. Recognizing them as members, their home country provides them with status, rights, and protections, including diplomatic protection and the right to return. Beyond those core rights and protections, the majority of democracies also provide expatriate voting rights (Bauböck, 2009, pp. 478, 487). The position of denizenship is therefore (normally) characterised by *external citizenship*. Denizens also normally have fewer duties towards the host country than citizens. For example, denizens are generally not liable to jury duty or compulsory military service. The position of denizenship, thus, comes with a distinct set of legal entitlements. In virtue of their social position as citizens of another polity, denizens do not necessarily require an equal democratic say in their country of residence to enjoy equal freedom. They may require extensive social and economic rights, eventually even a right to stay, but not necessarily full political inclusion or a path to citizenship.¹¹

Walzer notably alluded to a similar idea when introducing his *Principle of Political Justice*. He pointed out that ‘host countries might undertake to negotiate formal treaties with the home countries, setting out in authoritative

form a list of “guest rights”, [... so that] the *original citizenship of guests* would work for them (as it never worked for Athenian metics)’ (Walzer, 1983, p. 60, emphasis added).¹² We take up this suggestion in the following sections and evaluate denizens’ claim to political inclusion ‘in a normative framework that involves both countries of residence and origin’ (Bauböck, 2009, p. 477).

Our goal is to show that the territorial admission of migrants need not *always* escalate to their full political inclusion or naturalisation. Accordingly, we first discuss the case of denizens who experience particularly favourable conditions, that is, citizens of well-ordered democracies with responsive institutions and significant international influence, who currently reside in well-ordered societies with healthy political ties to their home state, and are not forced to move by economic deprivation.¹³ We argue that their external citizenship can effectively protect these denizens from domination and ensure their social basis of self-respect. In the final section, we consider the implications of our arguments for denizens who experience less favourable conditions.

Freedom from domination

Denizens are vulnerable to domination by their host state, and republicans generally consider this vulnerability detrimental to their equal freedom. Domination is often understood as continuous subjection to another’s arbitrary power of interference. The subjection is continuous if it arises within social relationships of *dependency* and the power is *arbitrary* if it depends solely on the will of another. A standard assumption in republican democratic theory is that citizens need an equal democratic say to ensure their equal freedom from domination. A democratic say reduces the arbitrariness of the power by the state, thereby reducing the domination of citizens by their state.¹⁴ Moreover, it incentivises the state to put reliable safeguards in place against domination by fellow residents, such as protections against economic exploitation (Pettit, 2012, pp. 24–25). But this argument for the democratic equality of citizens does not apply equally to denizens, as some denizens are protected from domination by their external citizenship. Their external citizenship not only renders some denizens less *dependent* than citizens on the relationship with their host state, but also reduces the *arbitrariness* of the power exercised by the host state. Accordingly, the partial political inclusion of denizens can be sufficient to ensure their equal freedom from domination in their host society.

Dependency

According to Philip Pettit’s famous eyeball test, a relationship is dominating if one party cannot look the other in the eye without reason for fear or deference (Pettit, 2012, p. 84). When the dominated party cannot leave such a social relationship out of their own accord, they are *dependent* on

the social relationship. As Frank Lovett (2010) has forcefully argued, dependency amplifies domination wherever it exists. Dependency is a matter of degree and the level of dependency 'should be thought of as a sliding scale, varying according to the net expected costs (i.e. expected costs less any expected gains) of exiting, or attempting to exit, a social relationship' (Lovett, 2010, p. 39).¹⁵ When a person has high exit costs and is, accordingly, highly dependent, they are more vulnerable to domination. For this reason, citizens who are 'prevented from emigrating are more vulnerable to abuses of state power or *imperium* than citizens of a society with no restrictions on exit' (Benton, 2014, p. 53).

Denizens' external citizenship renders them less *dependent* than citizens on the relationship with their host state by providing a right to re-enter the home state. This right to re-enter the home state in combination with the (human) right to exit the host state gives most denizens a guaranteed exit option. Citizens, by contrast, have no such guaranteed exit options (provided they do not also hold citizenship elsewhere).

The extent to which denizens can make use of this exit option, and thus the degree to which this option reduces their dependency on the relationship with the host country, depends on multiple factors, including the political circumstances in the home country and the time of residency in the host country.¹⁶ Whereas returning to the country of citizenship would be an unreasonable option for denizens who have a well-founded fear of persecution, civil unrest, or dire poverty, it is a secure fall-back option for denizens from stable democracies. Moreover, the net exist costs will likely be higher for long-term than for short-term denizens due to the social networks, employment opportunities and special connections that they have built in their host country and have potentially lost in their home country (Owen, 2014, p. 101; Sager, 2014). However, even after a considerable time of stay, denizens with an adequate exit option (they can safely return to their home country and build a new life there) remain less dependent on the host country than citizens.

Arbitrariness

The host state poses a threat of domination insofar as it can wield its power *arbitrarily*. The precise path by which a democratic say reduces domination depends on how the notion of 'arbitrariness' is spelled out. Three explications of arbitrariness are distinguished in the literature: power can be considered arbitrary insofar it is *unconstrained*, *uncontrolled*, or not forced to *track the interests of those subject* to it (Arnold & Harris, 2017).

On the first view, power is arbitrary 'to the extent that its potential exercise is not externally constrained by effective rules, procedures, or goals that are common knowledge to all persons or groups concerned' (Lovett, 2010, p. 96). These procedures include democratic elections, but also other effective

constraints on power, such as the rule of law and systems of checks and balances. On this view, any effective constraint reduces arbitrariness, regardless of *who* controls the constraint or the *substantive direction* in which the constraint forces the power to flow (Arnold & Harris, 2017, p. 58).

By contrast, on a control view of arbitrariness, it matters *who* exercises the constraint (Pettit, 2012). The arbitrariness of political power is only reduced if it is effectively *controlled* by those subjected to it. Political rights then reduce domination because they provide individuals with an unconditioned and efficacious control over political power.

On an interest view of arbitrariness, the way in which power is exercised must *track the interests* of those over whom that power is exercised (Pettit, 1997). Political rights, then, do not automatically reduce domination by making power more controlled. Rather, political rights reduce domination by forcing the power to flow in a specific substantive direction, as they enable political rights-holders to articulate their interests and to push for policies that align with those interests.

On all three accounts of arbitrariness, the rights and protections connected with external citizenship can reduce the arbitrariness of political power exercised by the host state over denizens. External citizenship puts *constraints* on arbitrary political power, primarily through (informal) diplomatic protection. States can intervene on behalf of their citizens living abroad, for instance, to protect them from discriminatory taxation, expropriation, or criminal punishments. They can do so by repatriating their citizens or by threatening retaliation. For example, EU nationals were repatriated when the Taliban returned to power.¹⁷ And in the famous case of Michael Fay, the U.S. intervened to protect a citizen from corporal punishment in Singapore and succeeded in reducing his sentence.¹⁸ In practice, the threat of retaliation may often be enough to protect denizens against discriminatory or inhumane treatment.¹⁹

Besides profiting from diplomatic protection, denizens can also profit from their home country's lobbying power. Many countries invest in the promotion of trade and culture abroad, through the funding of lobby agencies, entrepreneurs, and cultural institutions. These investments can reduce the arbitrariness of the host state's political power by ensuring that denizens' *interests* are *tracked*. Powerful or rich countries in particular can pull many levers to provide economic and political support to their citizens abroad and will be incentivised to do so as long as expats maintain political clout at home.²⁰

Finally, external citizenship can also lend denizens *control* over the laws by which they are governed. While their external citizenship does not provide voice-based empowerment in the host country, it does give them exit-based empowerment (Warren, 2011). Denizens can exercise 'control by their feet' over the laws by which they are governed. If the host state desires their presence, as is the case with many high-skilled workers, they can also

leverage their exit-option into informal political power. In virtue of their external citizenship, denizens are therefore not just less dependent on their host state than citizens but are also less vulnerable to arbitrary exercises of power by the host state than citizens. Accordingly, they do not need an equal democratic say to ensure their equal freedom from domination.

Recognition and the social basis of self-respect

Rawls famously considered self-respect to be a precondition of equal freedom, and therefore described self-respect as the most important primary good.²¹ He argued that democratic institutions provide the ‘foundation of self-respect in a well-ordered society’ (Rawls, 1971, p. 388), and many democratic theorists believe that *citizens* are provided with a secure social basis of self-respect through their equal democratic say. Any deviations from democratic equality are considered to express disrespect for disenfranchised groups and to undermine the positive public recognition of citizens’ equal moral status. We argue that *denizens* can enjoy a secure social basis of self-respect without an equal democratic say in the host country if they receive appropriate recognition in virtue of their external citizenship. In that case, the (partial) political exclusion of denizens need not express disrespect and can be sufficient for the positive recognition of their equal moral status.²²

Rights-differentiation without disrespect

Following Rawls, host states undermine denizens’ social basis of self-respect by expressing disrespect for one of their two moral powers: their *capacity to form a conception of the good* and their *sense of justice*. Given denizens’ distinct social position, we can see that their (partial) political exclusion need not express either form of disrespect.

Host states disrespect denizens’ first moral power if they deny the rationality of their conception of the good (Krishnamurthy, 2013, p. 185). By offering denizens’ territorial admission without full political inclusion, host states make genuine (albeit conditional) admission offers, and thereby strictly provide prospective denizens with additional options. Genuine offers are generally not disrespectful though, as they empower their recipients to accept or reject them in accordance with their own conception of the good. We are here considering admission offers that enable denizens to live ‘a life effectively split between two polities’ with ‘a dislocation of social and political spaces, and consequently of the social bases of self-respect’ (Ottonelli & Torresi, 2022, p. 43). One concern is that such offers potentially enable denizens to pursue conceptions of the good that may not be stable or coherent (Straehle, 2022). The idea that a good life is incompatible with a ‘divided self’ resonates with the *classic republican* emphasis on civic virtue and the underlying perfectionist Aristotelian conception of human beings as

having a political nature. Accordingly, some republicans may worry that states make disrespectful offers by giving denizens the option of pursuing an objectively irrational conception of the good. However, like many contemporary republicans, we believe that the state should remain neutral with respect to comprehensive doctrines of the good. By making genuine offers of territorial admission without full political inclusion, the state leaves the decision of whether accepting such offers is rational to migrants themselves, and does not convey any evaluation of their conception of the good.²³

Even if genuine offers are generally not disrespectful, one could object that the conditional nature of the specific offers under consideration disrespects some migrants' first moral power, as states fail to *accommodate* the *life plans* that follow from certain conceptions of the good. This objection utilises the *principle of accommodation* – recently defended by Valeria Ottonelli and Tiziana Torresi (2022, pp. 94–105) – according to which states only remain neutral between different conceptions of the good if they effectively allow for the realisation of these conceptions.

Clearly, host states fail to accommodate the life plans of potential migrants wishing to lead an 'undivided life' *on the host state's territory* if they offer admission only on the condition of partial political inclusion. Such offers do not violate the principle of accommodation though, as that principle is inward-facing; it only applies to individuals who have already become subject to the host states' rule by accepting its admission offer (Ottonelli & Torresi, 2022, p. 97). States are only required to remain neutral towards conceptions of the good pursued by their subjects, and can permissibly admit migrants *on the condition* that they declare their life plans to be compatible with dislocated social spaces.²⁴ Over time, some denizens may certainly come to regret settling in a place where they cannot lead an 'undivided life'. Whether states are required to accommodate the revised life plans of these denizens depends on how we prioritise two central aspects of moral agency: the capacity to revise one's conception of the good and the capacity to make decisions for our future selves. We believe that the latter should take precedence, as states would treat denizens paternalistically when denying them the capacity to make decisions for their future selves just because they may later come to regret those decisions. By holding them to earlier agreements, states take denizens seriously as moral agents with command over their own lives, and thereby respect their moral powers.²⁵

Host states disrespect denizens' second moral power – their sense of justice – if they force them to endure injustices or deny them opportunities to co-operate on fair terms with other members of society (Rawls, 1971, §72). One argument holds that the social positions of citizenship and denizenship are *distributed* unjustly. As Joseph Carens put it, restrictions on access to citizenship create unjust inherited status differences resembling 'feudal class privilege' (2013, p. 226). The most

prominent version of this argument builds on a cosmopolitan reading of the Rawlsian principle of fair equality of opportunity (Rawls, 1971, §14). This argument is controversial in several respects. First, it is debatable whether Rawls' reasons for endorsing equality of opportunity *among citizens* apply to the acquisition of citizenship itself (Miller, 2007, p. 53). It is also questionable whether these reasons outweigh competing considerations based, for instance, on collective self-determination (Miller, 2007, p. 68), or the incentive structure of the global political system (Rawls, 1999, pp. 38–39). Finally, it is unclear whether a globalised fair equality of opportunity principle requires abandoning restrictions on citizenship-acquisition. As Darrel Moellendorf (2006, p. 307) points out, what matters is whether people have access to social positions that are *equal* with respect to normatively salient features like status or power, not whether people can access the *same* positions. It is therefore questionable whether restrictions on citizenship-acquisition violate equality of opportunity in the case of denizens who already hold citizenship in sufficiently just and democratic states.

A second argument holds that the social position of denizenship is unjust because the current state system with its distinct citizenship regimes is fundamentally unjust to begin with. Clearly, this controversial idea will neither appeal to proponents of internationalist or *democratic* visions of global justice – including Rawls (1999) – nor to those cosmopolitans who think that states still have a role to play in securing global justice.

A third argument holds that denizens are denied opportunities to cooperate fairly with the citizens of the host state. According to one version of this argument, partial inclusion schemes are unfair *towards denizens*, as denizens contribute to their host society and should receive equal rights in return (Lenard, 2015, p. 127). A contrasting version holds that partial inclusion schemes are unfair *towards citizens*, as denizens 'free ride' on the cooperative life established by citizens by remaining in a privileged guest position without sharing the full burdens of citizenship (De Schutter & Ypi, 2015). Both arguments highlight differences in the rights and duties of citizens and denizens, but neither argument establishes that denizens' less extensive rights are *unfair in relation* to their more restricted duties. Moreover, both arguments focus exclusively on host states as sites of social co-operation and do not consider other co-operative schemes, like those set up through international agreements on temporary labour migration, from which denizens may profit and to which they contribute by accepting the rights and duties associated with their guest status. Finally, neither argument shows that denizens would be *forced* to endure an unjust social position, as long as they are free to exit and give up their denizenship.

Expressions of recognition

Democracy can also positively contribute to the social basis of self-respect through the public recognition of each individual's equal moral status. Specifically, democratic institutions provide individuals with *equal* avenues for exercising *political agency* that are *legally* recognised, thereby enabling them to experience political decisions as a form of self-rule (Schuppert, 2014, pp. 121–126). We argue that some denizens can experience this positive recognition without an equal democratic say in the host state.

Denizens can routinely exercise political agency in three domains: As *citizens*, they can participate in the democratic process of their home state, to the extent that they retain a democratic say while abroad. As *denizens*, they can participate in the democratic process of their host state, to the extent that they receive a democratic say there, for instance through local voting rights. And as *external citizens*, they can exercise agency by taking up denizenship or returning to their country of citizenship.²⁶ These opportunities for agency are not the same as those enjoyed by citizens, but they can be equally suitable for sustaining the social basis of self-respect. While denizens have less extensive opportunities for exercising political agency in the host state, they have compensatory opportunities to exercise agency in virtue of their external citizenship.

Having political agency is not sufficient to secure the social basis of self-respect. After all, even Athenian *metics* could exercise some such agency through political resistance. Individuals must also experience the legal recognition of their rights to exercise political agency, which confirms their status as moral equals who can *demand*, rather than only *request*, to be taken seriously as sources of moral reasons (Honneth, 1996, p. 120; Rostbøll, 2023, pp. 98–110). Denizens can enjoy such legal recognition in all three domains of their political agency. Home states can extend democratic participation rights to their citizens abroad. Host states can also grant denizens rights to participate in their own democratic process. Moreover, all democracies recognise denizens' rights to exit their country of residence and enter their country of citizenship. Home and host states can therefore jointly provide denizens with effective legally recognised avenues for exercising their political agency, just as they can jointly effectively protect them from domination.

One may question whether recognition can be distributed between different sources in the same way as protections against domination. Recognition manifests in specific relationships, and the relationship that matters most in denizens' daily life is that between denizens and the host state (and indirectly its citizens). So, one may worry that a lack of recognition experienced in this relationship cannot be compensated by recognition experienced elsewhere.²⁷ However, host states can recognise denizens *as citizens* of another self-governing polity. Democracies generally recognise the rights of citizens of other democracies to jointly govern themselves, as is

codified in international law, for instance in the principle of self-determination, and confirmed in numerous international agreements. Through the medium of international law, host states thereby recognise denizens' political agency *in their home state*. Denizens, in turn, can recognise the same rights on behalf of the host state and its citizens, by recognising the authority of the democratic process in the host state. In this way, denizens can engage in valuable relationships of mutual recognition with their host state and, by extension, its citizens.

Recognition mediated by international law differs from the recognition of rights to exercise political agency in domestic law, as it generally does not take the form of *subjective rights* but rather of *collective rights* to self-government. The recognition of collective rights can still express recognition for individuals' moral agency though, if it hinges on the existence of subjective rights to political participation in the home state – as is the case with recognition mediated by international organisations that sanction democratic backsliding in their member states, like the European Union or the Commonwealth. Host states and home states can further strengthen the recognition of denizens' moral agency through explicit agreements that govern the status of denizens and codify their rights and duties. Through such agreements, host states can directly recognise denizens' subjective rights to political participation in their home state and underwrite their commitment to the moral equality of denizens. This commitment is expressed through a legally recognised and secured guest status, rather than through full inclusion in the domestic democratic process.

In a similar vein, Rainer Bauböck and Martin Ruhs (2022, p. 542) suggest that binding international agreements can secure the equal status of denizens. However, they insist that such agreements must be reached through transnational democratic decision-making procedures, in which denizens can make their voices heard directly, rather than through intergovernmental negotiations.²⁸ But why would the direct representation of denizens in transnational decision-making procedures constitute a general democratic requirement?²⁹ Consider the situation of German and Icelandic denizens in the Netherlands. Both groups occupy a legally recognised guest status, which comes, *inter alia*, with local voting rights in the host state, democratic participation rights in the home state that are enshrined in binding agreements, exit-rights and re-entry-rights, and protections against deportation. These rights are secured for German denizens (in part) through supranational agreements at the European level, where German citizens have direct representation in the European parliament. By contrast, these rights are secured for Icelandic citizens through intergovernmental agreements, including the *Schengen Agreement*, the *European Convention on Human Rights*, and the *Convention on the Participation of Foreigners in Public Life at the Local Level*. If German denizens are recognised as political equals in the Netherlands, then

Icelandic denizens seem to enjoy the same status. International agreements can thus provide a source of genuine recognition of individual denizens, even if they are reached through intergovernmental negotiations.

In sum, the (partial) political inclusion of denizens in the host state's democratic process can be compatible with their recognition as moral equals, and thus with their social basis of self-respect.

The political potential of partial political inclusion

We have questioned the deep commitment in political philosophy to 'citizen-making' and to conjoining territorial admission and full political inclusion. We have argued that upholding the equal freedom of denizens does not necessarily require their political inclusion on equal terms with citizens. States are permitted to implement partial inclusion schemes for denizens under favourable external citizenship conditions. Denizens enjoy such favourable conditions when their home state is democratic and has responsive institutions, they have social and political ties to their home state, their home state has a strong international presence, and their home and host states have good bilateral relations. Under those conditions, denizens' external citizenship can systemically contribute to their protection from domination and their social basis of self-respect, and thereby address two of the major threats to their equal freedom.

Of course, the situation of many denizens deviates markedly from this ideal. Many denizens are forced to leave their country of origin as refugees, are deprived of their original citizenship, or cannot effectively exercise political rights in authoritarian systems. Those denizens are dependent on their host country and need political voice to avoid domination. Moreover, they cannot be recognised as moral equals in their role as citizens of another self-governing democratic polity. Denying such denizens equal political rights relegates them to a second-class status.

The theoretically challenging cases lie between these two extremes. They concern denizens from countries with questionable democratic credentials or little influence on the world stage. In today's world, many temporary labour migrants fall in this category. On the one hand, they often come from semi-democratic states with international economic dependencies. On the other hand, host and home states generally profit from temporary labour migration and are therefore incentivised to uphold agreements that codify their rights and thereby contribute to their equal status.³⁰ Denizens in these semi-favourable conditions can be placed on a spectrum according to the degree to which their external citizenship protects them from domination and contributes to their recognitional basis of self-respect. They require different degrees of political inclusion to secure their equal freedom depending on where they fall on this spectrum. This conclusion does not justify

complacency, as existing partial political inclusion schemes rarely provide adequate inclusion for these denizens.

In practice, states are often unable to inquire into the situation of individual denizens, and would therefore have to rely on broad categories in the implementation of partial inclusion schemes. To define those categories, states could employ a range of criteria, including the home state's democracy index, the quality of its relationship to the host state, the kind of migration projects denizens are pursuing, or the (intended) duration of their stay in the host state. For each of these categories, host states have to determine the appropriate forms of political inclusion. For example, they could choose to give a particular category of denizens weighted voting power in national elections, voting rights in local elections only, or political weight through non-governmental organizations, trade unions and migrant worker organizations (cf. Ottonelli & Torresi, 2022, ch. 7).

The imposition of categories on a more complex underlying normative reality poses the risk that some denizens may not be adequately included.³¹ Despite this risk, partial political inclusion schemes are worth considering, because they potentially enable states to open their borders further. As the 'numbers-versus-rights' trade-off highlights, citizens may be more willing to accept immigration when they have to give migrants fewer political rights. The partial political inclusion model can therefore render increased immigration more acceptable for citizens, as citizens do not have to give up a share of political control over their countries' future – including its future immigration policies – by including newcomers in the democratic process. Increased immigration, in turn, enables migrants from economically worse-off states to seek employment abroad, acquire skills, and send back remittances.

When states and their citizens want to pursue global justice goals even further without sacrificing their capacity for collective self-determination, they can seek international co-operation. As Walzer already suggested, increased international co-operation can provide a democratically legitimate substitute for the political inclusion of denizens. States can work together by entering international agreements concerning the status and rights of denizens, by setting up multilateral institutions that empower less influential home states, or by transferring competencies to transnational democratic fora that provide denizens with additional voice. Such co-operations can provide denizens with additional protections from domination and sources of recognition. International co-operations can therefore support the democratically legitimate decoupling of territorial and political admissions.

Notes

1. Available at: <https://publications.iom.int/books/world-migration-report-2022> (accessed July 16th, 2023).

2. Hammar (Hammar, 1990, p. 12) introduced the terminology of ‘denizenship’ to refer to settled non-citizens whose residence-status is *legally secured*. In line with the current debate, we use the term to refer to settled foreign residents irrespective of their legal status (Benton, 2014). Proponents of the all-or-nothing model must posit some threshold for the period of residence after which denizens have a claim to full democratic inclusion, a fairly typical proposal sets it at five years (Carens, 2013). We exclude tourists, visiting students or academics, and temporary workers on (non-renewable) short-term contracts from our discussion.
3. Some argue that denizens must be given the *option* to naturalise (Owen, 2011), whereas others argue for *mandatory* naturalisation (De Schutter & Ypi, 2015).
4. We assume that such offers can be genuine, viz., provide potential migrants with additional options to which they are not entitled. The precise content of these offers depends on whether states have a *right to exclude*. For purposes of exposition, we assume that states have a *territorial* right to exclude, but our argument can also be formulated under the assumption that states only have the right to exclude from full political membership.
5. See Walzer (1983, pp. xii-xiii). The recognitional dimension of republicanism has recently been emphasised again, cf. Schuppert (2014) and Garrau and Laborde (2015). This recognitional dimension has also been emphasised by liberals and communitarians, cf. Rawls (1971), Honneth (1996) and Wilson (2019). The commonalities between liberal, communitarian and republican concerns with recognition and self-respect are highlighted by Rostbøll (2023, pp. 98–102).
6. See Ottonelli and Torresi (2022), Bauböck and Ruhs (2022), and the contribution by Mario Cunningham Matamoros to this special issue.
7. We do not rely on Walzer’s explications of domination and recognition, as they are tied to his distinctive theory of justice (Walzer, 1983, Ch. 1 & 11).
8. Some also argue that citizens should be enfranchised *only* if they are territorially present, e.g. López-Guerra (2014, Ch. 4).
9. Many traditions of democratic thought share the commitment to equal freedom as the foundational democratic ideal (while endorsing different conceptions of freedom), see the essays collected in Darwall (1995). The main competitor to equal freedom views are equal status views (Wilson, 2019). We share the concern with equal status, but believe that it derives from a concern with equal freedom.
10. Our argument suggests that dual citizens may have weaker claims to an equal democratic say than mono citizens – a possibility that has not been discussed much, cf. Blatter (2011).
11. Insofar as the international human rights regime also provides a source of recognition and protection from domination, it raises the baseline of equal freedom for everyone. We focus on the implications of denizens’ external citizenship, as we are concerned with salient differences between denizens and citizens.
12. Most commentators overlook this passage. Torresi (2009, p. 35) is a notable exception.
13. We take the notion of well-orderedness from Rawls (1999, p. 4). In contrast to Bauböck and Ruhs (2022, p. 18), our favourable conditions entail that host and home states are democratic *and* that the discrepancies in economic and

political power between them are not large enough to induce threats of domination and misrecognition.

14. We speak of the state as a corporate agent, but domination by the state may be reducible to domination by individuals in power (cf. Lovett, 2010, pp. 118–119).
15. According to Lovett (2010), pp. 39–40, these exit costs include material as well as psychological costs. They quantify a person's beliefs about the dangers of an exit attempt and about their prospects in their home state. We assume that such beliefs must be well-founded.
16. See Benton (2014, pp. 56–58) for these and other factors that affect dependency. Wealth is another factor, as denizens with few financial resources may not be able to afford the return trip. However, host countries could provide funds for the voluntary repatriation of denizens (Ottonelli & Torresi, 2022, p. 62).
17. See the November 2021 briefing of the European parliament on the 'Evacuation of Afghan nationals to EU member states', [https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/698776/EPRS_BRI\(2021\)698776_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/698776/EPRS_BRI(2021)698776_EN.pdf) (accessed July 22th 2023).
18. See https://www.huffpost.com/entry/spare-the-rod-spoil-the-c_b_8012770 (accessed February 13th 2023).
19. A threat of retaliation will be more effective if the country has a strong international presence, and only works as long as the host country has a desire to keep good bilateral relations. When war breaks out, the home country can do little to provide diplomatic protection to their citizens in the host country. The risk of international relations deteriorating must be priced in, and the political inclusion of denizens may have to be reconsidered when relations cool down.
20. Generally, home states will not be able to lobby for the specific interests of individual denizens, but can still exert influence to push host states to track the interests broadly shared by their expatriates. For example, the Turkish government has actively lobbied for the (perceived) interests of Turkish citizens in Germany, who play a significant role in Turkish national elections, see Aydın (2014).
21. A Kantian version of this claims holds that only self-respecting individuals will be motivated to uphold institutions that secure equal freedom (Rawls, 1971, §40), while a Hegelian version of this claim holds that self-respect, sustained through mutual recognition, is constitutive of freedom (Schuppert, 2014, pp. 9–17).
22. Denizens presumably require extensive social and economic rights to experience valuable non-political forms of recognition, and these rights have to become more extensive in virtue of the length of stay in the host country.
23. See in particular Pettit (1997). For an extended discussion of republicanism, perfectionism and neutrality, see Lovett and Whitfield (2016).
24. Following Miller (2016, p. 105), we do not think that relying on migrants' self-proclaimed life-plans as an admission criterion involves objectionable discrimination, as such life plans can be relevant for the pursuit of legitimate policy goals. We thank a reviewer for asking us to clarify this.
25. A cosmopolitan principle of accommodation, which requires states to accommodate the life plans of insiders and outsiders, would be unreasonably demanding as it would entitle prospective migrants to unilaterally impose significant burdens on receiving societies.
26. Lenard and Straehle (2012, pp. 214–215) argue that the choice to accept denizenship often does not constitute a valuable expression of agency, as

it involves trading away a moral right to political inclusion for economic benefits. We question whether denizens have such a right in the first place.

27. Ottonelli and Torresi (2022, pp. 56–58) seemingly focus on *temporary* denizenship out of a similar concern. However, while they assume that denizens trade-off their equal status for opportunities to pursue their life plans, we reject that denizens are necessarily assigned an inferior status in the first place.
28. Bauböck and Ruhs (2022) argue that fairness requires giving denizens dedicated representation, because they are disproportionately affected by international agreements governing their status. However, many international agreements, like trade agreements, affect some groups more than others. Yet, the intergovernmental negotiation of trade agreements does not seem to constitute a democratic deficit.
29. Bauböck and Ruhs (2022) focus on temporary labour migration between countries of the Global North and Global South. In this specific case, transnational democratic fora may be required to counter-balance economic inequalities.
30. On international protections provided to temporary labour migrants, see Ottonelli and Torresi (2022, pp. 128–131) and Lenard and Straehle (2012).
31. The all-or-nothing model of political inclusion also poses normative risks, as citizens could face threats of domination and misrecognition if denizens who already benefit from their external citizenship are fully included in the host state's democratic process. These risks seem particularly salient when denizens hold citizenship in countries that dominate their host state on the international stage or actively undermine their democratic process. They also arise when a relatively large population of denizens retains strong social and political ties to their home state as, for instance, in Monaco, where only 20% of the population are Monegasque. Partial inclusion schemes might therefore actually be a democratic requirement. Alternatively, states may have to co-ordinate to implement dormant citizenship policies, so that denizens will not be fully included in the democratic process in two states.

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