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## **Extending Political Rights to Citizens Abroad: Implications for the Nation-state**

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## **ABSTRACT**

This paper inquires into the implications of extending the voting franchise to citizens living outside their national territory. It argues that the recent increase in the extension of political rights began as a restorative exercise for citizens regarded as disenfranchised for various reasons, and that this is in keeping with the classic expansion of rights within the traditional model of the democratic nation-state. This reinforces, rather than challenges, the principles of the sovereign state system. However, the paper then argues that citizens abroad have distinctive characteristics that complicate core conceptions of the nation-state: defining the scope of membership, signifying belonging, and negotiating rights and obligations. Because of this, the extension of the franchise does potentially add a transformative dimension to discussions about political community, national identity, and citizenship. Fieldwork in these three areas could constitute the core of an emerging research program into the possible transformational effects on the nation-state resulting from extending political rights to citizens abroad.

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# **Extending political rights to citizens abroad: implications for the nation-state**

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## **1. An intriguing trend**

In the last several years a number of studies have empirically borne out a shift in the way that the political rights of citizens abroad are treated by their home country. For immigrants who nationalized into another country, it is now increasingly possible to be a dual citizen: once rare and politically suspect, dual citizenship is now close to becoming a norm—45% of the world's recognized nation-states now offer some form of dual citizenship, and the majority of these (64%) with few restrictions (Sejersen 2008:532). For them, as for other categories of migrant, there are increasing opportunities to participate in the politics of their home country. 115 states allow voting from abroad, and an additional five states are in the process of implementing already passed legislation (Collyer and Vathi 2007; Navarro Fierro, Morales, and Gratschew 2007). This amounts to 62.5% of all the UN member states allowing participation from abroad, with the majority of legislation enacted over the last three decades.

We know that the practice of external voting is spreading, but with few exceptions (Guarnizo, Portes, and Haller 2003), we know little about its implications. Much of the social science literature so far focuses on charting the regulatory changes (Collyer and Vathi 2007; Sejersen 2008) or on normative questions of democratic legitimacy (Bauböck 2007; Nohlen and Grotz 2000; Fitzgerald 2006). There is a sense in much of the literature that this is an important development, akin perhaps to the proliferation of citizenship itself in the 20<sup>th</sup> century in the wake of decolonization (Sejersen 2008:536). The idea that migrant and immigrant communities are being able to exercise their political rights, sometimes simultaneously in more than one community, has the whiff of exciting change, but it is not obvious in what ways. The extension of voting rights to citizens abroad could be seen not as developing something new, but protecting something old: reinforcing the logic of the nation-state. There may be more dual citizens today than thirty years ago, but since dual citizens remain under the jurisdiction of their respective country of residence, the impact, as Rainer Bauböck (2003:715-16) reminds us, is primarily symbolic. Dual citizenship and extending voting rights does not challenge the principle of national territorial jurisdiction and the nation-state system, but is rather its fully compatible product. Still, as I will show in this paper, extending the franchise does complicate core functions of the nation-state, raising the prospect of transformative potential. The next part of the paper discusses the reasons for current salience of the topic, and the last three sections discuss implications for each of three core functions of the nation-state: the delimitation of political community, the practices of signifying the nation, and the negotiation of citizenship through the interplay of rights and obligations.

## **2. Explaining the phenomenon**

Why has extending the franchise become an increasingly visible issue over the last several decades? While the primary issue driving the extension of voting rights is

national, its current rise is attributable to three transnational phenomena. *First* is the global political economy in which low and high skilled labor migration is inextricable from the development strategies of poorer states in the Global South. *Second* is high number of refugees stemming from civil wars and internal conflicts. *Third* is the increase in new democracies emerging from transitions from authoritarianism. All three of these phenomena disperse large numbers of citizens outside the borders of their home country. The number of citizens living outside their country of birth is estimated at a record 150 million of which approximately 100 million are estimated to be migrant workers and 10 million refugees (IOM 2008; UN 2006; UNHCR 2007). In addition, the successive “waves of democratization” has resulted in nearly all the countries in question having the formal structure of democracies with claims to extending political representation, even if the actual practice of democracy is often nominal.

The combination of the large number of migrants and the causes with roots in the three phenomena mentioned above has led to a growing concern with how citizens abroad can maintain a say in their political system at home. *Labor migrants*, especially temporary ones, have a vested interest in being part of the democratic decision-making processes that produce the national policies that govern labor migration and in the types of protection the state can offer them abroad. *Refugees* are involuntary expatriates who have a moral claim to refashioning a dismembered country. *Emigrants* from authoritarian regimes have a moral claim to having a stake in shaping a new democratic country. These three are not the only claims for participating in voting at home but they are perhaps the most operative forces in pushing this issue to the fore (Bauböck 2003; Ellis 2007; Fischer 2007; Grace 2007; Navarro Fierro 2007).

The extension of the franchise abroad can thus be seen primarily as a restorative act for people who have been disenfranchised. In this sense too it is not about creating something new but restoring something old. This argument can be objected to on the grounds that citizens residing outside their state do not automatically enjoy the same level of rights as if they were at home for a variety of reasons. However, Bauböck (2007) convincingly provides the counter argument that citizens abroad are potentially sufficient stakeholders in their home societies to justify, in principle, the extension of political rights. One could conclude from this that the extension of the franchise to citizens abroad is similar in form to extending the franchise to other domestic groups lacking in representation. If so it can be seen as an attempt by the state to be as inclusive as possible by granting all citizens equal rights to political participation. Any changes or challenges to the nation-state then would be at the same level as domestic politics.

Are citizens abroad just another interest group then? Yes and no. They could be, if narrowly mobilized. However, the fact of having “feet in two worlds” creates at a minimum an intriguing dissonance that opens, or re-opens, space for contestation about the nature of political community, the meaning of national identity, and the relation between rights and obligations. These, in turn, are political spaces that drive social change. Any promise or perils of major systemic change that might arise from the phenomenon of extending political rights to citizens abroad will likely result from changes in these domains. While we can only speculate about what such changes might

cause, we can identify the broader questions in each domain for empirical research. A critical mass of such fieldwork will help researchers assess the level and direction of change. A deceptively simple question might help us orient the types of issues and possible approaches to the implications of extending the franchise abroad: who belongs? Or more precisely: who belongs to what, and how?

### **3. The scope of political community**

*Who belongs* is a question of political community. When the franchise is extended domestically it is usually to a well-defined group—white males, women, members of recognized minorities, etc. But the diasporas formed by citizens abroad do not, as Juan Flores (2009:17) notes, “correspond to neatly circumscribed social units but tend to be messy and ragged at the edges.” Group membership is defined by location—the act of residing abroad—and as such can be acquired or relinquished in ways substantially different than group membership defined by race, gender, or ethnicity. Further, since migrants are an especially diverse group, consisting of skilled and unskilled, legal and illegal, temporary and permanent, the scope of inclusion is an issue in different ways than in similar discussions about extending the franchise to minority groups within the territory. Thus even if there is general agreement that citizens abroad are potentially sufficient stakeholders to justify the extension of political rights, it is not automatically apparent whether this applies to all citizens abroad, to some, or where to draw the line.

This becomes an issue because not all individual migrants and immigrants share the same level of claim to participating in their home countries’ politics. A temporary migrant on assignment might have the strongest claim, the assimilated immigrant the weakest. A domestic polity could reasonably object to allowing members who have at best tenuous claims to belonging to have potentially decisive input into political decisions. To address this issue a state could restrict voting rights on the basis of specific criteria (such as length of time abroad or type or amount of economic contribution to the home country). This, however, would raise problems of fairness: for example, it is unjust to base the right to vote on economic criteria (substitute property owners for remittance senders), and length of time abroad is not necessarily indicative of a given migrants level of involvement with the home country. Because laws enabling external voting apply to groups, not individuals, the state must allow all eligible migrants and immigrants to vote. This would unavoidably extend the franchise to some members who have a decidedly weak claim to membership in the polity.

In some cases the issue may be considered minor, but in others it occasions heated debate, such as the 2004 Hungarian referendum to extend dual citizenship to the approximately 28% of the population that lives outside its border. This case is an example of the impact of “horizontal” extension of the franchise to include a disproportionately large percentage of the potential voting population. There are also “vertical” issues, such as whether citizenship, once extended, stops with the first generation, their children, or whether a case could be made for extending it further down the line of descent, for example to the 50 million estimated persons abroad of Italian, or the 20 million of Indian descent. The tension surrounding competing conceptions of

fairness at the individual and the collective level is not easy for the state to adjudicate. (See the attached table for a summary of arguments for and against extending the franchise.) Empirical research that focuses on the debates carried out surrounding the referenda, political platforms, and court cases, such as currently in South Africa, can provide greater insight into the contemporary constitution of political community.

#### **4. Nationalism and national identity**

*Who belongs* can be answered provisionally by courts or legislation, but *what* they belong to is a question of the contingent history of the nation-state. Focusing on the *who* without considering the *what* risks reinforcing the classic concept of the nation-state as a homogenous entity moving through empty time (Anderson 1983). But, as Partha Chatterjee (2004) puts it, nation-states are heterogenous and dense. Chatterjee (7) brings to mind Homi Bhabha's observation that national narratives contain an unavoidable ambivalence: they are constructed as moving along a path toward historical destiny, thus covertly recognizing their incomplete nature and the possibility of change, while also constantly performing rituals to solidify the nation as already formed and unchanging.

Starting from this ambivalence, we can derive a tension between *nationalism* as an ideology and *national identity* as a lived experience, the result of performing and responding to the national narrative. The former is often, though not exclusively, in the service of the state; the latter is most always a function of how the nation is experienced, instantiated, subverted, and reorganized as a lived reality. Bhabha (1990) wrote of the nation split into a double time because of the ambivalence we just discussed, but with large numbers of citizens abroad claiming political rights, perhaps we can speak of the nation being split into a double space. This double space can be thought of not as oppositional, but as imbricated, and hence mutually constituting. One place to begin investigating the relationship between nationalism and national identity in the double space of emigration state is by looking at a subset of labor-exporting countries that actively seek to promote a sense of the nation among their populations abroad.

In these cases, the extension of political rights comes in the larger context of state strategies that target migrants in order to strengthen the bonds between home and abroad. These strategies employ discourses and practices that resemble classic nation-building rituals: national holidays such as India's "Non-Resident Indian Day," awards and ceremonies such as the Philippine's "Our New Heroes" award given for "enhancing the image of the Filipino as a competent and responsible worker" who contributes to the domestic economy, and enshrining the migrants as heroes in the national pantheon, where once they were considered traitors, such as in Mexican, Dominican and Filipino discourses.

A useful starting point for identifying cases for further investigations could be Alan Gamlen's (2008) typology of mechanisms that provides a rough measure of the comprehensiveness of a given country's approach to its migrants abroad. This typology embeds overseas voting in a larger range of possible activities, from "building" and

“integrating” the diaspora to extracting obligations through taxes or creating incentives for investment. Of the 64 countries he charts 15% (24 countries) actively cultivate their migrants abroad and five have significant activity in all categories (Argentina, El Salvador, India, Mexico, and the Philippines).

State promotion of a specific national narrative, as in Gamlen’s typology, falls under the category of nationalism as an ideology, a type of “official nationalism.” But what of its relation to national identity? This is the domain for a different type of analysis, one akin to the kind of investigation that Juan Flores carries out into Caribbean and Latino diasporas that explores migrant experiences abroad that, once brought into regular contact with the home through return migration, “stretches the meaning of national belonging by disengaging it from its presumed territorial and linguistic imperative.” Flores (26-31) calls the phenomenon he is trying to grasp “*créolité* in the hood” to convey in one expression the geographical, social, racial, local, and class entanglements produced by diasporas as they cycle back to their home countries. An approach such as Flores’ helps locate migration in the field of colonial power asymmetries that produce it, while charting how cultural practices challenge this asymmetry. Since this does not happen in a traditional political sense, it is hard to compare the “agency” of migrants with the kind of agency afforded by the extension of political rights abroad. Yet because the extension of political rights presupposes the very *what* of the nation that state-sponsored nation building practices seek to reinforce, it is important to look at the ways in which migrants (re)define the *what* through their practices.

This reminds us how differentiated the nation can be, especially the post or neo-colonial nation, when set against official nationalism. As E. San Juan notes in the Philippine case, “the Filipino identification is not with a fully defined nation but with regions, localities, and communities of languages and traditions” (2001:58). The “scattering of [the Filipino nation’s] traumatized elements to state-governed territories around the planet” through state-led labor exporting creates new conditions under which the Filipino nation—whatever that might be—will emerge. This emergence takes place in both the “home” and “host” country, shaped by the unequal power relations between states and between the neocolonial state and its subjects. Post-colonial communities have a relation to the nation that, when looked at from below, can be very different from the narrative imposed from above.

## **5. Rights and Obligations**

If *who belongs* is a question about the scope of political community, and *to what* is a question of the history of the nation-state, *how* is a question of the kinds of relations enabled by the extension of political rights abroad. The essence of citizenship is in the interplay between rights and the obligations they incur. The provision of rights and the enforcement of obligations are famously constrained outside the territory of national jurisdiction. What sort of obligations could the extension of political rights to citizens abroad entail? Conversely, what types of claims for specific entitlements (corresponding to social, economic, or civil rights) is enabled by the extension of political rights?

Migrants will likely continue to demand increased access to a range of services and rights from their homeland foreclosed to them because of their residence abroad. The extension of political rights will likely only intensify this. The state would likely respond by making a greater effort to impose and enforce obligations, especially in the realm of taxation. Intriguingly, taxation has the potential to transform a national obligation into a form of redress for the power asymmetry that results in “brain drain.” Even if such ideas are far from realization, the discussion of them refocuses needed attention to the power asymmetries that drive the mechanisms of migration and creative approaches to the question of rights and obligations.

## **5. Conclusion**

This paper has argued that the extension of political rights abroad began as a restorative exercise for citizens who were seen as disenfranchised. In this it was in keeping with the classic expansion of rights to include the widest possible members of the respective democratic nation-state. However, the paper then argues that citizens abroad have distinctive characteristics that complicate core conceptions of the nation-state: defining the scope of membership, signifying belonging, and negotiating rights and obligations. Because of this, the extension of the franchise does potentially add a transformative dimension to discussions about political community, national identity, and citizenship. These three are not the only domains opened by the phenomenon of extending political rights abroad, but they constitute the core for an emerging research program into the possible transformational effects on the nation-state resulting from extending political rights to citizens abroad.



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Table 1: Arguments for external voting

Argument	Objection/Response
Enfranchises citizens who are residents abroad and cannot vote in either their home or host country	Giving residents the right to vote in the host country would meet this requirement.
Citizens abroad have a moral right to participate in the affairs of their own country	Maybe, but the strength of this claim is not universal and can only be judged case by case (e.g. following war or transition).
It is in keeping with universal suffrage.	Not according to international law (the ICCPR article 2 explicitly states a territorial residency requirement for suffrage). Possible exception for domestic constitutional law on case-by-case basis.
“Democratic contagion” hypothesis (migrants in democratic countries will import democratic practices to their less democratic home country)	Maybe, but anti-democratic practices (e.g. fostering violence or importing weapons) <u>are</u> also possible. Evidence is not convincing.
Migrant contributions to the economy merit voting rights	The practice of extending voting rights based on economic considerations is illiberal
More political participation is a good in itself	Not if the participation is neither meaningful nor legitimate

Table 2: Arguments against external voting

Argument	Objection/Response
External voters lack ongoing involvement in the home community	Maybe in the past, but ICT and travel provide sufficient opportunity. Some campaigning abroad (e.g. DR)
External voters have no future stake in the home polity	This does not hold for circular migration and only partially for permanent migration, since travel home and transnational networks arguably provide sufficient stake.
Voting rights from abroad are not trans-generational (they stop at the first generation)	There is evidence that interest in the home country decreases with the second generation, but given the above two objections it is harder to know where to draw the line.
External voting for dual citizens violates one person/one vote rule	Not true, since each election is an independent event (unless aggregated, as in the supranational case of EU institutions)
Holding elective office as a dual citizen undermines integrity	A valid objection given prevailing norms, however, redress possible (e.g. making one nationality dormant while in office)
Citizens who vote abroad are not bound by the consequences of their decisions	Possible, depends on the strength of ties to the homeland and types of policies affected
Dual citizens who can vote in two countries have an unfair privilege	Not valid because votes are not cumulative (see one person/one vote).
Voting in two countries will result in split loyalty	Possibly an issue in times of conflict between the two countries, but otherwise negligible in its effect
In cases of large numbers of external voters the home system could be “swamped”	Possible. One solution would be to create special representation for voters abroad.
In case of close elections the external voters could tip the outcome	Possible. But as an inherent aspect of democracy it is not a strong objection
The logistics of conducting voting abroad will result in high costs and increased mistakes, fraud and perception problems	There are real trade-offs here but none that are insurmountable

Sources: (Bauböck 2003, 2007; Fitzgerald 2006; Nohlen and Grotz 2000)