

## 10. Democracy Counts:

### Problems of Equality in Transnational Democracy

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The danger of numbers is greater than the danger of an intervention by the masses on the political scene; the idea of number as such is opposed to the idea of the substance of society. Number breaks down unity. (Claude Lefort)

Democracy counts – contemporary democratic theorists certainly agree on this.<sup>1</sup> Democracy has become the key term among those who seek to legitimize global political institutions. At the same time, the term is more indeterminate than ever. Changes in the global political landscape have induced many theorists to rethink the central concepts of democracy. One such concept, perhaps the most basic of all, is "the people." The problem that many theorists now face is that, while they want to democratize global institutions like the UN or the WTO, there is not yet a people or *demos* on the global level to undertake this task.

In this chapter I examine two recent attempts to take issue with this question, the all-affected principle and discursive representation. What these proposals have in common, and what makes them novel and provocative, is that they try to democratize global institutions without having recourse to a circumscribed

people. They try, in a way, to speak *for* the people by constructing a theory *without* the people. The all-affected principle asserts that the people are those affected by the decisions of a certain agency. As such, it need not be defined in advance, but it will shift depending on who are affected or have a stake.<sup>2</sup>

Discursive representation refers to the idea that representatives should represent discourses rather than peoples, and according to its proponents it is therefore particularly pertinent in transnational settings lacking a well-defined people (Dryzek and Niemeyer, 2008: 481).

The question raised in the chapter concerns the status of equality in these accounts. Democracy, whether in its representative or direct form, is generally held to be constituted by a specific constellation between numbers, equality and majority rule. What characterizes democracy in contrast to other political orders is that it literally counts, heads or votes. It is a system of the many against the few, that is to say, a system that lets numbers count in politics. As each is counted equally, the persons who possess social, economic and other forms of power have no more say than those who possess nothing. In this respect, democracy is indeed a system in which the people rule. For who are the people if not those who have no power, except the power of their numbers. The power of numbers, in turn, is tied up with majority rule. The idea is that counting heads or votes yields a numerical majority that then becomes sovereign or binding for all. It speaks for the people as a whole.

But why count in the first place? As I shall argue, there is a deeper indeterminacy at the bottom of this constellation, without which there would in fact be no need for counting. This indeterminacy has to do with the fact that the

people, although presupposed as the only legitimate source of democratic politics, is not really there. There is no unity at the bottom of democracy, only a reference to a people that itself remains divided (Derrida, 2005; Lefort, 1988; Ranciere, 1999; Laclau, 2005; Canovan, 2005). This characteristic, which makes critics of democracy like Plato so annoyed and irritated, is ultimately why we need to count. Since democracy carries an absence of unity at its heart we need to discuss and debate before we eventually cast and count our votes.

Indeterminacy is also what we experience in global politics. There is no unity at the global level, and this is why we today witness attempts to construct theories of democracy without reference to a people. Still, this is where one needs to pay close attention to the status of the claims being made. We need to distinguish more carefully between the need to democratize global institutions, on the one hand, and the construction of a theory of democracy based on this need, on the other. The all-affected principle and discursive representation should be acclaimed for calling our attention to the voiceless under global political conditions, and so to account for those who do not count, which is a core definition of the people (e.g., Agamben, 2000: 29; Canovan, 2005:.2). However, to present them as theories of democracy in their own right is a different matter. It runs the risk of leading to a situation where one actually undermines the democratic principle that demands us to count each equally. One either suggests a system of graded votes according to interests or stakes (all-affected principle), which in effect means that *some count more than others*, or one puts forward a democratic ideal that urges us to *stop counting* altogether (discursive representation).

The argument proceeds in three steps. I begin by delineating the problem associated with new forms of authorization and accountability and the attempt to rectify it by means of the all-affected principle and discursive representation. I then situate these ideas in the literature on democracy, with specific attention given to the concept of the people. In the third part, I critically examine the all-affected principle and discursive representation on the basis of this understanding, arguing that, instead of revitalizing democracy under global political conditions, they end up defending a model which severely undercuts its radical force. The aim is to show that this situation is due to a misreading of the significance of the people, and that once we let go of this misreading there are better ways to make democracy count in global politics.

### **Accounting for Those Who Do Not Count**

That the world is undergoing change is often taken to be an undisputable fact. That the concepts by which we seek to understand and conceptualize the world also may undergo change is more controversial and often a matter of intense dispute. Is there, for example, a core meaning to democracy or does this shift with time and place? Is the concept of democracy amenable to historical change, or is there a threshold beyond which it cannot go without losing its essence?

In recent years, one can witness an increased sensitivity to the historicity of democracy among democratic theorists. In the wake of globalization and

migration it is often pointed out that what we today conceive of as democratic, indeed what we take to *be* democracy in fact is bound up with the history of the nation-state. The past has informed our contemporary thinking on democracy and, if the world now is undergoing change, the concept of democracy must be adjusted accordingly. In the words of John Dryzek (2000: 135), for example, we ought to recognize that "experimenting with what democracy can mean is an essential part of democracy itself."

According to many theorists, this power of democracy to challenge its own foundations is precisely what we see at work in global politics. In order to retain the idea of democracy, it has become necessary to go beyond the confines of the nation-state, and this is why we today witness a flight from state-centered and territorial forms of democracy to more global, issue-driven and pluralized forms of political engagement. In a world of global and overlapping power structures, the nation-state is no longer a prerequisite for democracy and inclusion. On the contrary, it "enacts and legitimizes profound exclusions" (Young, 2000:9). The critique of the nation-state system is therefore not only a theoretical exercise, but part of democracy's own power to adjust to new political circumstances.

The critique of the nation-state also spills over onto the representative model of democracy that it harbors. Modern democracy has gone hand in hand with an electoral system in which citizens choose representatives to stand for them or act on their behalf. If many theorists have criticized the electoral system for its structural exclusion of historically marginalized groups, they have often tried to accommodate their criticism within the confines of the electoral system. The

strategy has been to find various mechanisms (e.g., group representation, quotas) by which to enhance inclusion, and so to make the electoral system more accountable to the electorate as a whole. The problem is, though, that under global political conditions there are actors and institutions that stand outside of any such system of authorization and accountability, but whose decisions-making capacities nevertheless are strongly felt around the world. This circumstance has not only triggered new models of global accountability (e.g. Grant and Keohane, 2005). It has also led to a more profound critique of the electoral system itself (e.g. Saward, 2008; Urbinati and Warren, 2008; Dryzek and Niemeyer, 2008).

According to Michael Saward (2008: 2), we ought to recognize that, while an important feature of contemporary democracy, elections can sometimes "act to restrict the nature and range of representative perspectives and voices." Characteristic of the electoral system is that representatives represent the interests of their own electorates. However, there are also global issues – environmental, economic, political and cultural – that span different electorates. If representation is limited to election, many of these issues will go unaccounted for. For while "we can choose *particular* politicians...we cannot choose to have politicians who will not participate within the compromises and constraints of the electoral game" (Saward, 2008: 5).

In order to give voice to the issues and concerns that traverse existing electorates, it is therefore suggested that we revise our inherited understandings of what it means to represent someone. When Bono and Al Gore speak up for Africa and the environment, or when NGO:s call our attention to how certain

companies exploit natural resources or human beings in the third world, they are not acting on behalf of an electorate. Nevertheless, they make important representative claims, claims that most likely would go unheard were one to restrict representation to the electoral system. Non-electoral forms of representation are therefore seen by many theorists as essential in the democratization of global governance. They alert us to new forms of domination and, in this way, they also push democracy in a new direction: How do we account for those voices and perspectives that remain uncared for by the electoral system (Urbinati and Warren, 2008)?

To call attention to the limits of the nation-state system and its representative model of democracy is one thing. To formulate an alternative theory of democracy is another, and this is where the question of conceptual change comes in. Democracy means rule by the people. If much thought hitherto has been given to the concept of "rule" – the literature on global governance testifies to this – less attention has been given to the concept of "the people." It has usually served as a silent presupposition behind theories of global governance. In recent years, however, the significance of the people has moved to the forefront among those who want to democratize global institutions. The argument is that, while there are powerful actors and institutions operating at the global level, there is not yet a people there to hold them to account and so to bestow them with the authorization they need to be democratic. How to deal with this problem has created a divide in the literature on global politics.

On the one hand, there are those who argue that the concept of democracy cannot be "stretched" to accommodate the global context. There is a limit to

how far it can travel without losing its essence.<sup>3</sup> For these theorists, the absence of a people at the global level is the main obstacle to a democratic recuperation of global institutions. They argue that, while global institutions like the UN may be valuable in furthering democracy and humanitarian goals, they are not legitimated by a global people. Nor are they likely to be so in the foreseeable future, which is why we should be careful in our attempt to "democratize" global institutions. The claim is that, while global institutions may in some way be responsive or accountable to the will of the global public, they are not authorized in a democratic way. Rather than clothing these institutions in the mantle of democracy we should therefore call them by their proper name, "bureaucratic bargaining systems." (Dahl, 1999: 33; see also Miller, 1995).

To others, this position is too rigid. It takes the experience of the nation-state as a democratic horizon for the future, and thereby overlooks what is potentially novel about the present situation. In order to give excluded individuals and groups a voice, one cannot wait for a people to be formed on the global level. What is called for is conceptual innovation. Rather than presuming that we know what democracy is, and then use it as a blueprint vis-à-vis global institutions, it is argued that we should turn our democratic worries into a positive research question and ask what democracy *could* mean under contemporary conditions. The contention is that unlike national institutions, global institutions do not have to be anchored in a people in order to be democratic. They can be authorized in other ways.

The most radical argument to this effect is given by those who seek to democratize global institutions by means of the all-affected principle and

discursive representation. The all-affected principle is today a popular device among democratic theorists. What makes it popular is that it challenges the assumption that democracy must be anchored in the people. In most theories of democracy one starts out from a given people, only then to discuss the scope of its decision-making: What is the proper domain over which it has a democratic say, and what should, by contrast, be considered a more private concern? Significant for the all-affected principle is that it turns the question around. It determines the scope of the people on the basis of the scope of political decision-making. For example, what is the scope of the decision by a particular nation-state to cut down on environmental protection? Or what is the scope of certain trade policies issued by the WTO? The answer is that the people in each case are those *affected* by the decision in question. By defining the people in this way, the all-affected principle proposes a way of democratizing global institutions without having to fall back upon a pre-given people. The idea is that the democratic organization should "follow the contours of power relations, not those of memberships" (Shapiro, 1999: 38; see also Young, 2000: 9; Fraser, 2005).

If the all-affected principle seeks to generate the scope of the people through the scope of political decision-making, discursive representation seeks to dodge the question of the people altogether. The assumption is that what matters in politics is not people *per se*, but the opinions and views that emanate out of their everyday and subjectless forms of communication. This lends discursive representation a particular salience among those concerned with the global civil society. According to Dryzek and Niemeyer (2008: 491), transnational actors do an important job in picking up and representing politically neglected issues,

yet they are not authorized by an electorate to do so. Discursive representation provides them with the "democratic validation" they need vis-à-vis global institutions. Many global institutions are today run according to a single hegemonic discourse – like neoliberalism in the WTO – and it is precisely the role of discursive representation to broaden the range of discourses that determine their course. The claim is that, by having representatives speak for a plurality of discourses in a "Chamber of Discourses," it is possible to make global institutions more in tune with the opinions of the global public sphere.

The all-affected principle and discursive representation both seek to account for those who do not count in global politics, the excluded, the silenced and the poor. The claim is that, in order to speak for the people, we need to construct a theory of democracy without authorization in the people. To think clearly about the significance of this move, it could be fruitful to consider what role the concept of the people hitherto has played in democratic theory. Let us therefore turn to this issue before we return to examining these propositions in greater detail.

### **Why Count?**

According to Aristotle, there are two forms of equality, numerical and proportional. By the first is meant "equality in number or size; by the second, equality of ratios" (Aristotle, 1996: 1301b, 1317b). The difference is that, while numerical equality treats human beings as identically independent of

their specific merits or qualities, proportional equality treats them in relation to their due, or in relation to what they deserve. Democracy, Aristotle (1996: 1302a, 1317b) tells us, refers to the equality of number. It is the power of the numerous, not only in an arithmetical, but in a historical sense as well.

In modern democracies, numerical equality is manifested in the principle of one person, one vote. As citizens we may be unequal in virtue, wealth, power and skills. However, when it comes to determining the principles of our common political life, such statuses are irrelevant. In matters of politics we all have an equal say through the vote. Moreover, this equality of the vote is unconditional. It does not distinguish between citizens. The citizen who carefully chooses representatives that he or she thinks present the most convincing political program has no privilege over the one who carelessly votes for the one who makes the funniest jokes. In a democratic system their votes carry equal weight (Walzer, 1981; Yack, 2010). At the time of election, Bernard Manin (1997: 136) writes, the citizen is therefore as absolute as the king once was with regard to the state: "He could rightly adopt the motto of absolutist rulers and say ... 'thus I wish, I ordain, my will takes the place of reason'."

This feature of democracy is a source of constant discomfort among those who value knowledge over opinion, and the most famous critic of numerical equality is Plato. Why, he repeatedly asks in *Republic*, should the greatest number carry any weight at all? What matters in politics, as in all spheres of life, is not the greatest number, but the greatest skills. This goes as much for the shoemaker, the doctor, the farmer as for the ruler. Just as the best farmers

should do the farming, the best rulers should do the ruling. They should be the guardians of the rest. In a good society each has a specific role to play, and to confuse these roles with one another is to confuse the good with the corrupt, the virtuous with the vicious.

The allegory of the captain and the ship neatly illustrates the conflict between numerical and proportional equality. The sailors, Plato writes, "are quarrelling with one another about steering the ship, each of them thinking that he should be the captain, even though he's never learned the art of navigation, cannot point to anyone who taught it to him, or to a time when he learned it." The problem is that the sailors, who are numerous do not recognize excellence when they see it. They take the ship from the true captain and hand it over to charlatans, the result of which is nothing but disaster. According to Plato, this is why we must refute democracy – "the greater number are vicious" (Plato, 1997: 1111-12). Today, however, most of us are democrats, and students of political science have therefore learned how to refute Plato's vision of the guardian elite. They would point out that there is something qualitatively different between steering a ship and a society; in the latter there is no supreme knowledge, only different opinions.<sup>4</sup> Furthermore, they would argue that while experts are important they cannot themselves rule. Even experts disagree among themselves, and the only way to resolve the issue in case of conflict is for them to cast a vote, which means that we are back to equality according to number.

Counting heads or votes means that one must wrap up the counting at some point, and equality of numbers is therefore bound up with the idea of majority

rule. As Aristotle (1996: 1317b) puts it, democracy "is the application of numerical not proportionate equality; whence it follows that the majority must be supreme, and that whatever the majority approve must be the end and the just." In a similar vein, John Locke (1988: § 97), for whom equality is a natural rather than a political virtue – we are all equal before God – the majority speaks for all: "For when any number of men have, by the consent of every individual, made a community, they have thereby made that community one body...and the body should move that way whither the greater force carries it, which is the *consent of the majority*.". Many democratic theorists would stress that majority rule is a necessary, but not sufficient, condition for democracy. They would take precautions to protect minorities against the tyranny of the majority (Tocqueville, 2000 300). Nevertheless, the fundamental principle remains. In a democracy, the greatest number is what matters. The majority makes the people move and act as one.

Democracy is a system which counts, something which seems unnecessary in monarchies and meritocracies where authority springs from the king and the wise. What is it then with the authority of the people that calls for counting? According to Jacques Derrida, the question of counting belongs to democracy precisely because the authority of the people itself is incalculable and indeterminate. The people is the carrier of a freedom that refuses to become synchronized into a single voice. When we appeal to the people, we appeal to something that is "heterogeneous to calculation and measure" (Derrida, 2005: 48). For although the people is taken to be the only legitimate source of democracy – the appropriate unity of measurement – its unity falls apart the

moment we ask for it. It becomes divided, split into different opinions. There is in this respect "an essential historicity of democracy" (Derrida, 2005: 25;). To acknowledge the authority of the people is to acknowledge that no natural or divine authority can step in and regulate human affairs. In a democracy we disagree about the guiding principles in the regulation of society, and this is why we need to count.

Democracy implies that there is no natural or divine authority in matters of politics, only a history of numerous claims. This essential historicity of democracy can itself take different historical forms. In Athens, it was manifested in a system of direct rule. One counted heads. A theorist who has done much to analyze the significance of the people for modern representative democracy is Claude Lefort. He traces the birth of modern democracy to the shift from the king to the people, and the change in the symbol of power that this move brings about. The king was the unifying center of the monarchical regime. He ruled by divine authority and, at the same time, his body gave to society a specific form, "an understanding both of the ultimate ends of society and of the behaviour of the people it assigned to specific stations and functions" (Lefort, 1988: 34). In the democratic revolution this symbolic power of the king as at once supernatural and grounded in an organic body disappears. Unlike the king, the people does not have a body – we cannot see it or touch it – and as soon as we ask it to tell us what is true, it disintegrates into numerous opinions. This means that democracy engenders a fundamental indeterminacy as to the foundation of society. With democracy the locus of power becomes an "empty place." It "inaugurates the experience of an ungraspable, uncontrollable

society in which the people will be said to be sovereign, of course, but whose identity will constantly be open to question” (Lefort, 1986: 303-4).

According to Lefort (1988: 18-19, 226, 1986, 303), this characteristic of the people is institutionalized in the modern idea of universal suffrage: ”It is at the very moment when popular sovereignty is assumed to manifest itself, when the people is assumed to actualize itself by expressing its will, that social interdependence breaks down and that the citizen is abstracted from all the networks in which his social life develops and becomes a mere statistic. Number replaces substance.” The apparatus of election is thus the historical incarnation of a yet deeper historicity of democracy, the fact that the source of its authority is absent. Electoral democracy institutionalizes this essential historicity of the people. It makes the exercise of power ”subject to the procedures of periodic redistributions” (Lefort, 1988: 17). The constant redistribution of power in modern democracies signals that there is no ultimate authority that can tell the difference between what is legitimate and illegitimate. What we have is instead ”a debate as to what is legitimate and what is illegitimate – a debate which is necessarily without any guarantor and without any end”(Lefort, 1988: 39).

This indeterminacy can be rather hard to live with, and to Lefort this means that modern democracies harbour a constant desire to re-establish unity. Democracy is at once what undermines the power of natural and divine authority and that which nourishes a quest to restore it. It fosters a desire ”to banish the indetermination that haunts the democratic experience” (Lefort, 1986: 305). Under modern political conditions, this desire is not only driven by

the conviction that the people are ill-advised. This is Plato's concern: the numerous are ignorant and will jeopardize the virtue and survival of the city as a whole. Today most of us are democrats and the concern is therefore different. It is not to refute democracy, but to *save* it that we seek to banish the indeterminacy associated with the authority of the people. Faced with a democracy that, in Dryzek's terms, makes the experimentation of democracy into an essential part of democracy itself, we are exposed to a risk. Democracy may come to undermine itself, elect itself out of office. To avoid this risk, it may be tempting to protect democracy by suspending it, whether through entrenchment, or quite literally, by declaring an election void. Nowhere is this desire for protection through suspension more tangible, but also more understandable, than in the discussion on global politics.<sup>5</sup>

### **From Numerical to Proportional Equality**

It was asked above whether the concept of democracy is amenable to historical change, or whether there is a threshold beyond which it cannot go without losing its essence. In the light of the previous discussion it could now be said that, if there is an essence to democracy, this essence consists *in* its historicity, and this historicity is in turn manifested in the people. The people is not an authority in the common sense of the term, a point of reference we can appeal to in case of conflict or uncertainty. What is significant for the authority of the people is that it disintegrates into numerous opinions and, although this lack of

unity is a constant source of frustration, it is at once what guards our equality and what makes us have to count.

This characteristic of the people is what defenders of the all-affected principle and discursive representation are prone to overlook. The all-affected principle and discursive representation are indispensable in calling attention to the limits of the nation-state system. They explain why we need to go beyond it in order to give the excluded and silenced a political voice. When conceived of as theories of democracy in their own right, however, they take on a different significance. Rather than working for the numerous and countless, they end up abolishing the very thing that guarantees their power: the incalculable authority of the people. The result is that the democratic principle that demands us to count each equally is replaced by one which says that we need to count each differently, or indeed, not count anybody at all.<sup>6</sup>

The all-affected principle comes in many different versions. I shall concentrate on the proposal given by Ian Shapiro, since it is one of the most elaborate attempts to construct a theory of democracy on the basis of the all-affected principle.<sup>7</sup> As Shapiro (1999: 37) argues, various governance structures affect people differently, and this needs to be taken into account if one adheres to "the root democratic idea" that the people should rule over themselves. In order to sustain the idea of democracy under contemporary political conditions, one must let the boundaries of the people follow the boundaries of decision-making, rather than the other way around: "everyone affected by the operation of a particular domain of civil society should be presumed to have a say in its

governance.” The upshot is that there will be different peoples for different questions, all depending on who are affected or have a stake:

Some decisions in far-off places critically affect our most vital interests, others affect us trivially, yet others not at all. Allowing an equal say in a decision to people with greatly differing stakes in the outcome generates pathologies similar to those involving large differences in capacities for exit. This is one reason why the idea of basic interests is an important criterion for delimiting the appropriate decision-making unit in many circumstances. Those whose basic interests are at stake in a particular decision have a stronger claim to inclusion in the demos than those for whom this is not so. (Shapiro, 1999: 235)

To Shapiro, we are affected when our most basic interests are impinged upon, and those concern our security, nutrition, health and education. In this way, the all-affected principle automatically speaks for the least advantaged, since any decision-making structure that affects human beings’ chances to get access to water, food or education now is open to a legitimate claim of inclusion on their part. Moreover, since the claim for inclusion will vary depending on who are affected, membership in a people is no longer an all-or-nothing decision. On the contrary, ”the franchise is best defined activity by activity, decision by decision” (Shapiro, 1999: 235). What is important to note, however, is that this proposition can be read quite differently, depending on whether we see it as a justification for rearranging the boundaries of the people, or as a theory of legitimacy in the regulation of those boundaries. Rephrased in a question: is the all-affected principle a justification *for* democracy or a theory *of* democracy?

In the first scenario, the principle of one person, one vote is still the prevailing democratic ideal. The primary purpose of the all-affected principle is to call our attention to how this ideal has become perverted under present political conditions. The problem is that the nation-state system, which divides the world into distinct and separate peoples, does not coincide with existent power structures. Today the decision-making structures of the world are at once integrated through globalization and disintegrated through decentralization and, to close the gap between those who take decisions and those who are affected, it is therefore necessary to redraw the boundaries of the people. Else, the democratic idea of self-rule is violated. People who have no stake in certain decisions are thereby given the right to rule over those who have; conversely, those who actually have a stake in a question are deprived of their say. The unfortunate result of this mismatch is that we are no longer free and equal. We do not rule over ourselves. In effect, we are ruled by others and we rule over others.

If the purpose of the all-affected principle were to call attention to this mismatch, one would have little to object. The all-affected principle would then serve as an important critical force. It would signal that, in order to retain democracy under contemporary political conditions, it is necessary to redraw the boundaries of the people. The problem occurs when the principle is interpreted as a theory of democracy. In this scenario, the mismatch is not a problem that can be corrected by focusing on who are affected. It is now a constant feature of politics that people are affected differently, and to account for this problem the concept of democracy must be rethought at its very basis. It is no longer possible to give each person an equal say, since this would

violate the democratic idea of self-rule. It would lead to pathologies, since some persons have more stakes than others. Equality of numbers will instead have to be replaced by equality of proportion. The idea is that everyone should have an influence proportional to the stakes that one has in a question.

Different stakes should generate different say.

It is not always easy to make out the exact status of the argument being made in favor of the all-affected principle – whether it should be read as a justifying or legitimizing force – and one could very well read Shapiro’s proposition both ways. Still, the frequent reference to the problem of regarding the people as a ”trump” indicates that we are presented with a theory of democracy, one that aspires to make the people itself into an object of democratic regulation. As Shapiro points out, there is no people to appeal to in case of conflicting claims. Who the people are will itself have to be decided on a case-by-case basis. He admits that this poses difficulties, both when it comes to ”establishing who is affected how much by a particular decision and who is to determine which claims about being affected should be accepted.” Still, through a parallel with tort law he insists that such difficulties can be remedied. There are ”developed mechanisms for determining whose claims should be heard, for sorting genuine claims from frivolous ones, and for distinguishing weaker from stronger claims” (Shapiro, 1999: 38-9).

But granted that we cannot appeal to the people and its current institutionalization in the electoral system to decide these questions, what mechanisms are we actually talking about? Are there other, more objective ways to decide who is affected? The problem is that, by arguing that there is an

alternative authority to the people to decide who is affected, the all-affected principle, while speaking for the powerless and disadvantaged, in effect takes away one of the most powerful weapons they have in their favor, that of being numerous. By accepting that "different groups of persons are seen as sovereign over different classes of decisions," the power of the many is impeded (Shapiro, 1999: 254n). Moreover, the democratic ideal of counting each equally is replaced by a model of distribution according to stakes. This model has a well-known precedent in the past. Why, for example, should women be given the chance to influence the governance structures of the WTO? Since many of them are supported by their husbands, they have no basic interest – whether in the form of nutrition, security or health – in participating in those structures. Or take the persons who have no private property, shouldn't they have less of a say? Although this is the very opposite of what Shapiro wants to say – that the most vulnerable have a claim of inclusion in the structures that affect them – the all-affected principle becomes a slippery slope once interpreted as a theory of democracy. Rather than protecting historically marginalized groups against domination, it deprives them of their most effective source of appeal: that each should count equally.

If the all-affected principle runs the risk of developing into a theory of democracy in which some count more than others, discursive representation suffers from a different problem. Drawing on the deliberative tradition and its focus on subjectless forms of communication, it asks us to stop counting people altogether and instead focus on the substance of the claims they make. In the deliberative democratic tradition it is not sufficient that citizens are given

the right to rule, whether directly or indirectly. There also has to be a free and open discussion before we go to the polls. In recent years, theorists have come up with a number of innovative mechanisms to enhance a more critical discussion, such as deliberative polls, citizen assemblies and juries (e.g., Fishkin, 1995; Warren and Pearse, 2008).<sup>8</sup> What distinguishes discursive representation from these other propositions, however, is that it sidesteps the decision-making moment of the people. Citizens do not first deliberate and then cast their vote. In discursive representation, deliberation *replaces* vote as the democratic mechanism of authorization. The idea is that we do not need to elect representatives in order to rule over ourselves: "Democracy can entail the representation of discourses as well as persons or groups" (Dryzek and Niemeyer, 2008: 481).

Why represent discourses rather than persons? According to Dryzek and Niemeyer, there is something deeply problematic with a democracy that counts. The reason is that citizens are not distinct wholes. What is actually represented in a democracy is not the persons themselves, but the values and interests they hold. The modern citizen is divided. He or she is partaking in a number of discourses, which in turn take place at different institutional and geographical levels. This means that one cannot treat citizens as "unproblematic wholes." Instead, we ought to recognize that, since citizens engage in multiple discourses, "it is important that all these discourses get represented. Otherwise, the individual in his or her entirety is not represented" (Dryzek and Niemeyer, 2008: 483). Counting heads or votes is therefore not the primary matter:

The key consideration here is that all the vantage points for criticising policy get represented – *not* that these vantage points get represented in proportion to the number of people who subscribe to them...For policy-making rationality, then, all relevant discourses should get represented, regardless of how many people subscribe to each. (Dryzek and Niemeyer, 2008: 482)

Viewed as a critique of the current electoral system, this proposition makes sense. Election limits democracy to the nation-state system. Yet, the concerns of many citizens have a tendency to transgress national constituencies. The support for NGOs and other transnational actors testifies to this. This means that under contemporary political conditions the electoral system becomes a democratic straightjacket for anyone concerned with issues that fall beyond national discourse. For although the electoral system gives the citizen the right to choose representatives, this right paradoxically demands of the citizen "to repress some aspect of his- or herself" (Dryzek and Niemeyer, 2008: 483). He or she cannot opt for all the things that he or she is.

However, as soon as discursive representation is supposed to do more than pointing to the limits of the current electoral system, its significance changes. Viewed as a theory of democracy, discursive representation turns into a critique of numerical equality. The contention is that, since citizens are not distinct wholes, there is no need to count them. The various discourses that citizens endorse are more important than the citizens who endorse them. They all resonate with a particular aspect of their selves. To ask citizens to vote is therefore counterproductive from this point of view. It can only represent some part of them by excluding others. This is in the end why we need to stop

counting. Citizens are *too small for themselves*. They cannot give voice to the multiplicity of discourses that they themselves hold. It follows that, to protect the right of citizens to rule over themselves, the equality of number must give way to equality of proportion or worth. All the relevant political discourses ought to get represented, regardless of how many people subscribe to each.

Dryzek and Niemeyer (2008: 489) admit that discursive representation cannot offer a complete theory of democracy. Its role is to supplement other institutional mechanisms. However, they stress that "in non-state and transnational contexts, it is easier to imagine granting more substantial and perhaps even final authority to a Chamber of Discourses." The implication of this argument is that, while electoral and discursive representation goes hand in hand within nation-states, discursive representation is what determines politics beyond nation-states. In global politics, we should give up the power of numbers and have representation of discourses instead. Needless to say, the members of this global Chamber of Discourses "cannot be elected because then they would represent constituencies of individuals" (Dryzek and Niemeyer, 2008: 485). How, then, is one to select the "relevant" discourses and the persons able to represent them, given that there is no people to decide either?

The answer given by Dryzek and Niemeyer is that "science" should replace the people as the proper source of authorization in global politics. By various methods, they argue, it is possible for political scientists to select and identify both the relevant discourses and the ones who should represent them. It gives us the freedom to decide "what we actually want the deliberating group to do." For example, in some cases "we might want to select for moderation across

discourses,” at other times we may want to generate new ideas, and then extremism is the right option (Dryzek and Niemeyer, 2008: 488). What gets lost in this model is the essential historicity of democracy. By dismantling the people as the authority of democracy, discursive representation banishes the indeterminacy that comes with the democratic experience. Since it is possible to scientifically identify the relevant discourses in society, there is no reason to hear people out. In this respect, the experimentation with the meaning of democracy endorsed by Dryzek is a privilege reserved for scientists, not for citizens. Nothing could be more comforting, but also more worrying for the convinced democrats that we are.

## **Conclusion**

Defenders of the all-affected principle and discursive representation are the first to acknowledge that the concept of democracy stands in need of change in the face of globalization. What they overlook is the site of its historicity. The lack of a unified people on the global level is not a problem to be resolved, or a flaw calling for compensation. It is the condition of possibility for a democratic society, and the task is precisely to understand its significance under new historical circumstances. Once this is granted it demands a reorientation of the discussion in two respects.<sup>9</sup>

To begin with, it calls for a more critical attitude toward our own motivations. Global politics is characterized by indeterminacy. It comprises many political

levels, actors and institutions. From a democratic point of view, however, the main problem is not the indeterminacy that accompanies the democratization of global governance, but how we as citizens, politicians and theorists choose to respond to this problem. The frequent reference to global politics as plural and multileveled easily gives the impression of openness. Rather than appealing to the people – which is taken to be tantamount to appealing to unity – we are invited to leave history behind and construct a theory of democracy without authorization by the people. But this picture misrepresents what is going on. Taking the people out of democratic theory does not signify a need to banish a unity no longer within reach. On the contrary, it *restores* unity in the face of globalization. It suspends the plurality that goes with an authority that refuses to become harmonized into a single voice.

This attempt to sidestep the authority of the people is democratically motivated. It is nourished by a desire to put an end to the risks that democracy encounters, to protect it against a world not yet ready for its arrival. This move is understandable. The obstacles to a democratization of global institutions are overwhelming and could make a pragmatist out of the most hard-headed idealist. Must we then not compromise our ideals and go for what is realistic? A more constructive approach would be to critically examine the democratic ideals themselves. Ideals are not passive pictures of what ought to be. They have the power to make us act in certain ways rather than in others, and sometimes they also make us draw the wrong conclusions. This is what I think has happened in the case of the people. Like Dahl (1999: 26), who argues that global institutions cannot be democratized since “unanimity is unattainable,”

defenders of the all-affected principle and discursive representation somewhere expect there to be unity in order for democracy to work. This expectation makes global democracy look hopelessly unrealistic unless one gives up its authorization in the people. But what if we were to recognize that disagreement is not only the rationale behind, but also the rationality of democracy? What if we regard the people as the site of disagreement rather than agreement?

Acknowledging that democracy holds an absence of unity at its heart has the advantage of taking the debate on global politics out of its current deadlock between optimists and skeptics. However, it calls for a reorientation of the discussion in yet another respect. For why should we regard the site of conflict as global rather than national? The incalculable authority of the people requires calculation, and calculation in turn implies that one has an understanding of what to measure or count. Affirming the people as a site of disagreement does not in itself establish whether we should count fellow citizens, Europeans or human beings. We therefore seem to be back where we started and what motivated the resort to the all-affected principle and discursive representation in the first place: how to agree in the face of global conflict and diversity.

At this point it is important to be attentive to the changing historical conditions of democracy. In Athens, the incalculable authority of the people, or what Plato (1997: 493b) calls the "huge strong beast," was institutionalized through direct vote. In modern nation-states it has taken the form of representative or electoral democracy. The question is what form democracy could take today. One way to go about answering this question is to focus on the current change in the direction of conflict. What distinguishes contemporary politics from its

precedents is that it is preoccupied with the question of the people. With contemporary processes of globalization and migration, the constitution of the people has turned into a political question in its own right. As the all-affected principle and discursive representation themselves indicate, the people is no longer the source but the object of politics. Citizens, politicians and theorists are today involved in a conflict on the appropriate constitution of the people. They disagree as to whether the people should be conceived of in national, European or cosmopolitan terms; whether it should be unitary or plural, territorial or functional.

This conflict concerning who counts – in the double sense of being among the people who matter and among those who are allowed to take the ultimate decision in this question – is worth emphasizing. It suggests that the enabling conditions for a democratization of global governance are already in place. Debating who the people are is an integral part of what we do in global politics. Another way to put this is to say that there is no need for a great theoretical leap to take us from here to there. That step is already taken in practice. The relevant question is whether we dare to start counting.<sup>10</sup>

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## Notes

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<sup>2</sup> For a discussion of the all-affected principle, see, among others, Whelan, 1983; Shapiro, 1999; Fraser, 2005, 2008; Agné, 2006; Bäckstrand, 2006; Goodin, 2007; Bauböck, 2007; Näsström, 2003, 2010.

<sup>3</sup> On "conceptual stretching," see Sartori, 1970.

<sup>4</sup> In the governing of society, Michael Walzer (1981: 397) writes, "truth is indeed another opinion, and the philosopher is only another opinion-maker." See also Yack, 2010.

<sup>5</sup> This is what Derrida calls "autoimmunity" or the "suicidal" character of modern democracy. The point is that the threat to democracy is not only external (terrorists at our borders), but internal to democracy itself. (Derrida, 2005: ch.3).

<sup>6</sup> It should be noted that in democracies we often mix numerical and proportional equality. What is discussed here, however, is the guiding principle

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of democracy itself; and it is in this context, I argue, that we can witness a shift from numerical to proportional equality.

<sup>7</sup> For an account of the various ways to use the all-affected principle in the literature, see Näsström, 2010.

<sup>8</sup> For a helpful evaluation of citizen panels, see Brown, 2006.

<sup>9</sup> The discussion in this chapter proceeds on the assumption that democracy refers to equality of numbers. The intention has been to show that there is a close connection between the authority of the people and numerical equality and that, once we give up the former, we also give up the latter. Yet, one could question this assumption and argue that proportional equality is the democratic principle that should guide the governing of society. To my knowledge, no such argumentation has been made by proponents of the all-affected principle and discursive representation. I think this is due to the fact that, while they still hold on to numerical equality, they have not yet analyzed the consequences of taking the people out of democratic theory.

<sup>10</sup> This is not the only question at hand. Once it is granted that there exists a global conflict on the proper constitution of the people, this raises at least two further questions. First, how is one to institutionalize this conflict on people-making? What is the appropriate mechanism of counting, and the appropriate units to count? Second, and more philosophically, what do we actually do

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when we debate the boundaries of the people? What does it mean to justify or give reasons for who “we, the people” are?

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