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Equity, Social Justice, and the All-Affected Principle*

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The principle that all those affected by a collective decision should be included in the decision is long-standing, dating at least back to the Justinian Code in Roman private law: "what touches all must be approved by all" (*Quod omnes tangit debet ab omnibus approbari*; see Lane, this volume).[1] Over the last several decades, the idea has migrated into democratic theory.[2] The reason is the principle expresses a very basic intuition about what democracy is good for: I should want to have a say in decisions that significantly affect my life. With say, I am part of networks of codependents who can collectively self-determine and provide opportunities for self-development. Without it, I am likely to be subject to forces over which I have little or no control.

The implications following from the All-Affected Principle (AAP) are, however, often in conflict with the standard view of political inclusion dating back to the democratization of modern nation-states. On the standard view, entitlements to a say over collective matters should follow membership, formalized as citizenship. The powers and limitations of citizenship are tied to residence in organized political jurisdictions: nation-states, states, provinces, municipalities, and so on. They are made effective through voting, electoral representation, and rights-based protections for speech, organization, and advocacy. Indeed, in Europe, the Americas, and a few other places, the most important democratic project from the mid-eighteenth century until recently was the democratization of the nation-states that began to consolidate in the early modern period.

Yet justifications for democratic inclusion based on membership are increasingly undermined by the changing circumstances of politics. From the standpoint of social and political development, the impacts of collective decisions reverberate across jurisdictions. Governments, organizations, firms, and citizens of countries, states, counties, and cities make decisions that produce effects borne by people in other jurisdictions. Often these effects deeply affect

people's lives, through problems of security and war, economic development, trade and markets, and environmental externalities including climate change. A decision taken "democratically" in one polity – inclusive of its members – can be experienced as oppression, domination, or tyranny in another. No justification of exclusions based on membership can make such effects democratically acceptable. Indeed, such arguments are central to anti-globalization and populist demands for recentering power in nation-states by hardening borders to trade and migration. Even if democratic theorists are not using the AAP, large numbers of people already do so intuitively, although too often with reactive framing. Yet despite the recent surges in reactive nationalism in most of the developed democracies, increasing numbers of people understand our obligations to others as those of social justice that should extend to every human being, uncontained by the boundaries of political membership.[3]

These are not new problems or insights. What is new, emerging over the last decade or so, is a discussion of whether membership-based principles of democratic inclusion might be either supplemented or even replaced by the AAP. Just as new is the pushback: those who defend membership-based entitlements for inclusion commonly note that the AAP is unworkable or unorganizable owing to its expansiveness; or that membership trumps weaker or more extensive externalities owing to thicker ethical obligations among co-nationals; or that being affected in itself does not justify claims for inclusion. For the most part, those of us who have been using the AAP have not developed a fully adequate account that responds to these questions.

Here I sketch an approach to the AAP that begins to respond to both the normative claims inherent in democratic ideals, as well as to the issues of organizing these ideals into institutions and practices beyond state-based constituencies. I do so by making the following arguments.

First, I interpret the AAP as a normative specification of social justice as it relates to democratic inclusion. It is a claim about who should, normatively speaking, be entitled to inclusion in political constituencies – existing or latent – based on how their essential interests in self-development and self-determination are affected by others. That is, it is not a theory of political organization, nor is it a replacement for the ties of memberships. But it is a way of specifying normatively the reach of democracy under conditions of extensive interdependency. It captures the common-sense normative core of democracy as self-government and challenges us to imagine institutions and practices that might respond. Second, I comment on the three most common objections to the AAP – all species of the objection that the AAP is unworkable as a principle of democratic inclusion. While these objections are compelling in their own terms, they suffer increasing irrelevance to the changing circumstances of politics. Third, I comment on the All-Subjected Principle (ASP), an important alternative account of entitlements to democratic inclusions. While the ASP captures one important kind of affectedness, it remains tied to the project of democratizing consolidated nation-states, and so fails to respond

to evolving patterns of interdependency. Fourth, I suggest that the normative force of the AAP should be derived primarily from social justice, specified as obligations that follow social relationships that support self-determination and self-development under conditions of extensive interdependency.[4] Fifth, specifying the AAP in this way produces a distinction between democratic *equalities* and democratic *equities*. Whereas democratic equalities are empowerments that are equally distributed and empowered by states or state-like entities (rights to vote, speak, organize, etc.), equities are about essential interests related to self-determination and self-development. When the AAP is interpreted as a principle of equity as it relates to inclusions, the claims that follow should be *proportional* to these essential interests. This interpretation helps to specify the scope of the AAP to those effects that are most important for individuals: those affecting self-determination and self-development. Sixth, this approach to the AAP helps to identify *constituencies* – actual or latent – relative to essential interests. Because such constituencies will not necessarily match the territorial organization of jurisdictions, the AAP challenges us to find new ways and means of democratic inclusion for essential interests. Finally, I look at the question as to whether the AAP is workable in practice. I note the principle is far from unknown within existing democratic polities: we have many institutions and principles of responsiveness that are proportional and equity-based, such as entitlements for schooling limited to school-age children, cancer treatments for those who have cancer, administrative directives for "stakeholder" or "community" engagement in policy development, and so on. These proportional, equity-based entitlements work in parallel with democratic equalities, which provide the empowerments that citizens may differentially activate, depending upon their essential interests. Thus, we already use the AAP extensively if unevenly. We now need to theorize the principle so we can figure out what it requires of democratic political organization.

INTERPRETING THE ALL-AFFECTED PRINCIPLE

The All-Affected Principle, as I shall conceptualize the idea here, is a principle of inclusion relative to problems of democratic self-government. The relevant *interests* are those related to the goods of self-development and self-determination. Following Iris Marion Young[5] and others, *self-development* refers the development of capabilities necessary for individuals to actualize their potentials, while *self-determination* refers to opportunities to self-govern together with others, and to participate with others in determining the conditions of self-determination (see also Gray, this volume, and Gould, this volume). The relevant *affected* interests are those that significantly impact chances and opportunities for self-development and self-determination through (a) relationships of codependence and co-vulnerability, and (b) externalities of organized collective entities or structural phenomena such as markets. The status of the AAP as a normative claim turns on affectedness in these senses: *negatively*,

when effects undermine self-determination or self-development (that is, effects that amount to domination or oppression), and *positively* as conditions for self-determination or self-development. *All* is a marker of inclusion that I will interpret as relative to "affected interests." From a democratic perspective, the ethics behind the "all" is relatively simple and uncontroversial: each individual is morally equal with respect to self-development and self-determination. No individual should be merely an instrument of the interests of others, nor beyond the consideration of others with respect to support for self-determination and self-development, nor denied self-determination and self-development through domination or oppression. That is, each individual holds equal moral entitlement to develop the life they have and to govern that life – both through individual choices, and through others in those matters related to codependence and co-vulnerability.

Two important features of the AAP follow. First, the *scope* of the principle is relative to effects that impact individuals' capacities for self-determination and self-development. That is, the AAP should identify just those effects that matter to these fundamental interests. Second, the normative claims for inclusion increase *proportionally* to the extent fundamental interests are affected. So "all" does not mean everyone who is potentially affected in any way, but rather with respect to one's fundamental interests in self-development and self-determination.[6] Thus, although everyone is potentially affected by almost everything in a world of thick interdependencies, some are deeply important for self-determination and self-development (food, clothing, shelter, education, security, etc.), while others are relatively trivial and/or have little or no bearing on social justice (e.g. being crowded out of seeing a new movie release).

Since the AAP is a principle of inclusion, we also need to ask: Included in *what*? The most immediate implication is that it tracks effects that mark out potential *demoi* or *constituencies* (a point to which I return below), for which there should be corresponding empowerments and sites of collective action. Framing this question is one of the most productive features of the AAP – and it is a question that is framed out of the membership-based model of democracy, which assumes inclusions must refer to states or state-like entities. In contrast, the AAP expands entitlements for inclusion into complexes of effects for which collective agency is much less clear, particularly beyond nation-states, or within polities with complex jurisdictions that do not map onto the patterns of affectedness, or as consequences of structural forces such as markets that do not seem to have any particular responsible collectivity.[7] These kinds of situations are not an argument against the AAP, but rather an argument for using the principle as a way of identifying normatively important patterns of effects that amount to constituencies for which there is no responsible collective entity. In such cases, collective agents should be invented and created just so collective responses can exist. In the case of global climate change, for example, the Paris Accords counted as a step toward creating a collectivity that can coordinate and distributing responsibilities. In other cases, such as global trade, treaties among states

can bring into existence multilateral bodies and procedures that can, at least in principle, begin to scale collective agency to market externalities, which can, at least in principle, be pushed in democratic directions. In this way, the AAP highlights those areas in which collective agents should exist to address effects, or (alternatively) where they do exist but do not function democratically.

Finally, there is the question of how inclusions in effect-based *demoi* or constituencies should be democratically *empowered* within potential or actual sites of collective action. Standard democratic theory simplifies the question by assuming that these sites are state-based jurisdictions, and the key empowerments are rights to votes in competitive elections, structured to form governments and hold them to account (see e.g. Goodin, this volume; Stilz, this volume). Although voting rights are basic and crucial democratic empowerments, they are not the only kind – a point that is important if we are to conceive of empowerments that are sufficiently flexible to map onto effect-based constituencies. Democratic polities include (and depend upon) a variety of other empowerments that (a) are enabled and protected by liberal-democratic constitutional states, but which (b) can be deployed by individuals and groups selectively, and (c) can function across organized jurisdictions. These include public argument and deliberation, association for a purpose, protest and resistance, legal standing with respect to claims or entitlements, representation by advocacy groups, capacities to exit, and so on.[8] As I shall argue below, ideally each individual should have empowerments appropriate to the ways in which their essential interests are affected, and the kind of collectivity (existing or latent) that might respond to these effects.

THREE OBJECTIONS

Objections to the AAP are primarily that (1) the principle comes with unacceptable costs to workable units of self-government, and/or (2) that it is so expansive as to threaten other goods, and/or (3) that it is too expansive to be feasible.

The first objection, that the AAP would undermine workable units of self-government, challenges its most basic conceptual purpose: identifying *demoi* by focusing on affected interests. As complexes of affectedness become more extensive, *demoi* should also expand. As *demoi* expand, democratic self-government becomes more difficult in two ways. First, expanded *demoi* thin out the ties of obligation and community that are a consequence of individuals living in proximity to one another. As ties weaken, so do the social and moral requisites of democratic self-government.[9] Second, and closely related, as *demoi* expand, the say that any individual might have within a collectivity shrinks, up to the point that it becomes infinitesimally small, effectively depriving "democracy" of any practical meaning.

While these problems are challenging, they are less so if we interpret the AAP as tracking important kinds of embeddedness in complexes of effects. When we do so, the AAP identifies *demoi* that will differ in nature and extent

depending upon kinds of embeddedness and their impact upon essential interests in self-development and self-determination. We should thus imagine expansive *demoi* as addressing issues in ways that underwrite (rather than undermine) self-determination and self-development, including (say) bonds of place-based community, or protecting locales from (say) externalities of trade or the consequences of climate change. What these kinds of *demoi* might require would be disaggregated and overlapping political regimes that map onto complexes of effects. Most such regimes would focus on single issues or complexes of related issues, such as trade, migration, food security, climate change, and so on (e.g. Young 2000, Chapter 7). These kinds of *demoi* and related regimes are not only imaginable, but many already exist in UN agencies, INGOs, and treaty organizations. The AAP helps to theorize the *demoi* that correspond to and justify these regimes, and to identify their (usually latent) democratic potentials. For regimes at large scale, empowerments might be realized through advocacy representation and issue-focused publics in ways that build upon state-based rights and protections.

A second kind of objection is that empowerments that follow the AAP would actually threaten other important goods. This point is often made by citing Nozick's story about several individuals' desire to marry someone who loves someone else. They do not gain the entitlement to decide whom the loved one will marry by virtue of being affected, as such an entitlement would undermine the goods of liberty and autonomy.[10] While it is always important to be attentive to trade-offs among goods, this objection loses its force when we specify the interests at stake as those of social justice: self-determination and self-development. Clearly "having a say" should not justify a situation in which the essential interests in self-determination and self-development are overridden by the preferences of others. It is *not* that "democracy" and "liberty" conflict, but rather that the *basic point* of democracy, self-government based on equal moral worth, is violated by a decision by some to impose an essential life choice on another.[11] For the same reason, Nozick's generalization of autonomy rights from the private realm to the self-determination of states – setting up a conflict between the autonomy rights of members and nonmembers – also fails. The relevant moral units of a democracy are individuals, not states.[12] States (or any other kind of political regime) should be justified as providing essential conditions of self-development and self-determination, not as means for members to exercise autonomy rights at the expense of nonmembers.[13]

A third kind of objection amounts to a *reductio ad absurdum*. As Goodin has argued,[14] if the most basic right of inclusion, voting, were to be distributed through the AAP, everyone would have a right to vote on almost everything, or for representatives who decide on almost everything (see also Stilz, this volume). At best, we would have to imagine a world government; at worst, we should imagine a situation in which a global *demos* somehow decides on every collective decision, externality, or structural effect that makes a difference for anyone.[15] Even if desirable (it would not be), such a situation would clearly

be infeasible, defeated by sheer scale and complexity. Yet this kind of reduction depends upon imagining that every effect produces equal entitlements, particularly voting rights. But if we conceive entitlements as relative to essential interests, *and* recognize that entitlements can be empowered by many other forms of democratic influence, the *reductio ad absurdum* goes away. The resulting picture is complex and institutionally demanding – as are the circumstances of politics today – but it is not absurd.

THE ALL-SUBJECTED INTERESTS PRINCIPLE?

A combination of these concerns and objections are behind the main conceptual competitor to the AAP: the principle that "all those subjected" to the powers of a state should have a say in state-based collective decision making (ASP). The ASP stipulates that the only collective effects that generate democratic entitlements are those that follow from the coercive implementation of law or policy. Democratic entitlements follow from the circumstances of legal subjection to decisions, either actual or potential.[16] While the ASP has the advantage of narrowing the scope of democratic entitlements, it does so at a high cost to our ability to think about democracy under conditions of extensive interdependency.

First, it assumes that the key problem for democratic theory going forward remains the democratization of states. While this project remains crucially important and is very far from complete, we now live in a world in which even most high-capacity states do not control all those effects important for the self-government of their own citizens. Because the targets of democratization are evolving, the relative cleanliness of the ASP is bought at the expense of relevance. By stipulation, the ASP excludes problems of self-government that follow from extensive interdependencies (both across borders and within borders) that generate problems of self-government – and, thus, problems of democracy.

Second, the ASP backs democratic entitlements out of the circumstance of subjection. Legitimate subjection to laws and policies are part of democracy, as they make possible collective responses to problems of collective action.[17] But treating subjection as the basis for democratic entitlements fails to provide a positive normative argument for democracy. It is a reactive grounding focused on a harm to be avoided – illegitimate subjection – rather than goods to be achieved. The democratic project, however, has always been about more than subjection, actual or potential. It is about collective organizing and acting in ways that underwrite self-determination and self-development.

SOCIAL JUSTICE AND ETHICS

The AAP, I am suggesting, should be about those effects that are important for social justice, interpreted, following Iris Young and Onora O'Neil,[18] as entitlements and obligations that follow from those interdependencies necessary

for self-development and self-determination.[19] While self-development and self-determination are activities of individuals with the support of others, from a political perspective we should be thinking about the general conditions that make these activities possible. Self-development depends upon standard welfare supports, including those that expand capacities and mitigate life risks: education, healthcare, housing, basic income, and so on. Self-determination depends upon rights that provide political standing, such as rights to vote, due process, etc., and freedoms that protect against oppression and domination, while enabling association, speech, and advocacy.[20] "Democracy" is (always) a complex combination of these supports and protections that, together, enable individuals to collectively self-govern. Democracy has value just because it provides individuals with influence over those collective interdependencies necessary to underwrite self-determination and self-development. Stated in this way, social justice is a description of the goods that justify democracy. It follows that we should conceive of the relevant collectivities as those configured to address effects relevant to social justice.

The case that democracy and social justice are intrinsically related has long been part of the traditions that have underwritten contemporary democratic theory, from the emphasis on self-determination (especially through reasoning together with others) in Aristotle, to a focus on the development of democratic capacities in Jefferson, Tocqueville, Mill, and Dewey. Less noticed, however, is the close relationship between Kantian ethics and the AAP – and this relationship also helps to justify the AAP (see Gray, this volume). The relationship can be built out of the categorical imperative and its related political formulations: "Act only according to that maxim whereby you can, at the same time, will that it should become a universal law." With respect to legislation and law, Kant developed a parallel formula: "Every action which by itself or by its maxim enables the freedom of each to co-exist with the freedom of everyone in accordance with a universal law is *right*."[21] These formulations have, of course, been hugely influential in ethics, liberal-democratic constitutionalism, and human rights discourse. Less remarked is their close relationship with the AAP, even though they have been effectively incorporated into some influential formulations.[22] The categorical imperative and the theory of right ask individuals to imagine themselves as members of universal communities, where those communities are populated with other individuals, each of whom has a life to live, interdependent with others. Each has the capacity, by virtue of being human, to be self-governing, and each is entitled to equal moral respect. While the categorical imperative is most often interpreted as a reason-based ethics of duty (as in deontological ethics), we should notice that it also directs us to imagine how our actions might *affect others' capacities for self-governance* – leading us to consider those chains of effects, potential and actual, that link our actions to those of others, considered as moral equals.[23] The AAP can thus be viewed as an elaboration of this kind of moral imperative, such that we arrive at a proto-democratic view of what social justice requires. All other things

being equal, inclusions should follow patterns of effects that rise to the level of importance for social justice.[24]

THE AAP AS A PRINCIPLE OF EQUITY

If these intuitions into social justice within contexts of extensive interdependencies justify the AAP, what are the implications for *political* equalities? In particular, how does the AAP fare from the perspective of democratic equality? As noted above, if we interpret the AAP as requiring equal votes or voice over all the interdependencies that affect us, the principle collapses. If we narrow the scope to *essential* interests, as does Fung,[25] the AAP captures the intuition that we should care about those inclusions in collectivities that are most important for individuals. And if we follow this logic, we could end up with the somewhat surprising position that democratic inclusions should be *proportional* to the nature and extent of affectedness for these essential interests. Following roughly this argument, Brighouse and Fleurbaey propose that democratic entitlements such as voting should *not* be distributed equally, but rather proportionally, relative to individuals' stakes in their essential interests.[26] They argue that a (social justice) principle of *equal moral worth* incorporated into all democratic theory requires proportional empowerments, distributed according to differential individual circumstances and capacities.

The social justice logic of this argument is compelling. But it is hard to see how this kind of proposal could ever be legitimate. Publics, especially in democracies, view equal political entitlements, such as the right to vote, as public recognitions of equal moral worth. Indeed, in the very unlikely event that such a system were to be proposed within a political arena, most would view it as denoting differing kinds and classes of citizenship, and a clear violation of moral equality. Moreover, it would almost certainly undermine the reciprocity necessary for public attention to considerations of social justice. Social justice rights (e.g. to education and healthcare) can only be effective if matched to duties and responsibilities (e.g. supporting public education and universal healthcare). Adding empowerments to the *rights* side of the equation at the expense of the *duties and responsibilities* side of the equation would undermine general commitments to welfare policies by (relatively) misrecognizing and disempowering those very people upon whom the burdens of duties fall. Indeed, this logic is what the All-Subjected Principle gets right: entitlements to voice and votes are at least partly justified by the burdens of citizenship, including paying for (say) state-based welfare entitlements. In short, it is hard to imagine a proposal that would more quickly and completely undermine public commitments to social justice.

But we can still retain Brighouse and Fleurbaey's argument that higher stakes, or greater impacts on social justice-based interests, should scale proportionally onto importance of inclusions, as the AAP would suggest. We can do so in a way that is both morally robust and politically viable by distinguishing *equality* from *equity*. The intuitions captured by the AAP are best conceived as

a democratic way of thinking about equity – in particular, the proportionality inherent in equitable social relationships. Thus, democratic *equality* is justified by equal moral worth and a default competence assumption that individuals are capable of collective self-government.[27] *Democratic* equality cashes out in equal distributions of political entitlements (or empowerments) necessary to exercise influence over collectivities. These include protective rights to liberty and autonomy, positive rights to vote, speak, and organize, welfare rights such as rights to education, a basic income, etc., as well as rights of exit from social and economic relationships. Democratic equalities provide *recognitions* among co-equals of their moral worth, and *political standing* to individuals so they might act as democratic citizens. These rights are necessary to exercise democratic agency, and they should be organized into collectivities.[28] States or state-like entities (such as the EU or the International Criminal Court) are the key distributors and guarantors, and it is difficult to imagine a future in which this would not be the case. Constitutional liberal-democratic states provide platforms, as it were, for individuals to act within, between, and beyond jurisdictions.

Equities, however, are by their very nature proportional to affectedness, and thus require differing kinds of collective attentiveness. Elaborated through the lens of social justice, equity is what we owe to one another by virtue of those co-dependencies and externalities that affect our abilities to self-develop and self-determine. Ideally, equitable inclusions are scaled proportionally to basic needs, so that individuals approach equality in their capacities. As Young quite sensibly puts it, because "of their differing attributes or situations, some people need more or different to enable equal levels of capability with others."[29] Thus, in higher-functioning welfare states, citizens are *equally* and universally entitled to receive state services. What we expect, however, is that services are delivered and used *equitably*, in accordance with the AAP – what Rosanvallon has perceptively called "the legitimacy of proximity."[30] Every citizen has an equal right to schooling for their children, but it is primarily school-aged children and their parents that have directly affected interests (including interests as taxpayers, interests in a productive economy, etc., but less directly). Schooling is thus distributed not in accordance with the principle of equality, but rather equity. Entitlements to voice are magnified for those most directly affected through institutions like Parent-Teacher Associations. In Canada, to take another example, entitlement to medical treatment is equal and universal, but, ideally, it is delivered equitability (and unequally) according to specific health needs. This kind of equity tracks the kinds of responsiveness from collectivities that people tend to want in democracies – a kind that Rosanvallon perceptively calls the "democratic legitimacy of particularity."[31]

This relationship between equalities and the proportional qualities of affectedness helps to make sense of patterns of political activity we might ideally expect in a democracy. Even when they are robustly guaranteed, people tend to activate their (ideally equal) rights when their essential interests are at stake. Even though democratic rights are equally distributed, they are not equally

used. Most use their voice and votes quite selectively, according to the issues they prioritize. They speak and organize on issues they consider urgent, they activate entitlements to medical care when ill or injured, and so on. So, ideally, democratic equalities make possible vectors of inclusion that respond (proportionally and differentially) to equities.

On this view of the complementary relationship between equalities and equities, it is important to think about political arrangements that are sensitive to individual circumstance, and which can be used by individuals according to their needs. While the examples I have used lean toward collective attentiveness, we should also be thinking about arrangements that enable and empower voluntary transactions that respond immediately and directly to needs – particularly associative and market-like transactions. Thomas Christiano (this volume) experiments with the idea that, under fair conditions, decentralized voluntary transactions (including associative and market transactions as well as self-selected political forums) might be viewed as means of realizing the AAP; when people can choose their relationships (through joining and exiting, or buying and selling), they can choose the ones that are more likely to serve their more important interests.[32]

Of course, as Christiano argues, these kinds of voluntary ways of realizing the AAP will work *democratically* not just when people have democratic equalities, but also relatively equal capacities to engage, bargain, and transact. Inequalities of circumstance undermine capacities to use equally distributed democratic empowerments,[33] and unequal bargaining power within markets undermine the fairness of transactions. Owing to these well-known defects of self-selected organization, democratic theorists have perhaps overlooked the importance of voluntarily-exercised citizen powers that can reflect the relative importance of interests. Yet because of the importance of voluntary political activity as a vector for the AAP, we should attend more closely to the conditions that square its patterns with democracy. And because it is difficult to imagine a democracy within which voluntary transactions are not an important vector of self-government, proportionally supplied equities (consistent with the AAP) that underwrite relatively equal capacities to choose, transact, vote, and so on are all the more important.

In an ideal democracy, then, equality and equity would be complementary, with equal powers of citizenship underwriting proportional social justice claims, while proportional social justice underwrites relatively equal capacities of citizenship. The AAP gives such proportionality its democratic substance by relating it back to self-government.

CONSTITUENCY

We can elaborate the AAP still further through the more obviously political concept of constituency. *Constituency* defines units of membership identified in relation to representatives who stand for, speak for, or act for its members. In standard democratic theory, constituencies are determined (typically) by states and their subunits of government, divided into electoral districts, usually based on residence.[34] In federal systems, constituencies will differ by level

of government and are layered, so that individuals are members of multiple constituencies. The standard theory assumes that individuals' essential interests are encompassed by residence-based constituencies, and that their essential interests can be empowered through elections.[35]

Interpreted through the AAP, however, the question of constituency becomes more interesting and productive. On the one hand, the principle suggests that for some kinds of issues – particularly those important for social justice – democratic self-government should be sorted by issues representing essential interests, with each issue (or set of related issues) identifying a constituency. Interpreted through the AAP, individuals are no longer conceived as residence-based packages of essential interests, but rather as plural packages of interests connected to others who share similar interests (challenges, injustices, etc.). Considered politically, each such package can count as a constituency – either one that is organized and active with representatives, or an unorganized, *latent constituency*. Individuals can have (and often do have) multiple memberships in many constituencies, linked by common interests or shared struggles. On the other hand, when we think of constituencies as identified by the AAP, we can also identify *democratic deficits*: issues related to essential interests for which there is no representative locus of organization.[36] The AAP helps us to think about where there are needs for political organization that do not correspond to residency-based constituencies, including (most obviously) issues that flow across borders such as climate change, trade, and migration.

THE AAP IN PRACTICE

This interpretation of the AAP is still challenging, but in a way that matches the evolving circumstances of politics to empowered inclusions that are important for self-determination and self-development. A key piece of the challenge is to imagine forms and powers of citizenship with corresponding sites of collective action that would underwrite the proportional, equity-based demands of the AAP. In this final section, I address the question of how the AAP might be organized into political practices and institutions. I do so from two perspectives: that of the powers individual/citizen might employ for inclusion, and that of institutions and organizations that might respond (or be created to respond). I illustrate the analysis with examples that are familiar and even mundane. I do so not to undermine the progressive implications of the AAP, but rather to show we already know something about its nature and demands. The AAP is a challenge to extend and deepen democracy, but it is not utopian.

CITIZEN POWERS AS VECTORS OF THE AAP

A key to thinking about how the AAP might be instantiated is to identify the kinds of empowerments individuals might have to organize or pressure sites of collective action. In almost all cases, empowerments require functioning liberal-democratic constitutional states with the capacities to distribute and

enforce politically important rights, both protective and positive, as suggested above. Rights provide citizens with some kinds of direct empowerments, such as voting governments in and out of office. But they provide many more *indirect* empowerments that they can use in graduated and proportional ways, depending upon how individuals rank and prioritize issues and preferences. Where people have rights to speak and organize, they can also resist, advocate, pressure, organize for common purposes, and exit.[37] Importantly, these powers might be directed at governments, but they can also cross boundaries and jurisdictions, as well as focus on other kinds of collective actors such as IGOs, INGOs, and corporations, potentially tracking the demands of the AAP.

These kinds of powers scale onto proportional affectedness more easily than, say, voting in competitive elections. It is true that every election prioritizes some issues over others, and that voters can decide which candidates or parties rank issues as they would. But voters are also locked into multi-issue, programmatic agendas set by parties or candidates. Indeed, some kinds of issues almost never make it into elections, such as endemic political corruption in places where every politician or party is corrupt. But it is possible to speak, organize, protest, strike, and sue. In the United States, civil rights were not addressed by the elected branches of government for a full century after the adoption of the Thirteenth, Fourteenth, and Fifteenth Amendments, and almost a century after the end of Reconstruction. Progress, when it came, was the result of determined activists using powers of organization to shape public discourse and voting, and to achieve standing in the court system to leverage constitutional standards against unconstitutional statutory law as well as illegal practices.

As I have been arguing, liberal-democratic constitutional states remain essential to realizing the AAP, not because they instantiate the principle directly, but because rights provide *citizenship standing*, which in turn empowers individuals to work below, across, above, and outside of state-based jurisdictions and constituencies.[38] It is not accidental that most transnational and international organizations use liberal-democratic states as their locations, as they provide the freedoms and protections necessary for activism. We should also notice that many such organizations and networks help to provide little bits of citizen powers even where states are authoritarian, arbitrary, kleptocratic, or failed. When international organizations focus on basic social justice issues such as refugee status, genocide, hunger, the treatment of women and minorities, they are often reaching across borders to provide some of the most basic elements of citizenship standing where states do not.[39] Of course, such empowerments are highly imperfect and uneven in their effects. But they are also relatively recent developments, and count as projects in the making. We should also pay close attention to international regimes created without any human rights or democratic pretensions, such as trade agreements. Once in place, they can become sites of leverage for democracy-related goods – sometimes formally and extensively, as exemplified by the development of

the trade and economic development-focused European Commission into the European Union.

With the powers of citizenship, individuals can self-select into organizations in ways that reflect their own views of their essential interests. They can bring latent constituencies to the fore; they can precisely calibrate their advocacy; they can even organize to provide collective goods that governments neglect, as in the case of early social insurance associations.[40] What Laura Montanaro calls "self-appointed representatives" (advocacy entrepreneurs) or what Michael Saward calls "representative claim-makers" can transform latent constituencies into active ones.[41]

The ways these kinds of powers are actually deployed, of course, will not necessarily serve everyone's essential interests. Any kind of power that remains latent until activated through individual choices will be sensitive to differences in economic security and bargaining power, social standing and status, and education. Organizing for public, diffuse, or long-term goods – those for which high individual efforts result in only incremental payoffs – will be relatively more challenging than organizing for goods with focused and timely payouts.

TRANSFORMATIONS OF GOVERNANCE REFLECTING THE AAP

If we look at these same kinds of relationships from the side of governance, we can see that the AAP, interpreted as an equity-based principle of democracy, is already part of the current and emerging patterns, even if we have not theorized them as such. Consider the following kinds of examples.

Stakeholder and Community Engagement

These terms are commonly used in enabling legislation for agencies and ministries, and date back to the post–Second World War era in the United States and many other countries. The intent was to provide standing to those "stakeholders" or "communities" that are directly, differentially, or disproportionally affected by legislation, particularly in the development of policies and administrative rule making. These directives define relevant publics as those with "stakes" – in effect, instantiating a version of the AAP. In most cases, these kinds of "engagement" and "consultation" rely on individuals or representatives of groups self-selecting into these processes. Depending upon the issue, the results may not be especially favorable to democracy, as they will skew toward well-organized groups and (often) permanent lobbyists for well-resourced groups or business interests. But for some issues, especially those related to social justice and often at the local level, we now see more proactive targeting of affected publics – a process I have elsewhere called *governance-driven democratization*.[42] These democratic innovations may be instigated by professionals who are genuinely interested in inclusions, but they are often reactions

to advocacy, particularly the kinds that can disrupt governance.[43] This kind of development is thus often functionally related to the kinds of citizen powers I underscored in the previous section. In still other cases, agencies or ministries may use near-random or stratified sampling selection to populate a citizen group (or *deliberative minipublic*[44]) to better represent an affected public – a tactic that is especially important when the advocacy landscape around an issue poorly reflects those who are affected or potentially affected, or when powerful groups threaten to co-op a process.

Single-Issue Jurisdictions

More mundanely, governments in the liberal democracies have long formed single-issue jurisdictions to manage specific tasks or problems, effectively institutionalizing other forms of the AAP. Examples include school districts, transportation authorities, health authorities, and soil conservation and irrigation districts. In many cases, the units of government proactively engage with those drawn into these jurisdictions. Vancouver Coastal Health (a government agency responsible for delivering health to a region of British Columbia), for example, creates a variety of user groups, such as those with complex diabetes management problems, in order to define and refine their missions. School districts in the United States and Canada institutionalized Parent-Teacher Associations long ago. Transportation districts seeking to develop (say) a subway extension will often seek input from potential riders and property owners, as well as from broader constituencies of those affected by congestion, taxes, and climate change.

Single-Issue Cross-Jurisdiction Governance

Similarly, especially in transnational and international contexts, problems that affect people across borders can result in governance regimes that implicitly reflect the AAP. As I suggested above, some of these regimes are constructed specifically for social justice issues, such as human rights, food security, and displacement of persons. But they also include many kinds of joint problem-focused regimes, such as the International Joint Commission on the Great Lakes boundary waters, the Montreal Protocols on chlorofluorocarbons, or the United States–Mexico–Canada Agreement (USMCA) with its labor and environmental conditions and riders.

The point of these examples is not to deflate the demanding character of the AAP, but rather to underscore the fact that the intuitions it expresses are quite common, and that we have, in fact, created institutions in response. We use the AAP all the time, in ways that combine political equalities with attentiveness to differential equities. Our problem is to extract the principles from these practices, examine their normative force, and then figure out what they demand of us.

CONCLUSION

While "democracy" involves a number of principles, the AAP is one that will help us to conceive of where democratic inclusions should exist in a world with denser interdependencies and co-vulnerabilities, and where existing units of collective action or market-like structures produce extensive externalities. But because of the density of embedded effects, we shall need to prioritize, focusing on the inclusions that are most important for people's lives. This is why I am arguing for specifying the AAP through social justice, in this way focusing on those effects that impact individuals' capacities and opportunities for self-determination and self-development.

There is a new urgency to retooling democratic theory to reflect the changing circumstances of politics. Reactive movements in the United States, UK, and much of Europe use a state-centric view of democracy – popular sovereignty focused on state powers – to justify withdrawing from global interdependencies and responsibilities. These may be politics of the past, but they remain attractive to large sectors of populations that feel their collective control slipping away into interdependencies that do not benefit them. Recentering politics on state-controlled boundaries seems compelling to people not just because of its simplicity, but also because there have not been good institutional responses for many kinds of cross-jurisdictional affectedness that threaten to downgrade lives and livelihoods. We democratic theorists need to show that we can think about democracy in this kind of post-sovereign world. The AAP will help us to extend and deepen the kind of democratic imagination that might respond.

NOTES

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