

Week 11. Expanding Voting

1 The Boundary Problem

Introduction

Think about the following categories:

- (US) citizens versus (US) non-citizens
- (US) residents versus (US) non-residents
- those affected by a particular (US) policy versus those not affected

Combining these different categories, we get eight initial possibilities:

- | | | |
|-------------------|---------------|--------------------------|
| 1. US citizen | residents | affected by US policy; |
| 2. US citizen | residents | unaffected by US policy; |
| 3. US citizen | non-residents | affected by US policy; |
| 4. US citizen | non-residents | unaffected by US policy; |
| 5. US non-citizen | residents | affected by US policy; |
| 6. US non-citizen | residents | unaffected by US policy; |
| 7. US non-citizen | non-residents | affected by US policy; |
| 8. US non-citizen | non-residents | unaffected by US policy. |

We normally agree that people in group (1) should have a say in US policy-making, and that people in group (8) shouldn't have. But what about people in categories (2) to (7)? Who should have a say, and who shouldn't? And if not, why not?

Cases for Discussion

1. The US government plans to build a coal power plant which heavily pollutes the surrounding environment. The plant could be built on the border to Canada, or on the border to Mexico, or far away from either border.
 - a. Who should have a say in making this decision?
 - b. Imagine that what's at issue is not a coal power plant, but a nuclear power plant. In its normal operation, the nuclear power plant does not pollute the surrounding environment, though there is a very small risk of a catastrophic event. Does your reasoning in this case change?
2. Consider a possible referendum by Northern Ireland to secede from the United Kingdom, and to become an independent state.
 - a. Who should have a say in making this decision?
 - b. Would it make a difference if the vote was on whether Northern Ireland should join the Republic of Ireland?
 - c. Some parts of Northern Ireland are more pro-independence than others. Imagine that some border counties voted strongly (>80%) in favour of independence. Should those counties have the right to secede, even if the overall vote was against secession?
3. Some citizens are more affected by government policy than others. Consider (i) welfare recipients, (ii) young people (vs old), (iii) those who pay high amounts of tax (vs those who pay none).
 - a. Should those groups—in principle, independent from practical feasibility—have more votes than others?
 - b. If so, why?
 - c. Should parents have extra votes to represent the interests of their children?

2 Goodin, “Enfranchising All Affected Interests, and Its Alternatives”

Democratic theory faces the fundamental problem of how we ought to “constitute the demos”. Existing theories give no easy solution.

I. A Silence at the Heart of Democratic Theory? (43)

We cannot determine who should be part of democracy democratically—because we already need to know who the voters are.

This suggests that the initial constitution of the demos stands outside democratic theory. Some theorists have endorsed that the choice of demos is arbitrary (46). This position, however, is unacceptable, leading to a number of counterexamples (47).

Questions for Discussion. (i) Give one of those counterexamples. (ii) Is there any way to save Schumpeter’s position?

A better starting point: the interests of people living on the same territory are interlinked (49). This leads us to the all-affected principle: everyone who is affected by a decision should have a say in it.

On this basis, we can criticise the all-subjected principle (“all those who are bound by a rule should have a say in making that rule”).

Questions for Discussion. (i) Explain the all-subjected principle. (ii) Why does Goodin think it’s inferior to the all-affected principle?

II. Applying the “All Affected Interests” Principle (51)

Basic formulation: “everyone who is affected by the decisions of a government should have the right to participate in that government”. (51)

The “all actually affected interests” formulation of this principle, however, is incoherent. Who is affected depends on what the decision will be—which we cannot know antecedently.

A better formulation focusses on “all possibly affected interests”. This “causes the franchise to balloon dramatically and the scope of legitimate exclusions to shrink accordingly” (55).

Questions for Discussion. (i) On the basis of the “all possibly affected interests” principle, who should have a say in American politics? (ii) Animals have interests. Does that mean they should also have a say?

III. Amendments and Evasive Maneuvers (55)

One might feel uncomfortable with this expansive principle. So we should consider some alternatives, and why they fail.

The “All and Only Affected Principle”. Some problems: (i) this would require a different decision-making unit for virtually every decision (57); (ii) the principle is meant to answer problems with overinclusiveness—but there might not be such a problem. If we include everyone, the people whose interests aren’t affected will vote randomly (58).

Questions for Discussion. Is Goodin’s last claim plausible, given the literature on voter ignorance we discussed?

The “All Probably Affected Principle” (59). Perhaps we should only expand the vote to those whose interests would probably be affected. But such a principle would still be highly expansionary.

Limiting the Power of Demos (62). We could also simply try to limit the range of decisions to the demos. However, very few decisions only affect the people of a given polity.

IV. Getting Real (63)

The upshot: “we should give virtually everyone a vote on virtually everything virtually everywhere in the world” (64). Is this plausible? Or utterly unconvincing?

Some might object that this view is not practicable. We can ask, however, what best approximates the principle. We can start from territorial nation states. Either a world government or a system of international law would fit the bill. One effect of these solutions might be that those decisions which have negative externalities across boundaries should be compensated.

3 Miller, “Democracy’s Domain”

The question of how the demos should be constituted—the boundary problem, as Miller calls it—is practically important for three reasons: (i) increased interest in global democracy, (ii) questions regarding secession, and (iii) issues of immigration.

Can democratic theory give any answers to the boundary problem? If it cannot, then we must rely on controversial grounds, like a principle of national self-determination (203). So it’s important to see whether we can find some answers from within democratic theory.

Questions for Discussion. Why is it so important that we find answers from within democratic theory? Why not rely on some external moral principle?

II [Two Approaches]

Miller focusses on two conceptions of democracy, liberal democracy (L-democracy) and radical democracy (R-democracy). L-democrats

see democracy instrumentally; R-democrats see intrinsic value in it. (205)

Questions for Discussion. How do these distinctions map onto the distinction between instrumentalism and proceduralism that we have discussed?

How does this bear on the boundary question? Liberals will focus on the effects of drawing the boundaries in particular ways. Radicals will focus on self-determination, and on whether each member of a group can see the outcome as legitimate (206).

We expect L-democrats to be more expansionary, and R-democrats to be more exclusionary.

III [R-Democrats]

This conclusion is too simple, however.

An R-democrat would insist that we should focus on groups which form a proper demos. These groups, ideally, have certain qualities: (i) sympathetic identification, (ii) underlying agreement on ethical principles, (iii) interpersonal trust, (iv) stable group membership.

We might conclude that these qualities mean that we would want the demos as small as possible. (209) But this ignores that smaller groups suffer from distorting group pressures; and that larger political systems have better abilities to implement decisions.

IV [L-Democrats]

One major worry of L-democrats is to avoid the tyranny of the majority. Cultural homogeneity is less attractive from this point of view.

Still, more diversity is not always best. There needs to be some degree of social unity (211) for a polity to work. E.g., L-democrats rely on a shared commitment to limiting the powers of government.

In short, both R-democrats and L-democrats have reasons to both expand and bound the demos in various ways.

V [All-Affected Principle]

Now consider the fact that our choices have effects across borders. How should we think about those?

Two answers to these problems are the all-affected interests principle, and the coercion principle. There are four problems with the all-affected principle (215):

- (1) As Goodin outlines, the best interpretation of the principle would require us to extend the franchise in all directions. This, however, would undermine the workability and unity of the demos.
- (2) The principle fails to allow a demos to limit itself to certain decisions.
- (3) The principle does not take into account that people are affected to different degrees by a decision.
- (4) The principle is only really plausible where we cannot avoid being affected by a decision. Otherwise, it's unclear whether and why the principle would apply (218).

Questions for Discussion. (i) Are these convincing replies to the all-affected principle? (ii) What would Goodin reply?

VI [Coercion Principle]

What about the coercion principle? Let's first highlight what we mean by coercion (219). Coercion undermines autonomy, by making us into an instrument of the coercer's will. We must distinguish it from mere prevention (e.g., stopping you from entering my house).

How does this apply to the democratic case? (221) Not every law is coercive, but most residents of a given state will be subject to coercion (222). This triggers the intuition that everyone should have a say.

What about outsiders who are coerced by the state? Does the current argument support that we should expand the franchise to them? Two alternative responses: (1) limit the demos in its ability to affect others; (2) give a voice (but not vote) to potentially affected outsiders. (224) Given these alternatives, Miller suggests, inclusion in the demos is only the better option if one group "finds itself systematically vulnerable to the decisions taken by another" (224).

We must also remember the distinction between coercion and prevention. E.g., stopping immigrants from entering a country is not coercive (225).

Questions for Discussion. (i) Explain the difference between the all-affected principle and the coercion principle. (ii) Why is stopping immigrants from entering the country not coercive?

VII [Summary]

To summarise, democratic theory is not silent on the question of how the demos should be constituted. Both for L- and R-democrats there are inclusionary pushes and exclusionary pulls.

To judge whether an existing boundary is drawn in the right way, we have to ask how well existing institutions perform, amongst other things. This is not a question, however, that we should leave to the experts, because each demos has their own conception of democracy (228).