

## Two Complaints about Undemocratic Exclusion

### *Domination and Usurpation*\*

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The goal of democratic inclusion is to equalize power. To demand inclusion on “democratic” grounds is to demand not to be under the arbitrary and one-sided power of others. Nobody should be able to rule us but ourselves. The value of democratic inclusion isn’t reducible to any one set of political institutions or decision-making procedures, such as equal rights of participation or competitive elections. Nor is it based on knowing who counts as a citizen or member, or what the boundaries between two communities should properly be. From the perspective of those who have been undemocratically excluded, there exists a more fundamental source of complaint. It’s about the character of a relationship that makes self-rule impossible.

In opening my argument this way, I’ve perhaps left out some of the nuance. The reality is that governments are in desperate need of principled guidance on how to deal with the growing number of demands for inclusion from outside their borders. Globalization and the many issues that it raises – about migration, trade, human rights, climate change – has undermined the ability of states to draw clear lines, especially as the world becomes evermore connected and interdependent. Today, a decision made in one place can impact people in countless others. And, increasingly, the decisions with the most impact on people’s lives aren’t being made by states at all, but by private corporations, nongovernmental organizations, international governance institutions, and the like. These challenges can make an appeal to democratic ideals seem misguided, even quaint. What need do we have for abstract appeals to the value of democratic inclusion? How does this address the urgent practical questions of who is entitled to inclusion, to what degree, and on what basis?

I work out an answer roughly as follows. I start by considering two candidate principles that seek to put our normative ideals of democracy into practice. According to proponents of the All-Affected Principle (AAP), we should be looking to distribute participatory rights and empowerments to those whose

interests a given decision-making process most significantly affects. A competing proposal is the All-Subjected Principle (ASP), which would have us settle questions of inclusion by determining who is subjected to a decision's terms. Both principles share a similar concern for ensuring that the boundaries of democratic inclusion track the outcomes of decision making. But both principles also miss something important, I argue. People do not see themselves as wrongfully excluded from a decision-making process just because of its outcome. What about the underlying relationships of power and circumstance that render people vulnerable to a decision's consequences to begin with? To make progress, what's required is an understanding of undemocratic exclusion that avoids reducing our concerns to the possible effects of a decision. What is the underlying wrong to which complaints about undemocratic exclusion are typically directed? One complaint is about *domination* – the exposure to arbitrary interference. Another complaint is about *usurpation* – having decisions made for you, without your involvement. In the final third of the chapter, I use these two complaints as a guide to sketching out an alternative formula for democratic inclusion – one that, I believe, can do a much better job of explaining why democratic inclusion is justified in some cases, but not others, and to what degree. My argument speaks to the relational value of democratic inclusion. It offers a more grounded understanding of our democratic obligations to one another, sensitive to our equal moral claims consideration, but tailored for a globalized world.

#### A NORMATIVE DEFINITION OF DEMOCRACY

The standard picture that we paint of democracy is in one sense too familiar. It's tempting to leave out the core principles and cut straight to institutional questions about implementation. Still, I think it's worth periodically revisiting the specific values that are appealed to when we speak of "democracy," separate from the institutions and practices with which it is usually associated. Democracy as an ideal is compatible with any number of institutional configurations and isn't reducible to any single activity. So, if we want to know what democracy *is* and what it *asks* of us, it simply won't do to read off a definition secondhand.

At the highest level of abstraction, democracy means – and, I believe, is most often taken to mean – *collective self-rule* under conditions that afford everyone political standing and consideration in matters of common concern. I won't defend this working definition here, but I take some version of it to be implicit in most theories of democracy today. When John Rawls outlines his vision of a "well-ordered constitutional democracy" in which citizens "exercise ultimate political power as a collective body," he is embracing this conception of self-rule.<sup>1</sup> Robert Dahl expresses this conception with even greater clarity: "[A] democratic order is above all the freedom of self-determination in making collective and binding decisions: the self-determination of citizens

entitled to participate as political equals in making the laws under which they live together as citizens.”<sup>2</sup> This emphasis on the fundamental equality of individuals is important. In Niko Kolodny’s words, it “is rooted in a concern not to have anyone else “above”—or, for that matter, “below”—us,” such that “none rules over any other.”<sup>3</sup>

I want to suggest that this definition of democratic self-rule provides an entry point for thinking about diverse demands for inclusion, especially in a globalized world. It spells out for us what democracy requires *in normative terms*, separate from the specific institutions and practices through which it may be realized, such as elections, or representation, or citizenship. My central claim is that what democracy implies, at bottom, is a commitment to fostering the conditions under which individuals can be said to rule themselves as equals. This requires, first, that we are in fact able to make choices *as individuals*, to think for ourselves, and to craft plans that are personally meaningful and not the result of arbitrary interference or manipulation. It also requires that we enjoy equal rights and protections, including an equal say in the duties and obligations that collective life imposes. As individuals, we must be willing to share our thoughts and judgments with others. And, as a group, we must agree to fair procedures that allow us to consider what each of us wants in order to arrive at a collective decision that everyone can endorse – through voting or deliberating, for example. It follows that *the possibility of democracy* depends on the character of our relationship to collective decisions. This is true in a negative sense, insofar as being excluded from collective decision making, when we’re owed consideration, does damage to our autonomy. This is also true in a positive sense, insofar as having sufficient capacities and opportunities to influence collective decision making is a basic condition for democratic self-rule.

Now, none of this should be new or surprising to democratic theorists. But it bears repeating precisely because of what’s still up for grabs. Our working ideal of democracy doesn’t come prepackaged with a means of marking out democracy’s boundaries.<sup>4</sup> There is no rule-set for determining *who* is entitled to be included in any given decision-making process, and on what basis. If we are committed to the ideal of democratic self-rule, then what grounds do we have for including some people and excluding others? There is a diversity of ways to formulate such criteria, from shared identity, to territorial residence, to tracing the effects of a decision on those it impacts. In what follows, I explore the two most prominent proposals found in the literature to address this so-called “boundary problem.”

#### THE ALL-AFFECTED PRINCIPLE

Suppose that we determine who is included in decision making based on whom it might affect. This strategy seems fairly straightforward. Take a given decision, trace its possible consequences, note all of the constituencies that are impacted by each possibility, and then empower them in the decision-making

process. What emerges is the All-Affected Principle: “very likely the best general principle of inclusion that you are likely to find.”<sup>5</sup> A rough formulation of the principle states that anyone potentially affected by a collective decision should be included in the making of that decision. As a rule of inclusion, it’s fundamentally outcome based. The motivating concern is to ensure that decision making is responsive and accountable when people’s vital interests are at stake, such as their human rights, or their freedom, or their basic well-being. Early proponents of the All-Affected Principle saw it as a means of shifting boundaries: enfranchising citizens from *one* country by giving them a vote in the domestic laws and policies of *another* country, on issues that affect them. It seemed obvious that extending voting rights beyond state borders was the surest approach to protecting “communities whose actions, policies, and laws are interrelated and intertwined.”<sup>6</sup> Recent advocates for the All-Affected Principle have doubled down on its radically expansive implications. Robert Goodin argues that a consistent application of the principle means that “we should give virtually everyone a vote on virtually everything virtually everywhere in the world.”<sup>7</sup> Since we cannot know in advance who is *going* to be affected by a decision, it is impossible to settle the question of who should be included without including everyone, as a precaution – either that, or we must be prepared to cough up and provide considerable financial compensation to those who are wrongfully excluded. This leads to a controversial conclusion. On this *classic interpretation* of the All-Affected Principle, we appear committed to expanding the state by endorsing some form of world government.

The classic interpretation of the All-Affected Principle is criticized for taking an unrealistic, overly broad approach to inclusion. But if we want to be more targeted, then we need to specify what exactly is owed to different constituencies, depending on the degree to which a decision affects them. And, we also need to define the ranges of relevant effects for which different degrees of inclusion is justified. Say there was a way of calibrating the All-Affected Principle to distinguish those that a decision-making process *regularly* or *deeply* affects from those that it does not. This would be a substantial improvement, many think.<sup>8</sup> It would allow us to widen the All-Affected Principle’s scope so that it is no longer tracking the consequences of just a single decision point. Instead, we would be able to identify the aggregate effects of multiple related decisions on a given constituency within a given domain. We could then distribute people’s participatory entitlements accordingly, *in proportion* to how persistent or pervasive the effects of particular decisions happen to be. One advantage is being able to adopt a more nuanced approach to distributing democratic empowerments, such as voting rights, to “nations, regions, towns, and other geographical areas” according to what is at stake.<sup>9</sup> People’s standing to influence collective decision making should vary depending on its relative significance to their lives. Some should be entitled to a full vote, others to fair representation or deliberation, while others still might be correct to demand to at least be consulted, or to have sufficient standing to ensure their interests are

legally protected. The All-Affected Principle, on this *pluralist interpretation*, is now a principle of proportionality, allowing for multiple “circles of inclusion and participation” within and across existing borders and different levels of government.<sup>10</sup>

I find this pluralist understanding of the All-Affected Principle to be far more attractive than its classic predecessor. It pushes our thinking about democratic inclusion beyond state-based voting rights, by emphasizing the number and variety of rights and empowerments that self-rule requires. Still, I think the pluralist view leaves far too much undefined, since the idea of proportional inclusion is possible only if we have adequate conceptions of “affectedness” in hand. How can we determine the thresholds at which affectedness warrants a specific type of inclusion? And to whom are these thresholds applicable? The problem is that assigning appropriate weightings based on different degrees of affectedness involves a substantial amount of contextual judgment. The best we can do, on the pluralist account, is to try to work out where the boundaries of democratic inclusion lie on an ad hoc, case-by-case basis.<sup>11</sup> So, as a strategy for inclusion, I think we’re better off looking elsewhere.

#### THE ALL-SUBJECTED PRINCIPLE

If interpretations of the All-Affected Principle leave too much on the table, then it is necessary to search for narrower criteria. A proposed alternative is the so-called “All-Subjected Principle.”<sup>12</sup> As a rule of inclusion, it states that all of those subjected to a collective decision have the right to a say in that decision. Proponents of this view make their case by emphasizing that the most basic presumptive wrong that could occur is when someone is unjustly excluded from collective decision making, but has to abide by its terms. What explains the wrong of denying people rights to inclusion to which they’re entitled?

From the perspective of those who have been wronged, the complaint is *illegitimate coercion*: “the view that political power is legitimate only insofar as its exercise is mutually justified by and to those subject to it.”<sup>13</sup> If adopted, the All-Subjected Principle would supposedly have the benefit of shrinking democracy’s domain down to a more appropriate size. “[I]t explains the widely held view that [only] people who live in a country and are routinely subject to its legal system are entitled to be admitted.” This eliminates any need to expand the electorate much beyond established borders, since other complaints about being affected “can often be dealt with in ways other than by widening the *demos*.”<sup>14</sup>

Once we distinguish being subjected to coercion from other kinds of affectedness, then people’s various demands for inclusion seem directly answerable. I admit that this prospect initially sounds quite appealing, since it seems to do away with the need for any complicated weightings. But notice, first, that simply replacing “affectedness” with “coercion” doesn’t necessarily limit democracy’s boundaries in the way that some might hope. For, surely it is a mistake to think that autonomy-impairing coercion is something that inheres *only* in

the collective decisions and actions of states or state-like entities with a global reach. Many other important social and political relationships where people's autonomy is at stake – in the workplace, in the university, in the church, in the family – can be objectionably coercive in ways that trigger legitimate demands for more democracy. This makes it look like we would require a method for distinguishing different forms of coercion that warrant different kinds of protection in different domains. Otherwise, this principle would become just as radically expansive as its rival.<sup>15</sup> But wait. Wasn't the appeal of the All-Subjected Principle precisely that it could do away with the need for such complicated weightings? Posing this question is revealing in itself. We seem to be circling back to where we left off with the All-Affected Principle.

It's time to take stock. I have examined two candidate principles that can be used to determine democracy's boundaries. Both begin with the premise that who is included in collective decision making should be based on a decision's consequences. This follows from their shared view of inclusion as something that is instrumental to protecting people's equal claims to autonomy – the normative meaning of democratic self-rule. Defenders of the All-Affected Principle focus on the various impacts that decisions can have on people's basic interests. They argue that rights and opportunities to influence decision making should be distributed in proportion to people's relative stakes in the process. Defenders of the All-Subjected Principle adopt a similar strategy, but use a different threshold for inclusion. Their criterion is subjection to unjustified coercion by the law or other means. My review suggests that neither principle entirely satisfies. The problem is that both principles are too backwards-looking, making determinations about participatory rights and entitlements solely on the basis of a decision's outcome. From this after-the-fact point of view, there's little room left to consider the background conditions against which a decision takes place.<sup>16</sup> Missing is any accounting of the relationships of power and circumstance that render someone vulnerable to a decision's consequences to begin with. What about the power relationship in a decision-making process can lead to someone being impacted in an undemocratic way? The two principles we have so far considered make it tempting to focus on only the right-hand side of the equation. While the outcome of a collective decision surely matters, equally important is *how* that decision gets made.

#### TRACK POWER, NOT JUST ITS EFFECTS

How, then, should we proceed? What we need, I argue, is a way of characterizing the democratic complaints that different constituencies could have about a decision-making process that avoids reducing their concerns to the possible effects of the decision. My suggestion is that, from a democratic perspective, we care about how we *relate* to collective decision making, in addition to its consequences. To call a decision-making process “undemocratic” is to signal that something is wrong with the relationships it presupposes. This foregrounding

of the relational value of democracy is not novel.<sup>17</sup> But if we build from the idea that democratic self-rule inheres in the structure of relations between persons, then I believe that we can reframe current debates about democratic inclusion in a new and illuminating way.

To set up this argument, I want to highlight how this shift in emphasis – from decisions to relationships – can change our view of people’s participatory entitlements. To see this, start with a hypothetical. Two countries share a border. One of them, perhaps it’s the United States, decides to pass a law that would allow for heavy amounts of pollution to be pumped into the other, Canada. Based on our discussion so far, we want to say that there are *democratic* grounds for including Canadians in the United States’ decision making in this instance. It’s their health that will be grossly affected, after all. This seems plausible enough. But now suppose the United States government reconsiders, and decides *not* to implement this controversial law. Now no Canadians are affected, and their demands for inclusion seem less justified. Of course, it remains within the power of the United States to still pass its polluting law at any time of its choosing, and thus to bring about an outcome that would burden the lives of millions across the border. Isn’t there still something wrong with this scenario? What is objectionable, I submit, is not whether a given decision has or hasn’t affected a constituency’s important interests in a particular case. Rather, it is that an agent is *in a position* to arbitrarily make decisions that would significantly impact that constituency’s interests in the first place.

These observations tell us something important about the true source of democratic demands for inclusion. We do not see ourselves as having been wrongfully excluded from collective decision making *just* because of the outcome. The basis of our objections, I argue, lies in the one-sided way that an agent relates to us in making decisions that affect us. Complaints about undemocratic decision making always reference an asymmetrical power relationship that enables one side to unilaterally and arbitrarily impose terms on the other. They tap deep intuitions that most of us share about what democracy *is*, and *why* we value it.<sup>18</sup> What makes democratic practices worthwhile is that they underwrite and protect the fundamental moral equality of our most important social and political relationships. They secure the conditions under which we could be said to rule ourselves as free equals.

One implication of this view, I suggest, is that democratic inclusion isn’t really about defining boundaries at all. Rather, it’s about *redressing* imbalances of power *within* social and political relationships. It propels us towards *equalizing* asymmetrical relationships of domination and dependency, by identifying areas of our collective lives where more democracy is needed. This is why, according to Ian Shapiro, “the principle of affected interests suggests [that] the structure of decision rules should follow contours of power relationships, not that of memberships, or citizenships.”<sup>19</sup> Though he doesn’t explicitly link the source of people’s complaints to the underlying relational structure of decision



making, we can draw a general rule of thumb from Shapiro's remarks: *track power, not just its effects*.

My contention is that we have in these reflections the beginnings of an alternative formula for democratic inclusion – one that can operate in the same spirit as the All-Affected and All-Subjected Principles but avoid their blind spots. It starts by picking out the complaints that may arise when people's autonomy is undermined by an asymmetric power relationship. After all, a useful rule for inclusion must be intelligible from the standpoint of those who invoke it. So, what is the underlying wrong to which complaints about undemocratic exclusion are seeking to draw our attention? The first complaint is about *domination*. People are dominated when exposed to arbitrary interference. There is also an important second complaint about *usurpation*. People are usurped when their judgments are displaced without their consent. Importantly, both of these complaints reference more than outcomes. How might these complaints, democratically made, do a better job of indicating the degree to which people are owed inclusion in collective decision making? Let's turn to an examination of each.

#### DOMINATION: COMPLAINTS ABOUT CONTROL

We know what it looks like when domination is the reason for undemocratic exclusions. A dominant agent – a person, a group, a state – occupies a position of power over us, and is able to interfere in our choices with impunity – for example, by threatening us, or by implementing rules and policies that limit the options available to us. When we complain about domination, I argue, we are objecting to a relationship upon which our basic interests and well-being are dependent, but that we are incapable of controlling.<sup>20</sup> Such domination represents an arbitrary restriction of our equal freedom, under conditions where we ought to have that freedom. Here, interference is an ever-present danger, even if it never actually occurs.

Suffering domination, so understood, *isn't* about being subject to coercion, as some have claimed.<sup>21</sup> It is about the exclusionary character of a relationship that leaves us unprotected from the whims of the more powerful. There's a strong whiff of arbitrariness about it that admits in intensities and degrees. A relationship is arbitrary to the extent that it exists only at the will or pleasure of another agent, without sufficient constraints.<sup>22</sup> In practice, the most visible forms of such wrongful arbitrariness occur when actors with an advantage of resources in society – for example, governments, international trade and financial organizations, corporations – possess the unconstrained capacity to shape people's choices. Less visible forms of domination may also exist in private, in the arbitrariness in relationships between bosses and workers, husbands and wives, or parents and children, among others. The remedy to these injustices, and others like them, is for people to somehow wrest back control over their own circumstances.



To achieve control in one's important social and political relationships is a convincing rationale for demanding democratic inclusion, I argue. As a criterion within our theory, it is clarifying in two key ways. First, it invites us to focus on how undemocratic exclusions are experienced from the standpoint of the wrongfully excluded. Set aside the All-Affected and All-Subjected Principles' earlier focus on the consequences of decision making. The fact that you are somehow affected or coerced by a decision isn't the most basic wrong that's being picked out when one complains about being dominated. Instead, the complaint is that a more powerful agent is depriving you of necessary conditions for self-determination. The location of this wrong is in the asymmetric relationship between you and this agent. The democratic ideal that everyone be treated as free and equal – as “self-ruling” – affords you some form of protection from domination. No one else should be able to arbitrarily interfere in the decisions that determine your life. You're in control only to the extent that your preferences and judgments are decisive in shaping your life's central features – compatible with same for others.<sup>23</sup> This in turn requires that your most important relationships – including the laws and powers to which you are exposed – are clear, predictable, legitimate, and (in the case of relations between free equals) symmetric. Put this way, the connection between domination and democratic inclusion is clearer. Demands for inclusion are in many cases demands for sufficient remedies such that nobody can arbitrarily dictate the terms of a relationship, and everybody can rule themselves equally.

But using nondomination as a metric for inclusion also offers a second advantage, I think. In particular, it can help us to navigate some of the complexities that plague other approaches. How do we sort out complaints that warrant inclusion from those that do not? You can fail to get the job you wanted, have your marriage proposal refused, be denied entrance to that fancy private school, and, in general, have your life goals and plans “affected” – all in ways that are, in a relational sense, perfectly nondominating, and thus perfectly consistent with the ideal of democratic self-rule.<sup>24</sup> Even if your plans are frustrated, you can still retain *the capacity* to rule yourself. Insofar as life's frustrations do not touch the underlying relationships that enable you to continue to freely make choices, inclusion isn't an issue.<sup>25</sup> So, there's no great mystery as to why we sometimes don't feel the need to include people in decision making, even if the outcome affects them in significant ways. To know when democratic inclusion is justified, we need only see undemocratic exclusion for what it is – irreducibly about one's mistreatment within relations of asymmetric power with others.

If we take complaints about domination to only be about undemocratic exclusion, are we committing a category mistake? The approach for which I am advocating helps us to see that many demands for inclusion are best understood as complaints about domination. It makes clear just how difficult it is to achieve nondomination without extending the basic rights and empowerments that are constitutive of democratic self-rule. Note that this does not necessarily require the equal extension of the full voting rights to all

affected parties, but it *does* require that a decision-making process ensures that everyone is afforded sufficient rights and standings to be secure from domination, and thus capable of self-rule. People are entitled to varying degrees of inclusion in collective decision making, not because some should have equal standing and others shouldn't. Rather, it is because to count as democratic, a decision-making process must extend to everyone the degree of consideration that is warranted by the circumstances. It is therefore a mistake, I think, to suggest that "moral right[s] to due consideration (e.g., to harms avoided or compensated)" are not "*constitutive* requirements of democratic legitimacy."<sup>26</sup> The error is in deriving democratic inclusion solely from the consequences of a given decision. Missing is inclusion's relational component.

#### USURPATION: COMPLAINTS ABOUT INVOLVEMENT

We've established one sufficient condition for being included in collective decision making. Whatever else democratic self-rule requires, our decision making must be structured in such a way as to avoid dominating one another. But if, as I suggest, minimizing domination needn't always warrant one's *full* inclusion in a decision-making process, then what does? Can we identify a complaint about exclusion that could *only* be remedied through the extension of equal voting rights and opportunities for participation?

I think we can, but it will require elaboration of a residual complaint that the concept of domination fails to capture. Another agent can be perfectly responsive to our interests, and make only non-arbitrary decisions in relation to us, and yet *still* wrong us by failing to involve us. In such cases, the wrong isn't that you condition your judgments within an asymmetric power relationship in anticipation of the whims of the dominating agent. Rather, it's the separate but related wrong of having your judgment *displaced* entirely on a matter that is either solely or equally yours to decide. There is a compelling objection, I argue, to being forced to sustain collective decisions or policies that you had no hand in shaping. Following Patchen Markell, I call this uniquely democratic complaint *usurpation*: "whatever it is that's happening, and however it's being controlled, to what extent is it happening *through you*, through your activity?"<sup>27</sup>

Complaints about usurpation shed light on the important moral difference between making a decision yourself and having that same decision made for you, without your permission. Here, the democratic nerve struck by this complaint is easily identified. Our collective lives together must instantiate relationships that respect our equal freedom, including our freedom to judge for ourselves what we should do, both individually and collectively. Any relationship that would sideline your input and authority while undertaking obligations on your behalf should be seen as nothing more than undemocratic imposition.<sup>28</sup>

To see the force of this complaint, consider the example of the benevolent technocrat. They follow established rules and procedures perfectly, and track their constituents' interests impeccably. Their decisions are never arbitrary, and will clearly foster conditions that are better for everyone. We – the technocrat's constituents – may have no complaints about domination, and would likely defer to her judgment if given the chance. Yet it is the fact that we aren't given the chance that is democratically troubling. She's unilaterally imposing "her judgement with respect to a matter in which her judgement is not supposed to be authoritative."<sup>29</sup> Nobody should have the authority to speak and act in our name if this excludes us. Put in terms of our theory, such disregard isn't just insulting, it's *usurping* – a displacement of our judgment entirely.

Of course, theorizing usurpation as a distinct kind of democratic complaint is relatively easy. But what more can it actually give us? It's true that the traditional (liberal) view of individual rights already holds that there are certain decisions – over one's body, one's occupation, one's partner – that no one else may decide for you. But usurpation is not a problem of overstepping such (negative) personal boundaries, but rather of implicating us in collective ones. In actual politics, we are routinely faced with organizations and collectivities that make decisions for us, without involving us, on nontrivial matters that are of great significance to the duties and obligations we are (rightly or wrongly) responsible for upholding and that cannot be shirked or escaped. When private corporations ignore the concerns of stakeholder communities, when international organizations step in to manage a country's fiscal policy (think of the International Monetary Fund), or when a municipal government quietly greenlights a development project without any public participation – these "usurpations" implicate people's agency, without involving their judgments, to sustain cooperative schemes. It is the importance of barring asymmetries of this type from altering the structure of relationships that ultimately makes usurpation such an important complaint in its own right. It explains the intuition, reported by Anna Stilz, that people feel alienated when they cannot see themselves as "authors (or "makers") of the institutions to which they are subject."<sup>30</sup>

Should people be entitled to demand an unqualified right to equal participation in organizations or institutions that operate through their agency? Focusing on the underlying structure of relationships, I am arguing, can help us make a determination on this point. Warranted charges of usurpation provide far weightier reasons for demanding rights and standings than do other complaints about exclusion. They are made when individuals find themselves trapped as unwilling cooperators within relationships that are insufficiently democratic. Whereas domination admits in degrees, it is not obvious how complaints about usurpation could be answerable but through full and equal inclusion in decision making. If a relationship imposes collective decisions on an individual's behalf, then, to my mind, there is an unqualified right to an equal say in those decisions – double, if there is no realistic possibility of exit.

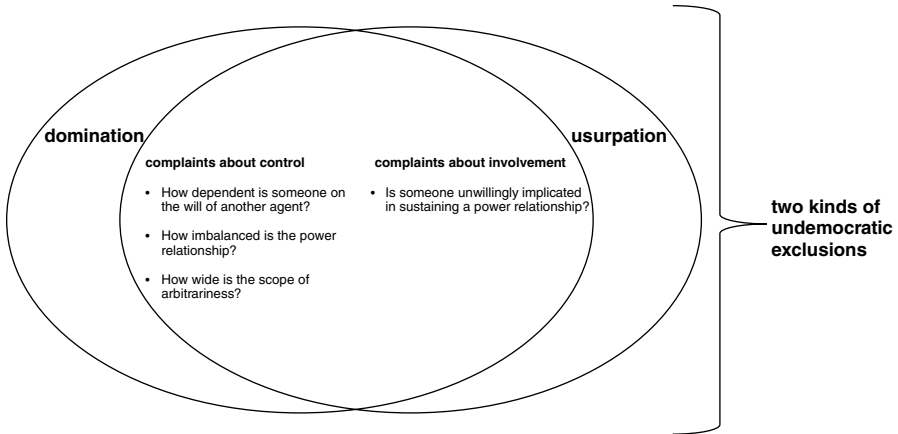


FIGURE 3.1 Two complaints about exclusion

### A PEACEMAKING PROPOSAL

If the distinctions that I've drawn are sound, then I think we have in our possession the rough outlines of an alternative principle for democratic inclusion. Having laid out the pieces, all that's required is some assembly. It's common to think we are owed inclusion in collective decision making when the outcome affects us. But when it comes to making good on this intuition, one can quickly become overwhelmed by the complexities involved. In order to move forward, I suggested taking up the following challenge. Without appealing to a decision's outcome, is it possible to specify the different kinds of complaints about exclusion for which different degrees of inclusion is the response? I claimed that an answer comes into focus once we pause and reflect on the norms of democracy. Its value is found in the *relationships* of equal standing between self-ruling persons. It follows that people's complaints about undemocratic exclusion are fundamentally relational in orientation. From the point of view of the complainant, undemocratic exclusion is dominating, usurping, or both. These complaints pick out relational features that are constitutive of, and logically prior to, decision outcomes and effects. So, if we take these two complaints as a guide, then we can get a built-in metric for distinguishing the different degrees of inclusion that are warranted under different circumstances. Call the resulting formula for inclusion the *relational interpretation* of the All-Affected Principle. Or, if that's too partisan a label, call it the "All-Considered Principle." Whatever it's called, I believe that it does a much better job of explaining why democratic inclusion is justified in some cases but not others, and to what degree.

What can this alternative formula tell us about what we owe one another in a globalized world? Even if my argument in this chapter is just a sketch, it suggests a method of determining the appropriate response to people's diverse complaints about exclusion (see Figure 3.1). We ask first: In any

pairwise relationship, do people stand in rough relations of equal power? If the answer is “no,” we then proceed to inquire into the nature of the underlying power asymmetry. One set of questions identifies relational structures that amount to domination: questions about dependency, imbalance, and arbitrariness. More often than not, this initial line of questioning leads directly to a second set of concerns about usurpation within a given power relationship: concerns about unwilling involvement. Viewed together, these two sets of questions make clear the dual demands of democratic inclusion. Such complaints often travel together in practice, but they may also come apart. One can, for example, be dominated but not usurped, as when a person finds themselves wrongfully conditioning their choices on the whims of others. Likewise, one can experience usurpation without domination, as when a person finds themselves in a relationship with others who predictably act in their name while leaving them out. What matters, I have argued, is that both of these wrongs reflect relational asymmetries that are best remedied through inclusions to equalize them.

## CONCLUSION

A final thought: I won’t pretend that the approach to democratic inclusion for which I’ve advocated was built through conceptual analysis alone. It’s normative, all the way down. It explicitly derives its force from a substantive appeal to what lies at the core of our ideal of democracy. I recognize, of course, that there will always be difficult tradeoffs between the realization of this democratic ideal and other important values, such as shared identity, culture, membership, or history. I also recognize that, even in our global era, there are practical constraints on the institutional forms that democracy may take, absent the protections and supports that sovereign states provide. What I am arguing, simply, is that insofar as collective decision making instantiates relationships of domination and usurpation – within and across existing borders – then those affected have solid *democratic* grounds to demand to be included. This, I hope, is something that everyone can agree upon.

## NOTES

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1 John Rawls, *Political Liberalism*, Expanded Edition (New York: Columbia University Press, 2005), p. 445.

- 2 Robert A. Dahl, *Democracy and Its Critics* (New Haven: Yale University Press, 1989), p. 326.
- 3 Niko Kolodny, "Rule Over None I: What Justifies Democracy?" *Philosophy and Public Affairs* 42, no. 3 (2014): 196.
- 4 Indeed, Rawls goes so far as to bracket the inclusion question entirely, by stipulating "that a democratic society, like any political society, is to be viewed as a complete and closed social system ... entry into it is only by birth and exit from it is only by death." See Rawls, *Political Liberalism*, pp. 40–1.
- 5 Robert A. Dahl, *After the Revolution? Authority in a Good Society* (New Haven: Yale University Press, 1970), p. 64. For an excellent overview of the All-Affected Principle and the debates surrounding it, see Sofia Näsström, "The Challenge of the All-Affected Principle," *Political Studies* 59, no. 1 (2011): 116–34.
- 6 David Held, *Democracy and the Global Order: From the Modern State to Cosmopolitan Governance* (Stanford: Stanford University Press, 1995), p. 232.
- 7 Robert E. Goodin, "Enfranchising All Affected Interests, and Its Alternatives," *Philosophy and Public Affairs* 35, no. 1 (2007): 64.
- 8 For pluralist interpretations of the All-Affected Principle see, for example, 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); Mathias Koenig-Archibugi, "How to Diagnose Democratic Deficits in Global Politics: The Use of the 'All-Affected Principle,'" *International Theory* 9, no. 2: 171–202; and Terry Macdonald, *Global Stakeholder Democracy: Power and Representation beyond Liberal States* (New York: Oxford University Press, 2008).
- 9 Harry Brighouse and Marc Fleurbaey, "Democracy and Proportionality," *The Journal of Political Philosophy* 18, no. 2 (2010): 139.
- 10 Fung, "The Principle of Affected Interests," p. 252.
- 11 For an illustration of what a pluralist account of the All-Affected Principle might entail, institutionally speaking, see Macdonald (this volume).
- 12 Nancy Fraser, *Scales of Justice: Reimagining Political Space in a Globalizing World* (New York: Columbia University Press, 2009), pp. 64–5.
- 13 Arash Abizadeh, "Democratic Theory and Border Coercion: No Right to Unilaterally Control Your Own Borders," *Political Theory* 36, no. 1 (2008): 47. A variant of the All-Subjected Principle specifies that the triggering condition is being subjected to authoritative legal or moral obligations, rather than just being subject to wrongful coercion. But for my purposes here, this is a distinction without a difference. Insofar as both are tracking the outcomes of decisions, the problem is the same.
- 14 David Miller, "Democracy's Domain," *Philosophy and Public Affairs* 37, no. 3 (2009): 225. Italics original. On this point see also, Sarah Song, "The Boundary Problem in Democratic Theory: Why the Demos Should Be Bounded by the State," *International Theory* 4, no. 1 (2012): 39–68.
- 15 For a more full-throated criticism of the All-Subjected Principle along these lines, see Robert E. Goodin, "Enfranchising All Subjected, Worldwide," *International Theory* 8, no. 3 (2016): 365–89.
- 16 To be fair, Fung acknowledges this point explicitly, writing that, "decisions [can be] affected by factors that include not just formal provisions for voice, but also indirect laws and regulatory mechanisms, social structures of power, and the collective creation of culture and habit." Fung, "The Principle of Affected Interests," p. 258.

- See also, Carol C. Gould, *Globalizing Democracy and Human Rights* (New York: Cambridge University Press, 2004), chap. 7.
- 17 Here I'm drawing inspiration from Iris Marion Young's "relational approach" to theorizing problems of exclusion. See Young, *Inclusion and Democracy* (New York: Oxford University Press, 2000), chaps. 1 and 7.
  - 18 For an elaboration and defense of this view, see Niko Kolodny, "Rule Over None II: Social Equality and the Justification of Democracy," *Philosophy and Public Affairs* 42, no. 4 (2014): 287–336.
  - 19 Ian Shapiro, *The Moral Foundations of Politics* (New Haven: Yale University Press, 2003), p. 220. For a discussion of structural power, see Hayward (this volume).
  - 20 I follow the Kantian definition of domination of Arthur Ripstein, *Force and Freedom: Kant's Legal and Political Philosophy* (Cambridge, MA: Harvard University Press, 2009), chap. 2. For an opposing, consequentialist view on domination, see Frank Lovett, *A General Theory of Domination and Justice* (New York: Oxford University Press, 2010), pp. 119–23; Philip Pettit, *On the People's Terms: A Republican Theory and Model of Democracy* (New York: Cambridge University Press, 2012), chap. 1.
  - 21 Cf. 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): 140–3.
  - 22 Thus, I can accept the thrust of Philip Pettit's influential argument that achieving democratic self-rule (in part) "presupposes relationships with others and consists in relating to them on a pattern that rules out domination" – so long as domination here is understood in broadly deontological, and not consequentialist, terms. Pettit, *On the People's Terms*, 91.
  - 23 Says Kant: "*Freedom* (independence from being constrained by another's choice), insofar as it can coexist with the freedom of every other in accordance with a universal law, is the only original right belonging to every man.... [It] involves the following authorizations ... innate *equality*, that is, independence from being bound by others to more than one can in turn bind them; hence a human being's quality of being *his own master* (*sui iuris*) ... and finally, his being authorized to do to others anything that does not in itself diminish what is theirs." Immanuel Kant, *The Metaphysics of Morals*, trans. Mary Gregor (New York: Cambridge University Press, [1797] 1996), p. 30. Italics original.
  - 24 Cf. Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974), pp. 268–271. For a different take on Nozick's marriage proposal example, see Stilz (this volume). While Stilz presents Nozick's argument as fatal to the AAP (and others like the university admissions case), I think the challenge is easily answerable on a relational construal of the AAP that centers domination and usurpation.
  - 25 See Ripstein, *Force and Freedom*, pp. 15–16.
  - 26 Arash Abizadeh, "On the Demos and Its Kin: Nationalism, Democracy, and the Boundary Problem," *The American Political Science Review* 106, no. 4 (2012): 878. Italics original. I single out Abizadeh's important article here because of its influence. In my view, being afforded the standing needed to have "harms avoided or compensated" is a necessary (but not always sufficient) condition for any genuinely democratic relationship, and thus a constitutive requirement for democratic legitimacy.



- 27 Patchen Markell, "The Insufficiency of Non-Domination," *Political Theory* 36, no. 1 (2008): 12. *Italics original*. For a useful extension of Markell's view, see Sharon R. Krause, *Freedom Beyond Sovereignty: Reconstructing Liberal Individualism* (Chicago: University of Chicago Press, 2015), pp. 22–8.
- 28 My use of usurpation here calls to mind an older distinction drawn by Benjamin Constant between "the despot" and "the usurper." A despot, Constant writes, "rules by means of silence, and leaves man the right to be silent." Whereas a usurper "deprives the oppressed of his last remaining consolation" by forcing "him to speak" through acts wrongly portrayed as exercises of popular sovereignty. Constant, "*The Spirit of Conquest and Usurpation and their Relation to European Civilization*," in *Political Writings*, trans. Biancamaria Fontana (New York: Cambridge University Press, [1814] 1988), pp. 96–7. Bryan Garsten convincingly argues that, despite Constant's well-known liberal sympathies, his concern about despotism is best read as a democratic one. See Garsten, "Representative Government and Popular Sovereignty," in *Political Representation*, ed. Ian Shapiro, Susan C. Stokes, Elisabeth Jean Wood, and Alexander S. Kirshner (New York: Cambridge University Press, 2009).
- 29 Seana V. Shiffrin, "Paternalism, Unconscionability Doctrine, and Accommodation," *Philosophy and Public Affairs* 29, no. 3 (2000): 226. On paternalism and the usurpation complaint, see also Saunders-Hastings and Reich (this volume).
- 30 Anna Stilz, "Decolonization and Self-Determination," *Social Philosophy and Policy* 32, no. 1 (2015): 12. That said, in her contribution to this volume, Stilz rejects the approach that I set out here.