



Turkish Journal of Diaspora Studies

ISSN: 2717-7408 (Print) e-ISSN: 2757-9247 (Online)
Journal homepage: tjds.org.tr

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To cite this article: Süleyman Furkan Çobankara (2025) External Voting and the Democratic Boundary Problem: A Democratic Inclusion Analysis of the Turkish Case, Turkish Journal of Diaspora Studies, 5(2), 178-197, DOI: 10.52241/TJDS.1651801

To link to this article: <https://doi.org/10.52241/TJDS.1651801>

Submission Date: 5 March 2025 **Acceptance Date:** 29 August 2025

Article Type: Research Article



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Published online: 30 September 2025



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External Voting and the Democratic Boundary Problem: A Democratic Inclusion Analysis of the Turkish Case

Süleyman Furkan Çobankara* 

Abstract

Türkiye's external voting reforms highlight the challenges of defining democratic boundaries in a transnational era. This article addresses these reforms across four historical phases (1950–2014) through the lens of the “democratic boundary problem,” assessing how non-resident enfranchisement interacts with the All Subjected, All Affected, and Stakeholder principles of democratic inclusion. Drawing on a qualitative, interpretive analysis of primary legal sources, this study finds that Türkiye's gradual extension of external voting rights reflects an evolving and often conflicting interplay among inclusion principles, rather than a coherent normative trajectory. In practice, legal reforms frequently outpace theoretical justifications, producing hybrid and contested boundaries of the demos. By situating Türkiye's experience within global debates, the article develops a comparative and pluralist framework for evaluating external enfranchisement, offering conceptual tools for research on transnational democracy and policymaking.

Keywords : Democratic Boundary Problem, External Voting, Türkiye, All Subjected Principle, All Affected Principle, Stakeholder Principle

Yurt Dışı Oy Hakkı ve Demokratik Sınır Sorunu: Demokratik Kapsayıcılık Bağlamında Türkiye Örneğinin Analizi


Özet

Türkiye'nin yurt dışı oy hakkı reformları, ulusötesi çağda demokratik sınır sorununu ortaya koyar niteliktedir. Bu makale, Türkiye'nin yurt dışı oy hakkı reformlarını dört tarihsel dönemde (1950-2014), “demokratik sınır sorunu” bağlamında incelemekte ve yurt dışı oy kullanma hakkının meşruiyetini üç temel demokratik kapsayıcılık ilkesi (“Tüm Tabi Olanlar,” “Tüm Etkilenenler,” “Paydaşlık”) ışığında değerlendirmektedir. Bu çalışma niteliksel ve yorumlayıcı bir yaklaşımla, birincil hukuki kaynaklar temelinde analiz edilmiştir. Bu çalışmanın bulguları, Türkiye'nin yurt dışı seçmenlerine tanıdığı hakların tutarlı bir kuramsal gerekçeden ziyade çoğunlukla pratik ve mevzu bahis ilkelere göre çelişkili politik uzlaşmalar ile şekillendiğini göstermektedir. Makale, Türkiye örneğini küresel literatüre yerleştirerek, yurt dışı oy hakkı uygulamalarının değerlendirilmesinde karşılaştırmalı ve çoğulcu bir kavramsal çerçeveye geliştirmektedir.

Anahtar Kelimeler : Demokratik Sınır Problemi, Yurt Dışı Oy Hakkı, Türkiye, Tüm Tabi Olanlar İlkesi, Tüm Etkilenenler İlkesi, Paydaşlık İlkesi

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The author thanks his parents and his sister for their support and contributions throughout the preparation of this article.

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Received: 5 March 2025

Accepted: 29 August 2025

Article Type: Research Article

Introduction

External voting rights have become a defining feature, raising critical questions about the boundaries of the political community and the legitimacy of enfranchising non-resident citizens. As of 2024, more than 140 countries have adopted some form of external voting rights, highlighting its emergence as a global democratic norm (Allen et al., 2024; Wellman et al., 2023, p. 898). Within this global expansion, Türkiye was a relatively late adopter, granting full external voting rights only in the early 21st century (Yener-Roderburg, 2020, p. 5). In contemporary democratic theory, the demos is considered the ultimate basis of political authority and the arbiter of disputes. Yet the absence of a definitive answer concerning the boundaries of the demos, known as the democratic boundary problem (Ginnane, 2021), poses a fundamental normative challenge. As Dahl (1990) and Näsström (2011) argue, democratic procedures themselves cannot decide who rightfully belongs to the demos, creating a paradox at the core of democratic institutions.

The history of Türkiye's democratic boundaries, particularly regarding extraterritorial enfranchisement – from exclusion to the institutionalization of external voting – offers a critical lens for examining how the boundaries of democracy shift. Although there has been a global move toward the enfranchisement of non-resident citizens, normative justifications and conceptual implications remain underexplored in Turkish scholarship.

This article addresses the following question: How has Türkiye's external voting regime evolved in alignment with the three core principles of democratic inclusion – the All Subjected (ASP), All Affected (AAP), and Stakeholder (SP) principles – and what does this reveal about the changing boundaries of the demos in transnational political contexts? Using primary legal sources and secondary research, the study conducts a qualitative, theory-guided examination of significant legislative and institutional reforms addressing this topic. Beyond tracing the evolution of political inclusion for Turkish non-resident citizens, the article situates Türkiye's case within broader global debates on the democratic boundary issue and the validity of external voting practices by systematically applying normative democratic theory. The main contribution is a conceptual framework that links Türkiye's external voting history to fundamental questions of democratic theory, offering analytical tools for assessing external enfranchisement in other countries.

The article is organized as follows. The next section introduces the normative principles of democratic inclusion, which serve as the analytical lens, followed by a review of the literature on democratic boundaries and external voting. The empirical analysis then examines Türkiye's adoption of external voting across four stages, using the three selected normative principles as a guide. Finally, the article considers the broader implications of Türkiye's case for global research on the democratic border issue in the context of external voting.

Theoretical Framework and Literature Review

Reviewing the research on democratic inclusion and external voting in this section facilitates the identification of significant arguments and empirical gaps. This body of work provides the normative theoretical framework for analyzing the evolution of Türkiye's boundaries of demos in the context of external voting. The section shows how foundational democratic principles can clarify boundary-setting in a transnational era.

At the global level, research on external voting and democratic boundaries has expanded in recent years, reflecting the worldwide diffusion of extraterritorial enfranchisement (Lafleur, 2015; Wellman et al., 2023; Umpierrez de Reguero et al., 2023). Comparative studies have mapped the institutional variety of external voting systems, therefore revealing the spectrum of legal and political arrangements through which non-resident citizens are included or excluded from elections (Collyer, 2014; Lafleur, 2015). However, much of this scholarship emphasizes empirical mapping and typology over methodical normative analysis (Caramani & Grotz, 2015; Østergaard-Nielsen et al., 2019).

With attention to institutional reforms (Köse, 2020), diaspora engagement (Akse, 2022; Arkilic, 2021a, 2022), party (Çobankara, 2023; Yener-Roderburg, 2020; Yener-Roderburg & Yetiş, 2024), party mobilization (Yener-Roderburg, 2022, 2024), legal approaches (Bayraktar, 2024; Egeligi, 2024) and electoral focus (Arkilic, 2021b; Kadirbeyoğlu et al., 2017; Kadirbeyoğlu & Okay, 2015; Şahin-Mencütek & Erdoğan, 2016; Sevi et al., 2020; Topkan, 2022; Uslucan & Sauer, 2020; Yener-Roderburg, 2024), recent studies have extensively documented the political and historical development of Türkiye's external voting. However, most of these studies employ empirical or descriptive methods, therefore neglecting the normative and theoretical aspects of external enfranchisement. Despite the global trend toward enfranchising non-resident citizens, there is a notable lack of systematic, theory-guided analysis regarding the normative principles shaping the boundaries of Türkiye's demos. This study places Türkiye's case within the global debate, using a comparative normative framework to assess how external voting reforms reshape the boundaries of the demos.

This study contributes to the discussion on the “democratic boundary problem”—the normative challenge of determining who should be included in the political community for democratic decision-making purposes (Ginnane, 2021; Valentini, 2024). To analyze Türkiye's external voting reforms, three key principles of democratic inclusion, widely discussed in normative theory, are utilized. The selection of the All Subjected Principle (ASP), the All Affected Principle (AAP), and the Stakeholder Principle (SP) as analytical lenses reflects their prominence in the literature (Ginnane, 2021, pp. 27–35; Valentini, 2024). As Ginnane (2021) and Bauböck (2018) show, these three principles represent the core theoretical responses to the democratic boundary problem and have become central to evaluating transnational enfranchisement.

Moreover, Bauböck's (2018) pluralist theory of democratic inclusion justifies analyzing Türkiye's external voting regime, as it treats the three principles as complementary rather than competing (Bauböck, 2018; as cited in Bloks, 2024, p. 13; Erman, 2022; Magaña, 2024). Each principle stresses a distinct basis for inclusion, and their relevance varies depending on the context and nature of the polity. This pluralist approach enables a nuanced and comprehensive assessment of Türkiye's external enfranchisement by addressing diverse legitimate claims – such as policy impact, legal subjection, and enduring stakeholder ties – without reducing democratic legitimacy to a single criterion (Bauböck, 2018). Therefore, it provides both empirical flexibility and conceptual clarity for assessing the changing boundaries of Türkiye's demos. Employing this triadic framework also ensures both conceptual rigor and methodological transparency, following best practices in comparative and interpretive research design (Schwartz-Shea & Yanow, 2013), while allowing for a nuanced yet focused assessment of shifting democratic boundaries. Instead of treating these principles as rigid evaluative criteria, they are applied as interpretive heuristics to analyze the evolving logic of inclusion and exclusion in Türkiye's external voting reforms.

By situating Türkiye's case within global debates on democratic boundaries, this study not only clarifies the theoretical rationales at stake but also offers a methodological template for evaluating external voting reforms in other national contexts. This framework facilitates a structured yet flexible examination of how different historical stages reflect shifting conceptions of democratic legitimacy and boundary-making.

According to scholarly literature on normative democratic theory, the principles can be summarized as follows:

The ASP: All individuals who are subject to the laws and authority of a state should have a voice in creating those laws (Goodin & Arrhenius, 2024; López-Guerra, 2005; Owen, 2010).

The AAP: All individuals whose interests are affected by government decisions should have the right to participate in those decisions (Bengtson, 2021; Boudou, 2023; Goodin, 2007; Näsström, 2011; Tanasoca, 2018).

The SP: Those with a durable stake in a self-governing polity should be included (Bauböck, 2005, 2015; Ginnane, 2021).

Global Trends in External Voting and Normative Debates

The concept of external voting has been described with a range of terms, such as 'external, emigrant, expatriate, diaspora, absentee, out-of-country, extraterritorial, voting, distance, and remote voting' (Lafleur, 2015, p. 841). In this study, these terms are used interchangeably. This paper adopts the definition of external voting as "the ability for a

non-resident citizen to vote in elections in the country where they hold citizenship from outside of the country's physical boundaries" (Wellman et al., 2023, p. 900). This definition aligns with global comparative standards and enables precise analysis of Türkiye's approach. Collyer (2014) classifies the electoral systems and voting practices of countries into five types: (1) countries without electoral practices, (2) countries where expatriates cannot vote, (3) systems requiring diaspora members to return physically to their home country to vote, (4) systems allowing overseas voting, wherein ballots are either transferred to the voters' last registered electoral district or distributed among parties nationwide, and (5) systems with dedicated electoral districts that allow the diaspora to elect their own representatives (Çobankara, 2023; Collyer, 2014, p. 64; Köse, 2020, p. 134). Non-resident citizens are defined as those holding citizenship but living mainly abroad (Wellman et al., 2023, p. 900).

Today, approximately 140 states include provisions for external enfranchisement in (Nyblade et al., 2022; Fliess et al., 2025), and external voting rights are expanding worldwide (Peltoniemi et al., 2022). Some studies place external voting rights within democratization literature (Caramani & Grotz, 2015; Lafleur, 2015). Scholars conceptualize the "third wave" as the transnational expansion of political rights, including extending suffrage to resident aliens and non-resident citizens, as a natural progression of prior expansions (Caramani & Grotz, 2015). Conversely, certain studies focus on the actors, such as states (Lafleur, 2011), political parties (Østergaard-Nielsen et al., 2019), or regimes (Nyblade et al., 2022; Umpierrez de Reguero & Jakobson, 2023; Fliess et al., 2025; Jakobson et al., 2023; Umpierrez de Reguero et al., 2021). Umpierrez de Reguero et al. (2021) present an updated typology of external voting models, demonstrating that although technical implementation varies greatly, most regimes share a normative ambiguity about which citizens "deserve" a vote. Their research highlights the global tension between state inclusion strategies and democratic theory. Vink and Bauböck (2013) contend that external voting is often driven more by domestic political interests than by normative commitments to democratic inclusion. Additionally, research on 'homeland populism' by Jakobson et al. (2023) shows that when external voting becomes institutionalized, parties begin mobilizing non-resident citizens as part of "the people."

External Voting History of Türkiye

Türkiye's path toward enfranchising non-resident citizens can be divided into four distinct stages. The periodization is based on the actual implementation, rather than merely on legal or constitutional changes. Each stage reflects not only legal and institutional developments but also the shifting position of Türkiye within Collyer's (2014) global typology (Köse, 2020).

Before 1950, there was no legislation or external voting for non-residents. In the second phase, the 1950 Election Law introduced provisions for registering non-resident

citizens as voters within the territory (Köse, 2020; Milletvekilleri Seçim Kanunu, 1950). However, the absence of clear administrative procedures for registration severely limited their practical enfranchisement. During this phase, voting in national elections of Türkiye was limited to in-person voting and was only possible within Turkish territories. Therefore, Türkiye aligns with Collyer's (2014) third category, which stipulates that non-resident voters must physically return to their homeland to cast their votes.

A major development occurred in 1987, marking the third stage. That year, an amendment to the Law on Basic Provisions of Elections and Voter Registers (Law No. 298) introduced voting at customs points (Köse, 2020; Yener-Roderburg, 2022). As Yener-Roderburg (2022) notes, this reform symbolically acknowledged non-resident citizens as legitimate members of the electorate, though participation remained limited to customs points and subject to restrictive eligibility rules. The revised Article 94 of Law No. 298, as amended, permitted Turkish citizens living abroad for over six months to cast votes at customs points during national elections. However, practical and legal restrictions persisted, such as the exclusion of those already on the Turkish electoral rolls and the requirement for physical presence at customs, which limited the full realization of non-resident enfranchisement. Whether this approach qualifies as external voting is still a matter of discussion (Köse, 2020). To vote in this manner, individuals had to have lived abroad for more than six months and could not already be registered to vote in Türkiye. Despite residing abroad, those who were on Türkiye's electoral roll were ineligible to vote at the customs. Until 2014, many non-residents voted in this method. Nonetheless, this approach did not entirely adhere to the standards for external voting. From 1987 to 2014, Türkiye's external voting status was classified within the third category of Collyer's (2014) classification, according to Köse (2020, p. 136).

The third stage witnessed a pivotal constitutional development: the 1995 amendment to Article 67 of the Turkish Constitution, which for the first time recognized the external voting right of non-resident citizens (Yener-Roderburg, 2022). This change gave the necessary legal basis for later statutory changes and marked a significant shift in norms: external voting became a constitutional right, not just a legislative option, though it did require enabling legislation. Even though a new legal guarantee was in place, practical enfranchisement remained limited due to the absence of procedures to implement it (Kadirbeyoğlu & Okyay, 2015). The 1995 amendment thus represented a transitional moment: a formal recognition of non-resident citizens' voting rights, but not yet a realization.

The fourth stage began with the 2014 presidential election, allowing non-residents to vote abroad directly. This marked Türkiye's transition to Collyer's (2014) fourth category: countries enabling voting from abroad.

Normative Principles of Democratic Inclusion

The All Subjected Principle (ASP)

The ASP holds that all individuals who are subject to a state's laws and coercive authority ought to have a voice in the democratic decision-making (Goodin & Arrhenius, 2024; López-Guerra, 2005; Owen, 2010). Rooted in classic social contract and political legitimacy theories (Dahl, 1990), this principle centers on the idea that political rights – particularly voting – should reflect the contours of legal subjection. Democratic legitimacy, therefore, is tied to those who bear the obligations imposed by state authority.

In the context of external voting, López-Guerra (2005) argues that non-residents cannot be subject to the laws of their state of citizenship, thus advocating for the disenfranchisement of non-resident citizens (Himmelroos & Peltoniemi, 2021; Song, 2012). In contrast, Owen (2010) contends that non-resident citizens are subject to specific laws and decisions of their country of citizenship, necessitating their enfranchisement. Despite their differing conclusions, both scholars rely on the ASP to assess the democratic legitimacy of external voting, differing only in how they interpret its application. This illustrates a commonality in their structural approach, akin to using the same principle but interpreting its measurements differently.

In the context of this study, this principle aids in interpreting the extent to which Turkish non-resident citizens were perceived as legal subjects whose voices should be considered in political decision-making (as cited in: Ginnane, 2021, pp. 30–32; López-Guerra, 2005; Owen, 2010).

The All Affected Principle (AAP)

The AAP argues that individuals affected by state decisions should have the right to participate in the decision-making process (Dahl, 1990, p. 64; as cited in: Ginnane, 2021, p. 51; Goodin, 2007, p. 32). This principle, rooted in the concept of self-rule, interprets democracy in negative terms, asserting that individuals should not be subject to decisions beyond their control (Ginnane, 2021, p. 32; Näsström, 2011, p. 122).

The scope of this principle raises questions about who qualifies as “relevantly affected,” considering factors such as potential interests and strategic cultivation. Some proponents, like Goodin (2007), advocate for a broad interpretation, proposing almost universal enfranchisement. This wide perspective challenges the idea of “external voting,” which assumes democracy functions within territorial boundaries, while the principle connects the demos to political concerns rather than physical presence.

Applied to external voting, the AAP challenges traditional territorial definitions of the demos by linking enfranchisement to the extent of policy impact rather than residence or legal status, thus making the concept of “external” voting conceptually problematic:

if inclusion depends on issue-specific affectedness, territorial boundaries may become irrelevant (as cited in [Ginnane, 2021, p. 33](#); [Näsström, 2011](#)). Recent scholarship further highlights that, under the AAP, the legitimacy of external voting ultimately depends on whether non-resident citizens retain interests sufficiently affected by their home country's policies (as cited in [Ginnane, 2021, p. 32–34](#); [Tanasoca, 2018](#)).

Ultimately, the debate between the AAP and the ASP centers on differing standards for democratic inclusion rather than contesting the necessity of such standards in evaluating the legitimacy of external voting.

The Stakeholder Principle (SP)

The SP proposed by Bauböck (2005) introduces a membership-based model of democratic inclusion, emphasizing that citizens should be enfranchised if they have a durable stake in the self-governance of a polity. The SP posits that individuals should be enfranchised if they maintain a genuine, durable stake in the polity's collective self-government ([Bauböck, 2005, 2018](#)).

The SP conceptually positions political rights as flowing from an individual's continuous relationship with the polity, encompassing both instrumental interests (the protection of fundamental rights) and intrinsic interests (participation in self-government, which is crucial for self-respect and equality) ([Bauböck, 2018, p. 41](#)). Tanasoca (2018) interprets the SP as a variant of the AAP, but stresses that stakeholding requires more than exposure to policy impacts; it demands a substantive and enduring connection to the community (as cited in: [Ginnane, 2021, p. 34](#); [Tanasoca, 2018, p. 114](#)). The SP endorses enfranchisement primarily for first-generation emigrants who preserve active ties, and only conditionally for second-generation non-residents ([Bauböck, 2015, p. 825](#); as cited in [Ginnane, 2021, p. 35](#)). In this study, the SP highlights how Türkiye's reforms implicitly framed non-resident citizens in generational or participatory terms, either as legitimate stakeholders or external observers ([Bauböck, 2005](#)).

Bauböck (2015) argues that the SP is uniquely capable of solving the democratic boundary problem ([Bauböck, 2015](#)). Despite focusing on adapting to changing political spatialities, the SP structurally aligns with previous principles, as it seeks to define morally legitimate democratic boundaries against which boundary-making practices are assessed for compliance ([Ginnane, 2021](#)).

Integration and Analytic Bridge

Normative analyses of democratic inclusion principles ([Ginnane, 2021](#)) often reach different conclusions but share structural similarities, each establishing a standard for assessing the legitimacy of external voting. While these frameworks are primarily grounded in theoretical ideals, the perspectives of practitioners may further refine them and enhance

democratic openness. According to Bauböck (2018), the principles should be viewed as complementary, each offering a distinct normative basis: legal subjection, policy impact, and enduring stakeholder ties. Together, these three principles offer complementary perspectives for interpreting the evolution of Türkiye's external voting laws, not as static legal changes, but as moments of changing normative imagination regarding who belongs in the political community. Applied empirically, the ASP highlights the evolution of legal and institutional boundaries in Türkiye's external voting reforms; the AAP emphasizes the range of interests and actors substantially influenced by these reforms; and the SP brings key generational and membership-based distinctions to light, reflecting ongoing debates over diaspora engagement and belonging.

Methodology

This study adopts a qualitative, interpretive approach rooted in normative political theory. In addition to secondary academic literature, it systematically incorporates primary legal sources as core empirical materials. These primary documents provide both a factual basis for reconstructing the evolution of Türkiye's external voting regime and evidence for evaluating the extent to which legal reforms have embodied or resisted the normative principles of democratic inclusion. The legal provisions are author translations due to the lack of official English versions.

These materials are interpreted using process tracing logic, examining how legal and institutional changes reflect evolving ideas of the demos. Instead of focusing on individual behavior or causal mechanisms, the analysis tracks the normative logics embedded in Türkiye's external voting history. This approach aligns with an interpretivist methodology that views theories as heuristic tools for exploring meanings, principles, and institutional intentions (Schwartz-Shea & Yanow, 2013, p. 38). The principles are used here not as measurable categories but as sensitizing concepts (Blumer, 1954, p. 7). They serve to illuminate how inclusion and exclusion were framed in different stages of Türkiye's external voting, without making normative judgments or policy prescriptions.

The empirical analysis concentrates on external voting's evolution; conscription is employed comparatively to illustrate state obligations towards non-residents. Conscription exemplifies how ASP extends beyond borders, emphasizing the tension between legal subjection and democratic inclusion.

Findings

Türkiye's path toward enfranchisement of non-resident citizens can be traced through four stages, each reflecting key changes and shifts within Collyer's (2014) typology. In addition to these reforms, relevant primary legal sources that have shaped the boundaries of the demos in the context of external voting are also examined within the historical stage

to which they pertain. This stage-based approach enables a context-sensitive and empirically grounded assessment of how both direct and supplementary legal changes have contributed to the evolving normative foundations of external voting in Türkiye.

Stage One: Absence of Legislation in Pre-1950 Period

During the initial stage, before 1950, Türkiye lacked specific legislation governing the registration or voting of non-resident citizens; namely, there was no external voting. This absence underscores the historically territorial conception of the demos and the state's exclusive focus on the residents as political subjects.

The ASP, as framed by López-Guerra (2005), suggests that people subject to a state's laws should have a say in making those laws. In this context, the absence of external voting rights aligns with López-Guerra's argument against enfranchising non-resident citizens, as they were not lawfully subject to Turkish laws. Accordingly, the absence of external voting in this period reflects adherence to the ASP. However, a deeper interrogation complicates this alignment. The notion of "subjectedness" is not as self-evident as early Turkish law presumes. While non-residents may not have been subject to everyday Turkish jurisdiction, some, such as non-resident citizens with property or unresolved legal ties in Türkiye, might have remained substantively affected by Turkish state actions (Owen, 2010). By equating presence with subjectedness, early Republican Türkiye enacts a binary, formalistic reading of the ASP, neglecting the empirical "grey zone" of absent yet still affected citizens—a tension that recent theory (Goodin & Arrhenius, 2024) exposes as a limitation in the principle's practical utility.

In the context of the AAP, it exemplifies an accepted approach where non-resident individuals were not directly affected by the state's decisions. The lack of any consideration for such transnational effects in law reveals the limitations of territorial understanding of affectedness and the challenge of operationalizing AAP when state boundaries are permeable or citizenship and property persist across borders.

The SP claims that individuals' fundamental rights are tied to the protection and well-being provided by the polity, emphasizing membership beyond specific democratic decisions or rights protection (Bauböck, 2015). Therefore, the lack of external voting rights during this period reflects a conceptualization of citizenship tied primarily to physical presence within the territory, disregarding the stakeholding aspect emphasized by the SP.

In summary, pre-1950 Türkiye exemplifies the territorial conception of the demos; a critical analysis exposes the inadequacy of equating territory with subjectedness, affectedness, or stakeholding.

Stage Two: Limited In-Person Voting between 1950-1987

The enactment of Law No. 5545 in 1950 introduced, for the first time, a legal basis for the registration of Turkish citizens living abroad as voters. Article 11 of this law stated: “Citizens residing in foreign countries, upon their request, are registered in the electoral roll of the district they designate or their last place of residence (Law No. 5545, 1950, Art. 11, author’s translation). Despite this innovation, voting remained strictly limited to those physically present in Türkiye. While the law allowed registration, it included no mechanism for casting ballots from abroad.

Under the ASP, this legal regime raises questions about what it truly means to be “subject” to a state’s laws. Goodin & Arrhenius (2024) clarify that genuine subjectedness requires more than mere formal citizenship; it entails a tangible subjection to the state’s coercive and legal power. In practice, the 1950 arrangement made suffrage contingent on physical presence, effectively assuming that only those who could return to Türkiye were sufficiently subject to its authority. This tension aligns with López-Guerra’s (2005) critique, which argues that non-residents – especially those with no practical ties or exposure to the home state’s coercion – should not necessarily be included as a matter of democratic legitimacy. Moreover, as Owen (2010) counters, certain non-resident citizens (for example, those with property, ongoing legal obligations, or active familial ties) may remain subject to Turkish law in ways that justify their continued inclusion. The law’s exclusive reliance on physical presence as a test of subjection thus failed to distinguish between meaningful and nominal forms of subjectedness. In these terms, compulsory military service continued to bind non-resident male citizens, regardless of their physical presence, under Turkish law until 1980 (Koç, 2021). However, in 1980, a new option was introduced: *dövizle askerlik* (foreign currency military service), which enabled non-resident citizens to fulfill conscription through a monetary payment and limited in-country service (Tavacı & Gündoğar, 2023). This reveals that Türkiye’s ‘subjection’ to non-resident citizens persists, although it takes on different forms.

The period overlooks the AAP by equating affectedness with residence; the 1950 law overlooked the numerous ways in which Turkish state decisions continued to influence the lives of non-resident citizens, including issues such as mandatory military service (Tavacı & Gündoğar, 2023). The lack of provisions for absentee voting thus meant that large segments of the non-residents, regardless of how directly they might be affected, remained without a practical means of democratic expression, highlighting a limitation inherent in approaches that tie enfranchisement solely to residence or physical presence.

In the second stage, Türkiye’s approach to external voting began to reflect elements of the SP. By allowing non-resident citizens to register as voters, albeit with limited in-person voting within Turkish territories, it is acknowledged that a stakeholding aspect of citizenship is tied to the protection and well-being provided by the polity. However, the

restriction to in-person voting and the exclusion of non-residents who are unable to participate in the elections within Türkiye's territory highlight a narrower interpretation of stakeholding, primarily emphasizing physical presence within the national territory over broader membership considerations advocated by the SP.

The 1950–1987 period demonstrates that legal reforms grounded in democratic inclusion principles are insufficient without corresponding mechanisms to ensure the practical realization of rights for non-resident citizens, revealing the limitations of residence-based criteria and underscoring the necessity for more nuanced, empirically attuned approaches to democratic participation.

Stage Three: Introduction of Voting at Customs between 1987-2014

A significant transformation occurred in 1987 with the amendment to Law No. 298. The revised Article 94/2(a) stipulated:

“Voters not registered in the electoral roll and residing abroad for more than six months may vote at ballot boxes set up at customs gates upon entry and exit from the country, starting seventy-five days before and until 17:00 on the day of the general parliamentary elections.” (Law No. 3377, *Amending the Law on Basic Provisions of Elections and Voter Registers*, 1987, Art. 94/2(a), author's translation).

This legal change provided, for the first time, a practical – albeit limited – mechanism for participating in national elections. However, it still required physical return to Turkish territory (customs gates) and excluded anyone already on the domestic electoral roll, as well as those unable to travel. This arrangement introduced residency and procedural barriers that fundamentally shaped the realization of democratic inclusion principles in practice. From 1987 to 2014, Türkiye's external voting status was categorized as part of the third category in Collyer's (2014) classification (Köse, 2020).

From the ASP perspective, the 1987 reform presents an ambiguous and partial approach to subjecthood (Goodin & Arrhenius, 2024), treating it as a matter of demonstrable engagement, such as border-crossing, rather than a general property of citizenship. This was particularly exclusionary for those who might not be able to visit Turkish territories. López-Guerra (2005) supports this caution, arguing that voting rights for non-residents without substantive ties to their homeland are difficult to justify from a democratic perspective. In contrast, Owen (2010) argues that some non-resident citizens may retain significant legal obligations, such as military service, that can justify their inclusion; however, the 1987 law made no such distinction. The 1993 amendment allowing military service abroad did not abolish the obligation but simply altered its form, illustrating that legal subjection can be pragmatically adjusted without necessarily expanding democratic inclusion for non-resident citizens (Goodin & Arrhenius, 2024; Tavacı & Gündoğar, 2023).

The AAP highlights further limitations of the 1987 reform. While the customs voting regime provided a practical channel for some non-residents, it ignored the broader reality that many citizens abroad remained significantly affected by Turkish legislation and state policy, regardless of their ability or willingness to return for elections. Decisions related to inheritance, taxation, or conscription (Koç, 2021; Tavacı & Gündoğar, 2023) could have far-reaching consequences for the non-resident citizens. Moreover, the law's territorial and procedural logic continued to disenfranchise those who were clearly affected but lacked the capacity for border-crossing. The persistence of this exclusionary logic highlights an ongoing challenge within the AAP: the inability of territorial voting regimes to account for the transnational impacts of state actions on citizens beyond borders.

From the SP perspective (Bauböck, 2005, 2018), the period from 1987 to 2014 offered only partial and highly conditional recognition of membership. The ability to vote at customs was practically available only to those with ongoing, active engagement. This overlooked the diversity of “stakes” that non-residents might possess, including cultural, psychological, and economic ties. The focus on border-crossing meant that only certain, verifiable forms of stakeholding were politically valued.

A further normative and legal transformation occurred in 1995 with the amendment to Article 67 of the Turkish Constitution: “However, the exercise of the right to vote by Turkish citizens abroad is subject to the procedures and conditions prescribed by law” (Constitution of the Republic of Türkiye, 1995, Art. 67, author’s own translation).

This normative transformation in 1995 symbolically elevated the right to vote for non-residents from a statutory exception to a constitutionally recognized entitlement. On paper, this broadened the demos and marked a significant step toward inclusive citizenship. However, the realization of these rights remained contingent on ordinary legislation, which continued to introduce procedural hurdles.

From the ASP perspective, the constitutional change broadened formal inclusion, covering all citizens regardless of residence or generation. However, the actual content of subjectedness remained ambiguous, as implementation depended entirely on later statutory decisions (Goodin & Arrhenius, 2024). Thus, while the amendment allowed for the potential enfranchisement of all non-resident citizens, it did not solve the problem of how to meaningfully distinguish between degrees or forms of subjectedness. López-Guerra (2005) would critique this thin conception for failing to account for those with only nominal ties to Türkiye, while Owen (2010) would advocate for flexible statutory mechanisms recognizing various forms of subjectedness.

Regarding the AAP, the constitutional amendment represented a normative opening by recognizing the potential for Turkish decisions to affect citizens abroad. However, because the right remained contingent on further legislation, the practical realization of affectedness as a basis for inclusion was left uncertain.

The SP was only partially satisfied. While the constitution acknowledged non-residents' potential stake in Türkiye's political community, it left the criteria for participation and the recognition of stakeholding – particularly for later generations – to be determined by future legal and administrative decisions (Bauböck, 2018). The constitutional provision's lack of concrete criteria risks granting voting rights to later generations with minimal or symbolic stakes in Türkiye, thereby challenging the core requirement of substantive connections in democratic inclusion (Bauböck, 2015, 2018).

In summary, both the 1987 statutory reform and the 1995 constitutional amendment marked progressive but incomplete steps toward extraterritorial enfranchisement. The 1987 law provided only a restricted practical pathway for participation, and the 1995 amendment formalized inclusion but left substantive access to rights dependent on subsequent legal and administrative interpretation. Together, these reforms reveal the persistent challenge of operationalizing principles of subjectedness, affectedness, and stakeholding in ways that meaningfully accommodate the diversity and complexity of Türkiye's transnational citizenry.

Stage Four: Establishment of Ballot Boxes Abroad Since 2014

The period from 2014 onward represents a watershed in Türkiye's external voting regime, marking the transition from symbolic or highly contingent participation to broad, operationalized enfranchisement for non-resident citizens. The legislative reforms of 2008 and 2012 – culminating in implementation during the 2014 presidential elections – transformed external voting from a restricted privilege into a core element of the Turkish electoral system. With the adoption of Law No. 5749 (2008), the parliament created an institutional and procedural infrastructure for external voting. Article 10 was amended as follows:

“The Supreme Electoral Council shall decide, after obtaining the opinion of the Ministry of Foreign Affairs and taking into consideration the conditions of the foreign country, by which method – ballot box, mail, customs gate, or electronic voting – external voters shall cast their votes.” (Law No. 5749 Amending the Law on Basic Provisions of Elections and Voter Registers, 2008, Art. 94/A, author's translation)

The 2012 amendment (Law No. 6304) allowed voting at Turkish consulates and designated venues abroad, stating:

“Voters who are registered in the abroad electoral register may cast their ballots at polling stations established at our abroad diplomatic missions, and, where necessary, at other locations deemed appropriate by local authorities, within a schedule determined prior to election day.” (Law No. 6304 Amending the Law on Basic Provisions of Elections and Voter Registers, 2012 Art. 94/C, author's translation)

The 2008 and 2012 reforms operationalized the constitutional promise of extraterritorial enfranchisement by extending voting rights to all Turkish citizens abroad, based solely on citizenship and registration in the abroad electoral register. The first implementation of these mechanisms occurred during the 2014 presidential election, when Turkish citizens abroad were allowed to vote in their countries of residence (Kadirbeyoğlu et al., 2017; Kadirbeyoğlu & Okyay, 2015; Topkan, 2022). These reforms place Türkiye's external voting system in Collyer's (2014) fourth category. By transforming external voting from a largely symbolic provision to an accessible democratic right, the reforms marked a substantial expansion of non-resident citizens' political inclusion.

According to ASP, this expansion reflects a formalistic approach to subjectness (Goodin & Arrhenius, 2024): the voting right is linked to nominal legal status rather than ongoing exposure to Turkish authority. While this satisfies procedural inclusiveness, it leaves the principle substantively underdeveloped, especially for citizens who may lack experience of Turkish law or coercion. The uncritical extension of voting rights to all non-resident citizens risks including individuals who experience neither the obligations nor the consequences of Turkish law, raising complex questions about the legitimacy and substantive quality of this expansion. Thus, while the reforms satisfy the letter of the ASP, they may undermine its spirit, which calls for genuine subjection to the state as the basis for political participation (López-Guerra, 2005; Owen, 2010).

From the AAP perspective, Türkiye's reforms represent significant progress, as the principle acknowledges that state policies can affect the rights, identity, or interests of non-resident citizens, regardless of their physical location (Goodin, 2007). Enabling voting at consulates broadens the demos in line with this normative standard. However, as Näsström (2011) and Goodin (2007) caution, such universal inclusion also risks over-inclusion, since not all registered non-resident citizens are genuinely or substantially affected by homeland politics. This indeterminacy – who precisely qualifies as “affected” – remains a fundamental challenge to the practical application and justification of the AAP (Näsström, 2011, pp. 123–124).

The SP (Bauböck, 2015, 2018) provides the most critical lens for understanding Türkiye's external voting transformation. The legal changes treat all non-resident citizens as potential stakeholders, irrespective of the depth or kind of their ties. For first-generation emigrants with enduring social, economic, or emotional bonds to Türkiye, this extension aligns well with the principle's normative rationale. However, for later generations of non-resident citizens, whose stake may be largely symbolic or attenuated, the reforms risk moving beyond the core demand of the principle—that inclusion be grounded in a genuine, durable, and ongoing relationship with the polity's self-government (Bauböck, 2018; Tanasoca, 2018 as cited in Ginnane, 2021, p. 35). Thus, while administratively inclusive, Türkiye's model may undermine the qualitative standard of stakeholding, making the democratic boundary more porous than the principle would justify.

In sum, the fourth stage represents a transition from restricted, symbolic participation to broad, operationalized enfranchisement for non-resident citizens of Türkiye. While the shift significantly reduces practical and legal barriers, it does so through a procedural logic that privileges formal citizenship over substantive engagement, leaving unresolved the deeper normative boundary problem at the heart of transnational democratic theory.

Discussion and Conclusion

This article has systematically traced Türkiye's external voting reforms through the analytical lens of the ASP, the AAP, and the SP of democratic inclusion, providing a comparative normative framework that addresses both the evolution and justification of external enfranchisement. It demonstrates that while Türkiye's legal and institutional trajectory reflects growing openness toward the inclusion of non-resident citizens, the justifications for such reforms reveal persistent normative ambiguities and tensions. Specifically, no single principle fully legitimizes external voting in Türkiye's context; rather, it is the shifting interplay among these principles – subjectedness, affectedness, and stakeholding – that best explains both the incremental expansion and enduring contestation of the demos' boundaries.

Applying this triadic lens clarifies the normative logic underpinning each historical stage of Türkiye's external voting regime. Early exclusions and later limited forms of participation were grounded in a territorially anchored conception of the demos (ASP), while subsequent reforms increasingly acknowledged both the transnational policy impacts on non-resident citizens (AAP) and the ongoing ties that underpin membership-based claims (SP). However, the analysis also reveals that practical legal changes have often outpaced or sidestepped coherent normative justification, resulting in hybrid and sometimes contradictory arrangements. The brief comparative reference to conscription underscores that democratic boundary setting is not limited to participatory rights but extends to other enduring legal obligations, complicating the logic of demos membership in transnational contexts. Comparatively, Türkiye's experience mirrors global trends: as recent scholarship (Lafleur, 2015; Umpierrez de Reguero et al., 2023; Yener-Roderburg, 2024) attests, the worldwide expansion of extraterritorial enfranchisement is typically accompanied by persistent ambiguity regarding who qualifies for inclusion and on what grounds. Türkiye's case thus exemplifies the broader “democratic boundary problem” in the transnational era.

Critically, this study makes an original contribution by situating Türkiye's reforms within a comparative and theoretically pluralist framework, providing conceptual clarity on how democratic legitimacy is negotiated in evolving transnational contexts. The Turkish case both confirms and complicates dominant theories of democratic inclusion. It supports Bauböck's (2018) claim that no single principle can serve as a sufficient or exclusive basis for defining the boundaries of the demos in an era of transnational mobility. At

the same time, the Turkish experience demonstrates the need for pluralist, context-sensitive approaches that recognize the interplay and practical limitations of these logics. Furthermore, the Turkish case challenges any straightforward, universal application of democratic boundary principles. Although reforms have extended rights to millions of non-resident citizens, their implementation has often relied on pragmatic legal and administrative considerations rather than robust normative reasoning. This results in the coexistence of expansive formal enfranchisement with various exclusions and limitations in practice—a pattern echoed globally (Umpierrez de Reguero et al., 2023; Vink & Bauböck, 2013).

This study has several limitations. First, the analysis is conducted primarily at the macro and institutional level, relying on primary legal documents and secondary academic literature rather than original empirical data or fine-grained policy mapping. While primary legislation is systematically integrated, the lack of in-depth examination of administrative practices, more of policy obligations (such as taxation), or first-hand voter experience limits the generalizability of the findings. Second, the word and scope constraints preclude extensive comparative analysis beyond Türkiye's case. Future research would benefit from both deeper integration of systematic comparison with other external voting regimes.

The findings have direct relevance for both policymakers and scholars. Understanding the layered normative justifications and tensions underlying external voting reforms is essential for designing enfranchisement regimes that are both democratically legitimate and practically effective. For Türkiye and other states, clarifying the conceptual and legal criteria for inclusion can help prevent both overextension and arbitrary exclusion of non-resident citizens. Future research should pursue detailed, periodized analyses of concrete policy obligations (e.g., taxation), systematic cross-country comparisons, and empirical studies of voter experiences to further illuminate the relationship between external voting, citizenship, and democratic legitimacy.

In summary, this article contributes to the literature by offering a systematic, theoretically grounded, and empirically informed analysis of Türkiye's external voting evolution through the lens of democratic inclusion principles. The Turkish case demonstrates that extraterritorial enfranchisement is best understood as an ongoing negotiation among various normative logics, each with different conceptual strengths and practical limitations. As external voting continues to expand globally, further theory-driven, comparative, and empirically rigorous research will be vital for understanding the democratic boundary problem in a world of increasingly mobile populations and overlapping political communities.

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