THE ALL-AFFECTED INTERESTS PRINCIPLE: A RELATIONAL APPROACH

by

COLE JACOB SMITH

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Examining Committee:

Mark Warren, Professor, Political Science, UBC

Supervisor

Anna Jurkevics, Assistant Professor, Political Science, UBC

Examiner

Abstract

In this paper, I offer a defense of the all-affected interests principle based largely on an interpretation offered by Mark Warren (2017a). Problematizing the democratic boundary problem and arguing in favour of a relational account of affectedness based on essential interests, I argue that the principle admits a tremendous diversity in its potential applications, and that what it requires primarily are participatory practices governing relationships of interdependency. In the second half of the paper, I discuss this with particular reference to environmental and land governance issues, and watersheds specifically. Because these cases often involve situations where coercive political structures either do not exist, or are poorly configured to respond to the interests of residents in an affected environment, I suggest that the AAIP is best positioned to give a positive account of democratic self-governance. I highlight the case of the Cowichan Watershed Board as an emerging institution illustrating a potential application of the AAIP.

Lay Summary

Democratic theorists disagree about who should and should not be included in the process of making decisions so that those decisions count as democratic. This problem area has been described as the 'democratic boundary problem'. One proposed solution has been the all-affected interests principle: the principle that all relevantly affected by a decision should be included in its making. What exactly is meant by 'included' and 'affected' is contested. In this paper, I defend an interpretation of the principle where inclusion is interpreted broadly – to include activities beyond voting, like representation and deliberation – and where affectedness is interpreted in the context of our relationships with others, specifically those relationships where the actions of others – if taken without consideration of our essential interests – can result in domination and oppression. I use the case of watersheds to explore how this principle can inform land and resource governance, drawing on the example of the Cowichan Watershed Board to illustrate the principle in practice.

Preface

This thesis is original, unpublished, independent work by the author, Cole Jacob Smith.

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Acknowledgements

Dedication

To my mother, father, and brother, for their unconditional love and support.

I.   Introduction

Who ought to be included in democratic decision-making? For most of democracy's history, the basic contours of an answer to this question have been defined around the idea of citizenship. And while the category of citizenship and the scope of the franchise have been expanded, democratic activity remains largely confined to the boundaries of the state.

In recent decades, these assumptions have been challenged and a lively debate in democratic theory has emerged regarding the appropriate scope of democratic inclusion. Largely centered around a problem known as the democratic boundary problem (the question of how to democratically determine the *demos*), many of the responses have consolidated around the all-affected interests principle (AAIP). In broad strokes, proponents of the all-affected interests principle hold that all those affected by a decision ought to be included in making it. This view has been criticized from a number of different angles, largely due either to the perception that it yields overexpansive implications or that it admits a logical fallacy. In response, political theorists have advanced competing accounts of democratic inclusion based on political subjection and political membership.

In this paper, I offer a defense of the all-affected interests principle based largely on an interpretation offered by Mark Warren (2017a). I first review the literature on the democratic boundary problem and theories of democratic inclusion. Problematizing the democratic boundary problem and arguing in favour of a relational account of affectedness based on essential interests, I argue that the principle admits a tremendous diversity in its potential applications, and that what it requires primarily are participatory practices governing relationships of interdependency. In the second half of the paper, I discuss this with particular reference to environmental and land governance issues, and watersheds specifically. Because these cases often involve situations

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II.   The Boundary Problem in Democratic Theory

Much of the writing about the all-affected interests principle (AAIP) and the all-subjected principle (ASP) has emerged in the context of the democratic boundary problem – how to *democratically* identify the set of legitimate decision-makers (the *demos*). Historically, state-based *demoi* have emerged largely pre-configured as the subjects of previously non-democratic states (and through the activity of boundary drawing by colonial powers). Of course, the extension of citizenship status and empowerment have been contested since their inception, with hard-fought efforts by groups including women and people of colour for recognition of equal political and legal rights.

More recently, attention has been paid to an apparent paradox in the democratic formation of the *demos*. While theorists have approached the problem under slightly different formulations,[1] the spirit of the problem is largely the same: If we commit to the idea that the *demos* can be the only legitimate source of democratic decision-making authority, then the decision of who ought to make up the *demos* is both temporally and logically prior to its formation (Goodin 2007). 'The people'[2] cannot decide on their own composition – to do so they would need to be, paradoxically, prior to themselves (Näsström 2011). As Whelan (1983)

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[1] The problem has been called the problem of constituting the *demos* (Goodin 2007), the problem of the unit (Dahl 1989), the boundary problem in democratic theory (Whelan 1983; Arrhenius 2005; 2018), and the paradox of popular indeterminacy (Ochoa Espejo 2011; 2014), among other names.

[2] Caution should be taken in the use of this terminology. Here I mean 'the people' as in a democratic public, rather than 'a people' (like a nation, socio-historical group, or ethnic community).

summarizes, democracy (as a decision-making mechanism) "cannot be brought to bear on the logically prior matter of the constitution of the group, the existence of which it presupposes" (Whelan 1983, 40). At stake is a concern for the foundation of democratic legitimacy; a concern that democracy can be born only of undemocratic means (Goodin 2007).[3]

Several avenues have been proposed to deal with this problem. One approach, most famously articulated by Joseph Schumpeter, is to deny that there is any problem at all. Schumpeter writes that we must "leave it to every populus to define [itself]" (Schumpeter 2006, 245). For Schumpeter, democracy is a set of decision-making mechanisms independent of any notions of justice or freedom. A decision is said to be democratic if it is conducted using democratic mechanisms, like voting. The question 'who are *the people*?' is, for Schumpeter, independent of the processes of democracy. The implication of this view is that so long as some body of rulers conducts itself in accordance with an internal democratic logic, its decisions are said to be democratic despite the number of subjects affected by its decisions and bound by its rules (Bauböck 2018, 40). Schumpeter accepted that political communities that excluded groups on the basis of race, gender, or creed, might still count as democracies (Miller 2009, 202).

For modern democratic theorists, such instances of exclusion are not only unjust, immoral, or absurd, they are undemocratic. Criticizing Schumpeter's assessment, Robert Dahl notes that "if a *demos* can be a tiny group that exercises a brutal despotism over a vast subject population, then "democracy" is conceptually, morally and empirically indistinguishable from autocracy" (Dahl 1989, 122). Since composing the *demos* in a democratically satisfying way cannot be achieved through a mechanism like voting without logical regress, theorists have

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[3] Writing about the boundary problem has been applied to a wide range of issues including the enfranchisement of non-citizen residents and expatriates (López-Guerra 2005; Beckman 2014), border control (Abizadeh 2008; 2012), debates on transnational democracy (Goodin 2007; Miller 2009; Koenig-Archibugi 2017), the inclusion of future persons (Tännsjö 2007; Heyward 2008), and inclusion of the dead (Bengtson 2020).

sought principles "internal to the standards of democracy" that ought to inform both theoretical and practical exercises of exclusion and inclusion (Goodin 2007, 47).

Several such principles have been proposed, among them the AAIP and its most significant conceptual challenger, the all-subjected principle (ASP). These principles depart from affinity-based and liberal-culturalist membership principles. In the next section, I briefly review the literature on these principles before investigating in more detail the all-affected interests principle and its applications.

III.   Principles of Inclusion

As much of the recent history of democracy and democratic theory has been concerned with the state and the value of popular sovereignty, much of the writing on democratic inclusion has sought to justify and clarify the nature of state citizenship. Proponents of membership or affinity models of inclusion hold that members of a shared political community have a unique set of interests in the longevity and well-being of the political community (and of their co-members) that non-members do not hold. As such, exclusions from the citizenry and from the democratic functions of the political community are thought to be justified on the basis of protecting cultural values (Miller 1995) or promoting the production of relationship-specific goods through self-governance (Moore 2015, 63-64). Additionally, proponents argue that membership in a political community generates unique vulnerabilities among co-members, linking personal autonomy to the collective self-government of political communities, and tying the well-being of co-members to their activity and status as citizens (Bauböck 2015, 825; Bauböck 2018; Miller 2018).

Membership-based norms of inclusion dominate contemporary democratic practice with respect to state-level democracy, primarily through functions of citizenship related to

competitive elections. But increasingly, democratic theorists have found membership-based norms of inclusion to be too restrictive and exclusive to accurately respond to the conditions of collective-life in today's world. Barring non-members from important collective-action functions that significantly shape their lives leads to arbitrary and discriminatory forms of exclusion. One group of critics have offered alternative theories of inclusion crystalizing around what Nancy Fraser (2008) calls the 'all-subjected principle' (ASP). Proponents of the principle have connected it to foundational democratic theories of the state and popular sovereignty, as in the republican tradition where the legitimacy of law and coercive force is understood to be rooted in the notion that "those subject to laws should also be their authors" (Benhabib 2004, 215).

Writing on the ASP has typically focused on state-level subjection. Robert Dahl evoked the principle when he wrote that any adult "subject to a government and its laws must be presumed to be qualified as…a member of the *demos*" (Dahl 1989, 127). Drawing on the ASP, proponents have argued that non-citizen residents of states ought to be included in the *demos* by virtue of their legal subjection (Gould 2006), and conversely that non-resident citizens (i.e. expatriates), ought to be excluded from the *demos* by virtue of their *non*-subjection (López-Guerra 2005). Abizadeh (2008) has argued against state claims to unilateral border controls, since such controls subject would-be migrants to a form of coercion that ought to generate a right to democratic inclusion in determining border policy.

But other interpreters have applied the principle more broadly to cases of subjection beyond the state. Fraser interprets subjection broadly, including all organizations that "generate enforceable rules that structure important swaths of social interaction" (Fraser 2008, 412). What justifies inclusion, Fraser argues, is the equal moral standing individuals share as subjects of a common governance structure. She writes:

On this view, what turns a collection of people into fellow subjects of justice is neither shared citizenship or nationality, nor common possession of abstract personhood, nor the sheer fact of causal interdependence, but rather their joint subjection to a structure of governance, which sets the ground rules that govern their interaction (Fraser 2008, 411).

As such, some writers on the ASP have argued that the principle grounds inclusion beyond state institutions to nonstate actors like international institutions, police organizations, environmental regulators, firms, universities, and families (Fraser 2008, 412; Bengtson 2022).

In contrast to principles of inclusion based on membership and subjection, proponents of the all-affected interests principle (AAIP) hold that these experiences are meaningful but incomplete accounts of the types of affectedness that ought to grant inclusion in collective decision-making. The AAIP has risen in prominence in part as a response to the pressures of globalization that have increasingly meant that people's essential interests are bound up with the activity of institutions and processes outside of the state, over which they have no meaningful or formalized say. These effects are sometimes cast by structures which are not organized around an institution or collective agent, as in the case of markets. The degree to which our lives are shaped by such phenomena has fostered critical attention to the idea of self-determination and longstanding assumptions about its association with popular sovereignty. David Held (1999) observes that:

the locus of effective political power can no longer be assumed to be national governments – effective power is shared and bartered by diverse forces and agencies at national, regional, and international levels…. [T]he idea of a political community of fate – of a self-determining collectivity – can no longer be meaningfully located within the boundaries of a single nation-state alone (Held 1999, 40).

If we value democracy for its capacity to empower self-governance and self-determination, then inclusions should also map to the institutions and structures beyond membership organizations that determine the collective conditions of our existence. As Archon Fung notes, "globalization makes citizens of one state more vulnerable to financial, environmental, security, and even sociocultural decisions that originate outside that state....global forces render the state less capable of social ordering than citizens would like" (Fung 2013, 241). Global others are increasingly affected by the decisions of bodies outside their own states, and decreasingly empowered to influence these decisions through the regular functions of citizenship. While membership and subjection track relevant domains of affectedness, individuals increasingly find themselves in positions where their capacities to pursue their life options are evermore dependent upon a complicated nexus of social connections and actions (Young 2006).

In the sections that follow, I frame the AAIP by discussing and problematizing the concepts of 'inclusion' and 'affectedness'. I first respond to two criticisms with respect to the AAIP's demands of inclusion in order to specify its meaning and value: (1) that the AAIP cannot actually solve the boundary problem; and (2) that affectedness generates grounds for due consideration, not political inclusion. Next, I frame 'affectedness' around essential interests and relationships of non-domination, drawing especially on an interpretation of the AAIP given by Mark Warren (2017a), with reference to the work of Iris Marion Young (2000; 2001). In the final sections of the paper, I apply the AAIP to the domain of watershed governance and explore the case of the Cowichan Watershed Board.

IV. Framing Inclusion: Criticisms of the Principle

a. The AAIP cannot solve the boundary problem

Several writers on the democratic boundary problem have criticized the AAIP as being fundamentally unable to solve the boundary problem. Some challenges have highlighted the impossibility of organizing a group of those actually affected by a decision, because doing so presupposes knowledge of either the decision outcome or of the alternative decisions contemplated (Goodin 2007, 52-53; Miller 2009, 215; Pavel 2018, 323-324). Whitt (2014) has argued that rather than establishing the conditions of democratic legitimacy, delineating a *demos* based on a status condition like affectedness actually undermines democracy insofar as it relies on a depoliticization of boundaries, which ought to be themselves the site of democratic contestation, and treating individuals as passive objects rather than active agents. A related argument is that since the decisions of what it means to be relevantly affected (or relevantly included, given variegated inclusions) are politically salient, they deserve to be democratically undertaken (Schaffer 2012, 334; Ochoa Espejo 2020, 82). Ochoa Espejo (2014) has argued that for principles to be adequate solutions to the boundary problem they must be 'decision-independent': they must not require the participation of some pre-*demos* group, the legitimacy of which is sought in the principle itself. As the AAIP appears unable to do this, Ochoa Espejo concludes it is not an appropriate solution to the boundary problem.

These criticisms are important, but my contention is that they reveal more about the limits of conceiving the AAIP within the logic of the boundary problem than they do undermine the validity of the AAIP as a precept of democratic inclusion. Instead, they highlight that the value of the principle extends beyond its capacity as a boundary drawer. At its core, the

boundary problem is concerned with the question of legitimacy in democratic inclusion.[4] The problem is framed in a way which suggests that there can be configurations of the *demos* that are democratically legitimate and others that are democratically illegitimate. By way of response to the above objections, I want to briefly problematize the boundary problem to highlight why the assumptions we make in its framing will greatly influence the types of solutions we propose.[5] I conclude that despite its limitations as a boundary generator, the AAIP still had normative significance for framing democratic problems and diagnosing democratic deficits.

First, let us recognize that, in practice, there are *demoi* beyond the citizenry of the state. Many of us exist and practice in these spaces regularly, as when we participate in local government, in labour unions, on school boards, in student government, in the inner governance of political parties. Each of these configurations assume a *demos*. The school board, for example, might include all of the electors who live in the boundaries of the school district, while labour unions extend inclusions to all those working in a particular industry or firm. This is important to emphasize because approaches to the boundary problem sometimes assume that the focus of concern is the state alone, and that the purpose of democratic theory is the democratization of the state. This is not to say that this is not an important project. Indeed, what it should highlight and draw attention to are the ways in which inclusion in the governance of the state fulfill or fail to fulfill our interests in self-determination, the normative core of democratic practice (cf. Bohman 2007; Warren 2018).

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[4] There are two related dimensions: who should be considered as having legitimate standing in democratic decision-making, and what arrangement of inclusions are necessary for a democratic decision to be considered legitimate.

[5] There is some correspondence between the considerations here and Miller's (2020) reconceiving of the boundary problem. Miller highlights variables he calls the scope, domain, and constituency of democracy, and suggests that solving the boundary problem involves ensuring that these variables are co-extensive, so that there may be multiple approaches to achieving democratically legitimate inclusions.

Second, when we say 'inclusion in the *demos*', what exactly do we mean by inclusion? Do we require that inclusions be permanent, membership-like relationships? Or can inclusions ebb and flow depending on the particular decision on the agenda? Likewise, must the degree to which someone is empowered in inclusion be equivalent for all those included, or can they vary from person to person, perhaps based on the proportion of their stakes (Brighouse & Fleurbaey 2010)? Similarly, while we might think that voting is the paradigmatic democratic action, how does our understanding of inclusion in the *demos* correspond to the diversity of democratic practices available, recognizing that some practices are more apt to solve some democratic problems than others (Warren 2017b)? Considering this problem in light of the previous point, I think it is reasonable to conclude that our thinking on this will depend on the particular institutional configurations we are considering. Rainer Bauböck (2018) has, for example, proposed a pluralistic approach in the context of the state, where inclusions are variegated for citizens, resident non-citizens, and affected outsiders. Likewise, Archon Fung's (2013) interpretation of the principle recognizes a range of ways to satisfy demands for influence beyond active participation that nevertheless ensure that affected interests are integrated into decision processes and protected against domination. We should not expect that the configurations of empowered inclusions necessary to support democracy will be identical across all *demoi*.

Third, we might scrutinize how processes of inclusion are sequenced. In considering the process of drawing democratically legitimate boundaries around the *demos*, the boundary problem frames the problem of democratic inclusion so that we imagine *demoi* as already corresponding to specific institutions or functions. That is, when we are trying to determine who ought to compose the *demos*, we already have in mind the kind of democratic work we expect

this group to carry out. Perhaps we already have a practicing institution in place, so that the task is to consider who stands in the right relationship with this institution to warrant inclusion (e.g. subjection, affectedness etc.). Such a view casts democracy as a principally reactive mode of governance. This is often associated with proponents of the all-subjected principle, because standing in a relationship of subjection assumes a pre-existing rule-making order, like the state (Bauböck 2009, 480; Näsström 2011, 117; Warren 2017a, 6; Afsahi 2020, 4).

Such a position cannot give a positive account of democracy and the types of social movements which seek to innovate novel forms of governance practices and institutions, a crucial dimension of understanding democracy in the context of self-determination (Warren 2017a, 6). This idea can also be related to Iris Marion Young's writing on the social connection model of justice, where she challenged the Rawlsian position that relationships of justice stem from our standing within an institutional structure. Instead, Young argues that "political institutions are the response to [obligations of justice] rather than their basis," where obligations of justice arise by virtue of our social connections with others, extending to all those who we assume in the background of our actions (Young 2006, 102; O'Neill 1996). Relating this to a positive account of democratic organization, we should consider the ways in which being socially related to others might engender conditions where self-determination is best achieved through the formation of new collective agencies within and across existing *demoi* (Young 2000; Bohman 2007; Warren 2017a).

The above considerations suggest that there is a tremendous potential diversity at the heart of the 'boundary problem'. Because of this conceptual complexity, or perhaps in spite of it, many theorists have assumed that the question of who should compose the *demos* is ultimately a question of who should be included in the governance of the state (e.g. Dahl 1989; López-Guerra

2005; Song 2012). Lippert-Rasmussen and Bengtson, for example, assume that inclusion in the *demos* means having a vote in a law-giving entity, and rightly observe that these are the assumptions under which many democratic theorists have engaged with the idea of democratic inclusion (Lippert-Rasmussen and Bengtson 2021, 574).

These assumptions trade away a good deal of democratic richness and depth for closure and clear boundaries. When the problem is conceptually flattened to the question of 'who should be included in the voting public of the state,' the normative import of the all-affected interests principle is lost: it fails to recognize domains for democracy which overlap or which operate outside of and across the state, it fails to recognize the limitations inherent in any single democratic activity, and it fails to give a positive account of democracy.

Where does that leave the all-affected interests principle? My sense is that the principle, as a norm of democratic inclusion, has value even if limited to its being an ideal to approximate (Arrhenius 2005, 16). Increasingly, democratic theorists have used the principle as a diagnostic tool to evaluate democratic deficits in decision-making processes, institutions, and structures (Näsström 2011; Fung 2013 Koenig-Archibugi 2017; Afsahi 2020). Recognized as a norm of inclusion which runs alongside (rather than replacing) ties of membership, the AAIP also has value in highlighting instances where democratic inclusions can be made more equitable and responsive to vulnerable groups (Warren 2017a; Afsahi 2020). Additionally, tracking effects and not merely subjection or membership allows us to recognize normatively salient patterns of affectedness which operate above, across, within, and between *demoi*, as when we recognize the ways in which the actions of local governments are mutually affecting, and may benefit from coordination and democratic innovations (Young 2000). These patterns can in turn mark out 'latent constituencies' – sites of democratic organization and action that have not yet been

activated, but which might be organized as single-issue or transboundary constituencies, giving those included the power to have proportionally scaled influence over issues that disproportionately impact their essential interests (Warren 2017a).

Instead of comparing the principles as competing solutions to the boundary problem, we should be asking how democracy can be realized under the collective conditions within which people find themselves today using the wide variety of principles, tools, and institutions available to us. This leads us to ask what kinds of configurations ought to emerge to reflect the complex web of subjection and affectedness that currently exist, and in turn to think about the types of democratic activities and institutional arrangements that successfully respond to the problems we encounter (cf. Warren 2017b).

b. **Due consideration versus political inclusion**

Some critics (e.g. Abizadeh 2012, 878; Beckman 2009, 45-47) have suggested that while affectedness grounds a *moral* right to due consideration, it does not ground a *political* right to participate in decision-making. As Beckman writes:

> In the case in which A adversely affects B, the response would typically be either to regulate A's actions or to file for compensation. The basis for the complaint would be that A failed to adequately consider the interests of those affected by his or her actions – not that A failed to let everyone participate. (Beckman 2009, 45)

There are three things that we might highlight in response. First, we should observe that in Beckman's framing of the problem, that B has the ability to file for compensation or that A's actions could be subject to regulation assumes that they already stand in a relationship of justice that has been institutionalized (e.g. one that can regulate the actions of subject agents, or arrange

compensation for wrongly affected agents). What the AAIP requires is not that individuals be included in the decision-making of other individuals, but that they are included in determining the conditions and terms within which their relationships are carried out. This draws on a relational understanding of affectedness which I return to later in the paper. Recognizing that A and B exist in conditions where their actions may affect one another, the AAIP requires that A and B are included in determining the terms which govern their relationship (which might include, for example, participating in determining the regulations and systems of compensation that Beckman assumes). Such inclusions are essential in ensuring that effects, when they occur, are non-dominating.

Second, we should observe that ensuring due consideration (or fair compensation) is often best achieved by politically institutionalizing inclusion. The long history of marginalization and disenfranchisement of groups including women, people of colour, and people with disabilities yields numerous examples of instances where the moral right to due consideration was entirely flaunted by enfranchised and powerful groups. Inclusion in decision-making – rather than simple consideration – is an important tool in resisting oppression.

Third, we might grant Beckman's point that unforeseen or non-repeated affectedness can be better addressed by compensation or reactive means than proactive political inclusion. There are surely cases where we cannot accurately predict the significance or scope of particular decisions, and in these cases compensation for undeserved wrongs is morally warranted. However, institutions and decision structures that routinely generate effects on excluded groups that rise to the importance of social justice should be understood to generate political obligations of inclusion. This tracks an understanding of democracy as self-governance, where repeated

affectedness by institutions that greatly affect our lives ought to be politically (and not simply morally) accountable to us (Young 2000; Warren 2017a.).

Arash Abizadeh argues that "even when a democratic say is empirically indispensable for due consideration of interests, this specifies an *instrumental* reason for enfranchisement, not the *constitutive* requirements of democratic legitimacy" (Abizadeh 2012, 878). Instead, he writes that:

> The democratic ideal of collective self-rule is grounded in the notion that securing the conditions of individuals' autonomy and standing as equals intrinsically requires that they be the joint authors of the terms governing the political power to which they are subject. That one's interests in general are affected by others does not itself negate self-rule or autonomy and equal standing, but being unilaterally subject to a coercive and symbolic political power, without any say over the terms of its exercise, does. Inclusion in the demos is therefore grounded intrinsically not in individuals' interests as a whole, but in their standing as autonomous and equal (Abizadeh 2012, 878)

There is a good deal to agree with in Abizadeh's characterization.[6] What Abizadeh is describing is a justification for democratic inclusions on the basis of non-domination, where domination is understood to occur in instances where an agent is in a position to arbitrarily interfere with another (Pettit 1997). Here many authors of the AAIP are in agreement. Mark Warren (2017a) has, for example, advanced an interpretation of the AAIP based on affectedness of our essential interests in self-determination and self-development, so that inclusions grant the types of empowerments necessary to resist domination and oppression. Here there is consistency with

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[6] Arrhenius (2018) rightly highlights the lexical nature of some of the disagreements among proponents of the 'all-subjected principle' versus the 'all-affected interests principle,' pointing out that the principles exist on a spectrum of 'affectedness' where 'subjection' refers to legal or juridical affectedness.

Abizadeh's thinking. What we might question in Abizadeh's interpretation is whether instances of domination can arise only through dyadic ruler-subject relationships under instances of organized political power, as in the state. In the contemporary world ordering, which is increasingly characterized by extensive interdependencies, powerful forces and institutions outside the state regularly cast effects that can be described as dominating, insofar as they limit our possibilities of action without consideration of our interests (Young 2001, 35).

In instances where states are in a position to dominate outsiders through their decision-making, the AAIP does not necessarily entail that those affected outsiders be included in the *demos* of that state. What is required, from the perspective of non-domination, is that those who are likely to be regularly and deeply affected (i.e., stand in relationships of interdependence) are included in determining the conditions under which such interactions take place. This might be achieved, practically speaking, through supranational institutions democratically accountable to the affected publics, who have the capacity to enforce and regulate the kinds of externalities and transboundary effects deemed to be permissible (Young 2000).

It is important to highlight again that the types of inclusions generated under the AAIP need not be limited to things like voting in competitive elections, or in joining the membership of an established *demos*.[7] We should instead follow the framework that Warren (2017b) lays out, where empowered inclusion in democratic activity can be achieved through several different types of practices beyond voting – including deliberation, representation, joining, and exiting.

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[7] Many of the concerns about the AAIP's expansive implications relate to undermining goods like self-government and autonomy. We ought to take seriously concerns that over-inclusions can undermine such important goods – but these values become endogenous to the AAIP when we understand affectedness as relating to essential interests, which I discuss in the next section. What the principle demands is that these values be treated equally among the involved groups, so that no one's interests in self-government and autonomy are considered to be more essential than anyone else's. This follows from an understanding of moral equality, and equal entitlement to self-governance and moral respect (Warren 2017a, 7).

Bauböck (2018) and Owen (2018) have considered, for example, inclusions of those affected by state decisions in process of consultation and deliberation which differ from the kinds of empowered inclusions extended to citizens and resident non-citizens. The AAIP in this sense admits a tremendous diversity and flexibility in the realization of inclusions, scaled according to the ways in which interests are affected.

V.   Framing Affectedness: Essential Interests, Relationships, and Non-Domination

In the previous section, I considered two criticisms of the all-affected interests principle: that it could not solve the boundary problem, and that affectedness grounded not a political right to inclusion but a right to due consideration. In responding to these challenges, I problematized the boundary problem and appealed to a pluralistic interpretation of empowered democratic inclusions. Though the AAIP may be limited in its capacity to provide clear and distinct boundaries around given *demoi*, the principle has tremendous value and potential in identifying and diagnosing instances of democratic deficit. It provides useful tools for framing democratic problems and evaluating candidate solutions which might operate above, across, within, or between *demoi*.

In this section, I critically engage with the concept of 'affectedness'. As Ashwini Vasanthakumar (2022) has noted, despite the intuitive appeal of the AAIP, criticisms of the principle's over-expansive implications and challenges in application arise largely from ambiguous interpretations of affectedness:

> how expansive the 'all affected interests' principle will be depends, ultimately, on what it means to be affected: on the nature of the interests that must be affected; on the extent to which they must be affected; on whether beneficial as well as detrimental consequences

count; and on whether they must be possibly, probably or only actually affected. These outcomes also arise from the assumption that 'having a say' mimics a vote, in that everyone has an *equal* say at a *single* moment of decision-making (Vasanthakumar 2022, 128).

I appeal to an interpretation of the principle given by Mark Warren (2017a). On this interpretation, affectedness should be framed around weighty interests related to social justice. These are captured by appealing to the ideals of self-determination and self-development (Young 2000). Here the understanding is that the value of democratic inclusion lies in its capacity to positively underwrite self-determination and self-development, and to resist domination and oppression. For the purposes of this paper, I'll focus on self-determination and its corresponding condition of injustice, domination.

I understand self-determination, following Iris Marion Young, as consisting in the ability "to participate in determining one's action and the condition of one's action" (Young 2000, 32). This assumes an orientation that is different from those conceptions of self-determination that understand it as a principle of non-interference for autonomous political communities. Instead, this approach – which centers non-domination instead of non-interference – recognizes that the value of self-determination is rooted in the interests of individuals whose activities take place in the context of a range of social structures and relations.

Understood in the context of interests related to self-determination, Warren relates this articulation of the AAIP to Kant's categorical imperative, one formulation of which states that "[e]very action which by itself or by its maxim enables the freedom of each to co-exist with the freedom of everyone in accordance with a universal law is *right*" (Kant 1991, 133; quoted by

Warren 2017a, 7).[8] This formulation suggests that we have a duty to ensure that our actions are exercised in a way that is consistent for others to do the same, recognizing that we exist with others in unavoidable relationships of interdependence and mutual effect. This formulation of the categorical imperative "directs us to imagine that our actions affect others' capacities for self-governance – leading us to consider the chains of effects that link our actions to those of others" (Warren 2017a, 7).

Framing affectedness as involving essential interests related to self-determination may appear to make evaluating the practical application of the principle even more ambiguous. My sense though is that this interpretation accomplishes a compelling change in the framing of the problem. It is not that affectedness as such is problematic: what is problematic are relationships of power where an agent is in a position to arbitrarily interfere[9] with another in a way that limits their capacity to determine their action and the condition of that action. Such relationships constitute domination as they have been discussed by Philip Pettit and Iris Marion Young (Pettit 1997; Young 2000; 2001).

To address vulnerabilities to domination, what is needed is not necessarily inclusion in the decisions of actors who affect us,[10] but inclusion in the development of the rules and structures which govern our interdependent relationships with them. Under conditions of

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[8] Habermas (1996) writes of this formulation in relation to the conjoining of one's freedom with everyone's freedom. He also connects this principle to Article 4 of the 1789 Declaration of Rights of Man and of the Citizen: "Political liberty consists in the power of doing whatever does not injure another. The exercise of the natural rights of every man has other limits than those which are necessary to secure to every other man the free exercise of the same rights; and these limits are determinable only by law" (quoted in Habermas 1996, 82-83), and to Rawls's first principle of justice: "each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others" (Rawls 1971, 60; Habermas 1996, 83)

[9] Interference is understood to describe an instance where "one agent blocks or redirects the action of another in a way that worsens that agent's choice situation by changing the range of options," and it is arbitrary when "it is chosen or rejected without consideration of the interests or opinions of those affected" (Young 2001, 34-35)

[10] As Beckman (2009) alleged; see above. See also Nozick's (1974) argument of the principle and his famous case involving several individual's interest in marrying the same person.

interdependency, we will be unavoidably susceptible to the effects of others' actions. From the perspective of self-determination, what democracy requires in such circumstances is that we have some influence and control over the terms under which these relationships take place to ensure they are non-dominating (Young 2001, 26; Warren 2018, 242). As Petitt writes, non-domination describes "the position that someone enjoys when they live in the presence of other people and when, by virtue of social design, none of those others dominates them" (Pettit 1997, 67).

This can likewise be connected to Iris Marion Young's writing on local governance and relational autonomy. Drawing on relational feminist scholarship, Young challenges liberal conceptions of autonomy premised on the independent, atomized agent. Such a condition to be separate from and independent of others and their effects is "rare if it appears at all" (Young 2000, 231). Instead, relational autonomy means recognizing that individuals (and their sense of self) are bound up and constituted by a complex web of effects, relationships, and ties, many of which have been unchosen (Young 2001, 33; Young 2000, 231). In such relationships, the actions of agents and the effects they cast can be cooperative and supportive, on the one hand, or they can be dominating and oppressive, on the other. What is necessary then, is "the structuring of relationships so that they support the maximal pursuit of all individual ends" (Young 2000, 231).

Extending the concept of relational autonomy to structures of local and regional governance then, autonomous governance units cannot be "only inward-looking and self-regarding," but must take into account the interests of others in the region who are likely to be affected by their actions by virtue of their relationality (Young 2000, 233). To ensure that such interests are taken into account, Young proposes regional governance institutions, accountable to

a regional *demos*, which function to uphold procedures of co-operation, host intergovernmental institutions, and to act as a forum for deliberations in the event of conflict and disputes involving adverse effects (Young 2000, 233-234).

Young's discussion of local and regional governance in this context builds on the identification that those who live in the region are uniquely tied together in relationships of interdependency such that their actions – and perhaps more importantly, the complex phenomena generated by the overlapping and layered actions of all actors – unavoidably affect one another. Recognizing that these effects are uniquely concentrated in the locales and region, self-determination in this context requires that the institutions and structures which govern and shape the interactions of the region are responsive to those in each locale and the region more broadly.

Where this can be extended with reference to the AAIP is in recognizing and identifying other normatively salient patterns of effects. One of the most interesting dimensions of Warren's framing is in the potential application of the AAIP to identify and describe latent constituencies: a collection of individuals who stand in unique relationships of interdependence and co-vulnerability, but over which no collective agent has been organized to activate and give voice to their essential interests (Warren 2017a, 9).

VI.   Application: Natural Resource and Land Governance

So far, I have discussed what 'inclusion' and 'affectedness' might mean in the context of the all-affected interests principle. Inclusions may be wide in scope, with empowered inclusions ideally tailored in a way that is proportional to the degree of affectedness. In turn, I interpreted affectedness, following Mark Warren (2017a) and Iris Marion Young (2000), to highlight specifically the kinds of relationships we have to other agents, where relationships should be

structured in ways that minimize domination and maximize self-determination under conditions of interdependence. I highlighted Young's ideal of relational autonomy in the context of local governance to illustrate how the all-affected interests principle might provide an alternative framework for understanding the demands of affectedness in a region consisting of multiple, related, and interdependent *demoi*. In this section, I apply these ideas to the domain of natural resource and land governance. Drawing Paulina Ochoa Espejo's (2020) watershed model of territory and on Mark Warren's concept of latent constituencies, I discuss democratic governance in the context of the watershed.[11]

In recent years, a number of political theorists have examined the politics of water, rivers, and watersheds (Nine 2014; Mancilla 2016; Ochoa Espejo 2020). Watersheds provide an interesting political case study for a variety of reasons, perhaps especially because they often cross jurisdictional boundaries and sometimes define political borders. In the present paper, I am particularly interested in watersheds as spaces of interdependence which describe latent constituencies. I argue that by virtue of their essential interests in continued life within the watershed, residents have unique relationships of vulnerability to other co-residents and watershed users which they do not share with non-residents. Because they stand to be disproportionately affected by activities within the watershed, we can appeal to the AAIP to understand their relationality as providing grounds for self-governance over these watershed-specific interests. This conclusion supports co-governance of watersheds across political boundaries, and suggests that residents of watersheds should be differentially empowered to

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[11] Ochoa Espejo has recently offered a similar response to the boundary problem in the context of the watershed:
> by turning toward concrete institutions in a specific environment, political theorists can see the real texture of their communities to advance debates on immigration, cosmopolitan governance, and environmental degradation. Rather than concentrating on abstract questions about belonging in terms of identity, this new focus would allow democratic theory to focus on concrete questions about political relations and practices in specific places. A focus on *which* interests are affected, rather than *whose* interests they are, is a first step toward going beyond the circular logic of the boundary problem (Ochoa Espejo 2020, 95)

decide on land and resource use within the watershed boundaries. This position is similar to recent conclusions in political theory which support distributing land and resource control rights away from the sovereign purview of the state (Nine 2014; Mancilla 2016; Armstrong 2017; Ochoa Espejo 2020; Jurkevics 2022).

Watersheds describe specific regions of space which share common hydrological features. By virtue of a landscape's topography, precipitation will collect and flow into common watercourses like lakes and rivers. Watersheds (also called drainage basins) can therefore be defined around specific watercourses, which demarcates a region sharing a common drainage pattern. Since many rivers function as tributaries for larger rivers, we can understand watersheds as being nested, describing iteratively larger drainage basins, with the largest being those that flow into the world's oceans.[12]

Because of this common hydrology, life in the watershed is uniquely interdependent. Networks and patterns of plant and animal life are shaped by the contours and features of the watershed. Human life too is deeply shaped by the functions of the watershed, oriented around lakes, rivers, and aquifers as sources of drinking water, recreation, and food; deposits of sediments brought from the upper reaches of the river provide fertile lands for agriculture; and connected networks of rivers have for most of human history provided the easiest paths of navigation, trade, and commerce.

The activity of watershed residents and users (human and non-human) has the potential to impact other residents and users, especially those downstream. Obviously, some uses are more

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[12] The river basin maps of geographer Robert Szucs illustrate this beautifully, with drainage basins and their tributary rivers coloured to reveal the dendritic networks of rivers and lakes which commonly connect lands across vast distances (https://www.grasshoppergeography.com/). Similar artwork is used by Paulina Ochoa Espejo (2020) on the cover of *On Borders*

impactful than others to the extent that they crowd out other possibilities of action in the watershed. For example, the damming of a river will (in addition to a large range of other effects) flood the upstream reaches of the basin, and likewise limit the flow of water downstream. Similarly, the discharging of toxic effluent into rivers is likely to impact the safety of water for drinking, undermine food systems, degrade aquatic and riparian life, and impact its suitability for a range of recreational and cultural activities. Such actions constitute interference in the sense defined by Pettit (1997), and amount to domination when conducted arbitrarily with reference to those who rely on the watershed's integrity.

Drawing on the previous section, we can readily see that the autonomy of residents and resource users in the watershed is relational. In conducting our life plans and goals in the watershed, we assume the actions of other co-residents and users, and therefore stand with them in relationships of social justice (O'Neill 1996; Young 2006). With co-residents, we have shared interests in stable and sustainable residency, in clean and reliable drinking water, in safety and resilience from environmental change, in food security, and so on. Ochoa Espejo (2020) has recently offered a similar theory of watershed relations, understood as generating place-based duties and rights. On this account, within a watershed individuals have a place-based duty to preserve rivers as 'lifelines' for the region:

> A river is the lifeline for those people who use it for drinking, washing, and carrying waste, but it is also a lifeline for the biological systems that inhabit the river and its banks. These systems, together with those geological features that give rivers their physical form, are necessary to clean and replenish the river's water. Without them, a river may not be able to sustain life or deliver water for human use in the future. The duty to preserve the river as a lifeline is a duty to save the river's self-regulatory functions,

which allow those who live in the wider region's water basin to use the water sustainably (Ochoa Espejo 2020, 253).

An important distinction appears in this conception of rivers as lifelines for our understanding of relational autonomy. Here there is a characteristically ecological nature to the relations, insofar as agents have the capacity to affect others (humans and non-humans) through a web of ecological interactions, there are duties owed to both specific other agents (e.g. co-residents) and to the natural system as a whole. Because the river's self-regulating functions are connected to a range of conditions (intact and healthy riparian ecosystems, sufficient water flows, limited leachates and sedimentation, etc.), the activities of watershed residents and users should act in ways that support these conditions.

In practice, governance of watersheds is often distributed across many levels. Even when a watershed is located entirely within a single state, regimes of land governance are frequently divided across a range of institutions at the state, provincial, regional, and municipal levels. Divisions are amplified in cases where governance over land use activities are separated into specific institutions, as when governance of things like forestry, fisheries, waste management, sewage treatment, mining, power generation, agriculture, urban and residential development, and water treatment are separated into distinct institutions and ministries.[13] This makes coordination at the level of the watershed (in the absence of watershed level governance) challenging, and increases the likelihood that, in the long term, competing demands for the watershed's goods will undermine its integrity, and in turn interfere with the essential interests of watershed residents and users who rely on the watershed as a lifeline.

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[13] Such coordination challenges are amplified when the case involves international watersheds.

Here we see one of the clear advantages of the AAIP and its capacity to identify latent constituencies. Unlike norms of inclusion based on membership and subjection, the AAIP is able to mark watersheds as sites of potential collective agency by virtue of patterns of normatively salient effects. What marks residents of a watershed as members of a latent constituency is not their subjection to a coercive entity nor their ties of membership to a political community, but their dense interdependencies and co-vulnerabilities. In this way, the autonomy of watershed residents is relational, and the maximization of their own individual interests will depend upon the coordination of their activities through structures of co-governance. Of course, this does not preclude other ties and relationships which ground the legitimacy of governance structures and *demoi* beyond the watershed. This again is a value of the AAIP, in recognizing that our essential interests can be protected and represented proportionally through inclusions in multiple, differentiated, and overlapping *demoi*, and through a mix of governance arrangements including single-issue jurisdictions (Warren 2017a, 12).

Recent scholarship among political theorists of territory and resource rights have engaged with the issue of international and transboundary rivers. One theory, advanced by Cara Nine (2014), supports the co-governance of riparian regions as shared territories demanding joint decision-making of over things like resource distribution, zoning, and development, while retaining independent jurisdiction over powers like border controls. Likewise, Mancilla (2016) has concluded that sharing transboundary and migratory resources demands joint self-determination, recognizing that an arrangement where states agree "not to act over the common resource (in this case, the river) in ways that unduly harm the other state's fair share of that resource" is insufficient, because the very concepts of 'undue harm' and 'fair share' must be permanently discussed and negotiated so as to necessitate co-governance (Mancilla 2016, 31).

I broadly agree with Nine and Mancilla's conclusions, but I argue that they are insufficiently attentive to the local interests of those living within the boundaries of the watersheds. What is required on the argument I have laid out here is that watershed governance is nested and layered from the local level to the international level, so that decision-making processes are institutionally required to consider and solicit the interests of those who stand to be uniquely and disproportionately affected by the decisions. This is, I think, a more fulsome understanding of self-determination in the context of the watershed, recognizing that to ensure non-domination among those with affected essential interests, "their relations must be regulated both by institutions in which they all participate and by ongoing negotiations among them" (Young 2001, 26).

How might latent constituencies be activated to give voice and representation to these essential interests? In order for people within these spaces to impart change in democratic governance patterns, they must argue for, recognize, discuss, and impel their democratic agency forward:

> As public or constituencies that might be mobilized, they remain latent until the facticity of shared fates is argued for and demonstrated, as in the connection between human consumption of carbon fuels and climate change….In other words, in order for structures of affectedness to constitute sites for democratic agency, people must, through discourses, *represent* them, imagining that they are "citizens" connected by common fates, and thus bring into being new publics. (Williams and Warren 2014, 32)

In the final section of this paper, I turn to the example of the Cowichan Watershed Board as an emerging institution which embodies much of the spirt of the AAIP and illustrates the (proto) activation of a latent watershed constituency.

VII.   Example: The Cowichan Watershed Board

The Cowichan River is located on southern Vancouver Island, flowing from Cowichan Lake eastward to the estuary at Cowichan Bay and into the Salish Sea. In total, the watershed covers an area of approximately 1000 square kilometers. Historically, the watershed supported a large, biodiverse ecosystem, characterized by Douglas fir and Western red cedar forests, large populations of land and marine mammals, abundant shellfish, and large salmon populations (Hunter et al. 2014, 3-4). Since time immemorial, the traditional territory of the historic Cowichan Nation centred in the Cowichan Valley, with seasonal travel for fishing, hunting, and resource gathering through the Gulf Islands and Fraser River through the spring and summer months (Cowichan Tribes n.d.-b). Following the imposition of the *Indian Act* in 1876, the Cowichan Nation was divided into several communities, with Cowichan Tribes being the primary successor (Cowichan Tribes n.d.-a). Like much of British Columbia, the territory of the Cowichan Nation was never ceded in treaty prior to waves of colonization by primarily British settlers.

In the years since colonization began, the watershed's vitality has decreased significantly. Extensive industrial logging practices have eliminated most of the region's old forests, with many areas cleared of forest and native vegetation for agriculture, residential development, and industry. As a result, water retention in soils has decreased, leading to higher seasonal variability in lake levels and river flows. Decreased soil stability has facilitated higher than historic levels of soil and gravel transfer into water courses, disrupting aquatic life and changing flow patterns (Cowichan Watershed Board 2007, 3). The predominantly young forests lack characteristics necessary to sustain a variety of plant, animal, and fungal species; declines in biodiversity have both encouraged and been accelerated by the proliferation of invasive species, including Scotch

broom (Lee 2010). Degraded riparian areas and disrupted hydrology have severely limited the viability of salmon spawning. The expansion of intensive industry, residential septic fields, and the industrialization of agriculture have increased throughput of waterborne pollutants, undermining aquatic and riparian biota and leaving shellfish beds in marine coastal environments heavily polluted (Cowichan Watershed Board 2007, 3; Hunter et al. 2014, 3). The population of the Cowichan Valley - now approaching 90,000, including 5,000 members of Cowichan Tribes - continues to grow, driving increased demand for watershed resources and services.

Jurisdictionally, the Cowichan watershed is situated within the Cowichan Valley Regional District (CVRD) and includes three municipal governments (Duncan, North Cowichan, and Lake Cowichan), five Electoral Areas (unincorporated, rural areas with services provided by the CVRD), and Cowichan Tribes (Cowichan Watershed Board 2007, 1). In a case study of the Cowichan Watershed Board, Hunter et al. (2014) identify that sustainable water management in the Cowichan watershed had been hampered by the fact that regulations and legislation pertaining to water were located across nineteen federal and provincial regulations, with additional legislation distributing responsibilities and powers to local and regional governments. This picture was further complicated by the unresolved nature of rights and title owing to the lack of treaties and agreements between the Cowichan Nation and the Crown. The resulting complexity and ambiguity of governance resulted in poor coordination among decision-makers (Hunter et al. 2014, 5).

In 2003, a severe drought caused significant concern among community members and decision-makers. Dangerously low water levels and flows meant that sections of the river were too shallow for returning salmon to reach their upstream spawning grounds. Depleting water levels in streams and aquifers threatened the supply of local drinking water (Cowichan

Watershed Board 2007, 3), and low flows meant insufficient dilution for discharged toxic effluents (Cowichan Watershed Board 2007, 3; Hunter et al. 2014, 5-6). The largest employer in the region, the Catalyst pulp and paper mill, faced the risk of an imminent shutdown due to insufficient water flows (Hunter et al. 2014, 6).

These conditions were the impetus for the creation of the Cowichan Basin Water Management Plan, a collaboration between the CVRD, Cowichan Tribes, the BC Ministry of Environment, Fisheries and Oceans Canada, Catalyst Paper Corporation, and the Pacific Salmon Commission (Cowichan Watershed Board 2007). The process began December 2004 and was carried out over the subsequent twenty-eight months (Cowichan Watershed Board 2007, 5). Public input was sought from residents of the watershed through a number of avenues, centred around the establishment of a twenty-five-member forum whose composition aimed to represent a diverse range of watershed interests (Cowichan Watershed Board 2007, A-1). The goals, vision, and values of the management plan were developed through engagement with watershed residents and interest groups. Input was sought through the solicitation of written responses, engagement with local media, representation at community events, and the holding of open houses and community meetings (Cowichan Watershed Board 2007). A variety of studies were undertaken to support the development of the Plan, which was completed March 2007. The completed Plan was centred around six key goals, which ranged from maximizing the efficiency of water use to the empowerment of local citizens in water management. These goals were further specified into twenty-three objectives and eighty-nine actions (Cowichan Watershed Board 2007, 11 – 22). Targets were established as markers of the successful achievement of specific actions, grounded in the values and vision established through public consultation.

Timelines for actions were established, responsibilities were traced to specific stakeholders, and capital and operating costs were estimated (Cowichan Watershed Board 2007, 34-54).

A key recommendation of the Plan was the establishment and funding of "a water management advisory council that represents Basin-wide interests, maintains on-going dialogue among stakeholders, and builds trust and ownership among the participants and the public" (Cowichan Watershed Board 2007, 22). This recommendation was realized in 2010 with the establishment of the Cowichan Watershed Board (CWB), a group tasked with ensuring the realization of the remainder of the Plan's recommendations (Hunter et al. 2014, 7). Co-governance is a value at the core of the CWB's composition. Membership on the CWB consists of fourteen members: three appointed from among the elected directors of the CVRD (one of whom as co-chair of the Board), three appointed from among the Cowichan Tribes Chief and Councillors (one of whom as co-chair of the Board), two appointed on the recommendation of the federal government, two appointed on the recommendation of the provincial government, and four at-large members appointed jointly by the CVRD and Cowichan Tribes (Cowichan Watershed Board 2018, 9; Cowichan Watershed Board n.d.).

Since its establishment, the CWB has undertaken a range of projects and initiatives to support the realization of the Cowichan Basin Water Management Plan, including overseeing the replacement of the Cowichan weir, supporting watershed curriculum in the local school district, collaborating with provincial and federal authorities on studies of local species and habitats, and advocating for policy reform in areas including watershed funding and the regulation of private forest lands (Hunter et al. 2014; Cowichan Watershed Board 2019). While established specifically to provide leadership in achieving the goals set out in the Plan, the CWB's accomplishments of the CWB are broader and more nuanced. Due to its core basis in co-

governance and cooperation, the CWB has facilitated increased levels of trust and deepened relationships among partner governments. Members of the CWB have lauded the resulting increase in leadership at the local level of watershed decisions, where the effects of decisions are most significant (Hunter et al. 2014, 15).

I contend that the emergence of the Cowichan Watershed Board through the grassroots, collaborative process undertaken in the development of the Cowichan Basin Water Management Plan illustrates an excellent example of the application of the AAIP and the activation of a latent constituency connected around essential interests. The complex jurisdictional and regulatory environment within which residents of the Cowichan watershed carried out their life plans proved to be incapable of efficiently and effectively coordinating activities in the watershed necessary for the maintenance of residents' essential interests and the maintenance of the integrity of the watershed as a lifeline. Here, membership and subjection models of inclusion are incapable of identifying the kinds of proportionally scaled empowerments owed to residents of the Cowichan watershed by virtue of the relational nature of their essential interests within the watershed. The completion of the Plan through grassroots participation, and the consensus-based, co-governance of the Board,[14] highlight instances where a range of democratic activities (including deliberation, representation, and joining) were deployed among a novel *demos*, the emergence of which was articulated and recognized on the basis of common affectedness (Warren 2017b). The Board, through its emphasis in co-governance and establishing norms of trust and regular communication among partner governments, illustrates a recognition among collaborators that their autonomy is relationally constituted through the watershed (Young 2000;

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[14] The board is explicitly grounded in five core principles: partnership (co-governance), representation, watershed emphasis, transparency, and *Nutsamat kws yaay'us tth qa'* (Hul'qumi'num for: "We come together as a whole to work together to be stronger as partners for the watershed") (https://cowichanwatershedboard.ca/our-principles/)

2001). Under the conditions of interdependence and co-vulnerability within the watershed, residents and collective-agents "are able to thwart one another or support one another," such that the realization of their individual ends depends (in part) upon structuring their relationships to promote cooperation (Young 2000, 231).

The Board also helps to illustrate that the types of empowered inclusions the AAIP demands need not be understood as limited to practices like voting, or through the expanding of existing *demoi* (like local governments) so that membership is equally inclusive of all who are affected by the decisions of the group. Instead, the Board represents the activation of a formerly latent constituency (circumscribed by a region characterized by interdependent essential interests) and its transformation into a single-issue jurisdiction of the type described by Warren (2017a, 12). Through the functions of issue-specific representation and the formation of collective wills at the level of the watershed, the Board effectively promotes the consideration of residents' affected essential interests to decision-makers. Furthermore, owing to the broad support the institution has at all levels of governance, the legitimacy of decision-making at the level of the watershed is increasingly shaped by the participation and involvement of the CWB. This means that despite the CWB's lack of statutory decision-making authority, its representation of watershed interests influences decision-making in a way that reflects the characteristics of proportionality and equity emphasized in articulations of the AAIP (Brighouse and Fleurbaey 2010; Warren 2017a).

Importantly, in its being established the CWB has created a forum for residents of the watershed to engage with watershed-level issues. Here I have in mind the spatial and temporal dimensions of a meeting place, and the importance of establishing concrete patterns of public action. The CWB provides a space for residents to come together in their relations as watershed

residents, to listen, engage, and participate in the governance of the watershed in ways previously unavailable or obscured. Through the activation of this latent constituency, residents meet in the context of the CWB *as citizens of the watershed*, and recognize each other as being tied in common fates (Williams and Warren 2014, 32). There are also important epistemic dimensions of the CWB's activities: on one hand, in promoting public awareness of the watershed and its challenges, residents gain a deeper understanding of their positionality within the watershed, and of the interdependent nature of their action. On the other, people's existing situated and place-based knowledge have the capacity to be integrated and taken-up in the deliberations and actions of the CWB and partner governments, increasing the likelihood that resulting decisions will be wisest and most just (Hunold and Young 1998, 126).

Many challenges remain for the institution and for watershed governance in the Cowichan valley. Climate change has meant the region has suffered increasingly from both droughts and floods. The risks of forest fires in the region's young forests increase with drier, hotter summers. It remains to be seen if the collaborative approach the institution has brought will be sufficient in resolving ongoing issues and in restoring the vitality of the watershed. It is anticipated that the CWB will, at some point, receive delegated authorities to undertake some local level water management actions (Cowichan Watershed Board 2018, 4). Increasing ties of democratic accountability, perhaps through integrating processes of independent, region-wide elections of representatives, may promote deeper engagement and legitimacy. Expanded empowerments among the CWB and the partner governments of the CVRD and Cowichan Tribes over issues like zoning and land use, specifically related to forestry and industrial activities, may be necessary to ensure that the essential interests of residents are sustained in the

long term. Such expansions will require that the emerging *demos* of the Cowichan watershed continues to articulate and impel its collective agency.

VIII. Conclusion

In this paper I have discussed and defended an interpretation of the all-affected interests principle based on relational affectedness with respect to essential interests. Whereas the AAIP has been criticized by some theorists as entailing overexpansive inclusions, yielding *demoi* which cannot be meaningfully self-governing (e.g. Miller 2009, 209), here I have explored the possibility of realizing the requirements of the AAIP through inclusions that operate above, across, and between *demoi*. Such requirements can be met through multiple institutional arrangements, including partnerships, single-issue jurisdictions, and supranational organizations. Through an understanding of affectedness that emphasized relationality, and through a pluralistic interpretation of inclusion, I suggested that the AAIP's core demands – that inclusions be proportional to affectedness – can be realized in a variety of different ways. Drawing on the concept of latent constituencies in the context of watersheds, I emphasized that taking affectedness seriously requires consideration of the relationships which facilitate these effects. What the AAIP requires is that such relationships are democratically responsive, with the terms of the relationship the object of democratic decision-making.

Drawing on the example of the Cowichan Watershed Board, the all-affected interests principle is well-positioned to provide thought-provoking possibilities for democratic responses to the challenges of land and natural resource governance. Not explored in this paper, but worthy of future research considerations include questions about the inclusion of future persons (cf. Tännsjö 2007), non-human animals (cf. Kymlicka and Donaldson 2018), and nature more broadly (cf. Krause 2020). Given the many ecological crises facing residents of the planet today,

and given the abject failure of current organizations of political power to address these collective action problems, novel governance forms are urgently needed. Simultaneously, it is essential that the emergence of these institutions are democratically accountable and responsive to those whose essential interests are bound up with the decisions.

While the flow of effects are often contoured and shaped by bounded political communities, whose dense interconnections engender high densities of interdependence and co-vulnerability, they are not limited to political borders. As I discussed in the case of international watersheds, our essential interests are often bound up with those of other jurisdictions. The argument I have deployed here – that the terms of relationships of interdependence ought to be democratically determined – suggests that a number of sovereign prerogatives claimed by states ought to be subject to the terms of both locally and internationally configured *demoi*. This has tremendous implications for the governance of natural resources, the subject of which ought to be explored in future research. These ideas are already being explored, for example in the work of Chris Armstrong (2017) and Anna Jurkevics (2022), whose conclusions support the distribution of resource rights and land governance away from the sovereign state towards a range of other constituencies and configurations. Consideration of the all-affected interests principle in these questions may provide another avenue for the intervention of democratic theory in the political theories of territory and natural resource rights.

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