

# The boundary problem in democratic theory: why the demos should be bounded by the state

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Democracy is rule by the demos, but by what criteria is the demos constituted? Theorists of democracy have tended to assume that the demos is properly defined by national boundaries or by the territorial boundaries of the modern state. In a recent turn, many democratic theorists have advanced the principles of *affected interests* and *coercion* as the basis for defining the boundaries of democracy. According to these principles, it is not co-nationals or fellow citizens but all affected or all subjected to coercion who constitute the demos. In this paper, I argue that these recent approaches to the boundary problem are insufficiently attentive to the *conditions of democracy*. Democracy is not merely a set of procedures; it also consists of substantive values and principles. Political equality is a constitutive condition of democracy, and solidarity is an instrumental condition of democracy. The affected interests and coercion principles create serious problems for the realization of these conditions – problems of size and stability. Building on this critique, this paper presents democratic considerations for why the demos should be bounded by the territorial boundaries of the state, grounded in the state's role in (1) securing the constitutive conditions of democracy, (2) serving as the primary site of solidarity conducive to democratic participation, and (3) establishing clear links between representatives and their constituents. I examine and reject a third alternative, a global demos bounded by a world state, and conclude by considering some practical implications of my argument.

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Democracy is widely understood as rule by the people, but who are the people? How is the demos constituted and by what authority? Writing over 40 years ago, Robert Dahl observed that the question of ‘how to decide who legitimately make up “the people” and hence are entitled to govern themselves... is a problem almost totally neglected by all the great political philosophers who wrote about democracy’ (1970, 60–61). Until recently,

few political theorists took up this question of how to constitute the demos, what Frederick Whelan (1983) has called ‘the boundary problem’ in democratic theory.<sup>1</sup> Democratic theorists have instead focused primarily on questions about democratic rule: Is it about aggregating preferences or deliberating together? By what procedures? Under what substantive conditions? In pursuing such questions, democratic theorists have typically taken for granted ‘the legitimacy of the people’, leaving the boundary question to be answered by contingent forces of history (Näsström 2007). One dominant, historically contingent answer to the boundary problem has been a nationalist one: it is a pre-political nation that properly constitutes the demos (Walzer 1983; Miller 1995). Others have simply presupposed the existence of a political community bounded by a territorial state (Rawls 1971).

Moving away from the equation of the demos with the nation or the state, political theorists have recently looked to principles within democratic theory for answers to the boundary problem. One principle of inclusion that has received a great deal of attention is the principle of *affected interests*: anyone whose interests are affected by a decision should have a voice in the making of that decision (Shapiro 1999; Young 2000; Gould 2004; Goodin 2007). Others advance what might be called the *coercion* principle: those subject to the coercive power of a state should have an equal say in how that power is exercised (López-Guerra 2005; Abizadeh 2008). According to these two democratic principles of inclusion, defining the demos in terms of formal state membership or citizenship status is both overinclusive and underinclusive. It is overinclusive because expatriates who are not affected or coerced by a state’s policies are included in the demos (López-Guerra 2005), and it is underinclusive because resident noncitizens who are affected or coerced by a state’s policies are excluded from the demos (Song 2009). The implication is that expatriates should be disenfranchised and long-term resident noncitizens enfranchised. More radically, these principles call for enfranchising all foreigners outside a state’s territory in virtue of their having interests affected by that state’s decision-making (Goodin 2007) or in virtue of being subject to the state’s coercive power (Abizadeh 2008). These democratic principles of inclusion suggest that the demos is in principle unbounded and that virtually everyone in the world ought to be included.

My aim is to raise some concerns that cast doubt on the affected interests and coercion principles as the sole or primary basis for defining the boundaries of democracy and to present democratic considerations in

<sup>1</sup> Dahl (1989, 119) characterizes this question as the ‘problem of inclusion’: ‘What persons have a rightful claim to be included in the demos? ... What then properly constitutes a demos?’.

favor of bounding the demos in accordance with the territorial boundaries of the modern state. Existing approaches to the boundary problem, including those based on the affected interests and coercion principles, have tended to rely on an overly narrow view of democracy as inherently procedural. However, democracy is more than a set of procedures; it also consists of substantive values and principles. The idea of equality is at the normative core of any plausible conception of democracy. As I will argue, *political equality* is a constitutive condition of democracy, and *solidarity* is an instrumental condition of democracy. The affected interests and coercion principles pose serious problems for the realization of these conditions – problems of size and stability. If we bring the normative condition of political equality to bear on the boundary problem in democratic theory, we see *democratic* reasons for why the demos ought to be bounded by the territorial state.

My argument proceeds as follows. In the first section, I briefly consider early discussions of the boundary problem in order to show the normatively impoverished conception of democracy underlying the argument that democratic theory lacks the resources to address the boundary problem. Second, I briefly sketch what I take to be the basic conditions of democracy: political equality and solidarity. In light of these conditions, the third section critically examines the affected interests and coercion principles, and shows how they suffer from a problem of size and a problem of stability. Building on this critique, the fourth section advances an argument for why the demos should be bounded by the territorial boundaries of the modern state. In the fifth section, I examine and reject a third alternative offered in response to the boundary problem: a global demos bounded by a world state. The sixth section considers some implications of my argument, and the seventh section concludes.

### Early discussions of the boundary problem

What guidance does democratic theory provide on the question of how to constitute the demos? One answer, advanced by Joseph Schumpeter, is an entirely contingent one. The boundaries should be whatever the people want them to be:

[I]t is not relevant whether we, the observers, admit the validity of those reasons or of the practical rules by which they are made to exclude portions of the population; all that matters is that the society in question admits it... In a commonwealth of strong religious conviction it may be held – without any absurdity or insincerity – that dissent disqualifies or, in an anti-feminist commonwealth, sex. A race-conscious nation may associate fitness with racial considerations. And so on... Must we not leave it to every *populus* to define [it]self? ([1942] 1950, 244–45).

Schumpeter contends that we ‘may disapprove’ of such societies because we disapprove of their views about ‘property, religion, sex, race, and so on’, but we should not call such societies ‘undemocratic’ (245). In his view, the idea of democracy contains no categorical constraints on how to constitute the demos. Democracy is nothing more than a method of decision-making. As Dahl has argued, this ‘anything goes’ approach leads to ‘absurdities’: ‘It is undeniable that in the United States, southern blacks were excluded from the demos. But surely *to that extent* the South was undemocratic: *undemocratic in relation to its black population...* On Schumpeter’s argument, arguably Britain was already a “democracy” by the end of the eighteenth century, even though only one adult in twenty could vote’ (1989, 121). In arguing that such ways of constituting the demos are ‘undemocratic’, Dahl suggests that there are certain values or principles internal to democracy, which are being violated.

Schumpeter is not alone in viewing democracy as a mere procedure. Whelan’s claim that the boundary problem is ‘insoluble within the framework of democratic theory’ rests on a similarly narrow view of democracy (1983, 16):

[T]he boundary problem is one matter of collective decision that cannot be decided democratically... We would need to make a prior decision regarding who are entitled to participate in arriving at a solution... [D]emocracy, which is *a method for group decision-making or self-governance*, cannot be brought to bear on the logically prior matter of the constitution of the group itself, the existence of which it presupposes (1983, 22, 40, emphasis added).

Whelan is right that we are caught in a vicious circle *if* we assume that democracy is purely procedural. However, democracy is more than a set of procedures; it is also a set of values underlying those procedures.<sup>2</sup> We can look to interpretations of those underlying values for guidance in addressing the boundary problem in democratic theory.

One strategy suggested by Goodin (2007, 47) is to connect democratic ways of making decisions with democratic ways of constituting the demos: ‘Might we find some connection...one level down, between the “how” and the “who” of democratic politics?’ I would add that we actually need to ask ‘why democracy?’, which leads us to consider normative justifications of democratic decision-making and which can provide guidance on both the ‘how’ and ‘who’ questions. In other words, to make the case for what democracy requires, we first need to consider what values are served by democracy. We can then elaborate these values to present a particular

<sup>2</sup> I am grateful for conversations with Joshua Cohen on this point.

conception of democracy before turning to consider what such a conception implies for the boundary problem.

### The conditions of democracy

Essential to any normative conception of democracy is the value of equality. The fundamental moral presumption of democracy is that no person is intrinsically superior to another – that each person is of equal moral worth. In other words, democracy requires equality in the sense that democracy constitutively demands equality as one of its parts.<sup>3</sup> Dahl observes that in democratic societies the idea of ‘intrinsic equality’ is ‘an assumption so fundamental that it is presupposed in moral argument’ (1989, 84–85). As Tocqueville did in *Democracy in America*, Dahl is in part making an empirical point about the widespread influence of the value of equality in democratic societies, but he is also describing a normative ideal that should regulate the design of democratic procedures and institutions. Democracy is a collective decision-making process subject to the condition of equality.

Equality among whom? Democratic theorists grappling with the boundary problem have brought this question to the foreground, but they have tended to elide the issue of the moral equality of human beings with *political equality* among members of the demos. The ideal of political equality requires that democratic institutions and procedures satisfy certain demanding conditions, which I will discuss. Defenders of more minimal, procedural conceptions of democracy, including Schumpeter (1942) and Shapiro (1999), neglect these substantive conditions, in part because they assume that a purely proceduralist conception of democracy is possible and desirable. However, a defensible normative conception of democracy is both procedural and substantive.

A settled conviction about democracy is that it is rule by the people who regard one another *as equals*, but what is required to meet this demand of equal regard? The idea of equality might enter a theory of democracy at different levels: at the level of normative justification and at the level of institutional design. A more complex view of democracy differentiates between normative justification of democracy and institutional requirements (Beitz 1989). As a matter of justification, the idea of equality places limits on the sorts of reasons that may be given to explain why we should accept one rather than another conception of fair terms of democratic participation.

<sup>3</sup> Arash Abizadeh (2008, 324) distinguishes between (1) existence, (2) constitutive, and (3) instrumental conditions in discussing the question of whether a Rawlsian ‘basic structure’ is a condition of justice. I focus on the sense in which equality is a condition of democracy; as I will argue, political equality is a constitutive condition of democracy.

It is the role of a theory of *political equality* to connect the normative justification with the institutional requirements of democracy. A conception of political equality provides a view of what institutional features and procedures are required by the idea of equality.

Drawing on one dominant strand of democratic theory, the deliberative conception of democracy, I contend that political equality requires: (1) protecting certain *equal rights and liberties* and (2) ensuring the equal worth of these rights and liberties by providing *equal opportunities for political influence*. After considering the particular substance of these rights and opportunities, I discuss (3) the instrumental role of *solidarity* for the realization of political equality.

### *Equal rights and liberties*

If we accept that any plausible normative conception of democracy is both procedural and substantive, the question then becomes what substantive rights and goods are part of the normative core of democracy. Even on more minimal accounts of democracy, there is a basic set of rights that are taken to be constitutive conditions of democracy. These rights are, in Dahl's words, 'integral to the democratic process...substantive rights, goods, and interests that are often mistakenly thought to be threatened by it' (1989, 175). By 'integral' Dahl means something that is 'an essential part of the very conception of the democratic process itself' (1989, 167). On Dahl's aggregative conception of democracy, the rights integral to the democratic process are the 'liberties of the ancients' – political rights such as the right to vote, freedom of political speech, freedom of assembly, and freedom of the press (2006, 8–15). These political rights are constitutive of the democratic process.

On the deliberative view, democracy requires a much more demanding set of rights and liberties than those suggested by Dahl's aggregative conception. The aggregative view assumes that political actors are motivated by their private interests and preferences, and the role of the democratic process is to sum up private preferences, typically by majority rule. In contrast, on a deliberative conception of democracy, political actors are viewed as capable of being motivated by a desire to promote the common good. Through deliberation, political actors have opportunities for reflecting and revising their preferences and can become aware of what is in the common good. The aim of deliberation is not to transform people's preferences, as critics of deliberative democracy have suggested, but the deliberative conception does assume that such transformation is possible. The ideal deliberative procedure aims to filter nonpublic claims from claims oriented toward the public good; this procedure reflects an ideal

of collective self-government through mutual justification among equals. In practice, in order to arrive at collectively binding decisions, deliberative theorists acknowledge that the deliberative process is likely to end in a vote.<sup>4</sup>

Because democracy, on the deliberative view, involves the exchange of reasons acceptable to others who hold different moral and religious outlooks, the inclusion of all parties in deliberation requires the protection of not only political but also *nonpolitical liberties*. As deliberative theorist Joshua Cohen has argued, freedom of religion and conscience, as well as freedom of speech beyond narrowly political speech, should also be included in the normative core of a deliberative conception of democracy. Abridgements of these liberties constitute denials of ‘standing as equal members of [a] sovereign people, by imposing in ways that deny the force of reasons that are, by the lights of their own views, compelling’ (1996, 104).<sup>5</sup> Abridgements of religious liberty and freedom of nonpolitical speech are violations of *democracy* because such liberties are constitutive conditions of democracy. These rights and liberties are not merely instrumentally valuable to democracy on account of its role in enabling political participation. On the deliberative view, political equality requires respect for equal rights of religious freedom and freedom of nonpolitical speech, even if the exercise of such freedoms has no bearing on political participation. Like the right to vote and freedom of association, religious liberty and freedom of nonpolitical speech are constituent parts of the ideal of democracy.

### *Equal opportunities for political influence*

A normative conception of democracy requires not only that members of the demos have rights and liberties as a formal matter; they must have equal opportunities to exercise these rights. The realization of democracy depends on members of the demos being active participants in democratic politics, not passive holders of rights. This means they must have real opportunities to participate in and influence collective decision-making. Democratic theorists disagree about what exactly is required to ensure equal opportunities for political influence, but they agree on some sources of political inequality: inequality of (1) resources, (2) access to knowledge, and (3) motivation.

Consider first inequality of resources. Some constraint on economic inequality is necessary to realize the normative demand of equality at the heart of democracy. As Dahl puts it, ‘Nothing we can do would

<sup>4</sup> For more on the distinction between aggregative and deliberative conceptions of democracy, see Cohen (1996) and Hayward (2011).

<sup>5</sup> See also Dworkin (1996) who defends a ‘constitutional conception’ of democracy, which includes a similarly demanding set of protections for individual rights.

democratize a polyarchy more' (1970, 122; see also Bohman 1996, 36; Knight and Johnson 1997, 280–81). The basic idea is that one's opportunity to influence the political process should not be determined by the social position and natural endowments we are born with; these contingencies are 'so arbitrary from a moral point of view' (Rawls 1971, 72). This point about moral arbitrariness applies not only to one's economic prospects in life, but also to one's access to the political process. Some deliberative theorists point to Rawls's difference principle as a distributive principle that meets the demands of political equality; it treats equality as a baseline and says inequalities of income and wealth are justified only insofar as they work to the advantage of the least advantaged.<sup>6</sup> My aim here is not to defend the difference principle as the most desirable principle of economic justice, but simply to point out that many democratic theorists agree that inequality of resources is a major barrier to ensuring equal opportunities for political influence among members of a demos.

A second serious obstacle to political equality has to do with access to knowledge and information. Policy specialists and interest groups dominate complex policy discussions and decision-making. The complexity of public policies makes it difficult and sometimes impossible for ordinary citizens to understand them sufficiently in order to discern where their interests lie.

Resources and access to knowledge are connected to a third source of political inequality: unequal motivation to participate. As important as resources and knowledge are, to gain political influence, one must also possess an incentive to put the resources and knowledge to use in order to exercise influence over political decisions. Some might argue that unequal motivation is a *legitimate* source of political inequality; those who care more about politics will and *should* have a greater voice in politics. However, motivation is not purely a matter of individual will; it is connected to the resources, including the time, one has. Dahl is right when he says, '[T]ime is a scarce and fixed resource... Different persons make different assessments of the costs and benefits of using their time to gain political influence. Those who are willing to spend more time are more likely to gain greater influence over political decisions' (2006, 56). Willingness to spend more time is in part a function of one's economic background. To be sure, resources are not the only determinant of political participation; some will be strongly motivated to participate against the economic odds. However, the less advantaged one is the less time one has for political engagement, which in turn dampens motivation to participate.

<sup>6</sup> As Cohen puts it, the view that 'no one be left less well off than anyone needs to be' is 'a natural expression of the deliberative conception' (1996, 106).

### *Solidarity*

Political equality is a *constitutive* condition of democracy; the realization of political equality depends on respecting certain equal basic liberties and ensuring equal opportunities for political influence. I want to turn now to consider a key *instrumental* condition for the realization of political equality: *solidarity*.<sup>7</sup>

Following Andrew Mason (2000, 21), we might say that a community is a group of people who share a range of values, a way of life, identify with the group and its practices, and mutually recognize each other as members of that group. To add a normative dimension to the definition of community, we can also say that members of a community share a sense of solidarity. Solidarity consists of mutual concern: people give each other's interests some noninstrumental weight in their practical reasoning (27). Solidarity might be forged through a shared history, shared culture, and/or shared values (Song 2011). Why is solidarity so important for democracy?

First, if democratic activity involves not just voting but also deliberating together, people must make an effort to listen to and understand one another. They must be willing to moderate their claims in the hope of finding common ground on which to base political decisions. Such democratic activity cannot be realized by individuals solely pursuing their own self-interest; it requires a willingness to have one's opinions be influenced and revised in light of deliberation with others. If I relinquish a position I feel strongly about now in order to reach an outcome that has widespread support, I expect others to reciprocate in the future. This necessarily implies some degree of solidarity. Some political theorists suggest that only a shared national culture can provide the solidarity and cohesion necessary for democracy (Miller 1995). In contrast, others argue that solidarity can be secured by a common allegiance to a set of values or principles (Habermas 1996) or a shared commitment to diverse ways of belonging undergirded by a commitment to continue the shared history of the community one inhabits (Taylor 1993, 1999). My task here is not to defend a particular view of solidarity, but simply to point out that a sense of solidarity to the demos is necessary to ensure what Taylor calls 'the stability of its legitimacy' (1999, 145).

Second, solidarity is integral to the pursuit of greater economic equality, which, as I discussed above, is linked to political equality. The institutions of the welfare state serve as redistributive mechanisms that can offset the

<sup>7</sup> Some might view solidarity and stability as not only (1) instrumental conditions of democracy but also as (2) constitutive conditions (that democracy includes solidarity and/or stability as one of its constituent parts) and (3) existence conditions (that democracy presupposes the existence of solidarity and/or stability before its demands arise). My objective here is to defend the more modest claim (1).

inequalities of life prospects that a capitalist economy creates, and they raise the position of the worst-off members of society to a level where they have equal opportunities to participate in the political process. While self-interest alone may motivate people to participate in and endorse social insurance schemes that protect them against unpredictable events, self-interest alone is inadequate to support redistributive programs that aid the worse off, such as food stamp programs, state-funded medical care, and housing subsidies (Miller 2006).<sup>8</sup> For the better-off to support such policies, they have to have some sense of solidarity or mutual concern for those who are less well-off.

These considerations about the instrumental role of solidarity in fostering deliberation and economic equality are intended to highlight the feasibility constraints on realizing the ideal of political equality at the heart of democracy.

### **The limits of the affected interests and coercion principles**

With these constitutive and instrumental conditions of democracy in mind, let us turn to examine two principles of democratic legitimacy, which many democratic theorists have recently adopted to answer the boundary problem in democratic theory.

#### *The affected interests principle*

In one of the earliest discussions of the principle, Dahl contended, ‘The Principle of Affected Interests is very likely the best general principle of inclusion that you are likely to find.’ Its basic idea is that ‘[e]veryone who is affected by the decisions of a government should have the right to participate in that government’ (1970, 49). Shapiro also adopts the affected interests principle, going beyond government decision-making to include civil institutions from the family to the workplace: ‘[E]veryone affected by the operation of a particular domain of civil society should be presumed to have a say in its governance. This follows from the root democratic idea that the people appropriately rule over themselves’ (1999, 37). The principle of affected interests is a causally based principle of legitimation; the right to participate derives from one’s having interests affected by the particular collective decision in question.<sup>9</sup>

<sup>8</sup> I share Miller’s concern about size, solidarity, and democracy (2006, 2009). In contrast to Miller, who defends a nationalist approach to solidarity (1995, 2006), I discuss the role of solidarity without endorsing nationality as the sole or primary basis of solidarity conducive to democracy. I am also concerned with what I call the problem of stability, discussed on pp. 18–19.

<sup>9</sup> On the affected interests principle, see also Gould (2004, 175) and MacDonald (2003, 174).

As proponents and critics have observed, the principle of affected interests has radically inclusionary implications. The decisions of any one state (or nongovernmental decision-making body such as a corporation) affect the interests of a great many people beyond the state's boundaries: noncitizens residing in the state's territory, as well as foreigners outside the territory. Dahl himself was reluctant to dismiss the suggestion that people in Latin America be allowed to vote in US elections because of the profound impact US policy has on them (1970, 51).

In the most thorough discussion of the principle to date, Goodin bites the bullet and accepts the radically inclusionary implications of the affected interests principle. In his view, the answer the affected interests principle provides to the boundary question is a global demos. One interpretation of the principle defines the relevant interests as all *actually* affected interests, but this, Goodin suggests, is incoherent. Whose interests are affected by any actual decision depends on what the decision actually turns out to be, but what the decision actually turns out to be depends on who actually makes the decision – and this is precisely what is in question. To avoid this problem of circularity, Goodin argues for defining the demos in a way that includes all *possibly* affected interests: 'anyone who might possibly be affected by any possible outcome of any possible question that might possibly appear on any possible ballot' (2008, 55). On Goodin's formulation, virtually everyone in the world should be entitled to vote on any possible decision.

Is the affected interests principle really this expansionary in scope? One way we might attempt to limit its scope is to deny that all possibly affected persons should have an *equal* voice in decision-making. People have different stakes in a decision and one's influence should be relative to one's stakes. Shapiro suggests such a view when he argues that 'those whose *basic interests* are most vitally affected by a particular decision have the strongest claim to a say in its making' (1999, 37). Any account of basic interests is controversial, and most accounts are likely to change as our understandings of people's needs, as well as technological and institutional capacities, evolve. At minimum, we might say that people have basic interests in security, nutrition, health, and education.<sup>10</sup> Harry Brighouse and Marc Fleurbaey have offered a similar approach, explicitly endorsing proportionality as the central principle of democracy. As they put it, 'power should be distributed in proportion to people's stakes in the

<sup>10</sup> Shapiro adopts a 'thinner' account of the neo-Aristotelian philosophical psychology of human functioning developed by Amartya Sen and Martha Nussbaum, whose capabilities approach considers how the use of resources affects human welfare rather than simply the amount of resources people have (Shapiro 1999, 86; Sen 1992, 39–55; Nussbaum 2000).

decision under consideration' (2010, 137).<sup>11</sup> They take voting weights to be a reasonable measure of political power, and they rely on a particular theory of justice for an account of interests or stakes. I leave aside the practical difficulties of defining interests and distributing political power according to the degree of affectedness. My point here is that the proportional approach to the boundary problem does not diminish the radically inclusionary implications of the affected interests principle very much. Given the myriad forms of interaction and interdependence of people across state boundaries, many decisions of one state are likely to affect the basic interests of a great many people outside both the official membership/citizenship boundaries and the territorial boundaries of that state. The affected interests principle requires the inclusion of those outsiders. In fact, the proportional approach might be even more radical than an approach that is insensitive to variations in the kind or degree of impact. For instance, consider US trade decisions that affect the basic interests of many Latin Americans while affecting much less important interests of many US citizens. In such a case, the proportional view entails that Latin Americans should have a greater voice in trade decisions than US citizens.

### *Coercion principle*

Another leading principle of democratic legitimacy is the coercion principle, which holds that all those *subject* to binding collective decisions should have a say in the making of those decisions. The idea that subjection triggers justification is reflected in one prominent strand of liberal democratic theory – theories of deliberative democracy – which are rooted in the intuitive ideal of a democratic association in which the justification of the terms and conditions of association proceeds through public argument and reasoning among individuals who regard one another as equals (Cohen 1989; Benhabib 1996; Habermas 1996). What triggers the need for justification is that one is bound by or subject to the collective decision, not that one is simply affected by it. Being subject to state coercion is one way of having basic interests affected, but one can be causally affected by a decision without being coerced by it. On the coercion principle, democratic justification is owed not in virtue of simply

<sup>11</sup> Thomas Christiano also adopts the idea that political power should be distributed according to stakes, but in contrast to the malleable boundaries suggested by the proportional approach, he makes the empirical claim that citizens of the modern state have 'roughly equal stakes' and then argues that they should have an equal voice. Citizens share a 'common world' in which 'all or nearly all the individuals' fundamental interests are intertwined with each other' (2006, 97–98). I think this empirical claim is hard to sustain in light of the increasing intertwining of the fundamental interests of people across borders.

having interests affected but in virtue of being subject to the state's coercive power.<sup>12</sup>

The coercion principle is premised on the importance of personal autonomy. Coercion undermines the autonomy of the person coerced by making her an instrument of the coercer's will.<sup>13</sup> Coercion is a serious invasion of autonomy and therefore requires justification. What type of justification? There are liberal and democratic versions of this principle. Liberal theorists tend to view coercion as requiring hypothetical justification. In the case of autonomy-infringing state action, what needs to be established is the justice of institutions and laws, and this might be established by asking whether any person whose autonomy is invaded could reasonably reject the state's interference (Blake 2002). In contrast, democrat theorists argue that coercion triggers the need for actual, not hypothetical, justification: the invasion of autonomy generates a prima facie case for rights of participation in the political processes that determine the laws to which one is subject (Abizadeh 2008, 41). On the democratic strategy of justification, those subject to a state's coercive power must have the opportunity to participate or be represented in the actual political processes that determine how power is exercised.<sup>14</sup>

Like the affected interests principle, the coercion principle is radically inclusionary in scope, pushing the boundaries of the demos well beyond the boundaries of citizenship and territory. For example, as Dahl (1989, 292) himself suggests in discussing a version of the coercion principle, on what grounds can we reasonably say that foreigners subject to the foreign and military policies of the US should not have a voice in US policies to which they are subject?<sup>15</sup> Similarly, immigrants who lack citizenship

<sup>12</sup> Beckman (2009, 47) calls the coercion principle 'the legal interpretation' of the all affected principle because the basis of inclusion is not being causally affected but being 'subject to a legal system'. For more on the distinction between the affected interests and coercion principles, see López-Guerra (2005, 224) and Näsström (2011, 118–26).

<sup>13</sup> On Joseph Raz's (1986) well-known account of autonomy, there are three preconditions that must exist before a human agent can be understood as autonomous: (1) appropriate mental abilities (an individual must have the abilities to form the complex intentions required of an autonomous agent and must have forms of rationality sufficient to follow through on what those intentions require); (2) an adequate set of options; and (3) the absence of coercion.

<sup>14</sup> This distinction between 'liberal' and 'democratic' approaches may be overstated as many liberal theorists also seem to endorse a democratic interpretation of the coercion principle. Consider Rawls's principle of participation: 'all citizens are to have an equal right to take part in, and to determine the outcome of, the constitutional process that establishes the laws with which they are to comply' (1971, 221).

<sup>15</sup> While he discussed the affected interests principle at length in considering the boundary problem in democratic theory, Dahl himself seems ultimately to adopt a version of the coercion principle: '*Every adult subject to a government and its laws must be presumed to be qualified as, and has an unqualified right to be, a member of the demos*' (1989, 127).

status but are nonetheless subject to the laws of the states where they reside have a *prima facie* case for rights of participation (Song 2009). What about foreigners outside the territory of a democratic state? Focusing on immigration and border policy, Abizadeh (2008) has argued that not only citizens but also foreigners are owed democratic justification for a state's regime of border control in virtue of their subjection to that state's coercive power. The implication is that all foreigners subject to US immigration and border policy are entitled to a voice in the making of that policy.<sup>16</sup>

There are at least three ways we might attempt to resist the radically inclusionary implications of the coercion principle. First, taking the example of the foreigner at the border, one might point to differing degrees of coercion to which people are subject. The inhabitants of a state's territory are, one might argue, subject to a much greater degree of coercion than a foreigner at the border who wishes to enter, in part on account of the former being physically present in the territory and therefore being subject to the entire legal system, not just immigration law. But it is hard to deny the pervasiveness of the coercion of the world's most powerful states, even if restricted to one area of law, on a great many people outside their territorial boundaries. Indeed, foreigners may be subject to much more coercion via US immigration law and border control than citizens of the US. Moreover, it is hard to deny that foreigners are pervasively subject to many, if not all, areas of law of a powerful state. Many people around the world are subject not only to US immigration law but also to its military and foreign policy, its trade and economic policies, and so on.

A second way of resisting the radically inclusionary implications of the coercion principle is an argument from consent: inhabitants are subject to the state's coercion whether they want to be or not, whereas would-be immigrants can avoid the state's coercion simply by not trying to migrate. One is entitled to participation, one might argue, only if one is *unavoidably* subject to pervasive, long-term coercion. The problem here is that a great many native-born citizens have never consented to be subject to the coercive power of their states, as theorists of political obligation like to remind us (Simmons 1979, 2001). Moreover, the foreigner at the border is unavoidably subject to the coercive power of the state she wishes to enter, even if she is not directly coerced by border guards. What triggers the demand for democratic justification is that one is subject to the coercive power of the state, which includes subjection to the *threat* of the

<sup>16</sup> Rogers Smith (2008, 139) adds a twist to the coercion principle by foregrounding the role of states in coercively constituting people's *identities*: constitutional democracies 'are morally obligated to extend the option of full membership to all those whose identities have been substantially constituted through such regimes' coercive policies'. See also Smith (2011).

use of coercive power and not only direct physical coercion by state agents.<sup>17</sup> A great many foreigners outside the US territory, perhaps virtually everyone in the world, are unavoidably subject to the threat of coercion by the US government.

A third way to resist the coercion principle's highly expansionary implications is to suggest that foreigners subject to a state's coercion are entitled to *some* voice but not *equal* voice in the collective decision-making that determines the exercise of coercion to which they are equally subject. For example, as David Miller has suggested, those liable to be coerced by a foreign government could voice their concerns through representatives who appear before the legislature of the coercer state before the decision is made (2009, 224). International law can also play a role in constraining states from pursuing coercive policies against other states and their citizens. International law already covers military aggression and could be expanded to include transnational economic relations. But these attempts to grant some voice to subjected foreigners fail to take seriously the normative requirements of the coercion principle: the coercive exercise of state power must be democratically justified not just to citizens of that state but to *all persons* over whom it is exercised. Defenders of the coercion principle might concede that democratic justification need not take the form of *equal rights of participation* to all those subject to state coercion; treating people as equals may be consistent with differentiated legal and political rights of participation, such as those reflected in federalist arrangements. But the *democratic* interpretation of the coercion principle does seem to demand, if not equal rights of participation, that all subjected have an equal meta-right to have a say in determining the nature and degree of participation they are entitled to.

Like the affected interests principle, the coercion principle seems to push toward a global demos. Indeed, Abizadeh argues that democratic theorists should abandon the 'implausible picture of the demos as a prepolitically constituted, really existing corporate entity' and accept that the demos is 'inherently unbounded' (2008, 47, 45). One implication is that 'a state's regime of border control could only acquire legitimacy if there were cosmopolitan democratic institutions in which borders received actual justifications addressed to both citizens and foreigners' (2008, 48). Both Goodin (2007, 64) and Abizadeh (2008, 48) suggest that

<sup>17</sup> As Abizadeh (2010, 123) has argued, the modern state subjects individuals to its coercive power in at least three ways: its agents subject individuals to noncommunicative direct coercion (coercive acts), its laws subject individuals to noncommunicative legal coercion (in authorizing coercive acts), and its laws subject individuals to communicative legal coercion (in threatening punitive harms).

we ought to impose ‘overlays’ of international law and foster the development of cosmopolitan democratic institutions.

There is more ambivalence about democratic theory’s conceptual reliance on the nation-state than these recent arguments for a global demos suggest. As Sofia Näsström (2011, 121) has observed, recent articulations of the coercion principle presuppose democracy’s reliance on the system of territorial states. For instance, when Dahl (1989, 129) argues that the ‘demos must include all adult members of the association except transients and persons proved to be mentally defective’, he presupposes the existence of a territorial state, which serves as the proper ‘association’ to be composed in accordance with the coercion principle.

By contrast, proponents of the affected interests principle have explicitly challenged democracy’s reliance on the state. For instance, David Held, who along with Dahl was one of the first to call attention to the affected interests principle, has argued for the ideal of ‘cosmopolitan democracy’ in which we start with humanity as a whole rather than particular demoi bounded by territorial states and construct an overarching legal framework of cosmopolitanism. Democratic citizenship would take on ‘a truly universal status’; against the background of a cosmopolitan polity, ‘the nation-state would, in due course, “wither away”... States would be “relocated” within, and articulated with, an overarching global democratic law’ (Held 1995: 233; see also Bartelson 2008). As its leading proponents contend, the affected interests principle calls for nothing short of a global demos.

Similarly, Hans Agné (2010) has defended a global demos as the solution to the boundary problem. He argues that the ‘paradox of democratic founding’ – how can the decision about who constitutes a people be made democratically since whether it is made democratically depends on who the people are? – should be resolved by including humanity as a whole in the democratic decision-making that sets territorial boundaries in the first place. Agné takes this global principle of democratic founding as justifying a global authority who sets boundaries where they are internally or externally contested, as well as justifying external intervention in states with undemocratic constitutions. Like the Schumpeterian approach to democracy, Agné’s argument rests on a narrow view of democracy as strictly procedural. Agné and others who defend a global demos as the proper solution to the boundary problem have given insufficient attention to the substantive conditions of democracy.

### *The problem of size and the problem of stability*

In light of the global or ‘unbounded’ demos called for by proponents of the affected interests and coercion principles, it is not surprising that

critique of these principles has focused on the problem of *size*. In discussing the ideal size of the body politic, Rousseau himself remarked that the demos should not 'be too large to be capable of being well-governed, nor too small to be capable of preserving itself on its own'. He goes on to suggest an important connection between *size* and *solidarity*: 'The more the social bond extends the looser it becomes, and in general a small state is proportionately stronger than a large one'. Stronger not only because democratic governance becomes more difficult over great distances, but also because 'the populace has less affection for its leaders when it never sees them, for the homeland, which to its eyes, is like the world, and for its fellow citizens, the majority of whom are foreigners to it' (Rousseau 1987, 167, Bk. 2, Ch. IX). In response to the affected interests and coercion principles, a Rousseauian democrat might argue that the 'social bonds' conducive to democracy are much more likely to develop in relatively small demoi (Miller 2009, 226).

There is some empirical evidence for this Rousseauian contention. In cross-national studies of voter turnout, the highest levels of turnout are reported in small countries such as Malta (Blais and Carty 1990; Blais and Dobrzynska 1998). The real difference is between very small countries and all others (Blais 2006), and the same pattern has been observed at the local level (Oliver 2000). One explanation is that voters are more likely to think their vote could be decisive in a small country and therefore, their incentive to participate is greater. Another explanation is that smaller countries have fewer electors per elected member, which makes it easier for candidates and parties to mobilize the vote (Blais 2006, 117).

Drawing on empirical scholarship on democratic transitions to defend the possibility of global democracy, Mathias Koenig-Archibugi (2010) contends that the brute size of the demos does not matter very much for establishing democracy. Scholars of democracy have tested the following variables as potentially necessary conditions for the creation and maintenance of democracy: the existence of a state, high levels of cultural homogeneity, high levels of economic prosperity, low levels of economic inequality, and a polity of small or moderate size. On the issue of size, in the most comprehensive statistical analysis to date, Andrew Rose (2006) finds that larger size has a positive and statistically significant effect on democracy as measured by the Polity IV project and also on political rights and civil liberties as measured by Freedom House, but the relationship between size and the Voice Accountability score from the World Bank's Worldwide Governance Indicators is negative though not statistically significant. Koenig-Archibugi cites these and other studies to suggest that global democracy may be unlikely but not impossible.

However, we get a much more pessimistic view about the feasibility of global democracy if we look closely at the *underlying conception of democracy* assumed by these empirical studies. For instance, the Polity IV

index is largely insensitive to the scope of the franchise, which is indicated by the fact that Switzerland scores as fully democratic as early as the 1840s, a 100 years before the enfranchisement of Swiss women! The US is described as fully inclusive as early as 1871, long before the franchise was extended across racial and gender lines. In order for suffrage to count as ‘democratic’, only 20 percent or more of the population need to have been granted the vote (Beckman 2009, 26–27). The normative substance of democracy, discussed above, is much more demanding than is assumed by these studies.

In addition to concerns about the size of the demos and its impact on solidarity and political equality, the affected interests and coercion principles also face a serious problem of *stability*. On these principles, those decisions that will coerce or affect the interests of virtually all of the world’s people require a global demos, but there will be many other cases in which the demos is a local or regional grouping, or a geographically dispersed grouping of people smattered throughout the world. What the affected interests and coercion principles actually require is *different demoi for different decisions*. Who will be affected or coerced by any single decision will vary from decision to decision, and as a result, democratic boundaries are not fixed but constantly changing. These principles require a different constituency of voters for every decision (Whelan 1983, 19). What is radical about these principles is their rejection of *territorial* sovereignty as the basis of fixing democracy’s boundaries in favor of *functional* criteria of inclusion. A new demos is called into being for every new decision.

The problem of stability has both practical and normative dimensions. First, there is the serious practical difficulty of assessing who will have interests affected or who will be coerced by any particular decision. In defense of the affected interests principle, Shapiro suggests that there is some institutional experience in making causal arguments about who is affected in the realm of tort law (1999, 38–39). Domestic courts have developed mechanisms for determining whose claims should be heard and for distinguishing weaker from stronger claims to having been adversely affected by an action. But the task of making such causal determinations will be much more complex in the case of policies that impact people across borders, and harder still if demoi are constantly changing from decision to decision. We would face a serious problem of indeterminacy. In a world in which these principles were in operation, the lion’s share of democratic contestation would likely be devoted to determining who ought to have a say rather than to the policy issues at hand.

The second, normative dimension to the stability problem has to do with the pursuit of political equality, a constitutive condition of democracy. What would political equality among members of episodic, constantly

changing demoi look like? In defending the principle of affected interests, Goodin describes the principle as ‘fundamentally egalitarian’ and suggests that ‘equal political power’ is the ‘cornerstone of democracy’, but he does not elaborate (2007, 50). If he had, he would have had to grapple with the enormous challenges of ensuring political equality among members of a global demos or among members of constantly changing demoi. First, it is hard enough to forge solidarity in support of greater equalization of resources within states; it is much harder on a global scale and would be nearly impossible in the case of constantly changing demoi. To be sure, it is by no means obvious how much economic equality is necessary for democracy, but *ceteris paribus*, the more equal the distribution of wealth and income, the more equal the opportunities for political influence. The fact that existing large states do not do well in this regard is no argument in favor of exacerbating the problem by enlarging the demos. Economic inequality among states is even worse than it is inside many states; domestic regulation is no longer adequate to the task of regulating economic globalization. But it is by no means clear that a global demos is a better vehicle for meeting the demands of global economic justice than a system of territorial states oriented toward global justice.

Second, expanding the demos beyond states will also compound the difficulty of gathering relevant information to understand and speak up on political agendas. In the face of large and indeterminate constituencies, combined with a greater complexity of issues, individuals are less likely to vote in an informed way about transnational issues than they are about issues within their own country. It would be even harder to ensure greater equalization of access to information and knowledge when who gets to have a say changes from decision to decision.

Third, as many democratic theorists since Rousseau have observed, the smaller the association, the higher an individual’s sense of effectiveness and the higher her motivation to participate (Dahl and Tufte 1973). A global demos poses enormous feasibility constraints for the pursuit of political equality. As Dahl puts it, ‘[A]n association large enough to include all the Affected Interests [and we might add, all subject to state coercion] may be so huge that not even a faint approximation to equal participation is possible’ (1970, 121–22). On the scenario where different demoi are required for different decisions, an individual’s sense of effectiveness and motivation to participate is likely to be diminished even more.

The prospects for achieving political equality within a demos defined by state boundaries may be dim; the prospects for achieving political equality within a global demos or within multiple and constantly changing demoi are even dimmer. Solidarity plays an instrumental role in fostering democratic deliberation and support for redistribution, and such solidarity

would be weak to nonexistent among members of a global demos or episodic demoi. If we bring these considerations about political equality and solidarity and their relation to the size and stability of the demos to bear in thinking about the boundary problem, we see reasons to reject the affected interests and coercion principles as the sole or primary basis for fixing democracy's boundaries.

### Why the demos should be bounded by the state

In light of the difficulties with the affected interests and coercion principles, democratic theorists ought to explore alternative answers to the boundary problem. In this final section, I want to offer some democratic considerations for why the demos should be bounded by the territorial state.<sup>18</sup> Political equality is a constitutive condition of democracy, and a stable, bounded demos is necessary for its realization. The modern state demarcates such a stable demos. The boundaries of the demos are already defined according to the boundaries of state membership, but my argument is not that we should favor the status quo because it is the status quo. We have reasons internal to democracy for bounding the demos in this way.

First, it is a historically contingent but morally relevant fact that the modern state is the primary instrument for securing the substantive rights and freedoms constitutive of democracy. Without a state, individuals will disagree about what rights they have and when rights are violated. Even if individuals agree on what rights they have, some people may not respect those rights without a common third-party enforcer. A state system of public law establishes a common view of the rights of individuals, and it has the coercive means to enforce that view. The state also provides institutions for adjudicating conflicts among individuals. In short, the institutions of the modern state serve legislative, executive, and judicial functions necessary for the creation and maintenance of the system of rights.<sup>19</sup> Crucially for my argument, the modern state can meet the demands of political equality: equal rights of political participation and freedom of

<sup>18</sup> For my purposes, following Weber (1978), I define the state as an association that possesses a monopoly on the legitimate use of violence in the enforcement of its order.

<sup>19</sup> Another way of putting the argument is that the state is necessary for establishing *justice* among persons. Christiano makes such an argument about the necessity of justice for democracy and the indispensable role of the state in establishing justice, and from these premises, argues for a democratic theory of territory (2008, 91–97). My argument views *democracy* as an independent ideal and asks what substantive rights and goods are required by the ideal, although I think what I am saying here is consistent with an account, such as Christiano's, which links the demands of justice with the demands of democracy.

conscience and expression, as well as the material conditions that ensure equal opportunities to exercise these rights and liberties.

A second reason for bounding the demos according to the boundaries of the territorial state has to do with solidarity. The state is not simply an instrument of decision-making or a means of securing rights; it has also become the site of solidarity and trust, which motivates participation. Democratic participation and mobilization do not happen in a vacuum, but in relation to a rich network of institutions. Trust plays an important role here. As Charles Tilly (2007, 74) argues, trust ‘consists of placing valued outcomes at risk to others’ malfeasance, mistakes, or failures’. Trust relationships are those in which people regularly take such risks. Trust is more likely among citizens who come together within a stable infrastructure of state institutions and who share a sense of solidarity, rooted in a shared political culture, than among individuals who are constantly banding and disbanding in episodic *demos*. To the degree that individuals integrate their trust networks into political institutions, the greater the stake people have in the successful functioning of those institutions. As Tilly (2007, 74) puts it, individuals ‘acquire an unbreakable interest in the performance of government. The political stakes matter’. This is much less likely to be the case in a global *demos* or *demos* that change from decision to decision.

Third, trust and solidarity are important not only for motivating citizens to political participation but also in connecting citizens with political representatives. Democratic representatives must be accountable to a specified *demos*. As Seyla Benhabib (2004, 219) has argued, ‘Democratic laws require closure precisely because democratic representation must be accountable to a specific people’. The system of territorial representation ensures that political representatives know in advance *to whom* they are accountable. If *demos* are constantly forming and disbanding from decision to decision in accordance with the affected interests or coercion principles, it would be very difficult if not impossible for representatives to know on whose behalf they are acting. Territorial representatives know they are acting on behalf of the citizens of their state, and the solidarity based on a common political culture within a state is likely to make representatives more attentive to their constituents than if the constituents were all of humanity or a constantly changing group of individuals.<sup>20</sup>

Together, these considerations provide a *prima facie* case for a territorial answer to the boundary problem. The *demos* should be bounded by the state because the state secures the substantive conditions of democracy, serves as

<sup>20</sup> On the limits of empathy and the difference that size makes, see, Dahl (2006, 42–44, 59–63).

the primary site of solidarity conducive to democratic participation, and establishes clear links between representatives and their constituents.<sup>21</sup>

### **Why not a global demos constituted by a world state**

One might accept my argument about the necessity of the state for securing the substantive conditions of democracy, but nonetheless reject my contention that the demos should be spatially bounded by the modern system of territorial states. Why not consider another state-based answer to the boundary problem in democratic theory: a global demos constituted by a world state?<sup>22</sup> In other words, one might reject the implication of the affected interests and coercion principles, which, on one interpretation, call for constantly changing demoi from issue to issue and instead defend a global demos bounded by a world state. This world state solution seems to offer a third way between an approach derived from the affected interests and coercion principles, on the one hand, and an approach based on the territorial state, on the other. Like the territorial state, a world state would eliminate the problem of indeterminacy and could secure the substantive conditions of democracy discussed above, but like the affected interests and coercion principles, it would give real voice to those outside a state's territorial boundaries in decision-making that impacts their lives.

Before evaluating the world state solution, it is important to get clear what it might entail. As Alexander Wendt has argued, it need not be the modern territorial state writ large; it could be much more decentralized. There could be significant autonomy granted to local, national, and regional institutions, governed by a principle of subsidiarity. A world state need not have a single UN army; so long as there were a structure for determining and enforcing a collective response to threats, a world state could be consistent with the continuing existence of national armies. Finally, a world state is not synonymous with a world 'government' or unitary body whose decision-making is final. There could be many decision-making units held accountable by 'broad deliberation in a "strong" public sphere' (Wendt 2003, 506).

The world state solution is normatively undesirable, for at least three reasons.<sup>23</sup> The first is Kant's well-known objection that a world state

<sup>21</sup> This is not to deny that there may be good arguments for altering existing state boundaries, including rectification of historical injustice or responding to the problem of persistent minorities. See Christiano (2008, 99–100).

<sup>22</sup> I thank the Editors of this journal for pressing me to address this challenge.

<sup>23</sup> My aim here is not to contest the empirical claim of the inevitability of the world state, for which Wendt argues (2003). Drawing on Aristotle and Hegel, Wendt offers a teleological

would lead to global tyranny. A federal union of free and independent states, Kant argues, is 'to be preferred to an amalgamation of the separate nations under a single power which has overruled the rest and created a universal monarchy. For the laws progressively lose their impact as the government increases its range, and a soulless despotism, after crushing the germs of goodness, will finally lapse into anarchy' ([1795] 1991, 113). Following Kant, Rawls contends that 'a world government – by which I mean a unified political regime with the legal powers normally exercised by central governments – would either be a global despotism or else would rule over a fragile empire torn by frequent civil strife as various regions and peoples tried to gain their political freedom and autonomy' (1999, 36). A single world state is more vulnerable to corruption, and the consequences of such corruption would be proportionally worse, given the increased means of coercion available.

A second normative objection to the world state solution has to do with social and cultural pluralism. A world state may be so powerful and pervasive as to enforce homogeneity on peoples across the world. Motivated by this concern, Walzer defends 'sovereign statehood' as 'a way of protecting distinct historical cultures, sometimes national, sometimes ethnic/religious in character'; some cultures and religions 'can only survive if they are permitted degrees of separation that are incompatible with globalism' (2004, 172, 176; see also 1983, 39).

A third objection to the world state solution stems from the normative requirements of democracy, which I have emphasized in this paper. Concerns about the size of the demos and its impact on the realization of political equality might loom large in the current system of territorial states, but they would loom much larger under a world state. As Dahl and others have emphasized, the larger the demos, the greater the dilution of voice for its members (Dahl 1970; Dahl and Tufte 1973). To be sure, large democratic states, such as India, also face this dilemma of size and political equality. But the world state encompassing all of humanity would suffer from the greatest 'democratic deficit' of all (Wolf 1999). Communications

account of the move from an anarchic system of territorial states to a world state, arguing that 'the struggle for recognition between states will have the same outcome as that between individuals, collective identity formation and eventually a [world] state' (493). At least one fundamental change to the current system of territorial states that would be required before a world state is possible is the emergence of, in Wendt's words, 'universal supranational authority – a procedure for making binding and legitimate decisions about the exercise of this common power...[which] would require territorial states to surrender sovereignty to a global subjectivity in the security domain' (505). I do not have the space to pursue these arguments here, but I will simply note my skepticism about the Great Powers relinquishing their sovereignty on security or other matters.

technology and systems of representative democracy can mitigate some of the worries, as they have within large territorial states. But the sheer size of the global demos, as well as the staggering diversity of languages, religions, and cultures in the world, makes it much more challenging to meet the conditions of democracy I discussed above. The problem with a world state is that, if it is undemocratic, it would fail to solve the global power asymmetries that motivate many defenders of the world state in the first place.<sup>24</sup> A world state may well be counterproductive in that as it seems more likely to serve as a means for a global hegemon to more effectively project its power. Existing forms of unaccountable violence might be clothed in a legitimizing discourse that relabels them as ‘police’ actions. For democratic theorists, everything hinges on whether a world state could achieve democratic legitimacy. We should not be cavalier in dismissing concerns about the democratic deficit facing global institutions.

### Implications

If we take seriously the demands of political equality at the core of democracy, we see *democratic* reasons for defining democracy’s boundaries according to the territorial boundaries of states. One key implication of my argument is that the modern territorial state is a normatively desirable – and not simply the *de facto* – basis for defining democracy’s boundaries. Because of the territorial state’s role in securing the basic conditions of democracy, territorial boundaries should have priority in defining the boundaries of democracy. In other words, there are democratic reasons for keeping the modern state at the center of democratic thought.

To be clear, my aim is not to advocate a wholesale rejection of the affected interests and coercion principles. As many democratic theorists and international relations theorists have emphasized, globalization challenges key assumptions of much canonical democratic theory – in particular, the assumption of a ‘symmetry’ or ‘congruence’ between political ‘decision-makers’ and ‘decision-takers’ (Held 1995, 16). It is precisely such global power asymmetries that have motivated theorists to turn to the affected interests and coercion principles in the first place. I share these concerns, but my aim in this paper has been to show that implementing the affected interests or coercion principle may come at a serious cost to democracy. Defining the demos in a way that radically

<sup>24</sup> It is telling that one of Wendt’s responses to the challenges of realizing democracy on a global scale is to diminish the importance of democracy as a basis of political legitimacy: ‘[T]he real lesson of modern states is that democracy is not the only basis of political legitimacy’ (2003, 526).

expands it to include the world, or episodically defining it from decision to decision, is in serious tension with meeting the substantive conditions of democracy.

An approach that treats the affected interests and coercion principles as *supplementary* principles for adjusting the boundaries of the demos may be consistent with a territorial approach to the boundary problem. For instance, the affected interests and coercion principles call for enfranchising noncitizens who are present within the territory of a state (Song 2009), but on the argument advanced in this paper, we cannot rely on these principles alone in addressing the boundary problem. The conditions of democracy must be brought to bear in addressing the boundary problem. The implication for the issue of noncitizen voting rights or ‘alien suffrage’ is that such expansion of the franchise would have to be consistent with meeting the demands of political equality for existing citizens.

Another implication of the territorial approach is that it provides democratic reasons for being wary of some forms of transnational or global democracy. Consider the vision of nested decision-making units envisioned by Dahl and Tufte (1973, 28) in their analysis of the relationship between size and democracy: ‘we must learn to conceive of democracy spreading through a set of interrelated political systems, sometimes though not always arranged like Chinese boxes, the smaller nesting in the larger...none of which is sovereign.’ More recent articulations of ‘cosmopolitan democracy’ (Held 1995), ‘global stakeholder democracy’ (Macdonald 2008), and ‘world federalism’ (Marchetti 2008) also seek to dislodge the territorial state as the centerpiece of democratic thought. Proponents of world federalism envision a scheme in which authority is shifted ‘upwards’ to larger, more encompassing decision-making units or ‘downwards’ to more local units on the basis of affected interests. These theories do not fully appreciate the historically contingent but morally relevant role of the modern state in securing the basic conditions of democracy. Governmental cooperation between democratic states on cross-border issues and confederal arrangements in which each participating unit accepts the authority of the confederal structure in the areas of the latter’s agreed legal competence are more consistent with the territorial approach defended in this paper.

One might object that the modern system of territorial states fails to address global power asymmetries and falls short of giving voice to those outsiders affected or coerced by the policies of the world’s most powerful states. It is precisely this concern for ‘negative externalities’ of state policies that has led proponents of the affected interests and coercion principles to go beyond a territorial approach. There are different institutional mechanisms that might be offered in response to this important

objection. First, rather than enlarging the demos to include all affected or coerced, one response is for states to engage in mutual self-limitation through regional or international treaties in order to minimize impact on outsiders. States have already signed onto international treaties to constrain military action. It is an open question whether such arrangements can or will be fairly made and enforced under existing systems of international law and whether mutual self-limitation would really address concerns about negative externalities in areas such as economic policy, but such mutual self-limitation agreements remain one way to address concerns about asymmetry between decision-takers and decision-makers.

A second response to policy externalities is to give some representation to outsiders affected or coerced by a state's policies but without extending *equal* rights of participation called for by the affected interests or coercion principles. One example is Philippe Schmitter's proposed scheme of 'reciprocal representation' (1997) in which two states accord each other a number of seats in their respective national legislatures with the right to speak and possibly also the right to vote on certain issues. This might involve, for instance, British parliamentarians having seats and voting rights on relevant issues in the French national assembly and vice versa with the aim of addressing an array of actual and potential cross-border issues. Another institutional mechanism is David Miller's proposal of 'external representation' (2009), whereby the representatives of state X are given a voice but not a vote in the legislature of state Y whose decisions coerce or affect the citizens of state X. External representatives may have some sway where the majority in state Y is uninformed or genuinely ambivalent, especially if public sentiment can be marshaled to play into reputational concerns. A danger of these forms of external representation is tokenism on the part of the more powerful states, but they would be a first step toward recognizing the need for cooperation among states in addressing cross-border issues.<sup>25</sup>

<sup>25</sup> In contrast to Schmitter and Miller, Koenig-Archibugi's conception of 'fuzzy citizenship' is explicitly grounded in the principle of affected interests and aims to provide 'a more extensive and intensive form of external representation' to affected outsiders (2011, 4). 'Fuzzy citizenship' runs together the affected interests and coercion principles by assuming that those 'directly subjected to the coercion-backed authority of a state (generally because they reside within the jurisdictional boundaries of that state)' are more significantly affected than 'those that are affected by its decisions in other ways' (2011, 13–14). But this is a dubious empirical assumption, as many proponents of the affected interests and coercion principles have argued. With this assumption, Koenig-Archibugi diminishes the radically inclusionary implications of the affected interests principle and defines the scope of the affected interests principle according to the territorial boundaries of states. If this is true, then the conception of fuzzy citizenship is more consistent with the territorial approach advanced in this paper than the proposals for global democracy discussed above.

A third institutional mechanism for dealing with cross-border issues is the transnational deliberative forum. The transnational deliberative forum would involve bringing together a randomly selected sample of citizens from different countries impacted by some cross-border issue to deliberate and learn about the reasons of others affected/coerced by the policies in question (Saward 2000, 40). For example, groups of citizens from the US and Mexico could be convened to deliberate about migration and trade issues and recommend policy solutions in light of their deliberation. Deliberative forums could be organized on a range of cross-border issues. At the very least, they could help forge a community of fate to consider common interests with respect to a particular issue. At best, the views that emerge from cross-border deliberation can be taken as the informed view of the relevant populations. The transnational deliberative forum, as well as forms of external representation, would fall short of fully satisfying the affected interests and coercion principles because they would not entail extending full rights of participation to foreigners affected by or subjected to a state's policies, but they are responsive to concerns about cross-border impacts of state policies and may go some way toward shaping domestic agendas.

Each of these institutional schemes presupposes and builds upon a system of territorial states rather than presupposing or wishing for its 'withering away'. This paper has offered normative and practical considerations in defense of this system – in terms of the historically contingent but morally relevant role of the territorial state in securing the conditions of democracy.

## Conclusion

By considering the constitutive and instrumental conditions of democracy, my aim has been to cast doubt on the affected interests and coercion principles as the sole or primary basis for fixing democracy's boundaries and to offer a democratic argument in favor of a territorial answer to the boundary problem. In contrast to those who defend a territorial solution in virtue of the state's role in preserving a particular communal or national identity (Walzer 1983), my aim has been to offer reasons internal to democracy for why the demos should be bounded by the territorial state. If we take seriously the concerns about political equality and solidarity raised in this paper, we see democratic reasons for defining democracy's boundaries according to the territorial boundaries of states. Rather than asking, 'How can we expand the demos beyond the nation and beyond the state to include all affected by or all subjected to a state's policy?' democratic theorists should be asking, 'How can policy externalities be fairly addressed without jeopardizing the constitutive and instrumental conditions of democracy?'

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