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Richard Bellamy 

Department of Political Science, University College, London, UK

ABSTRACT

My five critics all raise important points, giving reasons for viewing my account as either insufficiently or overly realist or utopian. By and large, I stick to my guns in regarding my version of a realistic Utopia of a republican association of states as the most plausible way of achieving a non-dominating global order capable of meeting the moral and functional challenges to state sovereignty posed by cosmopolitanism and globalisation respectively.

KEYWORDS Cosmopolitanism; statism; republicanism; realism; Rawls; democracy; intergovernmentalism


Introduction

I am very grateful for the constructive and insightful criticisms of the contributors to this symposium. Although there are overlapping themes running through their respective critiques, they make their points in rather different ways. Consequently, I shall take each of their pieces in turn, in the order they are presented.

Glyn Morgan

Glyn Morgan begins his commentary with a masterly overview of the architecture of the book, which I found both helpful and accurate. He then makes two criticisms relating to what he regards as the flaws of the democratic approach when tackling what I call the moral and functional challenges associated with cosmopolitanism and globalisation respectively.

With regard to the moral challenge, he argues that what I call the two-level game between the domestic and the EU levels of decision-making misses two additional levels of what is really a four-level game: that between the EU and other continental powers (level three), and between these continental powers and poor weak states in a zone of precarity (level four). He claims that these two additional levels – especially the fourth – are sources of domination that suggest my model cannot respond to cosmopolitan

CONTACT Richard Bellamy  r.bellamy@ucl.ac.uk

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demands. He reasons that is because the ‘obligation to respect and uphold the moral equality of other popularly sovereign states (Bellamy, 2019, p. 90)’ I posit for members of the EU does not extend to other states. Yet, he grants that ‘the logic of Bellamy’s argument suggests that it does’. The issue seems to be that though I contend that cosmopolitan obligations require some institutional structure – ‘a civic association involving delegation to a supranational authority (Bellamy, 2019, p. 49)’ – the only such structure I discuss is the EU. Surely, he asks, good cosmopolitans would want to extend the EU civic structure to countries within the zone of precarity?

I agree that to meet the moral (and functional) demands one needs something like a global associative structure. Obviously, the EU is an association that falls short of a global association. However, I consider that associations between states would be regional rather than global in character – and as such would, therefore, involve another level between associations. My account holds that a certain moral discipline arises from being part of such an association, and that this does entail supporting the capacity for self-determination of the associated states – and I would add of different regional associations within a higher-level global association of associations. Indeed, in this regard, the EU offers a model for other states, including those in a precarious situation, to address similar problems. I think there are some parallels between the argument I make, grounded as it is in the right to national self-determination, and that of certain post-colonial thinkers who likewise argued that to secure that right for former colonies required a non-dominating world economic and political structure of democratic regional associations of states to secure equality between regions and states (Getachew, 2019, pp. 23–24, 32–36).

However, if this gets me off the first prong of Glyn’s critique, arguably it lands me on the second prong that the solution I advocate is too weak when judged by the lights of realism in the sense employed by international relations scholars. Of course, my neo-Rawlsian conception of a realistic Utopia is not realist in this sense. Rather, it aspires merely to offer a plausible normative ideal of global governance that coheres with, and draws out, the often unacknowledged logical implications of many commonly held principles and values – even if people, most particularly governments, tend not to live up fully to their self-professed standards. However, he raises the point of whether a democratic structure would allow too much wiggle room for states to abide by the cosmopolitan norms and seek instead to dominate both internally and externally. By contrast, I consider the centralisation of power as the greater danger, and regard differentiated integration as a mechanism for promoting equality.

I have written more about this aspect – discussed only in chapter 6 of Bellamy 2019 – in a follow up co-authored book on *Flexible Europe* (Bellamy et al., 2022). There we note how in other domestic and international circumstances – such as

asymmetric devolution in the UK, say, or policies of special and differentiated treatment in the WTO – similar mechanisms to differentiated integration offer a way to treat groups and states that are unlike or unequal more equally. How this can be brought about given the increased political power of authoritarian super powers, notably China, is a different matter. However, I do not see why there cannot in principle be greater cooperation among states to resist such regimes that does not rely on their being subjected to a more centralised authority. That, though, is very much an empirical rather than a normative issue per se.

Valentina Gentile

In her critique Valentina Gentile also draws a contrast between the ideal of non-domination and the realistic Utopian methodology I deploy to develop it in a republican intergovernmental direction with regard to the EU. Valentina considers the first to be more substantive and utopian than is allowed for by the second. Understandably, given I use Rawlsian terminology and draw on his account, she assesses my view by Rawlsian criteria and sees my argument as flawed in Rawlsian terms in two respects: it is more realistic than Rawls in offering an idea of legitimacy that is procedural rather than substantive, but it is more utopian than Rawls in advocating a notion of non-domination for the international sphere that is much thicker than the overlapping consensus on basic rights he proposes.

I agree that I do depart from Rawls as she understands him, though I do not agree entirely with her account of Rawls. For example, when defending Rawls from Bernard Williams's (2005) critique (Bellamy, 2019, p. 17), I remark how I see *Political Liberalism* (Rawls, 1999) as reflecting a similar concern to Williams's with the primacy of the 'first political question' and as offering a response suited to contemporary societies of the 'Basic Legitimacy Demand' – one that Rawls explicitly notes involves putting the political values he associates with the first principle of justice prior to and lexically above those of the second principle. Yet, even putting to one side our possible differences on the interpretation of Rawls, the aspiration behind my use of non-domination is more or less precisely as she conceives Rawls' view: namely, to offer a political and non-metaphysical view of political justice that draws on the set of reasonable views that citizens hold about a constitutional democracy. As I note (Bellamy, 2019, p. 18), I see non-domination as a way of capturing the family of ideas associated by Rawls and others with the values of liberal democracy – one that can be cashed out institutionally in a broad set of ways. This is a procedural account, but one that in developed liberal democracies, such as the member states of the EU, includes as related to those procedures certain social requirements, the forms

of which, however, differ greatly between states – hence, I typically talk of democratic welfare states (e.g. see my account of national citizenship in Bellamy, 2019, pp. 137–40).

Where – as she rightly notes – I do depart from Rawls, is that I want to conceive of a thicker international order than he allows for because, drawing on the EU, I conceive of such an order as being between democratic states. Here, though, Valentina claims I do not go far enough. She contends that an EU civicity requires greater solidarity than I allow for and that this could only be achieved within a more federal scheme. Moreover, she suggests that to the extent all the member states can agree to a thicker moral notion of freedom as non-domination, then there should be no normative barrier to such a scheme. Yet this second criticism seems to be at variance with the first. If, on the one hand, Valentina criticises me for going beyond Rawls in putting forward a more metaphysical conception of political justice, albeit of an ostensibly purely procedural and non-substantive kind, and suggesting this ‘thick’ statist cosmopolitanism might provide the basis of an international order; on the other hand, she criticises me for not going far enough and embracing a more federal scheme involving a stronger commitment to social justice and solidarity among EU citizens. Yet, surely to meet the first criticism I would need to adopt an even more pared down view of the EU – such as Rawls does appear to have adopted.

I’m not entirely sure how far our differences are analytical and/or normative, and how far they are empirical. So far as her first criticism goes, I believe that she perhaps misreads me or Rawls or possibly both as I see my account of non-domination and indeed of civicity as being pretty Rawlsian in character, and in this respect follow Philip Pettit (2005), from whom I borrow the term. I think we more or less agree on what ought to be achieved by a theory of political justice in Rawls’ terms, but disagree on whether my theory conforms with those criteria. So, I think the disagreement here is analytical but not normative or empirical.

The second criticism is perhaps all three. Rawls’ *Law of Peoples* (Rawls, 1999) is deliberately weaker than my republican version because he wants to encompass illiberal yet decent societies. If I understand her correctly, Valentina considers that my thicker cosmopolitan statist version of international justice comes close to suggesting that non-domination at the international level would require something like a regional or even global state to be realised, and that these elements exist empirically at the EU level. I disagree and devote quite a lot of the book to examining both the empirical plausibility and the normative desirability of both supra- and trans- national alternatives to my republican inter-governmental account as ways of realising a theory of non-domination at the global level (especially in ch. 3). A key normative and analytic argument I make is that neither of these alternative accounts could provide sufficient checks and balances for preserving

pluralism within and between states, especially in the case of the transnational position, even if the empirics were favourable for greater integration – which I consider not to be the case. Notwithstanding these disagreements, I do suggest (at Bellamy, 2019, p. 14) that my republican intergovernmental argument might still be appropriate as a transitional stage towards a more supra- or trans- national cosmopolitan global order by those, like Valentina, who consider them necessary and desirable once the empirics render them plausible. To that extent, some overlap between our positions is perhaps possible.

Carmen Pavel

In her generous commentary on the book, Carmen Pavel focuses on my account of sovereignty in the EU and likewise distinguishes the normative from the empirical-conceptual features of her disagreement. She says she agrees with the normative case for states cooperating in international organisations that have strong supranational features, such as the EU, but disagrees that such cooperation is empirically possible without states ceding some sovereignty to the supranational level. She argues that this becomes conceptually conceivable – as not entailing a paradox – if one distinguishes popular from political sovereignty. She claims the former can be retained even if the latter gets distributed between the EU and the member states because political sovereignty ‘is a bundle of functions which can be distributed across different levels of governance (Pavel, 2015, pp. 12–24)’.

To some extent, I agree with her account of political sovereignty. For example, I dispute Hobbes’ view that sovereignty is incompatible with a ‘mixed constitution’ (Bellamy, 2019, pp. 81–82). However, I think it is necessary that some institution ultimately has oversight over how the decisions of the ‘bundle of functions’ cohere. So far as the EU is concerned, I contend that that oversight is a matter for the *demos* of each of the member states, albeit acting to some degree through their elected representatives. It is not clear to me whether Carmen agrees with that view of how popular sovereignty in the EU gets retained or not. At times she seems to – at least to some degree, as when she argues that it is important for governments to get popular consent for delegations of sovereign authority. Where we differ, though, lies in the degree to which popular and political sovereignty can be separated. I argue that popular sovereignty comes into being and gets expressed through a certain institutional arrangement – which so far as the EU is concerned is primarily at the level of the state and to a lesser degree certain sub state units. Potentially it could also operate at the EU level itself, via elections to the European Parliament, but I tend to the view that there is insufficient institutional support for the existence of an EU *demos*. As a result,

the EU must operate as a democracy. In this case, popular sovereignty remains at the member state level and their respective peoples need to retain on-going control over the process of delegation, as the scheme I advocate seeks to ensure.

Of course, even if Carmen accepted (which she does not) the conceptual as well as the normative coherence of this scheme, she might still doubt its empirical plausibility. Here she voices similar concerns to Glyn Morgan, albeit less realist in character, as to how far differentiation could or should go. I agree that membership of an association such as the EU will involve some core policies, and have detailed this in subsequent writings. As I note there (Bellamy et al., 2022, pp. 5–7, 36–7), one can distinguish club goods, public goods and common pool resources. Some EU policies are designed to secure the last two, and to the extent they offer the optimal way of so doing, in these cases association members should comply. However, many EU policies are club goods and not all are intrinsic to the very existence of the EU. These policies can be voluntary in character for members. This argument dovetails with her view of sovereignty as capable of being distributed across different functions. However, as she hints, the criteria determining the contours of the bundling should not be purely functional in character – there are also normative considerations related to which bundling best secures freedom as non-domination by treating all as equals. This concern forms the focus of the final two critiques.

Dorothea Gädeke

In her challenging critique, Dorothea Gädeke questions whether the realism I adopt from Bernard Williams (2005) can be successfully combined with the normative Kantian republicanism I advocate (Bellamy, 2019, p. 21), at least in the form I develop it. In particular, she disputes whether my claim to distinguish legitimacy from justice can hold if the latter is rolled into the former in the way my account appears to do. She argues that if legitimacy is a precondition for justice, then it cannot be possible for a legitimate process to produce unjust outcomes. She then argues that this also calls into question how far non-domination can be seen as a purely political as opposed to a moral requirement that certain basic features of justice be met.

I am not sure precisely what is at issue here – whether our differences are genuinely conceptual or merely terminological, perhaps resulting from a lack of precision or clarity on my part. This seems the case with at least one of Dorothea's points, that appears to be based on a misunderstanding, albeit one I may be responsible for. She contends that my realism does not go far enough because (in a later piece – Bellamy, 2021, pp. 487–88) I consider Engels' version of communism, as a society where the administration of things has replaced the government of persons, offers a conceivable

community beyond domination. However, I raise the possibility of such an ideal conception (in the context of a debate with a different critic) to make pretty much the same point Dorothea makes against me. My point in the piece she cites is to defend the adoption of a utopian realism as opposed to utopian idealism. I argue that while Engels' vision is clearly conceivable as a utopian ideal – after all he conceived it – I do not, as she says I do, consider it to be realistically 'possible'. In my view, it rests on idealised assumptions that have little purchase on the realities of the human condition, characterised as that is by what Rawls (1999, pp. 54–58) called 'the fact of pluralism' and the limitations in human practical reasoning he associated with the 'burdens of judgment'. A realistic Utopia incorporates those realities by viewing reasonable disagreement as ineliminable. Hence the need for politics and the 'government of persons'.

Given this common assumption, I think we agree that the central issue then becomes what makes the government of persons distinct from the state of nature, in which 'might is right'. I suggest legitimacy as non-domination, whereas she argues for basic justice as non-domination. Is there any difference other than terminology between these two positions? Both, as I understand it, seek to relate non-domination to what might be regarded as the conditions of the political as opposed to a purely coercive resolution of disagreements about the rules that should govern the lives of those subject to a sovereign authority. Here, though, she contends there is another difference in our positions – she argues that the Kantian position is normative rather than purely circumstantial: nobody can claim purely coercive authority over another even if there is no disagreement. Again, I agree. Following Williams (2005), I grant that what he calls the Basic Legitimation Demand is a moral principle, but not one that is prior to politics (Bellamy, 2019, p. 60). Rather, it is part of a *sui generis* political morality – it is a claim intrinsic to the very nature of politics, that I argue is best cashed out in terms of the notion of non-domination. However, I do not think one needs an account of basic rights to possess such a notion of the political. For example, the ancient Greeks certainly had a conception of non-coercive politics, but not a notion of basic rights. That said, I agree that historically such rights have come to form part of the modern conception of politics.

Dorothea notes how the advocates of such basic rights of justice regard them as inherent to the political process and consider them to differ from 'further claims of justice' that might be made through their exercise. Again, I agree. Yet, if that is true I cannot see why there could not be further claims that are consistent with the basic political rights that are nonetheless potentially unjust. After all, many social democrats would regard neoliberal free market views of social justice in this light. In other words, they would regard such views as legitimate yet unjust. Much seems to depend on how extensive these basic rights turn out to be, with Dorothea suggesting – as do Rainer

Först and Jurgen Habermas, for example, – that they may need to encompass ‘some contextualised form of economic independence’. I think that places too much content into the political. I certainly support policies of extensive redistribution, which would give rise to fuller social rights than at present. But I see these as falling within the ‘further claims of justice’ that a theory of legitimacy seeks to make possible.

Dorothea may be on firmer ground in asking can a dictatorship act justly in coercively promoting certain claims rather than others if all these claims fall within the boundaries of reasonable disagreement. I can see how from her perspective the dictator’s actions can never be reasonable or just because in dictatorially imposing a given claim she or he infringes the basic rights of justice. But I think it is more discriminating analytically to note that the primary wrong here might be one of legitimacy rather than justice. She’s right that even here the notion of legitimacy will act as a hypothetical filter. For to be reasonable, the further claim instituted by the dictator would need to be of a kind that one has reason to believe could be debated and agreed upon under conditions of legitimacy. But those conditions need not pertain – indeed, the measure might even be introduced to stave off a popular demand for such conditions to be instantiated. Think of the way in which Bismarck introduced social insurance in Germany in the 1880s or the Chinese government legislated for universal health care some twenty years ago. In denying that possibility, Dorothea – and those she draws on – come close to suggesting that all morally justifiable further claims of justice are somehow implied by the basic political demands of justice – in which case the distinction she makes between the two levels collapses. Distinguishing legitimacy from justice perhaps aids clarity as to what necessarily belongs to the realm of political *Recht* and what does not.

I think this allows me to respond to Dorothea’s final point. She argues that my realist account fails to acknowledge that the membership and terms of the EU should always be up for renegotiation. She claims that acknowledgment necessarily follows from the ‘moral’ requirement found in the Kantian tradition to recognise all those subject to political authority as equally entitled to have their basic political rights upheld. She says I deny these rights (or at least risk doing so) when I say that aspirant member states must instantiate grounds of legitimacy to some degree (Bellamy, 2021, p. 55), and as such risk allowing domination to ensure that they do. Let me start by saying that I certainly do not rule out renegotiation of the Treaties by the member states – on the contrary, I see that as a continuous process as I stress in chapter 6 of Bellamy 2019 and in my new book on *Flexible Europe* (Bellamy et. al. 2022). But in the EU we do currently have the issue of democratic backsliding by member states, such as Poland and Hungary, on the one side; and have had in the past requests for membership by emergent and imperfectly democratic states, such as states emerging from

authoritarian rule, such as Spain and Portugal or the former states of the Soviet bloc, and backsliding states such as Turkey, on the other side. So, she raises a live and important issue of current politics.

In tackling this issue, I would have thought her account would be even less inclined to grant standing to these states than mine to the extent that they deny the basic rights of political justice. Unless I have misunderstood her position, I assume she would not think these rights could be up for grabs in some future renegotiation of the terms of membership. At best, she would advocate a dialogue with these states as to how best to realise these rights. I do not think I say anything that differs on this point – indeed, it is precisely what I have advocated recently in regard to managing democratic backsliding by current member states (Bellamy et al., 2022, ch.3). In these cases I have argued that an insistence on the basic elements of political legitimacy is nonetheless compatible with constitutional pluralism, and that it does not require strengthening the powers of the Commission and Court of Justice of the EU to be effectively tackled. On the contrary, I contend that strengthening such powers so as to impose a given understanding of these political rights would be illegitimate and dominating. Yet, that has been the very solution adopted by those who seem to adopt the position Dorothea endorses. Of course, like Glyn she may feel that is a more realistic as well as a more morally coherent position. But that would be a somewhat different criticism to the one she levels at me here.

Dimitrios Efthymiou

Chapter 5 on Union citizenship is the longest in the book (pp. 131–73). It plays a crucial part in my defence of a republican association of states as a form of cosmopolitan statism, that involves equal concern and respect for both the different peoples of the association *and* their individual citizens as measured by the standard of non-domination. I seek to achieve this balancing act between preserving the pluralism of different citizenship regimes and equality between their respective citizens by arguing in favour of Union citizenship as a supplement to member state citizenship, that allows free movement among the associated member states subject to certain restrictions designed to preserve their distinctiveness and integrity. My main target in this chapter are those who, in the formula frequently adopted by the Court of Justice of the EU (CJEU), consider Union citizenship as ‘destined to be the fundamental status of nationals of the member states’ within the context of either a supranational or a transnational conception of the EU. By contrast, my own conception of Union citizenship – which I regard as quite close to the current status quo – is one that I describe as ‘inter-national’.

Dimitrios Efthymiou passes over my criticisms of these other conceptions of citizenship and concentrates his critique on one aspect of my alternative account: namely, my discussion of certain hypothetical restrictions that it might be justified to place on access by EU citizens resident in another member state to certain social benefits that result from general taxation as opposed to contributory schemes. I look at a number of issues in this regard – such as access to healthcare, which I relate to the stakeholder approach to citizenship I adopt from Rainer Bauböck (2015). Though he mentions these in passing, he focuses on just one of them that relates to my discussion of the possibility that freedom of movement might have a downward effect on the wages and conditions of low paid workers (Bellamy, 2019, pp. 166–7). As he acknowledges, I note that the evidence suggests that at the aggregate level the influx of second-country workers is a net benefit to the host country's national economy, but that there are small but still significant negative impacts for certain localities and groups. However, I argue that in these cases there's a duty of domestic social justice to support the least well off – so this possibility is not a valid reason for restricting free movement.

Dimitrios deploys the example of Angela (an EU national), Carrie (a national) and unscrupulous Boris (a local employer, in an unnamed member state) to suggest that limiting access to social assistance to those who have worked for a given period of time potentially could lead to exploitative domination. However, the exploitation appears to be of both Angela and Carrie – he makes no difference between the two. It is also constrained exploitation, since Boris is only as unscrupulous as the national law allows – he does, we are told, pay the minimum wage, and this will be a matter that all national citizens have an equal influence over how high or low it might be. As a result, I am unclear how this example has purchase on the restrictions that might apply to second-country nationals alone on my account. In fact, the one point I do make that might relate to this example (on p. 167) goes in the opposite direction. Counter to current EU law, I argue that unscrupulous Boris ought not to be able to pay Angela as a posted worker the low wage of her home state.

The wider purpose of Dimitrios's critique is to challenge the version of the stakeholder view I adopt. This view arises from an account of the obligations of citizens in sustaining what Rawls calls a fair scheme of social cooperation – an account I defend in a long section of the chapter from pp.154–63 and that does not warrant so much as a mention in his analysis. As I note, following Bauböck, the stakeholder account has an input rather than an output focus – it looks at how the benefits (and costs) of citizenship get generated and not simply at how these outputs should be distributed, as if they had come spontaneously into existence. As such, the rights of national citizenship get related to various civic duties, rather than being seen as duty free entitlements. It could be that what he says regarding my canvassing a possible European

Basic Income is relevant here. However, contrary to what he argues, in the version I endorsed the funding for this measure is consistent with the stakeholder approach given that it comes from the additional surplus generated by free trade within the single market between the associated states. My endorsement of this scheme was also conditional on the assumption, that I took from Juri Viehoff (2017), that it would supplement but not diminish domestic welfare schemes. I now doubt that last assumption holds and have abandoned this approach, preferring instead transfers to the member states (see, Bellamy et al., 2022, p. 47). Overall, though, my main point is that there is no need for such a scheme, so that Dimitrios's critique targets something of a straw man.

None of this is to deny that he, like the other commentators, does not raise important points. Once again, the advantage of debating issues round global governance with the EU as an example is that quite concrete policies can be discussed in normative and empirical detail. I am grateful to him and the other contributors for taking the time and effort to press me on both sets of details in their thought-provoking commentaries.

Conclusion

In summary, my (admittedly biased) view is that the core propositions of my argument survive these criticisms at least. The central issue is whether the combination of statism and cosmopolitanism I attempt in the book is either sufficiently realist to satisfy statists or sufficiently utopian for cosmopolitans. I persist in holding that the mix is both normatively attractive and empirically plausible. One reason lies in the fact that if we are to treat individuals with equal concern and respect, then that must encompass their wishing to associate in a variety of ways that reflect their interest in framing a political community for themselves and that they value. To a degree such self-determining political communities reflect current states, although many of these states harbour sub communities that would like to redraw current political boundaries to better realise their distinctive claims to self-determination. I see participation in an association such as the European Union as potentially facilitating such moves in a realistic manner consistent with cosmopolitan norms. In other words, it is not an apology for the status quo but rather a realistic ideal for a new form of global order built around regional associations of sovereign states of a non-dominating kind.

Disclosure statement

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Notes on contributor

Richard Bellamy is Professor of Political Science at University College London (UCL), University of London. His most recent books are *A Republican Europe of States: Cosmopolitanism, Intergovernmentalism and Democracy in the EU*, (Cambridge University Press, 2019); (with Dario Castiglione), *From Maastricht to Brexit: Democracy, Constitutionalism and Citizenship in the EU*, (ECPR Press/Rowman and Littlefield, 2019); and (with Sandra Kröger and Marta Lorimer) *Flexible Europe: Fairness, Democracy, and Differentiated Integration*, (Bristol University Press/Policy Press, 2022)

ORCID

Richard Bellamy  <http://orcid.org/0000-0002-9823-0626>

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