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The All-Affected Principle and Global Political Legitimacy

In Defense of Democratic Realism

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My aim in this chapter is to offer an interpretation of the All-Affected Principle that captures important intuitive sources of its appeal for democrats in the pluralist institutional landscape of global governance practice.[1] Here I take the AAP to be an institutional principle for distributing the political power contained within governance institutions (in shorthand, "political inclusion"), as distinct from an ethical principle for guiding the discretionary "considerations" of powerful decision-making elites.[2] Thus understood, the AAP provides an alternative to the more common democratic claim that political inclusion should be distributed in accordance with the scope of egalitarian moral solidarities – whether these are understood in "communitarian" terms as national in scope,[3] or in "cosmopolitan" terms as globally all-inclusive.[4]

In what follows I present a normative interpretation of the AAP, as a democratic principle for distributing political inclusion, which incorporates answers to three key questions. First, what distinctive democratic values does the AAP advance, in contrast to the solidaristic egalitarianism of cosmopolitan or communitarian principles? Second, what follows institutionally from the AAP, in relation to the institutional sites in which political inclusion is to be sought, the types of institutionalized governance power that political inclusion is to distribute, and the basis on which particular individuals are to be politically included within particular institutional sites? Third, what does an endorsement of the AAP imply for our broader theoretical understanding of the normative role and limitations of democracy as a global political project? The answers I offer to these questions are guided by what I call a "realist" normative conception of democracy. Some influential philosophical defenders of the AAP have presented it as an ideal-theoretic democratic principle – with institutional implications that are "wildly impractical."[5] Here I offer a rival interpretation that accounts for its role as a realist democratic principle for distributing political inclusion. Whereas ideal-theoretic democratic principles identify criteria for judging

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institutions to be morally justifiable (or "just"), realist democratic principles instead identify criteria for judging institutions to be politically legitimate, in the normative sense of being worthy of political support by real political actors in some concrete operational context.[6] Here I take the broader concept of democracy to denote a governance practice that institutionally empowers the self-determining political agency of some collective or collectives (the "*demos*" or "*demoi*"),[7] on terms that are politically inclusive of individuals.[8] As such, articulating a realist conception of democracy requires consideration of which forms of political inclusion best strengthen the real-world support-worthiness of governance institutions, as instruments of collective political empowerment.

I develop and argue for this realist interpretation of the democratic AAP in three steps, answering each of the above key questions in turn. First, I argue that the distinctive democratic value of the AAP derives from its concern with institutionally empowering those valuable dimensions of individuals' political agency that are expressed through participation in the practical performance of global governance functions, alongside those expressed through deliberative or aggregative social "choice" procedures. By aligning political inclusion with political "affectedness" rather than moral solidarity, the AAP recognizes that the collective activities constituting existing governance practices (rather than philosophers' ideals of political community) constitute the politically legitimate starting point for democratic political projects. Second, I argue that this interpretation of the normative point of the AAP supports a pluralist, rather than a cosmopolitan, institutional approach to democratic inclusion; the sites, types, and constituencies of inclusion should vary across institutional contexts, depending on their real-world consequences for the empowerment of individuals' capacities to advance their interests through institutional collaboration with others.[9] Third, I elaborate the broader "realist" conceptions of global democracy and political legitimacy that are implied by this interpretation of the AAP, and highlight some advantages and limitations of the realist account.

THE DEMOCRATIC VALUE OF THE ALL-AFFECTED PRINCIPLE

To understand the distinctive democratic value of the AAP as a principle of political inclusion, it is instructive to begin with some further reflection on what it means to be included in a democratic process. Central to the concept of democracy, as characterized here, is the idea of empowered collective agency: democracy is an inclusive process of collective self-determination, empowered through shared governance institutions. As such, the meaning of political inclusion in a democratic process must be derived from an underlying conception of the kind of empowered collective agency in which inclusion is sought.

Since ideas of power, collectivity, and agency are some of the broadest in the modern political lexicon, the conceptual space within the idea of democratic inclusion is in principle very wide. Among most contemporary democratic theorists, however, there is convergence on a much narrower conception

of empowered collective agency – as the operation of social choice procedures within some formal institutional process of political decision making. Here the notion of social "choice" denotes either the aggregation of individuals' formal preference signals in the form of electoral "vote," or collective agreement arising from the mutual articulation of individuals' reasons in the form of deliberative "voice."[10] Corresponding with this conception, the democratic idea of political inclusion is typically identified narrowly with participation in aggregative or deliberative political decision-making procedures.

The normative appeal of this conception of empowered collective agency rests on two implicit theoretical commitments, both of which have been influential through the modern historical period in which contemporary democratic theories have developed. The first is a normative commitment to a rationalist model of political agency, which attributes value to the democratic self-determination of collectives as a function of the value placed on the strategic rationality of individual voting behaviour, or the communicative rationality of public deliberation. The second is an empirical commitment to a hierarchical model of political governance, which assumes democratic social choice procedures can be "plugged in" to some institutionally subordinated governance instruments with the requisite material capabilities (resources, technologies, and administrative infrastructures) to implement democratic decisions – as is envisaged, paradigmatically, within constitutional democratic states or functionally equivalent cosmopolitan governance institutions.

If we understand the empowered collective agency at the heart of the democratic project in this way, what follows for democratic principles of political inclusion? This social choice-focused democratic conception of empowered collective agency can be straightforwardly reconciled with traditional principles of political inclusion based on morally solidaristic (communitarian or cosmopolitan) conceptions of political community, simply by prescribing the construction of constitutional democratic states to align with moral solidarities at either national or global levels. It is much more difficult, however, to reconcile it with the AAP as a principle of political inclusion. If it is assumed that all of democracy's empowered collective agency is located within the social choice procedures for which the AAP regulates inclusion, then the prescriptive implications of the AAP appear to be either indeterminate or circular. The AAP cannot generate determinate institutional prescriptions unless we can first determine what set of people will possibly or probably be affected by some specific decision-making process. Yet we cannot even begin to speculate about what range of people will possibly or probably be affected unless we have some substantive idea about the content that its decisions will possibly or probably have. But if we counter this indeterminacy by specifying in advance some range of substantive decisions, we encounter a new problem of circularity – insofar as settling some decisions in advance seems to call for pre-judgment on the very matters that democratic decision-making procedures are supposed to settle.

In one influential interpretation of the AAP, Robert Goodin proposes a way of escaping both the indeterminacy and the circularity just described. His proposal is to assume all decision-making processes to be entirely open regarding the range of their possible decisions, such that any decision-making outcome is assumed to be possible, in any decision-making process. This avoids the charge of circularity by making no substantive assumptions of the kind that would prejudge a democratic decision-making process, since all possible decisions remain in the set available for a *demos* to decide upon. It also provides determinacy by prescribing universal inclusion, such that "(at least in principle) we should give virtually everyone a vote on virtually everything virtually everywhere in the world."[11]

But while this proposal escapes the problems of indeterminacy and circularity, it encounters two new problems: impracticality and prescriptive non-distinctiveness. The first of these problems is straightforward: as Goodin himself recognizes, his proposal for universal inclusion in all decision-making processes is "wildly impractical,"[12] and untenable as a real-world prescription for democratic institutional design. The second problem is that this interpretation of the AAP as an institutional principle effectively collapses it into a variant of cosmopolitan solidarism, insofar as claims to political inclusion follow directly from cosmopolitan moral concern for individuals' interests, conditioned only by an extremely broad background assumption of (possible if not actual) global social interconnectedness. While talk of "affectedness" here may help to justify the cosmopolitan institutional claim that universal political inclusion follows as a prescriptive corollary of cosmopolitan moral solidarity, this "affectedness" talk does not generate any prescriptive institutional principle that is distinct from solidaristic cosmopolitan inclusion.

Here I propose an alternative normative interpretation of the AAP that preserves its prescriptive distinctiveness as an institutional principle of political inclusion, while further escaping the problems of indeterminacy, circularity, and impracticality. My proposal is that the AAP's directive to align political inclusion with political "affectedness" is prescriptively distinctive in virtue of directing democrats to recognize existing institutional practices of governance (rather than philosophers' communitarian or cosmopolitan moral ideals of political community) as the politically legitimate starting points for democratic political projects. In concrete prescriptive terms, this means that the AAP directs democrats to pursue political inclusion of the affected not only through formal social choice procedures linked to hierarchical state-like administrations, constructed to align with national or global moral solidarities. Rather, the AAP prescribes the expansion of political inclusion within a much wider set of institutionalized governance practices, incorporating non-state organizations such as corporations and NGOs alongside more institutionally complex market and networked governance activities, which perform significant governance functions within real global political practice.

In addition to achieving prescriptive distinctiveness, this interpretation of the AAP helps to solve the problem of indeterminacy: since the AAP prescribes inclusion through governance institutions that already exist in concrete forms, empirical analysis of institutions' functions and impacts can help inform political efforts to map out circles of "affectedness." It also helps to moderate objections to the practicality of the AAP. Any democratic project must confront substantial practical challenges, which are inherent to its emancipatory and egalitarian political ambitions. But the prescription to start by engaging institutions within existing governance practice at least gives democrats some concrete political agencies to "go to work on" – as Nagel puts it in a related argument about global justice[13] – rather than contemplating the task of engineering a revolutionary overhaul of the global institutional order.

Beyond these analytical advantages of my proposed interpretation of the AAP, we must also consider what substantive theoretical commitments are required to support its normative appeal as a democratic principle of political inclusion. The claim that real governance practices constitute the right starting point for the pursuit of democratic inclusion can draw some preliminary support from well-established empirical literatures highlighting various functional limitations of "hierarchical" state-based governance instruments, and corresponding functional advantages of the disaggregated "network" and "market" governance instruments[14] that play substantial roles in existing "private,"[15] "complex,"[16] and "liquid"[17] global governance institutions.[18] But normative claims about the democratic value of real governance practices must rest on more than empirical assessments of their distinctive functional capabilities; it must rest further on normative assessments of the substantive political interests that real governance institutions have functional capabilities to advance. So here we need a further account of how and why practice should have primacy in defining the democratic "common interests" that governance institutions should strategically pursue.

One well-known account, derived from pragmatist political thought, goes some of the way by demonstrating the special epistemic value of experimental forms of political action found within some real governance practice.[19] But such epistemic justifications for the primacy of practice are not adequate alone, since they account only for the instrumental value of certain forms of governance practice in identifying how best to advance substantive "common interests" (albeit allowing that understandings of these interests may themselves shift as experimentalist practice develops). A normative argument for the primacy of practice in defining governance problems must go further, by accounting also for the role practice should play in defining the substantive content of these "common interests."

On my proposed account of this role, the "common interests" advanced through the functions of existing governance practices have democratic value insofar as participation in the constitution of institutions' material governance capabilities, alongside participation in institutions' deliberative or aggregative

"social choice" procedures, can constitute meaningful expressions of individuals' political agency, of the kind that democratic projects aim to respect and empower. The claim is that political value judgments concerning common interests are not always expressed communicatively – in the rationally articulated forms of vote or voice that contribute directly to decision making within formal social choice procedures. Rather, they are often expressed behaviourally[20] through individuals' behavioural patterns of adaptation, support, and resistance towards institutions within real political practice, which over time and in the aggregate contribute substantially to shaping the functional capabilities embodied in governance institutions.[21]

Relevant political behaviours here may include institutional rule-compliance, or conversely rule-evasion, "foot-dragging," or "false compliance,"[22] resource allocations towards or away from particular institutional activities, cultural expressions of institutional endorsement or disapproval, or patterns of attentional engagement or disengagement with institutions. Such behaviours vary in their degrees of communicative articulateness: some, such as financial donations to institutions, or organized protest actions against them, may be both intended and interpreted as clear communications of political value judgments articulated explicitly elsewhere. But others – in particular those involving more "everyday" (ad hoc, low-stakes, and unprincipled) interactions with institutions – express less articulate judgments, based in part on non-cognitive evaluative faculties such as attentional and emotional responsiveness or motivational energies, which are more dissimilar from the intentional modes of "choice making" envisaged by rationalist normative models of democratic political agency.[23]

On this interpretation, the forms of political inclusion prescribed by the AAP are democratically valuable insofar as they provide individuals with access to powerful institutional avenues for collaboratively advancing the interests that they judge to be most valuable – whether these judgments are politically expressed through rationalized voice and vote within institutions' decision-making procedures, or alternatively through the less articulate everyday behaviours that help shape the range of powers accumulated within real institutions, and thereby the scope of their decision-making impacts. The political value of democratic institutions is still understood to be derived from their role in politically empowering the exercise of collective self-determination; but this collective self-determination extends beyond collective choice making to incorporate empowered collective agency more broadly conceived.[24] Rather than viewing "social choice" decision-making procedures as the sole sites of democratic collective agency – with the functional capabilities of "public power" cast as mere instruments for executing these decisions, via a hierarchical subordination of "public power" to the decision-making authority of a *demos* – here democratic collective agency is viewed instead as more highly diffused across more complex social processes for constituting as well as deploying institutional power.

Some democrats may object that this normative interpretation of the AAP cannot fully overcome the circularity objection, since limiting inclusion to those affected by existing governance practices may reinforce a range of injustices supported by the existing institutional boundaries of governance capability and impact, and rig global political decision-making processes against more just political decisions.[25] I will return to the larger theoretical questions raised by this challenge in the final section of the chapter. But for now it is enough to point out that it is perfectly coherent to recognize that many existing global governance practices perpetuate (and are to some degree products of) injustices – and moreover to protest these injustices strongly – while nonetheless insisting that governance practices can embody some valuable expressions of collective political agency.

On the interpretation I have outlined here, the application of the AAP as a principle of political inclusion provides a normative bridge between practice-based and philosophically based dimensions of democratic collective agency, by defining a division of labour between them within an overarching institutional framework for democratic global governance. Governance practice produces its animating institutional material, in which the functional capabilities of governance institutions are structurally embodied, while social choice procedures perform the secondary role of rationalizing and moralizing this collective agency, through filtering some important dimensions of it through the philosophically justified procedures of public deliberation and egalitarian preference aggregation.

THE INSTITUTIONAL IMPLICATIONS OF THE ALL-AFFECTED PRINCIPLE

Having thus established a rough interpretation of the distinctive democratic values advanced by the AAP, the next question to consider is: what follows institutionally from this interpretation of the AAP? There are three institutional questions in particular that must be addressed in further detail than I have considered so far. In what institutional sites is political inclusion to be sought? What types of institutionalized governance power is political inclusion to distribute? And on what basis are particular individuals to be politically included within particular institutional sites? I will consider these questions in turn – arguing overall for what I describe as a pluralist institutional approach to political inclusion.

Pluralist Institutional Sites of Political Inclusion

The institutional account that follows from my normative interpretation of the AAP is pluralist, first, with respect to the institutional sites in which it prescribes democratic political inclusion. This institutional pluralism is not prescribed as a political ideal, or as a logically necessary corollary of the AAP; rather, it follows from the normative imperative to respond democratically

to empirical facts about existing global governance practices. Existing global governance practices are pluralist in the sense that the sites of political agency within them are institutionally diffused, and not structurally linked through any unifying functional logic or authoritative hierarchy of the kind that characterizes a constitutional state. Following from the normative argument I have just presented, it is all of these plural institutional sites of existing political agency in which the AAP prescribes political inclusion of the affected.

Many of these diffused sites of global institutional agency take the familiar form of formal organizational "decision making" – albeit dispersed across multiple organizational entities and types, including not only sovereign states and international organizations, but also transnational corporations and NGOs.[26] But much of the political agency exercised through other institutional forms of global governance is diffused not only across plural organizational decision-making procedures, but out of such procedures and into institutional structures of other kinds. Within the market and network institutions noted above, for instance, political agency is diffused outside of formal organizational decision-making procedures with respect to both: the processes through which actors express and coordinate value judgments – for instance, purchasing decisions in markets, or negotiations within networks; and the processes through which these value judgments are converted into political outcomes through the exercise of power – for instance, through the economic pressures of market incentives and rewards, or the social pressures of network interdependencies and socialization.

In some global governance contexts political agency is diffused even further, through complex problem-solving processes in which outcomes are shaped in part through the interactional dynamics operating among multiple types of organizations and institutional structures.[27] Together, these constitute what are sometimes described as institutional "ecologies," as distinct from rule-based structures.[28] To illustrate this kind of dynamically diffused political agency within global governance processes, we can consider the example, explored in some detail elsewhere,[29] of transnational business regulation focused on managing company–community land disputes in the land-intensive palm oil sector. Here, the regulatory outputs from governance processes depend not on the operation of any formal institutional procedures or structures, but rather on complex and informal interactional dynamics among multiple organizational participants – including companies, local community representatives, local and national government actors, and transnational organizations such as the World Bank Group's International Finance Corporation Compliance Advisor Ombudsman (IFC-CAO), and the multi-stakeholder Roundtable on Sustainable Palm Oil (RSPO) – each of which is embedded, in turn, within its own wider (sovereign, market, or network) institutional schemes.

In governance contexts where political agency is so widely diffused, it can sometimes be difficult to identify clear institutional sites where political inclusion could be formally "plugged in," to achieve democratic empowerment for

affected populations. One democratic response to these difficulties – advocated by Hayward (this volume) – is to shift the focus of democratic inclusion from institutional "decision making" towards "structural power," understood as "collective norms" that elude decisional control of particular agents in virtue of their institutionalized, objectified, motivationally internalized, and habituated modes of operation. Rubenstein (this volume) similarly argues that the AAP requires sites of democratic inclusion to track real-world power dynamics, but she directs attention beyond "structure" to include more linear "chains" of influence operating among multiple governance actors (such as NGOs and donors). But while the AAP does imply that such real-world dynamics of political power or influence should provide the starting point for situating democratic inclusion, it does not follow that all existing forms of power or influence can serve equally well as sites for democratic politics. Assuming that democracy is valuable insofar as it inclusively empowers collectives to act together through shared institutions, then what matters is not only where power can be located, but moreover where power can be institutionally harnessed by mobilized political collectives and put to work in the advancement of common interests.

Sometimes groups' empowerment can best be strengthened by tracing existing institutional power structures and chains of influence, and seeking greater access to them: in the above example of transnational business regulation, for instance, local communities can achieve some democratic empowerment by seeking greater influence within national or international rule-making processes with powers to shape social and economic structures of land ownership and control, or within transnational corporate decision-making networks.

Other times, however, harnessing the power of existing structures and influence "chains" will first require reconstruction of established institutional agencies or establishment of new ones, with functional capabilities better tailored to serving the interests of disempowered groups. In the same transnational business regulation case, this may require more self-conscious political mobilization and institution-building efforts among local communities and their global allies in land disputes with transnational business, to create (rather than just locate) empowering sites for democratic inclusion. But new institution-building efforts of this kind will nonetheless remain compatible with the AAP's prescription to locate sites for democratic inclusion within real governance practice, insofar as these efforts are incrementalist in character – aimed just at moralizing and rationalizing, rather than wholly supplanting, the pluralistic governance functions and structures of global political life.

Pluralist Institutional Types of Political Inclusion

A difficulty raised by this prescription to pursue direct political inclusion of affected populations within diffused institutional sites of governance agency is that established democratic institutional models of political inclusion have been designed instead for organizational decision making. More specifically,

they have mostly been focused on inclusion within participatory social choice procedures of the aggregative or deliberative varieties discussed earlier – or alternatively forms of political representation that can stand in for these under certain conditions.[30] But this focus cannot adequately capture what it would mean to expand political inclusion in relation to those dimensions of agency that are expressed through behavioural participation in the constitution of institutions' material governance capabilities, of the everyday and sometimes inarticulate kinds discussed earlier.

As such, the idea of "political inclusion" cannot be restricted to familiar democratic institutional models of participation or representation in social choice. Instead, we need to expand our institutional conception of political inclusion to reflect a wider understanding of what kind of collective political agency, or self-determination, democracy is concerned with: we should shift our institutional focus from social choice to the broader idea of social empowerment.[31] In doing so, we may bring the meaning of democratic inclusion closer to what Josiah Ober has argued was an element of its original classical meaning. Whereas contemporary democrats typically understand democracy's etymological root "*kratos*" as power in the sense of rule through some pre-existing institutional apparatus, Ober argues that this interpretation is more closely linked to the alternative Greek "*arche*" regime-type suffix; "*kratos*," on the other hand, is better interpreted as "power in the sense of strength, enablement, or 'capacity to do things.'"[32] *Demokratia* thus means not "rule by the demos" but rather "'the empowered demos' – it is the regime in which the demos gains a collective capacity to effect change in the public realm," in part through creating new institutions rather than merely redistributing access to the old.[33]

Understanding democratic inclusion in these broader empowerment terms has important institutional implications for the democratization of diffused global governance practices. Inclusive social choice procedures, plugged into hierarchical rule-making procedures of formal organizations, should endure as crucial instruments of empowerment within many organizational sites. But a commitment to inclusive empowerment further requires expansion of institutional responsibility taking in wider social domains – as required to support individuals' capabilities to exert direct behavioural influence on the operation of institutions and the evolution of their governance functions. The range of capabilities required for empowerment in this broader sense includes the forms of social and economic capital and physical security required to express settled interests through everyday institutional engagements and pressures. They further include the freedoms and resources required to create new interests through innovation, collaboration, and mobilization with others outside of formal organizational structures – and in so doing, to help creatively construct new governance functions and institutional forms.

Such expanded institutional responsibility taking for individual's political capabilities can incorporate a mix of both "positive" and "negative" responsibilities, where the former involve active provision of institutional support to

individuals and the latter involve institutionally secured noninterference. To illustrate more concretely, consider again the example of diffused governance agency within multi-stakeholder business regulation processes, discussed earlier. A participating corporation may exercise "positive" responsibilities through extending social and economic support within broader corporate social responsibility (CSR) programmes to local community stakeholders, aimed at combatting social hierarchies and economic inequalities that may inhibit individuals' opportunities for political activism. And it may exercise "negative" responsibilities by institutionalizing prohibitions on interference in oppositional organizing by community activists or others. Similarly, state participants may exercise "positive" responsibilities by extending access to their legal instruments to non-citizen stakeholders, such as through opening access to national judicial grievance mechanisms; and they may exercise "negative" responsibilities by permitting citizens access to external (non-state and international) governance processes and grievance mechanisms – thus according some freedoms to "exit" from the exclusive jurisdiction of territorial authorities.[34] Overall, such expansions of institutional responsibility for the inclusive empowerment of the affected may necessitate substantial functional departures from organizational mandates established by founders, and sufficient flexibility in the institutional mandates to allow for ongoing responsiveness to the dynamic functional demands of empowering the affected.[35]

Matching Affected Individuals to Sites and Types of Political Inclusion

Given the pluralist institutional sites and types of political inclusion that the AAP prescribes, the final institutional question is: on what basis are particular individuals to be politically included within particular institutional sites, in order for all affected interests to be considered adequately included overall? In principle, my interpretation of the AAP deems an individual to be "affected" by any governance process with consequences for their interests – as they define them through a mix of both explicit articulation and less-articulate judgment and behavioural expression in practice. Identifying affected constituencies entitled to inclusion within any given institutional site must accordingly involve a dynamic political process engaging both governance institutions, and individuals staking political claims to inclusion on the grounds of affectedness, whom we can call "stakeholders." On one side, governance institutions – such as the corporations and states in the above example – must make good-faith efforts to identify affected populations, based on independent interpretive judgments about stakeholder interests. And on the other, affected populations themselves must not only make efforts to articulate interests clearly, but further work actively and creatively towards identifying and behaviourally supporting opportunities for functionally advantageous institutional development.

Given the extent of political interdependence within a globalized world order, a political process of this kind may seem to push towards a very

expansive (perhaps even cosmopolitan) account of individuals' democratic claims to political inclusion. It is important to appreciate, however, that in judging claims for political inclusion – whether from the standpoint of governance institutions or activist stakeholders – the AAP directs us to consider not only who is affected by particular governance processes, but also which institutional sites provide consequential avenues for political empowerment of these affected individuals. This follows from the interpretation I have given of the normative point of democratic inclusion of all affected interests – which is providing individuals with access to powerful institutional avenues for advancing their interests. Once we take proper account of considerations concerning the likely efficacy of particular inclusions, I contend that we arrive at a considerably more restrictive set of individual democratic entitlements: the AAP does not oppose all institutional exclusions of affected individuals, but only those that exclude individuals from governance institutions with substantial functional capacities to advance their particular interests.

One assumption we might be tempted to make here is that inclusion is likely to be most consequential at the decision-making levels most geographically or socially proximate to the effects of decision-making outcomes on that individual. To take an example, we might suppose that if an individual is affected by the environmental impact of some corporation's operations within their local community, the most consequential decision-making site for them to be granted political inclusion in is the one with the most direct causal link to the effects they are experiencing – which in this case would be the corporation's internal decision-making processes. But what a proximity criterion misses is that the degree of influence that a particular governance process has on producing a political outcome is not the only factor in determining the degree of power that a particular individual participant in that process will gain from inclusion. The empowerment of an individual depends further on the extent to which their individual interests are aligned with those that the decision-making process in question is functionally empowered to advance. Including an individual in a particular governance process will have little value as an instrument of empowerment if that process has capacities to advance only interests that are fundamentally opposed to their own.

Looking again at the corporate example, a key reason that corporate strategies of "stakeholder inclusion" and "community consultation" commonly result in little more than public relations window dressing is that corporate organizations are not functionally equipped to serve all (or even most) of the interests of external communities that they affect. Environmental standard setting, for example, requires engagement with complex policy problems that corporations are often neither technically nor morally equipped to resolve alone. To the extent that a corporation lacks the functional capacity to produce a particular environmental outcome, then granting affected individuals access to its internal decision-making processes will prove an ineffectual instrument for empowering them to pursue that outcome.

In some cases, incremental reforms to corporate operations may be sufficient to generate the requisite functional capabilities; but in other cases, more consequential forms of political inclusion can be achieved by shifting away from direct engagement with corporations towards alternative institutional sites. For example, if a corporation were willing to support stronger environmental standards but lacked the technical expertise to support standard setting and compliance, then a more consequential institutional site for advancing environmental interests may be that of an emergent multi-stakeholder governance process, whereby states, IOs, and NGOs may lend technical expertise to improve corporate environmental performance. Or alternatively, if the corporation lacked even in-principle support for stronger environmental standards, then a more consequential site for advancing environmental interests may be that of a new regulatory governance process, through which strategies could be developed among like-minded external actors to impose political pressures for corporate compliance.

This example thus points us towards a different kind of criterion for linking individuals to institutional sites of empowerment: inclusion is likely to be consequential not only where the institution has proximity to experienced impacts, but further where there are sufficient common interests shared with the institution's other participants to enable the included individual to pursue their interests through institutional collaboration with others. This recognition prompts us to remember – when thinking about political inclusion – that the political agency democracy seeks to empower is always collective in character: when democratically linking individuals to institutions, we must take account not only of the "vertical" impact of decision-making powers on the particular interests of single individuals, but also of the "horizontal" relationships among the interests of the many individuals who must be willing and able to act together through this governance process, in a project of democratic collective action.[36]

JUSTICE, LEGITIMACY, AND DEMOCRATIC EMPOWERMENT: A REALIST ACCOUNT

The normative democratic interpretation of the AAP advanced here is vulnerable to moral critique in two key dimensions. First, it is vulnerable to critique in terms of procedural moral principles, which are central to familiar moral ideals of democratic social choice. Applying my interpretation of the AAP within pluralist global governance practices undercuts procedural moral principles insofar as it permits some erosion of the political authority of democratic "social choice" procedures, which are structured in accordance with rational and egalitarian principles. By prescribing political inclusion through diffused institutional sites of global governance that lack these procedural characteristics, the AAP compromises the forms of collective rationality[37] that formal and public procedures of preference aggregation and deliberation can support, and may also make it harder to operationalize and institutionally assure political equality within global governance processes.[38]

It is vulnerable to additional moral critique in terms of substantive moral principles of liberal-egalitarian social justice, which are often identified as justificatory philosophical grounds for democratic procedural principles.[39] At a minimum, some of the political exclusions permitted by the AAP may leave unchallenged unjust forms of social and economic inequality and domination that shape existing governance practices, and thus influence the substantive interests advanced by status quo institutional functions. In some cases these political exclusions could even reinforce social injustices, insofar as the democratization of established governance institutions serves to bolster their sociological (as distinct from normative) legitimacy, and thus strengthen their functional capabilities to advance unjust collective political agendas. I regard these moral critiques as sound, and do not dispute the charge that my normative interpretation of the AAP should be regarded as non-ideal from the perspective of a liberal-egalitarian conception of justice.

One way to defend my interpretation, in light of this concession, would be within the framework of a "non-ideal" theory of justice[40] – arguing that the AAP provides the most effective democratic instrument for pursuing justice under non-ideal social conditions. Here, however, I set aside altogether the philosophical assumption that conceptions of justice are the right place to look for the normative grounds of democratic political principles and projects. Instead, I contend that these grounds are located in the conceptually distinct value of political legitimacy, understood as an institutional virtue of normative acceptability or "support-worthiness."[41] As such, the normative role of democratic principles is not to articulate some institutional dimensions of a moral ideal of justice, but rather to identify criteria for judging institutions to be politically legitimate, in the normative sense of being worthy of political support by real political actors in some concrete operational context.

There are many competing accounts of the normative sources of political legitimacy in general, and correspondingly, of the role of democratic principles in legitimizing governance institutions. One family of theories views political legitimacy as distinct from justice in the character of the moral values each captures; such accounts link political legitimacy to special procedural[42] or non-ideal standards of justice,[43] or with other independent moral values.[44] A second views political legitimacy as distinct from justice insofar as it captures epistemic, alongside moral, virtues of political institutions.[45] A third views political legitimacy as derived from some distinctly political value – such as solving complex political problems of order[46] or "meta-coordination,"[47] or institutionalizing a political conception of collective "self-determination"[48] or "collective agency."[49]

It is a variant of this latter political conception of the value of political legitimacy that I invoke here to account for the normative grounds of the democratic AAP. On my favoured account, principles of political legitimacy are grounded in the value of the collective political agency they help to empower, through the governance institutions to which they are applied. Different normative theories of political legitimacy invoke varying substantive normative conceptions of valuable

"agency" and "collectivity" – with varying normative commitments to rationalism, egalitarianism, cultural norms, and so on. Here democratic institutional principles serve as distinctive standards of political legitimacy insofar as they empower the exercise of collective political agency on terms that are inclusive of affected individuals. This collective agency account of the sources of normative political legitimacy thus provides the overarching conceptual framework within which my earlier arguments – concerning the legitimacy of practice-based versus social choice-based models of collective political agency – play out. By empowering practice-based alongside social choice-based dimensions of collective political agency, the AAP expands the scope of inclusive political empowerment, and in so doing strengthens the political legitimacy of global governance institutions.

The scale of the prescriptive gap between an AAP grounded in a practice-based collective agency conception of political legitimacy and a democratic principle of inclusion grounded instead in a philosophically based moral conception of justice will depend on how exactly a more comprehensive account of the practice-based dimensions of collective agency is fleshed out. It will depend first on what range of agents' real motivations towards institutional adaptation or resistance are viewed as valuable forms of agency and admissible as normative sources of political legitimacy; and it will depend further on how far this agency departs from the idealized constructions of "rational" and "reasonable" political agency that frame the justificatory structures of liberal-egalitarian theories of justice.[50] But however our fine-grained normative conceptions of agency are filled out, what deeply differentiates justice-based and legitimacy-based accounts is that the concept of political legitimacy accommodates a more realistic account of political agency, which prescribes respect for more motivationally and contextually diverse dimensions of political judgment than ideal-theoretic moral alternatives. It is in this respect that my account can be labelled as "realist" and linked broadly to an extended family of realist political theories that emphasize the importance of motivationally engaged and contextually sensitive approaches to the justification of political institutions.[51]

A key virtue of this realist account is that it preserves a useful division of labour between two distinct normative problems: the search for principles that can galvanize real institutional projects of collective action – which is the problem of political legitimacy; and the search for principles that can illuminate and sensitize political agents to the demands of moral reasons – which is the problem of justice. If we analytically conflate these two problems, we politically deflate the potency of both – diminishing the action-guiding utility of principles of political legitimacy, as well as the critical force of principles of justice. The "realist" normative interpretation I have provided here of the AAP preserves this important distinction: the democratic AAP directs institution builders towards appropriate criteria for expanding the scope of political boundaries, as an instrument of empowerment; while the challenge of expanding the boundaries of moral concern and imagination is preserved intact within the separate theoretical jurisdiction of justice.

CONCLUSION

The arguments I have presented here, in support of a "realist" democratic interpretation of the AAP, are important in part because they push us to confront a larger set of questions about both the concept of democracy and the sources of political legitimacy in contemporary global politics. In thinking about the concept of democracy, and the fundamental values that support it, it must be acknowledged that the interpretation I have set out here takes us a very long way from both the institutional models of "closed" democratic societies and the moral ideals of political rationality and equality that have been traditionally linked to the democratic idea. It is a difficult question – worthy of more extensive reflection – whether this merely stretches the concept of democracy, or whether it more irretrievably breaks it, and thus calls for a fresh conceptual framework that can more freely and directly capture the organizing political values of a complex global governance order.

In thinking about the sources of political legitimacy in global politics, my arguments push us to reinvigorate normative debates about the role of substantive "common interests" in the constitution of political legitimacy, and to consider how these can be reconciled with the value placed on empowering collective political agency that drives democratic conceptions of legitimacy. In particular, more attention must be given to unpacking the sources of the value that is often implicitly attributed in theories of legitimacy to practice-based constituents of collective political agency, around which real democratic projects are mobilized. These are both large theoretical questions, which set a challenging theoretical agenda for democrats in the years to come.

NOTES

1 By "governance" practice I mean all institutionalized processes of social coordination and control that are structured to advance some "common interests" shared among members of some collective. Definitions of "common interests" and the "collectives" that share them are often politically contested – and resolving such disputes is a key task for normative standards of political legitimacy, such as those advanced by democratic theories.

2 To put this in the terms set out in the volume's Introduction, my interpretation of the AAP is thus concerned with the distribution of institutional "input" in the currency of "power": that is, it is a principle for empowering affected individuals *directly*, rather than merely identifying individuals as subjects for consideration by others – whether by institutionally empowered political decision makers, or by otherwise empowered elites with the capacity to "constrain" institutional decision makers. But whereas the introductory discussion describes democratic empowerment of the affected as giving them a "say" in the formulation of "rules" (whether through formal "decision-making processes," or through more diffuse forms of political influence), I link the AAP to a broader conception of political empowerment, which I will elaborate and defend in what follows.

3 David Miller, *On Nationality*. (Oxford: Clarendon Press, 1995).

4 David Held, *Democracy and the Global Order: From the Modern State to Cosmopolitan Governance* (Stanford: Stanford University Press, 1995); Daniele Archibugi, *The Global Commonwealth of Citizens: Toward Cosmopolitan Democracy* (Princeton, NJ: Princeton University Press, 2008).

5 Robert E. Goodin, "Enfranchising All Affected Interests, and Its Alternatives," *Philosophy and Public Affairs* 35, no. 1 (2007): 40–68, at p. 64.

6 Terry Macdonald, "Sovereignty, Democracy, and Global Political Legitimacy," in *Oxford Handbook of International Political Theory*, ed. C. Brown and R. Eckersley (New York: Oxford University Press, 2018).

7 By "political agency" I mean politically consequential activity guided by some set of judgment-based *political attitudes* broadly construed.

8 This broad conceptualization of democracy is closely related to the collective "self-rule" idea invoked by Warren and Gray (this volume); though as I explain further below my conception of empowered collective political agency is institutionally broader than typically associated with the concept of political "rule."

9 I understand "interests" throughout as the ends each individual judges worthy to advance through political action. This is a subjective and political conception of interests, which dovetails with my conception of political agency: interests are understood as the ends advanced by political agents.

10 Christian List and Mathias Koenig-Archibugi, "Can There Be a Global Demos? An Agency-Based Approach," *Philosophy and Public Affairs* 38, no. 1 (2010): 76–110; Iris Marion Young, *Inclusion and Democracy* (New York: Oxford University Press, 2000).

11 Goodin, "Enfranchising All Affected Interests," p. 64.

12 Goodin, "Enfranchising All Affected Interests," p. 64.

13 Thomas Nagel, "The Problem of Global Justice," *Philosophy and Public Affairs* 33, no. 2 (2005): 113–47, at p. 146.

14 R. A. W. Rhodes, "The New Governance: Governing Without Government," *Political Studies* 44, no. 4 (1996): 652–67; Lawrence S. Finkelstein, "What Is Global Governance?" *Global Governance* 1, no. 3 (1995): 367–72.

15 A. Claire Cutler, Virginia Haufler, and Tony Porter, *Private Authority and International Affairs* (Albany: State University of New York Press, 1999).

16 Thomas G. Weiss and Rorden Wilkinson, "Rethinking Global Governance? Complexity, Authority, Power, Change," *International Studies Quarterly* 58, no. 1 (2014): 207–15.

17 Nico Krich, "Liquid Authority in Global Governance," *International Theory* 9, no. 2 (2017): 237–60; Kate Macdonald and Terry Macdonald, "Liquid Authority and Political Legitimacy in Transnational Governance," *International Theory* 9, no. 2 (2017): 329–51.

18 Some have argued that the functional benefits of such alternative governance instruments are best realized "in the shadow of hierarchy" such that some mix of governance instruments may be functionally optimal. See Adrienne Héritier and Dirk Lehmkuhl, "The Shadow of Hierarchy and New Modes of Governance," *Journal of Public Policy* 28, no. 1 (2008): 1–17.

19 Michael C. Dorf and Charles F. Sabel, "A Constitution of Democratic Experimentalism," *Columbia Law Review* 91, no. 2 (1998): 267–473; Grainne de Búrca, "New Governance and Experimentalism: An Introduction," *Wisconsin Law Review* 2 (2010): 227–38; Grainne de Búrca, Robert O. Keohane, and Charles F.

Sabel, "Global Experimentalist Governance," *British Journal of Political Science* 44, no. 3 (2014): 477–86.

20 Raymond Geuss, "What Is Political Judgement?," in *Political Judgement: Essays for John Dunn*, ed. R. Bourke and R. Geuss (New York: Cambridge University Press, 2009); Mark Philp, *Political Conduct* (Cambridge, MA: Harvard University Press, 2007); Jonathan Floyd, "Normative Behaviourism and Global Political Principles," *Journal of International Political Theory* 12, no. 2 (2016): 152–68.

21 Here I assume that while social power is not typically distributed *equally* among individuals (even in strong democracies), nor is it typically *monopolized* by a single "sovereign" ruler, or ruling class; as such, the functional capabilities of institutions cannot be engineered in a wholly "top-down" fashion, but must rather depend in part on the forms of "bottom-up" support or resistance they can attract.

22 James C. Scott, *Weapons of the Weak: Everyday Forms of Peasant Resistance* (New Haven: Yale University Press, 2008).

23 Macdonald, "Sovereignty, Democracy, and Global Political Legitimacy"; Terry Macdonald, "Democratizing Global 'Bodies Politic': Collective Agency, Political Legitimacy, and the Democratic Boundary Problem," *Global Justice: Theory, Practice, Rhetoric* 10, no. 2 (2018): 22–42.

24 Terry Macdonald, "Institutional Facts and Principles of Global Political Legitimacy," *Journal of International Political Theory* 12, no. 2 (2016): 134–51.

25 Raffaele Marchetti, "Models of Global Democracy: In Defence of Cosmo-Federalism," in *Global Democracy: Normative and Empirical Perspectives* (New York: Cambridge University Press, 2012).

26 Jan Aart Scholte, "Civil Society and Democratically Accountable Global Governance," *Government and Opposition* 39, no. 2 (2004): 211–33; Steven Bernstein and Benjamin Cashore, "Can Non-state Global Governance Be Legitimate? An Analytical Framework," *Regulation & Governance* 1, no. 4 (2007): 347–71; Terry Macdonald, *Global Stakeholder Democracy: Power and Representation Beyond Liberal States* (New York: Oxford University Press, 2008).

27 Kenneth W. Abbott and Duncan Snidal, "Strengthening International Regulation through Transnational New Governance: Overcoming the Orchestration Deficit," *Vanderbilt Journal of Transnational Law* 42 (2008): 501–38; Thomas Gehring and Sebastian Oberthür, "The Causal Mechanisms of Interaction Between International Institutions," *European Journal of International Relations* 15, no. 1 (2009): 125–56.

28 Kenneth W. Abbott, Jessica F. Green, and Robert O. Keohane, "Organizational Ecology and Institutional Change in Global Governance," *International Organization* 70, no. 2 (2016): pp. 247–77.

29 Macdonald and Macdonald, "Liquid Authority and Political Legitimacy."

30 Mark E. Warren, "What Can Democratic Participation Mean Today?" *Political Theory* 30, no. 5 (2002): 677–701; John Dryzek, *Deliberative Global Politics: Discourse and Democracy in a Divided World* (London: Polity Press, 2006); Young, *Inclusion and Democracy*; Macdonald, *Global Stakeholder Democracy*.

31 This shift resonates with also with the suggestion of some contemporary democratic theorists that democratic agency can be expressed through forms of social and cultural influence that extend beyond formal "voice" in formal political decision-making institutions. See Danielle Allen and Jennifer S. Light, ed., *From Voice to Influence: Understanding Citizenship in a Digital Age* (Chicago: University of Chicago Press, 2015).

32 Josiah Ober, "The Original Meaning of 'Democracy': Capacity to Do Things, Not Majority Rule," *Constellations* 15, no. 1 (2008): 3–9.

33 Ober, "The Original Meaning of 'Democracy'," p. 7.

34 Macdonald and Macdonald, "Liquid Authority and Political Legitimacy."

35 Kate Macdonald and Terry Macdonald, "Towards a 'Pluralist' World Order: Creative Agency and Legitimacy in Global Institutions," *European Journal of International Relations* 26, no. 2 (2020): 518–44.

36 This recognition resonates strongly with Rubenstein's argument (this volume) that "affectedness" can in part be constituted, not merely articulated, through the collaborative responsibility-taking of organized political activism; and it resonates further with Gould's and Stilz's arguments (this volume) about the normative character of democratic collective action, and self-determination, respectively.

37 Jack Knight and James Johnson, "Aggregation and Deliberation: On the Possibility of Democratic Legitimacy," *Political Theory* 22, no. 2 (1994): 277–96; Seyla Benhabib, "Deliberative Rationality and Models of Democratic Legitimacy," *Constellations* 1, no. 1 (1994): 26–52.

38 Brian Barry, "Is Democracy Special?" in *Democracy and Power: Essays in Political Theory* (New York: Oxford University Press, 1991); Charles R. Beitz, *Political Equality: An Essay in Democratic Theory* (Princeton, NJ: Princeton University Press, 1989).

39 John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993).

40 Laura Valentini, "Ideal vs. Non-ideal Theory: A Conceptual Map," *Philosophy Compass* 7, no. 9 (2012): 654–64.

41 Allan Buchanan and Robert O. Keohane, "The Legitimacy of Global Governance Institutions," *Ethics & International Affairs* 20, no. 4 (2006): 405–37; Allan Buchanan, *The Heart of Human Rights* (New York: Oxford University Press, 2014); Macdonald, "Institutional Facts and Principles"; Macdonald and Macdonald, "Liquid Authority and Political Legitimacy."

42 Rawls, *Political Liberalism*.

43 Laura Valentini, "Assessing the Global Order: Justice, Legitimacy, or Political Justice?" *Critical Review of International Social and Political Philosophy* 15, no. 5 (2012): 593–612.

44 Eva Erman, "Global Political Legitimacy Beyond Justice and Democracy?" *International Theory* 8, no. 1 (2015): 29–62.

45 Joshua Cohen, "An Epistemic Conception of Democracy," *Ethics* 97, no. 1 (1986): 26–38.

46 Bernard Williams, *In the Beginning Was the Deed: Realism and Moralism in Political Argument* (Princeton, NJ: Princeton University Press, 2005).

47 Buchanan, *The Heart of Human Rights*; Buchanan and Keohane, "The Legitimacy of Global Governance Institutions."

48 Miller, *On Nationality*.

49 Macdonald, "Institutional Facts and Principles."

50 Elsewhere, I have argued that conceptions of valuable political agency should be expanded beyond influential rationalist accounts to include additional *creative* faculties; but it is beyond the scope of this chapter to elaborate that substantive view. See Macdonald, "Democratizing Global 'Bodies Politic';" Macdonald and Macdonald, "Towards a 'Pluralist' World Order."

51 Williams, *In the Beginning Was the Deed*.