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Principles and Rules for Granting Consociated Citizens Voting Rights and Partisan Representation in the Parliaments of Nation States

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## Abstract

### **TRANSNATIONALIZING DEMOCRACY PROPERLY:**

Principles and Rules for Granting Consociated Citizens Voting Rights and Partisan Representation in the Parliaments of Nation States

by Joachim Blatter

How can we democratically govern a world of high levels of cross border flows and transnational (inter)dependencies? I offer a new approach that focusses on the horizontal expansion of national *demos* and on granting “consociated citizens” voting rights and partisan representation in the parliaments of nation states. The first two sections point to failed attempts to democratize a vertically layered system of governance, and to pitfalls of proposals to strengthen the role of national parliaments in inter- and supranational politics. Afterwards, I turn to the horizontal alternative. In the first major section, I introduce membership principles that provide the groundwork for a horizontal and differentiated expansion of national *demos*. I start with pointing to the fact that the spread of multiple citizenship is leading to an emerging system of horizontally overlapping *demos* and that we should realize the potential, but also the need to explicitly constitutionalize such a system. Next, I show how fuzzy set theory paves the way to reconceptualize political inclusion in such a way that inclusion can take place in the form of graded membership. Furthermore, in order to transform these conceptual innovations into a normatively adequate reform proposal, I rehabilitate and redefine proportional equality and proportional representation. Finally, I demonstrate how the realignment of the boundary of the *kratos* and the boundary of the *demos* of nation states can be organized in a “*demoicratic*” way that includes two steps: First, representatives of the peoples of two or more nation states sign “joint declarations of interdependence” and recognize each other reciprocally as “consociated peoples and states.” Second, individual members of consociated peoples sign “declaration of interest and identification,” and thereby register as “consociated citizens” of the other participating nation states. In the second major section, I present electoral principles that make a system of horizontally overlapping transnational democracies feasible and productive for dealing with the challenges of an (inter)dependent world. These principles aim at strengthening “responsible party government,” the preeminent form of democratic governance within liberal nation states that is currently threatened by the mutually enforcing trends towards international technocracy and national populism.

*Keywords: transnational democracy, citizenship, voting, parties, and representation; horizontally overlapping and graded membership in national demos*

## Zusammenfassung

### **DEMOKRATIE RICHTIG TRANSNATIONALISIEREN:**

Prinzipien und Regeln für die Anerkennung von „konsoziierte Mitbürgerinnen und Mitbürgern,“ für die Gewährung von Wahlrechten und für ihre parteipolitische Repräsentation in nationalen Parlamenten

von Joachim Blatter

Wie ist das demokratische Regieren einer Welt mit unzähligen transnationalen Verflechtungen und von gegenseitigen und einseitigen Abhängigkeiten möglich? Ich entwickle eine neue Herangehensweise an diese Frage, indem ich die horizontale Expansion nationaler *demos*, die Gewährung von Wahlrechten an „konsoziierte Mitbürgerinnen und Mitbürger“ und deren parteipolitische Repräsentation in nationalen Parlamenten in den Mittelpunkt stelle. Die ersten beiden Teile des Papers beschäftigen sich mit fehlgeschlagenen Versuchen, ein vertikal geschichtetes Governance-System zu demokratisieren und mit den Fallstricken von Vorschlägen, die Rolle nationaler Parlamente in der inter- und supranationalen Politik zu stärken. Anschließend wende ich mich der horizontalen Alternative zu. Im ersten Part des Hauptteils gehe ich auf die Prinzipien der Mitgliedschaft ein, die die Grundlage für eine horizontale und differenzierte Expansion der nationalen *demos* darstellen. Ich beginne mit der Beobachtung, dass die Verbreitung der Doppelbürgerschaft zur Entstehung eines Systems von sich horizontal überlappenden *demos* führt und wir dessen Potential, aber auch die Notwendigkeit der Konstitutionalisierung eines solchen Systems, erkennen müssen. Im Anschluss daran zeige ich auf, wie die „fuzzy set theory“ den Weg für eine Rekonzeptualisierung politischer Inklusion ebnet, der zufolge Inklusion in Form einer gestaffelten Mitgliedschaft stattfinden kann. Um diese konzeptuellen Neuheiten in einen normativ adäquaten Reformvorschlag zu transformieren, rehabilitiere ich den Begriff der „proportionalen Gleichheit“ und führe ein entsprechendes Verständnis von „proportionaler Repräsentation“ ein. Danach demonstriere ich, wie der Prozess der Wiederherstellung der Kongruenz zwischen dem *kratos* und dem *demos* von Nationalstaaten in einer „*demoskratischen*“ Art und Weise organisiert werden kann. Dies beinhaltet zwei Schritte. Erstens: Zwei oder mehr Staaten unterzeichnen und ratifizieren eine „gemeinschaftliche Erklärungen zur Anerkennung ihrer Interdependenz.“ Im Rahmen dieser Erklärung bieten sie den Angehörigen der beteiligten Staaten die Möglichkeit, sich durch eine individuelle „Interessens- und Identifikationserklärungen“ als konsoziative Bürgerinnen und Bürger ihres Staates zu registrieren. Im zweiten Hauptteil gehe ich auf Wahlgrundsätze ein, die ein System von sich horizontal überlappenden Demokratien praktikabel machen und gleichzeitig Anreize dafür liefern, dass die beteiligten Staaten mit den Herausforderungen einer (inter-)dependenten Welt kooperativ umgehen. Diese Prinzipien zielen darauf ab, dass es politischen Parteien wieder möglich ist, gleichzeitig auf Ihre Wählerschaft zu hören und eine verantwortungsvolle und problemlösungsorientierte Politik zu betreiben. Damit könnte wiederum den sich gegenseitig verstärkenden Trends hin zu internationaler Technokratie und nationalem Populismus entgegenge wirkt werden.

*Schlüsselwörter: Transnationale Demokratie, Bürgerschaft, Wahlen, Parteien und Repräsentanten; horizontal überlappende und abgestufte Mitgliedschaften in den politischen Gemeinschaften von Nationalstaaten*

## I. INTRODUCTION AND OVERVIEW<sup>1</sup>

How can we govern effectively and democratically a world that is characterized by strong political **(inter)dependencies**<sup>2</sup> among nation states as a result of high levels of flows of people, information, capital, services, goods and “bads” (like pollution) across their boundaries. The European Union (EU) is frequently mentioned as a model for how the Westphalian system of sovereign nation states may be transformed into a system of multi-level governance in which nation states pool parts of their sovereignty through joint decision-making on a multilateral basis and delegate competences to supranational authorities. It is often assumed that the emerging multilateral and supranational levels of political decision-making can be democratized by establishing multilateral and supranational institutions of political participation and representation similar to those established within the nation-state. The legitimacy of the EU and many other **multilateral and supranational institutions**, however, is facing ever increasing pressure from populists who claim that the political elites, institutions and procedures have become **disconnected from the people**, and by nationalists who claim that massive cross-border flows endanger the welfare, culture and self-determination of the autochthonous populations. BREXIT is only the most recent and serious challenge for the EU, and the election of Donald Trump indicates that anti-elitist and anti-cosmopolitan claims fall on fruitful ground not only in Europe. Populist nationalists suggest that going back to a Westphalian world order

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<sup>2</sup> A power-sensitive approach realizes that cross-border flows can create symmetric interdependencies or asymmetric dependencies among the involved parties. In more theoretical terms: the term “(inter)dependencies” signals that the proposed solution is compatible with liberal attempts to regulate “interferences” (Held 1995), but also with the neo-republican aim to tackle unjustified forms of “domination” (e.g. Laborde and Ronzoni 2016). Furthermore, despite the focus on “flows” and “(inter)dependencies”, the political challenges that have to be tackled are not limited to the internalization of externalities and to the management of common goods. The discussed and proposed approaches aim also at securing stability, peace and the cultural expressions of individual and collective people(s).

of sovereign nation states is a viable and desirable alternative to the multi-level order envisioned by many cosmopolitans.

A major problem for those who disagree with the claims advanced by populist nationalists is that they will find it difficult to deny that many concerns that the latter have with multilateral decision-making and supranational authorities are not easily dismissed. Most democratic theorists diagnose a democratic deficit in European and international politics (for an excellent overview see Jensen 2009). Some have pointed out that the identification with a community, its ethos and its polity are necessary to establish relations of trust and solidarity and to motivate political participation and that such identification is unlikely beyond the nation-state (e.g. White 2011, Song 2012). Others who emphasize the central role of institutions of will-formation and interest-mediation, such as political parties, interest organizations and media systems, diagnose similar deficits: such **intermediary institutions**, they note, are not developed on the supranational level to a degree that would allow for the kind of intensive and direct exchange between political decision-makers and those they govern (e.g. White and Ypi 2016, chapter 9).

The EURO crisis has shown that policy (inter)dependency among nation states as such does not constitute a sufficient condition for the creating or furthering a shared identity or effective institutions of multilateral or supranational deliberation and will-formation. Under the current conditions, in which (inter)dependencies are perceived and framed through national lenses and in which major decision-makers are accountable only to their national constituencies, a heightened awareness of **(inter)dependencies rather re-mobilizes than de-mobilizes** nationalist sentiments and stereotypes (think about the Greek and German reactions to the EURO crisis). Negotiation amongst national executives at international “summits” and the delegation of political competences to regulatory agencies like central banks might constitute an effective instrument for coping with the technical side of crises. It ignores entirely, however, the emotive component of politics and the need for a people to see decisions as a result of their own will. The conjoint rise of nationalism and populism can plausibly be interpreted as a natural reaction to the internationalization and technocratization (characterized by the dominance of executives and experts) of politics.

Overall, we must realize that the rise of multilateral and supranational political decision-making has been a major driver of the current trend, in which **international technocracy and national populism threaten** what scholars of comparative politics call “**responsible party**

**government**" (Mair 2009; Bardi 2014; Bardi, Bartolini and Trechsel 2014; Caramani 2017). The latter has been at the heart of the representative form of democracy that characterizes modern Western nation states. Technocracy and populism share an anti-pluralist stance (Urbinati 2014), whereas the model of "responsible party government" represents the practical institutionalization of the insight that modern societies are fundamentally pluralist. The label highlights the role of political parties in diverse and pluralist societies. Parties are not only crucial in making rulers "**responsive**" to the ruled by offering alternative policy programs based on which citizens mandate them and hold them accountable, they are also indispensable for creating a "**responsible**" government by providing competent personnel and generalizable justifications for governmental policies (Caramani 2017, White and Ypi 2016).

Any attempt at providing representative democracies with the means to deal with cross-border flows and (inter)dependencies must take seriously the function of political parties, as hinges between the ruled and the rulers. The key to coping with cross border flows and (inter)dependencies, or so I argue, is neither to be found in the burgeoning of regulatory institutions on a multilateral or supranational level, nor in the more recent trend to re-strengthen the role of national parliaments in international negotiations and supranational decision-making. I advocate, instead, a **distinctly transnational approach**, which focusses on the **horizontal expansion of nation state *demos***. Here, parties play a crucial role. The idea is to connect partisan representatives as core actors within parliamentary democracies to those external interests and actors that are influenced by and/or that are influencing national politics.

This connection may take place in a two-step process. First, nation states sign "**joint declarations of interdependence**," thereby recognizing each other as "consociated nation states," and offering the citizens of the other signatory states the status of a "consociated citizen." Citizens who accept this offer by signing a "**declaration of interest and identification**" register as "consociated citizens," and receive the right to vote in the national elections of the granting states. The elected partisan representatives of consociated citizens will bring the perspectives and interests of consociated people(s) into the will-formation and decision-making process of nation states.

The proposed "horizontal" approach does not only **overcome the simplistic dichotomies** that currently dominate the debate, but it has major advantages in comparison to its principled alternatives (Blatter and Schlenker 2013, Schlenker and Blatter 2014). In comparison to a "vertical" approach that emphasizes multilateral and supranational institutions, it keeps political

decision-making **close to the people** and political will-formation and interest-mediation more strongly embedded in the dense discursive and organizational structures that have developed on a national level within the last few centuries. In contrast to a nation-statist approach, which wants to preserve the Westphalian world order of sovereign nation states with sharp territorial and membership boundaries, it develops institutions and incentives that make it likelier that nation states take the perspectives and interests of other people(s) into account. Most importantly, such an **“internalization of external perspectives and interests”** takes place **during the campaigning and will-formation processes** within the nation states and is therefore much less prone to be perceived as an external restriction to the fulfillment of the will of the national people. This, in turn, does not only facilitate cooperative approaches to deal with cross-border flows and (inter)dependencies, but also to restore trust in governing parties and elected representatives.

This contribution **is set up** as follows: I start by briefly pointing to the fact that in the perception of many observers and the wider public multilateral and supranational forms of government suffer from a “democratic deficit”. I proceed by pointing to the pitfalls of two existing answers to this problem. First, the pitfalls of the proposals to reduce the “democratic disconnect” between multilateral and supranational forms of government and the people by strengthening the role of national parliaments in international decision-making. Second, the pitfalls of proposals to complement national arenas of decision-making with non-congruent, transnational arenas of will-formation and deliberation. An approach that avoids the problems with these two solutions, I argue, must understand the idea of “transnationalizing democracy” in a new way.<sup>3</sup> A “horizontal” approach extends the existing core features of national democracies (especially membership in the *demos*, elections and partisan representation) horizontally instead of complementing them vertically through new forms of governance and democracy on a higher level. In the following, I present the principles that should guide the transnationalization of democracy. First, I introduce membership principles, which lay the conceptual groundwork for our approach. Next, I turn to electoral principles and show how a carefully calibrated extension of voting rights and partisan representation can expand those fundamental features of modern democracy beyond its current territorial and national limits without thereby en-

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<sup>3</sup> The proposed solution is not only new within the debate on “transnational democracy,” but it implies a “model of global order” that goes beyond the existing ones (as laid out by Zürn 2016, for example).



dangerous or unduly limiting the self-determination of national communities. I sum up by arguing that, on a conceptual level, this new approach to transnationalizing democracy represents a clear alternative to the two approaches traditionally thought to offer a solution to the problems arising in a world of massive cross-border flows and (inter)dependencies: the multi-level approach and the national sovereignty approach. I also argue, however, that, in practice, this third conceptual approach will serve to complement the other two approaches.

## **II. UNSUCCESSFUL AND UNSATISFYING CONCEPTUALIZATIONS OF TRANS-NATIONAL DEMOCRACY**

In this section, I point to the limited success of attempts to democratize intergovernmental or supranational forms of governance. I argue, furthermore, that proposals to substitute or complement elected with unelected representatives for establishing and democratizing transnational forms of governance should be rejected since they undermine political equality as a core value of democracy. In line with current discourses, I point to national parliaments as crucial sites for empowered inclusion, will-formation and decision-making in a world of cross-border flows and (inter)dependencies. In contrast to these discourses, however, I do not propose to enlarge the role of national parliaments in intergovernmental or supranational decision-making, but to expand, instead, the constituencies of national parliaments beyond the confines of residency and nationality.

### **II.a Limited success of attempts to democratize multilateral and supranational forms of government**

Some approaches to transnational democracy focus on the democratization of processes and institutions in which nation states either pool their decision-making competences in multinational organizations or delegate regulatory competences to supranational agencies (e.g. Archibugi, Held and Köhler 1998). The latter features are most strongly developed within the European Union, but can be found in many other international organizations, as well.<sup>4</sup> The core feature of such a “vertical” approach to deal with cross-border flows and (inter)dependencies is

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<sup>4</sup>Pooling and delegation have recently been conceptualized as the two dimensions of the “authority” of international organization and measured for 72 IOs (Hooghe and Marks 2015).

that political power has moved “outwards” (from the various branches of government within the nation states to intergovernmental institutions across multiple nation states) and “upwards” (to supranational agencies). In consequence, the **distance** between “the governed” and “those who govern” has grown and the chains of authorization and accountability through which governing is legitimized by the people have become (too) long and complex.

Some of those who have been concerned with the **democratization of multi- and supranational forms** of governance place their hopes on the deliberative gains that would result if supranational and intergovernmental institutions are complemented by international networks of experts (see the discussion on the EU comitology and the “open method of coordination”, e.g. Eriksen and Fossum 2002, Joerges 2006). Others discussed whether international organizations are or should be democratized through the recognition of individuals as members of these polities, thereby complementing or supplementing nation states as traditional bearers of such a status (see the discussion on European Citizenship, e.g. Delanty 2007). Still others have discussed whether stronger forms of representation (through the European Parliament, e.g. Rittberger 2005) or direct participation (through the European Citizen Initiative, e.g. Bellamy 2008) can contribute to the democratization of multilateral and supranational polities like the EU.

## **II.b The unsatisfying return to national *demos* and parliaments**

In recent years, it has become apparent that none of these efforts to replicate national institutions of democracy on the supranational level has succeeded in overcoming the widely held perception that multi- and supranational institutions suffer from a “democratic deficit” and from a lack of a supranational *demos*. Furthermore, the recent crises have led to a relocation of political power from supranational institutions, like the European Commission, towards multi-national institutions, like the European Council.

A response in democratic theory to these developments was to discard the hope for replicating national forms of democracy on a supranational level in favor of the notion of **demoicracy**. The latter stipulates that a multi-level system like the EU is not, will not, and/or should not be based on a single European *demos*, but on a plurality of diverse *demoi* – including a plurality of national *demoi* and a common supranational *demos* (e.g. Nicolaidis 2004 and 2013, Bohman 2007, Besson 2007, Cheneval 2008, Cheneval and Schimmelfennig 2013). Proponents of *demoic-*

racy argue that supra- or multinational polities should recognize two principled members: individuals (people) and national communities (peoples). Note, however, that national communities take center stage within *demoicracies*. They are no longer perceived as an element that recedes into the background as transnational democratization progresses, but as the cornerstones on which democratic processes within multinational polities are based. Such a reconceptualization of our understanding of democracy leads to a strategic shift away from tackling the “democratic deficit” on the supranational level toward overcoming the “democratic disconnect” between the domestic democratic institutions in the member states and the institutions on the inter- and supranational level, “with National Parliaments (NP) playing a key role as mechanisms of democratic reconnection” (Bellamy and Kröger 2016: 125).

I agree that this turn towards national parliaments constitutes an important element of a realistic approach to governing a world of cross-border flows and (inter)dependencies democratically. Still, it is insufficient. While proponents of *demoicracy* argue that we have to strengthen the roles of national parliaments in EU decision-making to achieve relations of political equality and mutual respect among national communities (Bellamy and Castiglione 2013: 219/220), I fear that this might also have the opposite effect: strengthening the role of national parliaments in European politics not only reduces governmental leeway for finding compromises, but expands the power asymmetries among nation states in intergovernmental negotiations (see for example: Moschella 2017). To focus on the **connection among political representatives** on various levels (or on the connection among the representatives of divergent national parliaments) ignores the fact that the connection between the people and their representatives on the national level is at least as much in need for a renewal and revitalization. Even worse, strengthening the connection between representatives of divergent *demoi* might lead to an **even larger disconnect between political representatives and the represented** because the latter might perceive it as a form of collusion among political elites.

### II.c The pitfalls of non-electoral conceptualizations of transnational democracy

An understanding of transnational democracy that does not focus on the democratization of processes and institutions on an intergovernmental or supranational level, but on the horizontal interpenetration of political processes and institutions within nation states is not new. Outside Europe, where nation states have not pooled and delegated their political competences to

supranational institutions in such an extensive way as within the European Union, it is quite prevalent. In most cases, however, the analysts and proponents of such a form of transnational democracy have focused on what is called the prototypical “transnational actor” (Risse 2002): **non-governmental or civil society organizations** that are organized or active across state boundaries. More or less organized transnational activists can play important roles in the will-formation processes within and across nation states, in as much as they can put issues on the public and governmental agendas or when they “monitor” the activities of powerful actors like states, International Organizations and multinational corporations (Tarrow 2005). In as much as these civil society actors and the accompanying concept of **deliberative democracy** are able to overcome the limits of representative democracy in taking transnational aspects into account, however, both, a full-fledged and a limited turn towards “stake-holder democracy” (Macdonald 2008) or “monitory democracy” (Keane 2009), in which unelected representatives substitute or supplement elected representatives, are highly problematic.<sup>5</sup>

**A full-fledged turn away** from “responsible party government,” in which elected party politicians are getting substituted by non-elected civil society organizations as the principled kind of representatives that characterize a transnational democracy, is incompatible with a core value of modern democracy: political equality. Arguably, general elections based on the rule of “one (wo)man, one vote” are the comparatively best means to secure **political equality**. This presumption is based on the argument that voting is a form of political participation that is much less resource-dependent than other forms of participation (like involvement in NGOs or contributions to public discourses, for example). While a transnational democracy in which the election of party politicians takes center stage will certainly not be able to avoid biases in favor of upper classes and developed countries, its relative resource-independence means that it will do so less than other options.

**A limited turn away** from “responsible party government,” in which transnationally oriented, unelected representatives complement the ones that have been elected on a national basis, is not much better since it drives campaigning and elected **party politicians into hypocrisy and schizophrenia**. In every-day politics, the nationally elected representative is urged to consider the perspectives and interests that non-elected transnational representatives bring into the

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<sup>5</sup> Please note that the following should not be read as a stance against deliberative democracy, it is an argument against a system in which the electoral and the deliberative features of democracy are incongruent.

processes of problem-definition, policy-formation and decision-making in order to produce “responsible” policies. During specific but regularly occurring times, though, when national parties/politicians have to campaign for (re)gaining power in national elections, the currently existing electoral incentives force them to be responsive single-mindedly to their constituency: the national electorate. Even worse, as long as nationals are the only ones with a right to vote, politicians within nation states will always be tempted to mobilize the domestic electorate and to gain votes by constructing or highlighting external threats or enemies. The alienation of members of other nations that likely comes with this has little cost as long as these external others have no voting rights. This would change only if the electorate begins to identify with foreign nationals and takes their interests into account when they vote. The nationalist frames that parties apply in their election campaigns are, of course, a strong hindrance to such change, since they further nationalist orientations of the electorate.<sup>6</sup> Overall, **parochial rules uphold a vicious circle** in which nationalist orientations of parties perpetuate nationalist orientation of the people and vice versa. Ruling parties, that is, face a mismatch between the scope of perspectives and interests they would have to take into account if they wanted to rule in a “responsible” manner and the scope of perspectives and interests they have to focus on in order to fulfill their role as “responsive” representatives of their constituencies.

In consequence, the democratization of a transnational world should not follow a conceptual template in which the national arena, where elected representatives keep their prerogatives in respect to decision-making, is complemented by a transnational arena, where non-elected representatives have a major role in agenda setting and will-formation (as envisioned e.g. by Besson 2006, and Cheneval 2006, 2011).<sup>7</sup> Instead, we should strive for a conception of transnational democracy in which the scope of the electoral elements of democracy expand in parallel to its deliberative ones. The **realignment** of those who are included in the process of decision-making with those who are included in the process of will-formation will be a major contribution not only to dealing effectively and democratically with a world of transnational flows and

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<sup>6</sup> For an elaborate discussion on how the electoral structure (the “voting space”) of a democracy structures its deliberative structure (the “public sphere”), see Lacey 2017: 26–28.

<sup>7</sup> Cheneval, in his attempt to formulate the foundations of a multilateral democracy, formulates such an assumption as follows: “(t)he *demos* has to be conceived as a twofold community: a finite political decision-making community *and* a wider epistemic deliberating community appealing to common sense” (Cheneval 2006: 160, see also 2011: 60–61).

(inter)dependencies. I argue that it is also an important element in ensuring responsible party government in representative democracies.

Before I turn to my alternative, I want to **sum up**: Attempts to democratize intergovernmental and supranational institutions of governance by establishing forms of democracy similar to those that have been established within the nation-state have had very limited success. Instead, attempts to deal with cross-border flows and (inter)dependencies through the set-up of multi- or supranational institutions have spurred a spiral which sees the model of responsible party government squeezed in between the **Scylla of technocratic supra-nationalism and the Charybdis of populist nationalism**. To safeguard core values of modern representative democracy like political pluralism and equality, we must think about better alternatives. A truly transnational approach does not aim to strengthen the role of national parliamentarians in intergovernmental or supranational policymaking in order to reconnect an intergovernmental or supranational *kratos* to national *demos*. Instead, it aims to expand the boundaries of all core elements of a representative democracy (*demos*, voting, parliaments, and responsible party government) horizontally in order to **realign the scope of the de facto existing *kratos* of the nation state** with an appropriate **scope of its *demos***. This approach not only safeguards core values of modern democracy like political pluralism and equality, but it helps to transform the meaning of these core values as they are applied to the transnational realm. Before I lay out the core features of such a horizontal expansion of national democracies, I will briefly point to existing proposals and to lessons on which we can build.

### **III. PRAGMATIC FOUNDATIONS AND LESSONS FOR A PROPER CONCEPTUALIZATION OF TRANSNATIONAL DEMOCRACY**

In this section, I argue that a proper conceptualization of transnational democracy should not start with a principled debate on the boundary of the *demos*. Instead, it should build on existing proposals for the representation of external interests within national legislatures. Furthermore, I show that the granting of voting rights to members of other nation states can be perceived as an extension of existing trends to expand voting rights beyond the confines of residency and nationality. Finally, by comparing the mostly successful attempts to expand voting rights beyond residency with the mostly unsuccessful attempts to grant voting rights to non-

nationals, I draw the lesson that the expansion of the national *demos* should take place in a way that assures the core members of the nation-state *demos* that they will be complemented but not overwhelmed by newly included members.

### III.a Existing Proposals for Reciprocal Representation and Fuzzy Citizenship

Already in 1970, Robert Dahl (1970[1990]: 49) argued that “[e]veryone who is affected by the decision of a government should have the right to participate in that government” and famously asked “whether there is not some wisdom in the half serious comment of a friend in Latin America who said that his people should be allowed to participate in our elections, for what happens in the politics of the United States is bound to have profound consequences for his country” (Dahl 1970[1990]: 51).

In recent years, the comment has been taken more and more seriously and we have witnessed an intensive debate on the adequate criterion for defining the boundaries of the *demos* (for overviews, see Beckman 2008, Owen 2012, Scherz 2013, López-Guerra 2014: 83–108, Bauböck 2017).<sup>8</sup> In this debate, proponents of the “all affected interests” principle argue in favour of expanding the *demos* beyond residency and nationality, whereas most advocates of the “all subjected to law/coercion” principle defend a boundary based on residency. This **principled debate**, I argue, has rather hindered than helped to pave the pathway to the transnationalization of democracy. This is because most of its proponents are stuck in thinking about the boundaries of the *demos* either in linear-continuous or in dichotomous-categorical terms.<sup>9</sup>

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<sup>8</sup> Niesen (2012) reminds us that in the history of democratic thought we find further proposals which are in line with our idea to provide institutional pathways for the internalization of external interests, and he points to the fact that some of them are based on instrumental reasoning whereas others are derived from normative principles.

<sup>9</sup> Please note that this claim does not apply to the debate on “citizenship.” Scholars have early on diagnosed processes in which the various dimensions of citizenship (status, rights, identities and practices) are getting disaggregated (Cohen 1999), and pointed to the fact that in liberal democracies, nationality is not anymore a precondition for having rights (Soysal 1994, Hammar 1990), but also that not all nationals have the same rights (Cohen 2009). This leads citizenship scholars like Bauböck (2017) to propose a differentiated approach in respect to democratic inclusion. He argues that in respect to policies, inclusion should be based on the principle of all affected interests; in respect to governments, inclusion should be based on the principle of all subjected to coercion; and in respect to political communities, inclusion should follow the citizenship stakeholder principle. This approach overcomes dichotomous thinking in respect to different rights that should be assigned to different groups, but he sticks to a dichotomous conceptualization when it comes to conceptualizing membership in the *demos*.

Usually, it is assumed that the all affected interests principle implies to draw a new boundary of the *demos* for each single policy decision, which makes the boundary a linear variable. Proponents of the all subjected principle, in contrast, argue that the boundary of the *demos* must be stable and clear-cut, which comes down to assuming that membership is an all-or-nothing affair. We must overcome these conceptual limits. Therefore, my first task in section 4, where I lay out the cornerstones of our new approach to understanding transnational democracy, is to take up the discussion of the boundary of the *demos* and to show how fuzzy set theory allows for overcoming the traditional lines of thinking mentioned above.

The second reason why the principled debate on the boundary of the *demos* has been of limited value for the development of an adequate understanding of transnational democracy is the fact that it has been primarily concerned with trying to find the most convincing generic solutions for the boundary of the *demos* problem on the basis of moral principles. A more **pragmatic approach**, though, would not only discuss why and how far, morally speaking, nation states should include non-national non-residents in their democratic will-formation and decision-making process in order to confer to fundamental values. It should also highlight why it would be in the nation states own pragmatic interest, if they expand their *demos* beyond nationality and residency. In other words, a proper justification of a system of transnational democracies should be based on **normative AND prudential reasons**. In earlier proposals for transnationalizing national democracies, I find these divergent kinds of justifications.

In the 1990s, Philipp Schmitter (1997: 303–307) proposed a system of “**reciprocal representation**,” whereby states which policies have become interdependent because of free trade agreements accord each other a number of seats in their respective national legislative chambers. According to him, the parliaments and not the people should choose their representatives and the latter should be seated in the second chamber of the parliament in the other country. Furthermore, they should have the right to speak and – over time – acquire the right to vote. Schmitter justified his proposal as a means to “mitigate the effect of the unequal distribution of political units in the international system and to compensate for the absence of reliable, fair, supra-state mechanisms for ensuring justice across borders” (Schmitter 1997: 303). He reflected on why states might be willing to install such a system of reciprocal representation. He stressed the fact that the representatives from other countries would serve as an “early warning system” for nation states in that they would signal potential reactions of other states to policies that are considered within their parliaments. By reducing ignorance, reciprocal repre-



sensation would contribute to making the existing international system function better (Schmitter 1997: 305/306). In other words, it would be in the self-interest of nation states to establish such a system. In a time when it proves increasingly true that external (governmental and civil) actors try to influence democratic process within nation states, which usually results in a pushback by these very nation states, a system of reciprocal representation could serve another purpose – it would open up a *legitimate* avenue for the presentation and incorporation of external interests. States could fight non-legitimate forms of influence without having to deny the general legitimacy of external influence in a world of massive transnational flows and (inter)dependencies.

About 20 years later, David Miller (2009) introduced the idea of “**external representation**” in national parliaments again – this time as an explicit alternative to supranational expansions of democracy. According to him, states that consider policies with strong external impacts should invite representatives of the states that would most feel the impact, with these representatives having the opportunity to voice their concerns (but not to vote) in the parliament of the inviting state. Like Schmitter, Miller is combining normative and prudential arguments in favor of such a system of external representation.

When Mathias Koenig-Archibugi (2012) introduced the concept of “**fuzzy citizenship**” as an approach to the democratization of the global order, he referred to these earlier proposals. His proposal exemplifies, however, the turn towards justifying a demand for the extension of the national *demos* with reference to universal norms, instead of also referring to prudential or instrumental reasons. As an adherent of cosmopolitan democracy and the “all affected” principle, he scrutinizes an approach “that does not place direct constraints on what states can or should do (the ‘output’ side of state action) but changes the set of people to whom the owe participatory entitlements (the ‘input’ side)” (Koenig-Archibugi 2012: 457). The fuzzy citizenship proposal is justified with the “all affected interests” principle, which demands that not only national or residents should be included but “all those who are likely to be causally affected by any possible decision under any possible agenda” (with this definition, he refers to Goodin 2007).

Two features of his proposal represent major innovations that allow connecting the principled discussion on the boundary of the *demos* to feasible proposals for dealing efficiently and democratically with cross-border flows and (inter)dependencies. In contrast to most discussions on the “all affected interests” principle, Koenig-Archibugi does not start his reflections on how to

implement this principle by focussing on the impact of decisions in respect to single issues, but by highlighting the external effects of policies that are debated/introduced by territorial jurisdictions with authority over a broad set of issues. He thereby overcomes the assumption that an implementation of the “all affected interests” principle demands the creation of a specific *demos* for every single policy decision. Second, he argues that “participatory entitlements should *vary* depending on the likelihood that decisions will have a significant impact on the interests of individuals” (Koenig-Archibugi 2012: 457), thereby referring to a **proportional understanding of political equality**. Finally, arguing that “the likelihood of significant impact can only be determined on the basis of the resources controlled by jurisdictions, rather than on the basis of the content of possible decisions,” he proposes the following institutional solution: “[T]he legislature of each state should grant voting power to representatives elected by all non-residents in proportion to the share of world income under the control of the state” (Koenig-Archibugi 2012: 457/458). In his article, Koenig-Archibugi addresses only the desirability of his proposals. He points to other publications in which he addresses the political feasibility by pointing to analogies between the processes of democratization in the domestic national realm and in the international or supranational realm (Koenig-Archibugi 2011).

### **III.b Lessons from the Expansions of Voting Rights beyond Nationality and beyond Residency**

I believe it is more instructive to look at the recent trends towards the expansion of voting rights beyond the confines of residency and nationality. Empirically, it is obvious that the established members of democracies have been much more open to grant voting rights to fellow nationals who reside outside the territory of their nation state in comparison to grant these rights to fellow residents who do not share their nationality. This is especially the case when we focus on the national level (Lafleur 2015, Caramani and Strijbis 2013, Hutcheson and Arrighi 2015, Arrighi and Bauböck 2017).

Whereas much has been discussed on whether this is adequate from a normative point of view (e.g. Bauböck 2009, Lopez-Guerra 2005, 2014), an important observation has not been recognized and adequately interpreted yet. Efforts to include non-resident citizens into the *demos* of nation states have usually been accompanied by similar strong efforts to **limit the impact** of these inclusions on the outcome of elections and its consequences for the power distribution

within the respective nation state. A first means to limit the impact is assigning non-resident voters a limited amount of seats in parliament, which means that **“discrete” or special representatives** represent them. A second instrument is assigning the external electorate a less favourable ratio in respect to the number of representatives to eligible voters in comparison to the ratio for the domestic electorate (Hutcheson and Arrighi 2015, Caramani and Strijbis 2013). As far as I know, the (mostly unsuccessful) attempts to include non-citizen residents in the national *demos* (through alien voting rights) have not included such measures. This means that the votes of non-national residents are counted together with those of the resident nationals, and that no specific seats are reserved for the representatives of non-national residents.

It is highly likely that strategic considerations and not just conservative understandings of “the people” have contributed to the failed attempts to include non-national residents into the *demos* of nation states. We should bear in mind that an increase in the number of non-citizen residents has a two-fold effect. While it might motivate political initiatives for the inclusion of non-citizen residents, it will also engender resistance among the established members of the *demos*. Any attempt to expand the *demos* beyond residency and nationality must take these lessons seriously.

#### **IV. PRINCIPLES FOR CONSTITUTIONALIZING A SYSTEM OF TRANSNATIONAL DEMOCRACIES**

In this section, I present guiding principles for the constitutionalization of a system of “transnational democracies” (please note that a more adequate, but too bulky expression would be “transnationally expanded national democracies”). First, I spell out those principles for granting membership in national *demos* that pave the way for including members of other nation states as “consociated citizens.” Afterwards, I explore electoral principles that may guide the institutionalization of a system of transnational voting and partisan representation.

##### **IV.a Membership Principles for the Inclusion of “Consociated Citizens”**

Democratic processes start, functionally speaking, with inclusion (Warren 2017: 44). Before people can be empowered by granting them the right to vote, they have to be recognized in a formal way as legitimate actors in the democratic process. In the Westphalian world order, a widely held presumption has been that individuals are and should be included into one and

only one nation state. This idea finds expression in the 1930 De Hague Convention on Certain Questions Relating to the Conflict of Nationality Laws, whose preamble states that “...it is in the general interest of the international community to secure that all its members should recognize that every person should have a nationality and should have one nationality only” (according to Blatter 2011: 771). Furthermore, inclusion, especially electoral inclusion, is usually thought of as being an all-or-nothing affair: either somebody has the right to vote or s/he has not; furthermore, the normative principle of equality, but also the necessity to count votes and to calculate majorities demand such a binary conception of inclusion (e.g. Nässtrom 2010, Mason 2012, Erman and Nässtrom 2013). In this section, I will argue that neither of these presumptions holds – neither in a descriptive nor in a normative sense. Inclusion can – and should – be multiplied through the recognition of horizontally overlapping national *demos*. Inclusion in national *demos* can – and should – be granted to different degrees (Blatter and Schlenker 2013).

Our descriptive conceptualization of graded membership in horizontally overlapping polities draws on fuzzy set theory. Set theory, in general, is helpful for rigorous reflections on membership systems in which individuals are included in multiple political entities at the same time: it helps to clarify the difference between systems in which different kinds of polities (and their corresponding *demos*) are layered vertically, and systems in which equivalent kinds of polities (and their corresponding *demos*) are overlapping horizontally. Abandoning crisp sets in favour of fuzzy sets makes possible an accurate description of forms of membership neither based on binary categories nor on continuous variables but on qualitatively graded forms of inclusion. My reform proposal connects these descriptive concepts with a normative principle. I argue that a proportional understanding of equality allows for justifying horizontally overlapping forms of qualitatively graded membership.

Before I start to engage in these tasks, I have to clarify some core terms that I use for describing and justifying the transnationalization of national democracies. First, I argue that political inclusion has to focus on formal membership and electoral rights in the *demos* of a polity. Second, I recall why, under the current circumstances of massive cross-border (inter)dependencies, the “*demos*” of a nation state (the political community) has to be larger than the “nation” (the socio-cultural community). Finally, I provide a first argument for why I build on the term “citizen” for developing a set of expressions for different kinds of members in a transnational system of graded memberships in overlapping national *demos*.

If **political inclusion** is to lead to a strong empowerment of those who are included, it has to come in the form of **formal membership** in the *demos* of a polity; furthermore, the polity has to grant **voting rights** for all people with such a formal member status.<sup>10</sup> There are two main arguments for this stance: First, as argued before, if we conceptualize a system in which some people are included electorally and some are supposed to be included non-electorally, politicians and political parties face a destructive trade-off between responsible governing and responsive campaigning. If we want to **fight current crises of responsible party government and representative democracy**, we have to reduce the incongruence between the people whose perspectives and interests politicians have to consider in order to produce “responsible” policies and those people whose perspectives and interests politicians have to take into account when they are responsive to their electoral constituency.

Finally, we have to liberate the term “citizen” from its use as a simple synonym for “national.” A “**demos**” denotes the **political community** of a (national) democratic polity, whereas the “**nation**” refers to the **socio-cultural community** of a national (democratic) polity.<sup>11</sup> In a world of massive cross-border flows and (inter)dependencies, we should start from the premises that the *demos* of a nation state should be larger than the nation.<sup>12</sup> Nevertheless, as we will see shortly, a transnational system of overlapping and graded memberships implies that being a “national” is a prerequisite for being recognized as a full “citizen” in the sense of being “fully in” the membership set of the *demos* of a nation state. As I explain below, for all those who are

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<sup>10</sup> Please note that I do not stipulate that formal recognition and voting rights are sufficient conditions for an empowered inclusion, just that they are necessary conditions.

<sup>11</sup> The first bracket in this sentence indicates that not only national polities can have a *demos*, but also sub-national or supra-national ones, but only for democratic polities it makes sense to speak about a “*demos*.” The second bracket points to the fact that only in national polities it makes sense to call its socio-cultural members “nationals,” but also to the fact that polities, which demarcate their socio-cultural community by providing the members of this community with a national passport, do not necessarily have to be democracies.

<sup>12</sup> This is because these circumstances make it highly likely that further people have interests that are affected by the policies of a nation state, that further people are subjected to the law/coercion of that state, or that further people have a stake in the functioning of that state. In contrast to the participants of the boundary of the *demos* debate, we do not derive a principled answer to the question whether we have to expand the boundary beyond residency and/or nationality, since we would like to leave it up to the people and a *demoicratic* process for re-drawing the boundary of national *demos*. But in a world of cross-border flows, (inter)dependencies and regulatory institutions, all of these principles provide arguments why it makes sense to start with such a premises.

not fully in, but also not fully out of the membership set of the *demos* of a nation state, we should add a qualifying adjective to the term “citizen” and treat them in a distinct way.<sup>13</sup>

#### A. *Recognizing and Constitutionalizing Horizontally Overlapping Demoi*

Our approach to transnationalize national democracies builds on the idea of a system of horizontally overlapping *demos*. We should realize that such a system is already emerging: more and more people do not have only one, but two or more nationalities. For example, currently 25% of all Swiss have two or more passports and the absolute number as well as the relative share among the Swiss are rising (Blatter, Sochin D’Elia and Buess 2018). Switzerland, with its strong flows of emigrants and immigrants is certainly not representative for all countries, but it can be seen as a frontrunner because the main factor that drives the growing acceptance and the growing numbers of multiple citizens (equal rights for women) is a powerful force all over the globe. Therefore, it is not surprising that a growing number of states and almost all democracies accept that their nationals keep or acquire further nationalities. This trend is not limited to Europe as it is the case with the “vertical” concept to complement national *demos* with a supranational one (expressed in the European Citizenship). Instead, the **acceptance of multiple citizenship is spreading all over the world** and the growing number of dual citizens connects many different nation states all over the world (Bronsted-Sejerssen 2008, Blatter, Erdmann and Schwanke 2009, Vink et al. 2015).

The phenomenon of horizontally overlapping *demos* holds a lot of potential for the transnationalization of national democracies. This is due to the fact that dual nationality usually comes with the right to vote in two nation states. This means that people, who are (also) members of other nation states, have the **right to vote in national elections** and can influence the national will-formation and decision-making process from within. In as much as dual nationals take the perspectives and interests of the second country into account when they vote in one country (for first evidence that this is the case, see Blatter and Schlenker 2016), external perspectives and interests are getting included in the democratic process on the national level. As argued before, this has the great advantage that the inclusion takes place in an arena that is much better embedded in the institutions and process of interest mediation and public deliber-

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<sup>13</sup> I hereby follow Collier and Levitsky (1997), who propose to do the same for democracies that do not fulfil all criteria usually attributed to full-fledged democracies.

ation than the arenas on the supranational level (e.g. in the European Parliament). Furthermore, the perspectives and interests of other people(s) are taken into account – together with many other interests – during those phases of the democratic process in which the positions of national representatives and governments are formed. This stands in stark contrast to the situation within a multi-level system, where the perspectives and interests of other nations are framed and perceived as external restrictions which limit the abilities of national representatives to act in line with the will of the (national) people (Blatter 2011).

The system of horizontally overlapping *demos*, currently emerging through a growing number of people with more than one nationality, is very much a **non-intended side effect** of a convergence of three developments: international migration, equal rights for women and the recognition of individual rights in international law (Blatter 2011, Blatter, Sochin D'Elia and Buess 2018). In contrast to the European multi-level system of governance and membership, it has not yet been recognized as an important pathway for the democratization of a transnationalized world. Therefore, we have not seen any attempt for an explicit constitutionalization of the emerging system of horizontally overlapping *demos*.

Such a **constitutionalization** could take place if two or more nation states sign a “**joint declaration of interdependence**” in which they recognize the individual members of the other nation state(s) as part of their *demos* and provide them with voting rights and a carefully calibrated number of representatives. Such an explicit constitutionalization would not only allow us to tackle some major problems of the currently emerging system of overlapping *demos* – e.g., the fact that dual nationals often have the right to vote in two nation states, whereas people with only one nationality do not, which seems to be a grave violation of the fundamental value of equality (see Goodin and Tanascona 2014). It would also create a new horizontal pathway for dealing effectively and democratically with a world of massive cross-border flows and (inter)dependencies.

Before I lay out the electoral principles for a system of transnationalized democracies, I will introduce two further membership principles: qualitatively graded memberships and a proportional understanding of equality. These principles provide the conceptual foundations for the transnationalization of national democracy through the granting of voting rights to people who are neither nationals nor residents. In comparison to national residents, though, a much more limited number of parliamentarians would represent these newly included members.

### B. *Reconceptualizing Political Inclusion as Qualitatively Graded Membership*

Koenig-Archibugi (2012) has introduced the notion of fuzzy citizenship into the debate on the boundary of the *demos*. The term “fuzzy” points to fuzzy set theory; **fuzzy set theory** allows for dealing adequately with membership in conceptual sets that do not have sharp boundaries. Fuzzy set theory combines the qualitative thinking in differences in kind with the quantitative thinking in differences in degree (Ragin 2000). It paves the way to overcome the conceptual limitations that we observe in the boundary of the *demos* debate.

Membership in the *demos* (of a nation state) need not be conceptualized as a **categorical dichotomy** (“either in or out”), as is usually the case when the implications of the “all subjected to law/coercion” principle are debated. Most proponents of this principle argue that only those who reside within the territory of a nation state should be included (e.g. Lopez Guerra 2005, Schaffer 2011, Pavel 2016, Beckman and Rosenberg 2017). Goodin (2016), in contrast, shows that – at least for the U.S., a country that applies its national laws beyond its territory – a comprehensive application of this principle implies the inclusion of all people in the world. What both perspectives share, though, is the assumption that inclusion is an all-or-nothing affair. On the other hand, the “all affected interests” principle, so goes the argument, implies that the boundary of the *demos* has to be redrawn for each and every single policy decision in order to include the actually, probably or possibly<sup>14</sup> affected people (Goodin 2007). This implies that the only alternative to a categorical dichotomy is a **continuous variable**. But if that is the case, the “all affected interests” principle leads to indeterminate or instable boundaries and therefore cannot be accepted as a feasible principle for determining the boundary of the *demos* (e.g. Beckman 2009, Miller 2009, Schaffer 2011, Song 2012, Scherz 2013).

Fuzzy set theory provides a *via media* between solely recognizing differences in kind by classifying entities with the help of categorical dichotomies and solely recognizing differences in degree by treating these entities as linear variables that can be located along a continuous scale. Applied to the debate about national boundaries this leads us to the idea that people can be included in a national *demos* to different degrees, but, at the same time, that this acceptance of **differences in degree** does not come at the expense of negating **differences in kind**. Quali-

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<sup>14</sup> If we follow the “possibly affected” specification of the all affected principle, always all people on the planet have to be included, though (Goodin 2007).



tative criteria are used in order to determine the thresholds that separate the different kinds of members of a *demos*. These criteria must lead to **clear-cut categories**, which allow for no ambiguity in respect to which category a specific person belongs. These categories must also be **stable**, in the sense that the membership of individuals depends on a few fundamental decisions, and not on the many decisions that polities take continuously in many different policy fields.

I propose to use the following four criteria for determining the fuzzy boundaries of the *demos* of (inter)dependent nation states:

- a. nationality of the nation state under consideration;
- b. residency in the nation state under consideration;
- c. nationality of a “consociated nation state” (a state with whom the nation state under consideration has signed a “joint declaration of interdependence”);
- d. registration as a “consociated citizen” (those who fulfil criterion c and who have signed of a “declaration of interest and identification”).

The first two criteria (nationality, residency) contain the **two core boundary markers of the modern system of sovereign nation states**. The categorization of individuals should be (primarily)<sup>15</sup> determined through national regulations, but individuals should be free, in principle, to move from one category (from non-resident to resident, but also from non-national to national), if they fulfil these national regulations.

The second two criteria (joint declaration of interdependence, declaration of interest and identification) represent an explicit **recognition of the current state of transnational (inter)dependency** by nation state peoples and individual people. In our approach, they are **secondary criteria**, since the transnationalization of democracy aims to expand national democracies without endangering its core elements. As it is the case with the primary criteria, the collective entities – the nation states – should formulate the rules and regulations that determine the principled opportunities for individuals. But in the transnational realm, the nation states cannot set up the rules of entry (and exit) autonomously anymore – the rules that guide

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<sup>15</sup> This qualification indicates that immigration and naturalization is already (to a very limited amount), and certainly should be regulated by international law, as well. In a system of transnational democracies, though, a horizontal process of mutual adjustments among the national regulations would take a larger role in comparison to the vertical iterations between national regulations and supranational norms.

individual moves from the status of a non-citizen to the status of a consociated citizen have to set up jointly. Within this collectively and internationally determined regulatory framework, individuals should be free to move from non-member status to consociated member status in other nation states (and back) in line with those transnationally agreed rules and regulations. These regulations will be laid out in more detail, later on, but first I sum up my reflection on how to conceptualize political inclusion in national polities with the help of fuzzy set theory.

A **first group** of people fulfils the two established membership criteria of modern nation states: people who are nationals and (legal, long-term) residents at the same time. These people are the “**core members**” of national *demos*. In terms of fuzzy set theory, they are “fully in” the set of members of national *demos*. For those people, the right to vote should come “naturally” – they should not have to do anything before they are allowed to vote. Furthermore, the most adequate way to recognize their core location within national *demos* is to call them “**citizens**” without any further attribute or qualification.

**Two further groups** of people fulfil one, but not both membership criteria of modern nation states: non-national residents and non-resident nationals. These people represent “**semi-core members**” of national *demos*. In fuzzy set terminology, they are “more in than out” of the set of members of national *demos* because they fulfil at least one of the two primary membership criteria. Since they are not core members, voting rights should not come “naturally,” that is, without the explicit demand by and consent of the individual in question. Instead, I think it is most adequate that semi-core members have to ask individually for voting rights; on the other hand, nations should be obliged to grant voting rights to those who demand it. In contrast to core members, semi-core members have to “sign” a “social contract” with the political community of a nation state explicitly. In practice, this comes down to the need to register before one is allowed to vote.<sup>16</sup> I want to stress that the inclusion of “semi-core” members into national *demos* is not at the heart of this proposal. I briefly address these groups mostly in order to make clear that the idea of a qualitatively graded boundary of national *demos* applies to more than just the group of people that I address in the next paragraph. Furthermore and as already indicated before, the ways nation states currently include semi-core members provide lessons for our proposal to include further members – something to which I turn now.

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<sup>16</sup> In many countries, this procedure corresponds to existing rules for non-resident nationals, whereas most countries do not treat non-national residents as “semi-core” members of their *demos*.

At the heart of our proposal is a **further group** of people who would fulfil the two membership criteria of a system of transnationalized democracies: people who are nationals of a nation state with which the nation state under consideration has signed a “joint declaration of interdependence” and who have signed an individual “declaration of interest and identification”. These people represent **“peripheral members”** of national *demoi*. In fuzzy set terminology, they are “more out than in” of the set of members of national *demoi*, because they fulfil only the two secondary criteria that guide the transnational complementation of national *demoi*. Nevertheless, **in contrast to “non-members”** and in contrast to the current state of affairs, these people would be included in the *demoi* of other nation states and provided with a right to vote and to be represented in the national parliament of that state. Furthermore, I propose to call these people **“consociated citizens”** because this term alludes to the notion of “consociational democracy,” a concept that Lijphart originally developed in order to describe and explain how a democracy can function in a stable way in contexts in which no strong integrated culture or identity exists (Lijphart 1968, 1969).<sup>17</sup>

Like semi-core members, consociated members should not become members of national *demoi* with a voting right without their explicit consent. They have to register and thereby provide an explicit signal of having an interest in the politics and policies of other nation states. In addition – and in contrast to semi-core members of the *demoi* for whom nationality or residency provide a “natural” link to the nation state under consideration – consociated members have to express a commitment to fulfil the duty that comes with this status: they have to sign a “declaration of interest and identification.” The specific wording of this declaration would be left up to the nation states that sign a “joint declaration of interdependence.” The **“declaration of interest and identification”** would include formulations that indicate that the consociated citizen identifies with the consociated state as a polity to which his/her fate is connected. This implies two things: a) she/he has a legitimate interest in participation in the will-formation and decision-making process, and b) she/he has a responsibility to take care of the fate of that

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<sup>17</sup> Nevertheless, we want to emphasize that our approach does not follow Lijphart’s focus on the cooperative behaviour of political elites in developing a democratic system that is able to deal with fragmented society. Instead, our proposal recognizes members of other nation states as consociated citizens and to provide them with voting rights and representatives is much more in line with proposals to introduce electoral incentives that stimulate politicians and parties to address potential voters from divergent fragments of a fragmented society – an approach that is often labelled “centripetal democracy” (Horowitz 1985, Reilly 2012, Stojanovic 2011, Elster 2013: 236–271, Lacey 2017).

polity; in other words: she/he identifies with the other members of that polity to a certain level (in as much as we can expect such a principled identification with the polity in a liberal democracy).

Overall, the new “**consociational contract**” between nations and its new consociated members, which complements the traditional “social contract” between the core members of nation states, contains rights and duties, as it is the case with the latter contract, but rights and duties are much more limited.

The reconceptualization of political inclusion with the help of fuzzy set theory is only the first step in order to pave the way for transforming the de facto emerging system of horizontally overlapping *demoi* into a normatively acceptable and politically feasible system of transnationalized democracies. In the next section, I show that a proportional understanding of equality is another helpful concept along this way.

### *C. Rehabilitating Proportional Equality*

Koenig-Archibugi (2011) points to the principle of proportionality as a foundation for his concept of fuzzy citizenship. He refers to Brighouse and Fleurbaey (2010) as the authors who most prominently reintroduced the proportionality principle into democratic theory. Unfortunately, the latter propose “to replace the principle of equality by a principle of proportionality” since it “would not only provide better guidelines for the definition of a democratic ideal in theory, but would also help understanding existing institutions and practices” (Brighouse and Fleurbaey 2010: 137/138). However, arguing that the norm of “equality” should be exchanged by a different norm called “proportionality” is quite misleading. Instead, “proportionality” is only one way of specifying the concept of equality. What really is at stake is what Aristotle called the **difference between “numerical equality” and “proportional equality.”** Numerical equality requires us to treat “all persons as indistinguishable, thus treating them identically or granting them the same quantity of a good per capita. This is not always just. In contrast, a form of treatment of others or distribution is proportional or relatively equal when it treats all relevant persons in relation to their due” (Gosepath 2011: 4). From Aristotle until early modern times, the concept of proportionality has been used in debates on democratic inclusion to justify exclusions and plural voting systems (e.g. providing educated people with more votes than non-educated, as J.S. Mill advocated). No wonder that the attempt to reintroduce this concept

has raised concerns (e.g. Näsström 2010, Näsström 2013, Erman 2013). Nevertheless, all those who base their understanding of equality and democracy on a theory of justice and justification will agree with the following insight: “Just numerical equality is a special case of proportional equality. Numerical equality is only just under special circumstances, viz. when persons are equal in the relevant respects so that the relevant proportions are equal” (Gosepath 2011: 4).

For the acceptance of the principle of proportional equality as a normative foundation of a system of transnationalized democracies, it is important to stress the fact that I refer neither to individual competences nor to being affected by individual policy decisions as the point of reference for allocating different degrees of inclusion and influence (as Brighthouse and Fleurbaey do). Furthermore, my proposal does not imply that different people have different amounts of votes. Instead, for a transnational system of inclusion, voting and representation, the principle of proportional equality implies that the **level of inclusion** into the national *demos* also determines their **level of representation** in national parliaments. This paves the way for setting up a system of representation in which the consociated members of national *demoi* are newly entitled to representation in the national parliament, but one that is weaker than that owed to core members of the national *demoi*.

#### ***IV.b Electoral Principles for Transnational Voting and Representation***

In this section, I lay out the principles that should guide the set-up of a system of transnational voting and representation, which forms the electoral heart of a transnationalized representative democracy.

##### ***D. Granting Consociated Citizens the Right to Vote in National Elections***

Nation states should offer individual members of consociated states (based on the principle of reciprocity) the status of consociated citizenship and thereby partially integrate them into their national *demos*. The best way to make this inclusion an **empowered inclusion is to attach the right to vote in national elections** to the status of consociated citizenship. Voting as a generic mechanism has an impact not only on all three functions of democracy: empowered inclusion, collective agenda setting and will formation, as well as collective decision-making (Warren 2017). It also contributes to both dimensions in the process of democratization (liberalization/contestation and inclusion/participation, Dahl 1971), and it is the best means to defend

two core values of modern democracies in the process to transform national democracies into transnational ones, namely political pluralism and equality.<sup>18</sup>

*E. Allocating Consociated Citizens a Limited Number of Seats in National Parliaments*

In line with the principle of proportional equality, **national parliaments** should allocate a **limited number of seats** to legislators who represent consociated citizens. These numbers should vary according to the size of the national parliaments, so that a parliament that is involved in the voting schema reserves the same percentage of its seats for the representatives of the consociated citizens as the parliament of the consociated state does for the representatives of the other participating state. The nation states involved must agree on such a percentage in a deliberative process. The involved states will have to balance the goal to give the perspectives and interests of consociated citizens a significant role in the will-formation and decision-making systems of nation states with the goal to secure the political self-determination of core and semi-core citizens. Furthermore, they have to secure the feasibility of the transnational voting schema which means that the result will certainly depend also on the number of involved states. The numbers and percentages matter since they determine the incentive structure of the political parties during their campaigns. Nevertheless, even in the case that states grant consociated citizens only minimal number of consociated representatives, these representatives might still make a huge difference, since they will be able to articulate the perspectives and interests of the consociated citizens within national parties and parliaments. In consequence, it will become increasingly **difficult to ignore** these perspectives and interests or **discredit them as illegitimate external influence**.

*F. Including the Representatives of Consociated Citizen in National Parties*

Partisan representatives in national parliaments should be recognized as the primary actors who connect all kinds of members of a national *demoi* to national governments as core sites of political power within and beyond the domestic realm. **Political parties are crucially im-**

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<sup>18</sup> Once again, I would like to emphasize that I perceive voting rights as necessary but not as sufficient conditions for reaching these goals. Further rights and means are certainly necessary for fulfilling these goals, but in line with a long line of scholars of democracy from Robert Dahl to the organizers of the “Varieties of Democracy” project, I perceive voting rights as essential.

**portant** for making governments “responsive” and “responsible.” An expansion of the electorate beyond the confines of residency and nationality makes it much easier for them to perform these two functions at the same time. This is because it realigns the scope of aspects and interests that have to be taken into account when they try to find effective solutions to policy problems on one hand side and when they develop programs and campaigns for gaining power on the other side. Parties that cater to the interests and identities of consociated citizens during election campaigns must have an incentive to do so: parties that decide to focus only on core members of the *demos*, often by rhetorically excluding externals, may be able to gain some votes this way, but the consociated schema will make it highly likely that they also lose votes with such a strategy.

The transnationalization of representative democracy should **not be another factor** that contributes to the ongoing **fragmentation of national party systems**. The perspectives and interests of the consociated citizens should be represented not only in parliament, but also within individual parties. Electoral rules have to make sure that parties, which cater *only* to the interests of consociated citizens, have no chance for gaining a seat in parliament. In consequence, candidates who want to represent consociated citizens, must be members of the very parties that cater to the core members of the national *demos*, as well.

#### *G. Allowing for Plurality in the Representation of Consociated Citizens*

From the debate on “*demoicracy*,” I take the insight that a transnational democracy must recognize a **plurality of national communities and a plurality of individuals** as constitutive subjects/principals of such a polity. Recognizing national communities as principled members of a transnational democracy implies that national parliaments designate specific seats for each of the national communities that do the same in their parliaments. Recognizing individuals as a second kind of principled member implies that we should not view nations as homogeneous communities but as diverse societies consisting of different individuals and groups with divergent perspectives and interests. To reflect this viewpoint we should grant, I propose, each national community of consociated citizens at least two seats. This would make it possible that the two elected parliamentarians take different policy stances and are members of different party caucuses.

#### *H. Avoiding Overburdened Consociated Citizens and States*

A system of transnationalized democracies **could include** anything from **two nation states to a large number of nation-states**, e.g. all 28 (soon 27) members of the European Union. In the latter case, the “joint declaration of interdependence” that the participating nation states sign, has to include rules and procedures that make the schema feasible for the involved states and citizens. Two features of the “declaration of interest and identification” will be of great help: First, individuals register as consociated citizens when they vote as citizens; second, they can add only a limited amount of consociated citizenships to their national citizenship.

I briefly describe how this can be organized: The consociated states offer their citizens the opportunity to become consociated citizens of the other participating states in the moment when they give them the opportunity to vote for their own national legislature. **Together with the ballot papers**, involved nation states give their citizens a list of all consociated states. The citizens can select a limited number (e.g. 5 at most) of consociated states in which they want to be consociated citizens and they sign the “declaration of interest and identification” for these states. Together with their ballot papers, they hand over the signed list of selected countries to the administration that organizes the national election. In the following weeks, that administration confirms the granting of the status of a consociated citizen both to the consociated citizens and to the selected consociated states. Coupling the signing of the “declaration of interest and identification” with the national vote, limiting the amount of consociated citizenships a citizen can acquire, and letting the people decide whether and which offer of consociated citizenship they want to accept – these features make the transnational voting schema **feasible both for the individual citizens and the participating states**.

The acquired status of consociated citizenship, with the accompanying right to vote, should be limited in time. State and consociated state grant it only until the next national election takes place in the country of nationality. This means that every four or five years, every citizen can and must make up his/her mind again whether and where he/she wants to be a consociated citizen of another nation state. This feature makes sure that the external boundary of the *demos* of each involved nation state is always **clearly demarcated**, but at the same time, flexible and **adaptive over time**, since it aims to track the changing cross-border flows, (inter)dependencies, institutionalizations, and regulations.



### *I. Securing the Integrity of Registration and Vote*

The states in which people are citizens are primarily responsible for organizing their registration as consociated citizens of consociated states. That is why it makes sense to couple this step with the national elections of these states. After the national elections, these states confer not only to their citizens their status of consociated citizenship but they hand over, at the same time, a list of confirmed consociated citizens to the respective consociated states. The **consociated states are primarily responsible for organizing the voting** of consociated citizens. They provide all consociated citizens with the ballot papers for their own national elections (as is currently the case for registered nationals abroad), facilitate the actual voting of the consociated citizens, present the results of their voting and make sure that the elected representative can actually take up his/her office.

Nevertheless, such a clear-cut allocation of responsibilities should be combined with a schema that secures mutual oversight. On the one hand side, the consociated state should have the right to participate in and/or to control the national organization of the registration of the consociated citizens. On the other side, the nation state should have the right to participate in and/or control the organization of the vote by the consociated state. Thereby, all involved parties would **gain trust in the procedure and it would help to secure the mutual acceptance** of results. If the transnational voting schema involves more than two nation states, a multinational agency should be set up with two tasks: a) capacity building and knowledge transfer, and b) resolution of conflicts among the participating countries.

Please note that these rules imply quite **distinct roles** and functions that **governments** and political **parties** have to fulfill. It is fully legitimate that political parties from all involved countries try to mobilize the domestic population to register and to vote in the elections of those countries that participate in the transnational voting schema. Governments, though, have to safeguard that the registration and voting procedures takes place properly, they must not be involved in influencing neither the registration nor the voting. Such a distribution of labor is important for securing that the elected parliamentarians are recognized as representatives of the consociated citizens, and not as envoys of the governments of the consociated states.

*J. Providing a procedural solution for balancing symmetrical and asymmetrical principles of representation of transnational perspectives and interests*

A transnational voting schema must combine two seemingly incompatible assumptions: First, it is based on the assumption that the relationship among the involved consociated nation states is symmetric. Each involved nation state offers nationals of all other participating nation states the status of consociated citizenship and voting rights if these nation states do the same for their nationals. In other words, the transnational voting schema accommodates one of the core principles of international relations in the Westphalian world order: reciprocity (Keohane 1986). **Reciprocity implies symmetry**, something that finds its first expression in our proposal to call the agreement, through which the transnational voting schema is established “joint declaration of *interdependence*.” Nevertheless, the transnational voting schema is also aiming to align the boundaries of the *demos* of nation states to the boundaries of the de facto existing *kratoi* of these nation states. If we start from the presumption that states that do not wield the same power across their boundaries, then the schema has to allow for an **asymmetrical expansion** of the boundaries of the *demos* in order to track the different levels in which the various nation states are influenced by, or “dependent” on each other.<sup>19</sup>

I propose to introduce **two parameters** that enable the transnational voting schema to accommodate both presumptions and goals: As already mentioned, the citizens of the involved nation states should be able to add only a **limited number of consociated citizenships** to their national citizenship. This limit does not only help to avoid overburdened states and citizens, it can be used as an element of a more encompassing regulation that aims at the identification of those states that exercise the strongest influence on the citizens of a nation state. Such a regulation complements the limited numbers of consociated citizenship that a citizen can acquire with a limited number of external representatives that citizens of a consociated state can have in other consociated states. In order to reach the latter goal, the consociated states would have to agree on a rule that stipulates that **only the largest consociated citizenship groups** in a nation state would actually be granted voting rights and representatives in other states.

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<sup>19</sup> Mathias Koenig-Archibugi (2012: 460) criticizes Philippe Schmitter’s proposal as unsatisfactory in light of the “all affected” principle. He argues that Schmitter’s idea of reciprocal representation does not take into account that cross-national affectedness is often radically asymmetric and implies that the principle of reciprocity is incompatible with the principle of proportionality. With our procedural approach, we show that this does not have to be the case.

I **illustrate** the consequences of this rule with an example in which the states have agreed to provide voting rights to the five largest groups of consociated citizens (CCs) in each consociated states. Let's assume that 40% of the citizens of country A register as CCs of country B, 20% as CCs of country C, 18% as CCs of country D, 15% as CCs of country E, 10% as CCs of country F, 5% as CCs of country G, and lesser percentages would register as CCs of further countries. In this case, in country A only the consociated citizens of countries B, C, D, E, and F would actually be allowed to vote in the upcoming national elections of these countries, the consociated citizens of country G and the consociated citizens of further countries would not be provided with a voting right.

These rules, which all involved consociated states have to agree upon, and which all apply equally, would make it possible and highly likely that some states will have more representatives of consociated citizens sitting in their parliaments than other states, despite the fact that all states will send the same amount of consociated representatives into the national parliaments of other states. Let us assume that we have a system in which ten (10) states have signed a "joint declaration of interdependence" and agreed that their citizens can select five (5) potential consociated citizenships and that each consociated country can elect and send consociated representative into the parliament of five (5) consociated states. The likely result of such a system of transnational voting and representation is that the **most powerful state** will be on the list of the five most selected states in all nine other states. In consequence, this state will incorporate the elected representatives of the consociated citizens in nine (9) other states, but its consociated citizens will send elected representatives merely into the parliament of five (5) consociated states. A **less powerful state**, in contrast, will send more consociated representatives into the parliaments of consociated states than it receives from the consociated citizens of these states. In other words, if the parameters in the two rules that limit the amount of consociated citizenships and national delegations are set below the number of involved consociated states, the schema makes it possible that each nation state sends the same number of consociated representatives into the parliaments of consociated states, on the one hand, but also that the parliaments of the consociated states incorporate different amounts of consociated representatives on the other.<sup>20</sup>

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<sup>20</sup> Another rule should make sure that each involved national parliament is incorporating at least one group of consociated party representatives from a consociated country. This not only

Overall, with these rules and parameters in place, the transnational voting schema would allow for making two fundamental decisions in respect to the boundary of national *demoi* in a *demoicratic* fashion (in the sense that state peoples and individual people play crucial roles):

- a. The first decision concerns the question **how strongly the perspectives and interests of people who are neither nationals nor residents but consociated citizens should be represented** in democracies. In this respect, my proposal provides an alternative to the solution that Koenig-Archibugi (2012) suggested. Instead of assuming that the level of external effects that a country produces is objectively given, and that it can be traced by using a technical proxy (like the share of world income), I think that it is more adequate to conceptualize the identification of this level as the result of a social process. Even more, my solution allows to make this social process a *demoicratic* one. It will be up to (some) nation states to recognize each other as consociated states and to jointly set up the parameters of the transnational voting schema, and it will be up to the citizens of these state to decide, how many representatives of consociated citizens a democratic state has to include in its national parliament.
- b. The second decision concerns the question **who should be included**. Instead of trying to derive the boundaries of *demoi* alone from abstract and generic principles, our proposal implies that we should provide citizens of consociated states with the opportunities to register as consociated citizens and to elect their partisan representatives in the national parliaments of other consociated states. Then it is up to the people and to the political process to determine who is represented and who is not. The proposed schema does not only make it likely that the number of consociated representatives in the parliaments of states will correlate strongly with the power of these states, but also that the composition of the consociated representatives in each parliament mirrors the specific spheres of influence that a country wields abroad.

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secures that the principle of reciprocity is not fully ignored in practice, but also that each national legislature is actually experiencing a minimum of transnationalization.

## V. SUMMARY AND CONCLUSION

Overall, the scrutinized principles would lead to a carefully calibrated transformation of a system of national democracies into a system of overlapping transnational democracies. Such a transnational transformation of democracy promises to **overcome the parochialism of national democracies without disconnecting the rulers from the ruled**. On the contrary, it would strengthen the core actors and institutions of a representative democracy: people(s), parties and parliaments.

I would like to emphasize that **conceptually**, the transnational approach is an **alternative** to both – supra-nationalism and Westphalian nationalism. It has its distinct institutional features and justifications. Practically, it builds on the Westphalian system of nation states since it envisions expanding the scope of the democratic institutions and processes on the national level instead of building and democratizing new institutions on a higher level. Nevertheless, I do not assume that pursuing the transnational approach makes the supranational und multilateral institutions fully dispensable.

If the proposed transnational approach works as envisioned and makes national politics less egocentric and parochial, it could indeed **limit** the extent to which the **transfer of competences** towards multilateral institutions or towards joint supra-national authorities is necessary because it would increase the leeway for bi- and international agreements and reduce the need for supranational authority and control. Nevertheless, I assume that the main result will be that it **strengthens the political will and acceptance among national politicians and people(s) to pool sovereignty** and decision-making in multilateral institutions and it will enhance the legitimacy and acceptance of intergovernmental compromises as well as the regulations of supra-national authorities among the wider population. Overall, despite the fact that the transnational approach forms a conceptual “via media” between supranational and national approaches, its establishment does not mean that the other approaches can be fully “overcome” or substituted. Instead, the transnational approach builds on and transforms the national approach, and it provides, at the same time, the groundwork for strengthening and legitimizing the supra- and multinational approach. It forms an important part, that is, of a **truly pluralistic strategy** to deal effectively and democratically with a world of intensive cross-border flows and (inter)dependencies (Blatter and Schlenker 2013).

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