Boundaries of Political Communities and the All-Affected Principle

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What procedures should be used to determine the boundaries of political communities? What principles should govern the structure of these procedures? This chapter sketches an answer to these questions rooted in democratic thought and based on the idea of the All-Affected Principle (AAP) – the idea that people who are affected by a decision should have a voice in it.

I start with a commitment to democracy as a foundational normative theory, in the sense that "no prior or more basic institutional commitment rightly commands our allegiance."[1] The plausibility of this position hinges in part on democracy's ability to address fundamental questions of political morality. The challenge of delineating the boundaries of political communities is one such question. The AAP, though not without its difficulties as a principle to guide our thinking about boundaries, is a promising starting point for this exploration.

Yet the AAP on its own is ambiguous. What does it mean to be affected? And what does it mean to have influence over decisions that affect oneself? Though often it is lauded for its intuitive appeal, there is much disagreement surrounding the appropriate interpretation of the AAP. The AAP offers a simple and powerful idea, which seems to track core democratic intuitions. And yet, this simple version of the principle has attracted serious and valid criticisms that require addressing. In my account, I aim to salvage the core idea of the principle. To do so, this chapter provides a pluralistic interpretation of the AAP, joining other scholars who move away from identifying one simple principle to determine boundaries of membership.[2]

THREE DIMENSIONS OF DECISION MAKING

What are the boundaries we seek to determine? Two kinds of boundaries are often mentioned in the literature: *boundaries of membership*, delineating a set

of people who comprise the community, and *scope of jurisdiction*, delineating the affairs a community has authority over. Typically, considering the question of inclusion (or the problem of the *demos*, as Robert Dahl calls it) turns our attention to criteria for membership and away from questions of jurisdiction.[3] While the abstract question is sometimes phrased as "Who should be included in the *demos*?", the discussion often concerns a specific (though not typically specified) context of assumed institutional jurisdictions, such as "Who should get to vote in the elections of representatives who rule state institutions that have ultimate authority and de-facto control in a given territory?"

Compounding the confusion between membership and jurisdiction, political and ethical disagreements on questions of immigration focus on power over *territorial borders* – the right of a state to exercise control over a clearly defined territory, including movement of people (and sometimes goods) across territorial lines. These discussions, however, make assumptions on, or else implicate, a host of issues regarding the rights associated with membership as well as the jurisdiction of the states involved. Whether a state should be permitted to bar nonmembers from entering a given territory depends on the plausibility of assumptions regarding the state's right to grant or deny membership status to these particular individuals, as well as its impact on the circumstances that led them to want to move.[4]

The point is that the plausibility of an ethical judgment passed over a policy which concerns boundaries, for example in the discussion of naturalization laws, hinges on background assumptions regarding jurisdiction and border control. Therefore, I argue that questions of membership, jurisdictions, and borders should be examined, and answered, together. How we should do this will, I hope, become clear as we discuss the AAP, but we can already see what we are aiming at: a judgment regarding the relationship between membership, territory, and jurisdiction.

Before proceeding, I should note that the three dimensions of democratic decision making I am concerned with – membership (who can take part in decisions), jurisdiction (what the decisions should be about), and territory (where do they apply) – are substantively connected. In other words, it is not unusual for people to make assumptions that connect these topics, because judgments about one ordinarily come with the other. Thus, arguments about movement often assume that members cannot be barred from movement or that people who inhabit a territory have a right to membership in whatever political association governs that territory.[5]

I should also note at the outset that in discussing political communities, I am thinking of a wide array of social institutions and not just about states, especially not the misleading conceptions of the state as either a Hobbesian ultimate (as in unlimited and undivided) authority or the Weberian centralized monopoly on legitimate power in a territory.[6] Not only do these notions of statehood measure poorly when examined in light of the rich variety of political orders that exist in the world today, they also restrict democratic theory

without good reason. If we examine the theoretical foundations of democratic theory, we find that the reasons for inclusion and membership in the state apply to other political structures, including local authorities and global governance bodies. The boundary problem of democratic theory is much more prevalent than has been appreciated, and it is interesting to note that the philosophical debates about democratic boundaries more often engage the case of citizenship than disagreements regarding the proper jurisdiction of political power, of the kind that is typical in the literature on (say) federalism.[7] Yet the disputes that arise around boundaries of local communities are of the same kind as the controversies surrounding borders of states. A principled democratic response is needed in all these contexts, at least for those of us committed to democracy as a foundational normative commitment.

To see the force of the last point, I briefly present my approach to democratic theory and sketch the considerations that lead us to be concerned about boundaries. The discussion lays the foundation for a presentation of the AAP in the following section.

SOCIAL POWER AND POLITICAL COMMUNITIES

Political Justice and Social Power

On my account, democracy is a demand of justice. Democratic theory *is* a theory of political justice, as distinguished from a distributive conception of justice.[8] This view is contrasted with much of the literature that sees democracy as a standard of legitimacy, often leaving ambiguous its relationship to justice. Nonetheless, several democratic theorists have advanced views that locate democracy's value in its contribution to a just society. My view aligns with those that are also tied to a "relational" view of justice or equality.[9]

Political justice concerns the structure of society and the way people relate to one another. In particular, political justice is concerned with the regulation of *social power*.[10] This position resonates with central concerns of deliberative democracy, even if much of the theory aims to provide a standard of legitimacy because "the point of deliberative democracy is to subject *the exercise of power* to reason's discipline, to what Habermas famously described as 'the force of the better argument.'"[11] Given the centrality of this idea to deliberative democracy, we can see why it makes sense to see it as a theory of political justice.

What is social power? Humans form relations that give rise to social facts that are "intersubjective" – they are true in virtue of the fact that people believe that they are true, yet they are not a matter of personal preference or opinion. Some such social facts concern the ability of some people to make others do things they would not do otherwise. In other words, some social facts are about *power*. Shared beliefs bestow power on some people and it is that power that I call, following Miranda Fricker, *social power*.[12] Social power is the ability to make others do as they would not otherwise *in virtue* of the shared beliefs that people have.

This analysis points us towards formal institutions and decisions that take place within them, but the focus is not exclusive. Democratic theory focuses on regulating the exercise of social power, and so follows social power where it appears. The proliferation of sites of power is reason to look beyond state institutions.[13]

Social power is rooted in shared perceptions that form among groups of people. Relationships change over time, but shared perceptions typically arise in the context of relatively stable relationships, which together comprise *social orders*. The hallmarks and delineators of social orders are *norms* – social rules that dictate behavior in particular situations, due to a formal role or specific relationship; they are "a standard of appropriate behavior for actors with a given identity."[14] Norms are enforced and circulated through a variety of social mechanisms such as social pressures and sanctions, ostracism, imitation, and internalization.

Norms are often contrasted with laws, because norms are weakly enforced by social pressures while laws are backed by coercion or the threat of it. The distinction is important, as coercion plays a fundamental role in various normative theories and is often said to require a special justification.[15] Yet the fundamental concern of democratic theory, on my account, is with social power and not coercion, and therefore the distinction obfuscates the important similarity between norms and laws as exercises of social power that require justification.

I should add that my expansive operationalization of social power aims to include subtle or invisible forms of social power like what Stephen Lukes calls the "third dimension" of power,[16] which manifests in latent, rather than actual, conflicts. Lukes maintains that the exercise of power need not be conscious or intentional but rather can be the product of "socially structured and culturally patterned behaviour of groups, and practices of institutions, which may indeed be manifested by individuals' inaction."[17] The first two dimensions, Lukes argues, cannot account for the way in which power is exercised to shape individuals' preferences such that they become unaware of their *real* interests. Absence of conflict, or even consensus, may not reflect an authentic agreement but be the result of manipulation or thoughtless acceptance of cultural norms.[18] This aspect of power illuminates how interests of certain people are ignored or undermined by prevalent beliefs, cultural norms, and the status quo without any observable conflict. And yet, a focus on state institutions or legal enforcement completely misses this form of social power.

Exercises of power along any of these dimensions can take various forms. Democracy, as a theory of political justice, concerns itself with relatively stable patterns of interactions that I will refer to as *social orders*.[19] A focus on stable patterns is implicit in the analysis of both the first and second dimensions of power, where the discussion referred not to ephemeral observable conflict but to the social structures where such conflict tends to arise, and these are commonly accepted as the subjects of democratic principles, being the central venues of decision making.[20]

However, I argue that democratic theory also aims to regulate the third dimension of power. Cultural and social norms are not the product of decision making in a straightforward sense, but they are "decisions by accretion" since "widespread societal conclusion[s] … [are] reasonably described as … collective decision[s]."[21] In other words, *cultural norms allocate social power*. To say that they are on par with decisions of the kind made in more formal institutions is to treat them as exercises of power. When I accept and uphold a norm that also serves my interests, I am exercising power over someone even though I may not intend it. This interpretation of norms dovetails with Lukes' analysis of power, as he notes that the third dimension of power reflects the fact that "the bias of the system can be mobilized, recreated and reinforced in ways that are neither consciously chosen nor the intended result of particular individuals' choices."[22] The power of norms is real; as John Stuart Mill noticed, "social tyranny" can be "more formidable than many kinds of political tyranny" and the use of social sanctions "leaves fewer means of escape, penetrating much more deeply into the details of life, and enslaving the soul itself."[23]

To recap briefly: political justice concerns the regulation of social power. To locate social power, we examine stable patterns of interactions, social orders, which form informal arrangements as well as formal institutions and organizations. The delineators of social worlds are norms, which I consider "decisions by accretion" for the purposes of democratization. These social worlds are the contexts within which we should allocate participation and voice.[24]

Political Communities

The picture we have is one of multiple overlapping social worlds that are diverse and slowly evolving, as "norm entrepreneurs" challenge entrenched norms, others push back, and various other factors (demography, technology, etc.) interact to shape the social world.[25] Social norms are powerful but not irresistible. Prevalent norms are followed by most members of a social world because people accept that "this is how they should behave" (prevalent and uncontested norms may be accepted somewhat thoughtlessly). In addition, violations lead to social pressures, including shaming and ostracism, that are often enough to deter people from breaking these norms.

Yet there are always people who, for various reasons, do break norms. The stigma rightfully attached to murder, with the accompanied threat of social shaming and ostracism, act as important deterrence to prevent murder, but as a society we do not accept that as a sufficient means for ensuring certain important norms are adhered to.[26] Societies have therefore developed all sorts of social technologies to strengthen the enforcement of certain important rules: codification in written documents, threat of punishment, processes of reputation, and so forth. Legal systems are a particularly relevant social technology; they typically aim at enforcement of norms as well as adjudication of conflicting claims regarding norm breaking. What makes legal systems complicated in

this regard is that they both enforce norms but also are upheld, to an extent, by norms. Following the law becomes a norm on its own and in turn the legal system also functions to enforce it, typically by using the threat of punishment.

These various social technologies used to enforce norms are what we call *political institutions*, and the people who find themselves within the same political structure form a political community. I use the term *political* here because political institutions reflect the attempt to create a community and manage the way it operates. Sometimes political institutions are conscious and intentional, other times they are implicit in the practice of social norms. *Political institutions are those social institutions that exercise the social power embedded in the social world*; if there are norms, there are consequences to violating them, and the political institutions are those rules and norms that govern those consequences.

In other words, political institutions are the subset of social institutions that attempt to institute a *common good*. We often focus on the fact that political institutions establish a "good" and argue about the permissible limits of such a practice, but political institutions also establish the community for which that good is common. Political institutions create boundaries. Sometimes, political institutions trace existing patterns of norms, defining the boundaries of the target population as close as possible to existing social patterns. In other words, sometimes the institutions that police enforcement of rules are applied mostly to people who already accept, perhaps reluctantly or thoughtlessly, the set of norms that the political institutions enforce. Yet the opposite is also true, as social patterns form around existing institutions. Being subjected to a system of social rules may give rise to a shared identity and the creation of a social world.[27]

In discussing political communities, we tend to think mostly about states, but that tendency is misleading – first, because states are not the only political communities. Cities, for example, also "express and prioritize different social and political values" and are "sites of collective self-determination" whose boundaries matter for the same reasons.[28] Political communities overlap and reside within each other as people, members of various social worlds, create, reform, and inhabit institutions. But more importantly, the term state is not particularly useful because it lumps together political orders that are relevantly distinct. The most problematic assumption is that states are unitary actors that enjoy ultimate authority over a territory, associated with the idea of sovereignty. In fact, many states do not enjoy ultimate authority as various internal and external actors restrict their effective power or their perceived legitimacy, yet these instances are dismissed as exceptions.[29] Furthermore, even assuming states as unified ultimate authority over a territory, the institutions we call states are different in relevant ways. Some states are federative systems with robust substate structures that exercise a certain measure of autonomy. Some are part of regional organizations that have a great deal of influence over their internal affairs, while others depend on market forces, donations, or other states in order to provide basic functions from security to economics. Some share power with a variety of non-state organizations

in and outside of their territory. Some states control disputed areas whose inhabitants have strong affinities to other states, who in turn contest and challenge that control.

Lastly, many states are not actually unitary agents. While it makes sense to look at them as such for the analysis of certain situations, they are in fact collections of agents and institutions that are intermingled together in a variety of complicated relations. For example, it is typical to consider states as sole actors that can deploy coercive force to back their demands. Yet if we look closer at the state, there are various agencies and organizations with capacity to use violence in various situations. The executive branch may need approval from the legislative branch to deploy military force, but actually does so on its own in an unauthorized way, sometimes; or it may be that state leaders have a legal authority to use military force, but they are limited because they believe the military will refuse to obey certain commands; or there is a civilian authority that technically rules over the military commander but in fact is restricted by it. In addition, there are often various domestic actors with varying degrees of coercive power or coercive threat: courts, police forces of different levels, intelligence organizations, bureaucrats, civil society, illegal organizations, and so forth.

Therefore, in thinking of political communities we shouldn't restrict ourselves to thinking about states. Instead of assuming the power of coercive threat is concentrated in one entity, we should inquire into who can authorize coercion and under what circumstances. It is an open question whether any political institution should have any given set of powers. The idealized version of a system of states is not our point of departure.[30] In absence of such point of departure, what should guide us as we consider the boundaries of various political communities? In the next section, I defend the AAP as a better normative starting point for thinking through these issues.

THE ALL-AFFECTED PRINCIPLE

The All-Affected Principle is the simple and intuitively appealing idea that those who are affected by a decision should have a voice in it. Scholars who support the AAP treat it as a freestanding principle central to democratic theory. Archon Fung describes the All-Affected Principle as a "starting point" of democratic theory, "perhaps the most basic of democratic intuitions," while Mark Warren calls it a "defining norm of democracy."[31] I start by examining a simple and clearly stated idea of the AAP:

- *AAP: The people that are relevantly affected by a decision ought to have, in some sense, influence over it.*[32]

Despite its commonsensical appeal, the AAP is quite revolutionary; existing decision-making structures rarely follow power rather than membership, especially when considering the boundaries of political communities.[33] The most

obvious context where our institutions do not even attempt to track power is the system of states in the global (or "international") realm, where the legal norm is to exclude noncitizens and completely ignore the voices of nonresidents. However, the AAP also offers a critical perch in many contexts of asymmetrical power including racial and socioeconomic inequalities within states, where those arise out historical or circumstantial factors that never did, and still do not, give voice to the people on the weaker side of the asymmetry.

That said, even a simple version of the AAP suffers from conceptual challenges that threaten its plausibility. The rest of this section outlines these challenges and offers revisions to the principle that aim to salvage its core appeal. First, critics argue (rightly) that the AAP's focus on decisions is misguided and conjures an image of a single set of choices among a clear set of options, one after another. To reform the AAP, we therefore need to start by turning away from thinking about decisions and towards thinking about *decision-making structures*. My earlier concern with social power led us to look at stable patterns of interactions, social institutions, through which social power is typically exercised. Decision-making structures are a subset of these social institutions that explicitly involve transforming a group of people into a collective agent by instituting procedures that create a unified collective perspective to guide action. Decision-making structures create collective agency.[34]

The more important conceptual difficulty that plagues the literature on the AAP is an ambiguity regarding the conditions of affectedness that trigger the principle and the content of the influence that it grants. Many criticisms of the principle stem from the implausible mismatch between a weak affectedness condition, such as being "merely" affected, and a strong conception of influence, such as being entitled to full voting rights.[35]

The first step to dispel this ambiguity is to accept a *pluralistic* account of the AAP, according to which people who are affected in different ways are granted different forms of influence over decisions. The main benefit of a pluralistic account is that it abandons binary conceptualization of affectedness and influence. Once we clear up the ambiguity, we can see that a binary version of affectedness and influence is the main grounds for criticizing the AAP. For example, Dahl criticizes the AAP based on the observation that "the logic of the Principle of Affected Interests is that for every different set of persons affected there [will] be a different association or decision-making unit."[36] This kind of criticism hinges on a conception of influence that is conceived only in terms of *direct* participation in decision making.

For Dahl, it is other democratic requirements, the criteria of economy and competence, that "argue strongly against this degree of direct participation; they argue instead in favor of indirect participation."[37] Yet the AAP is not committed to direct participation as the unique mode of influence. Advocates have no reason to ignore the fact, pointed by Dahl earlier in the same passage, that "people affected by a decision are by no means affected *equally*."[38] Sometimes affected people have the right to participate directly, but the principle allows,

indeed requires, that some of the people affected by decisions will only be granted indirect influence. Thus, the AAP does not require a different association for every different set of people affected, but rather that every association provides a variety of avenues for influence, both direct and indirect.[39]

The preceding discussion suggests that the AAP is actually a scalar or proportional principle, granting more influence to individuals who are more affected. The proportional logic fits with the intuitive appeal of the AAP. If the reason people deserve a voice is that they are affected, shouldn't they be granted more voice if they are affected more?

Yes and no. In fact, I think the temptation to interpret the AAP in a *strictly* proportional manner should be resisted. The main reason is related to the way we conceptualize affectedness. The relevant effect that triggers demand for voice, on my account, is being subjected to social power. Yet social power operates in a variety of different ways, from soft pressures to conform, to punitive sanctions, to internalizing self-depreciating stereotypes – and none of these easily fall along a scalar continuum. Proportionality may play a role in interpreting the AAP as we consider clusters of cases as having a greater or more serious effect on people's lives, but the pluralistic framework allows for more differentiation in form rather than scale.

In the same manner, there are many possible avenues of voice that do not fit easily into categories of voice. An important avenue of voice is voting rights. Binary accounts of the AAP often take voting rights as synonymous with being granted a voice. Proponents of the AAP typically think that anyone that is affected (in whatever way that is conceptualized) deserves to be included in the sense that they deserve full voting rights. The problem with this view is that it both over- and underemphasizes the role of voting in granting voice to people. On the one hand, voting is only one of the ways in which political institutions allow individuals to participate in, and shape, the way norms are enforced. A democratic society is one where members are active and participate regularly, beyond voting, in public discussion, protests, public meetings, hearings, and so forth. On the other hand, voting rights are rightly tied to an ongoing relationship with a particular political community. Granting voting rights to everyone in the world, as in Goodin's account, or to other people whose relationship to the community is only temporary, risks making the act of voting even less influential than it is today.[40] A pluralistic perspective avoids these problems by locating voting rights within the context of other avenues of voice.

Thus, the pluralistic account of the AAP presents a picture where decision-making structures allow multiple channels of influence, each open to a group of individuals affected in a manner that fits that kind of influence, and individuals find themselves in many such groups. In short, the AAP requires that, in creating decision-making structures, we make sure to match scope and domain – that is, match the people participating in the decision with the array of matters that they have power over. It requires that *decision-making*

structures bring together power with constituency. This is what makes the AAP a foundational democratic principle – it is concerned with empowering the people who are subjected to social control.

My account departs from the AAP as it is often understood. To clarify these differences, I offer this reformulation of the principle:

- *Decision-making structures rightly wield social power as long as the people that are subjected to it have sufficient influence over it.*

This formulation is still abstract, as it does not specify what influence is sufficient for any particular case. But it contributes to addressing the question of boundaries by providing a criterion for evaluating the justifications of political structures. The premise behind the concern for political justice is that social power requires justification. The AAP, as a democratic principle, addresses this concern by specifying the form of justification required, namely that decision-making structures must demonstrate that they provide avenues of influence to the people subjected to their social power, and explain why such influence is adequate. This may seem like a weak conclusion to be drawn from the principle, especially given the promise that it would resolve the question of what makes the boundaries between two or more communities legitimate. However weak this conclusion may be, I contend that it has sufficient implications to merit our attention. To conclude, the next section explores one such implication: the need for democratic decision making surrounding the establishment of boundaries.

PROCEDURES FOR DETERMINING BOUNDARIES OF POLITICAL COMMUNITIES

What does adopting the AAP as I have defined it entail for the institutionalization of boundaries? What are the implications of embracing my pluralistic interpretation for the resolution of boundary-disputes? The first answer is that we ought to have democratic procedures for determining the boundaries of political communities. Since the question of inclusion, of boundaries, of the *demos*, is a fundamental determinant of the character of the power wielded by a social structure, there is no way in which people have sufficient influence over the systems that wield power around them if they do not, among other things, have a voice in the question of boundaries. Even if they have a voice in the *substantive* decisions made by the structure, they ought to have a voice in the *procedural* question of who gets to have a voice. Most importantly, the AAP suggests that the group of people entitled to be involved in boundary-drawing procedures may be different than the groups that we normally think of as entitled. It cannot be the case, for instance, that "current voters" have the power to decide whether nonvoters have the right to vote because the latter group is obviously implicated by that decision. Thus, the pluralistic account of the AAP points to the need for having a separate and special procedure for determining boundaries of political communities.

As trivial as it sounds, this is a controversial position. The commonplace assumption, in political life as well as political theory, is that the way political communities have formed is less important than the way they are managed. The atrocities of the past may give rise to claims of historical justice, the view goes, but they do not undermine the legitimacy (or justice) of existing political structures so long as those are governed according to democratic principles such as majority rule and rule by representatives.[41] We have come to think of political communities as if they are born in one constituent moment, out of thin air, and from then onward there exists a political community where before there wasn't one. Democracy, we've been led to believe, is what happens in between such "constituent moments" where ordinary politics is suspended, and "the people" comes into being momentarily as people step forward to change the existing definition.[42] Each such change is thought to be permanent as the boundaries are presumed to be, at least in principle, stable.

This position is untenable. Political structures create boundaries by organizing the way social power enforces norms and rules. This practice must be justified not only in principle but also in practice. This idea is central to deliberative democracy, which centers around a "reason-giving requirement."[43] The reason-giving requirement restricts the kinds of reasons that can justify policies but also requires establishing procedures that facilitate participation and provide opportunity for political influence. Reason is not alone required; for a system to be democratic there must be actual reason-giving. Likewise, the AAP requires that political communities provide an account of the ways in which they empower the people subjected to their power. The only way to do that is to institute procedures whereby such arguments can be articulated, contested, defended, and ultimately decided in some manner that reflects a collective judgment. In other words, it requires a democratic procedure. Despite the violent and dark history surrounding the formation and delineation of many political communities, the practice of democracy is ahead of the theory when it comes to procedures for setting boundaries.

Consider referendums. In recent years, we have seen referendums used to determine the boundaries of political communities. Referendums raise many complicated questions and there is no doubt that the practice of referendums is far from ideal. Yet at least in some cases they are unique as examples of boundary setting procedures that are intentionally designed to reflect democratic values.[44] For example, two recent UK referendums focused on questions of boundaries: the 2014 vote on Scottish independence, and the United Kingdom European Union Membership Referendum (a.k.a. the Brexit vote).[45] Both were touted for their democratic credentials even though they also raised serious concerns from a democratic perspective. Even if these referendums failed to live up to the democratic ideal, they represent the potential for democratic procedures to determine borders on an ongoing, and forward-looking basis. Theory can learn from these practices and offer revisions that address the challenges they bring up. One of the challenges

raised by the Scottish independence and Brexit votes was the arbitrariness of the timing of such votes, and the way voting eligibility was manipulated to try to achieve particular results. Many of the people who voted against Scottish independence argued, reasonably, that they would have voted differently if the results of the Brexit referendum were taken into consideration, especially its economic implications for the UK as a whole. The problem is that many intended their vote to be a protest that initiated a further process of reason-giving. Instead, these referenda were presented as "once in a lifetime" opportunities to determine boundaries "once and for all," reflecting the same position that democratic systems need to assume boundaries in the background rather than subject them to continual examination.[46]

The concern that a constant reexamination of boundaries may interrupt effective operation of the political community is understandable. Brexit discussions dominated British politics for a long while and many other policies and issues had to be put on hold until the question of membership in the EU was settled. Yet the conclusion cannot be that questions of boundaries need to be determined "once and for all" without any additional opportunity for revision and reexamination, but rather that they cannot be too frequent. Just like ordinary election of representative cannot occur too frequently, or constitutional amendments require supermajorities or other exacting constraints, referenda on boundaries cannot be frequent or commonplace. Yet there must be in place a principled procedure that can trigger them. That is, I argue, an implication of the AAP.

For an illustration of how this balancing act might be accomplished, Stuart White suggests a system he calls PAR, which stands for petition, assembly, referendum.[47] According to this scheme, when enough citizens sign a petition in favor of a bill (for White, this is limited to constitutional amendments), the communities affected are required to set up a citizens' assembly to look at the proposal and decide what, if anything, should be put out to a referendum. Thus, there is an institutionalized deliberative process, which relies on popular participation, that shapes the agenda of any such referendum. I cannot here provide a full account of such procedure for boundaries referenda, but the proposal serves as a fruitful starting point for developing democratic procedures for setting the boundaries between political communities in a way that is, in principle, revisable and open-ended.

CONCLUSION

In this chapter, I have argued that the AAP urges us to think about instituting processes that open the question of the *demos* for periodic contestation and allow revision of the boundaries of the *demos*. Democratic rule is temporary and elected representatives must periodically submit themselves to the judgment of the people. In the same vein, the people itself must be periodically reexamined and constituted. This periodic rebirth need not only be the result of a revolution or moments of rapture, it can also be incorporated into the structure

of democratic institutions. If these kinds of procedures were integrated into our political structures, we would have a more expansive view of what kinds of decisions ought to be made democratically – not just how we rule, but also who.

NOTES

1 Ian Shapiro, *Democratic Justice* (New Haven: Yale University Press), p. 21. For an elaboration of this view, see Gray and Warren (this volume). I agree with these authors that democracy is best seen as a theory of political justice and not as a theory of legitimacy, but defending this position is beyond the scope of this chapter.

2 For examples, see David Owen, "Constituting the Polity, Constituting the Demos: On the Place of the All Affected Interests Principle in Democratic Theory and in Resolving the Democratic Boundary Problem," *Ethics and Global Politics* 5, no. 3 (2012): 129–52, and Rainer Bauböck, *Democratic Inclusion* (Manchester: Manchester University Press, 2017). Some earlier pieces have also advanced somewhat pluralistic positions even if they nominally accept a single principle. See, among others, Arash Abizadeh, "Democratic Theory and Border Coercion: No Right to Unilaterally Control Your Own Borders," *Political Theory* 36, no. 1 (2008): 37–65; David Miller, "Democracy's Domain," *Philosophy and Public Affairs* 37, no. 3 (2009): 201–28; Archon Fung, "The Principle of Affected Interests: An Interpretation and Defense," in *Representation: Elections and Beyond*, ed. Rogers M. Smith and Jack H. Nagel (Philadelphia: University of Pennsylvania Press, 2013). For further discussions of applying a pluralistic understanding to the All Affected Principle to the boundary problem, see also Carens, Valentini, and Macdonald (this volume).

3 See Robert Dahl, *Democracy and Its Critics* (New Haven: Yale University Press), pp. 121, 207. Schumpeter (1950) and Whelan (1983, 40, 42) note something similar: "democratic theory cannot itself provide any solution to disputes that may – and historically do – arise concerning boundaries." Joseph A. Schumpeter, *Capitalism, Socialism, and Democracy* (New York: Routledge, [1950] 2003); Frederick G. Whelan, "Prologue: Democratic Theory and the Boundary Problem," in *Liberal Democracy*, ed. James R. Pennock and John W. Chapman (New York: New York University Press, 1983).

4 For example, it is often argued that a state has an obligation to accept immigrants if it is partially responsible for the political turmoil or economic difficulty that is relevant for understanding the immigrants' motivation to leave their country of origin.

5 At least if they have been living there for a prolonged period. See, for instance, Joseph H. Carens, *The Ethics of Immigration* (New York: Oxford University Press, 2013).

6 In this, I follow the insightful analysis provided in William E. Scheueurman, "Realism and the Kantian Tradition: A Revisionist Account," *International Relations* 26, no. 4 (2012): 453–77. Though Scheuerman's criticisms are addressed to cosmopolitans who reject the need of a state because of their mistaken view of what a state is, his diagnosis applies with equal force to statists who favor states on the basis of the exact same mistaken view.

7 The chapter by Clarissa Hayward in this volume is a much welcome exception.

8 On the recent interest in political justice, also referred to as 'relational' justice, see Terry Macdonald and Miriam Ronzoni, "The Idea of Global Political Justice,"

Critical Review of Social and Political Philosophy 15, no. 5 (2012): 521–33. These more recent defenders of political justice owe a debt to earlier critiques of egalitarianism in liberal theory offered by, among others, Elizabeth S. Anderson, "What's the Point of Equality?" *Ethics* 109, no. 2 (1999): 287–337.

9 There is a long tradition of democratic theorists who have articulated a "relational" conception of democracy (a view represented by Gray, this volume), in contrast to a view of democracy defined in terms of decision-making procedures (a view represented by Valentini, this volume).

10 The focus on power is shared by other authors; see Gray, Hayward, Williams, Macdonald (this volume).

11 Joshua Cohen, *Philosophy, Politics, Democracy* (Cambridge, MA: Harvard University Press, 2009), p. 330. Emphasis added.

12 For Miranda Fricker, *Epistemic Injustice: Power and the Ethics of Knowing* (New York: Oxford University Press, 2007), p. 4, power is a "social situated capacity to control others' actions."

13 Fung, "The Principle of Affected Interests," p. 238. Fung turns his attention to organizations, which are "entities that collectively control resources, advance purposes, and make decisions whose effects are moderately consistent over time." (pp. 249–50). Yet, Fung's definition is ambiguous, and it's not clear whether it covers social institutions such as social norms. In addition, his reasons for focusing on organizations include that they are relatively stable and "are typically the object of demands for inclusion," which strikes me as an insufficient reason to exclude other social institutions (if indeed it is meant to exclude informal social institutions).

14 Martha Finnemore and Kathryn Sikkink, "International Norm Dynamics and Political Change," *International Organization* 52, no. 4 (1998): 891.

15 See for example Abizadeh, "Democratic Theory and Border Coercion," pp. 37–65; and Laura Valentini, *Justice in a Globalized World: A Normative Framework* (New York: Oxford University Press, 2011).

16 See Steven Lukes, *Power: A Radical View*, 2nd ed. (London: Palgrave Macmillan, 2005).

17 Lukes, *Power*, p. 26.

18 This dimension of power mirrors what Iris Marion Young calls 'hegemonic discourse,' under which "people may come to an agreement that is nevertheless at least partly conditioned by unjust power relations and for that reason should not be considered a genuinely free consent." Iris M. Young, "Activist Challenges to Deliberative Democracy," *Political Theory* 29, no. 5 (2001): 685.

19 In some literatures, this is called 'institutions' though I find that confusing as institutions sometimes are only formal but other times are relatively stable social structures that can be either formal or informal, for example: "[Institutions are] the humanly devised constraints that structure political, economic and social interactions. They consist of both informal constraints (sanctions, taboos, customs, traditions, and codes of conduct), and formal rules (constitutions, laws, property rights)" Douglass C. North, *Institutions, Institutional Change, and Economic Performance* (New York: Cambridge University Press, 1990), p. 97.

20 Formal decisions and conflicts (the first dimension) receive by far a lot more attention by democratic theorists than nondecisions (the second dimension) but discussion of agenda-setting aren't unusual and see also the important works of Hayward, Macdonald, and Rubenstein (this volume), who draw attention to the importance of nondecisions.

21 Jane Mansbridge et al., "A Systemic Approach to Deliberative Democracy," in *Deliberative Systems: Deliberative Democracy at the Large Scale*, ed. John Parkinson and Jane Mansbridge (New York: Cambridge University Press, 2012), p. 8.

22 Lukes, *Power*, p. 25.

23 John Stuart Mill, *On Liberty and Other Essays* (New York: Oxford University Press, [1859] 1991), pp. 8–9.

24 For a similar point, see Carol Gould's related account of "common activities" (this volume).

25 Martha Finnemore and Kathryn Sikkink, "International Norm Dynamics and Political Change," *International Organization* 52, no. 4 (1998): 891.

26 An important example of the insufficient strength of norms is the case of human rights. A growing literature documents the rise of human rights as international norms that affect state policies as well as involves a wide array of non-state actors. Human rights are not merely norms but are also institutionalized in several treaties and conventions, yet there is no doubt that in world society, there has not been sufficient institutionalization to ensure enforcement of such an important norm.

27 Benedict Anderson's famous comparison of national identity to an 'imagined community' is a relevant example. See Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 1991).

28 Daniel Bell and Avenir de Shalit, *The Spirit of Cities: Why the Identity of a City Matters in a Global Age* (Princeton, NJ: Princeton University Press, 2011), pp. 2–4. Bell and de-Shalit advance the radical thesis that so long as cities' set of values are not in conflict with basic human rights and are not self-defeating, cities should be allowed to express whatever values are 'prevalent' among their community. I say this is a radical thesis because adopting it entails reducing greatly the authority states have over a variety of important issues, including, for example, taxation and economic distribution.

29 For a discussion of the ways in which practice of international affairs does not match the ideals of sovereignty, see Stephen D. Krasner, *Sovereignty: Organized Hypocrisy* (Princeton, NJ: Princeton University Press, 1999).

30 Separate from the various defenses of the states as normatively important, several theories defend the status-quo as a starting point for normative inquiry from which we should offer reform and see for example Michael Blake, "Distributive Justice, State Coercion, and Autonomy," *Philosophy and Public Affairs* 30, no. 3 (2001): 257–96.

31 Fung, "The Principle of Affected Interests," p. 237; Mark E. Warren, "What Does Corruption Mean in a Democracy?" *American Journal of Political Science* 48, no. 2 (2004): 333.

32 Gustaf Arrenhius, "The Boundary Problem in Democratic Theory," in *Democracy Unbound: Basic Explorations I*, ed. Folke Tersman (Stockholm: Stockholm : Filosofiska institutionen, Stockholms Universitet, 2005), p. 20.

33 A similar point is made by Gray and Hayward who endorse the slogan "track power, not just its effects." I agree though prefer the phrase "social power" for the reasons laid out earlier in my chapter.

34 For an insightful discussion of the connection between decision making and collective agency, see Christian List and Philip Pettit, *Group Agency: The Possibility, Design, and Status of Corporate Agents* (New York: Oxford University Press).

35 For example, Goodin's influential account grants full participation rights to anyone who is "possibly affected', which leads to the implausible conclusion that "virtually everyone a vote on virtually everything virtually everywhere in the world." See Goodin, "Enfranchising All Affected Interests, and Its Alternatives," *Philosophy and Public Affairs* 35, no. 1 (2007): 40–68.

36 Robert A. Dahl, *After the Revolution? Authority in a Good Society* (New Haven: Yale University Press, 1990), p. 51.

37 Dahl, *After the Revolution?*, p. 50

38 Dahl, *After the Revolution?*, p. 50

39 This is a feature of governance that already exists within territorial democracies, as Warren notes (this volume).

40 Goodin, "Enfranchising All Affected Interests."

41 That is the argument made by Whelan: "democratic theory cannot itself provide any solution to disputes that may – and historically do – arise concerning boundaries… before democratic procedures can begin to operate, boundaries must be established in one fashion or another… thus it must be a matter of concern to all democrats – both the citizens of an existing democratic system and well-wishers of democracy in general – that boundaries of democratic communities be generally acknowledge as fair and appropriate." *Prologue*, pp. 40–2.

42 I borrow the term from Jason Frank, *Constituent Moments: Enacting the People in Postrevolutionary America* (Durham: Duke University Press, 2010).

43 Amy Gutmann and Dennis F. Thompson, *Why Deliberative Democracy?* (Princeton, NJ: Princeton University Press, 2004), p. 3.

44 For debates within democratic theory about the purpose, value, and dangers of referendums as boundary-drawing mechanisms see David Altman, *Direct Democracy Worldwide* (New York: Cambridge University Press, 2011); and Lawrence LeDuc, "Referendums and Deliberative Democracy," *Electoral Studies* 38 (2015): 139–48.

45 Other examples include Quebec, which voted on succession twice, and Catalonia, where efforts to create a referendum for succession have so far failed.

46 In the archives of the Scottish government, there are copies of the website scotreferendum.com that was set up to support its independence referendum. Under the heading of 'Questions & Answers,' the Scottish government states: "It is the view of the current Scottish Government that a referendum is a once-in-a-generation opportunity. This means that only a majority vote for Yes in 2014 would give certainty that Scotland will be independent." www.webarchive.org.uk/wayback/archive/20150119120852/www.scotreferendum.com/questions/ifscotland-votes-no-will-there-be-another-referendum-on-independence-at-a-later-date/.

47 See Stuart White, "Parliaments, Constitutional Conventions, and Popular Sovereignty," *British Journal of Politics and International Relations* 19, no. 2 (2017): 320–35.