The All-Affected Principle: Does it Create a Right to Vote?

Ahmed Elahi

_Paper Presented at the University of Toronto Political Science Undergraduate Research Colloquium 2017 organized by the Association of Political Science Students on March 8, 2017 at the Hart House Music Room_

Sponsored by: Professor Rodney Haddow Undergraduate Chair of the Department of Political Science, University of Toronto
ABSTRACT

In recent decades, globalization has changed the political landscape of the world significantly. The effects of the actions of governments and multinational corporations extend across a number of countries and, sometimes, even continents. This poses the following moral problem for political theorists: how can the exclusion of affected parties from decision-making processes that have significant control over their destinies be rendered just? Some theorists have used the All-Affected Principle – which dictates that the exercise of power is just if it is democratically authorized by all those who would be affected -- to argue that a solution to this problem may lie in the expansion of current democratic regimes to include affected foreigners. In this essay, I analyze arguments that stem from the All-Affected Interests Principle (AAP) and problematize the boundaries of membership of existing political entities. This essay has two major sections. The first section defines the scope of what the AAP can prescribe and lays down the architecture in which the substantive argument of the second section can be developed. The second section evaluates different arguments for ‘an unbounded demos.’ The main argument of this essay is that that the AAP itself does not create a right to democratic participation for those affected; however, the AAP may still entitle one to democratic participation, insofar as we presuppose that “giving a vote” is the best of way justifying the exercise of power by a political entity.

INTRODUCTION

In this essay, I will be analyzing arguments that stem from the All-Affected Interests Principle (AAP) and problematize the boundaries of membership of existing political entities. However, before delving into the nature of these arguments, I will pay close attention to the moral foundations upon which they are founded: in essence, I will be asking what these arguments presuppose to be empirically necessary and morally relevant. This essay has two major sections. The first section defines the scope of what the AAP can prescribe and lays down the architecture in which the substantive argument of the second section can be developed. The second section evaluates the strength of different arguments for an “unbounded demos.” The main argument of this essay is that that the AAP itself does not create a right to democratic participation for those affected; however, the AAP may still entitle one to democratic participation, insofar as we presuppose that “giving a vote” is the best of way justifying the exercise of power by a political entity.

THE SCOPE OF THE AAP

Context

In recent decades, globalization has changed the political landscape of the world significantly. Citizens bound up in distinct nation-states are affected extensively by the political and economic decision-making of entities located (sometimes) thousands of miles away, over which they have no control (Nasstrom, 123). For most liberal theorists, this is a moral problem, as it takes significant control away from individuals to shape their lives and protect their deeply held interests (Abizadeh, 39; Fung, 236). This poses the following moral problem for theorists: is the exclusion of affected parties from decision making process that have significant control over their destinies morally legitimate (the exclusion problem)?

The “exclusion problem” problematizes the political boundaries of modern states. The question of “who ought to be a part of the demos?” – or who ought to exercise voting rights in a political decision (particularly one that has supranational consequences) – can no longer be answered simply by referring to those within the national (geographical) boundaries (Nasstrom, 118 and 122). Given the questionable legitimacy of state-boundaries as being identical to “the demos,” there are 2 questions that become obvious: how should we construct a morally legitimate demos in the political context of globalization; and, how can the exercise
of political power in a global age be rendered just? These two questions are, of course closely related (though not the same), since one way of making the current exercise of political power just is to make sure that it has input from (or is democratically accountable to) a demos that has been legitimately constructed (Goodhart, 45). The all-affected principle attempts to solve the “exclusion problem” using these means.

The All Affected Principle

The all-affected principle in its most general formulation reads as the following: “everyone who is affected by the decision of a government should have the right to participate in that government” (Dahl qtd. in Goodin, 51). This formulation, of course, ignores difficult questions like which interests ought to be taken into account, and just how substantially one ought to be affected before they get a voice (Goodin, 51). But the principle does address the two question we identified before in a single stroke. It provides an answer (however vague) to the question of how a morally legitimate demos may be constructed -- what Nasstrom call its “generating [political boundaries] role” (124) -- and how the exercise of power can be rendered just: the exercise of power is just if it allows all those affected by it a democratic say in how that power is exercised (and this body of those affected also constitutes the legitimate demos).

Nasstrom also thinks that the all-affected principle has a “diagnosing” role to play, which is that by focusing on the “effect” of a political decision, it allows us to morally question state-boundary regimes in an age where exercise of political power has global consequences (123). But what Nasstrom ignores is that the principle itself engages both, the concepts of liberalism and democracy. Why is affecting people’s lives without giving them a say morally problematic? Answering this question requires the exploration of the liberalism-democracy nexus, in the hope that this will give us a clear conceptual understanding of what the all-affected principle presupposes and considers as being morally relevant, and hence, what it has the power to prescribe.

The strand of “democratic theory” to which theorists such Abizadeh, Goodin, Goodhart, and Baubock seem to be referring to, I contend, is liberal-democratic theory; this is also the theory from which the all-affected principle draws its moral legitimacy, for all these theorists (Goodhardt, 46; Baunock, 822; Goodin, 50; Abizadeh, 41). Hence, to expose what the AAP considers morally desirable and what it presupposes, I will provide a conceptual blue print of the liberal-democratic theory, and how the AAP derives its legitimacy from such a theory.

The Liberalism-Democracy Nexus

A liberal-democracy has two components: liberalism and democracy. Liberalism is the moral component whereas democracy is the instrumental or procedural component. Together, these two components constitute a system of normative prescriptions, and the institutional arrangements through which these prescriptions are actualized.

Liberalism, which is the moral component, starts with the conception of a person who is autonomous, rational and engaged in the pursuit of her interests (Berlin, 3). The task of a coercive government in classical liberal theory is very specific and limited: create the conditions of peaceful mutual existence, while allowing for the widest possible sphere of negative liberty (Berlin, 5). Negative liberty is the “area within which a man can act unobstructed by others” (Berlin, 3). This is the most cherished good for classical liberalism, to which every individual is equally entitled. Non-intervention in people’s lives is the ideal, and any activity by a government that conflicts with this ideal must be justified (Berlin, 5).

However, as Berlin notes, that there is “no necessary connection between individual liberty and democratic rule”; negative liberty is not inconsistent with “the absence of self-
government” (Berlin, 7). Then where does democracy feature in liberal-democratic theory? It has an instrumental purpose as being the most effective way of ensuring that the government respects the negative liberty of its subjects. Democracy is one way of justifying and limiting the activity of a government. Democracy justifies government intervention by ensuring that the authors of that intervention are those who are subjected to it. It limits authority through representation of people in government; the hope is that a government in control of people partial to being left alone will also respect negative liberty.

In the liberal-democratic model, when democracy becomes a threat to the liberty of citizens, it can be limited through constitutional protections, as was suggested by the 19th century philosopher John-Stuart Mill. The ultimate moral end here is not self-governance, it is ensuring that individuals have a realm of private freedom which must be protected. When the democratic arrangement is unable to protect it, democracy itself may be curtailed through devices such as constitutions. The upshot is the following: the liberal democratic strand of thought does not necessarily imply that an individual be given “a vote” if their negative liberty is infringed in some manner; all that is required is that this intervention be morally justifiable, and not arbitrary (Berlin, 5).

It seems that both Baubock and Goodhardt accept the fundamental relation between liberalism and democracy explicated here. Goodhardt, for example, seems to think the term “democracy” is not merely limited to an enfranchised demos voting to select representatives or make political decisions, and neither do the moral prescriptions of democratic theory necessarily require that individuals be enfranchised in all political contexts. The “fairness” and “equality” criteria of democracy can indeed be fulfilled through other means (Goodhardt, 50). Essentially for Goodhardt, the all-affected principle is merely the instantiation of the norms of “freedom and equality” in the context of the modern state-system (49). The similarity of this view with my explication of liberal-democratic theory is the following: Goodhardt agrees with me that the enfranchisement of a population is not a moral end itself, but plays an instrumental role in the actualization of other morally relevant goals (fairness and equality in his case).

Similarly, Bauback too rejects the idea that being subjected to its coercive mechanisms necessarily gives one the right to be a part of the demos. He argues that being subjected to the laws of a government, gives you a claim, for example, to “equal protection” under the law, but not a vote (822; 823). Both Baubock and Goodhart are right in rejecting the proposition that being affected by a government decision necessarily guarantees you a right to be a part of the demos.

From Liberty to Autonomy

Recent times, however, have seen a shift in liberalism. While classical liberalism’s most cherished goal was merely negative liberty, theorists soon realized that negative liberty is useless for “men who are half-naked, illiterate, underfed and diseased” (Berlin, 4). After all, what is the use of negative freedom if people cannot use it (Berlin, 4)? Hence, the modern notion of freedom has been transformed into something more comprehensive. A description of such a concept is attempted by Joseph Raz.

Raz’s conception of autonomy is much more comprehensive than the mere notion of absence of restraint, and is fundamentally motivated by the idea that “people should make their own lives” (156). The fulfilment of this notion of autonomy, as Raz notes, requires (among other things) that individuals in a society be given “an adequate range of choices” in how they may direct their lives (156). Autonomy still requires, however, that there be some degree of negative freedom with which the individual can operate. Raz argues that a person who is autonomous ‘may choose the path of self-realization or reject it’ (157). Insofar as she is free to do either, she is autonomous. More importantly, this person cannot be forced to
choose a specific view of the good life; she should be free to choose between “a plurality of morally acceptable but incompatible forms of life” (159). On the other hand, this view recognizes that mere negative freedom is not enough to exercise autonomy; as Berlin and Raz both note, an individual who is struggling for his basic survival cannot be expected to be truly free (Berlin, 4; Raz, 158).

Hence, the move from negative freedom to autonomy has implications for the role of the government in society. Firstly, given the modern society is a complex of various economic, political and cultural forces, Raz concludes that this may require “governmental intervention in directing or initiating processes” that delimit the range of options available to an individual (167). The role of the government is transformed from merely respecting the negative liberty of individuals to creating the conditions of autonomy for individuals. Justification from the government, then, is required every time an action of violates the autonomy of the individual. However, the concept of autonomy, itself, still does not necessitate giving individuals the right to become a part of the dems; this is still contingent of whether giving a vote is still the best method of justifying the violation of autonomy.

Autonomy and the AAP

This idea of “autonomy,” which we now recognize as the moral component of liberal democratic thought, is what gives the AAP its normative force. The AAP is itself a liberal-democratic principle. It moral aspect is the sanctity of individual’s interests, and its procedural component of justification is making individuals a part of the demos, or giving them a “vote.” However, which interests should be considered sacred in applying the AAP? Our understanding of the all-affected principle deriving its normative force from the notion of autonomy also answer this question: those and only those that infringe people’s autonomy. Together with the “availability of adequate range of choices,” two other criteria form the necessary and sufficient conditions for autonomy: the requisite “mental capacities” to make decisions about one’s “destiny” or life-path; and, “independence” or the freedom from the coercive control of another entity (Abizadeh 39-40).

When one is subjected to coercion, their autonomy is necessarily (via violation of the third criterion) violated, hence any affect that equals coercion must be justified under the AAP (Abizadeh, 40). But we are also interested in effects that do not constitute coercion per se, yet alter the environment in which one can be autonomous (that is, somehow alter “adequate range of choices” criterion). Now, autonomy does not require the availability of all possible options, or of some specific option (Abizadeh, 40). Hence, it is only violated by an effect when that particular effect is so socially transformative that it may leave individuals without an adequate range of options to create their lives.

Yet, it is not unimaginable that the non-coercive actions of a state or a multinational corporation leave a society or a group of individuals without an adequate range of options. For example, the decision of an MNC to pollute a lake which serves as the primary means of sustenance for a local community will most likely violate the conditions of autonomy by making the survival of individuals in the said community difficult. Furthermore, actions and policies that contribute significantly to climate change can be said to violate the autonomy of individuals living in areas that are vulnerable to its catastrophic effects. (such as Bangladesh). All these, and other such effects, require justification under the AAP.

However, notice that all effects flowing from all actions, which includes actions by private parties, cannot possibly warrant justification under the AAP, since this would effectively reduce the circle of personal autonomy to nothing. And given that the AAP derives its legitimacy from the concept of autonomy, it would be self-contradictory for it warrant a conclusion that violates its own fundamental commitment to autonomy. Why
should a small business owner’s decisions be justified to other individuals, if they do not violate the conditions for their autonomy? The answer is, they shouldn’t warrant justification. I think, at the end of this discussion, we have sufficiently defined the scope of the AAP. Three conclusions stand out:

1) The definition of “Interest” under the AAP is an individual’s right to autonomy.
2) Hence, The AAP only has power to enfranchise individuals insofar as a potential or actual decision violates their autonomy, and not merely affects them, as a means of justifying or protecting their autonomy.
3) Finally, there is an implicit assumption within the AAP, that democratic enfranchisement is, in all cases, the best way to justify the violations of individual’s autonomy. This validates its commitment to a specific procedural mechanism. As such, it does not create a right to democratic participation, but only a right to justification.

Abizadeh: Democracy as a Right?

Abizadeh argues that there is a fundamental distinction between liberal theory and democratic theory. He argues that, in the case of the violation of autonomy, liberal theory only entitles one to “hypothetical justification,” which has no necessary implication as to how this justification is given (41). However, he claims that “democratic theory” requires that individuals be part of the actual “process that determines how political power is exercised” (43).

He further goes on to say that in democratic theory, the autonomy principle may necessitate democratic participation in two ways. Firstly, it maybe that this democratic voice is “instrumentally necessary” for the protection of autonomy (42). This argument in favour of democracy requires an additional premise: that democracy is the best or the only way to protect the autonomy of individuals, as I have recognized in my own description of liberal-democratic thought. The second way autonomy may necessitate democracy is that “being able to see oneself as being the author of the laws to which one is subject is inherently necessary for a justification of coercion consistent with autonomy” (42).

The preceding claim I am going to rephrase as the following: the violation of autonomy gives one a right to democratic participation – that, regardless of the circumstances, one has a moral claim to being a part of the demos if their autonomy is violated.

Rights capture those things that are of fundamental (intrinsic) value to individuals such as, as we recognized earlier, autonomy (or life). Hence, the question becomes, what does the right to democracy, or what has also been called “the right to self-determination/self-rule” capture? More importantly, can this right be said to flow from the idea of autonomy?

Democracy as a Right

Democracy, as a right, captures the idea of civic freedom or, in other words, positive freedom. It may be understood as the realization of the highest deliberative capacities of an individual. In this case, self-mastery takes a completely different form than the liberal notion of autonomy: it is mastery over one’s self through participation in ruling – in other words, it is the mastery of the “higher self” over the “lower self” (Berlin, 9). The lower self maybe understood as the manifestation of the various particular desires that occur to political subjects, whereas the higher self is which is embodied by a larger social whole, such as the state (Berlin, 9). This conception of democracy is then what is called “self-rule.” Here, people rule themselves for its own sake, as the realization of their highest freedom.

The archetypal form of such a democracy is Rousseau conception of the legitimate social contract, in which a community of political equals engage in collective decision
making. This democracy is impartial to the particular interests of individuals, which the liberalism seeks to protect and advance. This sentiment is expressed by Rousseau in the following words: “[civil liberty] alone makes man truly the master of himself. For to be driven by appetite alone is slavery, and obedience to law one has prescribed for oneself is liberty” (Rousseau, 167). To achieve this civil liberty, one must give up all their rights to the sovereign, and “the sovereign power has no need to offer a guarantee to its subjects” (166). This is what the modern notion of civic virtue I contend, captures as well: voting for, example, as an American before anything else.

Given the fact that democracy properly defined as self-rule is insulated, even opposed, to individual’s self-interests, it is difficult to see how such a right flows from, or is even consistent with, the liberal idea of autonomy. The idea of autonomy may consider political participation as one form of life that is valuable, but it certainly does not consider this as the only good. Civic freedom, however, claims to be the highest human virtue, being above other selfish interests that individuals may have. This leads us to once again conclude that the all-affected principle does not create a right to democracy, but only to a justification, insofar as it derives its legitimacy from the concept of autonomy.

ARGUMENTS FOR THE GLOBAL DEMOS

Goodin, Abizadeh and the Global Demos

Abizadeh in his paper Democratic Theory and Border Coercion, argues for a global demos vis-à-vis existing border regimes; that is, border policies must be open to democratic input from the global community (Abizadeh, 48). His argument for such a position begins with the proposition that Raz’s conception of autonomy is the fundamental moral value in both liberal and democratic theory (39). He then goes on to argue that the use of coercion, as we identified earlier, always violates an individual’s autonomy (40). The third premise of the argument goes as the following: under the ambit of democratic theory, violation of autonomy gives one the right, necessarily, not only to a moral justification for the violation, but also a voice (“actual participation”) in democratically framing the policies which breach her autonomy (Abizadeh, 41).

The fourth premise of the argument dictates that border regimes are universally coercive: they are a form of a political coercion for all individuals around the globe, regardless of whether they intend to gain entry into a country (Abizadeh, 46). And the conclusion then follows validly: insofar as exercise of coercion warrants democratic participation, and border regimes are universally coercive, then modern border regimes must have input from the entire body of foreigner who are subjected to them in order to politically legitimate under thee ambit of democratic theory.

Goodin’s argument for an unbounded demos starts with him inquiring for a principled way of constituting a demos. Goodin argues (rightly so) that constituting the demos through a democratic vote presents a logical problem. If we were to have a vote on who gets to be a part of the demos, then assuming that a demos does not already exists, the following question would still remain: who gets to vote on who gets to become a part of the demos? And if were to decide the following question through a vote, well then who gets to be a part of that vote (and this carries on ad infinitum) (Goodin, 43)?

Goodin proposes the solution to this logical in the form of the AAP. He establishes the moral legitimacy of the AAP by arguing that it is a “fundamentally democratic principle” as it is grounded in the notion of “equal political power” (Goodin, 50). From this foundation, the road to an unbounded demos is quite straightforward. To avoid, under-inclusiveness of the demos, we should constitute a demos that is unbounded, that is, includes all those whose interests may be affected, and even all those whose interests will not be affected (58, 59). Over-inclusiveness is not a problem: those who interests are not affected will vote on issues
in a completely random manner, which should, overall, even out to having no effect on the actual political decision made (58).

Both Goodin and Abizadeh’s arguments use the concept of the AAP (the All-subjected principle which Abizadeh uses is reducible to the AAP) to argue for a global demos. But, as I have shown, the AAP has a hidden premise: it presupposes that the best way to justify the exercise of power is through democratic enfranchisement, and Goodin and Abizadeh’s arguments also presuppose that. The AAP does not create a *right* to democratic participation. Whether or not democracy truly is the “best” way to protect autonomy is an empirical question; conceptually, it also requires defining what “best” is (most efficient? most effective?). In any case, neither of the arguments, by necessity, create a right to democratic participation.

**CONCLUSION**

I have concluded that the AAP does not create a *right* to democratic participation. Insofar as it entitles ones to democratic participation, it must presuppose that this is the best form of justification available. The conclusion of this essay is quite narrow, but it gives us much needed clarity in how the principle may be applied to practical problems.

**Acknowledgments:**

_I would like to extend my gratitude to Professor Rodney Haddow for sponsoring this paper, and Professor Joseph H. Carens, Professor Robert Vipond and Professor David Cook for their valuable insights which helped understand the topic under investigation in this paper better._
Works Cited


