

## The Political Value of Languages

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### Abstract:

A theory of linguistic justice needs to take into account the three distinct values of language as a medium for communication, as a source of individual identity and as an instrument for political self-government. Doing so would undermine Van Parijs' claim that political borders and peoples should be downgraded to a purely instrumental role for purposes of social justice. But it would widen the scope of egalitarian global justice by including a universal right of individuals to membership self-governing polities and it could provide more solid theoretical foundations for his defence of coercive territorial language regimes.

### Keywords:

language rights, global distributive justice, EU language regime, territorial self-government

Why should it matter for social justice what language people speak? Philippe van Parijs' book provides three convincing reasons why. First, a common language enables persons deprived of fair opportunities to make their claims understood by others and to join deliberations about political responses to unequal opportunities. Second, people whose native language is a widespread lingua franca enjoy undeserved advantages because they do not need to invest into learning another language and – more significantly – because they have privileged access to jobs and markets for which skills in the lingua franca are needed. Third, if the speakers of a dominant language expect all others to communicate with them in that language, this asymmetry undermines equality of respect and dignity in a way that can only be overcome through protecting weaker languages rather than assimilating their speakers into a dominant one.

These core arguments of van Parijs' book may seem rather uncontroversial. What makes his argument really exciting is the author's ingenuity in fleshing out institutional arrangements and public policies that could support linguistic justice in all three senses. In a collection of essays published in the same year as "Linguistic Justice" he calls his approach the "Rawls-Machiavelli" programme (Van Parijs 2011). The Rawlsian element of this programme is the idea that justice is the "first virtue of social institutions" and that a theory of justice ought to apply therefore primarily to the basic structure of a society. Yet "Linguistic Justice" spends only few pages in chapter 3 on discussing alternative principles of distributive justice and gives hardly any space to Rawlsian ideal theory. The starting point of the book is instead an empirical fact: the rapid spread of English as a global lingua franca and its implications for social justice. The Machiavellian part of the project consists in asking how democracy can be made to serve justice. Democratic institutions and policies should be designed in such a way that they are likely to generate just outcomes, just as Machiavelli believed that political institutions should be designed to enhance the fortune and glory of the city republic. Applying this approach to linguistic justice leads to sometimes quite striking policy prescriptions and Van Parijs does not shy away from summarizing these in catchy slogans: "ban dubbing" of English movies in order to lower the costs for learning the global lingua franca in the non-Anglophone world (p. 108-113); "poach the internet" to deprive Anglophones of some of their undeserved global market

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advantage in the media industries (p. 78-82); make “every language a queen” in its territory in order to protect it against colonization by stronger languages in the local or global neighbourhood.

Readers who are sceptical about normative theorizing and academic policy prescriptions will still find enough in this book to admire, such as the lucid explanatory analysis of language spread through “probability-driven language learning” (p. 11-13) and a “maxi-min rule for language use”, according to which among multilingual persons the language chosen for communication will normally be the one that is best known by the member of the audience who knows it least well (p. 13-15). Equally compelling is the conceptual analysis of linguistic diversity in chapter 6 that explores systematically the toolbox provided by biologists while at the same time showing how languages are disanalogous with biological species because their boundaries blur through dialectical continuity and lexical borrowing (p. 179-181).

Readers whose main interest is in the normative argument may find that there is one ambition in this ambitious book that does not fully meet its goal: the attempt to reconcile the first two arguments in which language figures as a medium of communication with the third one in which it is a marker of collective identity. This is partly due to the fact that van Parijs’ background conception of justice has evolved since he published “Real Freedom for All” (Van Parijs 1995). He now complements his view on distributive social justice with a norm of “parity of esteem” that acknowledges misrecognition as a source of injustice and that was absent in his earlier work. Yet the theoretical elaboration and integration of this aspect into his broader theory of justice remain still somewhat rudimentary.

In this review essay, I will argue that Van Parijs should travel a bit further on the Machiavellian road by regarding democracy not only as an instrument for social justice, but embracing also to some extent Machiavelli’s republican ideas about the intrinsic value of self-government. This would lead him to acknowledge that languages have not only communicative value in the sense of providing access to social and economic opportunities and identity value in the sense of providing individuals with a source of self-esteem, but also collective political value by providing territorial communities with boundary markers and enabling them to develop public spheres for deliberation about their common good. In other words, languages are also tools for self-government. I am going to argue that from this perspective the right to establish a particular language in a territory may be nothing but a legitimate outcome of democratic procedures that have been suitably constrained by linguistic freedoms and minority rights. The defence of territorially coercive language regimes, which Van Parijs argues on ground of parity of esteem for individuals, is in my view thus more convincing and straightforward when building a basic right to self-government into our conception of justice. I will briefly elaborate the implications of this view for global justice and the construction of a European polity before discussing how it supports official language regimes at state and substate levels.

Stanley’s other question

Because liberals are generally committed to a *Grundnorm* of equal respect and dignity for human beings, every liberal theory of justice must include an account of global justice. Liberals disagree about the extent to which requirements of domestic justice within liberal polities differ from those of global justice. One way of teasing out these disagreements is by looking at the role that liberal theorists attribute to particular political communities. John Rawls proposed a two stage approach, with a liberal theory of social justice applying to the citizens of closed societies at the first stage and a theory of international justice applying to peoples at the second stage (Rawls 1999). Van Parijs takes the opposite side in this debate by starting from

a theory of justice that is global in scope and moving from there to more contextualized accounts of domestic justice.

Although all reasonable theories acknowledge in some way that citizens of democratic states have some special rights and obligations that differ from what human beings owe to all other human beings, the starting point matters. Van Parijs' starting point is very explicitly global egalitarian justice: "Any honest attempt to think seriously about justice for our century must downgrade nations and states from the ethical framework to the institutional toolkit" (26). What it means to put nations and states into the institutional toolkit is spelled out more fully towards the end of the book: "Nations, politically organized peoples ... are sheer instruments to be created and dismantled, structured and absorbed, empowered and constrained, in the service of justice in a sense that far from reduces to fundamental liberties" (139). From a perspective of global egalitarian justice, Van Parijs invites us to redesign nation-states and their borders so that social justice can be achieved as "real freedom for all" and not just for the lucky citizens of wealthy democracies.

He illustrates the importance of a global lingua franca for this perspective through the story of "Stanley", a Nigerian boy who asks Van Parijs shortly before he catches a plane to Europe why he (the boy) cannot come with him (Van Parijs) to wealthy Belgium. That he could not give an honest answer keeps haunting Van Parijs, but that the boy could ask him this question serves to show how social justice is no longer a purely domestic matter and why a shared global lingua franca is important for creating a "global justificatory community" (p. 24-27).

Does it follow that nations, states and their borders must be downgraded to the institutional toolkit for delivering global justice? I do not think so. We can imagine Stanley asking a slightly different question: "How come your country is so much richer than mine?" Or in other words: "Why don't I have the same opportunities in my country that other boys have in yours?" This question, too, presupposes a global justificatory community that can be more easily brought about if there is a common lingua franca. The two questions should not even be regarded as alternative ones. Stanley may have justice-based claims that other states should keep their borders open *and* that he should not be condemned to poverty in the country where he has grown up. In fact, if the second question could be successfully addressed, the first one would be much easier to answer too. In a world where people are no longer pushed to seek their chances across borders because they need to escape from violence or poverty, wealthy and rich countries could no longer argue that they need to restrict immigration for the sake of maintaining decent standards of social justice for their citizens and residents. In spite of all its conflicts and setbacks, this is the basic lesson of European integration. Where states meet certain economic and democratic standards and agree to a certain level of supranational economic and political integration, free movement across open borders can become an institutional right of supranational citizenship rather than just a moral claim.

Stanley's two questions are thus not mutually exclusive, but the second one implies a quite different perspective on global justice in which politically organized people are not regarded as mere tools for global justice, but as the primary addressees of their residents' claims. This view is not at all opposed to duties of global justice, but directs these towards the goal of enabling<sup>1</sup> other societies to govern themselves in ways that promotes the autonomy and well-being of their members. Stanley's other question has been asked in different contexts. Colonialism gave rise to claims of self-determination directly addressed to a particular

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<sup>1</sup> A more cautious version of the argument could follow a Poggean line in defending a negative duty of global justice not to obstruct the capacity of other societies to govern themselves (see Pogge 2002).

colonial power. Globalization changes the context for self-government by creating a multitude of secondary addressees: the community of states and its international organisations, the most powerful states, such as the US and China, regional associations of states, such as the EU, as well as global corporations. In other words, an account of global justice that takes seriously Stanley's hypothetical second question will have to attribute much stronger value to membership in political communities than Van Parijs seems ready to accept.

Van Parijs could respond that he does not at all ignore the value of self-government, since he regards the emergence of a global justificatory community that is facilitated through the spread of English as a mere precondition for the building of transnational democracy and eventually a global democracy that have capacities for political deliberation and mobilization across borders (p. 27-28). So why can't Stanley ask his two questions as a citizen of the world rather than of Nigeria? The difficulty with this suggestion is that transnational democracy can only work if it builds on more comprehensive self-government within the boundaries that are being transcended. A conception of global justice that defends a universal right to membership in a self-governing polity must affirm first the need for boundaries that demarcate the territorial jurisdiction and membership in such polities before it can argue that they should be as open as possible for transborder migration and deliberation.<sup>2</sup>

This view does not entail a defence of the present borders and powers of states. These may well be challenged as illegitimate or unjust. Yet such challenges will in most cases be articulated as particular claims to self-government rather than as demands for global social justice. Clearly, not all contestations of present borders can be presumed to be legitimate. But the test for their legitimacy cannot be which border is more conducive to delivering social justice. We need to ask instead which territorial arrangement accommodates competing claims to self-government in such a way that it deserves to be supported by all. If borders were just a tool for achieving social justice, should we then always aim for the widest possible, i.e. global, scope of inclusion or construct instead rather small political communities that can generate stronger solidarity among their members and thereby enhance compliance with redistributive duties? Given the indeterminacy of solutions to this trade-off and the high transaction costs of border changes, isn't the view that borders are mere instruments for social justice likely to end up – paradoxically – defending the present borders of states?

#### The Tower of Brussels and the territorial fortresses of national languages

The beautiful cover of Van Parijs' book shows a photo-collage of Brussels houses with the EU Council and Commission buildings on top in an arrangement that alludes to Pieter Brueghel's painting of the Tower of Babel. It is a very appropriate metaphor for the official language regime of the EU analysed in chapter 4 of the book. In this chapter, Van Parijs largely refrains from normative critique and confines himself to a penetrating analysis of the dilemma between the need for equal recognition of all official languages of the member states, on the one hand, and the need for reducing translation and interpreter costs and promoting ease of communication and deliberation through the wider use of English, on the other hand.

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<sup>2</sup> As helpfully pointed out by an anonymous reviewer, Van Parijs acknowledges that the ultimate aim of global distributive justice can only be approached gradually through promoting and protecting redistributive regimes at subnational, national and supranational levels (see e.g. Van Parijs 1992; Van Parijs and Vanderborght 2012). He accepts thus bounded solidarity among citizens as a feature of the present non-ideal world. My disagreement is that I regard a plurality of self-governing polities with specific citizenships as a background condition for justice and a structural feature of any desirable ideal world.

With every accession that adds a new language to the official repertoire, the costs of official plurilingualism increase exponentially, so the drift towards wider use of the de facto lingua franca is inexorable.

Van Parijs' proposed solution is that member states should be willing to pay for the costs of interpreter services and translations. While this seems reasonable for internal deliberations – including those in the plenary of the European Parliament – where effective communication is more important than symbolic representation, I disagree that official translations of EU legislation into all EU languages will become redundant with wider knowledge of English and are anyhow problematic because they undermine consistency in the interpretation of legal norms (p. 124-125). It seems incoherent to defend the right of states to establish official languages in their territories but to accept that EU decision that directly apply to these states and their citizens remain exempt from that territorial language regime. The false perception that EU decisions are taken “in Brussels” entirely separate from domestic political agendas can only be reinforced if the former are communicated exclusively in English while the latter are stated and debated in national languages.

The EU language regime provides the first illustration of the parity of esteem principle that Van Parijs subsequently applies to the coercive language regimes of states. I find his argument generally convincing in the former, but unconvincing in the latter context. Equality in the sense of parity of esteem between the member states and – as the EU Treaty says<sup>3</sup> – their national identities – is a basic principle of the EU's constitution. Because the EU is a Union of member states, this parity of esteem is not extended to all individual citizens as speakers of different languages. Only those languages recognized as official ones by the member states also become official languages of the EU. Catalan, although it is spoken by many more EU citizens than Maltese, can only get limited recognition “on condition that the Spanish government foots the bill (127).” In a compound polity like the EU, parity of esteem for languages applies nearly exclusively at the federal level, i.e. between constituent polities rather than between individual citizens.

Van Parijs devotes chapter 5, the longest in his book, to a defence of protectionist regimes for national languages within states on grounds of parity of esteem. He starts by distinguishing accommodation regimes from coercive ones. The former would merely provide fair background conditions for a free competition between languages, while the latter use state coercion to support specific languages by prescribing their use in public contexts either for certain categories of speakers – a non-territorial form of coercion – or within a territory. The empirical evidence is clear: all modern states have established coercive territorial regimes, with accommodating or categorical ones playing at best a supplementary role. It is also clear that the EU regime is neither accommodating nor coercive in this way. It is simply a system of mutual recognition between languages that have been territorially established in the member states.

When applied to individuals, parity of esteem is an intuitively attractive principle because it recognizes that languages do not only have instrumental value for individuals as tools of communication, but also identity value. Even a second or third language that one has learned at a later stage in life may carry some of this value for persons who take pride in mastering it, especially as authors, but more generally, it is the first language that has the greatest identity value for most people.

Parity of esteem is a perfectly plausible principle for accommodating language regimes in which states stay as neutral as possible, given the general constraints that languages cannot be fully disestablished since governments have to communicate with residents, and that costs of multilingual public services increase

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<sup>3</sup> Consolidated Version of the Treaty on European Union and the Treaty on the Functioning of the European Union (Lisbon Treaty) Art. 4(2).

with the number of languages. In such a regime, immigration of a sufficiently large foreign language group would automatically be accommodated by including its language in the public provision of services in relation to their numbers. This represents an even-handed approach of “‘pro-rated multilingualism’, which may lead to the maintenance, expansion, or extinction of the various languages in competition” (134).

We can find instances of linguistic accommodation in a rather diluted version in most democracies with large scale immigration. Public schools hire bilingual teachers who help the children of immigrants adapt to a dominant language; hospitals employ interpreters and bilingual nurses; public administrations translate forms and information sheets for their clients into immigrant languages; some US states even use bilingual ballots (in English and Spanish) in political elections, although these have been recently rolled back by a wave of ‘official English’ state legislation. What distinguishes these accommodative policies from Van Parijs’ ideal-typical accommodating language regime is not merely their relatively marginal scope, it is also the justifying reason. In nearly all cases – and contrary to what the detractors of multiculturalism want to make us believe – the reason for accommodation is instrumental rather than a recognition of the deep identity value of immigrant languages. The main purpose of multilingual policies for immigrants is to facilitate communication and often it is also to facilitate the language shift. In other words, in immigration contexts, accommodation is never an even-handed policy that pays equal respect to all first languages based on their significance for individual identity, but always a secondary accommodation of linguistic diversity within a primary regime of territorial linguistic coercion.

Van Parijs offers three justifications for such language regimes. The first is to avoid “colonial attitude” (p. 141). He illustrates it with the case of an American immigrant in Belgium who expects that natives learn enough English to communicate with him. In confrontation between stronger and weaker language, a territorially coercive regime for the weaker one “avoids it being always the same group who does the linguistic bowing” (ibid.). The second reason is to avoid “kindness-driven agony” (p. 142-6). The more speakers of different languages interact and intermarry, the faster will the weaker languages be replaced by the stronger ones. Many liberals might think that such linguistic conversion is unobjectionable if it happens without coercion. However, Van Parijs’ argues that “each linguistic community should be allowed, consistently with fundamental rights, to design its institutions so as to preserve a linguistic and cultural heritage in which it takes a legitimate interest” (142). Finally, the third argument is that local languages may not only be legitimately preserved if their current speakers are willing to bear the costs for these efforts, but that they can also be legitimately established as the *dominant* language in the territory: “It constitutes an essential condition for the local language to be able to function fairly in the top function, that is as the medium for the local population *qua* political community” (146-7). In a territorially differentiated coercive language regime “every tongue [can be] a queen” somewhere and this secures parity of esteem between territorially established languages of the same kind that we find in the EU.

But how would the colonial attitude argument apply to immigrants who speak a weaker language, say Polish immigrants in the UK? On which ground can they be asked to pass an English test before acquiring British citizenship, as they now must? At this point Van Parijs resorts to counterfactual reciprocity. “[C]oercive rules are justified on grounds of parity of esteem in so far as they are viewed as part of a global regime that incorporates an expectation of reciprocity. Parity of esteem can be served by the coercive protection of a particular language in a particular territory only if the native speakers of that language can be expected to comply symmetrically with the coercive protection of other languages in their own respective territories” (149).

This is a sophisticated argument, but I do not think it succeeds. Territorial establishment of languages cannot be justified on grounds of parity of esteem because, as pointed out by Ernest Gellner (1983), there are many more languages than territories in which they could be established. Not even if we allow, as Van Parijs does, that territories are very unequal in size can the condition be met that “all the languages involved must enjoy a similar protection” (150).<sup>4</sup> We do not have to invoke the example of the Roma who do not have a homeland where their many different languages could be protected. Van Parijs’ own analysis of linguistic diversity in chapter 6 suggests that any attempt to divide territories in such a way that each language can be queen in at least one of them is bound to fail, unless we already preselect the languages that qualify for territorial establishment by a criterion of de facto dominance within a demarcated geographic region. Doing so would, however, make the argument largely circular, since the fact of dominance of particular languages in particular territories is generally the outcome of political processes of linguistic establishment.

The argument for territorial coercion on ground of parity of esteem is also implausible because the individual identity value of a first language does not depend much on whether and where it is territorially established. The daughter of Kurdish immigrants in Sweden may feel just as strongly that the language her parents spoke to her when she was little is an important part of her identity as does the son of Catalan parents growing up in Barcelona. Parity of esteem requires that coercive language regimes accommodate linguistic minorities and prevent their discrimination; it cannot justify why some languages but not others have a claim to establish a coercive regime. My objection is thus that parity of esteem between individuals as native speakers of strong and weak, territorially established and non-established, native and immigrant languages is strictly impossible to realize. Territorial disestablishment for the sake of introducing a general accommodation regime would approximate parity of esteem in the sense of political neutrality, but such parity would come at the price of very little social esteem for any language that does not serve as a *lingua franca*.

As an alternative justification for coercive territorial regimes, I propose to recognize the collective political value of languages as tools for building self-governing polities. This value is entirely instrumental. Languages are used politically for governing populations but also to strengthen their sense of collective identity. It might thus seem that the political value of languages is analogous to their instrumental and identity value for individuals. Yet, unless we adopt a Herderian view of peoples, political collectives are social constructs without a natural self whose identity can be shaped by a native language. The political value of languages carries normative weight only if political self-government itself is regarded as valuable.

The political use of languages has an external and internal side. The external value lies in demarcating a territory and population that has a legitimate claim to self-government. Quebecois nationalists are much less interested in preserving the French language wherever it is spoken in Canada than in the territorial autonomy of Quebec province. French served well enough to lend plausibility to their claim that Quebec is a distinct society and they were quite willing to abandon Francophone populations outside the province. Much the same is true for Catalans in Spain. Today, the borders between independent states may be less contested than those inside plurinational and plurilingual states, but language difference has in many cases also been instrumentalized for drawing and justifying international borders. In a politically integrated EU with open internal borders it is still crucial for sustaining a strong sense of distinct nationhood among the various peoples of Europe.

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<sup>4</sup> This difficulty is acknowledged by Alan Patten (2009: 124-6) who defends a principle of equal recognition of languages that is similar to van Parijs’ parity of esteem.

The internal political value of territorialized languages is quite obvious for governments who need to communicate with residents in order to enforce the law and provide public goods and services, but is even stronger for democratic citizens who want to participate in deliberations about the common good and hold governments accountable. Colonial and authoritarian governments have ruled multilingual societies through combined uses of a lingua franca within public administrations and accommodation of native languages in communication with subjects. It is the transformation of subjects into citizens with claims to representation that provides the strongest push towards coercive territorial language regimes. Although territorial self-government does not require institutional monolingualism, it needs either differentiated linguistic establishment in various parts of the territory or one or at most two shared languages spoken by most citizens throughout the territory.

Van Parijs may be ready to acknowledge the political value of languages for nation-building and democracy but ask why this should matter for a theory of justice. My answer is that justice does not require that all languages are similarly protected in their territories, but that individuals are similarly protected and equally respected as members of self-governing political communities. In a world that is politically structured into territorially bounded polities, the allocation of territorially differentiated self-government powers is a fundamental matter of justice just as much as equality of opportunity and respect for individual identities.

When discussing the legitimacy of Quebecois or Catalan language protection laws, we should not ask whether French and Catalan native speakers have stronger claims that their linguistic identities be publicly recognized than immigrants in these provinces. Instead, we need to consider whether the citizens of these provinces have a stronger claim to territorial self-government than the other Canadian provinces and Spanish autonomous communities. Their coercive language laws can only be justified if the answer is yes. The same logic applies to the establishment of national languages by states. Deviations from an accommodation regime that treats all languages in an even-handed manner are justified if preserving the territorial domination of a national language strengthens the capacity of citizens to govern themselves as members of a distinct political community.

This argument still needs to overcome an objection. The external and internal political values of territorially established languages are among the most important resources for self-government, but they are not strictly necessary conditions. Scotland does not need to establish Highland Gaelic in order to distinguish itself from England. If the Maltese government decided to disestablish the Maltese language and operate in English only, the island would not cease to govern to itself.

So how can we know whether linguistic coercion is actually needed for self-government? The answer is that as external observers, we cannot know. Only the citizens themselves can know and they do so through democratic procedures, the outcome of which are legitimate language laws. At this point a theory of substantive linguistic justice meets a theory of procedural democratic legitimacy. If the substantive justification of coercive territorial language regimes lies in their instrumental role for securing territorial self-government, then we can test the legitimacy of language laws by asking whether they are the result of a legitimate exercise of self-government powers. In other words, if the government institutions of a territorial polity are democratically legitimate, then they have the power to pass coercive language laws.

From a liberal perspective, democratic legitimacy is always constrained by rights. In the case of language laws, these constraints include linguistic toleration through civil liberties of free speech and association for all languages, accommodation of the communication needs of native speakers of foreign languages, protection of linguistic minority rights in the territory (which may again be based on territorial self-

government) and respect of agreements with other levels of government (e.g. concerning the teaching of a second official language in public education). Only within such constraints should self-governing polities have the power to determine their own coercive language regimes. This power implies also that they are free to abandon or weaken the protection of a dominant language.

In such a legitimate coercive language regime, immigrants have no claim to territorially establish their own political communities and languages within a polity that admits them as individual newcomers. Such a claim would illustrate a “colonial attitude” – not necessarily towards the language spoken by native citizens, but towards their right to self-government. Settled immigrants have instead a right to be admitted to citizenship. As new citizens they may campaign for a stronger recognition of their native languages. They are then in the same position as native citizens who might propose that a territorially coercive regime be weakened in favour of a more accommodative one that accelerates the use of English because they want to promote their children’s career in a global market. The mix between an accommodative and a coercive regime should therefore be regarded as a democratic choice that is constrained by, but not derived from individual language rights.

### Conclusions

In line with his Rawls-Machiavelli programme, Van Parijs’ book shifts the debate in political theory from a focus on linguistic rights to a focus on linguistic justice (p. 90). The first four chapters of his book present a powerful argument why the spread of English as a global lingua franca is conducive for global and domestic social justice and democratization of the European Union and how the transitory injustices that accompany the global English steamroller can be redressed. Van Parijs’ argument for coercive territorial language regimes on grounds of parity of esteem reverts, however, to the idea of language rights. Parity of esteem for individuals who have been raised in different languages is indeed a strong argument for protecting and accommodating linguistic minorities. It cannot, however, justify the much stronger protection of dominant languages in territorially autonomous provinces or nation-states.

I have therefore suggested that a theory of linguistic justice needs to take into account the three distinct values of language as a medium for communication, as a source of individual identity and as an instrument for political self-government. Doing so would undermine Van Parijs’ claim that political borders and peoples should be downgraded to a purely instrumental role for purposes of social justice. But it would widen the scope of egalitarian global justice by including a universal right of individuals to membership self-governing polities and it could provide more solid theoretical foundations for his defence of coercive territorial language regimes.

### Contributor note:

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