# Of Borders and Ballots
## *Bridging Migration Justice and Democratic Theory*

**Eleonora d'Annibale and Helder De Schutter**

**Abstract:** Are immigrants entitled to the right to vote in receiving societies? Or is voting the most effective path to fostering immigrants' political agency, integration, and protection of their interests? This special issue explores these core questions through a range of contributions that offer nuanced and forward-thinking insights. In this introduction, we survey key literature at the intersection of democratic theory and migration justice, outlining major arguments and tensions in the field. By weaving together diverse perspectives, we propose a framework to navigate what may seem like deep divisions, ultimately clarifying the evolving role of political participation in immigrant inclusion and democratic legitimacy. While we recognize the differing positions among scholars, we emphasize points of convergence and the broader trajectory of the debate. This approach reflects our hope to promote constructive dialogue and highlight emerging consensus, particularly in light of the contentious nature of migration and its implications for democratic practice.

**Keywords:** democratic inclusion, enfranchisement, immigration, right to vote

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One of the early and influential contributions within normative political philosophy of migration came from open-borders advocate Joseph Carens, who argued that Rawlsians, Nozickians, and utilitarians alike would converge on the conclusion that open borders better reflect the principle of equal moral worth for all individuals (Carens 1987). Since then, the debate has expanded to include a multitude of voices and perspectives, with scholars addressing the diverse challenges that migration presents: from the rights and duties of temporary workers to states' responsibilities toward refugees and asylum seekers; from the legitimacy of state control over borders and immigrant selection to broader questions of multiculturalism and social integration.

This special issue zooms in on a particular set of challenges raised by migration, that is the problem of democratic inclusion and political

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rights of migrants within receiving societies. This includes answers to questions such as whether immigrants are entitled to the right to vote in the receiving polity,[1] or whether the right to vote is an effective means of political empowerment. This area of inquiry has received significant academic attention from various positions across the politicophilosophical spectrum. Moreover, the answers to the questions remain divisive. However, it is our hope to demonstrate that this ongoing debate reveals more points of convergence than might initially be perceived. Far from claiming that unequivocally correct answers to these questions have been found, we aim to show that meaningful common ground is emerging. We hope to show that this common ground complicates and enriches a perhaps simplistic rendering of the relevant positions as strictly pro- or anti-inclusion, or as primarily oppositional to one another.

In what follows, we first provide a few critical definitions and clarify the scope of this issue, laying the foundation for the discussion to follow. Next, we introduce the central debates on migrants' democratic inclusion, focusing on the all-affected and all-subjected principles, as well as alternative models of inclusion, which offer new perspectives on the boundaries of democratic participation. We then examine the effectiveness of voting rights as a means of political inclusion, questioning whether enfranchisement should be prioritized over other forms of participation. The same section presents the tension between expanding voting rights to noncitizens and maintaining the value of citizenship. Finally, we introduce the articles included in this special issue and situate them within the broader context of the ongoing discussion, highlighting how they engage with and advance current debates on migration, democracy, and political membership.

## Terminology and Framework

People migrate for various reasons, by different means, for varying lengths of time, and to a wide range of destinations. This special issue necessarily focuses on a specific set of cases: we focus on the political rights of long-term denizens in the context of voluntary international migration *post migrationem.* Let us explain these terms. The first distinction to consider is that between international and internal migration. While internal migration affects significantly more people than international migration, the scope of this issue is limited to international migration. This focus stems from the fact that political enfranchisement—at least at the national level—typically remains unchanged when individuals relocate within a state's borders. The second distinction to consider is temporal,



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Democratic Theory Vol. 12 Issue 1_Summer 2025.indb 2 5/29/2025 11:23:30

distinguishing between tourists or other transient individuals – who stay for short, temporary periods – and migrants, whose relocation implies a more prolonged or permanent presence (typically six to twelve months in most institutional frameworks). Most theorists would take it that meaningful political inclusion and participation can only occur through prolonged exposure to the relevant political context. While some theorists challenge this relative consensus, in this issue we want to sideline that discussion by focusing only on long-term immigrants.[2] Long-term migrants who have not been naturalized are sometimes referred to as "denizens."[3] More broadly, the term "denizen" is used to designate anyone who has limited rights in comparison with citizens, regardless of their migration status. Within the migration literature however, it is broadly understood to refer to non-citizen residents. The third important distinction is between voluntary migrants and forced migrants, such as asylum seekers and refugees.[4] We focus on the first category, acknowledging that refugeehood is a distinct condition that may potentially give rise to different claims for political enfranchisement, along with corresponding state duties.

Having clarified which migrants this special issue focuses on, we now turn to the rights and obligations we will examine. In the migration literature, we can identify two primary frameworks: justice *ad migrationem* and *post migrationem.*[5] The former addresses questions of admission into the country (e.g., Should borders remain open, or are there justifiable reasons for a selective migration policy? Should we select immigrants based on criteria like language skills, economic profiles, or other factors?). This is where the open-versus-closed borders debate takes place. The second, *post migrationem* prespective concerns the rights and duties of migrants after they have entered the host country. This includes, among other things, the language rights of immigrants (Should states support migrants' ability to speak and access public services in their native language, or rather prioritize assisting them in acquiring the official language(s)? and why?), their socioeconomic rights (including the conditions of access to the welfare state), as well as the issue of enfranchisement discussed here (including questions such as: Should immigrants be able to vote? Under which conditions? What are the conditions of citizenship acquisition for immigrants?). There is also important overlap between the *ad-* and *post migrationem* domains. For example, borders play a central role in the problem of democratic inclusion and enfranchisement, as democratic politics have traditionally been understood to presuppose the existence of bounded *demoi.* As Frederick Whelan puts it, "democracy requires that people be divided into peoples (each people hopefully enjoying its own democratic institutions), with each unit distinguishing between its own



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Democratic Theory Vol. 12 Issue 1_Summer 2025.indb 3 5/29/2025 11:23:30

citizens – understood politically as those eligible to exercise democratic rights – and others, who are regarded as aliens here, although (hopefully) citizens somewhere else" (Whelan 1988: 28). A relevant question regarding enfranchisement is then: when considering democratic inclusion, when are people part of "our" people?

Lastly, we wish to frame the contents of this special issue by clarifying the often murky concepts of voting rights and enfranchisement. By enfranchisement, we refer to the process by which individuals gain the legal right to vote. Within this issue, enfranchisement will refer to voting at the national level, unless otherwise specified. However, enfranchisement is sometimes used in a broader sense to describe the process by which individuals or groups become politically competent and/or active. As will become clear in the following section, enfranchisement in this broader sense is critical for fully understanding and regulating electoral participation. Along similar lines, we note that it is common state practice to grant citizenship, the right to vote, and the right to run for public office as a bundle.[6] More broadly, political rights are often categorized alongside civil rights, and determining which right falls into which category is not always straightforward. Awareness of the distinctions between these three elements may help direct attention to their different roles and weights, which we hypothesize carry distinct normative implications. While we do not offer a typology of civil and political rights, but rather focus on the right to vote at the national level, we underscore these distinctions and interlinks in hopes of providing a nuanced overview of the issue at hand.

## Migrants' Democratic Inclusion

Since migration entered politicophilosophical discourse, the boundary problem of democracy – or the challenge of defining the demos[7] – has gained renewed salience. Scholars have debated which morally and politically relevant features should ground the expansion of the electorate and in what direction. The two familiar alternatives – the all-affected and all-subjected principles – have each gained traction, refined and expanded upon by various scholars. Very briefly: the all-affected principle holds that anyone whose interests are impacted by a decision should have a say in its outcome (Goodin 2007). Its most well-known alternative, the all-subjected (or all-coerced) principle, asserts that anyone under the authority of a given institution (or particular decision) should have a say in its decision-making (Abizadeh 2008; 2022; Fraser 2010). The most common critiques that both approaches face are equally well-documented in



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Democratic Theory Vol. 12 Issue 1_Summer 2025.indb 4 5/29/2025 11:23:30

the literature: to summarize, critics show how both criteria fail to provide a plausible definition of the demos by either over-including, over-excluding, or both. Arash Abizadeh's influential contribution on border coercion has significantly shaped the debate, offering a novel perspective on the relationship between borders and democratic inclusion (2008). He argues that borders function in a coercive manner and, therefore, if the all-subjected principle is to be taken seriously, all would-be migrants are entitled to some form of democratic inclusion. Abizadeh's contribution exemplifies how the issues of justice *ad migrationem* and *post migrationem* are not confined to entirely separate theoretical domains but are deeply intertwined. This argument has pushed the debate in two main directions: some scholars have responded by either refining the notion of subjection/coercion to make the principle less inclusive or abandoning it altogether; others have used it to advocate for global democracy. Notably, the all-affected principle also lends itself to an interpretation that demands a global demos. Robert Goodin (2007) was the first to make this argument, stating that considering all potentially affected interests requires extending the franchise globally or compensating those who are unjustly excluded.

Predictably, not all democratic theorists support global democracy or an unbounded demos, citing concerns about both feasibility and desirability alike. Sarah Song (2012) has argued that both principles are insufficiently attentive to the conditions of democracy. She has argued for the demos to be bounded by the territory of the state, thus rejecting the possibility of a global demos. Rainer Bauböck (2015) has highlighted how both the all-affected interests and all-subjected principles are indeterminate regarding the boundaries of the demos and indifferent to the nature of the polity in question. For Bauböck:

> we should start from the fact that all polities have boundaries and co-exist in a world containing a large plurality of polities. We ought to think of this plurality as a circumstance of democracy and citizenship in a similar way to how Rawls regarded a condition of modest scarcity as a circumstance of distributive justice. It makes no sense to ask what distributive justice requires in circumstances of abundance or absolute scarcity. Similarly, it makes no sense to ask who has a right to be included in a particular polity or citizenry if we do not presuppose a world of bounded polities. (2015: 823)

Furthermore, because both principles focus on what he calls "output legitimacy," they are circular: to determine who should have a say in democratic decision-making, they consider how the outcomes of this process affect individuals. Bauböck's proposal is what he calls a "stakeholder



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Democratic Theory Vol. 12 Issue 1_Summer 2025.indb 5 5/29/2025 11:23:30

principle," according to which those "whose individual autonomy and wellbeing is linked to the collective self-government and flourishing of a particular polity have a claim to inclusion" (2015: 825). Along similar lines, Andreas Bengston considers "relatedness" as the fundamental criterion to identify those who should be included in democratic decision-making (Bengtson 2022). Like Bauböck's, this solution is input- rather than output-focused.

Despite the challenges they present as standards of inclusion, the all-affected and all-subjected principles are still widely regarded as capturing key democratic values – procedural fairness and political autonomy, respectively (Erman 2022). For this reason, scholars have appealed to both principles and sought to apply them in alternative ways. Francis Cheneval, for instance, has examined whether the all-affected principle can serve to determine who has a claim to participate in democratic deliberation, distinguishing between a deliberating demos and a decision-making demos (Cheneval 2011). Similarly, David Owen has argued that the all-affected principle can help identify those to whom democratic justification is owed. As he puts it: "[a]ll whose legitimate interests can be reasonably foreseen to be actually affected by a choice between any of the range of plausible options open to the polity should have their legitimate interests impartially taken into account in the decision-making process" (Owen 2012: 148). These efforts to repurpose the principles in ways that trace claims to democratic goods beyond voting underscore the broader landscape of democratic accountability and participation. Indeed, as we have narrowly defined it, enfranchisement does not stand in isolation but is embedded within a wider framework of democratic mechanisms. The next section examines how alternative forms of participation or inclusion can complement formal enfranchisement, particularly in cases where conventional voting rights alone fall short of ensuring democratic legitimacy.

## Enfranchisement as a Means of Inclusion

Enfranchisement discussions for immigrants centrally focus on the right to vote. But the question of whether voting rights are the most effective means of political inclusion is far from trivial. While voting is a key mechanism of participation, democratic engagement extends beyond the ballot box. Robert Dahl identifies six key institutions essential for any large-scale democracy to be considered truly democratic: elected representatives, the frequent occurrence of free and fair elections, inclusive citizenship, freedom of expression, access to alternative sources



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Democratic Theory Vol. 12 Issue 1_Summer 2025.indb 6 5/29/2025 11:23:30

of information, and associational autonomy (Dahl 1989: 83–90). Only the first three are directly concerned with voting rights. But more fundamentally, even if we agree that voting grants access to essential democratic goods – whether equality, protection, power, or agency – there may be alternative mechanisms that provide more effective or equitable access to these goods. Why, then, should voting rights receive such singular attention? Meghan Benton has argued that it is a mistake to "overstate the extent to which a politically powerless status can secure individual rights" (Benton 2010: 398). There are two ways to address this concern. Either one might argue that voting rights are instrumental in securing whichever democratic good is deemed essential; or one could contend that the disenfranchisement of migrants is inherently problematic because it undermines the requirements of democratic legitimacy. Indeed, it is traditionally thought that a government is legitimate if it has the consent of the governed (Bobbio and Bellamy 1987; Näsström 2007), and equal voting rights are an effective means to institutionalize this consent in a way that reflects both individual autonomy and collective self-rule.

Another reason to question the desirability of enfranchising denizens lies in its potential to weaken the concept of citizenship and/or its potential to discourage naturalization.[8] Michael Walzer has famously argued that denizenship constitutes a form of second-class citizenship, subjecting migrants to a condition of political vulnerability that can amount to a form of tyranny.[9] While he considers immigration controls fundamental to a country's right to self-determination, he argues that the same standard governing immigration should apply to naturalization. In other words, "every immigrant and resident is a citizen, too – or, at least, a potential citizen" (Walzer 2010: 52). Walzer also contends that citizenship should inherently include access to political rights, arguing that separating the two would ultimately weaken the value and significance of citizenship itself.[10] If Walzer is right, we do not want large numbers of non-citizen residents in our midst. This intuition is also behind the plea for mandatory citizenship for immigrants as defended by Helder De Schutter and Lea Ypi (2015).

However, some have pointed out that the normative justifications for inclusion in the citizenry do not necessarily align with those for inclusion in the demos (Bauböck 2015), as citizenship entails a broader set of rights and responsibilities beyond mere political participation.[11] Daniel Sharp has highlighted the significant cross-national variations in the rights and duties attached to citizenship, and argued that this prompts a reconsideration of the connection between citizenship status and the rights it confers (Sharp 2023). Proponents of refugees' claims to enfranchisement often maintain that naturalization should not be treated as a



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Democratic Theory Vol. 12 Issue 1_Summer 2025.indb 7 5/29/2025 11:23:30

prerequisite for the right to vote (Bender 2021; Benli 2023; Kapelner 2024; Ziegler 2017). Their arguments are not intended to discourage naturalization; rather, they emphasize that naturalization and enfranchisement are conceptually distinct issues and that access to political rights should not be exclusively tied to formal citizenship status. Instead, they suggest that democratic legitimacy requires recognizing refugees as political agents, regardless of their naturalization status.

While voting is arguably a cornerstone of democratic legitimacy, it is not the only – or necessarily the most effective – mechanism for securing political agency or equality. Should enfranchisement be prioritized over other forms of participation, or are there alternative pathways to democratic inclusion that better serve migrants and denizens? Furthermore, does expanding voting rights to noncitizens risk undermining the value of citizenship, or does it offer a necessary corrective to exclusionary democratic structures? These questions remain central to ongoing discussions on political membership, democratic legitimacy, and the evolving nature of citizenship in a globalized world.

## Contributions

This special issue opens with Esma Baycan-Herzog's analysis of Will Kymlicka's theory of "multicultural nationalism." She contrasts Kymlicka's normative arguments with recent empirical findings by him and his colleagues, which suggest that majority groups often view immigrant minorities as less "deserving" of rights. Baycan-Herzog questions whether these findings challenge Kymlicka's principles and argues that they do. She then offers a moderate critique of "methodological nationalism." From this perspective, a normative theory that relies on reductive methodological–empirical assumptions (such as equating social cooperation with national culture or presuming that state territories can clearly separate domestic and international spheres) can be normatively problematic. Baycan-Herzog focuses on the assumption of territorial reductionism. She argues against reiterating such assumptions in theorizing, as it is both empirically inadequate (territories change, borders shift and so do memberships), but also normatively problematic toward immigrants' perspectives to describe the current borders as peaceful and stable. Therefore, we should not uncritically adopt such epistemic assumptions of stable borders and stable territories, and we should also not normatively corroborate that assumption. No longer doing so not only opens the door to truly accommodating the claims of immigrants to inclusivity and "deservingness" but could also enhance the reflexivity of nationalism as a normative view.



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Democratic Theory Vol. 12 Issue 1_Summer 2025.indb 8 5/29/2025 11:23:30

The following three contributions present distinct normative accounts of the justification of political inclusivity and deservingness. Eleonora d'Annibale challenges existing theories of voting rights allocation, such as the all-affected interest and all-subjected theories, for inadequately addressing legitimacy in electoral inclusion. Instead, she proposes the "permanent disenfranchisement" condition, which holds that no resident should be permanently disenfranchised against their will, as a minimal threshold for democratic legitimacy. This challenges traditional exclusions based on citizenship or mental fitness but allows age-based or residency requirements. According to d'Annibale, permanent disenfranchisement contradicts the democratic principle of treating all members of a polity with equal respect as decision-makers. This condition is complemented by the "democratic ethos proviso," which allows states to adapt the conditions of enfranchisement to their public culture, provided that permanent disenfranchisement is avoided. This approach aims to balance universal principles of democratic legitimacy with context-sensitive inclusivity, enabling a more viable and egalitarian framework for electoral inclusion.

The next two contributions seek to provide further normative grounding for the wrong of disenfranchisement. In their article, Emanuela Ceva and Dario Mazzola directly challenge the claim that voting rights might not be central to the democratic inclusion of immigrants. According to Ceva and Mazzola, voting is a "primitive" right, essential to the democratization of political life, because it embodies a mutual and second-personal exercise of political authority. Through voting, citizens recognize each other as equal co-authors in the governance of the polity. This implies that decisions about enfranchisement are also decisions about who is acknowledged as an equal participant in this mutual exercise of authority. While Ceva and Mazzola recognize that there may be valid reasons to restrict voting rights, they emphasize that any such exclusion entails a significant loss of political agency and co-authorial recognition for the disenfranchised. Therefore, the right to vote must remain a priority in democratic systems, and alternative forms of political participation cannot fully compensate for the loss of authority and agency caused by disenfranchisement.

Zsolt Kapelner, too, is invested in the business of finding a solid argument to argue against immigrant disenfranchisement. He challenges the standard view that argues for immigrant enfranchisement solely based on immigrants' interest in not being ruled without representation. Instead, he proposes an alternative argument grounded in a shared interest between immigrants and citizens. According to Kapelner, both groups have a common interest in participating as equal partners in the just



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Democratic Theory Vol. 12 Issue 1_Summer 2025.indb 9 5/29/2025 11:23:30

governance of the polity. This perspective is based on the idea of mutual service: in a cooperative setting like the state, participants are mutually vulnerable and have obligations to serve one another to uphold social justice. Since immigrants are part of this cooperative system, they should be enfranchised to contribute to and benefit from this mutual service. Thus, the justification for immigrant enfranchisement is not just about protecting the interests of immigrants but also about fulfilling the shared interests of all members of the polity.

The special issue ends with an interview with José Medina by Claudia Gâlgău. Medina published widely on epistemic injustice and the epistemology of protests and resistance. The interview focuses in on protest as an alternative mechanism to secure political agency and equality. Protest is a form of political participation – a means to co-steer the state – that is always accessible to immigrants who may be unjustly excluded from enfranchisement or other formal means of participation. In the interview, Medina speaks specifically about the epistemic dimensions of protest. Medina and Gâlgău discuss the epistemic preconditions for developing sustainable and successful communities of protest that can secure political agency in the midst of oppression. The interview also addresses the epistemic mechanisms of successful protest, which according to Medina often entails what he calls processes of both cognitive and affective epistemic friction.

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## NOTES

1. Iris Marion Young has defined a polity as "a collective whose members recognize themselves as governed by common rule-making and negotiating



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Democratic Theory Vol. 12 Issue 1_Summer 2025.indb 10 5/29/2025 11:23:30

procedures" (Young 2002: 27). Rainer Bauböck (2015: 822) further clarifies that polity is the broader genus, of which states are only one species.

2. Anna Goppel argues that prior residence should not determine access to political rights, as it neither reflects the extent to which a migrant is affected or coerced by the decisions in question, nor serves as a reliable measure of their political knowledge and competence (Goppel 2022). Robin Celikates is also opposed to prior residence as a condition for electoral participation (Celikates 2012).
3. Tomas Hammar (1990) was the first to introduce this term in the immigration debate. Interestingly, Hammar used it to emphasize the declining importance of citizenship as a prerequisite for rights-holding (Benton 2010).
4. The dichotomy between voluntary and forced migrants should not be accepted or applied uncritically. Valeria Ottonelli and Tiziana Torresi (2013) have argued that this distinction is normatively undertheorized, rendering it susceptible to imprecise and opaque use across various sides of the debate. Nevertheless, despite these conceptual challenges, we contend that the particular condition of refugees warrants special consideration. For this reason, we provisionally retain the distinction. For literature on refugees' claims to electoral rights, see Bender 2021; Benli 2023; Kapelner 2024; Ziegler 2017.
5. This distinction was at the heart of a four-year research project at KU Leuven chaired by Helder De Schutter and Eszter Kollar.
6. However, Daniel Sharp (2023) highlights that even within liberal democracies, the rights granted by citizenship vary widely. Nonetheless, we make this generalization because this is a minimal set of rights that liberal democracies typically associate with citizenship.
7. "Demos" is used in multiple ways. We understand it as a synonym for "electorate," referring to the group of individuals who hold full political rights within a state's jurisdiction, distinguishing it from the broader concept of "citizenry," which includes all individuals recognized as members of a state regardless of voting rights (e.g., minors), or the more encompassing notion of "nation," which often implies a shared cultural, ethnic, or historical identity beyond legal status.
8. Naturalization is the process by which foreign nationals gain citizenship of a country, which is usually their country of residence. Citizenship is a form of membership signified by a legal status and it bestows its holders a bundle of rights and duties that varies widely across countries (Vink 2017): typically, these are political, social, and economic rights, as well as civic duties (e.g., serving on a jury when summoned).
9. From a similarly republican angle, Meghan Benton (2010) draws attention to exit costs, emphasizing how the higher the exit costs, the stronger the potential for domination. More recently, external citizenship has been recognized as playing an important role in assessing someone's vulnerability to domination due to their denizenship: Suzanne Bloks and Daniel Häuser (2025) claim that political rights' differentiation among denizens is admissible as a function of the extent to which they benefit from their external citizenship.



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Democratic Theory Vol. 12 Issue 1_Summer 2025.indb 11 5/29/2025 11:23:30

10. There is a trend among scholars who defend immigration restrictions to also argue for a duty to set immigrants on a path to citizenship (see, for instance, David Miller 2008; Christopher Heath Wellman 2008), but the claim that long-term residents have a right to naturalize is widely shared by scholars with open-borders inclinations (such as Joseph Carens 2013; Kieran Oberman 2017).
11. In local elections, it is relatively common to disentangle electoral rights from citizenship status. However, at the national level, this practice remains rare, with only five countries worldwide granting full voting rights to denizens (Altman et al. 2023).

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