

## **Democracy, Citizenship, and Territory. Preserving the Link?**

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Defining fixed and mutually exclusive enclaves of legitimate dominion territorially is the distinctive feature of the modern system of rule, John Ruggie observes. However, since the 1990s, processes of de- and re-territorialisation have opened up possibilities for new forms of international political space and even a ‘multiperspectival polity’ to arise.<sup>1</sup> Yet, it remains unclear how these developments will play out and, more particularly, whether democracy could and should dispense with territorial spaces and boundaries altogether. In fact, democratic theory exhibits a variety of contradictory ways of dealing with the issue of territory. While some theorists dispense with territorial modes of differentiation altogether and conceptualise deliberative and democratic politics cleared of territorial ties,<sup>2</sup> others defend a strong link between democracy and territory.<sup>3</sup> Still others stress the incongruence and spatial expansion of social and political relations and oppose the principle of exclusive territoriality but still stick to the mode of territorial differentiation – if not within the state, then, in a territorially shaped multi-level system.<sup>4</sup> Thus, the question arises: Are we to hold the line or to cut the ties between democracy, citizenship, and territory?<sup>5</sup>

To answer this question, several issues must be addressed: What is the reason for adhering to territorial forms of democracy and citizenship? Is this connection necessary for democracy to exist or to function? Or, might the close link between democracy and territory even impede the functioning of democracy and citizenship? Is democratic theory right to adhere to territorial spaces and boundaries or is it caught in a “territorial trap”<sup>6</sup> from which it needs to break free? To confront these questions, democratic theory needs to elucidate the concepts of territory which underlie many of its contributions. To evaluate the significance and consider the justification of these core tenets, it furthermore needs to contextualise its own approaches by taking account of relevant additional perspectives on the relation between territory, democracy, and citizenship. To include citizenship as a third concept informing this discussion might seem odd at first. However, citizenship is not only an integral part of democracy. Recent debates on transnational citizenship, i.e. on the claims resident non-citizens and non-resident citizens have to political rights and participation, show that it opens up a productive and interdisciplinary perspective on the boundaries of democracy. The perspective of citizenship therefore helps to recognise and to classify different conceptions of territory as well as their connection to democracy and citizenship.

I will thus examine three exemplary debates which each focus on either democracy, citizenship, or territory but also discuss the interrelation between all three conceptions. I discuss contributions regarding territorial spaces and democratic boundaries from democratic theory itself and complement these perspectives by analysing the debates on transnational citizenship and territorial rights. The debates on territorial rights, as they arise in the context of secession, migration, and resource distribution, promise to explicitly address the relation between rights over persons and rights over territory<sup>7</sup> and thereby to provide insights into territory's relation to democracy and citizenship. As Lea Ypi shows, Lockean acquisition, nationalist attachment, and Kantian legitimacy-based or permissive theories of territorial rights differ in terms of their individualist or collectivist, property- or jurisdiction-oriented, unilateral or multilateral outlook.<sup>8</sup> The link between rights over persons and rights over territory promises to be multidimensional. The debates on transnational citizenship in turn differentiate between citizenship status and residence as foundations of political rights claims.<sup>9</sup> Residence is considered to play a pivotal role in claims to political rights, participation, and citizenship as it indicates subjection to a political authority of territorial scope.<sup>10</sup> Yet, it would be wrong to reduce questions of membership to the dimension of subjection and claims to membership to those based on residence. As only indicator, the latter would ignore the equally relevant dimension of social or political relations between members, which might cross territorial borders.<sup>11</sup> Thus, this debate indicates that there is more than one aspect of democracy and citizenship to be taken into account when asking whether to keep or to cut their connection to territorial spaces and boundaries.

Locating the issue of territory within democratic theory in general and debates on democratic boundaries in particular in the first part of my argument, constitutes a vantage point from which I present the analyses of different readings of territory which are to follow. Seyla Benhabib's work proves to be an exemplary contribution to contemporary analyses of territorial spaces and boundaries challenged by globalisation.<sup>12</sup> She combines different perspectives to be taken into consideration when asking about the relation between democracy, citizenship, and territory. Analysing her position in addition to the debates on territorial rights and transnational citizenship in the second part therefore promises further insights into the multi-dimensional character of territory as well as into the possibilities and limits inherent in the perspective of democratic theory itself.

In order to avoid taking territorial spaces and boundaries for granted and thereby stepping right back into the 'territorial trap', my analyses in the second part of this paper foreground the question of territory. In argumentation, I establish the container-space, social-space, and place

conceptions of territory, current in recent sociological, geographical or phenomenological literature, as analytical framework. I aim not only to dissect the different notions of territory present in recent debates on democracy, transnational citizenship, and territorial rights, but also to analyse the various types of connections between democracy, citizenship, and territory as they correlate with these readings. Understandings of territory vary between separate conceptions of space and place, yet – depending on the dimension of democracy or citizenship they allude to – they exhibit the same patterns of meaning in all three debates under scrutiny.

In the third part, I pull together the individual lines of argument discussed in the prior sections. Discussing the interrelation between the three conceptions of territory, I argue that neither democracy and citizenship necessarily depend on (a) territory and that this connection should not be dismissed lightly. While the container- and social-space conceptions and, above all, their variation can be interpreted as a feature of democratic orders, I support the criticism levelled against strong place conceptions of territory and of any exclusive reading or reification of territory. I conclude by developing two analytically separate questions concerning the justification and the functioning of territorial spaces and boundaries, both of which need to be answered when assessing the connection between democracy and territory – by proponents of holding the line as well as by advocates of cutting the ties between them. These questions indicate that although territory is not indispensable to democracy and citizenship, it might continue to be of value to democratic orders – as long as it is not reified as an isolated and exclusive entity and as long as there are no functional equivalents to territorial spaces and borders better suited to guarantee its functions. Thus, while the principle of exclusive territoriality becomes increasingly questionable under present conditions, nested political jurisdictions of the EU and contributions to democratic theory itself provide us with possible pathways to renegotiate our understanding of territory and its connection to democracy and citizenship.

## **1 Democratic theory and the question of territory**

As it is mostly concerned with the rule of, by, and for the people, it is not obvious what democratic theory has to say on the issue of territory. And indeed, territoriality and territory seem to constitute no primary concern for democratic theory. Nonetheless, territorial spaces surface throughout different strands of democratic theory and the so-called boundary paradox highlights the question of democratic boundaries.

First, territorial spaces constitute a background for democracies which, even today, remains mostly unquestioned. State institutions, *demos*, and territorial space are assumed to interlock. In line with his liberal nationalism, David Miller not only asserts that a nation must have a

homeland. He also uses the notion of territory to link nation and state because national self-determination is understood to depend on “legitimate authority over a geographical area.”<sup>13</sup> A similarly unchallenged link between *demos*, state, and territory, can be found in Michael Walzer’s writings. Yet, while he also understands territory to influence a political community’s identity, his main arguments are functional: Questions of distributive justice are to be dealt with within geographical spaces. Without a state’s territory, effective national self-determination is bound to fail.<sup>14</sup> In a rare effort to systematically discuss the link between democracy and territory and to render underlying arguments explicit, Thomas Christiano argues that the link between (existing) territories and democracies should be preserved, even under conditions of globalisation, if they do not cause serious injustice, for two reasons: First, he takes a territory to constitute the foundation of a state’s *capacity for justice*, i.e. for assuring that a social and political order be just and the application of the law be in line with the principle of individual equality. Second, a territory is said to constitute the *common world* of all those who reside within it and who are linked by a variety of different forms of interdependence.<sup>15</sup> However, not only can the effectiveness of territorial spaces in guaranteeing justice as well as their character of constituting common worlds be challenged under conditions of globalisation (see above). These conditions also indicate that, on a more conceptual level as well, it is necessary to discuss territorial boundaries when assessing the link between democracy and territory.

Second, therefore, the question of territory and democracy touches upon the paradox of democratic boundaries and thus upon the problem that decisions about these boundaries delineate the inherent limits of democratic theory because there is no way to decide democratically about the boundaries of the *demos*. As Frederick Whelan famously stated: “Democracy can be practiced for making collective decisions once the collectivity has been defined, but democratic methods themselves are inadequate to establish the bounds of the collectivity, whose existence democratic theory simply presupposes.”<sup>16</sup> It is noteworthy, however, that the boundary problem is more prominently discussed with reference to people than to jurisdictional units,<sup>17</sup> with reference to civic boundaries rather than to territorial borders. The contributions by Sofia Näsström and Paulina Ochoa Espejo illustrate the challenges this implies.

Sofia Näsström takes up Whelan’s thoughts. She argues for solving the boundary paradox procedurally by understanding the constitution of the people as a recurrent event and defends a radical notion of its democratic contingency. She thus embraces the inevitable gap in the constitution of the *demos* as “productive, a generative device that helps to foster ever new claims for legitimacy”<sup>18</sup> which provides a means to challenge not only policies of naturalisation but the principles of our international order and the form of democracies themselves as *political*

claims. Against this background, the fact that Näsström does not explicitly distinguish civic and territorial boundaries of the people might indicate two things: On the one hand, the categorical character of her remarks suggests that she also implies territorial borders when discussing democratic boundaries. On the other hand, however, the lack of reference to territorial borders might indicate that territory escapes from the legitimatory productivity which she takes to lie at the heart of the boundary problem. Paulina Ochoa Espejo chooses an opposing approach to the boundary paradox. She argues that even if statist, culturalist, nationalist, and cosmopolitan approaches take different points of departure when discussing the boundary paradox, they all ultimately “rely on the notion of a well-defined territory to demarcate the people. They all tacitly make the people a function of a well-defined territory.”<sup>19</sup> In contrast, she herself argues in favour of taking the notion of territory as point of departure, of defining it independently of the people and their decisions, and of taking territorial boundaries as independent indicators for demarking democratic boundaries. Thus, she approaches the contingency of the people not as an opportunity for continuous democratic decisions but turns to territory itself in an attempt to close the gap in the legitimation of the *demos*.

The contributions just recited not only indicate that, under conditions of globalisation, boundaries constitute a highly contended issue, but also that territorial spaces and territorial boundaries need to be discussed and analysed in relation to each other. They constitute two interrelated points of departure for questioning, analysing, and discussing the relation between democracy, citizenship, and territory which, as a question of the frame, touches upon the background conditions of democratic orders but also raises questions of the legitimation of these orders and their boundaries themselves. So far, however, the discussion remains fragmentary. To some degree, the work of Seyla Benhabib reflects this state of affairs. To some degree, however, she interlinks different strands of argumentation and thereby offers a more complex approach to the issues discussed.

First of all, she focusses on the major developments underlying any inquiry into the future of territory as she tries to confront the challenges of globalisation and migration to democracy and citizenship. Central among these challenges are the disaggregations of sovereignty and citizenship.<sup>20</sup> A disaggregation of sovereignty indicates changes in the relation between jurisdiction and territory. Sovereignty eludes the control of the *demos*; the legitimacy of law and the reliability of jurisdictions are endangered. A disaggregation of citizenship refers to the fact that collective identity, political rights, and social rights become increasingly separate and that more and more people enjoy civic liberties and social rights but do not share in political self-

determination. Thus, Benhabib problematizes civic boundaries, i.e. the political membership boundaries of a *demos*, as well as mistaken understandings of exclusive sovereignty.

In order to meet the challenges of globalisation, Benhabib negotiates the relation between democratic theory and cosmopolitan thought.<sup>21</sup> On the one hand, she argues for moral, justificatory, and juridical universalism and for recognising every person's right to have rights. On the other hand, she considers particular processes of democratic decision-making as only adequate and legitimate way for political communities to legislate and introduce human rights norms into their law. Thus, Benhabib values the border transcending character of cosmopolitan norms but also argues for the necessity of closure for democratic practices, which she traces to the logic of democratic representation and links to territorial spaces:

“Precisely because democracies enact laws that are supposed to bind those who legitimately authorize them, the scope of democratic legitimacy cannot extend beyond the *demos which has circumscribed itself as a people upon a given territory*. Democratic laws require closure precisely because democratic representation must be accountable to a specific people.”<sup>22</sup>

Negotiating the two traditions, Benhabib calls for a dynamic concept of political membership:<sup>23</sup> In order to allow for democratic representation, membership in the *demos* is necessarily bounded. However, it can always become subject to democratic change via democratic iterations. Repeated initiatives by civil society actors within states as well as across borders and levels of governance are to cause processes of deliberation and reflection about human rights which, in turn, inform democratic decision-making by particular *demoi*. Benhabib thus offers insights into the constitutive relation of citizenship and democracy and proposes a procedural approach to the boundary problem: Particular *demoi* may draw their boundaries democratically, yet decisions remain open to re-negotiation as part of an ongoing process of democratic self-constitution of the *demos* itself. In sum:

“The new politics of cosmopolitan membership is about negotiating this *complex relationship between rights of full membership, democratic voice, and territorial residence*. While the *demos*, as the popular sovereign, must assert control over a specific territorial domain, it can also engage in reflexive acts of self-constitution whereby the boundaries of the *demos* can be readjusted and democratic sovereignty itself can be disassembled or reaggregated.”<sup>24</sup>

At this point, it is worthwhile and appropriate to foreground the territorial dimension of the argument. Benhabib recognises a crisis of territoriality; the disaggregation of sovereignty is considered to go hand in hand with a deterritorialisation of law as well as identities and loyalties.<sup>25</sup> Yet, she affirms the necessity of territorial spaces as well as of territorial boundaries throughout her work. Democracy is understood to rely on territorial spaces and boundaries. The acts of self-constitution and closure by the *demos* are understood in civic and territorial ways. “The will of the democratic sovereign can extend only over the territory under its jurisdiction ... Therefore, at the same time that the sovereign defines itself territorially, it also defines itself in civic terms.”<sup>26</sup> But while Benhabib elaborately discusses democratic processes and institutions as well as the construction of civic boundaries, their links to territorial spaces and borders are taken for granted. In view of the contingency of democratic jurisdictions, *demoi*, and their boundaries, the continuing importance of territorial spaces and boundaries is ambivalent at best.<sup>27</sup>

Thus, Benhabib’s work underlines the notion that the relation between democracy and territory is a complex one. Notions of territorial spaces and boundaries are intertwined and need to be discussed as such. They are widely accepted as relevant to democratic institution-building, yet seem to contradict the contingent character of democratic orders and boundaries, providing them with stability and guaranteeing their effectiveness. Once the question of boundaries is established as a political question calling for legitimate decisions, democratic theory therefore needs not only to negotiate universalism and particularism, but also to answer the questions of whether to accept existing political orders and borders on the one hand and of how to deal with political or democratic contingency on the other. The task for democratic theory is to develop an understanding of territory which is able to negotiate the contingency of democratic orders, their spaces and boundaries and acknowledge and evaluate the contribution of territory to democratic institution-building at the same time. Only then can we attempt to answer the question whether we are to preserve or to abolish the link between democracy, citizenship, and territory. Benhabib’s contributions serve as a stepping stone into the heart of these discussions and therefore complement the debates on territorial rights and transnational citizenship in the analyses which are to follow.

## **2 Conceptions of territory and their relations to citizenship and democracy**

Lea Ypi traces the roots of the concept of *territorium* to *terra* (= land) and *torium* (= belonging to). “The word, therefore, indicates the possession of a geographical unit by an agent.”<sup>28</sup> The possible agents and their relation to their geographical units are subject to the debates analysed

in the subsequent paragraphs. Container-space, social-space, and place conceptions of territory, which I will introduce and reconstruct by reference of these debates in turn, each provide different understandings of the geographical unit a territory constitutes and as well as of its boundaries. Thus, each of them contributes to a multi-dimensional understanding of territory and each also establishes a different connection between democracy, citizenship, and territory. As the same patterns of connecting democracy, citizenship, and territory reappear throughout the debates under scrutiny, they prove not to depend on the context of a specific debate. The individual conceptions of territory correlate, instead, with different dimensions of democracy and citizenship they allude to or activate.

### **2.1 Container-Space Conception: Territory as More than a Background Assumption?**

As the name itself illustrates, the container conception of space imagines space as a box or container that encloses the persons, beings or goods within. In this sense, space as a concept rooted mainly in mathematics and physics is imagined as homogeneous and independent of its content. It constitutes the unquestioned background to actions or events, social institutions and social change.<sup>29</sup> From a phenomenological perspective, Bernhard Waldenfels criticises that “mere space is nobody’s space”<sup>30</sup>: As an empty box, it turns specific places into indifferent positions in space. Space thereby becomes divisible and measurable, but it does not carry any meaning itself. Sassen concludes: “To exaggerate for the sake of clarity, the focus on the state’s authority over its borders has led to a *naturalising* of territory as what is encased in national borders. And this, I find, leads to an analytic *pacifying* or *neutralising* of the category territory.”<sup>31</sup> Despite Agnew’s heavy criticism, this conception continues to be present not only as basis of conceptions of territoriality, which rely, as Ruggie points out, on the existence of “territorially defined, fixed, and mutually exclusive enclaves of legitimate dominion”<sup>32</sup>, but also in current debates on territorial rights, citizenship, and democracy.

Definitions of territorial rights consider territorial spaces first and foremost as a receptacle for persons and resources over which a collective or political authority exercises these rights. Territory is imagined as a space *within* which social interaction and political practice takes place – protected from any arbitrary interference by outsiders. Territorial continuity as it is implied by this container-space conception is understood as a necessary prerequisite for an effective and stable exercise of political authority and state function, including the consistent application of the law to guarantee individual liberty as well as the institutionalisation and preservation of a common infrastructure and resource management.<sup>33</sup> Focussing on authoritative acts by a holder of territorial rights over a bounded area, its resources, and the persons

living within it, these arguments indicate that the container-space conception of territory mainly addresses the relation between individual and territorial authority as a relation of power and rule.

This rationale is not limited to questions of territorial rights. In the debates on resident non-citizens' voting rights, residence, i.e. living *within* a territory, is widely acknowledged to ground claims to political rights because it is understood to imply living under a system of rule which extends to the territorial borders. Even in times of globalisation, territory is considered as an indicator of individuals' subjection and thus to constitute a foundation for claims to civic liberties and political rights which an individual holds in relation to a political authority.<sup>34</sup> Linda Bosniak's formula of citizenship being understood as "hard-on-the-outside, soft-on-the-inside"<sup>35</sup> sums up this idea quite neatly and Benhabib's call for transparent ways of accessing political rights and membership after entering a territory as well as for a "citizenship of residency"<sup>36</sup> reflects the container-conception of territory as well. Both, Bosniak and Benhabib, also touch upon the issue of territorial boundaries.

There is another line of argument from the territorial rights debates which makes use of the container-space conception of territory and which pushes the last point further. As Cara Nine argues, a territorial as opposed to, for example, a religious or feudal order forms a system of rule that is based not on substantial and personal membership criteria, which refer to a person's attributes, beliefs or group memberships, but on criteria independent of the persons affected.<sup>37</sup> In this view, territorial spaces serve not only as an adequate foundation for a system of equality before the law. Their boundaries also provide a frame for equal relations between the members of a political collective and a neutral or rather a-personal way of deciding about inclusion and exclusion. As a consequence, it is not civic and political rights and liberties which lie at the heart of this argument. Instead, this reading of territory is activated by the notion of democratic equality between citizens. Even from this perspective, however, the container-space conception of territory is still linked to questions of power and authority although, in the latter case, the power individuals enjoy vis-à-vis each other complements the relation between individuals and political authority. Territorial borders help to distinguish between members and non-members and to decide who is to share in democratic processes and institutions, i.e. to answer the question of who is to become member in an a-personal or neutralised way.

These findings match Schroer's general argument that the container-conception of space remains particularly strong in the context of politics and power relations because it allows to draw distinct boundaries and to include or to exclude persons in or from a system of rule.<sup>38</sup> However, while this might be one relevant element in understanding territory, it is not the

whole story. Schroer himself argues that the notion of territory might serve as a “useful illusion”<sup>39</sup>: Readings of territory as a container space understand it as an instrument and tool, framing the relations between individuals and authority or between the members of a *demos*. They match Christiano’s argument that territory provides the foundation for democracy’s capacity to justice. At the same time, these arguments ever only refer to territory in the abstract, to relations of power within or to “neutralised” decisions about membership. This changes once one turns to social-space conceptions of territory.

## 2.2 Social-Space Conception: Justifying and Problematising Territory

“Space is a relational (con)figuration ((*An*)*Ordnung*) of animate beings and social goods.”<sup>40</sup> It is constituted by actions of *spacing*, i.e. positioning beings and goods in relation to each other, and *synthesis*, i.e. perceiving sets of beings and goods as distinct spatial units. Martina Löw’s definition expresses the general idea that spatial structures are social structures. They are constituted by human actions and insofar as they are institutionalised, they regulate, enable, and limit human actions. Regarding territorial borders, James Anderson and Liam O’Dowd conclude in a similar vein: “Territorial borders both shape and are shaped by what they contain, and what crosses or is prevented from crossing them. The ‘container’ and ‘contents’ are mutually formative.”<sup>41</sup>

While the notion of residence, understood as an indicator of subjection, mostly reflects a container-conception of space, a social-space conception lies at the heart of many arguments made for and against the political rights of resident non-citizens and non-resident citizens. Several variants of the all-subjected principle, weary of reproducing existing structures of authority, introduce independent reasons for political rights claims and complement the notion of subjection by ideas of interpersonal relations<sup>42</sup> and thereby inform notions of territory as a social-space. A particularly clear example is the social membership principle, advocated by Joseph Carens, which refers to individuals’ residential environment as inherently linked to social interaction in order to base claims to political participation. Rainer Bauböck’s stakeholder principle, in turn, focuses on political relations between the members of a *demos*.<sup>43</sup> In both cases, residence is meant to allude to more than physically being *within* a territory and subject to existing structures of rule. It refers to interpersonal relations between members of the political community or *demos* and thus to the social co-constitution of the territorial space. Territory is understood as social space or rather as a valid approximation to a relevant space constituted by social or political relations between citizens.

It is important to note that, examining non-resident citizens' political rights, Bauböck concludes that one needs to accept a certain discrepancy between territorial borders and wider membership boundaries and, as a consequence, overlapping memberships in separate territorial jurisdictions.<sup>44</sup> In his view and as regards political membership, social spaces between stakeholders trump territorially defined jurisdictional container spaces. Since permanent residence, which combines the elements of interpersonality and subjection, remains the central indicator for justifying the status of stakeholder, it is possible to read this deviation from strictly territorial borders as a transitional problem and territorial borders still as a valid approximation of independently justified civic boundaries. However, Bauböck's conclusion uncovers a potential conflict between container-space and social-space conceptions of territory. Territory is never an end in itself. By itself, it does not have explanatory power for establishing rights of political participation. Territorial borders are an operationalisation of independent patterns of justification which can be turned against territorial borders themselves. More precisely, justifications of the boundaries of the *demos* which strengthen the logic of interpersonal, social or political relations render territorial borders criticisable at the same time.

Benhabib's comments on civic and territorial boundaries further this line of argument:

"Surely, advocates of deterritorialized citizenship are correct that political identities need not be conceived in state-centric terms: the boundaries of the civic community and the boundaries of the state territory are not coterminous. Nonetheless, democratic commitment to a locality which may be smaller or larger than the nation-state is significant, and democratic governance implies drawing boundaries and creating rules of membership. The boundaries of communities of self-governance may not overlap with those of the nation-state, but the normative challenges of articulating boundaries will not simply disappear once we have made this observation."<sup>45</sup>

Benhabib clearly differentiates between territorial and civic boundaries and emphasizes the priority of patterns of justification independent of territorial borders. Most importantly, however, she underlines the normative challenges which come along with this insight and which she herself approaches by referring to the logic of democratic representation and the acts of self-constitution a *demos* undertakes (see above). While she adheres to territorial borders, the constitution of a *demos* and its circumscription by itself "upon a given territory"<sup>46</sup> is fundamental from the point of view of democratic theory. A territory is meant to represent a social space constituted by the relations between its members. Territorial borders are to be understood as approximating the boundaries which a *demos* has given itself.

The debates on territorial rights elaborate on this reasoning: In the Lockean tradition, Simmons cannot but understand territory as a space constituted by individual consent.<sup>47</sup> In the nationalist tradition, Miller conceptualises territory in relation to a nation as a social, cultural, and political collective.<sup>48</sup> Interpreting the Lockean tradition collectively and arguing that a political collective holds territorial rights if it has established a valuable relation between itself and the territory, Nine relies on a social-space conception of territory in an even more nuanced way:

“Territory refers to the complex relationship that agents have with each other within a certain place as well as to the stuff that one finds in that place (such as land, air, oil, roads, houses, ecosystems, etc.). Understanding territory in this way leads us to the realization that territorial rights are not merely ownership rights. Rather they are a complex set of rights that capture the multi-layered way that agents interact with each other and with ‘stuff’ in ways that significantly affect their experiences.”<sup>49</sup>

As autonomous individuals are meant to be able to control their environment, make use of resources in common and stand in relations of regular interaction, they are likely to be in need of collective structures of resource management and of jurisdictional mechanisms of conflict resolution.<sup>50</sup> While the arguments of effectiveness and the rule of law call for the container-space conception of territory, the constitutive importance of interpersonal relations in justifying territorial spaces points to the relation between individuals and invokes the social-space conception of territory – independent of the question whether one takes people as enduring, transgenerational collectives organised politically to hold territorial rights as Nine does, or makes territorial rights dependent on a legitimate state upheld by a people as Anna Stilz argues.<sup>51</sup> Furthermore, if one accepts the co-constitution of *demos* and state, one does not only resort to a social-space conception of territory, but also gains a new perspective on the interplay between container-space and social-space conceptions of territory specific to democratic orders (see below).

At the same time, many social-space approaches to territorial rights presuppose, but do not account for boundaries, but focus on what is within. Questions of inclusion and exclusion remain at the margins of the discussion. Territories are, mostly implicitly, considered as valid approximations of the relevant social spaces which are constituted unilaterally. An exception is Lea Ypi, who does not stop short of the consequences of a social-space conception of territory. As the latter render boundaries criticisable, she concludes that they can only be legitimate if they are justified within a broader context of multilateral relations.<sup>52</sup> Benhabib shares this view that any act of self-constitution in general and establishing territorial borders unilaterally

in particular implies contingent acts of violence. She therefore calls for “reflexive acts of constitution-making ... cognizant of the fact that political entities act in an environment crowded with other political actors”<sup>53</sup>. Yet, her focus on the renegotiation of civic instead of territorial boundaries also indicates that she has fundamental doubts about any change of territorial borders because it involves risking violent disputes. While social-space conceptions lie at the heart of justifications of territory, it seems to be politically prudent, in her view, to rather adapt the underlying social-space and the more pliable civic boundaries in order to approach its territorial approximation. These arguments, which raise issues of peace and stability, refer back to questions of power and violence and to the container-space conception. At the same time, they are in tension with the insight that – from the point of view of democratic theory at least – civic boundaries are logically prior to territorial boundaries and that both are contingent on political decisions. Ypi, in contrast, pleads for an alternative approach, for reframing decisions on boundaries in a broader multi-level context of juridical and potentially even political decisions. She thereby acknowledges territorial borders contingency as well as the fact that decisions on boundaries and borders are not neutral.<sup>54</sup>

### **2.3 Place Conception: Territory and Identity, Territory and Exclusivity?**

Trying to negotiate an additional link between a people and a particular territory, Benhabib refers to a *demos*'s commitment to a locality (see above) and thus to a potential reading of territory which the space conceptions do not grasp. She hints at a conception of territory as the collective place of a *demos*. “[P]lace is nothing if not lived,”<sup>55</sup> Edward Casey argues. It is generated by the actors and other animate beings living in that place. It is conceptualised as indivisible because “[t]he connection between a place and a self which is located *here* ... is of utmost importance.”<sup>56</sup> A place cannot be empty. It is always filled because it inherently belongs and is home to something or someone. In addition, the notion of ‘here’ paradigmatically illustrates that a place is a centre, a point from where to look at the world. A place is more than a position in space. Benhabib’s reference to locality reflects this conception: “It is not national identification but the long-term commitment to a locality, which may be big or small, that defines the identity of the democratic citizens.”<sup>57</sup>

A case for such an inherent relation between a *demos* and a territory is made most explicitly in nationalist theories of territorial rights. Miller, for example, refers to the immense symbolic value a nation associates with its homeland and grants a constitutive relation between the nation and *its own* territory to justify territorial rights.<sup>58</sup> But even outspoken critics of the idea that

national communities are legitimate holders of territorial rights make use of the place-conception of territory and thereby of the idea that on its territory, a collective is *at its place*. Nine, for example, understands a collective's unique character, way of life, and common conception of justice to be influenced by its constitutive relation to its territory as its geographical environment.<sup>59</sup> In contrast to nationalist theories, however, Nine conceptualises this relation not so much as exclusive or as an essential part of a national identity but as a historically constituted element of a political collective's way of life and sense of justice which reflects the relation between its members and their environment. More than one territorial authority might hold rights over a particular region.<sup>60</sup> A territory as a political collective's place can shape its members' collective self-understanding and can serve to express their sense of particularity. Yet, even though such an understanding accounts for a special relation between a *demos* and a territory, any reification of this relation as exclusive is problematic.

In debates on non-resident citizens' and resident non-citizens' political rights, notions of place are rarely addressed. This comes as no surprise because contingent political decisions about boundaries of membership are at the centre of these discussions. Nonetheless, notions of place come up. One illustrative example is Bosniak's reference to the so-called "privilege of presence" or "hereness"<sup>61</sup>, which, she argues, irregular immigrants lack. It implies that there is a place (a 'here') held by a collective at which one has to be recognised to be present in order for one's claims to political rights to be acknowledged. If territory is thought of as a particular collective's place, the recognition of access to the collective as well as to the place is conditioned on membership. Bosniak shows that this notion of territorial place is close to container-space conceptions since the fact of being *within* constitutes the condition for any kind of presence. However, the idea of being present in the sense of being noticed and of sharing in the collective place of a (temporarily unified) *demos* links the territory more intricately to notions of belonging and collective identity and invokes a notion of exclusiveness which is specific to place-conceptions of territory – and subject to criticism: Those who are not recognised to share in this place may be physically present on the territory, but they are continually excluded from access to the territory understood as a collective's place in the full sense.

### **3 On the Multidimensionality of Territory**

The preceding analysis establishes the container-space, social-space, and place conceptions as understandings of territory activated across recent debates on questions of territory, citizenship, and democracy. These conceptions systematically refer to distinct dimensions of citizenship as well as to different challenges to be met by democracies. Thus, they show that territory, as well

as democracy and citizenship, is to be understood as multi-dimensional. They furthermore allow for us to systematically negotiate the connection between democracy, citizenship, and territory.

Container-space conceptions, which define territory as a receptacle for persons and goods, foreground territories' contribution to the security, stability, and effectiveness of political authority. In this case, borders provide a frame for a space of individual equality and liberty as well as for political dispute and allow to decide on inclusion and exclusion. Territory understood as a container space, does not wield any justificatory force by itself. But it forms an important structural tool and strategy which contributes to a democracy's fulfilment of its political functions. Social-space conceptions of territory, in turn, refer to ideas of interpersonal relations among citizens and are referred to when the constitution and justification of territory is discussed. Here, territory is understood as a relevant and legitimate social space the boundaries of which are indicated by territorial borders. Yet, as social-space conceptions highlight the constructed nature of territories, they not only underlie its justifications but also render territorial spaces and especially borders criticisable if they inadequately represent relevant social spaces. Thereby, they question the supposed neutrality of territories.

It is remarkable that most contributions to the debates on transnational citizenship and territorial rights, while focussing on one or another space conception of territory, make use of both. They even oscillate between them. To the extent that they base their argumentation on understandings of social cooperation, interaction, or interpersonal relations and justify political or territorial rights by referring to a *demos*' self-determination, to relations between citizens and to their contingent relations to the geographical space they inhabit, they refer to a social-space conception of territory and recognize territories to be approximations of these social spaces. As soon as questions of power or authority arise, consequently raising questions of civil liberties and political equality, the container-conception of territory emerges and superimposes over the constructed character of territory. This variation between container- and social-space conceptions can be understood as characteristic of democracies, i.e. of political systems in which the relations between political institutions and individuals need time and again to be reconnected to and negotiated with interpersonal relations between citizens. Benhabib's considerations indicate this interrelation:

“Precisely because democracies enact laws that are supposed to bind those who legitimately authorize them, the scope of democratic legitimacy cannot extend beyond the *demos* which has circumscribed itself as a people upon a given territory. Democratic laws require closure precisely because democratic representation must be accountable to a

specific people. ... I see no way to cut this Gordian knot linking territoriality, representation, and democratic voice. Certainly, representative institutions based on other principles will exist and they ought to proliferate.”<sup>62</sup>

Defining and constituting boundaries is dependent on processes of self-determination by the *demos*, i.e. the collective of citizens who constitute the underlying social space. They decide on the boundaries of the polity within which they stand in relation to existing political institutions. Social-space conceptions of territory render the contingency inherent in this argument visible. However, even a political system which repeatedly negotiates interpersonal and individual-institutional relations and (re-)defines its boundaries, needs at least periodically to be conceptualised as fixed and bounded. This necessity provides the political system with means to effectively deal with questions of power and authority as they are related to questions of individual liberty, and civil and political rights, as well as equality. Conceptualising territory as container space and taking its a-personal character for granted, however counterfactual and imperfect it may be, allows us to conceptualise the equal application of the law within a homogeneous space to those individuals who equally participate in its making and who, at least temporarily, form a unified *demos* to do so. Therefore, the two distinct space conceptions of territory, though seemingly incompatible, both contribute to understanding the interrelation between democracy, citizenship, and territory.

The place conception of territory, however, tends to impede acknowledgment of the constructed character as well as the democratic contingency of territory just established. Rather, it highlights a particular, relation between a political collective or *demos* and its territory, possibly shaping the formers particular political character or even identity. The proximity of place conceptions of territory to notions of national identity is frowned upon by many non-nationalist theorists. Against the background of this analysis and from the perspective of democratic theory, I share their reservations vis-à-vis any reification or axiomatic exclusivity of territorial space.<sup>63</sup> Not only are constitutive relations between a territory and a specific people empirically doubtful; but at a theoretical level, place conceptions tend to mask, even negate territory's and especially territorial boundaries contingent and constructed character and its dependence on interpersonal relations on the one hand as well as its a-personal character, which is fundamental for territorial spaces and boundaries to fulfil their functions, on the other. Place conceptions thereby tend to preclude any democratic decision-making about spaces and boundaries and any

mediation between different space conceptions (in theory) and between non-congruent geographical and social spaces (in practice). They suspend processes of democratic decision-making on issues of territory.

However, as Nine demonstrates by acknowledging the role a specific territorial space might play for a collective's particular political character, an alleviated place-conception can express not the exclusivity, but the particularity of a *demos*, i.e. of the interpersonal relations between its members and their collective engagement with an area or land. This relation between a *demos* and its territory should, however, neither be exclusive nor sealed off from political debate. Territorial spaces can and do influence the way of life of those who live within them and the patterns of social and political cooperation which ensue and provide them with a particular place in our world.<sup>64</sup> However, any place conception of territory needs to be compatible with the space conceptions of territory and with the constructed character and democratic contingency of territory in order to be theoretically compelling.

In sum, is democratic theory apt to preserve the connection between democracy, citizenship, and territory? On the one hand, territory is understood as a tool to guarantee certain functions of political authority, to provide the frame within which liberty and equality are protected, or to give expression to a collective's particularity. On the other hand, it is meant to represent an approximation of relevant but independently constituted social spaces. Neither interpretation establishes a theoretically necessary relation between democracy, citizenship, and territory. However, this does not mean that this connection should be casually dismissed. Instead, two independent questions have to be answered in order to judge the future role of territories: (1) Can existing (or possible) territories be considered as an approximation or operationalisation of relevant social spaces? Can territorial borders be considered to represent their boundaries? Analyses of globalisation, denationalisation, and deterritorialisation might challenge this conception. However, any answer to the first question needs to be combined with reflections on the second: (2) Can we achieve the functions which territorial spaces and boundaries fulfil by different means and/or in more convincing ways? So far, political authority is established to function effectively and the law is set to be applied consistently *within* territories. So far, individuals enjoy liberty and equality and participate in processes of collective self-determination *within* territories. The factual acceptance of territorial spaces and boundaries contributes to these achievements. Yet, this does not mean that territory as a tool cannot be questioned or criticised. Due to the contingency and to the fundamentally constructed nature of territorial spaces and boundaries, which the social-space conception of territory makes explicit, the question whether it is still the best we can do or whether, due to recent changes, it stands in the way

of the ends to be achieved, is legitimate. Any reification of territory and any insistence on its exclusive character, as it is expressed by the principle of exclusive territoriality and is often based on a strong place conception of territory, endanger the possibility of asking this question and leads right back into the ‘territorial trap’. It is true as well, however, that considering relevant social and political spaces to be differently constituted does not release us from, but rather imposes upon us the challenge and the responsibility to search for alternative instruments and mechanisms guaranteeing liberty, equality, and a legitimate political authority’s effectiveness as well as securing legitimate decisions on its boundaries.

## **Conclusion**

These questions do not provide us with a clear-cut answer to the question whether to keep or to cut the link between democracy, citizenship, and territory. Yet, they offer the means to re-evaluate existing contributions to the debate and possible pathways for future research.

Regarding Benhabib’s contributions, the preceding argument allows for a complex interpretation of her diagnosis of a crisis of territoriality. On the one hand, it offers a theoretical framework to judge different challenges which territorial spaces and boundaries face. On the other hand, it provides theoretical reasons to dispute the principle of territoriality itself as it tends to foster exclusive readings and the reification of territorial spaces especially if founded on strong place conceptions of territory. In addition, the variation and (re-)negotiation between container- and social-space conceptions of territory is to be part of any democratic reading of territory. Consequently, Benhabib’s reliance on the notion of locality, which points to a place-conception of territory, has to be viewed with suspicion – at least as long as it remains unclear what a *demos*’ commitment to a locality is meant to imply. Finally, the relation between civic and territorial boundaries needs to become subject to debate. Following Benhabib, I support attempts not to collapse the decision on civic boundaries into territorial boundaries and to endorse the multidimensionality of democratic boundaries in general. Unlike Benhabib, however, I argue in favour of acknowledging territorial spaces and boundaries to be contingent and to consider them, with due caution, as subject to political debate and decision-making. This is one of the main arguments to be taken from Näsströms contributions to the boundary paradox – even if she does not discuss territorial boundaries herself – and Ypi’s work on territorial rights. Ochoa Espejo’s attempt to dissolve the boundary problem by independently justifying territorial spaces in order to, then, deduce democratic boundaries, in contrast, disregards the fact that social and political relations between persons (within and to some degree to geographical spaces) constitute the basis of convincing justifications of territory in the first place. To reverse

their relationship would disregard the fundamental insight that any reaction to the boundary problem of democracy, including any answer to the two questions outlined in part 3 of my argument, and thus any decision about the future of territory requires a political decision which acknowledges the primacy of the relations between citizens who want to govern themselves collectively.

Thomas Christiano provides one answer to both of the questions which I established fundamentally supports the status quo. His answer is compatible with my argument because, first, he abstains from place-conceptions of territory and, second, he explicitly answers both questions raised about the future of democracy. He understands territories as common worlds and thus as relevant social spaces and, at the same time, pays attention to their function in guaranteeing states' capacity for justice – implying a container-space conception of territories.<sup>65</sup> However, as Christiano only vaguely touches upon processes of mediation between the different space conceptions of territory and on efforts to (re-)negotiate territorial boundaries under conditions of globalisation, one does not have to share his answer to my questions. Ruggie's calls for a multiperspectival polity open up a space of possibilities for alternative answers.<sup>66</sup> Theoretical proposals for plural spaces and permeable boundaries exist: Habermas outlines the expansion of spatial democratic jurisdictions to the regional or even the global scale; Held goes further and attempts to conceptualise networks of overlapping jurisdictions and *demoi*.<sup>67</sup> Consequently, from the point of view developed in this paper, the question remains open if democracy can and should function without adhering to territorial spaces. There are good reasons to question (existing) territorial spaces as fixed frames of democratic orders, yet they might still be of value to democratic orders.

While the theoretical debate is still ongoing, nested systems of interrelated territorial spaces within the European Union provide early examples of how the connection between democracy, citizenship, and territory can develop – without abandoning territorial spaces and boundaries altogether. Renouncing exclusive territoriality, furthering the permeability of boundaries, and creating an additional European political space can be understood as reactions to a change of the underlying social and political spaces which can no longer be operationalised by fixed and exclusive territorial spaces (question 1). As the notion of territorial spaces and boundaries are, however, not abandoned but adapted, this solutions remains – so far – set within the territorial logic of differentiation and continues to make use of an adapted container-space conception of territory to guarantee the functioning of democratic rule (question 2).

The debates concerning the future of territorial spaces and boundaries will continue for some time and it is yet to be seen how they will play out. From the point of view established in this

paper, however, there are convincing justifications for doubting and renouncing the logic of exclusive territoriality and closed off territorial borders as well as for supporting attempts at creating additional spaces of broader scope if necessary. As of now, completely abandoning the territorial logic seems not to be a feasible and advisable step to take, as functional equivalents to territorial spaces are not yet fleshed out. Yet, it is important to note that the burden of justification lies on both sides: Globalisation and migration compel advocates of keeping the link between democracy, citizenship, and territory to show and argue how territorial spaces and boundaries still represent relevant social spaces. But they also compel those, who want to cut this connection, to provide functional equivalents for container-space conceptions of territory. Neither stance presents a superior default position. The questions as well as the categories developed in this paper do not solve this problem. They provide, however, a vocabulary, to systematically approach these questions, to evaluate different positions, and to explicitly conduct these debates once we acknowledge that “the proper home of politics and democracy becomes a puzzling matter.”<sup>68</sup>

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1. John Gerard Ruggie, “Territoriality and Beyond: Problematizing Modernity in International Relations,” *International Organization* 47, no.1 (1993), 151, 159, 172.
  2. John S. Dryzek, *Deliberative Democracy and Beyond: Liberals, Critics, Contestations* (Oxford: Oxford University Press, 2002); Matt Whitt, “Democracy’s Sovereign Enclosures: Territory and the All-affected Principle,” *Constellations* 21, no. 4 (2014), 563.
  3. Thomas Christiano, “A Democratic Theory of Territory and Some Puzzles about Global Democracy,” *Journal of Social Philosophy* 37, no. 1 (2006), 81-107.
  4. David Held, *Cosmopolitanism. Ideals and Realities* (Cambridge: Polity, 2010); Jürgen Habermas, *The Crisis of the European Union. A Response* (Cambridge: Polity, 2013).
  5. See for a broader approach to this question Anna Meine, *Komplementäre Bürgerschaften. Demokratische Selbstbestimmung in transnationalen Ordnungen* (Baden-Baden: Nomos, 2017).
  6. John Agnew, “The Territorial Trap. The Geographical Assumptions of International Relations Theory.” *Review of International Political Economy* 1, no. 1 (1994), 53-80.
  7. Cara Nine, *Global Justice and Territory* (Oxford: Oxford University Press, 2012), 7; A. John Simmons, “On the Territorial Rights of States,” *Philosophical Issues* 11 (2001), 300-326.
  8. Lea Ypi, “A Permissive Theory of Territorial Rights,” *European Journal of Philosophy* 22, no. 2 (2014), 288-312.

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9. Rainer Bauböck, "Expansive Citizenship: Voting beyond Territory and Membership," *PS: Political Science and Politics* 38, no. 4 (2005), 683
  10. Joseph H. Carens, *The Ethics of Immigration* (Oxford: Oxford University Press, 2013); Claudio López-Guerra, "Should Expatriates Vote?" *The Journal of Political Philosophy* 13, no. 2 (2005), 216-234.
  11. David Owen, "Transnational Citizenship and the Democratic State: Modes of Membership and Voting Rights," *Critical Review of International Social and Political Philosophy* 14, no. 5 (2011), 646.
  12. Seyla Benhabib, *Rights of Others: Aliens, Residents, and Citizens* (Cambridge: Cambridge University Press, 2004); Benhabib, *Dignity in Adversity: Human Rights in Troubled Times* (Malden: Polity, 2011).
  13. David Miller, *On Nationality* (Oxford: Clarendon Press, 1995), 25.
  14. Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (New York: Basic Books, 1983), 43-44.
  15. Christiano, "A Democratic Theory of Territory," 82-83, 91-100.
  16. Frederick G. Whelan, "Prologue: Democratic Theory and the Boundary Problem," in *Liberal Democracy. Nomos 25*, eds. J. Roland Pennock and John W. Chapman (New York: New York University Press), 22.
  17. Margaret Moore, "The Territorial Dimension of Self-Determination," in *National Self-Determination and Secession*, ed. Margaret Moore (Oxford: Oxford University Press, 1998), 134.
  18. Sofia Näsström, "The Legitimacy of the People," *Political Theory* 35, no. 5 (2007), 626, see also 642-650.
  19. Paulina Ochoa Espejo, "People, Territory, and Legitimacy in Democratic States," *American Journal of Political Science* 58, no. 2 (2014), 470, see also 475-476.
  20. Benhabib, *Dignity in Adversity*, 101-104, 113; Benhabib, *The Rights of Others*, 144-156.
  21. Benhabib, *Dignity in Adversity*, 63-65, 89-89, 124-132.
  22. Benhabib, *The Rights of Others*, 219, italics added.
  23. *Ibid.*, 3, 12-20, 179-180, 211; Benhabib, *Dignity in Adversity*, 139-153, 181-183.
  24. Benhabib, *Dignity in Adversity*, 144, italics added.
  25. *Ibid.*, 99-104.
  26. Benhabib, *The Rights of Others*, 45.
  27. Näsström correspondingly accuses Benhabib of relying on existing, historically constituted *demos* and of excluding the question of the legitimacy of these *demos* from her discussions. (Näsström, *The Legitimacy of the People*, 629, 632, 649.)

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28. Ypi, "A Permissive Theory of Territorial Rights," 291.
  29. Markus Schroer, *Räume, Orte, Grenzen: Auf dem Weg zu einer Soziologie des Raums* [*Spaces, places, boundaries. Towards a sociology of space*] (Frankfurt: Suhrkamp, 2012), 30, 36, 44, 47.
  30. Bernhard Waldenfels, *Ortsverschiebungen, Zeitverschiebungen. Modi leibhaftiger Erfahrung* [*Dislocations of place and time. Modes of bodily experience*] (Frankfurt: Suhrkamp, 2009), 17. All translations are my own. See also *ibid.*, 31-34.
  31. Saskia Sassen, "When Territory Deborders Territoriality," *Territory, Politics, Governance* 1, no. 1 (2013), 22, italics added.
  32. Ruggie, "Territoriality and Beyond," 151; see also Agnew, "The Territorial Trap".
  33. Nine, *Global Justice and Territory*, 6-10, 35-38, 48, 91-92; Anna Stilz, "Why do States Have Territorial Rights?" *International Theory* 1, no. 2 (2009), 192-193, 201-202.
  34. Ruth Rubio-Marín, "Transnational Politics and the Democratic Nation-State: Normative Challenges of Expatriate Voting and Nationality Retention of Emigrants," *New York University Law Review* 81 (2006), 129; López-Guerra, "Should Expatriates Vote?," 216-217.
  35. Linda Bosniak, *The Citizen and the Alien: Dilemmas of Contemporary Membership* (Princeton: Princeton University Press, 2006), 99.
  36. Benhabib, *Dignity in Adversity*, 111.
  37. Nine, *Global Justice and Territory*, 36-37.
  38. Schroer, *Räume, Orte, Grenzen*, 178-181.
  39. *Ibid.*, 179.
  40. Martina Löw, *Raumsoziologie* [*Sociology of space*] (Frankfurt: Suhrkamp, 2001), 154, see also 158-159, 166-172.
  41. James Anderson and Liam O'Dowd, "Borders, Border Regions and Territoriality: Contradictory Meanings, Changing Significance." *Regional Studies* 33, no. 7 (1999), 594, see also 596, 602-603.
  42. Owen, "Transnational Citizenship and the Democratic State", 647.
  43. Joseph Carens, "The Integration of Immigrants," *Journal of Moral Philosophy* 2, no. 1 (2005), 33, 45; Bauböck, "Expansive Citizenship," 686.
  44. Rainer Bauböck, "Stakeholder Citizenship and Transnational Political Participation: A Normative Evaluation of External Voting," *Fordham Law Review* 75, no. 5 (2007), 2419, 2422-2428.
  45. Benhabib, *The Rights of Others*, 174.
  46. *Ibid.*, 219.

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47. Simmons, "On the Territorial Rights of States," 307.
  48. David Miller, "Territorial Rights: Concept and Justification," *Political Studies* 60, no. 2 (2012), 258-259.
  49. Nine, *Global Justice and Territory*, 110.
  50. *Ibid.*, 33, 36-37.
  51. *Ibid.*, 46-47, 51, 68; Stilz, "Why do States Have Territorial Rights?," 198-206; Stilz, "Nations, States, and Territory," *Ethics* 121, no. 3 (2011), 575, 591-598.
  52. Ypi, "A Permissive Theory of Territorial Rights," 299, 303.
  53. Benhabib, *The Rights of Others*, 175-176.
  54. Ypi, "A Permissive Theory of Territorial Rights," 307-309.
  55. Edward S. Casey, "Space," *Routledge Companion to Phenomenology*, eds. Sebastian Luft and Soren Overgaard (London: Routledge, 2013), 208.
  56. Waldenfels, *Ortsverschiebungen, Zeitverschiebungen*, 32, see also 43, 47, 53.
  57. Seyla Benhabib, "Disaggregation of Citizenship Rights," *parallax* 11, no. 1 (2005), 17.
  58. Miller, "Territorial Rights," 258-262.
  59. Nine, *Global Justice and Territory*, 177.
  60. *Ibid.*, 38.
  61. Bosniak, *The Citizen and the Alien*, 137; see also 124, 127, 136-140.
  62. Benhabib, *The Rights of Others*, 219.
  63. See e.g. Whitt, "Democracy's Sovereign Enclosures," 564; Stilz, "Nations, States, and Territory," 575-578.
  64. Nine, *Global Justice and Territory*, 86-87.
  65. Christiano, *A Democratic Theory of Territory*.
  66. Ruggie, *Territoriality and Beyond*.
  67. Habermas, *The Crisis of the European Union*, 12-70; Held, *Cosmopolitanism*, 93-116.
  68. David Held, "Cosmopolitan Democracy and the Global Order: Reflections on the 220<sup>th</sup> Anniversary of Kant's 'Perpetual Peace'," *Alternatives* 20 (1995), 420.