



SPS First term seminar 2016-2017

Boundaries and Inclusion in Political Theory

Seminar given by Rainer Bauböck

Tuesday, 15:00-17:00

Seminar Room 2, Badia Fiesolana

Dates: 4.10., 11.10., 18.10., 25.10., 8.11 (+ workshop with Willem Maas on multilevel citizenship from 13:00-15:00), 15.11., 22.11., 6.12., 13.12.

Please register [online](#)

(Contact: Monika.Rzemieniecka@eui.eu)

Most political science and political theory takes political boundaries for granted. The territorial borders and membership boundaries of states define the units that are compared with each other in comparative political science and whose relations with each other are studied in international relations.

In this seminar we will instead examine the legitimacy of drawing boundaries, of inclusion and exclusion at these boundaries, and of boundary changes. The focus will be on the territorial and membership boundaries of democratic polities. We will discuss phenomena such as migration, secession and supranational integration that have been described as instances of boundary crossing, shifting and blurring. We will not only consider state boundaries but also nested multilevel polities and the specific conceptions of territory and membership at local and regional levels. The seminar will conclude by discussing the inclusion of future generations, minor children, mentally disabled persons and of domesticated animals in the demos. Prior to examining these specific boundary questions, we will discuss general democratic inclusion principles. Should the demos include all affected interests, all subjected to the law, or should it instead be imagined as a voluntary association based on mutual consent to membership or as a historic community of shared nationhood?

The seminar pursues three goals: First, participants will be encouraged to explore how a boundary perspective might be relevant for their own research. Second, the seminar aims to familiarize participants with methods and styles of normative analytical arguments. Third, the seminar wants to provide opportunities for participants to develop teaching skills by leading the discussion on a particular theme.

Participants are expected:

- to read all the texts marked as required reading
- to prepare a reaction paragraph on the readings for each week and upload it on the internet seminar platform by Monday 10 am
- to read all reaction paragraphs and engage actively in discussions in class
- to introduce one seminar topic to the class on the basis of additional readings

SPS participants who want to write a term paper for the seminar have to send an outline of about 500 words before 6 December 2016. The full paper (5000 words for first years, 8000 words for second years) has to be submitted by 20 January 2017 to Monika.Rzemieniecka@eui.eu.

If you want to audit the seminar without full participation, you need to register and do the reading for the units that you want to attend.

(1) 4.10. Democratic Inclusion Principles

Can democracies determine their own boundaries democratically? If the answer is no, what alternative principles of inclusion can provide legitimacy to democratic boundaries?

Whelan, F. G. (1983). Prologue: Democratic Theory and the Boundary Problem in Liberal Democracy. J. R. Pennock and J. W. Chapman. New York, NOMOS New York University: 13-47.

Additional reading:

Dahl, R. (1989). Democracy and Its Critics. New Haven, Yale University Press; chapter 9.

Goodin, R. (2007). "Enfranchising All Affected Interests, and Its Alternatives." Philosophy and Public Affairs **35**(1): 40-68.

Bauböck, Rainer. 2015. "Morphing the Demos into the right shape. Normative principles for enfranchising resident aliens and expatriate citizens." *Democratization* **22** (5):820-839.

(2) 11.10. Immigration and Free Movement

Current international human rights law endorses the freedom of emigration from and internal movement within states as well as the right to reside in and return to one's country. Can and should this limited set of mobility rights be expanded to include free movement across international borders and a human right to immigration?

Kukathas, Chandran, forthcoming: *Immigration and Freedom*, chapter 1: *Immigration and Border Control*

Additional reading:

Carens, Joseph H. 2013. *The Ethics of Immigration*. Oxford: Oxford University Press, chapter 11, p. 225-254.

Miller, David. 2016. "Is there a human right to immigrate?" In *Migration in Political Theory*, edited by Sarah Fine and Lea Ypi, 11-31. Oxford: Oxford University Press.

Oberman, Kieran. 2016. "Immigration as a Human Right." In *Migration in Political Theory*, edited by Sarah Fine and Lea Ypi, 32-56. Oxford: Oxford University Press.

Bauböck, Rainer. 2009. "Global Justice, Freedom of Movement and Democratic Citizenship." *European Journal of Sociology/Archives européennes de sociologie* 50 (1):1-31.

(3) 18.10. Migrants and Refugees

Do refugees escaping from violence have a stronger claim to territorial admission than migrants who want to escape from poverty? Is it necessary and possible to distinguish between refugees and economic migrants and what are the limits of state duties to admit the former?

Miller, David. 2015. *Strangers in Our Midst. The Political Philosophy of Immigration*. Cambridge, MA: Harvard University Press. Chapter 5: Refugees

Additional reading:

Gibney, Mathew 2004. *The Ethics and Politics of Asylum. Liberal Democracy and the Response to Refugees*. Cambridge, UK: Cambridge University Press, chapter 8, Liberal democratic states and ethically defensible asylum practices, p. 229-260.

Owen, David. 2016. "In Loco Civitatis: On the Normative Basis of the Institution of Refugeehood and Responsibility for Refugees." In *Migration in Political Theory*, edited by Sarah Fine and Lea Ypi, p. 269-190. Oxford: Oxford University Press.

Kukathas, Chandran. 2016. "Are Refugees Special?" In *Migration in Political Theory*, edited by Sarah Fine and Lea Ypi, p. 249-268. Oxford: Oxford University Press.

(4) 25.10. Freedom of Emigration and the Brain Drain (with Christine Hobden)

Freedom of emigration is a universal human right. But liberal democratic states now often put pressure on source and transit countries to stop outflows of refugees and poverty migrants while they simultaneously recruit nurses, doctors and engineers from developing countries. Should freedom of emigration be restricted to reduce the brain drain?

Brock, Gillian. Debating Brain Drain: An Overview. *Moral Philosophy and Politics* 2016; 3(1): 7–20.

Blake, Michael. Debating Brain Drain: An Overview. *Moral Philosophy and Politics* 2016; 3(1): 21–35.

Additional reading:

Blake, Michael, and Gillian Brock. 2015. *Debating Brain Drain. May Governments Restrict Emigration?* Oxford: Oxford University Press.

Stilz, Anna. 2016. "Is there an unqualified right to leave?" In *Migration in Political Theory*, edited by Sarah Fine and Lea Ypi, 57-79. Oxford: Oxford University Press.

Kollar, Eszter (ed). Symposium on Brain Drain. *Moral Philosophy and Politics* 2016 3 (1).

Hobden, Christine. "Taking up the Slack: The duties of source state citizens in the brain drain crisis." *Work in Progress*.

(5) 8.11. Multilevel Citizenship and EU Democracy (with Willem Maas) 13:00 – 15:00

If only sovereign states can confer citizenship, then cities, provinces, nations (to the extent they do not coincide with a state), or supranational entities like the European Union cannot do so. But this view of citizenship obscures historical and emerging forms of multilevel citizenship that span the world, divided and overlapping sovereignties premised on the coexistence of distinct polities on the same territory.

Required reading:

Willem Maas: Multilevel Citizenship, in Ayelet Shachar, Rainer Bauböck, Irene Bloemraad, Maarten Vink (eds.) *The Oxford Handbook of Citizenship*, Oxford University Press, forthcoming.

Additional reading:

Keating, M. (2009). "Social citizenship, solidarity and welfare in regionalized and plurinational states." *Citizenship Studies* **13**(5): 501-513.

Lacey, Joseph. 2016. "Conceptually Mapping the European Union: A Demoi-cratic Analysis." *Journal of European Integration* **38** (1):61-77.

Chevenal, F. and F. Schimmelfennig (2013). "The Case for Democracy in the European Union. Journal of Common Market Studies." *Journal of Common Market Studies* **51**(2): 334-350.

(6) 8.11. Transnational Democracy

Traditionally, democratic theory and practice assumes that the franchise belongs to all adult citizens who reside in the state where an election is held. This assumption has been challenged by two recent trends: a strong global trend of extending voting rights to citizens residing abroad and a weaker European trend introducing voting rights for non-citizen residents in local and regional elections. How can we explain these expanded boundaries of the demos? Are there normative arguments that can justify them both?

López-Guerra, Claudio. 2005. "Should Expatriates Vote?" *The Journal of Political Philosophy* **13** (2):216-234.

Additional reading:

Goodin, Robert, and Ana Tanasoca. 2014. "Double Voting." *Australasian Journal of Philosophy* **92** (4):743-758. doi: 10.1080/00048402.2014.913300.

Owen, D. (2010). Resident Aliens, Non-resident Citizens and Voting Rights. in : *Citizenship Acquisition and National Belonging*. P. Cole et al (eds). London, Palgrave: 52-73.

Arrighi, Jean-Thomas, and Rainer Bauböck. 2016 forthcoming. "A multilevel puzzle. Migrants' voting rights in national and local elections." *European Journal of Political Research*.

(7) 15.11. Cosmopolitan Citizenship and Global Democracy

Most political theorists have interpreted cosmopolitan citizenship as a moral stance rather than as institutionalized membership in a global polity. Globalization has, however, generated new regimes of global governance and demands for global justice that seem to require building more robust forms of representation and participation of individuals in political institutions with global scope. How can and should global citizenship be constructed in the absence of a world state?

Required reading:

Koenig-Archibugi, M. (2012). "Fuzzy Citizenship in Global Society." Journal of Political Philosophy **20**(4): 456-480.

Additional reading:

Kymlicka, Will: Liberal Nationalism and Cosmopolitan Justice, in: Benhabib, Seyla. 2006. *Another Comopolitanism. With Jeremy Waldron, Bonnie Honig, and Will Kymlicka, edited by Robert Post*, . Oxford: Oxford University Press: 128-144.

Pettit, Philip. 2010. "A Republican Law of Peoples." *European Journal of Political Theory* 9 (1):70–94.

(8) 22.11. Secession and Territorial Autonomy

The territorial borders of states are assumed to be stable over time. Most states claim a right to territorial integrity that rules out unilateral secessions. Political theorists have challenged this by defending secession rights on grounds of consent, grievance or national identity. We will subdivide the class into three debating groups, each of which will defend one of these positions.

Required reading:

Buchanan, Allen (1998) "Democracy and Secession." In *National Self-Determination and Secession*, ed. M. Moore. Oxford: Oxford University Press: 14-33.

Additional reading:

Beran, Harry (1998) 'A democratic theory of political self-determination for a new world order', in: Percy Lehning (ed.) *Theories of Secession*, Routledge, London: 32-59.

Miller, David (2000) 'Nationality in Divided Societies', in: David Miller *Citizenship and National Identity*, Polity Press, London: 125-141.

(9) 6.12. Territorial Rights and Resources

Territorial sovereignty of states involves a claim to general jurisdiction in the territory and to its natural resources. How are territorial rights different from, or connected to property rights in land? Are states' rights to natural resources morally arbitrary and should benefits from these be globally redistributed? Do states whose territory has been submerged due to global climate change have a right to relocation?

Required reading:

Miller, D. (2012). "Territorial Rights: Concept and Justification." *Political Studies* **60**(2): 252–268.

Additional reading:

Steiner, H. (1989). Territorial Justice. *Theories of Secession*. P. Lehning. London and New York, Routledge: 60-70.

Nine, C. (2012). *Global Justice and Territory*. Oxford, Oxford University Press, chap. 3, 8

Stiltz, A. (2011). "Nations, States and Territory." *Ethics* **121**(3): 572-601.

(10) 13.12. Concluding Roundtable: Natural Limits of Citizenship Inclusion?

Minor Children, Mentally Disabled, Domesticated Animals, Sentient Robots and Future Generations

Current democracies do not only draw boundaries between different polities and their respective citizens but also between those who are regarded as capable of exercising citizenship rights and duties and those whose interests need to be represented indirectly. Recently theorists have challenged these boundaries that separate the demos from a wider citizenry and the latter from a non-human world of animals and in the future possibly also from intelligent and sentient machines created by humans. A related challenge concerns how to include not only minor children but also future generations that have not yet been born.

This concluding unit will have a roundtable format with every participant writing 1-2 pages arguing for or against the inclusion of any of these currently excluded categories.

Required reading:

Donaldson, Sue and Kymlicka, Will and (forthcoming). Inclusive Citizenship Beyond the Capacity Contract, in: Shachar, Bauböck, Bloemraad and Vink (eds.) *The Oxford Handbook of Citizenship*, Oxford University Press, 2017.

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