

Symposium on Rainer Bauböck's *Democratic Inclusion*

Rainer Bauböck
**Specifying the three inclusion
principles: A reply to Biale,
Ottonelli and Pellegrino**

I am immensely grateful to Enrico Biale, Gianfranco Pellegrino and Valeria Ottonelli for their thorough engagement with my essay on democratic inclusion¹ and their sharp and helpful critiques, as well as to Federica Liveriero for her patient and competent editorial work.

The three reviews have made me aware of some shortcomings and more generally a need for further clarification and elaboration of my argument. So my reply will be a rejoinder more than a rebuttal. The three critiques refer mainly to the second and third parts of my essay. In the second part, I discuss what I call the 'circumstances of democracy', among which I count a global structure of externally bounded polities and an internal diversity of interests, identities and ideas within each polity. Gianfranco Pellegrino's critique focuses mainly on this part of my argument. In the third part, I argue that the principles of including all affected interests (AAI) and all subjected to coercion (ASC) apply to policy decisions and to determining who has a claim to protection by a government respectively, but cannot clarify who has a claim to citizenship in the sense of membership in a democratic people. My discussion of these two principles is the focus on Enrico Biale's critique. Valeria Ottonelli broadly accepts my argument about the limitations and specific purposes of AAI and ASC, but thinks that my proposal for an alternative membership principle is flawed. None of the three reviews refers extensively to part four of the essay which develops a multilevel conception of democratic citizenship for independent states, self-governing municipalities and federal polities as well as unions of states.

1 The text by Rainer Bauböck *Democratic Inclusion. Rainer Bauböck in Dialogue* is here cited in original (2018, Manchester University Press).

TWO CONCEPTIONS OF A GLOBAL DEMOS

Gianfranco Pellegrino raises many different points, of which I will address here only three. Does my theory demonstrate that a global *demos* is impossible or undesirable? Are external boundaries necessary for democracy? And is internal diversity a necessary background condition for democracy?

On the first question, let me distinguish two conceptions of a *demos*: a first that we might call a strong and stable one and a second that allows for more ephemeral forms. In my essay I generally elaborate and defend the former without entirely ruling out the latter, which I accept, however, only in a supplementary role that builds on a structure of strong *demos*.

According to the first conception a *demos* is composed of those citizens that have the right to authorize the government of a polity. In this view, there is no *demos* without a corresponding polity. A global *demos* presupposes therefore the existence of a global polity. Elsewhere I have characterized a polity as an “ensemble of territory, citizenry, and government institutions”.² A global polity exists if there are global government institutions that have broad agenda-setting powers and that exercise political authority over all human beings as global citizens and all lands and seas of Planet Earth. A global *demos* exists if such a global government is authorized through direct democratic elections in which every adult human being has an equal vote.

According to this conception, a global polity with a global *demos* could take three different institutional forms: a centralized world state; a federal world state that would transform the currently independent states into autonomous provinces whose citizenship is derived from global citizenship; or a global union of states with a common citizenship derived from that of its member states and with a directly elected legislature. I cannot imagine other institutional arrangements that would satisfy the conditions for a strong global *demos*.

It is obvious that there is currently no such global *demos*. Would it be desirable to create it? In my response to Joseph Carens I discuss a science fiction scenario of an immediate threat to the survival of humanity that can only be averted through a global government with extensive emergency powers. However, even in this case such a government would be legitimate only temporarily for addressing one single task and would not be authorized by a global *demos* (234).

² Bauböck 2015, 3.

What most theorists who advocate a global *demos* have in mind – and I assume this also holds for Pellegrino – is something very different: a set of transnational or global functional *demoi* that are brought into existence in order to provide democratic legitimacy for governance regimes beyond the state. Such *demoi* would emerge from introducing democratic procedures of voting and representation for the citizens of several or all countries involved in efforts to resolve collective action problems that escape the capacity of states. We can think of international governance bodies trying to curb carbon emissions or regulating free trade and global financial transactions which gain democratic legitimacy if their governing bodies are not only composed of state representatives, but include also delegates that are directly elected by the citizens of the participating states.³

In my view, such functional global *demoi* can be justified or even required under AAI, but they would complement and build upon the existing structure of territorially nested and bounded *demoi* instead of replacing it in any way. Transnational and global functional *demoi* would thus not sever the strong “connection between jurisdictional boundaries, territorial borders and democracy” that Pellegrino thinks is much looser than I believe it is.

CIRCUMSTANCES OF DEMOCRACY I: EXTERNAL BOUNDARIES

Pellegrino assumes that my claim that every *demos* (in the strong sense explained above) needs stable boundaries entails that it must have the power to control immigration across its territorial borders. This is, however, not my view. The *demos* of a self-governing municipality or province has no power to control immigration into its territory and even the *demoi* of the EU member states have abandoned much of this power when signing up to freedom of movement for EU citizens and open internal borders in the Schengen area. I advocate replicating and extending such free movement agreements wherever this is possible as the only realistic and normatively attractive pathway towards global freedom of movement and open borders (91-92).

I also do not subscribe to the view that the boundaries of membership – i.e. the rules for acquisition and loss of citizenship status – “should

³ I briefly discuss Matthias Koenig-Archibugi’s proposal for such a ‘fuzzy citizenship in global society’ in the book (11 n. 10; 26).

be set from within by each bounded *demos*". My main claim is instead that democratic polities are normatively obliged to include citizenship stakeholders and to exclude those who do not hold relevant stakes in membership. This view advocates also institutional reforms that would strengthen constraints on national citizenship laws set by public international law and a much stronger harmonization of such laws in the EU.⁴

My theory thus explicitly rejects the self-determination argument, which Pellegrino summarizes quite precisely and which postulates that a democratic people must determine itself where its territorial borders and who its members are. Unlike most other theorists, I distinguish sharply between self-government, which is the core purpose of democratic polities, and self-determination, which can only be claimed as a remedial right by those political communities whose self-government powers have been persistently infringed and violated (42-43). Democratic polities cannot function without stable borders that demarcate their territorial jurisdiction and stable rules for membership in their citizenry. This does not entail that they also need the power to control territorial and membership admissions.

What then grounds my argument that democracy requires external boundaries? As I concede in my reply to Carens in the book, the answer to this question is not entirely worked out in my lead essay (228). In essence I make three claims. The first is a conceptual one that horizontal and vertical relations with other polities belong to the very stuff that democratic politics is made of. In the absence of clear and stable boundaries between polities, democracies could no longer distinguish between internal diversity, which must be accommodated in such a way that collective decisions are legitimately binding for all within a jurisdiction, and an external plurality of polities, which must be accommodated through separating jurisdictions from each other.

My second claim is an empirical one that humans are social animals that have been pushed by evolution to form distinct groups within which cooperation is very dense and that interact with other human groups in sometimes conflictual and sometimes cooperative relations. Membership boundaries characterize humans as social animals, just as they do for many other mammal species. The process of cultural evolution that has increasingly distinguished human from animal societies has not done away with membership boundaries but has tended to strengthen them and load them with new meaning and

⁴ Bauböck 2014.

significance. The age of the modern nation-state has increased the territorial size within which democracy has to operate and it has promoted standardized languages as a shared collective identity of a democratic people. These are historically contingent phenomena that are likely to change in the future. Throughout human history, however, democracy has been a project for the self-government of distinct groups rather than for humanity as a whole. The only form of global self-government that can be imagined for the human species without fundamentally altering its basic evolutionary traits is one of cooperation between distinct self-governing polities.

A third normative claim builds on this. In order to remain inclusive, a conception of democratic polities and citizenship for our age must abandon essential elements of the nationalist imaginary of a homogenous people inhabiting a uniformly governed territory and sharing a language-based historical culture with a pluralistic conception with multilevel citizenship for a population of diverse origins. It must not aspire to a new uniformity at global level by questioning international political borders. Theories of global justice go wrong if they imagine a global polity that emerges from a global original position in which the parties are asked to decide whether or not to subdivide humanity into distinct self-governing polities. Theories of cosmopolitan citizenship and global democracy go similarly wrong if they imagine a global polity as a normatively necessary implication of growing interdependence between independent states. Instead of regarding the very existence of political boundaries as an object of choice for parties in a global original position or for a global *demos*, I claim that the fact of political boundaries ought to be accepted as a background condition for democracy.

CIRCUMSTANCES OF DEMOCRACY II: INTERNAL DIVERSITY

Pellegrino also challenges my proposition that an internal diversity of interests, identities and ideas is the second core aspect of those circumstances that make democracy empirically possible and normatively necessary.

Pellegrino claims that the Greek *polis* was ideologically (and he might have added, also ethnically) rather homogenous but still proto-democratic. However, the kind of diversity that I have in mind was very vividly present in Athenian democracy. A lively clash of interests and ideas about the common good drove the deliberations and rhetorical battles in the *agora*. If “some ideological prem-

ises were not challenged at all” this does not make the polis homogenous and democracy less necessary on my account. While a diversity of interests, identities and ideas is the lifeblood of democracy, deep class divisions, identity cleavages and fundamental disagreements on constitutional values threaten its integrity.

Aristotle is an ambivalent witness to call for Pellegrino. He indeed describes the polis as “an association of similar persons whose aim is the best life possible”.⁵ Yet he also criticizes Plato for his excessive striving for unification and writes that “you cannot make a state out of men who are all alike”.⁶ In Aristotle’s theory there is also a crucial difference between the *oikos* and the *polis* in this regard. In the former, there is a uniformity of interests, in the latter a plurality. This entails that the shared interest in the common good is not given *a priori* but needs to be worked out through a political process.

I also have to emphasize that I do not adhere to a ‘continuity view’ that the type of diversity and conflicts in modern post-Reformation societies are still the same as in Athens and Rome. I only claim that the basic fact of diversity that makes democracy necessary for securing political legitimacy of popular rule was present then it is now.⁷

Pellegrino further challenges my supporting argument that democracy would be unnecessary in the absence of diversity because nobody could then object if any randomly selected citizen decides for all. For Pellegrino “the point of democracy is also ensuring the autonomy or the freedom of citizens” and this autonomy is violated if someone who can guess my will decides for me what I would want to decide for myself. This is a clever objection, but I am not sure it applies to democratic decisions.

Politics is not about decisions by individuals about what they want for themselves; it is about making collectively binding decisions that resolve collective action dilemmas. By definition, these decisions cannot be taken by each individual for herself. If all individuals share the same interests, identities and ideas about the common good, then it does not make a difference whether a collectively binding decision is taken by anyone among them or by all collectively through a vote, since each can accept everybody as a faithful represen-

⁵ Aristotle 1962, VII.viii, 413.

⁶ *Ibidem*, II.ii., 105.

⁷ For a good statement of the discontinuities between ancient and modern conceptions of citizenship see Balot 2017.

tative of the common will. Collective decisions under conditions of perfect homogeneity would be like the government of, by and for angels each of whom knows God's will. In a fully homogenous polity of humans, individuals may still want to decide for themselves to buy ice cream, but they would be happy to let any among them decide on whether and where to create a public park.

In any case, it is unclear to me what follows from Pellegrino's rejection of internal diversity as a necessary circumstance for democracy and from his claim that "democratic procedures are normatively necessary even in a perfectly homogenous community". To my mind, the perfectly homogenous political community is a utopian fiction. By adopting it, we would set democracies on a dangerous path towards that goal, which they could approximate by redrawing their external boundaries in such a way that their internal diversity of interests, identities and ideas is minimized. By accepting diversity instead as a given background condition for democracy, we make it clear that diversity is neither to be maximized nor minimized through boundary design.

A SPECTRUM OF INCLUSION CLAIMS OF EXTERNALLY AFFECTED INTERESTS

In part three of my lead essay I defend a principle that interests that are negatively affected by a policy ought to be taken into account before adopting this policy (22-28). I criticize that norms of sovereignty in international relations prevent an institutionalized representation of external interests affected by policies of particular states in the decision-making process and suggest a non-exhaustive list of reforms that might overcome this democratic inclusion deficit in international relations. These reforms range from intergovernmental consultations to creating regional or global governance institutions on issues where policy effects systematically spill over borders. I also suggest that externally affected interests could be directly represented in the decision-making process and mention transborder referendums, e.g. on a nuclear power plant located close to a border between two states, as an example (Bauböck 2018, 25).

Enrico Biale points to an apparent contradiction revealed by this example. Those who are enfranchised in a transborder referendum can be said to belong to a transborder *demos*. So it seems that AAI does determine the boundaries of the *demos* in this case. Moreover, "granting a veto power over a political decision to the citizens of a neighbouring state does not only ensure that their interests are represented, but it grants them a political power

over another *demos*'s choice." By proposing transborder referendums am I not abandoning the idea of territorial self-government itself?

In response, I want to make three points. First, I claim that AAI and ASC cannot apply to determine citizenship in stable territorially bounded polities. This does not rule out that these principles might serve to determine the *demos* in ad hoc referendums on specific issues. A transborder referendum involving two states does not change in any way who is considered a citizen of these states. It also does not merge the two *demoi* because the votes in such a referendum would have to be aggregated within each state taken separately instead of being counted together (26).

Second, it is not at all unusual to expose democratic policy decisions to external vetoes. Think of international courts who can strike down laws adopted by the national legislatures of their member states – the European Court of Justice being the strongest example. We are all familiar with even stronger veto powers of national governments over decisions taken by provincial parliaments or municipal councils. According to my approach, such powers *constrain* the self-government of sub-state polities, but they need not *subvert* it as long as each polity has its exclusive competencies and is authorized by its own citizenry through democratic elections.

Biale may respond that veto powers of an extraterritorial *demos* differ fundamentally from those of judicial or government institutions at higher levels because the former are external to the relevant jurisdiction, whereas the latter are internal within a constitutionalized division of powers. I agree but want to point out, third, that the function that I attribute to transborder referendums is compatible with territorial self-government because it limits the influence of an extraterritorial *demos* to a veto over a policy that affects it negatively instead of empowering it to determine the political agenda of that polity. Consider a scenario that highlights the difference. Imagine two neighbouring states A and B, one of which (B) has adopted a nuclear free energy policy. The government of A, however, wants B to build a nuclear power plant in B's territory that will deliver cheap electricity to A and puts political and economic pressure on B's government to comply with A's plans. The government of B protests, and A replies by proposing a transborder referendum, hoping that it can sway public opinion in A. Even with such a referendum A's policy would be democratically illegitimate because it would give country B merely a veto power over country A's policy to determine B's political agenda. In this scenario, B's self-government rights are subverted rather than constrained.

Although I do not agree with Biale that transborder referendums are incompatible with my conception of territorial self-government, his argument is helpful in clarifying the wide range of the AAI principle and its implications. As I concede in my response to David Miller in the book (235-236), at one end of the spectrum it is entirely sufficient to provide a generic *ex post* justification for a policy that has negative effects on outsiders. (Think of a country adopting a minimum wage that indirectly reduces opportunities of immigration into the low wage segment of its labour market.) In this case, it is sufficient to point out that a democratic government has the right and duty to promote social justice in its own jurisdiction even if this leads to greater inequality of opportunity globally. At the other extreme end of the spectrum, where a legislator deliberately externalizes the risks and harms of a policy towards a specific other polity, AAI may justify giving the affected polity a veto power. In between, there are at least three different degrees of involvement of externally affected interests. At the lower end, there will be cases where AAI requires that legislators *consider* externally affected interests without involving their bearers in policy deliberations. A stronger involvement includes outsiders by giving them opportunities to *contest* a policy decision, still without participating in its deliberation. At a third degree, outsiders would be *represented* and have a voice in the deliberation without having a vote or veto in the decision itself.

Biale's interpretation of AAI aims at the lower end of this spectrum: For him, "AAI defines a duty of impartiality that needs to be satisfied by the members of the *demos* and a right for those whose interests are at stake to demand a justification for those decisions that deeply affect their lives." He also mentions favourably "[e]x post contestatory procedures... [that] can grant the exercise of this right to justification because they ensure that those whose interests are affected can challenge a decision if they think their interests were not taken into consideration."

My endorsement of this option seems to entangle me in another contradiction, as I associate contestation rights with the principle of including all subjected to coercion (ASC) rather than with AAI (33). The difference in this regard is that on my account contestation rights must be generally available to all subjected to coercion, but not to all affected interests. At the same time, *ex post* contestation can be a particularly effective way of securing the inclusion of negatively affected interests. In the context of ASC, generalized contestation powers serve to legitimize and constrain the power of political decision-makers over those whom they govern. In the context of AAI, special

contestation options for outsiders serve, first, to make legislators aware that they have to include (in the sense of consider) ex ante the interests of those who have contestation powers if they want to avoid having their decisions overturned and, second, to ensure that legislators have to revise their policies if they have failed to take these interests into account.

All these considerations point to the need for further elaboration of the AAI principle and its implications for democratic legislators. Political theories considering AAI as a membership principle merely detract from this urgent task.

INCLUDING ALL SUBJECTED TO COERCION IN A FLUID *DEMOS*

Biale endorses a modified principle of including all subjected to coercion that in his view grounds a claim to differentiated membership for migrants. “what justifies the inclusion within the *demos* is not the coercion exercised by democratic policies – tourists are subjected to this coercion as well – but the impact they have on the capacity of the individuals to plan their lives, namely to exercise their agency.”

On his account, this principle allows distinguishing permanent and full members of the *demos* from partial ones, such as temporary migrants, prospective immigrants, and recent emigrants. The latter have a claim to limited influence on decisions that affect them only partially. Tourists, whose life plans are not really affected at all by the policies of the countries they visit, would remain excluded from the *demos*.

My first response to this interesting theory, which it is quite far from mainstream versions of ASC, is that Biale’s reformulation risks missing some important implication of this principle. Consider the situation of visitors. They have indeed no claim to membership in their country of temporary sojourn. But they are exposed to the coercive powers of the government. If a tourist is arrested on some criminal charges, this may profoundly affect her capacity to plan her future life. Even tourists must therefore enjoy full protection of the laws and contestation powers when laws are applied to them.

Secondly, I believe that the central intuition behind Biale’s principle informs also my citizenship stakeholders principle (ACS), which specifies claims to political membership for those whose individual autonomy and well-being depend on the collective self-government and flourishing of a

particular polity. Individuals' capacity to plan their lives and exercise their agency is a core aspect of their autonomy. One difference between my account and Biale's is that he links his principle both to being affected by policy decisions and to being subjected to coercion, whereas I separate the membership question from these two other types of inclusion claims. A second important difference is that my stakeholders principle links individual and collective autonomy as two sides of an equation, whereas in his version the collective self-government claims of a polity seem to be irrelevant for its duties to include individuals in its citizenry. (I will have more to say on this equation when discussing Valeria Ottonelli's contribution.)

A third critique follows from this. Biale's inclusion principle may capture some of our intuitions about membership claims in international migration, but not in other contexts. In part 4 of my essay, I suggest that the second part of the principle of including all citizenship stakeholders requires specifying the conditions under which different types of territorial polities can be self-governing. These conditions differ fundamentally for independent states, for local municipalities, and for constitutive substate regions or supranational unions of states. My account provides an answer to the puzzling question of why citizenship in independent states is a life-long status attributed at birth and justifies that emigrants retain their citizenship while immigrants have to apply for naturalisation. By contrast, Biale's (as well as Ottonelli's) membership principles do not differentiate between different types of polities. So he must either defend a statist position that there are no relevant forms of democratic self-government and citizenship at levels below and above the state, or accept the highly counter-intuitive implication that his conception of the fluid *demos* creates when applied to membership and voting rights in cities, provinces, or the European Union.

THE IDENTITY OF THE RULERS AND THE RULED

Valeria Ottonelli provides an excellent summary of my argument why AAI and ASC cannot resolve the democratic boundary problem. She also shares my emphasis on self-government as the core value of a normative theory of democracy but reframes this as a principle of identity of the ruled and the rulers: "Those who are subjected to the laws of the country on a permanent

basis (those who are ruled) should also be those who make the laws.” Similar to Enrico Biale, this provides her with a critique of AAI and ASC as overinclusive principles since having affected interests and or being subjected on a merely temporary basis does not amount to being ruled.

Although Ottonelli’s principle of identity is elegant in its parsimony, I see several problems. A first one concerns the Rousseauean implications of a conception of self-government that regards those who are ruled by the law as free only if they actually participate in making the law. Ottonelli does not clearly state whether she endorses this view that casts a dark shadow of suspicion on all forms of representative democracy. Moreover, it also implies that those who are either unable or unwilling to participate actively in the business of ruling do not fully belong to the democratic people. By contrast, my view of self-government refers to the conditions under which an intergenerational and territorially bounded people can accept a government as legitimate because it has authorized it through free and fair elections and can hold it accountable if it fails to represent the people. In this view, it is not the *demos*, i.e. those who are entitled to participate in elections and take up public office, that is self-governing. The *demos* stands itself in a representative relation to the citizenry, i.e. the wider set of members of a self-governing people which includes minor children and those who cannot participate politically because of their physical or mental impairments (44-47, 256-265). The citizenship stakeholder principle shifts thus away from the traditional republican emphasis on *participation* as a requirement for citizenship towards the conditions for *membership* in a self-governing collective whose members share a fundamental interest in the collective self-government and flourishing of their polity. I claim that this interest is even shared by those members of the *demos* who fail to comply with their duties to participate in democratic politics. They are morally blameworthy as freeriders on other citizens’ efforts, but they are not disqualified from citizenship.

Ottonelli may hope to avoid the Rousseau problem by “starting with the ruled”, which is the strategy that she pursues in her comment. As an alternative or modification of my stakeholder principle, she proposes proximity and interdependence as criteria for identifying those who have a claim to citizenship. “[T]hose who share the same social space and whose lives are deeply interconnected on an everyday basis should share common rules and be bound by the same government...”. Ottonelli’s approach seems in this respect similar to Joseph Carens’ social membership account and Iseult Honohan’s principle of interdependence with which I engage in the book (chapters 2, 4; 240-249).

One problem with proximity as a criterion for membership is that it justifies why those who live in a shared social space should be governed by the same laws, but cannot justify why densely populated spaces are subdivided by political boundaries. The principle of interdependence provides a possible response. Its is the fact of being governed by the same political institutions that is largely responsible for making those who live in a political territory strongly interdependent amongst each other and less interdependent with their neighbours across the border. If I live in a border town and pay my taxes to a distant national government, this makes me more interdependent with citizens that live far away from my social space and reduces my interdependence with those with whom I may share a social transborder space.

If we start with the ruled in this way, then the relevant identity that they share is not a pre-politically social one, but a political one that ties together their fates because of the fact of being ruled by a common government. This move need not take us all the way back to determining democratic membership on the basis of subjection by a particular government. From a democratic perspective, the people must still be regarded as ontologically prior to the government that it authorizes. They are thrown together by accidents of birth in a territory that is a contingent product of history. The miracle of democracy is to transform such an aggregate population into a people with a will to govern itself through democratic procedures and institutions. This miracle is not of the governments' making. When discussing territorial borders and the composition of the citizenry from a normative perspective, we should neither take them as unalterably given, nor as pure objects of political choice for democratic legislators. What we should be looking for instead are the conditions under which territorial populations and the members of a people can be regarded as self-governing.

WHAT'S WRONG WITH COLONIALISM?

This takes me to a second point of disagreement articulated by Ottonelli. We both agree that ASC theories have difficulties to explain what is wrong with annexation of a colony if its inhabitants are turned into full and equal citizens. Yet Ottonelli thinks that the wrong of colonialism consists in the economic and cultural dependence of the colonized population whereas I claim that it is the denial of self-government.

Ottonelli rejects my argument by pointing out that colonial independence claims are not conditional on postcolonial regimes being committed to democ-

racy. Yet there are two aspects of self-government that we need to distinguish here. Internally, a people is self-governing if the government is authorized by its own citizens; externally it is self-governing if its government is not authorized by an external power. The wrong of colonialism consisted in imposing a foreign government on people with a claim to self-government. Of course, this is not the only wrong committed in a long history of slavery, genocide and racist segregation and oppression that has created deeply unfavourable conditions for democratic self-government and economic development of postcolonial states. But it is that wrong that is remedied when colonies become independent.

A first question I have for Ottonelli is how her account applies to peripheral regions and ethnic minorities within contemporary states that have been incorporated through processes of coercive assimilation and nation-building. These ‘internal colonies’ are economically and culturally even more dependent on the dominant nation than many external colonies ever were. Where a distinct minority identity has survived, claims for regional autonomy are often strong. Yet where the members of these minorities are full and equal citizens and enjoy territorial self-government rights, calls for independence are rare, and in my view also rarely justified.

The difference between minority incorporation and colonialism is that in the former case, reconstituting the polity as a federal or plurinational one with a common citizenship is an appropriate response because it preserves the conditions for self-government within a democratic state for both majority and minority citizens. By contrast, overseas colonies could not be incorporated into European states without these states becoming empires. As France’s experiment with the incorporation of Algeria demonstrates, colonial subjects cannot become equal citizens of the colonizing state participating fully in its collective self-government. Even limited forms of autonomy cannot undo the history of colonization. Democratic incorporation of former colonies is only possible today after they have been offered independence and if they have freely chosen incorporation as an alternative, as some French Départements d’Outre Mer have done and as Puerto Rico might eventually also do.

DO MARGINALIZED GROUPS HAVE A STAKE IN THE COMMON GOOD?

Ottonelli thinks that my citizenship stakeholder principle has exclusionary implications for marginalized groups, such as African Americans because

these cannot be seen as having a stake in the self-government and common good of a polity that oppresses them. This is a very important question that I ought to have clarified in my essay. Ottonelli herself points to what I think is the answer: “If the problem was that the freed slaves had no stakes in the wealth and autonomy of the polity, what could be done was to make them acquire such stakes by endowing them with the material and social position that would make them have an interest in the wealth and rule of the polity.”

Why do I still think that the stakeholder principle requires the inclusion rather than exclusion of marginalized and oppressed minorities? Because the notions of self-government, the common good, or the popular will are not entirely empirical ones that can be determined through majority preferences. They are also normative concepts that are premised on the very inclusion that the stakeholder principle requires. The two sides of the citizenship stakeholders equation refer back to each other. An individual has a claim to inclusion only if the membership principle under which she would be admitted is conducive to the collective self-government of the polity. And a polity has a claim to collective self-government only if it includes all citizenship stakeholders. The government of white America over a population of freed slaves was self-government only in a narrow empirical sense since it was not self-government of the whole American people.

Racial, religious, ethnic or gender oppression severely distorts the common good of a democratic people by excluding a part of the population from the democratic process through which the common good is to be determined. Disruptive action by such minorities are often necessary in order to achieve their full inclusion in the polity. The stakeholder principle justifies both the action and the goal. Martin Luther King’s American dream is the clearest possible expression of the stake African Americans have in the common good.

THE MULTILEVEL CITIZENSHIP PUZZLE

Let me conclude by raising a challenge for my interlocutors who have suggested alternatives to the principle of including all citizenship stakeholders. I see great affinity between the latter and Enrico Biale’s principle of including all those whose capacity of planning their lives is affected by coercive government and Valeria Ottonelli’s principle of including all those who share a social space within which their lives have become interdependent. The prob-

lem I have with these alternative formulas is that are phrased with independent states in mind. For me the application test for a democratic inclusion principle is whether it applies to all kinds of territorial polities, and not only to independent states. I developed my own approach inductively by starting from empirical puzzles about the different rules that apply to citizenship and voting rights for immigrants and emigrants at state, local and supranational levels. The stakeholder principle is a general one that is meant to account for these differences because it requires considering different conditions for collective self-government at various territorial levels and the different conditions for migrants' autonomy and well-being in internal and international migrations. It seems to me that the alternative principles suggested by Biale and Ottonelli are not sufficiently flexible in this regard. I am curious to see how they would apply to citizenship in the European Union or to municipal self-government. And I am optimistic that if Biale and Ottonelli further develop their theories along this line, we will find even more common ground.

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