WE THE PEOPLE:  
RETHINKING NARRATIVES OF POPULAR SOVEREIGNTY

Friday, September 22, 2017  
Bobst Hall, 83 Prospect Avenue, Princeton University

Presented by the James Madison Program in American Ideals and Institutions, Princeton University; Cosponsored by the Institute for Culture and Society, University of Navarra, and the Spanish Ministry of Economics and Competition

WORKSHOP SCHEDULE

8:30 – 9:00 a.m.  Continental Breakfast and Coffee

9:00 – 10:15 a.m.  Paper I: “Breaking the Spell of Populism: People as Process”  
Paulina Ochoa Espejo, Associate Professor of Political Science, Haverford College

10:15 – 10:45 a.m.  Break

10:45 – 12:00 p.m.  Paper II: “The Myth of Popular Sovereignty and Its Implications for Rational Self-Government”  
David Thunder, Research Fellow and Lecturer, Institute for Culture and Society, University of Navarra

12:00 – 1:30 p.m.  Lunch

1:30 – 2:45 p.m.  Paper III: “Who are the People? Rethinking Residents’ Rights”  
Barbara Buckinx, Associate Research Scholar, Liechtenstein Institute on Self-Determination, Woodrow Wilson School, Princeton University

2:45 – 4:00 p.m.  Discussant Remarks & Concluding Discussion  
Discussant: Boleslaw Z. Kabala, Thomas W. Smith Postdoctoral Research Associate, James Madison Program, Princeton University
**Dr. Paulina Ochoa Espejo** is Associate Professor of Political Science at Haverford College. Before joining the faculty at Haverford, she was an Assistant Professor at Yale University and a Laurance S. Rockefeller Visiting Fellow at the University Center for Human Values, Princeton University. Ochoa’s research interests lie at the intersection of contemporary political theory and the history of political thought, particularly questions about popular sovereignty (Ochoa 2011, 2012), the legitimacy of the democratic state (Ochoa 2014), the relation between democracy and territorial rights, and democratic theory more broadly. Her publications include “Paradoxes of Popular Sovereignty: A view from Spanish America,” *The Journal of Politics* 74, 4 (2012); and *The Time of Popular Sovereignty: Process and the Democratic State* (Penn State University Press, 2011), and she is co-editor of *The Oxford Handbook of Populism* (forthcoming).

**Dr. David Thunder** is Research Fellow at the Institute for Culture and Society (Religion and Civil Society Project) and Lecturer of Philosophy at the University of Navarra. He holds a Ph.D. in political science from Notre Dame. He worked as a lecturer and researcher in the United States at several universities, including Bucknell (2006-07), Princeton (2008-09), and Villanova (2009-12), prior to joining the Institute for Culture and Society at the University of Navarra. He has published a book-length study of the ethics of citizenship in constitutional democracies, entitled *Citizenship and the Pursuit of the Worthy Life* (Cambridge University Press, 2014), and numerous articles on the anthropological and normative foundations of cooperation and governance, including "Rethinking the Ethics of Giving: The Normative and Motivational Inadequacy of Resource Management Approaches to Beneficence," *Journal of Social Philosophy* 46 (2015) and “Am I my brother’s keeper? Grounding and motivating an ethos of social responsibility in a free society,” *Critical Review of International Social and Political Philosophy* 12 (2009). He has recently been awarded a five-year Ramón y Cajal research grant by the Spanish Ministry for Economy and Competition.

**Dr. Barbara Buckinx** is Associate Research Scholar in the Liechtenstein Institute on Self-Determination at the Woodrow Wilson School of Public and International Affairs, Princeton University. Her research interests lie in global governance, migration, citizenship, and borders, and her primary focus is on vulnerable populations in the state and the global order. Her work has appeared in *Critical Review of International Social and Political Philosophy, Ethics & International Affairs*, and *Global Justice: Theory Practice Rhetoric*. She is co-editor with Trejo-Mathys and T. Waligore of *Domination and Global Political Justice: Conceptual, Historical, and Institutional Perspectives* (Routledge, 2015). Dr. Buckinx received the 2015 Best Article Prize for her article with A. Filindra, “The Case Against Removal: Jus Noci and Harm in Deportation Practice,” *Migration Studies*, Vol. 3, 3 (2015).

**Dr. Boleslaw Z. Kabala** is 2017-18 Thomas W. Smith Postdoctoral Research Associate in the James Madison Program in American Ideals at Princeton University. He is working on judicial politics during his fellowship year. Are there competing interpretations of *Marbury vs. Madison*, the landmark Supreme Court case that formally established judicial review? If so, do any of them stand in need of revision today? Dr. Kabala’s dissertation suggested a new path in the comparison of two important thinkers, Hobbes and Spinoza, through a focus on theological politics. He also has experience in government, having served as a Deputy Press Secretary in Governor Haley Barbour’s administration in Mississippi from 2004-2005. Dr. Kabala is a United States Presidential Scholar. He received his A.B. from Harvard University, and his M.A., M.Phil., and Ph.D. from Yale University.
ABSTRACTS

PAPER 1 – Populism and the Idea of the People
Paulina Ochoa Espejo, Haverford College

The idea of “The People” motivates populist politics, but scholars are often skeptical that it can justify the populists’ claims. Who then are “The People” that both populists and democrats invoke? This article describes the logical paradoxes that arise when defining a democratic people, and a long-standing debate on the nature and function of the demos in a democracy. These show that scholars’ definitions and judgments of populism depend on whether they conceive of The People as a historical fact (as populists do) or as a hypothetical ideal for guiding legislation (the liberals’ view). The article proposes instead an account of the democratic “people as process.” This account explains why populists betray the democratic ideals they claim to endorse.

PAPER 2 – The Myth of Popular Sovereignty and Its Implications for Rational Self-Government
David Thunder, University of Navarra

The modern state is premised on the notion that its citizens, by authorizing a cadre of public officials to rule on their behalf, can confer their collective power on the institutions of the State, and thus constitute themselves as a “sovereign people.” Thunder takes up a much neglected pluralist tradition that flourished in early 20th century Britain in thinkers such as FW Maitland, JN Figgis, GDH Cole, and HJ Laski, which raises serious questions about the utility of the notion of the “sovereign people” and its institutionalization through representative democracy. Developing some ideas to be found in this tradition, he argues that the notion of the “sovereign people,” along with its institutional baggage, tends to facilitate the domination of political processes and outcomes by majoritarian and elite interests, diverting them from the true interests of affected parties. The sovereign state and the narrative that justifies it stand in the way of the type of citizen empowerment that democratic theory so desperately longs for. The central goal of this paper is to offer a diagnosis of the inadequacy of the sovereign state as a framework for rational self-government, by showing how it tends to legitimize uniform governance structures that are ill-suited to a complex, plural social landscape.

PAPER 3 – Who Are the People? Domination and Residents’ Rights
Barbara Buckinx, Princeton University

Scholars such as David Miller rely on civic republican ideas about the normative importance of the state to defend a restrictive citizenship regime. In this paper, Buckinx employs a republican framework to justify the extension of citizenship status to non-citizen residents. She agrees with Miller and others that membership in a state matters greatly – at least when that state works to reduce the domination of individuals by third parties such as corporations. However, as she sees it, the claim that membership in such a state is essential for shielding individuals from domination commits republicans to an inclusive membership policy. When non-citizen residents are subject to the law in a republican state, that law has in an important sense been coercively imposed upon them. She critically evaluates three proposals that might address the problem of the rights of residents without providing them with access to citizenship, by Owen Fiss, Ron Hayduk, and James Bohman respectively. Building on this discussion, she concludes by suggesting alternative ways in which states may acknowledge residents’ claim to citizenship in a world in which directly naturalizing large numbers of residents is unlikely to gain political traction.