
SILVIA MOCCHI
LUISS Guido Carli University
smocchi@luiss.it

CITIZENSHIP AND POLITICAL AGENCY. A FOCUS ON FORMS OF PARTICIPATION FOR IMMIGRANTS AT THE LOCAL LEVEL

abstract

Immigrants' political agency is undermined by political marginalization and disenfranchisement. Standardly citizenship acquisition is considered the key to improve immigrant's exercise of political agency. By contrast, I propose, following Bauböck (2015), a "system of differentiated membership rights" that complements citizenship acquisition with the right to vote in local councils (based on a ius domicilii principle) and with law-making procedures based on a proportionality principle (Brighthouse & Fleurbay, 2010). Distribution of power should hence be determined in proportion to people's stakes in the decision under consideration and any time specific issues related to immigrant's life arise, they should be provided with special tools (such as veto power) to stop any abuse from the majority.

keywords

citizenship, political agency, participation, enfranchisement, immigration

Introduction Everywhere in Europe immigrants suffer discrimination and political marginalization (Osce, 2017). In some countries (Italy for example) political marginalization also takes the form of disenfranchisement since non-EU immigrants can't vote for the Parliament nor for the local councils. Disenfranchisement, on the other hand, undermines the possibility for immigrants to exercise their political agency. Standardly citizenship acquisition is considered the key to fill the juridical gap with the autochthonous citizens (Vink, 2013) and to improve immigrants' exercise of political participation (Cohen, 1992; Brubaker, 1992; Marshal, 1964; Pocock, 1995; Tilly, 1995).

However, focusing merely on citizenship acquisition overshadowed political participation of immigrants at the local level, that is, in those towns and neighborhoods where they permanently live. Instead of focusing exclusively on citizenship acquisition, I propose, following Bauböck (2015) "a multilevel architecture of enfranchisement" (p.821) that highlights the necessity to expand participation in local institutions. Even if a framework of rights and participation at the national level is fundamental, I argue that participation should be granted through giving differentiated membership rights: enfranchisement should be determined in a different way at the national and local level because different types of democratic polities correspond to different but equally important systems of membership. Accordingly, the general normative principles for inclusion both in the citizenry and in the *demos* must be specified for each type of polity and membership regime (Bauböck, 2015). First, laws on citizenship should be as inclusive as possible, through, for example, mitigating *ius sanguinis* provisions, especially for those countries that attract immigrants. Second, after the national level, it is important to focus on the local level. Non-citizen residents should be granted the right to vote where their basic interests are affected most (Abizadeh, 2008). However, this argument still seems insufficient to ensure self-government for minority groups that, even at the municipal level, can again be easily outnumbered. This is particularly true in towns and neighborhoods where conflicts between majority and minority take place. The focus on the local level is important because "the local authority is always the pivot upon which everything moves" (Rath *et al.* 2001, p.193) and it is in the local sphere where the principles and ideas enshrined in constitutions need to be translated into a set of specific, coherent, and worked-out policies.

In order to adjust unbalanced systems of power it is necessary to give minorities a greater weight at the local level whenever their rights are at stake. Law-making procedures at the local level should hence be based on what the scholars Brighouse and Fleurbaey (2010) call

the proportionality principle. They argue that instead of using a pure democratic principle, it is necessary to distribute power in proportion to people's stakes in the decision under consideration. This principle would mitigate the tension between democracy (majority rule) and social justice (protection of minority interests).

In order to analyze the topic, I will first of all introduce the issue of the *demos* and its "borders". Secondly, I will focus on participation rights at the local level for non-citizens. Third, I will introduce the proportionality principle and its potential for increasing immigrants' political agency. Lastly, I will consider the case of Muslim political marginalization in order to test the "system of enfranchisement".

The issue of the *demos* is part of a broader debate about the legal and political status of immigrants: their disenfranchisement results in a lack of political agency and unjust laws. As also stressed by some political and legal scholars – such as Raskin (1993), Song (2009) and Walzer (1983) – the presence of a large portion of residents in a territory without rights of participation creates a problem of democratic legitimacy. In order to avoid fairness and legitimacy being called into question, the *demos* for making laws and policies – especially those related to immigration – should be expanded to include immigrants (Miller, 2009; Abizadeh, 2008).

Bauböck (2015) defines the *demos* as that group of citizens who "enjoy full political rights". The exclusion of adults of immigrant origins from the complete set of full political rights is not justifiable because individuals who are under the authority of the State must be given "an ultimate and equal say in what the authority does" (Walzer, 1983, p.60). In light of this consideration, I argue that the borders of the *demos* should be porous in order to let long-term immigrants enter. Consequently, it is necessary to improve the opportunities that exist for resident non-citizens to acquire citizenship, which is intrinsically linked to rights and responsibilities (Song, 2009). The franchise marks the difference between those who are part of the *demos* and those who are excluded. This distinction is fundamental to forming a specific political community (Abizadeh, 2008), and indeed a certain degree of closure is necessary because democratic representation requires accountability to a specific people (Benhabib, 2004).

However, even if a distinction is necessary, what must be discussed and challenged is "where" to position the outer limits of the *demos* and which kind of justification is provided for its placement.¹ Certainly, as Abizadeh points out, the act of drawing borders is always an exercise of power over both insiders and outsiders, nevertheless "a democratic theory of popular sovereignty requires that the coercive exercise of political power be democratically justified to all those over whom it is exercised, that is, justification is owed to all those subject to state coercion" (2008, p.45), that is members and non members. The *demos* should be as widely inclusive as possible because excluding a large part of the immigrants results in a lack of political legitimacy.

However, I wish to stress that "expanding the circle of citizenship" (Song, 2009, p.611) also has a broader effect than merely granting voting rights and enhancing political participation. In particular, such an enlargement may have a positive effect on a marginalized community because, as Shklar (1991) (as cited in Song, 2009) argues, only the fact of having the right to

1. The issue of the *demos*. Who should get in?

1 The fact that the *demos* must be enlarged does not mean that temporary residents should be awarded full political rights, but long-term resident noncitizens should be enfranchised (Song, 2012, 40) because they have built their lives in the country where they currently live (and not in their countries of origin). In particular, they work and pay taxes, they attend local schools and hospitals. Moreover, it is inevitable that residing in a place will cause people to develop feelings of belonging towards the place where they live.

vote confers social standing and dignity on people, and this is particularly true if it happens in a context where citizenship rights have been denied to a broad portion of the population. In addition, granting citizenship to newcomers can help to spread the idea among autochthonous citizens, especially those reluctant to accept immigrants on an equal basis, that newcomers are part of the community. Hence, expanding citizenship rights can contribute to the collapse of barriers among ethnic groups and, ultimately, helps to foster solidarity among them.² Even if it is true that solidarity is fed by common culture and history – as Miller (2009) asserts – I think that it can also be underpinned by a common sense of loyalty towards fellow citizens and a sense of sharing a common set of values and principles or a shared commitment to understand the history of the community (Taylor, 1993; Song, 2012). It is certainly true that religions or cultures shape the ways in which people conceive (and build) solidarity, but solidarity can also be strengthened by *ad hoc* policies put into practice by institutions. If the inclusion of newcomers can foster solidarity, exclusion, by contrast, can feed feelings of resentment and alienation that consequently prevent the creation of solidarity bonds. Citizenship and solidarity are of paramount importance because they integrate minorities into the national polity but unfortunately they are not enough to ensure minorities rights and the exercise of political agency. Indeed, minorities can easily be outnumbered, and consequently it is necessary to think about devices tailored to minority needs that could help to safeguard specific minorities' rights.

2. Voting rights at the local level. Shaping the community through participation

The full protection of minorities' rights is hence indispensable at the local level where conflicts about accommodation of minority's habits take place. Standardly, issues perceived as difficult to accommodate are related to the display of religious symbols in public spaces, dietary requirements in cafeterias (such as halal or kosher food), wearing of "burquinis" in the swimming pool etc. As these examples show, towns and neighborhoods constitute an arena where conflicts happen but, at the same time, municipalities have a certain degree of administrative and political autonomy to govern these issues. Municipalities, hence, become the second level (after the national one) of what can be called "architecture of enfranchisement".

As just shown, the expansion of the *demos* at the national level should be completed with the expansion of participation at the local level, which means granting the right to vote for the local council (and to be elected to it) to newcomers. It is thus necessary to establish a formal status of local citizenship based on residence and separate from nationality (Bauböck, 2003). Municipalities, indeed, are fractions of the national territory but their existence is not only due to technical reasons, but also to the fact that self-government rights must be granted to residents. Through elections, inhabitants select their representatives for local councils, which enjoy "autonomous decision making power" in relation to local issues (Bauböck, 2015, p. 826). Self-governing is justified at a normative level because the imposition on *all* local issues of decisions taken at the national level by national majorities would amount to domination of local citizens because in any case national majorities would not have enough stake in the local polity.

However, municipalities are a type of "democratic polity" (Bauböck, 2015, p.826) that can be distinguished from the superior level of polity thanks to a specific property: the centrality of local issues that directly concern people's lives. Because of this prerogative, the "all residents

2 Against this, Miller (2009) is skeptical about the possibility of expanding citizenship because he claims that it could result in the fall of a society by undermining its basis. That is, it could undermine the bonds of solidarity as a consequence of the cultural diversity of the newcomers, who are difficult to integrate.

and residents only” concept (Bauböck, 2015, p.828) should be at the basis of the rules that determine who to include in the *demos*: only those who are affected by the decisions taken by the council. Local institutions are in fact more committed than national ones to solving practical problems and to improving people’s lives and are concerned with providing essential and universal services. As the Treaty of Maastricht states, the local level is a “*locus of decision*” for the provision of service and through local elections voters “determine the character of municipal government” (Eisenberg, 2015, pp.140-141). Nevertheless, in all EU countries the local *demos* includes autochthonous citizens and EU residents (citizens of other member states), and in only 12 countries³ resident third-country nationals are not included (Bauböck, 2015).

However, restricting the local franchise to national citizens or EU citizens (or to citizens of those countries that grant a reciprocal franchise) is unjustifiable because it introduces conditions that have nothing to do with (that is, they are external to) the powers and functions of local self-government (Bauböck, 2015), which concerns practical issues. Consequently, restrictions – especially those that are very harsh as in the case of Italy where migrants are excluded from the franchise even at the local level – raise issues of legitimacy and fairness concerning the treatment of the disenfranchised group and the quality of democracy. Democratic and liberal institutions should hence aim at emancipating cities as much as possible, because political communities can accomplish this goal through giving full local citizenship to the residents of the jurisdiction without exceptions (Bauböck, 2003). Let us now examine in greater depth the reasons that underpin the argument for granting full political rights at the local level.

Restricting the local *demos* on a national basis could be a form of domination because it *excludes immigrants* who, in any case, are affected by the outcomes of decisions taken by the municipalities. It also means excluding them from the opportunity to express their opinion about the services provided by municipalities. This restriction is unjustifiable because cities should differentiate themselves from the rules that regulate membership at the national level: cities are political communities but different from states and they should grant “full local citizenship to all residents within their jurisdiction” (Bauböck, 2003, p.150).

Even if at the national level some restraints to voting rights can make sense (as already underlined in the previous paragraph) grounding the franchise at local level on the status of individuals is unfair because in towns the status of immigrants is not different from that of national or EU expatriates. In other words, the exclusion cannot be justified from the perspective of local democracy and consequently the franchise must be extended to non-citizens who are in any case affected by local councils’ decisions.

Enfranchisement of immigrants would make them accountable towards institutions. If immigrants were to be granted the right to vote, municipalities would most probably be unable to ignore their needs. Instead, voting rights for non-citizens would contribute towards making local democracy fair and just because it would also grant further protection to immigrants against mistreatment. The ability to vote would thus reinforce the idea that immigrants are fully part of the community and it would instill a sense of identity and belonging in the community (Eisenberg, 2015: 141).

Although the franchise at the national level is fundamental because only (national) parliaments are allowed to create and amend immigration laws and policies, it is only at

3 The following EU states have instituted electoral rights for third country nationals with stable residence: Belgium, Ireland, Luxembourg, Netherlands, Denmark, Sweden, Finland, Estonia, Lithuania, Hungary, Slovakia and Slovenia (Bauböck *et al.*, 2013).

local level that people have a direct opportunity to participate and shape the community (Eisenberg, 2015, p.148). In addition, enfranchisement would make newcomers more aware that, *qua* full members of the community, they are expected to use their rights of participation. On the other hand, autochthonous citizens would become aware that they share a common membership at the local level with the immigrant part of the population (Bauböck, 2003). Enfranchisement, hence, plays another determinant role: that is, it contributes to making all members of society equals. Even if “civic” participation (that is, participation in associations, organizations, trade unions etc.) is important, only the right to vote makes people equal at the political level.

Nevertheless, often a consistent part of the local population is disenfranchised. While at the national level democratic states that receive immigrants ought to shape the citizenship law around the concept of *ius soli*, at the local level another kind of criteria for determining the local citizenry is necessary (Bauböck, 2003). The local citizenry, in fact, should be determined through what might be called *ius domicili*. Put in another way, voting rights should be determined through *residence*, because this would allow the discrepancy between citizenry and *demos* to be overcome. This is particularly true in those areas, especially towns, where there is a large concentration of disenfranchised immigrants and so the democratic legitimacy of local government is jeopardized (Bauböck, 2015). Since decisions taken by local councils affect all the members of the community without distinction—especially between aliens and autochthonous citizens—all the residents should therefore take part in local elections. Enfranchisement at the local level would give immigrants the chance to take part in the decision-making process and would make it possible for them to avoid those laws and policies that discriminate against them. Through participation, immigrants would become not only recipients but also authors of laws that regulate their lives. If these principles were applied, immigrants in European towns would be able to participate at the political level on an equal footing with the majority and hence express their views, especially on those issues that affect their lives, such as issues related to building places of worship or, more generally, accommodation of their needs.

The second layer of the architecture of enfranchisement, as already pointed out, is not self-sustainable but instead complements the enlargement of the *demos* at the national level. In addition, I argue that, even enlarging the *demos* at the local level is not sufficient to empower migrants. Even if minority members can vote, they can easily be outnumbered by the very fact of being a minority. The democratic principle of majority rule thus clashes with the principle of justice (which implies inclusion of minorities in the law-making process).

In the next paragraph this tension will be addressed and the third and last level of the architecture of enfranchisement will be presented. Indeed, in my view the democratic principle of majority rule must be counterbalanced at the local level with a proportionality principle (Brighouse and Fleurbaey, 2010). Relying on a proportionality principle in the decision-making process means that at the local level (and only at the local level) minorities should have a stronger voice every time issues that strictly concern their life arise.

3. A counter-democratic argument: the proportionality principle at the local level

The architecture of enfranchisement, comprising voting rights for immigrants through the expansion of the *demos* at the national level and through voting rights for migrants at the local level, must be completed by a third layer of rights based on the *proportionality principle*. That is, at the local level minorities should have a stronger voice every time their rights are at stake. This is important because democracy *tout court* (which in any case is not my goal to dismiss) cannot always provide all the tools that minorities demand for the accommodation of their needs. In political theory democracy is commonly understood in terms of equality of power among the relevant population (Saunders, 2010). Nevertheless, this conception of democracy is

subject to certain difficulties. One of the problematic aspects of democracy – relevant to the issue of the enfranchisement of immigrants – concerns the fact that majorities may oppress minorities and crush their liberal rights (Brighthouse and Fleurbaey, 2010) through the application of majority rule. Majority rule, indeed, is unobjectionable in many contexts but in some cases it has some negative side effects and can lead to unjust outcomes, as in the event of a permanent exclusion of certain minorities (Saunders, 2010).

The problem, in particular, is that the mere use of democracy does not solve the unequal distribution of power. Marginalization of the minority can result in an exclusion from the decision-making process in which they can easily be outnumbered. This is especially true when laws that regulate their lives are at stake. Nevertheless, decisions that do not take minorities' opinions into consideration are affected by unfairness and inconsistency because a decision-making process based exclusively on majority rule can produce a situation in which the majority of individuals with little or no stakes in a precise issue “impose a great loss on a minority” (Brighthouse and Fleurbaey, 2010). In the case of a law restricting a (lawful) minority's way of living, the unequal distribution of power is reflected in the decision-making process where the majority alone promulgates a law that operates to the detriment *only* of the minority. So, the legitimacy of majority rule in such cases is questionable because the stakes are unequal, in contrast to the equal weight given to each of the voters (Brighthouse and Fleurbaey, 2010).

In order to limit the “brutal force” of the majority, it would be useful to give more attention to the minorities' interests in the arena of the decision-making process by applying a counter-democratic principle, the proportionality principle. As explained by Brighthouse and Fleurbaey (2010), power should be distributed in proportion to people's stakes in the decision under consideration. Stakes, here, measure how people's interests are affected by the options available in the decision and are understood in terms of the ability of humans to flourish rather than in narrow financial terms. Someone could contest this device and consider it a sort of privilege given to the minority that can work to the detriment of the majority. Actually, this objection is without a solid ground because giving more power to the minority is necessary to improve the minority's status.

According to Brighthouse and Fleurbaey (2010, p.150) “all individuals should have their interests effectively represented in proportion to their stakes”. It is important to point out that the proportionality principle should not be considered as a universal key that can solve any problem but in a specific context it can underpin laws and policies that aim at finding a greater compatibility between justice and democracy. In addition, the proportionality principle is relevant because it substantiates a fair participation in the decision-making process by giving an adequate space to decide to minorities. So, equal respect is a right but also an obligation of institutions that, in order to be democratic, should give equal considerations to minorities' interests. At this point, it is hence necessary to investigate to which extent the proportionality principle can be put in practice and how.

I propose a system in which the representatives of the minority (-ies) (democratically elected inside the communities) have a seat in local councils. Since they still remain a minority, they must be granted “direct access to certain decisions” (Brighthouse and Fleurbaey, 2010, p.147) in case they contribute to a sufficiently large group to counterbalance the power of the majority. However, if the representative cannot in any case influence the majority's decisions, then the minority representative should be granted a right of veto. The veto right can effectively protect the autonomy of the minority by blocking any attempts coming from the majority to eliminate or reduce it (Lijphart, 2007).

Local councils, which have a more direct relationship with people, can give greater attention to the dialogue between conflicting groups or interests. Hence, giving attention to minorities

is not only necessary but is more feasible. Even if scholars such as Brighthouse and Fleurbaey (2010) assert that even the Parliament should likewise be based on this principle, I contend that the application of this principle at the parliamentary level would be unfeasible but easier to apply at the local level through the election of special representatives.

In addition to representatives, I propose to establish “advisory bodies” for local councils. These bodies would provide members of minority communities the possibility to gather and discuss their needs. These bodies, that do not substitute any other institutions, would work alongside the council, especially on those questions that affect the minority, in order to provide suggestions and non-binding advice, by drafting for example guidelines and policy briefs. The activity of these advisory bodies would be in any case limited to issues relating to the accommodation of the specific needs of the minority that fall within the scope of the municipal jurisdiction (the shape of the minority’s places of worship, the display of religious symbols in public space, etc.). Through these devices it would be easier for the minority members to exchange information and to suggest different choices that are better attuned to meeting the needs of the various groups and sectors of the community (Brighthouse and Fleurbaey, 2010).

These devices could also contribute to giving substance to dialogue between different and conflicting groups: it is in small groups that individual representatives are much more efficient. In addition, these bodies should, for example, organize conferences, roundtables and more in general opportunities to exchange ideas about controversial issues. Through these initiatives, these devices should also give space to people who are skeptical or hostile to integration and multicultural policies because it is important that everyone can express his/her idea freely without being *a priori* labeled.

4. The case of Muslims and places of worship

A system that improves the participation of immigrants and increases the legitimacy of decisions about the lives of minorities has been introduced. At this stage, in order to empirically ground my claims, I would like to present the case of the Muslim minority in Italy who is mainly composed by immigrants: they are mainly disenfranchised and hence suffer a lack of political agency.

Many accommodation issues feed the wrong perception the public that Muslims are difficult to integrate. Among all the issues related to minority communities, it is important to recall the building of mosques is the issue that hit every country in Europe⁴ in the last decades (Allievi, 2009). Particularly interesting is the case of the Italian Region Lombardy that, in 2015 promulgated a law⁵ to ban the construction of Muslim places of worship in the regional territory by imposing undue restrictions and arbitrary procedures.⁶ The requirements to fulfill are oppressive and impossible to meet⁷ (Chiodelli and Moroni, 2017).

This case shows that despite a *corpus* of national anti -discrimination laws, municipalities tend to not accommodate those claims that come from a stigmatized minority unpopular among the majority. At the national level there are no obstacles to the construction of places of worship since freedom of religion and worship are recognized without exception by the

4 As Cesari (2004: 131) rightly highlights: “The mosque transforms Islam from being invisible to being unwanted.”

5 For further information about the Lombardy law see Chiodelli and Moroni (2017). The text of the law is available here: Lombardy Region (Regione Lombardia): <http://www.regione.lombardia.it/wps/portal/istituzionale>

6 Muslims in Lombardy and in Italy in general have mostly an immigrant background and hence do not have the citizenship and are disenfranchised.

7 Among them: a CCTV system to control every door, a parking space twice as large as the building, the building must be in line with the Lombard landscape etc.

Italian Constitution⁸ (art. 3, 7, 8, 19 and 20) (Chiodelli and Moroni, 2017). However, the Region of Lombardy can easily ignore Muslims since, *qua* immigrants, are excluded *de jure* from the possibility to take part in any deliberation process: they are disenfranchised at the national, regional and local levels. The impossibility to have a say in the deliberation process sheds a light on a further unfair aspect of Lombardy's law: the law that regulates an aspect of their life was simply imposed upon them.

What happens to the Lombardy issue if the system of enfranchisement presented above is applied? If we examine the Lombardy context, it is possible to argue first of all that the *demos* should be expanded both at the national level and at the local level. In the case of the Lombardy anti-mosque law, for example, the expansion of the *demos* is fundamental to give voting rights at the national level because "it would confer social standing and dignity" (Song, 2009, p. 607) to Muslims and it would also raise the issue of lack of places of worship to the national level. Nevertheless, it would be of little help in providing a concrete solution to the issue where it is deeply rooted: that is at the local level. For this reason, even at local level immigrants should be granted the right to vote.

However, as already stated, this would not have a direct impact on the particular issues related to the accommodation of minority needs. So, municipalities should give as much space as possible to the minority in order to let them self-govern. In this case, therefore, local councils should give the minority the ability to elect a representative to the local council who can exercise a veto right *only* on those issues that concern exclusively the Muslim community. Muslims' opinions should hence carry more weight on those specific topics that affect their lives, such as building mosques. To meet this goal, I argue, it is necessary to elect to local councils one or more representatives for each of the minorities whose vote needs to carry greater weight on specific issues; and who could even exercise a veto power. Obviously this power can be exercised *only* on issues *specific* for the minority. In addition, if respect has also a dialogical dimension (Bagnoli, 2007), then it can be given substance by the establishment of advisory bodies where believers (not necessarily experts or professionals) can express their claims, propose solutions and give advice to the local council of their town.

Immigrants in Europe generally experience lack of political participation and they cannot exercise their political agency, especially those communities that are considered with suspicion by the majority and hence suffer of marginalization both at the social and political level.

Political agency for minorities, I argued, can be enhanced through a system of enfranchisement designed to improve the participation rights of outsiders, specifically migrants, who in many countries are disenfranchised or marginalized at the political level. So, political rights determine the first layer of this system for immigrants at the national level where the enlargement of the *demos* is necessary. In many cases, as in Italy, this requires modifying restrictive citizenship laws that are based on a restrictive interpretation of the *ius soli* principle.

Even if some restrictions are justifiable (Miller, 2009), it is necessary to avoid excessively strict citizenship laws that arbitrarily exclude a large part of the immigrant population from citizenship rights. Along with more inclusive citizenship laws, it is also important to focus on the *demos* at the local level: the second layer of this system of enfranchisement. At this level the only criteria that therefore makes sense for including people in the *demos* is residency. So, the *demos* at the local level should be enlarged in line with the principle of *ius domicilii*.

Conclusion

⁸ Italian Constitution in English: https://www.senato.it/documenti/repository/istituzione/costituzione_inglese.pdf

However, the second layer of the system of enfranchisement is still not enough to grant self-legislation to a minority. Indeed, even if it is included in the *demos*, by the very fact that it is a minority it can easily be outnumbered. In this case, democratic principles of majority decision-making still put at risk the rights of minorities to self-govern. On top of the enfranchisement system must therefore be a third layer of participation rights that is based on a proportionality principle instead of democratic principles (namely majority rule).

Participation rights must thus be completed (only at the local level) with specific participation rights for minorities, that is the ability to elect a representative who can exercise a veto right on those issues that affect the minority exclusively. In addition, in order to give substance to the dialogical aspect of respect, it is necessary to establish advisory bodies that cooperate with the local council by giving advice on issues related to relationship between majority and minority. These devices are merely consultative but they could provide an opportunity to give voice to members of the minority and to improve dialogue between different groups.

The case of Muslims in Europe highlights the fact that laws, severely limiting minorities' practices generally disliked by the majority, can lead to a further marginalization of the minority and to an exacerbation of the prejudices against them. By contrast, laws about accommodation of minority's customs should produce not only outcomes that are respectful of the minority's will but they should also be based on *procedures* that grant the largest space possible to the recipients of the law to express their opinion and even reject it in case the majority abuses its power. A fair law for the regulation of minorities' traditions should aim at giving real substance to the principle of respect and this can be done through improving the political participation of the marginalized minority and also through a dialogue between different components of society and *ad hoc* institutions.

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