TOMER J. PERRY | # Democratic Inclusion Beyond Borders: Introduction

Those of us who care about democracy should be worried these days, as both its theory as well as practice has fallen low in the hearts and minds of people around the world. Consider, for example, the severe deterioration of democracy in countries where democratic standards were improving since the 1990s, such as Thailand, Russia, and Hungary.[1] Established democracies have not escaped the trend. In the wake of Donald Trump's election in the US many now question the democratic credentials of the US but the deterioration of American democracy started before the 2016 election.[2] This more recent trend of democratic decline appears to have distinct features: it occurs gradually and works through the democratic institutions it undermines. These phenomena are often called 'democratic backsliding' and though it may pose a less severe danger to democracy that other historical examples of antidemocratic political movements,[3] such as fascism, it would be a mistake to ignore it. Those of us who value democracy should be alarmed at the decline of its imperfect practice and examine the causes of such decline.

It is not only the practice of democracy that is suffering but also the idea of democracy. As Foa and Mounk find,

> Citizens in a number of supposedly consolidated democracies in North America and Western Europe have […] become more cynical about the value of democracy as a political system, less hopeful that anything they do might influence public policy, and more willing to express support for authoritarian alternatives.[4]

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1   On the decline of democratic standards in transitioning democracies, sometimes called de-democratization or democratic backsliding, see Erin K. Jenne and Cas Mudde, 'Can Outsiders Help?', *Journal of Democracy* 23/3 (2012) 147-155; Larry Diamond, 'Facing Up to the Democratic Recession', *Journal of Democracy* 26/1 (2015), 141-155; Attila Agh, 'De-europeanization And De-democratization Trends In ECE: From The Potemkin Democracy To The Elected Autocracy In Hungary', *Journal of Comparative Politics* 8/2 (2015), 4-26; Nancy Bermeo, 'On democratic backsliding', *Journal of Democracy* 27/1 (2016), 5-19. For a deflationary counterargument, see Steven Levitsky and Lucan Way, 'The Myth of Democratic Recession' *Journal of Democracy* 26/1 (2015) 45-58.

2   Robert Mickey, Steven Levitsky and Lucan Way, 'Is America Still Safe for Democracy: Why the United States Is in Danger of Backsliding', *Foreign Affairs* 96/20 (2017).; Aziz Z. Huq and Tom Ginsburg, 'How to Lose a Constitutional Democracy', *UCLA Law Review* 65 (2018); Daniel Ziblatt and Steven Way, *How Democracies Die: What History Tells Us About Our Future* (Penguin Books, 2018).

3   Bermeo makes the argument that 'today's most popular varieties of backsliding offer ironic proof of democracy promotion's partial success,' (Bermeo (2016), p. 15).

4   Stefan Roberto Foa and Yascha Mounk, 'The Democratic Disconnect', *Journal of Democracy* 27/3 (2016), p. 7.

The decline in support for democratic ideas, and particularly for the bundle of institutions associated with liberal democracy (including the protection of civil and political liberties), is alarming and comes in various forms.

Some rejections of democracy, notably on the left, are related to democracy's tolerance of, and complicity in, what many perceive as egregious injustices such as economic inequality, racial dissemination, nationalist prejudice, and imperialist global economic order. On the other hand, right leaning positions reject the liberal constraints on democracy in favor of crude majoritarianism that does not protect minorities or foreigners. This position is associated with the rise of right-wing populism that purports to speak in the name of the people and is often nationalistic and even ethnic. Lastly, from both the left and the right there are revivals of that old argument against democracy's incompetence: the problem with democracy, they say, is that it places political power in the hands of people who are not only ignorant but also vulnerable to manipulation and subject to irrational whims. The contemporary meritocratic challenge to democracy has been fueled, in part, by the economic success of China and Singapore that present non-democratic (perhaps authoritarian) models of government that arguably deliver policies superior to those of modern democracies.[5]

Whatever their current incarnation, these powerful arguments against democracy were part of the discussion for and against democracy since antiquity. Yet there is an aspect for contemporary discontent with democracy that merits special consideration, democracy's decreased capacity to deliver governance and legitimacy in the context of political and economic globalization: the rise of international organizations, the expansion of trade, the movement of capital, and the growing influence of private corporations and wealthy individuals.

Considered in this light, we can understand the decline in the appeal of the idea of democracy as related not only to the decline of practice but also to a lacuna of democratic theory, which motivated this symposium in this issue of *Global Justice: Theory, Practice, Rhetoric.* The most common approach to democracy in the literature sees it as a set of practices that hold a territorial sovereign accountable, through election of representatives, to a population of citizens whose legal status as citizens is based on their mutual constitution of a national-cultural group. This definition brings together various components, each of which is controversial and worthy of review: presumption of territoriality, near exclusive sovereignty, election of representatives, emphasis on citizenship as a legal status, and a common basis for membership that is often cultural-

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5   For some leading examples see Daniel Bell, *The China Model: Political Meritocracy and the Limits of Democracy* (Princeton: Princeton University Press, 2015); Jason Brennan, *Against Democracy* (Princeton: Princeton University Press, 2016).

national (and sometimes ethnic). Each of these components is challenged somewhere in the literature but rarely are they all cast into doubt together. Call the perspective that assumes democratic theory should be developed against this set of assumptions the *statist* approach to democracy.[6]

The symposium advances democratic theory by developing and applying democratic ideas without this statist set of assumptions. As theorists of global democracy argue, this statist theory of democracy is ill-equipped to deal with transnational issues such as immigration, international trade, terrorism, and transnational organization like the European Union, the World Trade Organization, or the International Criminal Court.[7] More generally, democratic theory of this kind cannot adequately address moral and political issues that arise in the contemporary context of cultural, political, and economic globalization. While cosmopolitan democrats acknowledge these concerns, they often adopt a variant of the statist theory of democracy and attempt to apply it to the world as a whole instead of developing novel democratic theory, free from the statist assumptions.

The problems with the statist approach to democratic theory mirror those that plague statist approaches to justice, as noted by both scholars in the global justice literature as well as proponents of cosmopolitan democracy. First, the statist theory of democracy is ill-fitted to the reality of global politics. Though the statist perspective is sometimes adopted to render to suit the circumstances of global politics,[8] it ignores realities that clash with statist assumptions: destabilizing immigration flows,[9] disputed borders, state weakness, sovereign inequalities,[10] and the growing strength of international organizations, transnational networks,

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6   In the literature on global justice, though not as much in the literature on democratic theory, it is standard to discuss the division between statist and cosmopolitan approaches to global justice, and there are various sub-divisions and distinctions within each approach and see David Miller, *National Responsibility and Global Justice* (Oxford: Oxford Univeristy Press, 2007); Gillian Brock, *Global Justice: A Cosmopolitan Account* (Cambridge: Cambridge University Press, 2009); Richard Vernon, *Cosmopolitan Regard: Political Membership and Global Justice* (Cambridge: Cambridge University Press, 2010); Mathias Risse, *On Global Justice* (Princeton: Princeton University Press, 2012); Laura Valentini, *Justice in a Globalized World: A Normative Framework* (Oxford: Oxford University Press, 2011); Lea Ypi, *Global Justice and Avant-Garde Political Agency* (Oxford: Oxford University Press, 2012).

7   David Held *Democracy and the Global Order: From the Modern State to Cosmopolitan Governance* (Stanford: Stanford University Press, 1995); Danielle Archibugi, *The Glboal Commonwealth of Citizens: Towards Cosmopolitan Democracy* (Princeton: Princeton University Press, 2009); Luis Cabrera, *Political Theory of Global Justice: A Cosmopolitan Case for the World State* (New York: Routledge, 2004); Joshua Cohen and Charles F. Sabel, 'Global Democracy?', *NYU Journal of International Law and Politics* 37/4 (2005), 763-797.

8   And see for example Michael Blake, 'Distributive Justice, State Coercion, and Autonomy', *Philosophy & Public Affairs* 30/3 (2001), 257-296; Risse (2012).

9   Liav Orgad, *The Cultural Defense of Nations: A Liberal Theory of Majority Rights* (Oxford: Oxford University Press, 2015).

10   For some influential literature on these issues see Martha Finnemore, *The Purpose of Intervention: Changing Beliefs About The Use of Force* (Ithaca; London: Cornell University Press 2003); Stephen D. Krasner, *Sovereignty: Organized Hypocrisy* (Princeton: Princeton University Press, 1999); David A. Lake, *Hierarchy in International Relations* (Ithaca; London: Cornell University Press, 2009).

and other non-state actors.[11] There is, of course, theory that breaks with some or many of the statist assumptions,[12] yet a large portion of democratic theory still takes the statist set of assumption for granted and to the extent that these assumptions are made in the name of political reality, they unnecessarily restrict the development of democratic theory. In addition, even if the statist approach represented a fair approximation of the political reality, accepting it as an assumption fails to subject it to scrutiny.[13] Therefore, accepting the statist assumptions means we cannot explore their appropriateness even when they are established practice.

These shortcomings of the statist approach urge us to consider alternatives perspectives. The three articles in this special issue join the growing literature that explores democratic theory and practice without most, or all, of the assumptions included in the standard statist approach. They specifically consider democratic participation and inclusion under conditions of political and economic globalization, displaying attention to the realities of contemporary global politics while subjecting them to scrutiny. The three papers are as follows.

In *Economic Participation Rights and the All-Affected Principle*, Annette Zimmermann intervenes critically into the philosophical debate on the all-affected principle (AAP) as a robust alternative to rival statist ideals of democratic enfranchisement. While Zimmermann endorses the general view that AAP plausibly justifies why a given polity ought to enfranchise all citizens and non-citizens whose interests are affected by that polity's democratic decisions, she notes that the way the principle has commonly been construed in the literature has missed an important form of inclusion: economic participation. 'To be affected,' Zimmermann argues, often means to be affected in virtue of one's participation in increasingly transnational economic relationships, and the conferral of standard political participation rights such as the right to vote is often simply insufficient for voicing and protecting morally weighty interests.

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11 The arguments regarding the strength and autonomy of non-state actors are more controversial among scholars of international relations and there are some who argue that the trend of weakening state sovereignty is reversing. Yet there is substantial scholarship that establishes the strength of various non-state actors and see for example Margaret E. Keck and Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics* (Ithaca; London: Cornell University Press, 1998); Mary Kaldor, *Global Civil Society: An Answer to War* (Polity Press, 2003); Michael N. Barnett and Martha Finnemore, *Rule for the World: International Organizations in Global Politics* (Ithaca; London: Cornell University Press, 2004); Anne-Marie Slaughter, *A New World Order* (Princeton: Princeton University Press, 2005); Deborah D. Avant, Martha Finnemore and Susan K. Sell (eds.), *Who Governs the Globe?* (Cambridge: Cambridge University Press, 2010).

12 There are various theoretical approaches to democracy that attempt to do just that, some under the heading of cosmopolitan or transnational democracy, and see Held (1995); Archibugi (2009); Cohen and Sabel (2005); John S. Dryzek, *Deliberative Global Politics: Discourse and Democracy in a Divided World* (Cambridge; Malden, MA: Polity Press, 2006); Melissa S. Williams, 'Citizenship as Agency within Communities of Shared Fate' in Steven Bernstein and William D. Coleman (eds.) *Unsettled Legitimacy: Political Community, Power, and Authority in a Global Era* (Vancouver: UBC Press, 2009).

13 This is the variant of the status-quo bias, and see Valentini (2011); Ypi (2012).

According to Zimmermann, a commitment to AAP thus entails, among other things, a commitment to granting agents economic participation rights in various institutional settings, which entitle agents to use economic resources to voice political preferences, or to voice their political preferences over decisions concerning economic resources. As Zimmermann shows, striking, boycotting, participatory budgeting, and other forms of economic participation are an important but underacknowledged part of transnational democratic enfranchisement in accordance with AAP.

In *Democratizing Global 'Bodies Politic': Collective Agency, Political Legitimacy, and the Democratic Boundary Problem*, Terry Macdonald merges an exploration of democracy's normative foundations with attention to specific characteristics of political reality. Macdonald notes that scholarship on democracy's boundary problem has focused on identifying the appropriate population group for democratic governance, or the 'demos.' In contrast, Macdonald argues that in order to determine the appropriate boundaries of democratic units we should consider the scope of a unit's institutionalized governance capabilities, which she terms 'public power.' We should consider public power, according to Macdonald, because legitimate democratic governance is produced not only through the decision-making agency of a demos, but also through the institutionally distinct sources of political agency that shape a unit's governance capabilities. Achieving legitimate democratic governance requires institutionalized collective decision-making, the 'mind,' as well as institutionalized governance capabilities, the 'body' of the *body politic*. Paying attention to public power, Macdonald concludes, lends support to a pluralist approach of global democratic institution building, endorsing the direct democratic control of multiple existing state and non-state institutions.

In *Should International Organization Include Beneficiaries in Decision-Making? An Argument for Mediated Inclusion*, Chris Tenove considers how inclusion — a core democratic principle — should be pursued in the concrete case of the relationship between international organizations and their intended beneficiaries. Tenove defines IOs' 'intended beneficiaries' as a particular type of constituency, and deploys the principle of affected interests to argue that they have strong normative claims for inclusion because IOs affect their vital interests and their political agency. Tenove further argues that inclusion can often be substantively achieved through processes of representation and communication, which he calls 'mediated inclusion.' He reviews existing practices and trends in global governance to identify the opportunities and obstacles for the mediated inclusion of IOs' intended beneficiaries. Tenove's theoretical and empirical investigation lead to the conclusion that inclusion of intended beneficiaries in

IOs decision-making processes is both appropriate and feasible. Tevnove's look at existing practices in global governance is an attempt to probe the feasibility of further democratization in the current global political reality.

These three papers, taken together, represent a significant contribution to democratic theory as well as the field of global political justice.[14] Given the challenges to democracy with which we started, these papers indicate that democratic theory has the tools to intervene in many political debates related to globalization, including immigration, trade agreements, and transnational organizations. Developing this kind of innovative democratic theory, alongside novel democratic practices, can help reverse the trend of democratic disillusionment in the hearts and minds of people around the world.

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[14] Terry Macdonald and Miriam Ronzoni, 'Introduction: the Idea of Global Political Justice', *Critical Review of International, Social and Political Philosophy* 15/5 (2012), 521-533.