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# THE METAMORPHOSIS OF ALIENS INTO POLITICAL AGENTS\*

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## *abstract*

*Considering being political not as a status, but rather as an act that demands both capacity and action as its necessary conditions, I see being a political agent not as a permanent condition, but rather in a twofold dimension of potentiality and actuality. Moreover, I contend that the right to vote is not a necessary, nor a sufficient condition for being a political actor, although such a right can enhance our possibilities of having a say, augmenting one's degree of political agency. This means that those individuals who are deprived of the right to vote, undocumented migrants in particular, can nonetheless be political agents in the polity. Indeed, notwithstanding the importance attached to the right to vote and to citizenship as fundamental for political participation, I claim that undocumented migrants are political although lacking the legal voting means of participation. Although much of the debate around migrants' political participation has centred around the extension of the right to vote to migrants, there are in fact other rights that require attention. Moreover, even if we consider the right to vote as essential to protect people from abuses granting them a say within the polity, the arguments that have been proposed fail when it comes to recognize the rights and the political agency of undocumented migrants. In my understanding, migrants become political agents by their very same acting in the city, deserving to be heard and let free to express themselves in voicing their claims as subjects of justice, autonomous individuals, final units of our moral concern.*

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## *keywords*

*migration, political participation, human rights, cosmopolitanism*

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Much of the philosophical debate on migrants' agency revolves around granting migrants political rights, intended, for the most part, as voting rights. Such a debate, I believe, starts from the assumption that being a full political agent is necessary to be considered as an equal participant to the polity and protected by the state, which, in turn, would require voting rights. On the contrary, what I want to argue in this paper is that the possibility of being political and so be recognized as a legitimate rights claimant, does not necessarily depend on having voting rights, but rather on a different set of rights and conditions. Considering being political not as a status, but as an act that demands both capacity and action as its necessary conditions, I see being a political agent not as a permanent status, but in a twofold dimension of potentiality and actuality. In such a framework, I contend that the right to vote is not a necessary, nor a sufficient condition for being a political actor, although such a right may enhance one's possibilities of having a say, augmenting one's *degree* of political agency.

What is fundamental is instead having been granted the right to public appearance and public speech, which implies that the state has to refrain from interfering with acts of public appearance even of those individuals who happen to be *sans-papiers*.

Indeed, notwithstanding the importance attached to the right to vote considered fundamental for political participation, often discussed in the broader context of the enlargement of citizenship, I claim that undocumented migrants ought to be recognized as political subjects although lacking the legal voting means of participation.

### 1. Being Political

The idea of the political derives from the polis as the locus where citizens raised their concerns and discussed issues pertaining the community. The polis was the city as the political, cultural and social centre, it was the physical arena of debate. Acting required debate, most importantly interaction with others, equally part of the decision-making assembly (Arendt, 1963) which had to decide about how to promote the common good and what counted as such. Those, whose knowledge or virtue rendered highly respectable were *primi inter pares*. Still, only some could participate, those who were actually citizens, women and foreigners were excluded from the debate and treated as objects as opposed to subjects of justice. Given the above we can then wonder what it means to be political today, so to better understand who can be political and how to be political.

I do believe that being political implies having both the capacity to act *and* exercise such a capacity by actively participating in the political life of the community one lives in. Generally

speaking, to have a capacity to act means to have the intellectual means to grasp simple and basic concepts, being able to distinguish right from wrong, to have a sense of justice (cf. Rawls, 1999) and understand one's plan of life in the broader context of the community one lives in. Agency in its *political* dimension, requires the capacity and possibility to appear in the public space, exercising the capacity to communicate with others, promoting a particular vision of society, engaging in debates about the public good where one is capable of giving reasons that can be understood by the counterparts. Acting politically entails questioning the power structure and the organisation of the polis and the kind of distributions of resources and rights that happen in it. Political agency as exercise thus implies taking part in those processes that constitute decision-making moments or that set the future debate, triggering questions, doubts and criticisms with regard to how certain resources – goods and rights – are to be shared. In particular, political deliberation concerns how and when state intervention is required, which ones, of the obligations individuals have to each other, have to be backed by legal decisions. The question at the core of the political debate is what the state owes to us and vice-versa, what we owe to the state. A political action or discourse, to be political, has to question the permissibility of certain actions, the rights and duties we have towards the state as the intermediary between us and the others, and the limits of state actions themselves. This requires having access to spaces of debate and be part of a community whose interests are taken into consideration. The act to debate such political matters might include, but is not restricted to, voting, organising public debates and Q&A with government representatives, organising petitions and so on. A note worth mentioning is that although a political act requires a reference to the common interest, not all political actions have to be collective in their manifestation, so even standing in a square, alone, can become a politically loaded action<sup>1</sup>.

Having said so, I am aware of the fact that political agency is also understood in terms of status, when it is taken to be derived from the possession of certain voting rights coming from full membership to a political community, i.e. citizenship. To be a citizen, in this view, is ipso facto to be a political agent, as if citizenship and the voting right that comes along with it were the necessary and sufficient condition to exercise such a political agency. However, I believe this is not the case, not simply because there are other ways to influence political decisions, ways that can also be illegal, such as civil disobedience, but also because having certain rights per se is insufficient to be full political actors.

The way to grasp this is by resorting to the distinction between *potential* political agent and *actual* political agent. If we consider the act of voting in a country where voting is not compulsory, a person who is not exercising the right to vote and does not explicitly give a reason for her abstention, is a political agent only *in potentia*<sup>2</sup>. Here in particular it is important to distinguish between having the right to vote and actually going to vote. What I argue is that if we have the capacity and the right to act but fail to do so, with respect to voting or *any* other right we might have, what we retain is merely the potentiality of being political agents, but it is only if we act that we become actual, active – full – actors. The very same concept of agency cannot be understood if not in connection with the one of action. A caveat needs to be added here though<sup>3</sup>, given that non-voting can also be the manifestation of a principled reason which aims at communicating to those in power that the entire system is flawed. It is then important

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1 See the *standing man* in Istanbul (Taş & Taş, 2014).

2 Of course people might have principled reasons for not even presenting themselves to the polls, but unless they make their reasons explicit, through a communicative, public act, we cannot a priori assume that their abstention is a way to communicate dissent, especially considering the fact that people can cast a blank vote in sign of protest.

3 I thank the anonymous reviewer who highlighted this point.

to highlight that non voting per se does not lessen one's degree of political agency, if the reasons for the abstention are morally justified in public. That is, if the choice one would make by going to vote is replaced by another communicative act aimed at questioning the political system, non voting becomes a political act. Otherwise, if non voting is performed without being accompanied by an explicit manifestation of reasons, it is not.

At the same time, if we vote, but limit ourselves to vote and then we do not participate to the life of the community until new elections come, the period in between such elections, we cannot be considered full political agents, but only potential ones. In other words, while a person retains her capacity-agency regardless of her acting, what she loses while not acting, is her exercise-agency.

Things are different in countries where voting is compulsory, of course. In such a context, given the mandatory nature of voting, not going to vote can actually have an even stronger political significance than going to the polls, but again, to consider the abstention as a political act of civil disobedience, its reasons should be communicated. So, not going to the polls per se does not make a person a potential rather than an actual agent if such a person has chosen to abstain for principled reasons she manifests. However, if this is not the case, and she also does not act in *any* other political way, then her lack of exercise deprives her of *actual* agency.

Notwithstanding this last point, having the right to vote can enhance one's exercise-agency<sup>4</sup> to be political, giving to a person another venue where to express herself, but it is not a sufficient, nor a necessary condition for political agency. In other words, being endowed with voting rights does not make one a political agent, tout court: if a person has a right to vote and never exercises it, without giving public reasons of the motive that pushed her not to go and vote, *and* she does not exercise her agency in other ways, she cannot be said to be an active agent at all. At the same time, if a person does not hold the right to vote, this does not mean she is not legitimized and cannot influence the political process in other ways. What I want to point out is that being a citizen endowed with voting rights does not equate, ipso facto, with being political and so capable of influence the way the community regulates itself. In other words, the simple fact of having the status of citizen does not grant one political agency. At the same time, not being a citizen does not mean not to have a right to a political say. Ergo, the concept of political agency as a permanent status, linked to a legal voting right, is here dismissed, to be replaced by a concept of political agency as capacity and exercise, act, and so performance.

Surely, it could be said that having the right to vote provides people with an opportunity to have a more direct impact on the political process. Furthermore, it could be added that such a right enables individuals to be active at the highest possible degree, but it is not a necessary nor a sufficient condition for this. So, especially in counties where such a right is not intended as a compulsory act, if a person can vote *and* votes, she exercises her political agency at a greater level than one who does not enjoy such a right. Indeed, the best way to think about how to be a political agent is not simply by distinguishing between potential and actual, but also in terms of *degrees*. In general, if a person enjoys a wider set of rights of political participation, she will have a higher degree of potential political agency than a person that does not but who would still retain a certain degree of political agency nonetheless, e.g. demonstrating and participating in other ways<sup>5</sup>.

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4 Even in countries where voting is compulsory, the very same act of voting can have the effect of giving more voice to those disenfranchised groups that would not vote otherwise. See in particular L. Hill, 2015.

5 Or, it could also be said that voting per se does not even enhance one's degree of political agency in affecting change, although other political rights do indeed enhance the degree of political agency. It is quite an established fact that even when a person votes, her single vote has such an infinitesimal impact on the final result (Downs, 1957) that it cannot really be taken as being necessarily more significant than other ways of participating, unless her vote is

To conclude this part, I contend that whenever a *person* expresses herself in the public forum, in a legal or in an illegal way, addressing the incumbents or the other residents, participating in setting the agenda of what should matter for the community and discussing how institutions should implement the obligations individuals have towards each other, she expresses herself in a political way.

As I have tried to outline in the previous section, being political does not require voting rights. However, a great part of the literature on migrants' political participation has quite the opposite focused on such a topic.

As Song highlighted: "...it is hard to deny that the lack of voting rights translates into greater vulnerability to injustice. Because noncitizens lack voting rights, it is easy for political parties, candidates, and elected officials to ignore them". (Song, 2009, p. 614)

To be sure, notwithstanding what has been said in the previous section, to be a voter remains a direct way to hold accountable those in power given the important relation existing between voters and elected and this explains why a great part of the debate around migrants' participation has centred on granting them voting rights. However, even if we consider voting rights as being important to transform individuals into full political agents, i.e. empowered and so free from their subservient and objectified position within society, the theories I will present below miss their point, at least with regard to undocumented migrants.

The all subjected principle, in the formulation given by Dahl<sup>6</sup> applies to whoever is naturally subjected to the laws of a country. The underlying idea is that a person is entitled to vote on how the law comes about, *because* she is subjected to this very same law<sup>7</sup>. However, although such an argument proves to be quite a strong one to extend the right to vote to legal residents, it seems more problematic when it comes to undocumented individuals. The question is indeed why, from a subjection they put themselves in, illegally crossing a border, should derive a right to participate in the political life of the community<sup>8</sup>. Of course, this question becomes easier to answer once we interpret the set of migration laws as laws that already subject to the power of the state those who are excluded. In this sense the all subjected principle addresses migrants as well, exactly in their being the precise target of a certain piece of legislation that aims to exclude them<sup>9</sup>. Still, this expansion appears problematic because it applies to everyone who is not a resident whether or not she has an interest in entering the community. In the end, the broadening of the concept deprives the very same principle of its function, i.e. if everyone is included in the group defined as the subjected one there is no need for a principle distinguishing between who is in and who is out.

A similar problem of inclusiveness is the one that poses the all affected interests: here the idea is that those whose interests are affected by a given decision should have a say in how this decision came about. The problem lies in identifying what counts as an affected interest and who are those affected<sup>10</sup>, given that, in its broadest definition, this principle would grant the

## 2. From the alien to the member

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the vote that changes the results of the election. Generally speaking though, voting remains important as a collective action and in this sense having voting rights makes individuals those power-holders are most directly accountable to.

6 "Every adult subject to a government and its laws must be presumed to be qualified as, and has an unqualified right to be, a member of the demos" Dahl, 1989, p. 127.

7 A point to be kept in mind is that those I am advocating for are individuals who have an interest in remaining in a given territory for more than a couple of months: it would be unfair that temporary residents would have a say over matters that will affect the community over time, while they will not be there to bear the consequences of their decisions.

8 An interesting argument, that faces the same problem is the one put forward by R. Bauböck (2007).

9 For an argument that reaches the same conclusion, although different in its construction, see Abizadeh, 2008.

10 For a much more detailed discussion on the topic see (Goodin, 2007) and Owen (2011, 2012).

right to vote to people well beyond the borders and with no precise or lasting relationship with the territory they might end up voting for.

A third approach is the one based on reciprocity. This principle states that if a person contributes to the common venture we have come to know as society, she is entitled to have a say in it. So, the argument goes, given that migrants do contribute - the state itself, tacitly accepts irregular migrants as economic participants that sustain the market (De Genova, 1998) - they should also be allowed to participate. As McNevin reminds us, irregular migrants “are economically and socially integrated into locales which have developed a dependence upon their labour” (McNevin, 2006, p. 141) which justifies their right to have a voice in the agora where they de facto already belong (cf. De Genova, 1998). Drawing from Walzer, although he focused more precisely on guest-workers, we have to remember how political justice refuses the permanent status of alien, which implies that the moment a person contributes to the community she should have a right in deciding how goods are going to be distributed (Walzer, 1983). Somehow this argument echoes the one of “an already active everyday recognition” of those who formally do not belong, but de facto do, which precisely ground a de facto membership to rights of political participation (De Genova quoted in McNevin, 2006, p.664). Similarly, the social ties principle contends that migrants do have social ties and special bonds with host communities where they have spent a certain amount of time (Carens, 2005). I then ask to what extent immigrants should enjoy the same rights as citizens and on what terms they should have access to citizenship itself. They are not hermits, rather they create connections, develop deep interests connected with the community and its members, such that their own well-being and the one of the host community itself become dependent on their presence on the territory. Such connections, I contend, could be so strong and valuable for one person to outweigh their illegal entry, being fundamental for the development and growth of the individual herself. In this sense the relevance of social ties for one’s freedom of choice and development could ground the extension of rights even to undocumented migrants. However, a principle, as well as the reciprocity one, provides reasons to extend political participation only to those migrants who have already established certain connections and participated to the good of the community, not to those who have just arrived, crossing illegally the border. So, we are left with the argument put forward by the neo-Roman republicans. According to Pettit (2010), Sager (2014) and others, granting migrants voting rights is necessary, although it is not sufficient, to protect them from domination. Migrants “require protection from the state through their power to exercise political right” (Sager, 2014, p. 207). Still, his argument seems insufficient to address the objection that “the extension of the franchise might lead to the domination of long-term residents by transients”<sup>11</sup> (Sager, 2014, p. 207). In his answer he makes reference to the probability that migrants will not vote if not for serious matters, and to the empirical evidence that they will have a significant impact only if present in big numbers. These answers seem to me quite unsatisfactory from a moral point of view as a). it is not immediately plausible that migrants would vote differently than non-migrants and even if they voted only on what matters to them, this could overlap with what is also important for locals b). this argument, especially considering that “not all potential coercion triggers a right to political rights” (Sager, 2014, p. 207) can sustain at most an extension to the right to vote on specific, limited matters, those matters the ones in charge will establish as being the ones migrants might have important stakes in c). Sager’s answer could not be supported in cases migrants were a large number. Most importantly though, there is an even more serious point to raise. How is it even possible to vote with no papers? Identification is fundamental to exercise such a right and to prevent

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11 This objection is addressed by the stakeholder principle proposed by R. Bauböck (2007).

multiple voting and I strongly believe that given this limitation, not many people would present themselves to exercise such a right in the first place. Also, either you are unauthorized on the territory and so you cannot vote, or if you vote, then you must have a sort of authorization, a sort of document that states that you are legitimately exercising the right to vote which in turn implies that you can do so because you are rightfully on the territory.

All of the arguments above point in the direction of recognizing to undocumented migrants the right to vote. To be clear, in general this means advocating for migrants being transformed from immanent outsiders (McNevin, 2006) into legal members. Said so, and highlighting how the arguments provided above can, to a certain extent, be also used to justify the extension of the right to vote to undocumented migrants, what I want to focus on is how aliens can be political actors even lacking voting rights.

Indeed, although in general I do not want to disregard the importance of the right to vote, I believe voting is neither necessary nor sufficient for allowing people to speak and protect themselves from power-holders and I want to highlight how others can be the ways for people to gain their political dimension and be heard in their voicing their claims and requests, even if they not are – and may never be – part of the constituency.

The key point here lies in the dimension of communication and action, to go back to Arendt, which implies that not having political voting or membership rights does not mean being incapable of influencing decisions. The idea is to decouple the concept of political agency from the one of legal membership endowed with voting rights, or citizenship<sup>12</sup>. The political requires *actions*<sup>13</sup> to be performed in a public forum where grievances can be expressed and where dialogue and conflict become possible. In other words, it requires communication as one of its necessary elements, a communication that involves and regards the community as a whole. Such a dialogue necessitates a performance, an appearance, being impossible if not spoken in public as a form of mobilization undertaken to communicate with the decision-makers.

A political agent then is not simply a thinking animal, but rather a social animal living in the city and acting within it: to be considered politically active a person needs to actively exercise her mental capacity for action. Silence and invisibility, the distinctive features of alienation and inaction, manifest the social death of the person as a political agent. Framing the political in terms of action and manifestation renders evident how such a capacity to think and act is not a prerogative of citizens, quite the opposite, it pertains to individuals qua humans and it is then possible for everyone to exercise it (cf. Benhabib, 2004). As Cheneval claims the “deliberating demos extends to all being capable of reflexive judgment and it is based on fundamental rights of freedom of expression and press that are not acquired through citizenship” (Cheneval 2011, p. 58). In this sense Nyers (2010; 2012) argues that the very same requests of belonging to the polity made by the outsiders can be seen as the emergence of a political subjectivity.

If we share the idea that “being political provokes acts of speaking against injustice and vocalizing grievances as equal beings” (Isin, 2001, p.277), we can easily understand how the particular vulnerable situation migrants find themselves in, gives them even more reasons and opportunities to speak and ask for being empowered than citizens. Indeed, the political

### **3. Recognizing the political subjectivity of undocumented migrants**

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12 For an argument that tries to decouple “the concept of citizenship from the nation-state in prevailing political thought” see Bosniak (2000).

13 As Arendt reminds us even speaking is a form of action (Arendt, 1972, 1998).

manifests itself under certain conditions, it is an act through which invisible claims of justice become visible in order to be considered and be acted upon. The very same act of struggling to find one's voice is political before being institutionalized as such (cf. Isin, 2012). In the words of Isin, "becoming political is that moment when one constitutes oneself as being capable of judgment about just and unjust, takes responsibility for that judgement and associates oneself with or against others in fulfilling that responsibility" (Isin, 2001, p. 276).

In Arendtian terms, especially the migrants bring something new into the world, put the community before unpredicted outcomes, start a change, reshape the very same community. With their very same appearing in the streets, disclosing themselves and claiming the respect of certain rights, they exercise that right, to express themselves, which is denied to them. Indeed "the political arises from acting together since we always disclose ourselves in the presence of others. We share our words and deeds" (Isin, 2012, p. 116). Undocumented migrants then enact themselves as critical subjects (cf. Isin, 2012), presenting a new way of doing politics and belonging.

Migrants become then political in the ancient sense of the term, i.e. by acting physically in the city, being present and appearing in the polis – politically understood as a conjunction of economic and social elements. It is through actions that involve communication, be it demonstrations or sit-ins, that migrants enact rights of political participation they legally do not have. It is in this sense that conceiving the political as an act rather than as a status releases us from the necessary condition of being a citizen, although the political, in its dialogic and relational nature, requires that migrants are recognized in their humanity and vulnerability as individuals with needs and a plan of life worth respecting.

To act, so to publicly participate is a requirement to be an active, full, political agent, as I said, and so an individual should have the opportunity to act, to be considered an active agent, taking the streets, demonstrating, if it is not possible to communicate otherwise. This then implies that even undocumented migrants must be granted the space to express those grievances that give them even more pressing reasons to address the power-holders to start with. Regardless of whether or not the state agrees with their claims, the state should protect, by adopting legal measures, the expression of undocumented migrants as human beings and autonomous agents.

In the end, understanding political agency as an act rather than as a status has more than one implication. One is that individuals can be potential political agents or full, active political agent, while at the same time exhibiting different degrees of political agency. The other is that to be a political agent, one does not need to be recognized by others as a legal participant to the nation, through e.g. the granting of certain voting rights. What matters is the recognition, which requires legal protection, as a human being that one can demand by already enacting her right of participation.

Such a "claimed" recognition derives from one's moral right to be treated with dignity and respect as a person who has needs and a plan of life and as an agent capable of making moral judgments. In other words, individuals, even undocumented residents, deserve to be listened in order to honour fundamental rights and their autonomy as self-deciders, capable of forming deep moral beliefs to be expressed through public speeches, sit-in or other forms of public and associative appearance. The very same concept of autonomy jeopardizes the concepts of sovereignty and territory (Rajagopal, 2003), perfectly paving the way to participation for undocumented migrants. Certainly, autonomy is a particular important human interest (Griffin, 2008), and its recognition is vital for pursuing a worthwhile life, and to reinforce the social bases of self-respect. In addition, we already have, as human beings, certain legally recognized human rights which should constitute a ground to grant a right to participate – and so a reason to be listened to – even to those who are *de jure* excluded, at least in those



decisions which call these very same rights into question<sup>14</sup>. This, and the respect owed to their autonomy should be the ground to recognize these individuals as subjects of justice, political in their appearing in the polis, as human beings voicing their demands before a community. Recognizing to migrants the right to express themselves in public fora is what is required to treat them and recognize them as fellow human beings and not as mere objects of deportation. To respect them means to grant them a voice, regardless of their membership and regardless of future decisions about their permanence. All of this does not require voting rights, but it implies putting in place safeguards against violence and mistreatment, at the same time avoiding checking the legal status of those who convene in the public space to participate. What really matters is that the state secures the public space of appearance to undocumented migrants, leaving them free to express their grievances without using force against them. The state should stop to treat migrants as mere objects and starts engaging with them in a dialogue which expresses respect for their own agency and their righteous claims. By putting in place these measures the state will prove that it respects the human rights of these individuals and their moral status.

Migrants act, and by doing so they affirm they have a right to speak as human beings entitled to a certain treatment that involves giving them a voice to precisely claim their human rights. And, again borrowing from Arendt, by acting they become genuinely free, by acting they become full individuals in dialogue with others, they become *polites*. *Polites* are those who live in the city, who create links with others, who create and deliberate, social animals par excellence. For such a dialogue to set things into motion and be the beginning of something new, it has to have the occasion to occur in the first place. Institutions should then grant undocumented migrants the right to express themselves, to address issues that affect them *qua* individuals.

The locus of justice shifts: it is not anymore within the community defined by citizenship, but with individuals (cf. Naishtat, 2012). “Persons, not citizens, are the proper subjects of political morality” (Song, 2009, p.613), the very same idea of recognition “should be based on personhood”. Individuals are then the final unit of moral concern (Pogge, 1992). The metamorphosis is not the one from migrant to citizen, rather from being apolitical, to becoming an active, or even activist agent (Isin, 2012). By being political, they become political.

## Conclusion

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<sup>14</sup> On this, see also Bohman (2005).

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