

THE ALL-SUBJECTED PRINCIPLE IN PRACTICE: EXAMINING IMPLEMENTATION IN THREE
SYSTEMS OF POLITICAL ORGANISATION

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Introduction

Democracy is often regarded as a morally desirable system of government because it allows the constituents to influence the decisions that influence them. A citizen can make their will known for example through voting or by running for public office, and this influence gives the system legitimacy, by which I mean that it conforms to the highest possible extent to the principles of political equality and self-rule. Even if not every constituent will be satisfied with every decision, they are not without influence in the process of making that decision. A great deal has been written about exactly what procedures and values can make democracy more legitimate and effective at implementing self-rule, but it is interesting to note that on the whole an important aspect of democracy is taken for granted. The demos itself, those that belong to the people and make up the body of citizens, was until recently not in focus. Nonetheless, the demos is a relevant part of democracy, and is worthy of discussion because it faces a problem of constitution.

The democratic process of citizens making their will known and so reaching a decision is what gives the system legitimacy. As such, to make the demos legitimate it simply needs to be formed through a democratic process. But when this is attempted we face a chicken-and-egg problem. To establish the demos democratically, a democratic procedure for establishment, such as a vote, must be enacted. The individuals that vote need to be part of a demos to legitimately be able to vote in a democratic system, but it is the very outcome of that vote that establishes them as a demos and allows them to vote in a democracy the first place. The infinite regress that occurs when trying to democratically constitute the demos is called the boundary problem (Goodin 2007, 43). The boundary problem is poignant for democracy, because it is worrying that a system which gains legitimacy through democratic procedure fails to have a democratic answer that ensures political equality to its initial constitution. If the system cannot legitimise its own constitution, what makes its subsequent actions legitimate? Theorists have offered a number of solutions to the boundary problem that aim to democratically legitimate an initial demos or show why the problem is not as urgent as one might believe. I am most interested not in the theory behind these solutions, but in their practical application to democratic polities. I shall specifically address the all-

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subjected principle, one of the solutions offered to the boundary problem which maintains “that all those subjected to the exercise of political power be included in the demos, i.e., granted a right of democratic say over political decisions” (Abizadeh 2012, 878).

In this research project I shall assess the following question: “Assuming that the all-subjected principle is the most appealing solution to the boundary problem, to what extent can different forms of political organisation implement this principle considering their founding principles?”. I will examine to what extent the principle can be implemented in three different systems: the Rousseauian city-state, the contemporary nation-state, and a form of global democratic government. Each of these has a different scope and thus different capacities for the implementation of the all-subjected principle. I mention the founding principles of these polities, by which I mean that the implementation of the all-subjected principle will be examined within political limits set by the system of government itself. It is thus my aim to practically examine the implementation of the principle from within the system. Considering I accept the all-subjected principle as the best solution to the boundary problem, the greater the extent of implementation, the more legitimate the democratic system becomes. I shall elaborate on this theory below. This query is relevant considering the effect of tackling the boundary problem. Unless the conclusion is that our current demoi are historically and democratically somehow fully legitimate, it may be necessary for our current system of political organisation to change. Because one cannot practically imagine a society or set up power-relations from a clean slate as philosophers are fond to do, it is a worthwhile pursuit to examine how a proposed solution to the boundary problem could be implemented in an already-existing society that currently does not implement that solution. Moreover, the greater the extent of implementation of the all-subjected principle, the greater the legitimacy of the system. If one system has a greater capacity for implementation than another, conclusions about legitimacy can be drawn from this.

I shall begin by summarising the literature on the boundary problem and discussing some of its solutions. This will serve to contextualise the problem as well as offer an explanation why I believe the all-subjected principle to be the most suitable solution and warranted of practical exploration. I then discuss my approach and the all-subjected principle in more depth and briefly

outline the three polities. In the following three chapters I examine for each of the three chosen systems to what extent they can implement the all-subjected principle taking into account their founding principles, before discussing some implications of the all-subjected principle being implemented and concluding. I expect that the capacity of the nation-state to implement the all-subjected principle will show to be minimal, while the Rousseauian city-state and global democracy have higher capacity for implementation. If that is indeed the case, elements of our contemporary states, which mirror the nation-state to some extent, may need to be changed to furnish the greatest possible legitimacy in the constitution of their demos.

The Boundary Problem

For a long time, within democratic theory and political philosophy the study of democracy remained focussed on what exactly a democracy is or ought to be, how it functions or ought to function, and what role specific institutions play or ought to play. While topics such as representation, voting and elections took the spotlight, the issue of who represents, votes or elects was not given similar attention. That issue is very important to a democracy, because it must be known who exactly is part of the group whose preferences are being translated to policy. The question of the constitution of the demos is a difficult one for political philosophers and has led to a great amount of conflicting answers. In this chapter I shall give a sketch of the different opinions that exist about the problem of constituting the demos and the subsequent way philosophers try to solve the issue.

The constitution of the demos is the starting point of a democracy: without a people the rule of the people cannot exist (Whelan 1983, 13-16 and Goodin 2007, 42-43). Historically, the demos was considered simply to be bound by historical and national boundaries (Song 2012, 39-41). Those living in Spain constitute the Spanish demos, those in Serbia the Serbian demos. But this becomes difficult when one looks at certain historical changes. Did the Kosovar demos suddenly come into the world when Kosovo declared independence, or were its citizens always part of both the Kosovaran and Serbian demos? Is the part of the Spanish demos that feels Catalan misguided, or is there a separate demos without a state? The democratic boundary problem comes to exist when we try to democratically demarcate the demos. It is not possible to constitute the electorate through a vote among voters who would be entitled to vote only by virtue of the outcome of that very vote (Goodin 2007, 43). But some form of legitimate demarcation must happen, otherwise the democratic project is doomed to fail. Logically the constitution of the demos cannot be the product of the same procedures that are used in a democracy after the constitution of the demos. It seems then that democracy is stuck in an infinite regress where a predetermined electorate is necessary to vote on what the electorate is to look like. To what extent this is a problem and opinions on how it should be tackled vary greatly among different authors. Most authors at least concede that the

exercise of political power (and thus the demarcation of the demos) must be based on some ground prior to democratic decision-making to circumvent the boundary problem, but what exactly this ground is remains debated. If a principle cannot be found to justify the initial constitution of the demos, it seems that even the most inclusive contemporary democracies are plagued by a non-democratic, even arbitrary, constitution of their demos (Whelan 1983, 13-16). It should be noted that the boundary problem only applies to the initial constitution of the demos, after this has been established it is possible to reconstitute the demos according to democratic procedures.

The supposed arbitrariness of the constitution of the demos leaves us with a question: if the demos is not constituted democratically, what effect does this have on the legitimacy of further democratic decisions? One of the possible answers to this is given by Habermas, who does not see the arbitrary constitution as a problem, but instead as an example of the future-oriented character of democracy. According to him, democratic demos have a goal to, through democratic procedures and policies, continuously expand and include more and more disenfranchised groups. In this sense, democracy is a self-corrective learning process that edges ever closer to the right composition of the demos, as long as its members remain aware of the process and critically engage with it to ensure the values and principles remain intact (Habermas 2001, 774-776). Alternatively, it is proposed that democratic theory only offers guidance on the substance of democracy, and thus cannot properly answer the question of the constitution of the demos. For example, Schumpeter argues that every democracy excludes some potential participants from the democratic process, such as those below a certain age (Schumpeter 1976, 243-245). This is done on grounds that the existing members of the demos agree upon, and is therefore not a problem to the democracy. Schumpeter thus believes democratic theory cannot answer the question of boundaries, and we must simply accept the boundaries the system has set for itself. Näsström, in contrast, believes that the constitution of the demos should not be addressed as a simple historical fact, but instead must be prone to the same claims of legitimacy that regular democratic procedures are. If we regard the demos not as historically but as democratically contingent, we can ask different questions that bring the debate forward (Näsström 2007).

Habermas' idea that a demos can constantly reconstitute itself and enfranchise ever more people in a self-corrective learning process as long as the principles of democracy remain intact is an attractive one for solving the boundary problem (Habermas 2001). Firstly because the boundary problem only problematises the original constitution of the demos: subsequent reconstitutions are not problematic if they happen in a democratic way. Secondly there is empirical evidence that some demoi have become more inclusive and enfranchising over time, for example through universal suffrage. The idea is however complicated by the fact that we do not have objective criteria to determine exactly what the perfect demos looks like, or what actions or principles exactly guide it. So how would we know at what point the constitution is complete, and how would we judge whether we are on the right track during the process? Habermas posits that this can be done by reasonably appropriating the constitution and its history of interpretation (Habermas 2001, 775). If this is the case, the debates about political organisation and criteria for citizenship imply that not all states can do this to equal measure. Moreover, if such a learning process would naturally end up at the perfectly constituted demos (whatever this may look like), it ought not matter how the original demos is constituted. It seems unlikely that whatever constitution we initially take, the final result would always be a right constitution of the demos, given for example that we do not have objective criteria to judge this. (Whelan 1983, 23-24). Schumpeter's argument that every democracy has boundaries and that these should simply be accepted as long as the system's procedures are democratic, circumvents the boundary problem altogether by seeing it as part of democratic practice. However, this leaves us with a very broad definition that allows totalitarian regimes such as Nazi Germany or the Soviet Union to be counted as democratic, which is a leap many theorists are not willing to make, and for good reason. Democracy is not only a set of procedures but also a concept that entails notions such as political equality and individual freedom, which are hard to rhyme with Schumpeter's procedural definition.

Most solutions to the boundary problem are framed as prepolitical principles that can guide the establishment of the demos and democracy. For example, cultural-nationalism supposes that a shared culture comes into existence among people with shared beliefs and ideas (Miller 1995, 40, and Miller 2016, 45-47), and that this culture furnishes a prepolitical nation that gives the answer to

the boundary problem insofar that the legitimate demos consists of all those who share that certain nation's culture and practices (Abizadeh 2012, 869-871). In that sense, the nation-states that exist do so because they are the vessels of a legitimate demos that shares cultural characteristics. By legitimate I mean adhering to democratic principles of political equality and self-rule. Thus, the boundary problem is solved when individuals of a shared culture together form a demos. Generally those that lean more towards the cultural-nationalist line of thought often have fears that when the demos is constituted in such a way to include other citizens not of a similar culture, this will somehow impede or lessen the functioning of a democracy because the underlying values of a shared culture that made the democracy work are no longer shared by all members of the demos.

The nation-state is based on a shared culture, its demos consists of those who belong to that specific culture and it is legitimate because this specific constitution of the demos gives a voice to the shared culture in the best way (Miller 1995, 40). Moreover, this solution to the boundary problem shares most characteristics with contemporary states, which will be discussed further below. Nation-states are generally understood to be carriers for specific peoples of a shared cultural background. This fact is evident in many political debates about norms and values, as well as cultural characteristics, such as the Dutch being pragmatic or the British loving their queen. It can be argued that someone who does not share these cultural values or holds values opposed to it, for example a person that favours republics over monarchies, would then not be a part of that culture's legitimate demos (and most likely would not want to be). The assumption is that conflicting cultural nations that would exist within the same demos will inevitably lead to conflict or danger to the 'right' culture, something that is quite evident in the nationalist framing of political debates about for example immigration. However, as I have mentioned above the problem of secession movements such as the Kosovar case is difficult to answer from the point of view of the cultural-nation.

Given the scope of this research project I shall limit my discussion of the cultural-nationalist principle only to the point of in what sense it is prepolitical and to the problem of cultural adoption. This first point relates in a broader sense to the difficulty of what can be understood as culture, and what specific criteria can be used to determine who is part of a culture and who is not (Abizadeh

2012, 869). There is a problem of closure, namely that there are no clear answers to either of these points. Simple identification with a culture is not enough to form a strong prepolitical ground for legitimacy, certain characteristics must be shared uniquely among members of a culture (Miller 1995, 40). However, there are no two individuals ascribing to the same sub-set of ideas and practices that together form a culture, and overlap exists on all sides (Patten 2011, 736-737). If there can be no specific closure about what a culture entails and who is part of it, subsequently it becomes problematic to use culture to mark boundaries. The solution to this problem is often to ensure the survival of a culture as understood in a certain way by imposing it upon the selected demos via political institutions and laws (Fleischacker 1992, 167). But then we are faced with yet another problem, because the cultural nation becomes a political project to realise, as opposed to a prepolitical ground that can justify a specific constitution of the demos. (Abizadeh 2012, 872). A case in point here is Spanish law forbidding a Catalan referendum for independence, or similar cases in the United Kingdom relating to Scottish independence. That still leaves us with the query on what grounds the demos as it exists or as it is imagined by cultural-nationalists is legitimate. Because cultural-nationalism becomes a political project to realise, the grounds on which potential new members are selected and assessed become arbitrary as the outcome of that political process. Such a development also seems contrarily to democratic principles of political equality and solidarity, especially when considering its employment by totalitarian regimes or populist politicians. The fact that the constitution of the demos becomes a political project of the cultural nation erodes its justification as a prepolitical ground to solve the boundary problem, as that political project is exactly what ought to be justified, not affirmed.

Song argues that democracy is more than just a procedural set of practices such as voting and representation, but also includes underlying principles and conditions such as political equality and solidarity (Song 2012, 41-48). In this view, an expanding demos poses problems of size and stability for the execution of democratic conditions and requisites, leading to the conclusion that there are democratic reasons (namely, the proper functioning of rule by the demos) for bounding the demos along territorial lines of modern states (Song 2012, 65). This argument is also implicitly made by cultural-nationalists. Miller makes it explicit as well: he believes there exists a line

between inclusiveness of the demos (favoured by liberal democrats) and the democratic performance of the demos (favoured by radical democrats) and suggests that the answer to any boundary problem must be determined by striking a balance between these two ends (Miller 2009, 226-228). This is because Miller sees inclusiveness and democratic performance to some extent as contra-dictionary. If the demos expands too much, it cannot function, but he concedes a small and rigid demos may not legitimately function because of negative externalities.

Territory is an implicit part of many arguments regarding the boundary problem, although several authors have focused on it more specifically. For example, territory can be regarded as the prepolitical homeland of a cultural nation as well as something that exists in conjunction with borders and therefore must be tackled accordingly in questions of demoi and boundaries (Miller 2016). Espejo makes territory explicit by showing that many theories, whether globalist or nationalist, rely on a paradox of either a well-defined territory or a well-defined people. She argues that the focus of democratic theory must shift from abstract identity questions towards concrete institutions in concrete environments, and instead of look at whose interests are at stake, determine what those interests are and act in accordance with them (Espejo, 2014, 476). This will allow democratic theory to tackle the boundary problem and move past it towards solving concrete issues.

Another solution for the boundary problem consists of regarding the demos more fluid or expansive than seen by the cultural-nationalists, or even unbounded altogether. Such a solution leads to the consideration of all those that are in some way impacted by a decision into the democratic process, because that way the rule of the people over the people is satisfied to the fullest. This way of thinking opposes the cultural-nationalist argument that a cultural nation forms the prepolitical principle to demarcate the demos (Abizadeh 2012) and likewise believes the answer to the boundary problem cannot follow the same rules as regular democratic decisions (Goodin 2007, 42). Instead, because there is no prepolitical ground other than justifying power by giving those impacted by it a voice in its execution, the demos must be constituted in the most expansive way (Abizadeh 2012, 876-878). Otherwise the risk exists that the autonomy of a person is negatively impacted without allowing them a say in the matter, which intuitively ought not to

happen in a democracy. This can possibly lead to a fluctuating demos that changes per issue voted upon (Whelan 1983, 19). These ideas do not necessarily mean the system of states and territories must be overturned, but will require at least a significant change in our political practices. For example, enfranchisement can happen on a case-by-case basis, where the demos in each case is made up of individuals that can be part of different nation-states.

The unbounded demos thesis is often presented as a dichotomy between nationalist and globalist thought, although those in favour of the expansive or unbounded demos do not necessarily propagate a global government or an unraveling of the current system of states. I will discuss two of the principles offered for constitution of the demos in this school of thought, namely the all-affected and the all-subjected principles. The first of these, the all-affected principle, entails essentially that “everyone who is affected by the decisions of a government should have the right to participate in that government.” (Dahl 1970, 64). Moreover, it can be argued to in some way be implicit in the cultural-nationalist thesis. Goodin argues that lines on a map and feeling sentimentally attached to others are arbitrary facts from a philosophical standpoint. What allows these to become moral reasons for legitimately constituting a demos is the fact that they cause people’s interests to intertwine (Goodin 2007, 48). Goodin believes enfranchising all affected interests is likewise the principle by which other ways of constituting the demos are judged: the central question is after all whether a constitution of the demos is good, that is, whether all those who ought to be included are in fact included. Moreover, it adheres to one of the central concepts of democracy: the potential of equal political power (Goodin 2007, 50). There are multiple iterations of this principle that range from weaker versions to the strongest version that includes all those possibly affected by any decision stemming from any possible agenda, effectively calling for a global demos.

The all-subjected principle at first glance seems quite similar to the all-affected principle, but it differs on several important points. It is primarily heavily dependent on the notion of autonomy, and supposes those who are unilaterally subject to a coercive power that reduces their autonomy ought to have a say in government (Abizadeh 2012, 878). The all-subjected principle is necessary because the all-affected principle offers only an instrumental reason for

enfranchisement, not a constitutive requirement for democratic legitimacy, and as such does not fully answer the boundary problem. This is because the democratic ideal of self-rule is grounded in the fact that for individuals to be autonomous and equal they must be the joint authors of the terms governing the political power to which they are subject. One's interests being affected at all does not mean impediment of autonomy or equality, but being subject to coercive power without influence over its exercise does (Abizadeh 2012, 787). A situation can be imagined where one's interests are affected, but there is no unilateral application of coercive political power. Inclusion in the demos must not be based on the individual's interests as a whole, but on their worth as autonomous and equal beings. This functions as the presupposition for democratic procedures required for democratic legitimacy. Moreover, because subjection is unbounded, it also implies the demos is in principle unbounded (Abizadeh 2012, 879). This is because the creation of borders and boundaries, both physical and political, affects not only those inside the borders through inclusion, but also those outside of the borders through exclusion (Abizadeh 2008, 54-56). Then, if those excluded are not given a say, all those individuals are impacted and thus unilaterally coerced by the drawing of a boundary, making whatever power drew that boundary violate the all-subjected principle and thus fail to some extent to be democratically legitimate. In turn, assuming the demos is bounded in principle makes legitimising power to those over whom it is exercised conceptually impossible, because a bounded demos per definition can never enfranchise all individuals over whom power is exercised. Thus, Abizadeh claims that the all-subjected principle is the only way of giving political power and its exercise over the demos legitimacy. Abizadeh believes essentially that we must reverse the question of the prepolitical principle, and accept political power as a given before looking how to legitimise it (2012, 879-880). An unbounded demos does not necessarily mean a doing away with current systems of state organisation, but it means that the solution to the boundary problem is one that furnished further critical reflection: there is not some kind of prepolitical demos to be found, but rather a normative question about which individuals are entitled to a say considering a certain set of institutions and power structures (Abizadeh 2012, 880-881).

The all-affected and all-subjected principles, and their implication that the demos either must be more expansive than it often is in contemporary states, or unbounded altogether, are not

without their criticism. It has been argued for example that an unbounded demos leads to neglecting of democratic values such as solidarity and equality. The fear here is that such an expanded demos will be unable to foster these characteristics in its members, or ensure the stability of the system (Song 2012). Furthermore, the all-subjected principle has been challenged based on the fact that it gives an equal voice to all, even if they are not subjected to the same degree as others. Then perhaps they should have some influence, but not necessarily an equal say in matters that subject them (Miller 2009, 224). This does however not conform to the principle underlying the unbounded demos: power is legitimate only insofar it conforms to the will of those subjected to it. If layers are created to demarcate degrees of subjection and corresponding degrees of democratic participation, a society fails to address the political equality of the members of the demos.

An alternative to giving a plethora of people that are currently not in the demos a voice in the democratic process is the concept of compensation. This entails attempting to prevent as many negative externalities from befalling those not in the demos, but when they are unavoidable to compensate for them as a way to internalise the externality (Goodin 2007, 66-67). On the practical side of matters, it would greatly reduce the complexity for societies when dealing with several problems that would warrant enfranchisement at the same time. Especially when one accepts that there might be different demoi required for different decisions, compensation offers an easier way out. A given demos makes decisions to its best ability, and when negative externalities cannot be avoided, it compensates those impacted. The argument has also been made on the basis that expanding the demos to include all whose interests are affected fails to make a distinction between moral agents and moral patients (Saunders 2011). Moral patients cannot meaningfully partake in the debate, so it seems senseless to include them. Commonly young children are used as an example of this, but if the all-affected principle calls for the inclusion of an illiterate inhabitant of Nigeria in an American company's decision that will harm the environment and have minor negative effects on that Nigerian, it can be doubted to what extent there can be meaningful participation. Then, demoi should do their best to limit the negative externalities they have on

others (even though they may at times have the right to do so), and when these cannot be avoided, to compensate for them (Saunders 2011).

Some objections to the idea of compensation are straightforward. For example, who decided what kind of compensation is just and when it is necessary? Moreover, instances where compensation seems to be required will often feature unequal power structures: how would for example a Mexican fisherman that is impacted by US overfishing ever secure his compensation when his options to reach out are highly limited? Compensation is straightforward in the case of small infringements and damages, but when compensation has to be determined for the destruction of one's ecosystem or social environment the matter becomes very complex. Finally, how would compensation be awarded for the negative externality of wrongful exclusion from the demos? (Goodin 2007, 67).

There are several other (not necessarily democratic) ways of constituting the demos that have been offered in response to the question of who legitimately make up the people in a democracy. One of these can be found in contractarianism, where the demos consists of all those each of whom is not rejected by any of the others as a member (Whelan 1983, 24-28). While this circumvents the traditional boundary problem, it does run the risk of leaving large portions of the world without a demos, or fracturing demoi so far that democracy and political equality become difficult. One might propose that all those who are obliged to obey a collection of laws are entitled to membership of the demos that creates those laws (Goodin 2007, 42). However, when one considers examples such as underage children or illegal residents, who are bound by law but not part of the demos, or that of a day visitor, who is bound by the laws only for a single day, it becomes difficult to draw a line again, and we end up with just another version of the boundary problem. Finally, some just propose to accept demoi as they are now and not worry about the boundary problem. However, considering the impact of the boundary problem upon the foundations of democracy and the questions of legitimacy it poses, simply disregarding the problem as a whole is not an advisable course of action.

To summarise, attempting to demarcate the demos in a democratic way leads to infinite regress, and there are diverse solutions proposed to address this boundary problem. In the

following chapters I shall assume the all-subjected principle offers the most compelling answer to the boundary problem and gives the most philosophically appealing ground for the constitution of the demos, while other answers fail to properly legitimise the exercise of power. Its enfranchisement of individuals based on their autonomy and political equality in a constitutive sense seems closest to the ideals of democracy, while it gives a framework to approach questions of the exercise of power. Cultural-nationalism in the end does not suffice as a prepolitical ground for the constitution of the demos because of its arbitrariness and final degeneration into a political project or imposition of culture. From this project follows a demos that is too easily based only on the whims of history. The all-affected principle is more appealing already, but is impeded by the fact it enfranchises moral patients. Likewise the criticism of levels of affectedness, while perhaps rationally refutable, shows us intuitively that excessive including individuals and the potential pitfalls of this remain matters that are difficult to solve for the all-affected principle. Compensation as an alternative for enfranchisement of subjected or affected individuals seems promising. It would reduce greatly the complexity of the democratic process compared to that of an expansive or unbounded demos. However, the question of who decides the compensation, as well as the difficulty of compensating for complex non-monetary negative externalities such as wrongful exclusion of the demos makes this solution very difficult. Finally, the solution of Habermas seems insufficient because it requires us to assume too much about characteristics of democracy and the way the perfect demos looks like, while Schumpeters answer requires us to leave behind almost fully the moral content of the concept of democracy as it is often understood. In the following chapter I shall further explain my understanding of the all-subjected principle, as well as outlining the central concepts that play a part in it. I shall moreover justify my chosen approach of three different types of government and the use of the all-subjected principle within these chosen forms.

On the All-Subjected Principle

As I have stated above, I believe the all-subjected principle is the most appealing solution to the boundary problem. By connecting democratic legitimacy to the exercise of power and the role that the subjected play in this provides us with a tool that can be used to assess to what extent a state is legitimate in the constitution of its demos. I shall first expand on the principle itself and the definition of subjection, before explaining how I intend to judge the implementation of the principle in different state-forms.

In short, the all-subjected principle states “that all those subjected to the exercise of political power be included in the demos, i.e., granted a right of democratic say over political decisions” (Abizadeh 2012, 878). Abizadeh’s assumption that power needs not be prepolitically constituted (2012, 879) allows us to take the existence of political and the role individuals play in it as a starting point, instead of using an imaginary social contract that legitimises the constitution of the demos. Therefore, democracy is best understood as a system that attempts to legitimise the use of power over individuals, respecting their freedom and equality, by drawing on political practices of expression and deliberation (Abizadeh 2012, 880). This kind of practice serves the freedom and equality of those over whom power is exercised and gives the conditions for collective self-rule. Thus, certain normative constitutive constraints are necessary for the procedures and processes to articulate that collective self-rule (Abizadeh 2012, 880). This definition of democracy and the role the all-subjected principle plays in it does not presuppose a prepolitical ground that legitimises it. Instead, the democratic system and the people that are part of it are understood intersubjectively in procedural terms (Abizadeh 2012, 880). The legitimacy of the democratic system is then located in the regulative standards implicit to democratic procedures that make collective self-rule possible (Habermas 1996, 301). In turn, the unbounded demos that functions as a means to ensure legitimacy of the process through the all-subjected principle is a normative ideal; it is not ever fully represented by any actual collective, and none of the representations fully exhaust the normative aspirations of democratic legitimacy (Abizadeh 2012, 880). Following from

this, the legitimacy of systems is constantly reaffirmed by their ability to enfranchise subjected individuals into the demos.

When discussing the all-subjected principle it is imperative to accurately define subjection. Without a solid definition of the term it becomes unclear which individuals ought to be enfranchised in decisions. There is a close link between subjection, autonomy and coercion. Autonomy can be understood as a core principle of the democratic state (Abizadeh 2012, 878). I shall follow Raz's definition of autonomy, which stipulates individuals being 'part creators of their own moral world' instead of 'subject to the will of another' (Raz 1986, 154-155). Autonomy has three requirements: that an individual 1) has the appropriate mental capacities to formulate personal projects and pursue them, 2) enjoys an adequate range of viable options, and 3) is independent, therefore not subject to the will of another or through coercion and manipulation (Raz 1986, 372-378). Then, individual autonomy is always invaded by coercion, which is why the exercise of political power demands a justification such as the all-subjected principle. I take it coercion consists of the exclusion of options that an individual might pursue, such as entering a territory or committing an act, or the threat of excluding options when a certain course of action is pursued, for example done by laws stipulating offences and punishment (Abizadeh 2008, 39-41). It is important to note that coercion is justified in democracy by and to the people over whom it is exercised by virtue of their democratic rights. Citizens are allowed to partake in the political process that creates the law, which in turn regulates the coercion a state applies to individuals. Through this process, while the autonomy of a citizen is still invaded by coercive state practices, it happens in part through their own will because of their right to participation in the political process, which gives the process legitimacy. The kind of subjection by the state that necessitates the all-subjected principle occurs when the autonomy of an individual is impacted by state coercion without influence in the process or justification of that coercion. In practice, this means that decisions that are currently often understood as purely unilateral, such as the drawing of state-borders, demand a greater inclusion of individuals into the demos. Overall, the all-subjected principle will mean greater enfranchisement of individuals and require actual demos to be approached in a different manner compared to the current state-centric way they are often understood.

The way I will employ the all-subjected principle vis-a-vis the boundary problem is as follows. I will assess to what extent different organisations of the political can implement the principle to become as legitimate as possible, while taking their foundations into account. For example, in the case of the Rousseauian city-state, I shall ask how the all-subjected principle can be implemented to make the city-state as democratically legitimate as possible, accepting that its implementation may not violate the essence of Rousseau's founding principles such as the establishment of the social contract. I have elected not to employ the all-subjected principle as a prepolitical founding principle for the demos, such as the cultural-nation discussed earlier. This would simply lead us to ask a binary question about each and every demos or state, namely "Is demos X constituted according to the all-subjected principle"? If yes, it is legitimate, if no, it is not. Considering there is no demos organised in this way, this would not be appealing. Note that I am likewise not interested in the application of the principle in the different forms of organisation of the political, as this would lead to a similar question, namely "Is the all-subjected principle applied to democratic state X?" If yes, then it is legitimate, if no, then it is not. What I examine is the temporal application of the all-subjected principle to an already defined organisation of the political. That is to say, given the founding principles of the way a given demos is constituted, how can that demos become as democratically legitimate as possible by implementing the all-subjected principle? I believe it is relevant to observe these founding principles because these political entities exist defined by them while a major change in their founding principles is unlikely. That does not necessarily make them justified, but these principles are still something to take into account. Moreover, if their founding principles as such are not considered, each and every form of democratic government I could possibly propose would strive to implement the all-subjected principle to the fullest considering it will make their exercise of power most legitimate. Eventually this will cause all states to adopt a the same form, whatever their starting point. As this is likewise practically impossible, it is imperative to consider the potential problems that the justification for a state may pose to full implementation of the all-subjected principle. All the chosen forms of government have some kind of social contract at their foundation, and therefore can never fully

embody the all-subjected principle as I have described it. This is however not problematic considering my approach of the implementation, not the application of the principle.

The three ways of state organisation that I shall examine the implementation of the all-subjected principle in are the Rousseauian city-state, the nation-state and a global democratic government. I have chosen these three because each operates on a different scale, namely the city-state on a small scale, the nation-state on a large scale, and the global democratic government on a global scale. Moreover, each has different founding principles or justifications for their formation, namely the Rousseauian social contract for the city-state, a form of cultural-nationalism for the nation-state, and the common denominator of humanity for the global democratic government. These founding principles or justifications together with their scale allow us to envision them in a certain way, as well as function to pen in the scope of possibilities for implementing the all-subjected principle. I shall explain how each of the systems handles this, but never to such an extent that the system would be changed beyond recognition. In short, they function as political demarcations, beyond which one system gives way to another. This way, it can be seen to what extent these systems can improve their legitimacy from within by implementing the principle to some extent without a major systemic change. As such it is expected that each has different capacities and hurdles for the implementation of the all-subjected principle. It does also mean that there is a possibility each of the systems only has a only a small capacity for implementing the all-subjected principle, warranting the conclusion that they can simply not become very legitimate from the point of view of the all-subjected principle.

The justifications for the systems that I have mentioned above also give rise to a potential problem in my approach. If each of the systems I discuss has that discussion limited by their justifications which form part of the founding principles of that system, i.e. the Rousseauian social-contract as a justification for the city-state, one might remark that implementation of the all-subjected principle in each of these does not function, because that principle itself functions as the justification for a system. If one avoids this by looking not at the justifications of the system, but only at its scope, there will most likely not be any substantive difference in the capacity for implementation of the all-subjected principle between the three chosen options. Finally, looking at

existing states is also complicated, as these only mirror the nation-state I discuss in several aspects, while a Rousseauian city-state or a global democracy have not been attempted. To assuage this problem, I would like to remark that contrary to the justifications of the systems I have mentioned above, the all-subjected principle not necessarily makes demands of inclusion into states, but only of inclusion into *demos*. It is a principle of democratic legitimacy, not of state organisation. While these are often similar and certainly related, they are not the same. The founding principles mentioned above all make some demands regarding what it means to be part of a given state. In the city-state, those part of the social contract must be part of the state, in the nation-state those who are part of the nation must be part of the state, and finally in the global democracy all individuals who are human must be part of the state. It is however not unthinkable that the all-subjected principle as I have described it can be satisfied when a subjected individual is included in the *demos* for the purpose of one decision, but never becomes part of the state for others.

If a state would be organised based solely on the all-subjected principle, that will mean its *demos* will be different for every decision based on who is subjected. That gives no criteria for membership of the state. Are those enfranchised even once part of it? If an individual was enfranchised once five years ago, do they remain a citizen indefinitely? Using only the all-subjected principle as guiding for the composition of the state will result in an entity that is hardly recognisable as a state by our current understandings. Thus, I believe there is still good reason for assessing the capacity for implementation of the all-subjected principle in the three chosen forms of government. Their justifications or founding principles will serve as limits to the enquiry and a theoretical framework at the same time. In connection to the theoretical justification I shall also discuss the effects of their scope. In the case of the nation-state I shall refer at times to contemporary examples, as the system as I will describe it shows similarities to current states.

If a state shows little reception towards the all-subjected principle's implementation, that is fails to implement it to a significant extent, instead of a demand for immediate political change something like the approach of values of democratisation may help explain the transition from one form of government to another. This essentially entails: "The core idea of this approach is that,

instead of treating democracy as an idealised set of institutions which need to be induced beyond the state, we should think about the fundamental principles that democracy demands and strive for them under existing conditions.” (Kuyper 2016). The all-subjected principle’s call for enfranchisement and legitimisation can be understood to be one of these principles, once again affirming that the all-subjected principle is not some rule for state formation, but a principle to ensure maximum democratic legitimacy within an existing demos.

The Rousseauian City-State

When discussing the Rousseauian city-state I shall take it to mean a relatively small polity where Rousseau's proposed form of general will formation is possible, constituted according to a social contract, where the citizens are each authors of the laws they are bound by, and which exists in a system of other such entities. The general will of the body of citizens is encapsulated in the Sovereign, and in each following the laws they themselves have authored and willed, they are free (Rousseau 2003, 8-9). These laws are general in application and universal in scope. From the universality of the law and the general will emerge laws that do not intrude upon or hamper citizens but instead favour the common good. In theory, the democratic procedures of the city-state function to reveal public interest, after which they facilitate a deliberative fulfilling of personal preferences and give legitimacy to the state (Bertram 2012). Rousseau's city-state faces a similar paradox of constitution to the boundary problem, because he asserts that good laws stem from the general will of good and virtuous citizens. However, in order for citizens to become virtuous they must be shaped by good laws, so the initial citizenry of the city-state requires an external trigger in the form of the lawgiver to formulate good laws via the general will at the inception of the city-state (Honig 2007, 3). I shall discuss this paradox and its implications for the city-state after some more general observations about the implementation of the all-subjected principle in the Rousseauian city-state.

On the Social Contract does not say much about the constitution of the demos or the criteria involved in this. The initial discussion of the social contract implicitly treats the people as a given (Rousseau 2003, 8-12). One of the first arguments about the implementation of the all-subjected principle that can be made is about the scope of the city-state in connection with the principle. After all, the city-state itself before it has come into any contact with outsiders or other entities of political organisation conforms fully to the all-subjected principle: all those who are subject to the law have their say in it. This is essentially the role of the Sovereign in Rousseau's writings (Rousseau 2003, 11). However, once interactions begin to take place with individuals currently outside the demos or other entities of political organisation (such as other city-states), the

picture becomes more complex. We can assume that a good people that has willed good laws in the past shall, as a matter of general will, desire their system of government to be as just as possible, because this is for each a preferable situation. Seen like this, it can easily be imagined that the city-state would want to enfranchise a farmer living just outside the boundaries of the city in its decision-making, when a decision is made on the altering of the flow of a stream that runs through both their territories. This can likewise be the case when two separate city-states discuss their trade business, where each can influence the process and have a say in the final decision. After all, if city-state A adopts a policy regarding commercial rights of the merchants from city-state B without allowing that entity a voice in the decision-making, the merchants' autonomy is negatively impacted through unilateral coercion and city-state A compromises its democratic legitimacy. A critique can be that the merchant can simply go elsewhere to avoid this coercion, and is thus not subjected. However, I envision the city-states to exist in a system with one another, and thus each of them will have laws relating to all others. In other words, city-state C and so forth will have trade policies as well. In that case, a merchant does not have a satisfactory range of other options for commerce where subjection would be absent, and as such the all-subjected principle would be violated if he has no influence on the formation of these trade policies. Other examples such as resident aliens and travellers can be solved likewise.

The implementation of the all-subjected principle in the city-state can become problematic for two different reasons. The first of these is related in part to the formation of the general will. Because the law is universal in scope and general in application, citizens will create non-intrusive laws that secure the common interest, even though they do so by examining their self-interest. (Bertram 2012). Considering the city-state will enfranchise individuals through the all-subjected principle as I shall explain below, the process of discerning the general will by examining one's own situation will become more difficult. Because the homogeneity implicitly assumed at the foundation of the city state is reduced by enfranchisement of different individuals, the city-state now contains a broader spectrum of ideas, beliefs and social standings. Thus, the demos can have more difficulty deducing the common good from the effect it would have on their own situation. Rousseau warns of factions in politics, which can be understood as stratified social classes (Rousseau 2003, 17-18).

Consider this especially in the case of less-visible minorities. Factions may lead to a degeneration of the quality of laws while the citizenry is no longer correctly able to discern the proper general will. Over time, this will further lower the quality of the laws created by the city-state as well as lower the ability of the citizens to discern the general will and make good laws, overall weakening the sovereign.

The second problem likewise relates to the general will, but in this case the deliberation and action that give it shape and execute it. When the all-subjected principle enfranchises more individuals and the demos of the city-state thus grows when deciding on certain topics via the general will, direct deliberation to reach consensus and enact laws can become a difficult matter, both in spatial terms and in scope. A system of representation seems a likely solution to the problem of the demos being too large or spatially disconnected to convene in person to formulate and enact the general will. This, however, is not exactly to Rousseau's liking, as giving away one's right to rule oneself to a representative constitutes to him a form of slavery (Bertram 2012). The fear is that in a given situation where a large involvement of a legislative government is required eventually this government's corporate will overrides the general will of the demos, at which point the Sovereign ceases to be legitimate because the people no longer live by the laws they author themselves (Rousseau 2003 41-42, 64-66). That does not mean any government in general ought to be opposed, for magistrates are necessary to administer the day-to-day affairs of the city-state, but relinquishing control of means to check the legislative is dangerous.

It seems so far that the all-subjected principle and the Rousseauian city-state are difficult to reconcile. On the one hand, a larger demos would make both the creation of good laws and the effort of determining the general will, as well as the directness of legislation, more problematic. On the other hand one might argue that because of the initial limited size and scope of the city-state demos, the nature of decisions it must take will not cause massive subjection and thus enfranchisement of new individuals into the demos. Consider the aforementioned example of a Rousseauian city-state determining its trade policy towards another Rousseauian city-state. If this happens via a process of negotiating between the two city-states, the demos of each has had a democratic say through the general will in the final outcome and thus the all-subjected principle is

not violated. Other governmental interactions are likely to be of relatively small scale as well, which makes it easier to enfranchise the subjected. The interactions between the city-state and individuals are somewhat more difficult to interpret. As I have mentioned before, the city-state will at times make decisions that impact individuals that are currently not part of a city-state within the system. These individuals are thus part of the state of nature still while the demos of the city-state has left that mode behind. This means that the individual the city-state interacts with lacks the kind of moral freedom that the citizens of the city-state have acquired by being part of a social contract. The individual possesses only natural freedom, which the citizens have exchanged for civil freedom (Rousseau 2003, 12). Technically the individual living on that property has no right to it that the city-state can recognise because the individual exists in the state of nature (Rousseau 2003, 12-14), and as such the city-state need not take them into account by the letter of the social contract. However, considering the nature of the social contract and that of the all-subjected principle does give sufficient grounds for enfranchisement. When the individual is enfranchised in the city-state, he acquires the moral freedom that allows him to obey laws that he has prescribed to himself. Rousseau's state of nature is not as brutish as the Hobbesian account, but it still seems likely that the security brought by enfranchisement in the city-state is a sufficient motivation to accept enfranchisement. Enfranchisement of individuals that are not yet part of the Rousseauian city-state via the all-subjected principle seems quite close to the initial establishment of the city-state via the social contract: all individuals that before faced the state of nature will rationally agree to the establishment of the city-state, and those that are enfranchised after will most likely agree to become part of its demos. It is important to note that if an individual refuses enfranchisement for whatever reason, such as in the aforementioned example of a discussion about a stream going through their territory, the city-state cannot force that person to become enfranchised. Agreement between the two parties without enfranchisement may still be possible, but the spirit of the all-subjected principle prevents forceful inclusion into the demos.

The only type of significant decision taken by a city-state that may warrant enfranchisement of a larger group of people is that of border relations with other city-states. When enfranchisement of individuals living on certain lands outside the city-state occurs, these individuals become citizens

and thus gain the right to the territory they live on. This is as it used to be, except for their right to it is now protected by the Sovereign, and thus forms part of the city-state (Rousseau 2003, 12-13). Through this process individual enfranchisement and thus growth of the city-state continues until a neighbouring state is met. At this point the border that is drawn between the two states must allow the citizens of either state a voice in the discussion to safeguard the implementation of the all-subjected principle. Considering the general will that is carried out by the government of both city-states is each formulated by all citizens of both, any negotiation or other bilateral solution to the problem thus satisfies the implementation of the all-subjected principle.

The aforementioned constitutional paradox of the lawgiver, where the inception of the city-state faces a chicken-and-egg problem, coupled with the distinction between the general will on the one hand and the will of all, or aggregate of individual wills, on the other hand can be seen as Rousseau's political paradox (Honig 2007, 3-8). It is important to know that, according to Honig, this paradox is not simply a binary irreducible fact or a solvable problem, but instead a vicious cycle that appears not only at the constitution of the city-state, but throughout democratic politics (2007, 3-5). Contrary to deliberative democracy or decisionism, the paradox of politics leaves us with a people that are a multitude and a general will not as infallible as Rousseau presents it, the result of the paradox finally being that the legitimacy of outcomes remains contestable. Different groups have different claims, the general will is inhabited by the will of all, and neither the lawgiver nor political theorists can be fully objective in standards (Honig 2007, 14). This conclusion warrants the approach for the all-subjected principle's implementation that I have chosen. Instead of viewing the boundary problem and its solution as a binary and linear conundrum, by which I mean having a problem at the beginning and applying a process which ultimately leads to a solution, examining to what extent the principle can be implemented in a given political system to make it more legitimate is likewise practically usable. It supplies one not with ideal-theory or standard practices, but challenges one instead to find material conditions of political practices, which is exactly what Honig tries to achieve.

In review, the Rousseauian city-state shows difficulties in constitution that are similar to the boundary problem. There exists a paradox of politics that Rousseau attempts to solve via the

lawgiver, but the paradox is better understood as a continuous contentious process without a linear answer (Honig 2007). In this sense, it is similar to the implementation of the all-subjected principle, because no actual demos can ever fully represent the normative demos in a perfect democratic system. The all-subjected principle and the constitution of the city-state by the social contract have similarities, and good citizens of a well-functioning city-state will want their laws to be as legitimate as possible, which is done by enfranchising all subjected individuals. For the enfranchised individuals the rational choice is to become part of the demos and thus the Sovereign while gaining moral freedom. Moreover, a city-state within a system of other city-states will most likely not make decisions with externalities so large that they require enfranchisement of large groups of individuals, and the decisions that do, such as border politics and trade can be solved easily by negotiation. In contrast, it can be argued that enfranchisement of individuals will over time make the discerning of the general will more difficult for the citizenry because they cannot use their own situation as basis for this as much. Likewise, enfranchisement of subjected individuals may over time create the need for a system of representation, which over time may further weaken the ability of citizens to be the authors of the laws that govern them. These problems are likely to occur to some extent when the all-subjected principle is practiced in the Rousseauian city-state, with their magnitude depending on the need and scope of enfranchisement of individuals into the demos. However, because the enfranchisement of individuals will most likely be limited to accepting new individuals not yet part of a Sovereign into the city-state while ensuring enfranchisement of neighbours through negotiation, the negative effects upon the city-state are minimal. Therefore, the implementation of the all-subjected principle within the Rousseauian city-state while respecting its founding principles is possible to a large extent.

The Nation-State

After having examined the implementation of the all-subjected principle to the Rousseauian city-state, I shall now examine how it can be implemented in the context of a democratic nation-state. The nation presupposes a people, and uses that people as a justification for the drawing of boundaries around a political entity (Miller 2016, 45-49). Considering the rejection of the cultural-nationalist prepolitical ground for the solving of the boundary problem above, this may seem odd. Nonetheless, the nation-state as I describe it here comes closest to actual democratic states of the three discussed systems,, so it is relevant to see to what extent the all-subjected principle can be implemented here to make the nation-state democratically legitimate to the greatest extent.

My understanding of the nation-state entails a sovereign state inhabited mainly by individuals sharing a nationality, as well as a language and common characteristics. This definition is deliberately vague to avoid once again engaging in the debate about the philosophical underpinning of the nation-state as I have done before. For now this definition suffices to describe the way our current state system is broadly understood by many of its members; the Swiss live mainly in Switzerland according to Swiss culture, while the French mainly live in France according to French culture. While many contemporary states are to some degree pluralistic, the idea of nationhood remains important. Of course, such ideas are created by imagined communities that are not grounded in natural facts about the world (Anderson 1991, 6-7). Nation-states exist in a system of other nation-states where each has both internal sovereignty, meaning that the nation-state has prime authority within its territory (Bull 1977, 8), as well as external sovereignty, meaning independence from outside higher authority (Bull 1977, 8). Its inhabitants are bound by laws and protected from violence because the nation-state employs a monopoly on violence. Moreover, citizens pay taxes that allow the state to finance programs that are thought to be in the general interest of all. Usually, the democratic systems are those of representation, where citizens can express their preference for a party or a candidate that matches their policy views.

In comparison to the Rousseauian city-state, the nation-state faces several problems that make enfranchisement of subjected individuals more difficult. The first and perhaps most obvious

problem is that of nationality and belonging. Almost everything in nation-states is framed from the viewpoint of that nation in a particularist way, the national self versus the external other (Abizadeh 2005, 45). This does not mean a nation-state cannot have pluralist or universal elements, it simply means that a nation-state defines itself contrasted to other nation-states. Many debates about migration or topics that transcend the nation-state would be approached from the point of view of the own nation; migration will bring in people with a different culture which lessens the strength of the nation, because the larger the demos and the less homogeneous the culture, the less necessary conditions for democracy to function such as solidarity are present. To some extent, the political thought of nationalism mirrors this in many contemporary states, and political parties of this sort often are against policies that increase heterogeneity of the demos. Not just the framing of political interactions is focussed on the nation, processes within the nation-state are also tied to nationhood. An example is the ties between nationhood and citizenship. This is visible in contemporary states as well. For example, in order to become a Dutch citizen, one must not only go through a legal process of acquiring citizenship, but also demonstrate a sufficient knowledge of Dutch culture and affiliation with it. This is the case in many states, where in order to become a citizen one must to some extent also become a national. It seems that this mindset and the administrative system that support it impact the degree to which the all-subjected principle can be implemented in a given nation-state. The all-subjected principle will call for enfranchisement of nationals of another nation-state, or those belonging to none or a nation-state that has ceased to function. That very idea is problematic for the nation-state. While the nation-state is mainly a system of political organisation, the nation it leans on often has implicit assumptions for membership. These often deal with culture and belonging, and make certain demands of the demos. The fact that the nation-state makes implicit demands of the demos makes implementation of the all-subjected principle difficult, as that principle makes different demands of the demos. This is another difference with the Rousseauian city-state, where full implementation of the principle would mean all individuals not yet part of one become part of a Sovereign eventually, because it has no demands of the demos other than acceptance of the social-contract, which is compatible with the all-subjected principle. In the international system of nation-states, whenever an individual

that is not part of a state is subject to the implementation of political power, they cannot be immediately enfranchised because entry requirements to nation-states are more stringent than in the case of the Rousseauian city-state. Recall that because the actual collective of individuals is only a representation of the normative demos that is part of the theoretical legitimisation of democracy (Abizadeh 2012, 880), it is not a problem for an individual to be part of the demos of two different nation-states at a given time. Moreover, because of the unboundedness of the normative demos it is questionable to what extent they are even two distinct demois more than two parts of the same normative demos.

A second remark that can be made about the compatibility of the all-subjected principle and the nation-state deals with the principles of democracy and their functioning in an expanded demos. I have mentioned before that some argue democracy is not only a set of procedures but also a collection of normative ideals such as political equality and solidarity (Song 2012 and Miller 2009). Seen from this perspective, the nation-state is not simply what happens to be the vessel of contemporary democracy, but also a normatively desirable concept. When enfranchising all subjected individuals, democracy runs into problems of size and stability which are ultimately detrimental to it and achieve an opposite effect: democracy becomes less legitimate and capable of ensuring freedom and equality for citizens. Firstly, to the criticism that shifting demois would have a hard time gathering the necessary information and expertise to make an informed decision as well as pessimism about their general capabilities in large groups I am inclined to answer that a different system of democracy will allow individuals to adapt and improve their participatory manners, making the system function (Pateman 2012). Secondly, the fear that an unbounded demos or its derivatives would be unable to configure enough solidarity and political equality to ensure proper democratic practice I think once again is underscored by the thought of a prepolitical nation that exists. In times of globalisation the potential differences between a Danish and a Swiss expatriate can be greater than those between the Danish expatriate and a Danish farmer simply by virtue of belonging to different nation-states. These constructed narratives (Anderson 1991, 6-7) are not natural facts, and as such a feeling of solidarity may well develop between members of the unbounded demos with expansive implementation of the all-subjected principle.

The third issue when it comes to the enfranchisement of subjected individuals is the scope of impact of decisions of the nation-state as well as capabilities for enfranchisement. The city-state I have imagined to be a relatively small polity that governs a relatively small territory and its decisions therefore will not impact the autonomy of a large amount of individuals at a given time. The nation-state on the other hand, especially in an era of globalisation, has the potential for its measures and policies to negatively impact the autonomy of a great number of individuals. Trade relations, diplomacy and territorial rights have the potential to subject far more individuals than they would in the city-state. Consider the nation-state of Saudi-Arabia wanting to limit its production of oil momentarily to raise the price in favour of its economic gain. In a globalised world economy this would negatively impact the autonomy of millions of people worldwide by altering the costs or income on which they depend for their livelihoods, and as such require their enfranchisement in the decision. This is, considering current methods of communication and democratic participation, a practical impossibility. As Abizadeh notes, the demos is in principle unbounded but at the same time practically constrained by the capacity of communicative decision-making practices to track the outward-extended reach of political power (2012, 881). As there currently is an imbalance between the reach of subjection to political power and the reach of decision-making practices in the nation-state towards non-nationals, this capacity must somehow be increased if the all-subjected principle is to be implemented in a more expansive manner than it is today. This problem is more pressing for the nation-state and global democratic government than for the city-state whose smaller scope gives less warrant for enfranchisement as policies will most likely subject less individuals. Moreover, the Rousseauian formation of the general will allows subjection to be mitigated easier, as I have explained above.

In conclusion, the implementation of the all-subjected principle is a difficult task in the nation-state, which is to some extent mirrored in contemporary states. In their current form, the enfranchisement of non-nationals is possible only on a small scale compared to the need for it. Moreover, the thinking of cultural-nationalism that supplies the common culture of the demos within the nation-state is an obstacle for enfranchisement of heterogeneous individuals. Changing the cultural-nationalist underpinnings of the nation-state will be necessary if the all-subjected principle

is to be implemented more, but that will according, to the founding principles of the nation-state, necessarily lead to a degeneration of democratic conditions such as solidarity. However, even if the nation-state becomes more receptive towards shifting demoi and non-national enfranchisement, the practical reach of democratic practices is dwarfed by the actual need for enfranchisement. Decisions about the economic and environmental policy for example subject a multitude of individuals that far outnumber the amount of them that can actually be enfranchised in the decision-making process. As such, the implementation of the all-subjected principle in the nation-state remains limited both by the founding principles of the state-form and by actual possibilities for enfranchisement.

The Global Democracy

Now that I have examined the possibilities for implementation of the all-subjected principle in the Rousseauian city-state and the contemporary nation-state, it is time to expand the scope of political organisation and discuss a global democratic system. I shall discuss here a global democracy consisting of a government that rules a world where all individuals on the globe in its entirety have become one demos and function as one state bounded by the common denominator of human equality. That is not to say there are no lower levels of governance, because without these the system would not be manageable. Lower levels of governance in the global democracy can be similar to current units of governance, but they lack the undertones of nationhood and belonging that are present in contemporary states. It is not problematic for a group of individuals that associates with one another to have a specific place of residence, but that place is not inherently theirs simply because they associate with one another and that place. There is no longer an us-vs-them-dynamic between groups, as there exists in the system of nation-states. I shall elaborate on this below. The global demos intuitively is perfectly fitted to the all-subjected principle. After all, the boundaries or political objections that existed in the Rousseauian city-state and the nation-state are no longer present and the common denominator of human equality does not problematise enfranchisement. However, recall that the normative demos is in principle unbounded, but that this does not necessarily mean that actual demoi can only be legitimate when they face no borders. Rather these borders must be legitimised via the all-subjected principle (Abizadeh 2012, 880).

This global democracy consists a level of government above current states or units of governance that would have coercive decision-making power over them and can thus enforce things like a global constitution and transnational courts. A directly elected global parliament would satisfy the all-subjected principle because every individual that can be subjected by its rulings will have a chance to influence the policy it makes. However, other kinds of democratic will-formation such as deliberative elements may still be desired, I shall discuss these more below. Moreover the supranational (for lack of a better word in a system without nations) power of the world government

giving it jurisdiction over individual states at a lower level allows it to enforce the implementation of the all-subjected principle when the individual state has not done so. This allows any member of the global demos to appeal for enfranchisement in ways that are not possible in the other two discussed systems because there is no higher authority in those. In the global democracy, disenfranchisement on the part of the state seems to be made impossible by the very nature of the global democracy.

Before discussing in more detail the possibilities for implementation of the all-subjected principle in the global democracy, it is necessary to discuss some specifics of the global democratic system that I am imagining here. The first of these regards the metaphysical impossibility of a global demos, the second deals with the alleged similarity between a global democracy and the all-subjected principle itself. The criticism on the alleged impossibility of a global demos, and thus a global democratic government, comes down on the question of adversity in two ways. These are the belief that there needs to be an external other for a state to properly define the self, and that the state must be homogeneous for it to function (Schmitt 1988, 13-14). These criticisms are as follows: a particularist thesis against a global identity and one against the functioning of democracy in heterogeneous societies. The latter of these I have discussed before, so I shall focus on the former. The argument that a state needs an 'other' to define the 'self' intuitively seems sensible, for these sorts of distinctions are common to interactions and also very present in the contemporary system of states. In a global demos, there would no longer be a possibility for individuals to experience an 'other' outside of their system, and thus substantive equality would lose its value because all are similar and there is no possibility of that not being the case (Mouffe 1997, 23-24). This criticism is however based on a misunderstanding of collective identity for individual identity. As Abizadeh argues, individual identity is indeed particularistic and thus needs an external other, but it does not logically follow that the same is true for collective identity (Abizadeh 2005, 47-49). Within a collective the recognition that allows one to associate with that collective can also happen with other individuals that are part of the collective but remain different still in some way. Recall I have argued before that cultures, and as such identities, face a problem of closure; no one individual ever possesses all the traits and

characteristics that are thought to be part of that culture. That is why even in a collective identity such as would be formed in the global demos individuals can still find an 'other' that has different values or traits and allows them to associate with the global demos, even if that global demos lacks an equivalent demos in another state. A second part of the criticism is that that any equality to remain substantive or meaningful must contain a form of inequality by definition, because otherwise it lacks the possibility of that equality ever being absent and is thus not worth caring about. I believe this can be achieved even when all individuals are members of the global demos and thus politically equal by definition, for example through allusions to the future and the past. Contrasting the political equality of the members of the global demos to the tyrannical excesses of past rulers can serve this role as a reminder for the future, as could the looming threat of disasters of a global scale. As such, I do not believe a global demos is a metaphysical impossibility based on the impossibility to associate with it, or the fact universal application of equality would make it non-substantive.

The second point I wish to clarify is in relation to the similarity between a full application of the all-subjected principle (that is, its total implementation within a political system), and a global democratic system as I have described it. At first glance, the full implementation of the all-subjected principle may well as effect have the establishment of democratic measures at the interstate or global level (Abizadeh 2012, 880). Then, is a global democratic system is not the effect of the full implementation of the all-subjected principle? This would make it a redundant question to judge the implementation of the all-subjected principle within that system. However, while there are similarities between these two, as both would result in the enfranchisement of all human beings, the global democratic system as I describe it here finds its origin in a prepolitical principle of humanity, that is to say that the basis upon which the demos is constituted is that all who are human must be a part of it (Bartelson 2008). Like the two systems I have discussed before, the global democratic government is based to some extent on a social-contract view (Agné 2010 and Abizadeh 2012, 880), while the all-subjected principle takes political power as a given and proceeds from there. That does not mean that the all-subjected principle cannot arrive at a similar global demos, but its starting point differs.

This cosmopolitan prepolitical foundation, the common denominator of humanity that lies at the root of the global democracy as I discuss it here can potentially be an obstacle to the implementation of the all-subjected principle. This is because by making the cosmopolitan notion of humanity the principle upon which to base the demos is likewise a setting of boundaries, but simply at a different level. Instead of taking but one group of culture, it draws in all cultures but the principle remains the same, and is thus just as prepolitical (Näsström 2011, 126-128). To some extent then, even the global demos is in some way bounded, especially when established via a social contract. Note that the definition of the all-subjected principle that I use here does not specify humanity as a necessary condition for subjection to warrant a democratic say. I do not wish to engage in a discussion of the effects of the all-subjected principle on animals or future generations for example, but let us suppose that farm animals gain sentience and are suddenly capable of partaking in the democratic process. Within the global demos as I have described it they are not entitled to participate while the implementation of the all-subjected principle would demand that they are. This is naturally a somewhat absurd example that would have the same conclusion in the nation-state (and depending on the general will may be different in the city-state), but it goes to show that a global demos is not necessarily the same as total implementation of the all-subjected principle.

While it is important to realise there is a difference between the full implementation of the all-subjected principle and the global demos, this state form is capable of implementing the principle to a great extent. Consider Abizadeh's normative demos which perfectly encompasses all that a proper-functioning democracy requires (2012, 879-880), but which can never be fully represented by any actual demos in a democracy. However, the global demos certainly is the practical demos that approaches the normative ideal most closely. With every human encompassed in it, the risk of wrongful exclusion is very low (barring situations such as the absurd one described above). In the global democratic government as I have described it, every citizen can vote for elections concerning the global parliament and government and as such has a way to influence the general large-scale course of world politics. Moreover, through the lower levels of governance they are given votes about issues that directly concern them. If the citizens in what is

now The Netherlands are considering the placement of their dykes, there is no reason for the citizens in what is now Australia to be involved in that choice. If a citizen feels they have been wrongfully excluded from a decision based on the all-subjected principle, they can make an appeal to a court that can overrule these decisions. As such there is a great capacity for the implementation of the all-subjected principle, limited once again only by the reach of democratic practices and allowance for humans to communicate and make their voices heard.

In conclusion, the global demos has a great capacity for the implementation of the all-subjected principle. It would function via a global parliament for which each citizen has a vote and is thus capable of influencing the large-scale political course. Moreover, on the lower level citizens can make their voice heard regarding policies that subject them, and in case wrongful exclusion occurs a higher level of government is authorised to address this. Because this way every individual is part of the demos, wrongful exclusion is very unlikely, and when it occurs it can be tackled relatively simply. A global demos is also the make-up of people that would closest approach the normative demos of a perfect democracy because of its inclusionary nature and scope. However, it is important to note that a global democracy as described here and the full implementation of the all-subjected principle are not the same thing. Humanity as a prepolitical ground for the establishment of the demos is not the same as the all-subjected principle's approach, nor would it be able to accommodate non-humans even if the all-subjected principle would call for this. A global government would still make decisions that require the enfranchisement of millions of people which will require immense effort, but because of the decentralised nature of the system coupled with strong central authority, the implementation of the all-subjected principle is possible to a great extent.

Implications of the All-Subjected Principle

In this chapter I wish to briefly discuss some of the implications the implementation of the all-subjected principle (to whatever extent that may be) will have on democracies in general. These are general observations not applying exclusively to one of three discussed systems but most likely to all of them in some degree. The general requirement of the all-subjected principle, which calls for the enfranchisement of people that are not part of the state but are subjected to it, and the role of the state that is ordinarily thought to have legitimacy in making a decision will require a shift in mindset in the first place. This applies in the Rousseauian city-state and in the nation-state, while the global demos in general will require such a shift more significantly to be viable. The proposal that unilateral border declarations should involve those excluded from the territory as well (Abizadeh 2008) is met already with skepticism from philosophers, and even greater skepticism would come from politicians or current citizens of states. The dominant Westphalian way of thinking about the role of the state and sovereignty will have to change if the implementation of the all-subjected principle is to become a success in any governmental system (Abizadeh 2005, 46-49).

Not only our thinking about the way democracy functions must change, it is likely that a change in democratic practices is also warranted. Throughout the discussion of the three separate forms of government and their capacity for the implementation of the all-subjected principle, I have often spoken of the right of citizens to vote. Considering the complexities of the policies at hand, as well as the need for enfranchisement of a great number of individuals in the nation-state and the global government, it is likely that certain kinds of direct democracy become practiced to a more often than they are now. Consider the nation-state first, where the implementation of the all-subjected principle is quite problematic, by way of an example of a current state. Imagine that The Netherlands attempts to improve its legitimacy by involving those influenced by our fishing policies in their construction. This happens through the EU, but not all those subjected to Dutch fishing policies are part of the EU, for example, Norway. The Netherlands is a representative democracy, and therefore its citizens determine their stance on the fishing policies by voting for a party that

holds a certain opinion vis-a-vis this problem. Would the state then require all those subjected to our fishing policies to vote in a general election? That would allow them to exert influence not only over the fishing policy, but also on the amount of benefits an unemployed person in The Netherlands receives, something not warranted by the all-subjected principle. In a global demos, the number of issues that subject individuals is so great it could never be handled by the global government itself, so here referendums on specific issues are also likely to occur. Thus, it can be expected that referendums and other forms of direct democracy become more commonplace when the all-subjected principle is implemented to a greater extent than it is now and has a sufficiently significant implementation. It should be noted that this is not necessarily warranted by the all-subjected principle, which deals with the composition of the demos, not the execution of the state. However, given the effects implementation of the all-subjected principle will have on the demos (and most likely on the state), I believe these developments are reasonable assumptions.

In the Rousseauian city-state this functions differently. After all, the formation of the general will by the citizens occurs via a system that is reminiscent not only of direct democracy but also of deliberative democracy. As I have explained the Rousseauian city-state can remain relatively small-scale even when implementing the all-subjected principle through negotiation with other city-states on specific issues as well as the will of good citizens to have a democracy that is as legitimate as possible by enfranchisement. Deliberative democracy can also be a useful tool for the other two systems that I have discussed to tackle the challenge of enfranchisement of large groups of individuals. It can be a powerful alternative for representative democracies that seek to enfranchise current non-citizens, and in general allow constituents to grapple with policy decisions of a complex nature.

Likewise, the implementation of the all-subjected principle and the different ways of thinking about and practicing democracy that they most likely require will need to be complemented by strong democratic institutions. In the global democratic system citizens will have to make decisions not only regarding their own situation but also in regards to the general political direction, something that will be more difficult than the current national direction given its increased scope. Moreover, not every individual will have the same knowledge and understanding of affairs, but in

order for each of them to make an informed decision this is desirable and thus justifies the involvement of robust democratic institutions. In the city-state and the nation-state, individuals that are enfranchised in a decision will have to be made aware of how the system they are enfranchised into functions and works, while its current members will have to come to terms with the injection of individuals into the demos that were not before. Finally, another reason strong institutions are necessary is that subjection will most likely differ per policy or law enacted, and as such the groups of individuals that must be enfranchised in the decision will shift constantly. For example, in a global democratic system each citizen will vote in the global election, but the electorate for smaller issue will differ.

The implementation of the all-subjected principle as I have described it not only demands a change in the practices of specific political systems, but will most likely also have an impact on our ideas about democracy in general. For example, the general way of thinking about democracy is very state-centric and regards sovereignty as important. If the implementation of the all-subjected principle is to be successful, a change of paradigm must occur in this regard, which is partially why the principle cannot be implemented significantly in a nation-state. Moreover, different methods of democracy other than just representative party systems will have to be adopted. A representative democracy cannot properly enfranchise subjected individuals in some decisions but leave them out of others if its only means of formal democratic participation consists of voting in elections. Direct democracy or deliberative democracy in this case can help the enfranchised individuals and existing citizens articulate their preferences in a fair manner. Finally, political systems that attempt to implement the all-subjected principle to the greatest extent possible will be helped greatly by having robust democratic institutions to moderate the process and ensure that the collection of constituents can make an informed decisions on these complex matters.

Conclusion

I have attempted in this research to answer the question of to what extent different political systems could implement the all-subjected principle as an answer to the problematisation of the constitution of the demos through the boundary problem, considering the founding principles of those political systems. Essentially, the query relates to the practical application of the all-subjected principle internal to the system. I have opted not to review its application or use it as a prepolitical principle because this would lead to a binary question of legitimacy, the answer to which would most likely be that no polity currently in existence is fully legitimate. Instead I have wondered how political systems can become as legitimate as possible using the all-subjected principle. The three chosen political systems, the Rousseauian city-state, the nation-state and a form of global democratic government, each have a different scope of democracy and a different foundation that justifies them. These justifications are relevant to incorporate in the inquiry, because the all-subjected principle itself is one of democratic legitimacy, not state-formation. Because it treats power as a given and then seeks to justify its exercise over individuals, using it as a principle of state-formation will yield a state that does not fit our current understanding of that term.

In the literature review I have outlined the central notions of this research and contextualised the debate currently existing about the boundary problem, the role of democratic legitimacy and the solutions that are proposed to the boundary problem. I have examined these solutions and selected the all-subjected principle as the most convincing, because it provides a useful account of the legitimisation of power and approaches the problem in a convincing temporal manner. Others, such as the cultural-nation do not satisfy as a solution because they fail to give a ground for legitimacy, while others such as compensation are plagued by difficulties in execution. Solutions which either accept the boundary problem as part of any democracy or believe the democratic process will eventually solve it are neither convincing as they either erode the moral content of democracy, or put unwarranted trust in historical processes. The all-affected principle is similar to the all-subjected principle but at the end fails to give an intrinsic account of democratic

legitimacy but solely an instrumental reason for enfranchisement and therefore does not give a satisfying answer to the boundary problem.

The all-subjected principle entails “that all those subjected to the exercise of political power be included in the demos, i.e., granted a right of democratic say over political decisions” (Abizadeh 2012, 878). It is closely related to the notion of autonomy, if one’s autonomy is violated without that person having influence upon the democratic process, this gives rise to a claim for enfranchisement in a given decision. It should be noted the all-subjected principle does not furnish a prepolitical principle for the constitution of the demos, but rather a constant check to see to what extent a constituted demos is legitimate by enfranchising all those that should be enfranchised. Thus, the greater the extent of the implementation of the principle, the more legitimate the democracy in which it is implemented.

The implementation of the all-subjected principle in the Rousseauian city-state is possible to great extent. This partially has to do with the way the Rousseauian social contract is similar to the way individuals are enfranchised into the demos. Moreover, the good citizens of the city-state that make good laws and create a general will that is as just as possible to all will want to create a state that is as legitimate as possible. Specifically to the all-subjected principle that will mean enfranchisement of those still living in a state of nature outside the city-state. Interactions with other city-states can be solved through negotiation in accordance with to the all-subjected principle. Recall that the Sovereign acts according to the general will, that is willed by all citizens. Therefore, whenever the Sovereign comes to terms with another Sovereign on a matter, the wills of all citizens are satisfied and the all-subjected principle is implemented to its greatest extent.

The nation-state has greater difficulty implementing the all-subjected principle. This is due to the influence of the national idea behind the state, where the nation exists of individuals that share a common culture or background. However, culture faces a number of problems of clarity that render it problematic to use as a foundation. Implicit is the argument that a state without a properly homogenous nation behind it is not capable of upholding democratic values. The administrative system of nation-states, as well as its specific form of democracy that is tied to citizenship and nationhood makes enfranchisement of non-nationals a difficult task. This is caused

by the fact that the nation-state not only makes demands of the functioning of the state, but also to some extent of the demos that must live there. Moreover, the policies and thus the subjection of individuals that the nation-state enacts stands in no comparison to its ability to enfranchise. Because sovereignty is such a central concept to nation-states and a higher authority is lacking appeals about wrongful exclusion cannot meaningfully be filed, nor can a single nation-state reach all the individuals it ought to enfranchise in a global society and economy where policies can have significant outreach. Therefore, the nation-state only has a limited capacity for the implementation of the all-subjected principle. These problems for implementation are shared by contemporary states. While they are more pluralistic, elements of nationhood are still present and the concept of sovereignty makes enfranchisement problematic. For the capacity for enfranchisement to be greater, the ideas of the cultural-nation must be disassociated from the state, which would violate the founding principles of the nation-state.

Finally, the global democratic government has a significant capability to implement the all-subjected principle. This is because a global demos comes closest to the normative demos of a perfect democracy as exclusion is almost impossible on the level of global politics. If it does occur at a lower level of governance, a higher level can take action to solve the issue. Moreover, citizens can influence policy both at the global level and at the local level, the former being open to all and the latter to all subjected by that specific decision. A total implementation of the all-subjected principle does not however equate to a global demos. The global democratic government is based on the prepolitical principle of humanity, which still assumes the demos as bounded but simply applies the boundary around humans instead of between them. Therefore, conceptually not even the global demos can ever fully implement the all-subjected principle. In the case of the subjection of sentient non-humans, the all-subjected principle would warrant a case for inclusion where the global democratic system would not.

I have also discussed some implications the implementation of the all-subjected principle would have for our conceptions and practice of democracy that relate to most of these systems. First of all our thinking about democracy needs to become untangled from the state with its borders and us-vs-them inclinations. The implementation of the all-subjected principle will at times (unless

in a global demos) call for the enfranchisement of individuals that are not currently part of one's demos, and as a result demoi will come to fluctuate more. Secondly, there will be the need to employ more direct democratic practices, especially for representative democracies that will otherwise have difficulties justly enfranchising individuals for single decisions. Deliberative democracy is also an option to increase the knowledge of constituents to make an informed decision on complex matters or domains they never before were engaged in. Thirdly, robust democratic institutions are required in any political system that implements the all-subjected principles because of the change it will mean to its current situation. These last two points are most relevant to the complexity of decisions and policies in a global democratic system.

In conclusion, it seems that the implementation of the all-subjected principle indeed differs in the three chosen political systems. The nation-state has the lowest capacity for implementation of the three because of its reliance on sovereignty and the nation behind the state. The Rousseauian city-state and the global democratic government both have means of implementing the principle to a great extent, through negotiation and the general will by the former and by a global demos which makes exclusion nigh impossible by the latter. However, for the all-subjected principle to be implemented in systems our thinking about democracy itself must change as well. This makes it doubtful that the all-subjected principle will ever become a practical measure of democratic legitimacy.

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