

Finding a Fundamental Principle of Democratic Inclusion: Related, not Affected or Subjected

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Abstract: The question of who should be included in democratic decision-making is known as the boundary problem in democratic theory. I identify two requirements that a satisfactory solution to the boundary problem must satisfy, i.e., the Considered Judgment Requirement and the Value Requirement. I argue that the two most prominent solutions to the boundary problem—the all-affected principle and the all-subjected principle—fail to satisfy these requirements. Instead, I propose an equal relations principle and show that it satisfies the requirements. It turns out that relatedness, and not affectedness or subjectedness, is what fundamentally explains who should be included.

Keywords: the boundary problem; the all-affected principle; the all-subjected principle; relations

I. Introduction

Who should be included in democratic decision-making? Known as the boundary problem in democratic theory (Miller 2009; Whelan 1983),¹ this question has received much attention in recent decades (e.g., Andrić 2017; 2021; Arrhenius 2005; Beckman 2009; Goodin 2007; 2016; López-Guerra 2005; 2014; Miller 2009; Näsström 2011; Saunders 2011; Song 2012). It is an important question since how we compose the demos arguably affects which decisions will ultimately be taken. For instance, if we were to include children in deciding on climate policy, it would likely result in a different decision than if they were excluded. The same goes for future generations. Moreover, if a democratic decision is made by the wrong set of people, it lacks legitimacy. Thus, solving the boundary problem is highly important.

¹ It has also been referred to as the problem of constituting the demos (Goodin 2007: 40) and the problem of inclusion (Dahl 1989: 119). Strictly speaking, I have formulated it merely as a question, so one might wonder why it is a problem. The fact that it is referred to as the boundary problem refers, at least partly, to the fact that it has been argued that it is difficult to find a satisfactory answer to the question. One way of illustrating this is as follows. We might suppose that the question of who should be included should itself be decided through a democratic vote. However, this gives rise to the higher-order question of who should be included in making that decision, etc. (Lippert-Rasmussen and Bengtson 2021: 1021-1022). Indeed, this has led some to conclude that the boundary problem cannot be solved (see, e.g., Abizadeh 2008: 45-46; Nili 2017: 99-100).

What should we expect of a satisfactory solution to the boundary problem? This is often unclear in discussions on the boundary problem.² I will argue that a satisfactory solution must at least satisfy two requirements: (i) the pattern of inclusion and exclusion that the principle of inclusion entails must fit our considered moral judgments; (ii) it must be able to account for the fact that democracy is valuable in the sense of requiring inclusion and not merely, say, consideration of interests and in preferring some degree of inclusion to universal exclusion. These requirements reflect that I am looking for a fundamental principle of democratic inclusion. We may distinguish a fundamental principle from a rule of regulation. As Cohen (2008: 21) explains, fundamental principles “express our deepest moral commitments” whereas we use rules of regulation to “regulate our affairs” to achieve the goals specified by the fundamental principle(s). I am not looking for a derivative principle of democratic inclusion—a rule of regulation—but a fundamental principle of democratic inclusion.³ What we should expect from a fundamental principle of democratic inclusion is different from what we should expect of a derivative principle of democratic inclusion, and the requirements account for this fact. However, the paper is also relevant to discussions of what is the most plausible derivative principle of democratic inclusion since to settle what is the best proxy, we need to know for what it must be a proxy.

As we will see, the two most prominent solutions to the boundary problem—the all-affected principle and the all-subjected principle—fail to satisfy the requirements. This means, surprisingly, that they both fail as fundamental principles of inclusion, and thus that we need a different principle

² An exception is Miller (2009), but he is not looking for a fundamental principle of democratic inclusion: “My question has been whether democratic theory itself can give us an answer to the question of democracy’s domain, and my answer to it is that we must strike a balance between the need to have a demos that functions well internally and the need to include within the demos those whose lives will be systematically impacted by its decisions” (Miller 2009: 226). Another exception is Andrić (2017), but he is concerned with only one of the requirements which I propose.

³ This is an assumption on my part because I want to explore *whether* we can find a fundamental principle of democratic inclusion. Perhaps we cannot. If democracy is merely instrumentally valuable, perhaps we should not expect that the principle of inclusion will be anything other than a rule of regulation. But we cannot know whether this is the case until we have investigated whether a fundamental principle can be found. In that sense, this paper should also be of interest to those who believe that we should expect nothing more than a rule of regulation.

to solve the boundary problem. I present, instead, an equal relations principle. To the question of who should be included in democratic decision-making, this principle answers: those who are socially related in the relevant way. I will argue that this principle satisfies the two requirements and thus that it is a convincing solution to the boundary problem.

The article proceeds as follows. In the next section (Section II), I shortly introduce the boundary problem and then I present and justify the requirements that a fundamental principle of democratic inclusion must satisfy. In Section III, I analyze the all-affected principle and the all-subjected principle and argue that they fail to satisfy the requirements. Presenting the equal relations principle in Section IV, I argue that it satisfies the requirements and thus presents a satisfactory solution to the boundary problem. In Section V, I tentatively conclude that relatedness, and not affectedness or subjectedness, is what fundamentally determines who should be included in democratic decision-making.

II. The boundary problem and two requirements of a satisfactory solution

The question of who should be included in democratic decision-making is known as the boundary problem in democratic theory (Miller 2009; Whelan 1983). Dahl observed in 1970 that “how to decide who legitimately make up the people ... is a problem almost totally neglected by all the great political philosophers who write about democracy” (Dahl 1970: 60). That was surprising because the question is important for several reasons. First, who is included in democratic decision-making ultimately matters for which decisions will be taken. Suppose a polity is to decide, by democratic means, on a climate policy. Compare the situation in which children are given a say on this question to one in which they are not. Presumably, different policies would be chosen in these cases. One composition of the demos will lead to a different decision than another composition. Second, without a convincing solution to the boundary problem, we may commit fundamental democratic injustices in the sense of

excluding people who have a rightful claim to inclusion (Bengtson 2020).⁴ Thus, solving the boundary problem is highly important.

What should we expect of a satisfactory solution to the boundary problem? This is often left unspecified in discussions on the boundary problem. I contend that a satisfactory solution must satisfy two requirements. The first is what I will refer to as the *Considered Judgment Requirement* which says that the pattern of inclusion and exclusion that the principle of inclusion entails must fit our considered moral judgments. This requirement expresses that, in finding a solution, we employ the method most common in political philosophy, reflective equilibrium. The aim when using reflective equilibrium is to end up with a coherent system in which moral principles and considered moral judgments are in accordance with each other. A considered moral judgment is one formed under favourable conditions, conditions under which one is not influenced by feelings such as anger, jealousy or fear (Rawls 1999: 21). By working back and forth between moral principles and considered moral judgments, we try to find a coherence between them that in the end justifies the normative claims, including the moral principle. For a fundamental principle of democratic inclusion to be justified, it must be in accordance with our considered moral judgments of who should be included in, and excluded from, democratic decision-making.

To exemplify the *Considered Judgment Requirement*, I take it to be a considered moral judgment that a principle of democratic inclusion should not lead to exclusion of persons from a minority group, e.g., a religious minority group, within the community. Suppose that a utilitarian principle of democratic inclusion—include only those in democratic decision-making whose inclusion would maximize utility—implied that persons from a minority group should be excluded, because majority

⁴ Note that there is a difference between saying “x should be included” and “x has a right to inclusion.” One can ask the question of who should be included without assuming that anyone has a rightful claim to inclusion (that may be the case for utilitarians).

members dislike this minority and do not want them to be included. This utilitarian principle of democratic inclusion would not be in accordance with our considered moral judgment that persons from a minority group in the community should be included in democratic decision-making.⁵ For this reason, the utilitarian principle would fail to satisfy the *Considered Judgment Requirement*. Failing this requirement, it would not be a satisfactory solution to the boundary problem.⁶

The second requirement is what I will refer to as the *Value Requirement*. It consists of two parts. The first part specifies that the realization of the value underlying the principle of inclusion must require democratic inclusion, and not merely, say, consideration of interests (cp. Saunders 2011). Suppose that the all-affected principle is the fundamental principle of inclusion and the underlying value explaining why affected individuals must be included is fairness. In order to satisfy the first part of the *Value Requirement*, fairness must not be satisfied merely by taking into account the interests of affected individuals. If that were the case, the all-affected principle, after all, would be unable to justify democratic inclusion of affected individuals, and that would be a problem given that we are looking for a principle of democratic inclusion.

The second part of the *Value Requirement* captures that a satisfactory solution must acknowledge that democracy is valuable. Satisfying this part requires that the value in inclusion cannot be equally, or better, satisfied by excluding everyone who satisfies x ⁷ from democratic decision-making than by including a given individual who satisfies x in democratic decision-making. Suppose

⁵ To fully employ the method of reflective equilibrium at play in the *Considered Judgment Requirement*, we would have to work back and forth between the considered judgment that persons from a minority group should be included and the utilitarian principle that we should include only those whose inclusion would maximize utility. But my remarks hopefully illustrate the idea behind the *Considered Judgment Requirement*.

⁶ Note that this requirement is usually assumed in discussions of the boundary problem, e.g. the all-affected principle has been criticized because it entails inclusion of future people, but that conflicts with a considered moral judgment that future people should not be included in democratic decision-making (Saunders 2011; see also Andrić 2017).

⁷ For instance, x could refer to having affected interests or being subjected to coercion.

again that the all-affected principle is the principle of inclusion and that its underlying value is fairness. The problem in this case is that fairness is a comparative notion. As Broome (1991: 95) explains, fairness “is concerned only with how well each person’s claim is satisfied *compared with* how well other people’s claims are satisfied ... if all the candidates get the same quantity of the good, then fairness has been perfectly achieved, even if they get very little, or indeed none at all.” That fairness may be achieved by giving each person none of the good at all is a problem in this context because it entails that the value underlying the principle of exclusion, fairness, can be equally satisfied by excluding every affected individual than by including a given affected individual (Bengtson and Lippert-Rasmussen 2021: 589-593). The principle of democratic inclusion would be indifferent between these two cases, and that is implausible because a fundamental principle of democratic inclusion should be able to account for the fact that democracy is valuable and more valuable than non-democracy.⁸

Why focus on values, one may ask. In addition to the reason that we find democracy valuable and that our principle of inclusion must account for this fact, as explained, the reason is that in discussions on the boundary problem, it has been convincingly argued that we must find a solution to the boundary problem by appealing to the value of democracy (López-Guerra 2005: 221; Miller 2009; Song 2012). That is, what makes democracy valuable in the first place provides an answer to who

⁸ One may note that the *Considered Judgment Requirement* and the *Value Requirement* are quite different. Whereas the latter is a substantive requirement, the former is not. In fact, one might think that to the extent that the *Value Requirement* is justified then it is so because of it surviving the sort of critical reflection that reflective equilibrium involves and, in that sense, is already included in the *Considered Judgment* requirement. Assuming this is true, is such heterogeneity not a problem? First, the first part of the *Value Requirement* is more a matter of logic than reflective equilibrium: it is simply that a principle of democratic inclusion must in fact be able to justify democratic inclusion (as opposed to, for example, consideration of interests). So in that sense, there is a difference between the two requirements. Second, I take it that such heterogeneity would be a problem inasmuch as it would render the *Value Requirement* superfluous in the sense that it would be captured, both structurally and substantially, by the *Considered Judgment Requirement*. In that case, the *Considered Judgment Requirement* would suffice, and we could discard the *Value Requirement*. But it is in fact not the case that the *Value Requirement* is superfluous in this sense. First, as mentioned above, the first part of the *Value Requirement* is a logical requirement and is thus different from the reflective equilibrium basis of the *Considered Judgment Requirement*. Second, my analysis of the all-subjected principle will show, if we assume that dead people qua dead people are not subject to institutions enforcing the law, that an inclusion principle may satisfy the *Considered Judgment Requirement* but not the *Value Requirement*.

should be included in democratic decision-making. As Miller (2009: 204) explains, “[T]he domain problem [the boundary problem] cannot be solved by appeal to democratic procedure. But this does not mean that it cannot be solved by appeal to democratic theory, understood to mean the underlying values, such as political equality, that justify procedures like majority voting.” Thus, the *Value Requirement* is included partly because a satisfactory solution to the boundary problem must be value-based, partly because it accounts for the fact that we do indeed find democracy valuable and that the principle of inclusion must acknowledge this fact.

We have now seen two requirements that a satisfactory solution to the boundary problem must satisfy. The *Considered Judgment Requirement* says that the pattern of inclusion and exclusion that the principle of inclusion entails must fit our considered moral judgments. The *Value Requirement* says that (i) the realization of the value underlying the principle of democratic inclusion must require democratic inclusion and not only, say, consideration of interests; and (ii) the principle of democratic inclusion must give preference to democracy in the sense that the value in democratic inclusion cannot be equally, or better, satisfied by excluding everyone who satisfies x than by including a given individual who satisfies x.

These requirements reflect, as explained earlier, that I am looking for a fundamental principle of democratic inclusion and not merely a rule of regulation on which the reason for inclusion is merely a proxy for that which is the actual reason for inclusion. Thus, for a fundamental principle of democratic inclusion to provide a satisfactory solution to the boundary problem, it must satisfy the *Considered Judgment Requirement* and the *Value Requirement*. These requirements will structure the discussion going forward.

III. Analysing the all-affected principle and the all-subjected principle

In this section, I apply the requirements identified in the previous section by analyzing the two most prominent solutions to the boundary problem, i.e., the all-affected principle and the all-subjected principle. As we will see, these principles, surprisingly, fail to satisfy the requirements that a satisfactory solution to the boundary problem must satisfy.

III.A The all-affected principle

The all-affected principle at its core says that those affected by a given (collective) decision ought to be included in the making of that decision (Dahl 1970; Goodin 2007). Obviously, this formulation is underspecified. For instance, what does it mean to be affected? It is usually assumed that being affected is to have one's interests influenced by a given decision (Arrhenius 2005; Goodin 2007). I will assume so as well.⁹ There is also a question of whether one must be *actually* affected or whether it suffices that one is *possibly* affected (Goodin 2007; Owen 2012). It does not make a difference to the arguments I will make in this section whether one must be actually affected or whether it suffices that one is possibly affected. Thus, I will assume a version of the all-affected principle according to which to have a claim to inclusion, one must be actually affected by a decision, where that is to be affected by a choice between a range of options and not only to be affected by an outcome (Owen 2012: 132).¹⁰

⁹ Perhaps one could find another understanding of affectedness. If so, it may be that the criticism that follows of the all-affected principle would not apply to this understanding. I cannot completely rule out this possibility, but let me note, first, that to have one's interests affected is widely accepted to be the relevant understanding of affectedness. And this understanding is what many proponents of the all-affected principle have used to argue in favor of the principle, e.g., because it entails that there should be global democracy and that future people should be included. Second, for another understanding to be viable, it must be distinguishable from subjectedness, lest the all-affected principle turns into the all-subjected principle. And I doubt that such an understanding would satisfy both the *Considered Judgment Requirement* and the *Value Requirement*, given that the current understanding does not.

¹⁰ As Owen (2012: 132) explains, we may distinguish between a choice and an outcome version of the all actually affected interests principle. Whereas the former says that "all whose interests are actually affected by a choice between a range of options should have their interests taken into account in the determination of the option chosen", the latter says that all whose interests are actually affected by an outcome should have their interests taken into account in the determination of that outcome." Suppose a polity is to decide between policy X, Y, Z and W and that they choose Z. According to the outcome version, only those affected by Z are actually affected. According to the choice version, on the other hand, those affected by X, Y, Z or W are actually affected. I agree with Owen that the outcome version is implausible.

Why should affected individuals be included in democratic decision-making? This question is important because depending on the reason underlying the principle that explains why affected individuals must be included, the all-affected principle may be understood either as a fundamental principle of democratic inclusion or as a rule of regulation (cp. Cohen 2008). Utilitarianism has been taken to underlie the all-affected principle such that the reason affected individuals should be included is that utility is maximized if and only if affected individuals are included (Bauböck 2018: 48; Whelan 1983: 17-18; cp. Andric 2017).¹¹ Clearly, assuming this understanding of the all-affected principle, the all-affected principle is not a fundamental principle of democratic inclusion—only the principle of utility is fundamental on utilitarianism. Instead, the all-affected principle must be understood as a rule of regulation on this understanding (Bengtson and Lippert-Rasmussen 2021: 574). However, remember, as I explained in the introduction, that we are looking for a fundamental principle of democratic inclusion. This means that we cannot use this utilitarian understanding of the all-affected principle.

The most plausible reason put forward in the literature for why affected individuals must be included, where the all-affected principle is understood as a fundamental principle of democratic inclusion, is that affected individuals must be included because they should be given an opportunity to protect their interests.^{12,13} According to this, an individual is entitled to an opportunity to protect her interests, and if she is affected by a democratic decision, she has the opportunity to protect her interests only if she is given a say on this decision (Bengtson and Lippert-Rasmussen 2021: 575; Goodin 2007: 50; Miller 2009: 216; Whelan 1983: 17). There is, as it were, a non-contingent relationship

¹¹ To exemplify, consider the following remarks by Bauböck (2018: 48): “AAI [the all-affected principle] is rooted in utilitarian and public choice views of democracy according to which its legitimacy and advantage over alternative forms of political rule lie in its capacity to maximize the satisfaction of political preferences and to resolve collective action dilemmas in the production of public goods.”

¹² An alternative would be self-government but we will turn to this value when discussing the all-subjected principle (since it is more fitting in that case).

¹³ See footnote 4.

between opportunity for interest protection and democratic inclusion when affected. Thus, let us now analyze whether the all-affected principle on this opportunity for interest protection understanding satisfies the requirements that a solution to the boundary problem must satisfy.

Let us begin with the *Considered Judgment Requirement* according to which the pattern of inclusion and exclusion that the principle of inclusion entails must fit our considered moral judgments. There is a lot of disagreement in the literature as to whether future people should be included in democratic decision-making. Some people believe they should, and that it speaks in favor of the all-affected principle that it entails inclusion of future people, while others believe that they should not, and that it speaks against the all-affected principle that it entails inclusion of future people (e.g., Beckman 2008; Goodin 2007; Saunders 2011). Given these disagreements, I think it would be wrong to say either that it is a considered moral judgment that future people should be included, or that it is a considered moral judgment that future people should not be included. However, that is not the case when it comes to dead people. No one argues that dead people should be included in democratic decision-making. Indeed, those who consider the question take it to be a *reductio* of a principle of inclusion that it entails inclusion of dead people (Saunders 2011: 296, n. 19; cp. Anderson 1999: 313; Bengtson 2020).¹⁴ That is to say, we may take it to be a considered moral judgment that dead people should not be included in democratic decision-making. Any principle of inclusion that entails inclusion of dead people would therefore fail to satisfy the *Considered Judgment Requirement*. This raises a problem for the all-affected principle because it entails that dead people should be included.

As Bengtson (2020: 93) argues, consider the case of Steve Jobs, co-founder of Apple, who died in 2011. Three years later, Steve Jobs had 458 patents, but 141 of these patents were awarded to him

¹⁴ Note that this does not necessarily imply that living people, when making decisions democratically, may rightfully ignore the interests of dead people. This is because there is a difference between inclusion and consideration of interests. Even though it is absurd to say that dead people should be included, one may still argue that dead people should have their interests taken into account by contemporary people when the latter make decisions (cp. Saunders 2011: 286).

posthumously. By being granted these patents posthumously, Steve Jobs was legally affected, where someone is legally affected “to a body of laws if and only if that body of laws materially affects him in any way” (Goodin 2016: 370). In this case, he was materially affected because he was given the power to establish legal relationships (the patents) by a power-conferring law in the same way that one is affected when given the power to establish a marriage (Beckman 2014: 256). Suppose that afterwards, the polity were to vote on whether it should be possible to be awarded patents posthumously. In that case, Steve Jobs would be actually affected and should be included in making the decision because otherwise he would not be given an opportunity to protect his interests. And since he is dead, the all-affected principle entails inclusion of (some) dead people (Bengtson 2020: 93). Thus, the all-affected principle fails to satisfy the *Considered Judgment Requirement*.¹⁵

What about the *Value Requirement*, i.e., that (i) the realization of the value underlying the principle of democratic inclusion must require democratic inclusion and not only, say, consideration of interests; and (ii) the principle of democratic inclusion must account for the fact that we find democracy valuable in the sense that the value in democratic inclusion cannot be equally, or better, satisfied by excluding everyone who satisfies x than by including a given individual who satisfies x? As explained, the value in this case is to be given the opportunity to protect one’s interests. Suppose an individual, X, is affected by a decision made by polity Y. There are 40 million members of polity Y.

¹⁵ Why not reject the considered judgment that dead people should not be included in democratic decision-making instead of rejecting the all-affected principle? That is a possibility, but whether we should do so depends on several factors: the strength of our considered judgment that dead people should not be included; whether there is an alternative principle which avoids inclusion of dead people; the plausibility of the all-affected principle in other respects. If our belief in the judgment that dead people should not be included is not particularly strong, if there is no alternative principle which avoids inclusion of dead people, and if the all-affected principle is highly plausible in (all) other respects, that would speak in favor of rejecting the judgment that dead people should not be included instead of rejecting the all-affected principle. However, I believe that our belief that dead people should not be included is particularly strong; there is, as we will see, an alternative principle which does not entail inclusion of dead people; and, as we will see in the rest of this section, the all-affected principle is not plausible in other respects: it fails to satisfy the *Value Requirement*. Thus, I take it that there is more reason to reject the all-affected principle than to reject the considered judgment that dead people should not be included.

Including X in the democratic decision-making of polity Y does not really seem to give X an opportunity to protect her interests (cp. Fowler 2014: 99; Frazer 2014: 387). Suppose that X is a member of a permanent minority group who is always outvoted by the majority group. Compare this to a situation in which we decide to exclude everyone such that there is no collective decision-making at all. It seems that X's opportunity to protect her interests is at least as good if we exclude everyone from democratic decision-making as if we include X in the democratic decision-making in polity Y (in the former case, she can make decisions to protect her interests without needing other people to vote in favour of this option).¹⁶ This means that the all-affected principle fails to satisfy (ii) in the *Value Requirement*—it is not able to consistently capture the value that we find in democracy since it does not prefer inclusion to exclusion.

This also speaks to (i). If democratic inclusion does not give her an opportunity to protect her interests, it is not necessarily the case that realizing the value underlying the principle requires democratic inclusion. If neither her inclusion nor that others take her interests into account when making decisions grant her an opportunity to protect her interests, the all-affected principle cannot explain, qua focusing on the opportunity for interest protection, why we should prefer the former to the latter. And even if it could, it would still fail to satisfy (ii). The upshot is that the all-affected principle fails to satisfy the *Value Requirement*.

We can conclude that the all-affected principle, at least assuming the standard version of the all-affected principle, is not a satisfactory fundamental principle of democratic inclusion—and thus not a satisfactory solution to the boundary problem—because it fails to satisfy the *Considered Judgment Requirement* and the *Value Requirement*.

¹⁶ Of course, that is not true of the collective but we are investigating why individuals have a right to inclusion, and a collectivist focus does not suffice in that case since the collective will remain able to protect its interests even if a given individual is not included.

III.B The all-subjected principle

The most popular alternative to the all-affected principle is the all-subjected principle (Abizadeh 2012: 878; Beckman 2008: 351; Dahl 1989: 122; Erman 2014: 539; López-Guerra 2005: 222). Whereas the all-affected principle says that those affected by a given (collective) decision ought to be included in the making of that decision, the all-subjected principle says that those subjected to a given (collective) decision ought to be included in the making of that decision (Goodin 2007: 49). These principles differ since a person may be subjected to a decision without being affected by that decision (in a way that matters for the all-affected principle), e.g. a person who does not own a car may be subject to parking codes (Frazer 2014: 387). A person may also be affected by a decision without being subjected to it, e.g. a person who lives in a state that receives foreign aid from another state (cp. Goodin 2007; Miller 2009).

What does it mean to be subjected to a decision? According to Beckman (2014: 257), we may distinguish between three understandings. A subject may be (i) “anyone to whom the law ascribes legal duties”; (ii) “anyone conferred a legal power by the law”; or (iii) “anyone subject to the institutions enforcing the law” (cp. Goodin 2016: 370-373). In discussions on the all-subjected principle, it is most common to understand being subject to in the third sense—primarily because this understanding most clearly separates the all-subjected principle from the all-affected principle¹⁷—and accordingly this is what I will do. As we asked in relation to the all-affected principle, we may similarly ask why subjected individuals should be included in democratic decision-making. The most promising

¹⁷ Also, an understanding on which the all-subjected principle closely resembles the all-affected principle would be vulnerable to the criticisms raised against the all-affected principle, and thus it would presumably not be able to satisfy the *Considered Judgment Requirement* and the *Value Requirement*.

rationale put forward in the literature, if the all-subjected principle is to be understood as a fundamental principle, is self-government (Abizadeh 2008: 39-40; Goodin 2016: 369; López-Guerra 2005: 221; Miller 2009: 214; Näsström 2011: 120-122). According to this understanding, an individual is entitled to be self-governing, and if she is subjected to a decision, she is self-governing only if she is given a say on this decision (Bengtson and Lippert-Rasmussen 2021: 579). With this in hand, let us now see whether the all-subjected principle is able to satisfy the two requirements.

Starting with the *Considered Judgment Requirement*, note that the all-subjected principle, as opposed to the all-affected principle, may not be vulnerable to the Steve Jobs case. Since being granted the patents was a case of being conferred a legal power by the law, it in itself does not establish that Steve Jobs is subjected to this decision—he is only subjected if he is subject to institutions enforcing the law. It is a tricky question whether dead people are subject to institutions enforcing the law. Suppose a man makes a bomb and sets a timer for it to explode in seven days. Immediately after starting the timer, he kills himself. However, before killing himself, he filmed himself making the bomb and starting the timer so there is no doubt that he is responsible. The bomb explodes seven days later and kills several people. If the institutions were to convict the man qua dead person, a dead person would be subject to institutions enforcing the law. If, instead, the institutions were to convict the man qua living person—because it was him, understood as the living person, that set off the bomb—it would not be the case that a dead person qua dead person would be subject to institutions enforcing the law. I take it that the latter is more common than the former, but that does not show that it is impossible for dead people qua dead people to be subject to institutions enforcing the law. If an institution were to convict the man qua dead person, he would be subjected to decisions and have a claim to inclusion. In that case, the all-subjected principle would fail to satisfy the *Considered Judgment Requirement*. However, even if we were to assume that the all-subjected principle satisfies the *Considered Judgment Requirement*, it fails to satisfy the *Value Requirement*, as we will now see.

With regard to the *Value Requirement*, let us start by considering whether an individual's self-government is better satisfied by including this individual in democratic decision-making than by excluding everyone subjected in the sense of removing democratic decision-making altogether. According to Viehoff (2014: 350-351), democratic inclusion makes the individual less self-governing:

“[O]nce a democratic decision has authority over me, my ability to give shape to my life in light of my own judgment is limited. Furthermore, this loss in autonomy almost certainly far outweighs the purported gain. When the authority of democratic decisions is extended, I gain a very small share of control over the lives of very many other people, and specifically over that aspect of their lives that our collective decision now regulates. Yet I also lose a large share of control over the corresponding aspect of my own life. Autonomy is matter of self-rule, of giving shape to one's own life in accordance with one's own judgment. Since the control I *gain* is mostly control over others rather than myself, it barely advances my autonomy. By contrast, since the control I *lose* is largely control over myself, my autonomy is actively set back.”

Viehoff's argument reminds us that we must distinguish between individual and collective self-government. Even though the collective becomes self-governing by making decisions democratically, this is not the case for individuals. Since an individual loses control over herself by being included in democratic decision-making, she thus becomes less self-governing.¹⁸ This is important because it shows that it is false that an individual's self-government is better satisfied by including this subjected

¹⁸ This is why many authors agree with Viehoff that we should not try to justify democratic inclusion through individual self-government. Indeed, Christiano (1996: 19, 24-25) argues that democracy and individual self-government are incompatible (see also Brennan 2011: 99; Brennan and Lomasky 2006: 246; Griffin 2008: 247; Kolodny 2014a: 208-209; Miklosi 2012: 499; Saunders 2011: 281).

individual in democratic decision-making than by excluding everyone subjected.¹⁹ If we were to exclude everyone from democratic decision-making, individuals qua individuals would not be less self-governing. That is to say, the all-subjected principle fails to satisfy (ii) of the *Value Requirement*. This also shows why it fails (i). Since the individual loses self-government by being included in democratic decision-making, it is not the case that the realization of individual self-government requires democratic inclusion. For these reasons, the all-subjected principle fails to satisfy the *Value Requirement*.²⁰

The upshot of this section is that even if the all-subjected principle were able to satisfy the *Considered Judgment Requirement*—if we assume that dead people are not subject to institutions enforcing the law—it fails to satisfy the *Value Requirement*. Thus, the all-subjected principle fails to be a satisfactory solution to the boundary problem.

IV. The equal relations principle

We have now seen that the two most prominent solutions to the boundary problem—the all-affected principle and the all-subjected principle—fail to satisfy the requirements that a satisfactory solution to the boundary problem must satisfy. One may think, at this point, that perhaps this does not show that we should discard the all-affected principle and/or the all-subjected principle. Perhaps it simply shows that the requirements are too demanding. I will argue in this section, however, that this is not the conclusion we should draw. It is possible to find a solution that satisfies the requirements. At the

¹⁹ Thus, even if democratic inclusion had no effect on the individual's self-government, the all-subjected principle would still fail to satisfy the *Value Requirement*.

²⁰ What if we turned to collective self-government instead? The problem with this suggestion is that the collective would be self-governing even if some subjected individuals were not included in democratic decision-making (Bengtson and Lippert-Rasmussen, 2021: 581-582). This version of the all-subjected principle would therefore clearly fail the *Considered Judgment Requirement*.

same time, this does not mean that we should completely discard the all-affected principle. As we will see, the all-affected principle may prove useful as a rule of regulation.

According to relational egalitarianism, democracy is valuable because it is a constituent part of relating as equals, and relating as equals is a requirement of justice (Anderson 1999; Kolodny 2014b; Viehoff 2014). A necessary condition for a social relationship to be an equal relationship is equality of power (Kolodny 2014b: 307; Viehoff 2014: 355). A traditional marriage in which the husband had the power to make most decisions was not a relationship between equals. The wife stood as an inferior in relation to her husband who in turn stood as a superior in relation to his wife—he had the power to determine their collective life. Similarly, the master stood as a superior in relation to his slave because he had complete power over him.

Interestingly, democracy is a particularly important constituent part of relating as equals, as Kolodny (2014b: 306) explains, because democratic decisions have final de facto authority. This is true, first, because political decision-making cannot be moderated by a higher court of appeal, and, second, because political decisions have final authority over nonpolitical decisions (Kolodny 2014b: 306). To illustrate why this is important for how people relate to each other, Kolodny (2014b: 305) asks us to “suppose that lord and servant set terms at the start of each year, somehow with genuinely equal influence, over how the lord is to boss the servant around ... In such a case, the fact that they have equal influence over decisions higher up, as it were, the chain of command, which set the terms for how other, lower-order decisions are to be made, plays a role in avoiding, or moderating, the social inferiority that unequal influence over those decisions would otherwise entail.” The equality at the higher-order level eliminates, or at least moderates, the inequality between lord and servant with regard to lower-order decisions. Since democratic decisions are the highest-order decisions (they have final de facto authority), it follows, first, that if there is inequality in influence over democratic decisions, this cannot be moderated by equality in influence at a higher level. And, second, equal influence

with regard to democratic decisions, when those decisions have authority over lower-order decisions, moderates the threat to equal relations posed by unequal influence over lower-order decisions (Kolodny, 2014b: 306). This means that when people are socially related, they should make democratic decisions together since if they do not, there will necessarily be unequal power between them, and they will fail to relate as equals. Thus, an equal relations solution to the boundary problem answers to the question of who should be included in democratic decision-making: those who are (relevantly) socially related. Let us call this the *equal relations principle* (to make it clear that it is an alternative to the all-affected principle and the all-subjected principle).

What does it mean to be socially related on relational egalitarianism, and thus also on the equal relations principle? According to Lippert-Rasmussen (2018: 126-129), “X and Y are socially related only if: (1) X is socially related to Y and Y is socially related to X; (2) X can causally affect Y and Y can causally affect X”; and (3) X can communicate and interact with Y and Y can communicate and interact with X. Given this understanding, we can see how the equal relations principle differs from the all-affected principle and the all-subjected principle. It differs from the all-affected principle in that X may affect Y, yet they may not be socially related. Suppose X flies an airplane over the island where Y resides and dumps his waste. X clearly affects Y, but he is not socially related to Y because their relation fails to satisfy the third condition of what it means to be socially related on relational egalitarianism, i.e., they cannot communicate and interact with each other.²¹ The equal relations rationale differs from the all-subjected principle because X and Y may not be subject to the same institutions yet they may be socially related. Suppose that although X and Y live in different parts of the world, they often chat on the internet because they have a shared passion for golf. Suppose further

²¹ Y may not be able to causally affect X (suppose he cannot leave the island). In that case, neither does their relationship satisfy the second condition.

that X in order to make Y happy decides to send him an expensive golf item by mail and that, accidentally, Y decides to do the same for X. X and Y are socially related as they can communicate and interact with each other and they causally affect each other. However, they are not subject to the same state institutions enforcing the law as they live in different parts of the world. This shows that the equal relations rationale is conceptually different from the all-affected principle and the all-subjected principle and thus also that it represents a different solution to the boundary problem. Let us thus analyze whether the equal relations principle satisfies the requirements of a satisfactory solution to the boundary problem.

Starting with the *Considered Judgment Requirement*—according to which the pattern of inclusion and exclusion that the principle of inclusion entails must fit our considered moral judgments—the equal relations principle, unlike the all-affected principle and potentially the all-subjected principle, does not entail that dead people should be included in democratic decision-making. For dead people to be included in democratic decision-making on the equal relations principle, they must be socially related to living people. However, they are not, because dead people cannot communicate and interact with living people and living people cannot communicate and interact with dead people. The relation between dead people and living people thus fails to satisfy the third requirement of what it means to be socially related. Since only those who are socially related should be included in democratic decision-making according to the equal relations principle, dead people should not be included when living people make democratic decisions.²² In this regard, the equal relations principle is preferable to the all-affected principle (and perhaps also the all-subjected principle).

²² Note, again, that this does not necessarily imply that living people may rightfully ignore the interests of dead people when making decisions.

The equal relations principle does not run into the problem, which we experienced with regard to the utilitarian principle of democratic inclusion, that people from a minority group should be excluded from democratic decision-making. Since people from a minority group in a community are socially related to people from a majority group, people from the minority group should be included in the decision-making. Neither is there particular reason to expect that the equal relations principle is in conflict with other considered moral judgments when it comes to democratic inclusion and exclusion. Thus, we may conclude, at least tentatively, that the equal relations principle satisfies the *Considered Judgment Requirement*.

Moreover, it satisfies (i) of the *Value Requirement*, i.e. that the realization of equal relations requires democratic inclusion. Suppose X and Y are socially related but X has the power to decide on their collective affairs, say, because X is stronger than Y. When he makes these decisions that regulate their collective life, he takes into account the interests of Y. However, this is not sufficient for X and Y to relate as equals since equality of power is a necessary requirement for equal relations. Thus, X must be included in the decision-making to secure equal relations. This extends to larger groups of people, since people are not naturally equally strong (cp. Kolodny 2014b),²³ and this shows that the equal relations principle satisfies (i) of the *Value Requirement*.

It also satisfies (ii), i.e. the principle of democratic inclusion must give preference to democracy in the sense that the value in democratic inclusion cannot be equally, or better, satisfied by exclusion than by inclusion. Suppose we were to exclude everyone from democratic decision-making. In that case, people would be socially related without collective decision-making. This is a problem because people do not have equal amounts of natural power: “power, such as strength, speed, cunning, or knowledge” (Kolodny 2014b: 296). Because of these natural differences in power, people will fail to

²³ See also the next paragraph.

relate as equals in case there is not democratic decision-making since only democratic decision-making gives people equal power in a way that neutralizes the inequality in natural power (cp. Pettit 1997; 2012).²⁴ We may now compare this to the situation in which we include the individual in democratic decision-making. In that case, there would not be inequality in decision-making power (cp. Kolodny 2014b). As Viehoff (2014: 374) says, by granting authority to democratic decision-making, “we can avoid acting on various considerations—in particular, unequal power—that we have reason to exclude from our relationship[s].” Thus, the equal relations principle does give preference to democracy in the sense that the value in democratic inclusion cannot be equally, or better, satisfied by excluding everyone than by including a given individual since equal power is a necessary condition for an equal relation and since natural power is unequally distributed. The upshot is that the equal relations principle satisfies the *Value Requirement*, contrary to the all-affected principle and the all-subjected principle.

V. Concluding remarks

We have now seen that the equal relations principle, as opposed to the all-affected principle and the all-subjected principle, satisfies the requirements that a satisfactory solution to the boundary problem must satisfy, i.e. the *Considered Judgment Requirement* and the *Value Requirement*.²⁵ The equal relations principle is a convincing principle of democratic inclusion. I tentatively conclude that being

²⁴ Note that it suffices for my argumentative purposes that decision-making power is distributed less unequally in a democracy than in a state of nature. Given the differences in natural power between people, this seems to be the case. Suppose we were to live in a world in which people had equal amounts of natural power. In that world, the equal relations principle may still require democracy since another necessary condition for equal relations is equal consideration (Kolodny 2014b: 295-296; Viehoff 2014: 353). There may be unequal consideration even if people have equal natural power.

²⁵ Or at least we can say that it does not run into the problems with regard to the *Considered Judgment Requirement* and the *Value Requirement* which the all-affected principle and the all-subjected principle run into. It may be, of course, that the equal relations principle runs into other problems in relation to the two requirements, but we have no particular reason to believe that this is the case.

related, and not affected or subjected, is what fundamentally determines who should be included in democratic decision-making.

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