

## Book Review

**The Rights of Others: Aliens, Residents and Citizens.** S. Benhabib. (2004). Cambridge, New York: Cambridge University Press. 251 pp. ISBN 978-0-521-53860-2

Transnational migration emerged as one of the most important political and social issues at the end of the last century. Globalization processes, which have given rise to cross-border movements of people, challenge the functions and institutional structures of the nation-state. In this context, migrants, political aliens and refugees have become significant figures as they are constructed as the “other”. Therefore, political membership stands as a key issue that carries important questions: Is the nation-state system still adequate to deal with the problems of citizen membership in an increasingly globalizing world? What principles are needed to guide the problematic relationship between migrants, refugees, asylum seekers and existing polities? Is a new understanding of citizenship required? In *The Rights of Others: Aliens, Residents and Citizens*, Seyla Benhabib invites us to consider these questions. In doing so, the author raises a central problem for the reader that “transnational migrations bring to the fore the constitutive dilemma at the heart of liberal democracies: between sovereign self-determination claims on the one hand and adherence to universal human rights principles on the other” (p. 2). The aim of this book is to invite the reader to consider a cosmopolitan federalist approach to mediate this constitutive dilemma.

Benhabib’s main argument in this book lies in her assertion that, in a contemporary world, cosmopolitan norms limit the sovereignty of states by encompassing sovereignty with universal human rights. In this sense, Benhabib claims that “the treatment by states of citizens and residents within their boundaries is no longer an unchecked prerogative” (p. 12). International human rights norms, embodied in texts such as the *The Universal Declaration of Human Rights* (1948) and the *Geneva Convention of 1951 Relating to the Status of Refugees*, create a network of obligations for sovereign states. The developments of this network mark a transition from *international* to *cosmopolitan* norms of justice and pose an intriguing solution to the constitutive dilemma of liberal democracies.

Benhabib begins Chapter one by examining Kant’s cosmopolitan legacy regarding the universal right of hospitality. The right of hospitality, defined as “the right of a stranger not to be treated as an enemy when he arrives in the land of another” in the Third Article of “Perpetual Peace”, stands at the center of Kantian cosmopolitanism. As Benhabib emphasizes,

hospitality is not to be understood as a virtue of sociability, as the kindness and generosity one may show to strangers who come to one’s land...; hospitality is a ‘right’ which belongs to all human beings insofar as we view them as potential participants in a world republic. (p. 26)

Kant’s doctrine of cosmopolitanism’s novelty lies in his distinction of three levels of rights: domestic law, international law and cosmopolitan right. Cosmopolitan right regulates the relations among individuals to each other and to the polities in global civil society. This separation constructs the ground that enables us to think of universal rights. However, Benhabib maintains that Kant’s view is insufficient, in that he places the practice of cosmopolitan rights in the authority of sovereign states. Contra Kant, Benhabib argues cosmopolitan rights cannot be

seen as sovereign privilege, but rather “the right to membership of the temporary resident must be viewed as a human right which can be justified along the principles of a universalistic morality” (p. 42). Instead Benhabib considers the democratic forces within the global civil society as the authority behind cosmopolitan norms.

In Chapter two, Benhabib examines the Arendtian formulation, “the right to have rights”, as instrumental in advancing the right to membership as a universal human right. As one of the most inspiring political thinkers of the second half of the twentieth century, Arendt shows us, that during two world wars, “the right to have rights” was highly violated by denaturalization practices of states, leading to a crisis of both the nation-state system and human rights. Benhabib highlights Arendt’s argument that the stateless people’s situation in this context revealed the loss of their citizenship rights as tantamount to the loss of their human rights (p. 50). The “right” to have rights refers to a moral claim to membership. In this sense, Benhabib agrees with Arendt on that the political communities should not be viewed as homogeneous ethnocultural entities (as *ethnos*). As Benhabib claims,

the right to have rights transcends the contingencies of birth which differentiate and divide us from one another. The right to have rights can be realized only in a political community in which we are judged not through the characteristics which define us at birth, but through our actions and opinions, by what we do and say and think. (p. 59)

Benhabib concludes this chapter by asserting “the right to have rights” demonstrates a democratic understanding of people, and the right to membership ought to be considered as a universal human right.

In Chapter three, the author carefully constructs two sections of criticism against modern theories of the citizen. Such criticism is both relevant and piercingly accurate in the context of recent citizenship and migration debates. In the first section of this chapter, Benhabib begins by launching a sharp criticism on Rawls’s *Law of Peoples*, for the way he conceptualizes peoples as “completed and closed social systems”. Both of these perspectives are contrary to the cosmopolitan federalist approach that Benhabib attempts to advance in this book. She problematizes Rawls’s theories for their reliance on two main assumptions: liberal-democratic society is a holistic cultural and ethical entity and the notion of migration is at fault for the devaluation of citizenship.

In the second part of this chapter, Benhabib continues her criticism on theories of the decline of citizenship. According to the decline-of-citizenship theorists, cross-border movements create an important threat for the cultural cohesion and identity of democratic societies. Benhabib, however, is highly critical of the right of sovereign states to determine rules of entry and naturalization, with a focus on redistributive justice in preventing individual immigration as a solution to the complexities of migration on the nation-state. Benhabib rightly states that in the democratic paradox between universal human rights principles and democratic self-governing, these theorists incorrectly emphasize the importance of latter. While she is sympathetic of their concerns about the need for democratic self-governance, Benhabib contends that their vision of ethical and political integration is inadequate. For Benhabib, “the practices and institutions of just membership cannot be reduced to matters of redistributive justice” (p. 127) and “migration cannot be addressed through distributive measures alone” (p. 128). Considering the interdependence of people in world society, the author successfully constructs a strong argument that “in robust liberal-democracies, the porousness of borders is not a threat to, but rather an

enrichment of, existing democratic diversity” (p. 120). In this way, her arguments in this section are compatible with her efforts to construct the right to membership as a human right.

In Chapter four, Benhabib traces the disaggregation of citizenship through the developments of the European Union (EU). The context of the European Union is an intriguing and appropriate case for Benhabib’s arguments, as the EU provides an opportunity to break the bond between nationality and privileges of political membership (citizenship), previously considered inevitable through the nation-state system. The EU citizenship declaration, “Every national of a member state shall be a citizen of the Union,” is an important step on this road. However Benhabib warns that the notion of EU citizenship creates important limitations for migrants who are not citizens of a member country. She rightly concludes, “while throughout the EU a dissociation of the privileges of political citizenship from nationality can be observed for EU citizens, for third-country nationals, the ties between identities and institutions, between national membership and democratic citizenship rights, are reinforced” (p. 155-156). While the entitlements of third-country nationals to participate in local and regional elections in some of the member countries of EU are important developments, Benhabib argues they are still not adequate. However, despite their limitations, Benhabib sees the reconfigurations of political rights in EU as important progress for the human right to membership.

Chapter five introduces the concept of “democratic iterations” which refers to the “complex processes of public argument, deliberation and learning through which universalist right claims are contested and contextualized, invoked and revoked, throughout legal and political institutions as well as in the public sphere of liberal democracies” (p. 179). Democratic iterations are the processes that reconcile cosmopolitan norms with individual sovereign polities. For Benhabib, iterations are both normative and empirical processes that produce jurisgenerative politics. However, in liberal democracies, the notion of rights must be open to transformation, and even be periodically challenged and rearticulated, to generate a contingent terrain that enables democratic politics. Jurisgenerative politics can be viewed as the space for these transformations. While Benhabib is realistic in recognizing that not all jurisgenerative politics yield positive results, she is firm in her assertion that creative examples “result in the augmentation of the meaning of rights claims and in the growth of the political authorship by ordinary individuals who thereby make these rights their own by democratically deploying them” (Benhabib, 2006, p.49). Benhabib exemplifies the scarf affair in France and the redefining of the nation-state in Germany as examples of democratic iterations that illustrate how cosmopolitan norms today are becoming embedded in the political and legal culture of individual polities. As Benhabib claims,

it is only when new groups claim that they belong within the circles of addresses of a right from which they have been excluded in its initial articulation, that we come to understand the fundamental limitedness of every rights claim within a constitutional tradition as well as its context-transcending validity. (p. 197)

I recommend this book not only to political theorists but also to scholars in other fields. The significance of Benhabib's scholarship in this book is particularly relevant for people who research in global citizenship education, as the author challenges the reader to consider the relationships between concepts of universal and in particular, inclusion and exclusion, in the blurring borders of a modern world. Such considerations are key in understanding the possibilities to reconcile the clash between cosmopolitan norms and democratic processes in existing polities.

### References

Benhabib, S. (2006). Democratic iterations: The local, the national, and the global. In S. Benhabib (Ed.), *Another Cosmopolitanism*. (pp. 45-80). New York: Oxford University Press.

Tolga Karabulut  
Izmir University of Economics  
Turkey