

**Symposium on
Rainer Bauböck's
*Democratic Inclusion***

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**The circumstances and
context of bounded democracy.
Some qualms**

1.

In *Democratic Inclusion*, Rainer Bauböck claims that “the outcome of these reflections is not a simple and elegant theory of democratic legitimacy and inclusion”. (Bauböck 2018, 56)¹ This is a piece of understatement. Bauböck’s view may be complex, but its complexities are virtues. Bauböck pursues a middle ground between accepting contingent boundaries and challenging them in the name of liberal-democratic principles (8-10, 16-17). His general claim is that jurisdictional boundaries and territorial borders are needed for democracy: “democracy presupposes an internal diversity of interests, ideas and identities as well as an environment populated by a plurality of bounded democratic polities” (56).² As said, this does not amount to a conservative defense of existing boundaries or borders. As Bauböck affirms, “particular boundaries are open to contestation, for example if they are constructed in a way that denies some individuals full membership in a self-governing polity” (14).³ In what follows, my main contention will be that the connection between jurisdictional boundaries, territorial borders and democracy is significantly looser than Bauböck believes. Or at least this what I shall argue. In arguing for this, I shall consider Bauböck’s views about the nature and meaning of democracy as a political regime.

¹ The text by Rainer Bauböck *Democratic Inclusion. Rainer Bauböck in Dialogue* is cited in original (2018, Manchester University Press), but the page references pertain to the Italian translation (“L’inclusione democratica. Una visione pluralista della cittadinanza”, in *Biblioteca della libertà*, vol. LII, n. 220, pp. 7-101).

² On the distinction between jurisdiction boundaries and territorial borders, see Abizadeh 2008, 38.

³ See also Carens 2018, 114-115.

Bauböck makes two claims. First, he claims that a plausible view of democratic inclusion should be *plural*, because there are different areas in which inclusion should be achieved, as well as different kinds of democratic polities, each of them requiring a specific principle to regulate inclusion in it (14-15, 93). For Bauböck, democratic inclusion applies to *interests*, *protection* (i.e. rights and securities against arbitrary state coercion), and *citizenship* (i.e. full-fledged rights of citizenship, understood mainly as the right to be co-authors of the democratic laws, Bauböck 2018, 228).⁴ These three dimensions of democratic inclusions set different boundaries – boundaries “marking the impact of political decisions” on interests, “boundaries of government jurisdiction”, and “boundaries of membership in a self-governing polity”. Each of these boundaries “serves different normative purposes” (50). Hence, these different boundaries cannot be reduced to each other (14-15, 40, 88-94). Interests are not a matter of protection against undue coercion, and the latter is not a matter of citizenship. Bauböck lists three different principles of democratic inclusion, dealing respectively with interests (the principle of “including all affected interests”), protection (the principle of “including all subject to the law”) and citizenship (the principle of “including all who have a legitimate stake in membership”).⁵ There are different kinds of democratic polities, and each kind needs a different principle to regulate inclusion in it (14-15, 93). I shall call this complex view of democratic inclusion and democratic polities the *pluralistic inclusion* claim.

Bauböck’s second claim concerns the connection between democracy and boundaries. He argues that a working democratic government requires a bounded polity, namely a “stable and bounded jurisdiction, mostly of a territorial kind” (53). As a consequence, democratic *demos* are *inherently bounded*, and boundaries sets the scope of democracy.⁶ I shall call this claim the *bounded*

⁴ See also Honohan 2018, 144; Owen 2018, 184.

⁵ Membership is further divided into birthright, residential and derivative citizenship; see 65-87.

⁶ At 49, Bauböck distinguishes “the *demos*, consisting of all those who have the franchise, and the *citizenry*, composed of all who have a stake in being members of a trans-generational political community.” See also Bauböck 2018, 52, 257. It seems clear, however, that for Bauböck both the *demos* and the *citizenry* are inherently bounded. See also Carens 2018, 109; Honohan 2018, 156-157; Owen 2018.

demos claim. In scholarship, this view has been defended in various ways, by invoking legitimacy, self-determination, pluralism, and so on.⁷

By endorsing the pluralistic inclusion claim, Bauböck can produce a less simplistic version of the bounded *demos* claim. He argues not only that the democratic *demos* is inherently bounded, but also that different kinds of boundaries are required, and presupposed, by a democratic regime, and these boundaries can be partially non-congruous. Bauböck claims that “boundaries of membership” and boundaries of territory, i.e. territorial borders, must not necessarily match – both non-resident citizens abroad and non-citizen residents domestically are possible (22).⁸

In what follows, I focus mainly on the bounded *demos* claim and its role as a premise for the pluralistic inclusion claim. I shall argue that Bauböck’s arguments for inherently bounded *demos* are weaker than he believes. The pluralistic inclusion claim rests on the bounded *demos* claim. If the latter is weakly supported, the former vacillates as well.

2.

On one interpretation, the *bounded demos* claim concerns the *existence* of boundaries. The point is that democracy needs the existence of jurisdictional boundaries demarcating distinct political jurisdictions. On a different interpretation, it may be a thesis on the *control* of boundaries, i.e. on the entry policy and its holders – to the effect that democracy needs that jurisdictional boundaries and territorial borders are discretionally controlled by democratic governments. Arguments for the first thesis may not be enough to support the second one.⁹ An argument in favor of the existence of jurisdictional boundaries is the

LEGITIMACY ARGUMENT *a)* The exercise of political power is legitimate when it is justified to the *demos* subjected to it. *b)* This justification obtains when political power is willed by a pre-existing, or pre-politically constituted, people, having a prior corporate existence, independent of the exercise of political power itself: “democratic legitimacy *presupposes* a prepolitically constituted, bounded, corporate people (whose will legiti-

⁷ See, for instance, Rawls 1999, 401 and § 2 below; see also references in Abizadeh 2008, 43.

⁸ Bauböck’s discussion can also be viewed as a contribution to the debate on the so-called “democratic boundary problem”, on which see Arrhenius 2005; Erman 2014; Miller 2009; Saunders 2012; Song 2012; Whelan 1983; see also Miller 2018, 125. Cp. Abizadeh 2008, 45-46.

⁹ See Abizadeh 2008, 43-44. Cp. also Honohan 2018, 145.

mates the exercise of political power)” (Abizadeh 2008, 47). Then, *c*) in order to have a determinate addressee of justification, a democratic *demos* should be bounded, i.e. it should be “an institutionally articulated set of persons from which some persons are necessarily excluded” (Abizadeh 2008, 61-62 n. 27).

An argument in favor of the unilateral control of boundaries is the

SELF-DETERMINATION ARGUMENT *a*) Democratic regimes should foster people’s collective self-determination, which requires control over matters of common interest. *b*) The size and composition of the people is a matter of common interest, it is needed for a people to exist as a “community of character” with its own distinctive way of life, or for giving a people the capacity to pursue its own distinctive collective projects and goods.¹⁰ Accordingly, *c*) democratic *demos* should exercise control on entry through their governments.¹¹

Bauböck’s view about the right to control boundaries is not straightforward. He allows “orizzontally overlapping memberships” or “territorially nested forms of self-government”. However, he rejects the idea that the jurisdictional boundaries of the *demos* are to be made legitimate by all the affected (15, 56).¹² Bauböck’s main contention is that the boundaries should be set from within – i.e. by each bounded *demos*. This means that, while certain dimensions of inclusion should be open to external claimants – “including externally affected interests is [...] a moral imperative for democracy” –, membership can sometimes legitimately be limited (15). However, Bauböck explicitly affirms that he does not argue that political boundaries or territorial borders “must be sites where entry or exit is controlled” (22). Moreover, he acknowledges that “borders [...] are potentially coercive instruments if they are not only used for demarcating jurisdictions but also for controlling migration flows” (39).¹³

¹⁰ See Walzer 1973, 62.

¹¹ See Abizadeh 2008, 44.

¹² See also Bauböck 2018, 56, 81.

¹³ Here, Bauböck refers to Abizadeh’s claim that borders’ control is an act of coercion against potential migrants; see Abizadeh 2008. See also 90-93, for some more detailed considerations on this regard, and Honohan 2018, 154.

3.

Bauböck's defense of the *bounded* demos claim rests on his view of the so-called circumstances of democracy.¹⁴ Bauböck refers to Rawls' well-known circumstances of justice and to Waldron's circumstances of politics.¹⁵ Bauböck claims that the general "transhistorical and transcultural" circumstances of democracy are given by *i)* the "normative background assumptions" and *ii)* the "general empirical conditions," under which democratic regimes are "both necessary and possible" (10, 16). Specifically, he suggests, the circumstances of democracy are the existence of internal pluralism within democratic polities and the existence a plurality of bounded polities.¹⁶

To the circumstances of democracy, Bauböck adds some historical facts to be assumed as the necessary context of a non-ideal view of democratic inclusion.¹⁷ In particular, Bauböck takes as given "the fact that political boundaries demarcating comprehensive jurisdictions have territorial borders and that contemporary human societies tend to be relatively sedentary within these borders" (16).

Bauböck's overall view of the circumstances and the context of democracy can be put as follows:

CIRCUMSTANCES OF DEMOCRACY VIEW Internal diversity, political boundaries, territorial borders, and relative sedentariness¹⁸ belong "to the normal conditions under which democracy is both empiri-

¹⁴ For a discussion of this topic, sometimes close to mine, see Carens 2018, 108-114, and Bauböck's response at 228-230. Cp. also Honohan 2018, 145.

¹⁵ See Rawls 1999, 110; Waldron 1999, 101-106.

¹⁶ Notice that Bauböck extends also to justice his view of boundaries as enabling conditions. As he writes, "the plurality of bounded political communities is constitutive for justice in the sense of forming a background condition against which questions about justice are raised." As a consequence, "political boundaries are also part of the circumstances of justice" (14-15).

¹⁷ In the introduction to his essay, Bauböck emphasizes his intention to provide a theory able to address real "democratic politics", and not only ideal "democratic theory" (8). His aim is to propose "practical criteria that show how the proposed inclusion principles allow the boundary problems arising within democratic politics to be addressed" (p. 10). On this, see also Carens 2018, 107-108.

¹⁸ On the distinctions between static, nomadic, mobile or sedentary societies, see 17-19. On Bauböck's view of the reasons why hypermobile societies cannot be working democracies, see 16-17. See also Miller 2018, 128-129.

cally possible and normatively necessary” in contemporary contexts (11, 16).¹⁹

The circumstances of democracy view can be supported by, and expressed through, the following reasoning:

I. **DEMOCRACY & INTERNAL DIVERSITY** Democracy is *necessary* in order to face internal diversity (i.e. pluralism broadly understood). Democratic procedures are needed to make legitimate the exercise of power in internally pluralistic polities. Absent internal diversity, democracy would be *irrelevant* or *pointless*:

In a society where all shared the same interests, a single collective identity as members and the same ideas about the common good, democracy would be pointless, since collectively binding decisions could be adopted unanimously or be taken by each individual on behalf of all others without any need for a procedure that aggregates their political preferences. Democracy is a system of political rule that provides legitimacy for collectively binding decisions and coercive government under conditions of deep and persistent diversity (11, 12).

II. **BOUNDARIES & INTERNAL DIVERSITY** Absent territorial borders, internal diversity would decrease, even though external diversity would increase. This would make democracy unnecessary and irrelevant (in virtue of I. above), thereby creating potential avenues for international anarchy:

Non-territorial boundary markers, such as shared descent, religion, political ideology, social class or ways of life, necessarily diminish internal diversity within such communities while enhancing differences between them. If comprehensively self-governing polities were primarily demarcated by these criteria rather than by territorial borders, democracy would be less needed since members would be preselected based on an assumed primary interest that they all share (17).

In virtue of I. and II. above,

¹⁹ See also Bauböck 2018, 232-233. In the original statement of his view, Bauböck distinguishes between ahistorical circumstances of democracy and historical contexts of democracy. I do not take this distinction into account here. But nothing hinges on this in my argument in this article.

III. BOUNDARIES & DEMOCRACY establishing boundaries is needed in order to have a legitimate exercise of power in internally pluralistic polities, i.e. in order to have democracy. Then, boundaries and borders “are necessary background for democracy” (11, 12).

This argument connects, as Bauböck clarifies, the “two sides of democratic pluralism: an irreducible internal plurality of interests, identities and political, moral and religious ideas, and an equally irreducible external plurality of political communities” (13).

Sometimes, Bauböck gestures to something similar to the self-determination argument given above, for instance when he says that “the intrinsic value of collective self-government points towards boundaries that demarcate comprehensive jurisdictions rather than issue-specific *demoi*” (16), or when he emphasizes the connection between autonomy of individuals and collective self-government of a community.²⁰

However, the circumstances of democracy view is not a pure self-determination argument. *Democracy & internal diversity* suggests that, absent diversity, democracy is normatively pointless, whereas in pluralistic settings democracy is the right way to deal with diversity. This argument may be close to the legitimacy argument presented above. Democracy is a way to legitimize political power in pluralistic societies. When political decisions are taken democratically, then they are legitimate, even when they express only one of the many points of view or preferences of the subjects. This is because democracy gives to each citizen the possibility of expressing her views, or even the chance of influencing or controlling the final decision.²¹ The circumstances of democracy view amounts to a legitimacy argument, in its turn based on an argument connecting internal diversity to democracy and to territorial borders and boundaries.²²

Arash Abizadeh suggested that Rawls’ view of the circumstances of justice conflates the *site* and the *scope* of justice – the former being the set of objects to which justice properly applies, whereas the second is the range of persons

²⁰ See also Bauböck 2018, 48, 54, and below § 7.

²¹ On the distinction between control of and influence over governmental decisions, see Pettit 2013.

²² See also Bauböck 2018, 9, 10, 49, 229-233. On the relations between the argument from diversity and self-determination or legitimacy, see Abizadeh 2008, 49-50.

whose actions are subjected to demands and duties of justice.²³ I. and II. above deal with the *site of democracy* – they suggest that democracy applies only to conditions of internal pluralism and that internal pluralism needs territorial borders and boundaries. III. has implications concerning the *scope* of democracy: certain demands of democracy – specifically the demands and rights connected to citizenship – cannot extend globally.²⁴

In what follows, I challenge I., II., and III.

4.

Democracy & internal diversity (namely I. above) implies that, if there is no internal diversity, then there is no need of democracy – as a normative ideal, democracy has no point in a unified, homogenous political community. Democracy does not apply to not internally diverse polities.

This view, I believe, is false, or at least exaggerated, both as a descriptive and as a normative claim. Let's consider the descriptive claim. In the past many democracies prospered in very unified and homogenous political communities. A striking example are democracies in ancient Greece: the Greek *polis* obtained in an ideologically homogeneous setting, and still it was an (at least proto-)democratic regime. Of course, in real Greek city-States there were conflicts – social or political substantive conflicts, as well as foundational disagreements concerning the very nature and form of the democratic regime. However, these conflicts happened within a homogenous background, where some shared general premises were not challenged at all. Ancient democracies fall short of the confessional, cultural, ideological and doctrinal pluralism typical of our modern or contemporary societies – after the Reformation.²⁵

²³ See Abizadeh 2007, 320, 322, 324.

²⁴ See also Bauböck 2018, 233-235.

²⁵ In his answer to Joseph Carens, Bauböck claims that “in ancient Athens or Rome [...] the dualism between internal diversity and external boundaries was present in the minds of those who engaged in law-making and politics as an alternative to war”, and that this dualism characterizes “what I call the sphere of the political” (Bauböck 2018, 229). These sketchy remarks seem to hint to Bauböck's conception of politics, which I discuss below in § 6. They also appear to underestimate the difference between conflicts in ancient societies and the radical pluralism distinguishing modern European societies after the Reformation. I tend to reject this continuist view.

Aristotle makes a relevant point about this topic. In *Politics* III.9, he claims that a non-deviant political community should aim at living a good life as a community, and a shared ideal of good life should guide both the rulers and the citizens. It might be doubted, of course, that Aristotle's ideal state was a genuine democracy. To be true, Aristotle ranked a kind of monarchy and a kind of aristocracy over the form of government that he called *politeia* and that can resemble a democracy – a reason for this being the fact that in Aristotelian monarchy and aristocracy people defer to the few wise rulers, and the few converge on the truth about good life and well-being. However, Aristotle's point is that when a consensus about the good life is reached, then ruling is not tyrannical – as there is no need to coerce people disagreeing.

Then, Aristotle's political philosophy supports a non-pluralistic model of state, and agreement on an ideal of good life is assumed as a fact ruling out tyranny. However, Aristotle's *politeia* can be taken as embodying at least some features of the historical regime in Athens, and the latter can be viewed as at least an approximation to democracy. If so, Aristotle can be regarded as claiming that a working democracy is possible in conditions of homogeneity and reduced pluralism. This is enough to conclude that, at least as an observer of his epoch, Aristotle thought that democracy requires not pluralism, but rather shared normative ideals.²⁶

Now, let's consider *Democracy & internal diversity* (i.e. I. above) as a purely normative claim. As said, this claim seems to suggest that the point of democracy is allowing legitimate, i.e. non-oppressive or arbitrary, decisions in a context of intractable pluralism. Absent pluralism, political decisions could be taken even by one ruler, without any violation of the rights of the subjects. To put it otherwise, in a context of perfect homogeneity, there is nothing objectionable in non-democratic, i.e. tyrannical, decision making. Thus, the only objection to tyranny in a pluralistic context is the fact that tyrannical decision-making is unable to respect the different opinions or preferences of citizens.

This view is false, I believe. Intuitively, if somebody could force me to do something, even if my action would be exactly the same I have planned to do,

²⁶ My interpretation of Aristotle on these points draws on Kraut 2002, 397-399. On city-states in ancient Greece and their democratic or quasi-democratic features, see Hansen 2006, 2, 54-65, 104-117, 122-124.

this would still amount to coercion.²⁷ Imagine that I want an ice-cream, and a benevolent scientist, call him Jack, can know my will through my brain, and he can also make me acting according to his own will. Jack sets up a device that sends impulses to my brain, and he leads me to want an ice-cream. However, Jack is not an infallible predictor, and he cannot anticipate my will. Thus, he sets the device to work in any case, whether I want an ice-cream or not. If I don't want an ice cream, I will have the ice-cream because I am coerced by Jack. If I want an ice cream, Jack's device works as a redundant cause of my decision. Jack's impulses are among the causes of my action. If so, even when they are redundant or merely concurrent causes, their causal impact can pollute, as it were, the process forming my decisions. This may be enough to say I am not free. The thought is that I am free as long as my will is the sole cause of my action, and I am unfree when Jack's will enters the set of causes of my action.²⁸

It is my contention that this reasoning can be applied to democratic decisions as well. What's the point of democracy? In endorsing *Democracy & internal diversity*, Bauböck seems to suggest that democracy is needed to give due representation to different opinions in a pluralistic setting, or in order to give people with different opinions the chance to influence or control the final outcome. That's true, of course. But it may be only part of the truth. Indeed, it might be argued that the point of democracy is also ensuring the autonomy or the freedom of citizens.²⁹ This can be obtained by giving citizens the possibility to express their *consent* to political decisions. Consent is like my will in the ice-cream example discussed above. I am free when my will is the only cause of my action. A political decision is democratically legitimate when citizens' consent is the only cause of it – namely, when they actually consented to it.³⁰ Therefore,

²⁷ On coercion, see Abizadeh 2008, 2010; Anderson 2017; Blake 2001. For Bauböck's ideas about coercion, see the discussion of the all subjected principle, at 31-41. See also Bauböck 2018, 236, 241-243.

²⁸ On these topics, see Frankfurt 1988; Fischer 1994; Fischer and Ravizza 1998; Kane 2005; Naylor 1984; Sartorio 2016; Vincent, Van de Poel, and Van den Hoven 2011.

²⁹ See Abizadeh 2008, 39-42; Gould 1988, 45-85; Elster 2002, 152; Mill 1991, 74.

³⁰ On consent theories of legitimate government, see Gilbert 2006, chap. 4 and 5; Green, 1988, chap. 6; Hampton 1996, chap. 3; Horton 1992, chap. 2; Huemer 2013, chap. 2 and 4; Klosko 2005, chap. 6; Knowles 2010, chap. 7 and 8; Simmons 2001, chap. 8. In gesturing towards a general account of inclusion, Bauböck appears to claim that inclusion does

democratic procedures are normatively necessary even in a perfectly homogeneous community. If so, then, *Democracy & internal diversity* is false, or in need of qualification. Democracy may be normatively necessary even when there is no diversity. Dealing with diversity is not what democracy is necessary for – or it is not the only thing for which democracy is necessary. “Political ideology that consider diversity as a non-ideal condition to be overcome through a transformation of society,” Bauböck suggests, “are [...] always potentially hostile towards democracy” (12). But democracy seems to go beyond this. Even when respect for diversity is not at stake, democracy can still be needed. A benevolent autocratic government in a homogeneous society is morally objectionable, even though its decision can go unchallenged, actually or potentially. A benevolent autocracy deciding on behalf of a homogeneous citizenry, without giving it any avenue to express their will, treats its citizens as they were children. This is deeply degrading, no matter how accurately the government’s decision track the will of the citizens.³¹

The point made above extends also to II., the claim I called *Boundaries & internal diversity*. Even assuming that territorial borders are needed to ensure

not always require explicit consent. Consider this passage: “*democratic* inclusion presupposes agency both on the side of those who are included and those who include them. This agency need not be expressed through explicit acts of consent. Families, states and most religious communities include those born into them without asking for their consent.” (p. 23) This view does not rule out *implicit* consent, understood as the right to challenge certain decisions and to exit. This is enough for the points I made in the main text. However, this reliance on implicit or hypothetical consent can be criticized. It might be argued that implicit consent is not consent at all; see Horton 1992, 82–89; Huemer 2013, § 2.4. Or it might be argued that democracy requires effective and actual practices of consent and participation, through which citizens can influence and control their government; see Pettit 2013, chap. 4 and 5; cp. also Abizadeh 2008, 41.

³¹ Bauböck considers “an enlightened and benevolent autocratic government” at 40, in a different context, as capable of fulfilling both the all affected and the all subject to coercion principles. At 49 he claims that a “benign liberal autocracy treats adult citizens as if they were minor children and this is deeply degrading no matter how wise and benevolent the decisions taken by the government”; see also 54. Bauböck seems to endorse the conception of democracy I have in mind here when he says that “democratic polities [...] must [...] track the will of the people with regard to the law” (54). Notice that he says that legitimate democracy must track “the will of the people”, not “the will of the people [when such will is internally plural]”. Cp. Abizadeh 2008, 42, 62–63 n. 36; Honohan 2018, 147.

internal diversity, the latter is not needed to make democracy relevant, as democratic procedures of decision can have value even in homogenous societies, as claimed above. As a consequence, even a world of non-territorially bounded *demos* would require democratic decision-making, in order to ensure consent and autonomy of citizens. Internal diversity is not necessary for democracy's applicability. Democracy has a wider site than the one Bauböck gives to it.

In his comment on Bauböck's view, David Owen distinguishes between being a *discursive* member of the *demos* – i.e. being “entitled to voice or representation of [one's] interests in the decision-making process” –, an *editorial* member – i.e. “entitled to contest the government's decisions”, and an *author* – i.e. “entitled to authorize the government's decisions” (Owen 2018, 184).³² Discursive and editorial, or contestatory, membership can be needed, and have their normative point, only in pluralistic polities. In a homogenous political community, no conflicts of interests and/or of views arise. Then, there is no need to give citizens avenues to voice or represent their interests or to contest the government's decisions, because any of these decisions will fit their interests and ideas. However, even in a homogenous polity, authorial membership may be required and have a normative point. If I am not the author of the government decision guiding my action, the latter is unfree – like it happens when I am not the author of my action, because I act by influence of an external will.

5.

The claim I have called *Boundaries & democracy* (III. above) specifies the *scope* of democracy. In § 3, I have shown that *Boundaries & democracy* derives from *Boundaries & internal diversity* (II.) and from *Democracy & internal diversity* (I.). Democracy needs boundaries, because boundaries guarantee internal diversity, and democracy is needed to give legitimacy to political decisions imposed upon a differentiated citizenry. This derivation may be challenged by the objection I raised in § 4, where I have criticized the premises from which *Boundaries & democracy* derives, thereby leaving the latter unsupported.

However, Bauböck gives four independent reasons for *Boundaries & democracy*. First, “without political and jurisdictional boundaries, democratic decisions would have indeterminate scope. This would be true even if every human being were included in a single global polity, since there would then

³² See also Honohan 2018. See 236-237, 243-249, 257-259.

still be a political boundary between human beings and other animals that could potentially be included” (12). Call this the *indeterminacy* claim.³³

Second, Bauböck claims that “in the absence of political boundaries there is no distinction between intra- and inter-polity relations. This distinction is, however, constitutive for the political as a distinct sphere of human activity.” Call this the *constitution of politics* claim.

Third, according to Bauböck, “the existence of boundaries is a precondition for the democratic feedback mechanism of voice and exit” (13). The reasoning here seems to be this. If there were no boundaries, there would be no possibility to exit from subjection to the global power. If there were no possibility to escape the subjection to a global government, then there would be no incentive to influence and control this power, in order to make it less arbitrary – because the global government will be so powerful that no democratic influence and control would ever be able to limit it. As a consequence, Bauböck concludes, “the absence of any possibility of exit fatally undermines the effectiveness of voice. A polity without boundaries is like a spontaneous crowd that has no addressee for voice, since it does not have collective procedures for counting votes and taking decisions” (13).³⁴

However, exit should not be too easy, as it would be in hypermobile societies, and this requirement (a not too easy exit) is guaranteed by territorial borders, as well. In a territorially bounded community, with some restrictions to entry and exit, people will be stimulated to exercise their political voice, in order to avoid arbitrary coercion, and because they cannot free ride on public goods (16): “consolidated political jurisdictions, which need not be united under a single sovereign authority, create conditions under which subjects have reasons for preferring voice over exit and rulers have reasons to be responsive to their subjects” (17). Call this the *exit-voice* claim.³⁵

Fourth, territorial borders, and democratic control of them, provide the necessary sense of ‘ownership’ and belonging to democratic polity. Absent a “sedentary core population,” into which immigrants can integrate and with which emigrants can remain connected,

³³ A comment on this passage, partially different from mine below, is in Carens 2018, 108-109. See also 228.

³⁴ A similar argument is discussed in Abizadeh 2008, 50-51.

³⁵ For the reference to hypermobile societies, see 20.

it will be difficult to generate among territorial populations a sense of responsibility for the common good of the polity. Their moral obligations towards co-inhabitants will be the same as towards all other human beings outside the borders and the condition of subjection to a territorial government that they share with each other will be insufficient to generate perceived duties of solidarity, political participation or even just voluntary compliance with the laws. (20)

Call this the *shared responsibility* claim.

The reasons to endorse *Boundaries & Democracy* are far from convincing, or so I believe. Consider the *indeterminacy* claim. First of all, this view is ambiguous, and, when stated with precision, it is question-begging. With ‘indeterminacy’, Bauböck seems to refer to the fact that an unbounded polity would be either all-embracing or unstable. To put it otherwise, an unbounded polity would be either a global polity or a wavering, or “ephemeral” (to use Bauböck’s word), polity. However, at this stage of the argument, it is not clear why a global polity or a wavering polity – with a *demos* changing according to the issue to be decided – would be defective or even impossible. Of course, a global *demos* would fall prey of *Boundaries & internal diversity* – it would decrease external diversity, thereby making democracy unneeded. But if so, the indeterminacy claim would not add anything to the reasons voiced in *Boundaries & internal diversity*.³⁶

Why a wavering polity is defective seems to be explained in the following passages:

[L]etting affected interests determine the boundaries of the *demos* would create indeterminate or ephemeral *demos* that are structurally incapable of ruling themselves. [...] A self-governing *demos* must have agenda-setting capacities rather than merely the capacity to decide as a group agent on issues emerging from an agenda that it is incapable of controlling. Agenda-setting capacity should not be confused with autonomous regulatory capacity. Global challenges, such as slowing down climate change or regulating financial markets, exceed the power of all individual states, but global regulatory regimes can only be built if particular states put them on the international agenda. There is no global *demos* that controls this agenda. (15-16 and n. 15)

These passages appear in the context of the discussion of the all affected principle. The idea seems to be that global *demos* cannot set the agenda

³⁶ See Bauböck 2018, 62, 233-239 for other critiques against a global *demos*.

of a global government. Rather, they could simply decide on specific issues concerning interests at stake, and the group of people whose interests are at stake, and who have the right to decide, will change according to the interests considered. Different interests will produce different *demoi*. But a democratic *demos* should be unified and capable of agenda-setting.³⁷

However, the reasoning above is underdeveloped. Why is a global *demos* unable to have agenda-setting capacities? Again, do the quoted passages give a response to this answer which is different from *Boundaries & internal diversity* itself – namely, different from the claim that a global *demos* would decrease internal diversity, thereby making democracy pointless? I think they don't, and I fail to find such answer in the lead essay opening *Democratic inclusion*.³⁸

The *constitution of politics* claim is supposed to give a further reason for *Boundaries & democracy*. The core idea is that, if there is no distinction between the internal sphere of a polity and the other polities, then there is no politics at all. However, this conception of politics is controversial. Simply assuming it cannot provide a final argument. Politics can be understood in many different ways. Some of them – think about a conception of politics as the realm where reasonably non-rejectable reasons hold – are perfectly compatible with an unbounded *demos*.³⁹

The claim concerning the exit-voice dynamics is rather difficult to understand.⁴⁰ Bauböck seems to claim that, if exit were impossible (as it would be in a global *demos*) or very easy (as it would be with fully open borders), incentives for expressing one's voice would decrease. However, in a global *demos*, where exit is impossible, reasons to challenge arbitrary governmental decisions should be greater, as there is no escape to political decisions' impact. Any citizen subject to an oppressive, or not so much democratic, global government would have strong incentive to challenge it.

Bauböck is right in saying that, if exit were very easy, then voice would not be needed, as citizens can simply flee arbitrary, or even not arbitrary, impositions. This may also create situations in which non-citizen residents get ben-

³⁷ See also Bauböck 2018, 238-240, 257-258.

³⁸ For some remarks on this topic, see also Carens 2018, 108-114.

³⁹ See Forst 2011, 2014; Scanlon 1998; Southwood 2010. For similar remarks, see Carens 2018, 110.

⁴⁰ Another discussion of it is in Carens 2018, 111-112.

efits they do not contribute to. However, in a fully open borders world, with very easy exit rights, it may be imagined that oppressive governments would soon disappear, or they would soon lose most of their population.⁴¹ Why should one remain under an oppressive government, when it is easy to move under a better one? Even assuming that living in a given place can involve some valuable goods (in terms of attachment, personal histories or relations, and so on), in a world without borders most of these goods are likely to be moveable as well.⁴² If I can easily come back to the house where I lived as a child, to visit it whenever I want, and if I can keep significant relations with people living there, then moving elsewhere will be a lesser cost.

Then, it seems that living under an oppressive global *demos*, with no exit options, would reinforce incentives to political engagement. A difficult exit would increase the value of, and the incentives to, voice. If so, a global *demos* may plausibly incentive the democratic conscience of people, and making democracy most needed, and possible as well.

Alternatively, it is true that living in a world with very easy exit (a fully open borders world) makes engagement in democratic voice procedures less likely, but in such a world oppressive governments would be crowded out in favour of more democratic ones. Then, in a fully open borders world, less engagement in voicing one's will and preferences would not have mischievous consequences.

The last reason Bauböck lists in favor of *Boundaries & democracy* – i.e. in favour of the idea that boundaries and territorial borders are needed in order to have a working democracy – is the *shared responsibility* claim, i.e. the idea that boundaries and territorial borders enhance a shared sense of responsibility for the common good, and differential duties towards one's fellow-citizens. Absent territorial borders, people would lack a sense of community; as a

⁴¹ Bauböck considers a fully open borders world at 76. He seems dismissing the equalizing potentialities of such a world, which are assumed in my argument in the main text. Bauböck suggests that “while dismantling migration restrictions is likely to contribute to reducing global inequality indirectly it is probably a very ineffective remedy for the misery of the globally worst off populations who lack the social and economic resources needed for migrations to wealthy destinations.” This may be true, but if migration is easier, then many people can move – and a much larger portion of the worst off populations can migrate, even with scarce social and economic resources. See Abizadeh 2008, 51; Carens 2013, chap. 11; Barry and Goodin 1992, chap. 2.

⁴² On place-related goods, see Nine 2017; Stilz 2011, 2013.

consequence, demanding duties of justice, such as those that standardly hold among compatriots, would be ungrounded, and only loose humanitarian duties, such as those that standardly hold internationally, would remain.

This idea rests on controversial assumptions. First, it is not clear that, empirically, a cosmopolitan order cannot stimulate an adequate moral psychology, able to motivate people to comply with universal, but demanding duties of justice.⁴³ Second, that duties of justice do not hold globally is a claim to be defended, and not a default assumption.⁴⁴ Perhaps, history shows that people used to feel stronger about their fellow-citizens, and this may be assumed as a ground for setting differential duties – or for a distinction between stringent duties of justice owed to co-nationals and looser duties of beneficence owed to foreigners. But history can change, and that we have stronger duties towards our fellow-citizens cannot be assumed as true by default.

It seems, then, that the four independent reasons given by Bauböck for *Boundaries & democracy* are far from being conclusively convincing. Then, it is not clear that democracy needs boundaries and borders to work.

The overall result of this section and the previous ones are as follows. Bauböck's circumstances of democracy view consists of three claims: I. democracy applies to conditions of internal diversity (*Democracy & internal diversity*); II. borders and boundaries are needed to guarantee internal diversity (*Boundaries & internal diversity*); then, III. borders and boundaries are the background conditions of democracy – they set the scope for democracy (*Boundaries & democracy*). I found quite unconvincing the reasons Bauböck gives for these claims.

6.

As said, the circumstances of democracy view can lead to the bounded *demos* claim, and the latter works as a ground of the pluralistic inclusion claim. The reasoning is as follows. The all affected interests principle cannot be used to set legitimate democratic boundaries, because it assumes that every individual potentially affected by a given decision would have a “legitimate interest in participating in or being represented in setting a global political agenda.” But this cannot be true, if not by assuming the existence of a global *demos* (26).⁴⁵

⁴³ See Forman-Barzilai 2010; Brock and Atkinson 2008.

⁴⁴ On global justice, see Nagel 2005; Pellegrino 2010; Sangiovanni 2007.

⁴⁵ This is a shorter version of Bauböck's view. The longer story is as follows. Legitima-

This is an implausible assumption because the circumstances of democracy view shows that there is no global *demos*.⁴⁶ As a consequence, “the core power of agenda-setting (even for global political agendas) can only belong to particular demoi at the sub-global level. There will then be from the very start a distinction between those who have the power to set the political agenda and those whose interests are affected by political decisions” (26). The interests of all the affected should be taken into account in government’s decisions, but this does not amount to give to all affected people a say in setting the agenda – assuming that “agenda-setting is the core power of a democratic legislator” and that “only those who have a right to authorize this legislator can be seen as having a legitimate interest in agenda-setting” (22). The all affected principle, as a principle of democratic inclusion, “refers specifically to interests in policy *decisions* rather than to interests in rights protection by *government* institutions or to *membership* in a political community” (31).

The all subject to coercion principle grant protection to people subject to a given government’s coercive action (in different degrees, this group includes proper citizens, resident non-citizens, subjects to self-defensive or humanitarian military interventions, or to past colonization, temporary immigrants and emigrants, coerced emigrants),⁴⁷ but it does not grant to these individuals membership rights: “those who have a claim to equal protection should not also have a claim to citizenship status” (36). Bauböck posits a distinction between claiming protection from a democratic government and claiming membership in a democratic polity, whereas the former is the possibility of contesting the government

te communities need to be established by including all “citizenship stakeholders” and establishing democratic procedures authorizing a government. Then, the legitimate government should be constrained to protect all the subjected. Finally, democratic policy decisions are legitimate only if they take into account the interests of all the affected. As a consequence, the three principles of inclusion provide legitimacy in different areas (52). The all citizenship stakeholder principle, Bauböck claims, provides “specific conditions for legitimacy of governments and policies: governments are authorized by citizens and therefore accountable to them” (54). Later, Bauböck claims that a combination of the three principles is needed to obtain a full-fledged view of legitimacy (*ibidem*).

⁴⁶ In this respect, Bauböck is close to Rawls’ denial of a global basic structure, on which see Abizadeh 2007; Buchanan 2000; Beitz 1999; Freeman 2006; Pellegrino 2010.

⁴⁷ The discussion of these categories is at 31-35; but see also 55-56. See also Carens 2018, 122.

and the latter is the right to control and being co-authors of governmental decisions (36-37). Strong democracy, Bauböck submits, consists in authorizing the government, not merely in controlling it. Therefore, challenging a government in the name of one's interests or civil and political rights falls short of having a right to be a proper member of the authorizing *demos* (41). Even assuming that borders' control is an act of coercion towards prospective migrants, this does not entail, for Bauböck, that these migrants "have to be included in the *demos* already before entry", and be given power to decide about entry policies (39).

The citizenship stakeholder principle, by contrast, concerns membership in a political community, and it regulates the claim to being included in it. The rationale for it is a reference to the fact of external diversity, assumed as a contextual feature: "a plurality of bounded political communities is a part of the human condition" (43). To this, Bauböck adds a normative argument, in terms of autonomy. As social animals, human beings need membership in a democratic polity to get autonomy and well-being. As a consequence, "citizens are stakeholders in a democratic political community insofar as their autonomy and well-being depend not only on being recognized as a member in a particular polity, but also on that polity being governed democratically" (44). Democratic inclusion derives from the fact that each citizens' interests in autonomy corresponds to the collective interests of all to a flourishing democratic government. This view grounds a unilateral right to borders control, but also a challenge to existing borders: "the polity can also reject the inclusion of non-stakeholders on grounds that it would undermine the capacity of citizens to govern themselves," but "if [certain] borders prevent a particular political community from governing itself, they infringe thereby also on the claims of individuals to citizenship in that community" (45).⁴⁸

The plural inclusion claim, then, rests on the bounded *demos* claim, which in its turn is established by invoking the circumstances of democracy view. That democratic inclusion should be pluralistic, i.e. regulated by not overlapping principles, derives in part from the fact that a working democratic *demos* is inherently bounded. However, Bauböck's arguments for this claim are not convincing. *Democracy & internal diversity* – the claim that democracy is needed only in internally pluralistic societies – fails to account for historical cases of democracies in prevalingly homogeneous society and for the value of

⁴⁸ See also 64, 66 and 68 n. 44.

democratic consent and representation. *Boundaries & democracy* – the claim that democracy is possible only in jurisdictionally and territorially bounded societies – is not supported by independently convincing reasons. A global *demos*, then, is neither impossible nor wrong by default. Within a global democratic *demos*, democratic engagement can be most needed and stimulated. A fully open borders world can create incentives to the diffusion of democratic states. Politics needs not be understood as a distinction between the community and the foreigners, nor is a cosmopolitan psychology empirically impossible. As a consequence, Bauböck's argument for a pluralistic view of democratic inclusion is still in need of support.

The objections listed above, however, are not fatal, at least if one considers the intrinsic attractiveness of a pluralistic view of democratic inclusion. Moreover, Bauböck lists other reasons in favour of his view. The autonomy argument, for instance, to the effect that a bounded polity can be the best place to promote individual autonomy, needs to be further explored, and it seems promising. Bauböck's ideal remains attractive, even when the reasons for it are still to be provided.⁴⁹

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⁴⁹ Rainer Bauböck kindly commented a previous version of this essay. I am grateful to him for his precious suggestions. Usual *caveats hold*.

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