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Self-determination, boundary-making practices, and the procedural conditions for the legitimacy of democratic boundaries

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ABSTRACT Scholars engaged in the democratic boundary problem debate (BP) often disagree on how BP should be addressed. Most scholars understand BP in substantive terms, maintaining that BP solutions should determine who should approve which decision for it to count as democratic. Others support a procedural approach, according to which BP solutions should determine how boundary-making processes should occur. This paper offers a defense of a self-determination-based conception of BP that is, at once, substantive and procedural. What I argue is that rules of inclusion interfere with both insiders' and outsiders' capacity for self-determination, and that this entitles them to democratically discuss democratic boundaries. The model offers the innovative view that the reasons to support procedural approaches to BP have in themselves a substantive core, and then that, despite being often considered alternative to each other, substantive and procedural approaches can turn out to be integrative.
KEYWORDS Democratic Boundary Problem, Substantive Approaches, Procedural Approaches, Self-Determination, Democratic Inclusion

RESUMO Os académicos envolvidos no debate sobre o problema das fronteiras democráticas (*democratic boundary problem,* BP) discordam frequentemente sobre a forma como o BP deve ser abordado. A maioria dos académicos compreende o BP em termos substantivos, sustentando que as soluções para o BP devem determinar quem deve aprovar qual decisão para que esta conte como democrática. Outros defendem uma abordagem procedimental, segundo a qual as soluções para o BP devem determinar como devem ocorrer os processos de delimitação de fronteiras. Este artigo oferece uma defesa de uma conceção do BP baseada na autodeterminação que é, simultaneamente, substantiva e procedimental. O que argumento é que as regras de inclusão interferem com a capacidade de autodeterminação tanto dos membros internos como dos externos, e que isso lhes confere o direito de discutir democraticamente as fronteiras democráticas. O modelo oferece a perspetiva inovadora de que as razões para apoiar abordagens procedimentais ao BP possuem, em si mesmas, um núcleo substantivo e, portanto, que, apesar de serem frequentemente consideradas alternativas entre si, as abordagens substantivas e procedimentais podem revelar-se integrativas.
PALAVRAS-CHAVE Problema das Fronteiras Democráticas; Abordagens Substantivas; Abordagens Procedimentais; Autodeterminação; Inclusão Democrática.

1. Introduction

The discussion of the so-called democratic boundary problem (BP) raises intense disagreement among democratic scholars. Part of this disagreement pertains to how BP in itself, as a philosophical problem, should be understood. Most scholars understand the problem in substantive terms. In this perspective, the criteria offered to solve it – among them most notably the all-affected principle (AAP) and the all-subjected principle (ASP) – are presented as principles founded on a perspective external with respect to existing democratic decision-making processes, the function of which is to prescribe who should enjoy democratic inclusion for any given democratic decision. Some scholars, however, oppose this way to approach BP, proposing, as an alternative, to understand it in procedural terms. In this case, BP solutions are meant to determine not how democratic boundaries should be composed, but how boundary-making processes should occur. Scholars adopting this perspective maintain that democratic boundaries which are given at any time should be themselves the object of democratic discussions involving both insiders and outsiders.

On the one hand, supporters of procedural approaches rightly argue that substantive solutions often leave underdetermined how their prescriptions should be interpreted. This entails that the interpretation of such criteria is subject to legitimate disagreement and, then, to democratic negotiation. Therefore, substantive solutions turn out to collapse on procedural approaches. On the other hand, while supporters of procedural approaches often understand their solutions as alternative to substantive ones, they misrecognize the extent to which procedural solutions require the acceptance of at least minimal substantive premises in order to avoid being self-defeating. This suggests that rather than being alternative to each other, substantive and procedural approaches can turn out to be integrative.

In line with this idea, this paper aims to overcome the distinction between substantive and procedural approaches suggesting that such a distinction is partially fictitious. In order to support this position, I offer a solution to BP which can be understood both as substantive and procedural at once. To this purpose, I ground my reflection on democratic boundaries' legitimacy on the core principle of the democratic ideal: the principle of self-determination. What I argue is that rules of democratic inclusion interfere with individuals' capacity to lead their lives in

accordance with their own conception of the good and happiness, and thus be the authors of their lives. Since protecting individuals' capacity to be the authors of their lives is what the self-determination principle is about, I argue that this fact entails that both insiders and outsiders must be able to renegotiate the democratic boundaries they find when they enter the world. I show that, from this perspective, the legitimacy of democratic boundaries is defined by a substantive principle – what I call the self-determination-based principle – that, nonetheless, makes such legitimacy dependent on procedural conditions.

While making the legitimacy of democratic boundaries dependent on procedural conditions is often considered by supporters of substantive approaches to leave open to the risks of an infinite recursiveness, I show that within the offered perspective, such recursiveness can turn out to be a desirable property, insofar as it is what permits to nourish infinite reiterations of self-determination practices. Conceptualizing the offered solution to BP as both substantive and procedural permits to propose a genuinely democratic model for democratic boundaries' legitimacy, capable of recognizing democratic agency in existing social actors in the making of democratic boundaries. At the same time, the substantive premise on which the model relies permits the offered account to avoid being self-defeating.

The paper is organized as follows. Section 1 illustrates the divide between substantive and procedural understandings of BP. Section 2 introduces my model. Section 3 shows how the boundaries of boundary-making units should be defined in accordance with the offered principle. Section 4 shows how to operationalize the proposed ideal. Section 5 takes into account a possible objection. A short conclusion follows.

2. The Democratic Boundary Problem: Substantive or Procedural?

The democratic principle, in one of its most basic formulations, prescribes that the people should govern themselves. But who are "the people"? This is the democratic boundary problem. Though democratic theorists long neglected the problem, this neglect has been rectified in recent decades, when—starting with Dahl (1989) and Whelan (1983)—

scholars have discussed intensely how to define the proper boundaries of democratic inclusion.

The discussion of how to justify democratic boundaries gives rise to deep disagreements. Part of these disagreements pertain to how BP, as a philosophical problem, should be understood. Most scholars understand BP in substantive terms (Angell, 2020; Goodin, 2007; Miller, 2009; Song, 2012). In this case, the question posed is understood as:

> SBP. For any given decision d, who should be involved in the approval of d for the decision-making process to count as democratic?

Alternatively, BP is sometimes understood in procedural terms (Milstein, 2017; Ahlhaus, 2024b). In this case, the question is understood as:

> PBP. For any given decision d, who and how should decide who should be involved in the approval of d?

When BP is interpreted as a substantive problem, it is assumed that a criterion of democratic inclusion must determine, for any given circumstance in which BP arises, the exact composition of the classes of democratic decision-makers (Lopez-Guerra, 2005; Angell, 2024; Afsahi, 2022; Sager, 2014). From this perspective, the criteria offered as solutions to BP are presented as aimed at expressing procedure-independent principles of just democratic inclusion. Such principles would be supposed to identify the preconditions for recognizing democratic authority in specific collective agents (Lopez-Guerra, 2005; Bender, 2021; Sager, 2014; Angell, 2024; Bengston, 2021; Bengston and Albertsen, 2023).

Usually, the most popular solutions to BP – AAP and ASP – are understood in substantive terms. Indeed, on the one hand, ASP is formulated as follows:

> Given a certain decision D, all those who will be subjected to D should be included in the democratic approval of D (Lopez-Guerra, 2005: 218–221; Biale, 2019: 107–109; Owen, 2012; Sager, 2014; Erman, 2022).

On the other hand, AAP is formulated as follows:

> Given a certain decision D, all those whose interests are affected[1] by D should be included in the democratic approval of D (Fung, 2013; Angell, 2020; Afsahi, 2022).

Such principles are often presented as alternatives to each other. Sometimes, they are also conceived to answer the boundary question on different levels, and then to be harmonizable within pluralistic understandings of democratic inclusion (Baubock, 2018; Erman, 2022; Valentini, 2024; Magana, 2024; Lippert-Rasmussen and Bengston 2021). What is more important for our purposes, however, is that, when understood in substantive terms, both ASP and AAP claim to provide the objective and independent grounds from which the justifiability of existing democratic boundaries can be assessed.

This claim for universal validity would be what justifies the idea that such criteria do not need to be democratically approved themselves. However, the capacity of such principles to stand as universally valid regulative ideals for the definition of democratic boundaries is contested, among others, by supporters of procedural approaches (Nasstrom, 2011; Milstein, 2017; Abizadeh, 2012). Indeed, some scholars have noticed that both principles leave unspecified what counts as relevant affection or subjection (Nasstrom, 2011). To this purpose, a plurality of different but reasonable alternative understandings of when being affected by or subjected to a public decision entitles persons to democratic inclusion exists (Nasstrom, 2011; Goodin, 2007; Fung, 2013; Beckman, 2023; Abizadeh, 2008). Insofar as how the notions of affection and subjection should be defined is subject to reasonable disagreement, supporters of PBP maintain that which interpretation of both principles should be privileged presupposes a choice which is only partially able to justify a claim for theoretical validity. Based on this premise, it is argued that such choice should be in itself subject to a democratic discussion within which all the reasonable interpretations of the two principles have their fair chance to concur for approval (Nasstrom, 2011). This would entail that the adoption of either AAP or ASP as criteria of inclusion should be

1 Alternatively, the principle is sometimes formulated as stating that persons should be involved in the approval of decisions whose consequences might affect their interests (Goodin, 2007; Arrhenius, 2005; Goodin and Arrhenius, 2022). The considerations which follow apply equally to both versions of AAP.

treated in itself as a public decision to be democratically approved. This conclusion would deny the possibility to subtract the discussion of the criteria of democratic inclusion from democratic discretion, and would dissolve both AAP and ASP into procedural understandings of BP. In this perspective, the function of the BP debate would be not specifying how democratic boundaries should be defined, but who should concur in the (re-)definition of them.

To this purpose, supporters of PBP argue that democratic boundaries should be defined through real-existing democratic decision-making processes involving both insiders and outsiders (Nasstrom, 2007; 2011; Ahlhaus, 2024b; Kakela, 2023; Millstein, 2017). Further, such scholars maintain that BP has a recursive nature which limits the capacity of procedural approaches to offer complete solutions to the problem (Nasstrom, 2011; Ahlhaus, 2024b). This would be because procedural solutions might determine "who should decide" only creating other higher order BPs related to "who should decide who should decide" – thus failing to really offer a complete solution to the problem (Kakela, 2023; Millstein, 2017). However, while supporters of SBP often understand this recursiveness as a defect of procedural approaches, supporters of PBP conceive it as a sign that BP does not admit full theoretical solutions (Nasstrom, 2011; Kakela, 2023; Ahlhaus, 2024b).

Standard defenses of procedural approaches seem to involve the idea that such approaches are alternatives to substantive ones, to which the latter must necessarily be reduced. At the same time, the claim that democratic boundaries should be democratically decided turns out to be in itself a principle that supporters of PBP understand as procedure-independent. Indeed, procedural principles are often presented as claims whose validity does not need to be ratified by democratic procedure – and then, ultimately, as substantive principles according to the definition given above. Therefore, procedural approaches maintain a reference to at least a minimal substantive presupposition which is not always properly recognized by supporters of PBP, and that seems to nuance the divide between substantive and procedural solutions. This suggests that, rather than being alternatives as they are often presented in the current debate, substantive and procedural solutions can be understood as being dependent from each other, and then harmonizable within models which include both procedural and substantive dimensions. In line with this view, the next section argues that a solution to BP can be identified

once the reflection on democratic boundaries' legitimacy starts from the democratic principle's core value: self-determination. Insofar as the offered solution can be understood as both substantive and procedural at once, it moves beyond the substantive-procedural divide.

3. Self-determination and the Value of Being Involved in Boundary-Making Practices

The previous section clarifies that, while substantive and procedural solutions to BP are often understood as alternative, they can turn out to be not completely independent from each other. This is because, on the one hand, substantive solutions are underdetermined and so partially collapse on procedural approaches. On the other hand, procedural solutions seem to still rely on at least minimal substantive premises. This section aims to overcome the distinction between substantive and procedural solutions. In line with what has been argued above, I claim that such a distinction is partially fictitious, and, in support of this claim, I offer a solution to BP which can be conceived as both substantive and procedural.

To defend this perspective, I shall start by introducing the conception of democracy – to which I commit myself – as grounded on the principle of self-determination[2] (Rousseau, 2005 [1762]; Habermas, 2001; Benhabib, 2004). The principle can be reconstructed as follows:

> Individuals have an equal right to be the authors of their lives, and therefore of the conception of good and happiness in accordance with which they lead their lives (Habermas, 1998; Benhabib, 2004; Ottonelli, 2018).

2 Of course, other conceptions of democracy which find their grounds on other values exist. For instance, Niko Kolodny famously argues that what justifies democracy is not the fact that it realizes some form of self-determination, but rather that it permits to establish – or at least to approximate to – an egalitarian and non-hierarchical system of social relations (2014a; 2014b). The length of this paper does not permit to treat in detail Kolodny's nuanced objections to self-determination based conceptions of democracy and his complex alternative account. However, the self-determination based conception of democracy seems to find sufficient consent in the debate in which this paper is intended to intervene to justify its assumption in this context (Nasstrom, 2007; Abizadeh, 2012; Milstein, 2017; Biale, 2019).

This, with some limitations, holds true even if it is assumed that the specific conceptions of the good people identify with are not valid (namely, not justified). For the idea that persons have a right to be the authors of their lives seems to entail that they have a right to be wrong – namely, to lead their lives in accordance with "wrong" conceptions of the good, at least to the extent that the conceptions they endorse do not prove to be patently unreasonable. This idea, according to classical readings, grounds the claim that violations of individual autonomy require justification. And having the possibility to democratically approve such violations is considered to make them justifiable.[3]

From this premise, is derived the claim that:

Individuals must be able to contribute to the democratic approval of all the public decisions that interfere with their capacity to pursue the conception of good and happiness in accordance with which they want to lead their lives (Habermas, 2001; Benhabib, 2004; Ottonelli, 2018).

According to traditional views, the idea that democratic inclusion is required when restrictions on individual autonomy occur follows from the fact that the possibility to coauthor decisions that interfere with individuals' lives permits them to partially limit the restriction on their autonomy that these decisions entail (Rousseau, 2005 [1762]). Of course, in large contemporary democratic communities, the capacity of a single person to influence the approval of public decisions is very limited – insofar as, often, it is shared with millions of other persons – and so is the restoration of individual autonomy deriving from democratic inclusion (Wellman, 2011).

This, however, does not seem to prevent scholars belonging to this tradition from also attaching to democratic inclusion the value related to the capacity for the exercise of some form of individual self-determination. Indeed, according to discursive-theoretical approaches, such as those defended by Jurgen Habermas (2001) and Seyla Benhabib (2004), democratic inclusion permits individuals to participate in the discur-

3 Even if this claim encounters some limits. For instance, I could not be forced to marry another person against my will even if this decision were democratically approved. This would remind us of another dimension of BP: how to define the boundaries of rules that should be open to democratic approval. This dimension cannot be discussed here. However, it seems possible to claim that the criterion to determine who should approve public decisions does not need to constitute at the same time a criterion to determine what counts as a public decision – namely, a decision subject to public scrutiny. In this sense, the thesis offered applies to public decisions while assuming the identification of public decisions as grounded on the division between the private and public spheres. Problematizing this distinction would certainly be possible, but would require another paper.

sive practices through which public decisions – and the conceptions of justice that inform them – come to be subject to the scrutiny of public reason. This, on the one hand, grants that collective decisions are justifiable according to the parameters of justification publicly accepted, thus granting the capacity of the community of decision-makers to be self-determining as a whole. On the other hand, it permits to the single individuals to take an active role with respect to the approval of public decisions – even if with de facto limited possibilities to relevantly influence, as single individuals, their approval. This permits individuals to have at least some opportunity to exercise pressure for the purpose of determining that the limitations on their autonomy come in forms that are minimally justifiable to them.

Habermas does not directly apply his framework to democratic boundaries themselves. Conversely, Benhabib does so only in partial ways. Indeed, Benhabib famously argues that the identity of the demos – and then its boundaries – should undergo ongoing negotiation processes (what she calls democratic iterations) capable of including both insiders and outsiders (2004). However, Benhabib does not develop the idea in a systematic way. Indeed, she does not clearly spell out the criteria to determine how the circles of inclusion in the discussion of democratic boundaries should be composed, the normative grounds on which this inclusion would be justified, and the ways in which such inclusion should practically occur.

Benhabib's ideas are further developed by Arash Abizadeh, who interprets the procedural approach to BP as stemming from a procedural interpretation of ASP. What Abizadeh (2012) contends is that rules of inclusion define different classes of agents as insiders or outsiders with respect to specific collectives. More importantly – at least in the here and now, where democratic communities coincide with territorial communities delimited by borders – such rules are enforced through the enactment of coercive measures involving threats, to which both insiders and outsiders are subject, as well as uses of violence against those who try to cross borders without permission. In this perspective, according to Abizadeh, the autonomy of both insiders and outsiders is systematically jeopardized by the use of threats involved in the border regime which shape the international order. This incidence of the border regime on personal autonomy would require to be democratically approved for being legitimate.

The way in which Abizadeh links democratic inclusion, border control and individual autonomy is reasonable. At the same time, the interference of rules of democratic inclusion with agents' autonomy needs to be further specified. Indeed, referring to the coercive nature of border control does not seem sufficient to prove that rules of political inclusion entail a limitation on individual autonomy. For instance, strictly speaking, it is true that the existing border regime defines me as an outsider with respect to the Canadian community. Also, it is true that Canadian border control involves the threat that if I try to cross Canadian borders without permission, I will be punished. However, the incidence of this threat for my autonomy might appear trivial if I do not have any interest in crossing Canadian borders. The model I shall offer aims at linking the case for a democratic approach to BP to a more precise conceptualization of the way in which boundaries interfere with individual autonomy.

At the same time, the model moves beyond Abizadeh's proposal insofar as it highlights that the reference to the fact that the existing border regime involves threats and the use of physical force can turn out to be not just insufficient, but also unnecessary to the defense of a democratic conception of democratic boundaries. Further, the development of the argument in this section will clarify that the reference to the notion of subjection plays a marginal role in the defense of a democratic approach to BP. This will permit to conceptualize this approach as an independent model, rather than as the product of a procedural interpretation of ASP.

To this purpose, I shall argue that the self-determination principle, as defined above, seems to entail a right to decide with whom we want to politically associate – both as individuals (Dietrich, 2023) and as parts of a collective (Wellman, 2011). [4] And, by defining us as insiders or outsiders with respect to specific demoi, democratic boundaries shape the

4 In this sense, the kind of autonomy we are interested in can be understood both as pre-political – insofar as it has to do with the possibility of individuals to shape themselves as political actors within specific demoi – and as political – insofar as there seems to be a value in permitting that individuals can exercise this autonomy also when the demos is already constituted, and then enjoy the possibility to ongoingly redefine their political identity as part of a collective. From this perspective, the approach is distinguished from Erman's function-sensitive account (2022). Indeed, Erman claims that the purpose of democratic inclusion is realizing only political autonomy, which has to do with the political authorship of the rules to which persons are systematically subjected and which shape the overall aims of the political system within which their life is embedded. However, it seems reasonable to assume that political autonomy is valuable because it contributes to co-authoring public decisions that interfere with the individual's capacity to be author of their own moral world. On this basis, it is not clear why democratic inclusion would be due only for the approval of decisions to which individuals are systematically subjected. Indeed, it seems that public decisions can interfere with individual autonomy even when individuals are not subject to them and, further, even when this subjection is not systematic.

dominions of persons with whom we can politically interact as equals, and then interfere with our capacity to shape the circles of our political interactions in ways which are consistent with our life-plans and with the conception of the good we identify with.

For example, the way in which existing democratic boundaries are determined may be interpreted as following nationalist (Miller, 2009) or, as recently suggested by Goodin (2022), "proximity" criteria – according to which specific demoi are bound to specific territorial areas of the world in accordance with such a proximity principle.[5] In both cases, at least according to standard readings, existing boundaries assign special meaning to the relationship with proximate persons, and then limit to the circles of proximate persons the sets of those with which we can politically interact.

On the one hand, I might recognize myself in this paradigm on the basis of the conception of the good I identify with. For instance, I might consider being Italian a very central element of my personal identity. This might justify to my eyes the fact that my life as a democratic agent is expressed exclusively within the context of relationships with co-nationals. On the other hand, the opposite might be true: I might be a convinced Kantian who believes in a strong version of the ideal of human equality, so that I consider my interactions with all people in the world equally valuable. In this case, the possibility for me to pursue my conception of the good would presuppose the enforcement of a paradigm in which inclusion in global democratic practices is determined solely by common humanity. I might endorse many other conceptions of the good capable of affecting the ways in which I live my political identity. What matters is that whatever conception I endorse, this will have implications on the way in which I will probably want to live my life as a political actor. And, since the existing paradigm of democratic inclusion interferes with my capacity to define my life as a political actor in accordance with my self-identity, once the discursive-theoretical framework spelled out above is embraced, this seems to entail a right to be able to discuss such paradigm.

From this point, it follows that even inclusion (or exclusion) in specific democratic boundaries has to be treated as the product of a prior democratic decision. On this basis, the relevant demos entitled to define

5 To this purpose, it is worth specifying that Goodin defines the proximity principle with the aim of rejecting, rather than defending, it.

who should be enfranchised in which decisions has in turn to be democratically determined – thus generating the problem of defining who has to determine it. This suggests that any instantiation of BP generates other instantiations of it, so BP is recursive. This might appear to corroborate the aforementioned idea that BP is not solvable procedurally (Nasstrom, 2007; Ahlhaus, 2024).

Referring to the discursive-theoretical framework spelled out above, however, permits the conceptualization of BP's recursiveness as a desirable property, rather than simply as a proof of its theoretical intractability. Indeed, BP's recursiveness certainly entails that procedural approaches can solve it only by recreating other BPs at higher levels. However, this also entails that, exactly because the discussion of democratic boundaries does not admit a closure, such a discussion can be reiterated ad infinitum within an open-ended process of democratic negotiations (Benhabib, 2004; Abizadeh, 2012). At the same time, the fact that the discussion of democratic boundaries is supposed to be reproducible on infinite levels is what permits giving expression both to the claims for inclusion coming from the excluded, and to the possible resistances to these claims coming from those who are already included and might find the possible new inclusions to be discussed objectionable. In this sense, BP's recursiveness seems to permit a dialectic, so to speak, between claims for inclusion and exclusion, within which both claims are constantly rebalanced through an in principle never-ending process of negotiation.

Of course, some might still find the cost of an infinite regress too big to be justified by the fact that this regress allows the reproduction of this dialectic between inclusion and exclusion. Further, it might be argued that the same dialectic might be realized within a two levels model within which a first-order principle defines who should be part of the demos, while a second-order principle defines who should participate in the discussion of the demos' boundaries. In this case, the second-order level of discussion would permit the occurrence of the dialectic mentioned above while, at the same time, avoiding infinite regress.

The problem with two-level accounts, however, is that they underestimate the fact that the conflict between claims for inclusion and exclusion can occur on infinite levels. If we take the example mentioned above, for instance, a supporter of a cosmopolitan conception of democracy might think that the existence of the Italian demos as a separate

democratic community is illegitimate. Conversely, an Italian nationalist might support the opposite claim. At the same time, an Italian nationalist might be induced by their nationalist commitments to deny the legitimacy of the participation of non-Italian citizens in processes of re-discussion of the Italian boundaries. In turn, a cosmopolitan might oppose this latter claim on the basis of their universalist commitments. In this case, the conflict between the different views about inclusion and exclusion would occur on two levels – insofar as both how first-order democratic communities should be defined and who should participate in the second-order discussion on the boundaries of first-order demoi would be subject to a disagreement. This would entail the need to introduce a third-order level of discussion. The same argumentative line can be recursively repeated ad infinitum. This suggests that a democratic approach to democratic boundaries would be able to recognize individuals' self-determination rights in boundary-setting only if it includes the possibility that the negotiation of boundaries is reproducible on infinite levels. Therefore, our premises require the solution to BP to be infinitely regressive. For, in this perspective, the infinite regress is what enables democratic agents to exercise self-determination across all levels of boundary-setting regarding inclusion and exclusion.

Further, notice that it seems difficult to find a two-level solution capable of avoiding infinite regress without losing consistency. For example, we might imagine employing, as suggested by Abizadeh, ASP as a criterion to define who should participate in boundary-making. However, at this point we would notice that ASP in itself – which, by hypothesis, would define the boundaries of a second-order decision making unit – would come to constitute a rule of inclusion in the second-order discussion of democratic boundaries to which individuals would be subjected. This would imply that, in order to be consistent, the same principle would require that its own acceptance as a criterion of inclusion determining the boundaries of this second-order discussion is accepted on a third level of decision. In this perspective, it seems possible to conclude that the same logic relying at the basis of two level accounts would imply the requirement that any level of discussion is legitimized by a higher order decision.

So, if the above is accepted, it seems to follow what might be called a self-determination-based conception of democratic boundaries, according to which:

> For any decision D, the boundaries of D's decision-making unit should be democratically approved by all whose inclusion in the discussion is accepted within a discussion occurring on infinite levels and generating infinitely higher order decision-making units whose boundaries are, in turn, recursively open to the contestation from those whose autonomy is interfered with by the way in which these boundaries are defined.

Notice that this principle can be understood as both substantive and procedural at once. This is because, on the one hand, its validity is supposed to be procedure-independent. In this sense, the principle assumes a perspective which is external with respect to existing democratic procedures, in order to spell out the conditions to be fulfilled for democratic boundaries to be justified. On the other hand, the principle states that the extent to which the composition of democratic boundaries is to be considered justified depends on how the decision-making procedure leading to its approval is defined. In this sense, the principle makes the legitimacy of democratic boundaries dependent on procedural conditions.

As it stands, the principle might appear to maintain some important similarities with both AAP and ASP. More specifically, some might interpret the principle as a transposition of ASP – understood, in turn, as an interpretation of AAP – on a procedural level. Indeed, on the one hand, it might appear that, according to the offered criterion, what determines, for any decision D, agents' right to engage in the discussion of the boundaries of D's decision-making unit, is the fact that they are subject to the rules of inclusion defining such boundaries. On the other hand, this subjection might be understood to be relevant according to the offered perspective because such rules affect agents' capacity to self-determine their political subjectivity.

Notice, however, that, while the offered principle might be understood to include some reference to the notions of subjection and affection, the use that the principle makes of such notions turns out to be marginal and to dissolve into the infinitely regressive discussion that, as said above, the model prescribes. Indeed, from this perspective, being affected by or subjected to decisions concerning who should decide can at best be understood as the ground for individuals' right to claim inclusion in (some level of) the discussion of boundaries, but not yet their right to be

included. Indeed, as said above, the model also recognizes that inclusion in itself would stand as a decision to which individuals would be subjected and that would produce effects for both those who are excluded and those who are already included. Based on this premise, the model recognizes for the excluded the right to contest their exclusion, but also for the included the right to resist outsiders' claims for inclusion. The model aims to harmonize both rights into a system which makes rightful inclusion dependent on democratic approval within infinitely recursive negotiation processes. In this perspective, the legitimacy of rules of inclusion turns out to depend on them being eternally open to a discussion aimed at determining who should decide, rather than on them being approved by the all subjected or affected. In this sense, while AAP and ASP are often presented as the output of the reflection on democratic boundaries' legitimacy, within the offered model they can be understood just as the form in which individuals' claim for inclusion into the discussion of democratic boundaries is expressed within this infinitely recursive negotiation process that, taken as a whole, generates boundaries' legitimacy.

4. Who Gets Included?

So far, I have defended the claim that democratic boundaries must be in principle eternally open to democratic discussion for being legitimate. However, it is still necessary to specify who should be involved in such discussion according to the implications of the principle's prescriptions. To this purpose, the offered perspective recognizes that who should discuss which boundaries should be in itself subject to infinitely recursive negotiation processes. In this perspective, any individual whose autonomy boundaries interfere with is supposed to be entitled to make the claim for inclusion in the discussion of their legitimacy. While the model recognizes also the right of other individuals to resist claims for inclusion coming from those who are outsiders with respect to the boundaries considered, the recursiveness of the principle grants to the excluded the possibility to contest such resistances, and then to enter the discussion at least at some point.

On this basis, insofar as – although to different degrees – the interference of boundaries with autonomy would have regard to any individ-

ual in the world, the model requires in principle that the discussion of democratic boundaries, at least at some level of discussion, comes to be open worldwide. A point similarly suggested by other supporters of procedural approaches (Abizadeh, 2012; Nasstrom, 2011). This claim might appear counterintuitive to some. Indeed, it might be argued that, despite boundaries interfering with individual autonomy, they do so to different extents. And then, that this interference can be very relevant in some cases but trivial in others. For instance, the existence of Canadian boundaries interferes with my capacity to decide with whom I can interact on a political basis – for it entails that I cannot interact with Canadians as a political actor on some issues. But this interference might appear trivial.

In other cases, the same interference appears less trivial. For instance, existing democratic boundaries include South Tirol within Italy. However, in 2024 many members of South Tirol expressed, through an informal referendum consultation, the will to secede from Italy and unite with the rest of Tirol. In this case, then, the existing composition of boundaries which exclude South Tirol from Austria and include it in Italy seems to entail, first, a rather relevant limitation of the collective autonomy of South Tirol as a community wishing to lead its collective life in accordance with its own identity. As a consequence, in this case the definition of boundaries limits also the autonomy of the individual members composing the community, which likely share its collective identity and would probably prefer to live their lives as political actors in accordance with it.

For this reason, someone might be tempted to understand the offered ideal in scalar terms. In this perspective, it might be argued that persons should have different degrees of inclusion in different boundary-making processes depending on the extent to which the interference with their autonomy produced by different specific boundaries is relevant.[6] This would allegedly grant that democratic inclusion is due only when democratic boundaries produce relevant interferences with individual auton-

6 This would create the problem of specifying how the relevance of interferences should be measured. To this purpose, the existing BP debate would offer some options. A scalar conception of democratic inclusion based on the notion of preference-intensity, for instance, has been recently proposed by Kim Angell (2024). Even if Angell does not apply his scalar conception directly to procedural approaches, one might think that Angell's idea of scalar inclusion might be applied to procedural solutions as well. For instance, using the notion of preference-intensity to determine when the interferences with individual autonomy produced by boundaries are relevant.

omy – such as in the South Tirol case – but not when this interference is trivial – such as in the case of Canadian boundaries for my autonomy.

Despite the idea that restrictions on individual autonomy come in different degrees appearing reasonable, however, declining the ideal in scalar terms would not help avoid its universalist conclusions. Indeed, remember that the democratic approach to BP is meant to be recursive – so that its prescriptions apply to the boundaries of inclusion in decision-making processes occurring in principle on infinite levels. Further, notice that individuals may have different reasonable conceptions of autonomy – namely, different conceptions of what counts as a relevant restriction of it – and so desire to live in accordance with their own conception of autonomy. Of course, there will be cases in which the restrictions on individual autonomy will be so evidently irrelevant that subjecting their justifiability to democratic approval will not be necessary. In other cases, however, there might be reasonable disagreement on the point, depending on the different conceptions of the good persons may be committed to. For instance, a religious person might consider the restriction on their freedom to wear religious symbols in public offices more relevant than, say, an atheist. Given this point, it seems that being autonomous entails the autonomy to discuss autonomy, and then to choose from at least a range of reasonable conceptions of autonomy. Thus, the recursiveness of the principle would require that individuals are given the possibility to democratically discuss how to conjugate the scalar notion of individual autonomy in itself. Since this notion, by hypothesis, would be the ground to define the rules applying worldwide to define who can discuss which boundaries, it would follow that the discussion of such rules should be open on a global scale.

Some might want to resist this conclusion by claiming that, even if the definition of the criteria to determine the relevance of autonomy restrictions would apply worldwide, such criteria would not produce relevant restrictions on individual autonomy. However, this claim would presuppose that the criteria that need to be defined and justified are already accepted. This is because the employment of criteria deputed to determine which autonomy restrictions are relevant would be necessary to justify the claim that the adoption of the notion of autonomy that their definition presupposes does not relevantly restrict individuals' autonomy to self-determine what counts as a relevant autonomy restriction. This line of argument, therefore, would involve a circularity.

Of course, even the claim that the notion of autonomy must be recursively re-discussed entails a circularity. However, the former circularity constitutes a closed circularity. For the criteria employed to detail the notion of scalar autonomy would be self-justifying. Conversely, the second circularity would constitute an open circularity. Indeed, it would entail that the notion of autonomy which would ground the rules of inclusion in boundary-making processes should be subject to recursive processes of public justification. While the closed circularity would nurture a self-justifying process of rules of inclusion, the open circularity would permit, as said above, the ongoing reproduction of processes of re-discussion of existing exclusions within ever bigger circles.[7]

Of course, the image of a system in which democratic boundaries are subject to infinite negotiation processes whose circles of inclusion progressively expand might be considered excessively demanding if used as a regulative ideal to determine the legitimacy of democratic boundaries. To this purpose, theoretical models do not need to be perfectly feasible in order to be defensible. At the same time, it seems fair to recognize that ideal-theoretical conceptions of democratic inclusion should prove to be models that can be at least approximated, in order to prove that they can be of normative significance even in the here and now. Proving that the offered ideal can be at least approximated is the aim of the next section.

5. Operationalizing Self-Determination in Boundary-Making Practices

So, we have seen that the proposed account implies that, in principle, any individual in the world should be included in the determination

7 A further objection that might be moved is that grounding a BP account on so broad a conception of autonomy would lead to the defence of an unrealistic form of cosmopolitan democracy in which every individual in the world is included in the democratic approval of any possible decision in the world (Beckman, 2023). However, it seems possible to claim that the constitution of this global democracy would still require democratic approval. For its boundaries would still entail an interference with the autonomy of those who do not identify with the considered cosmopolitan conception of democratic inclusion. To this purpose, it has to be remembered that the model recognizes the right to be wrong – and then the right to support and potentially approve wrong (even if not patently unreasonable) conceptions of democratic boundaries. And even assuming that a global form of democratic inclusion would follow from the principle, it seems hardly the case that this would constitute the sole reasonable way to define democratic boundaries. In this sense, the justification of the duty to constitute this global democracy would not immediately follow from the principle.

of every democratic boundary in the world. Of course, the task of operationalizing the ideal entails evident and relevant challenges of feasibility. This suggests in itself that the offered model does not admit a perfect realization. At the same time, this point does not seem to deny in principle the possibility to make existing democratic boundaries more permeable to possible requests for renegotiation coming from outsiders or insiders. To this purpose, it seems that the offered ideal can be approximated by making democratic boundaries more responsive to the claims for re-negotiation produced by the spontaneous proceeding of history. Of course, the promotion of this re-negotiation will not always be perfectly pursuable. Nonetheless, there seem to be cases within which this aim can be pursued at least to some extent.

A simple example can be represented by the case of the exclusion of minors from voting rights (Cheng, 2016). As is well-known, the legitimacy of voting age limits is discussed by democratic scholars. On the one hand, some authors argue that they should be lowered or removed, because public decisions will be relevant to young persons' interests (Van Parijs, 1998; Umbers, 2018; Hinze, 2019). On the other hand, other accounts oppose this claim, by arguing that minors are not competent enough to vote (Chan and Clayton, 2006). While all these approaches offer different possible understandings of the grounds of legitimacy for specific forms of democratic inclusion, they fail to conceptualize such proposals as the possible object of an horizontal negotiation process with the social actors whose inclusion or exclusion is to be discussed.

An alternative approach is to look at the matter as a question to be discussed with minors themselves. According to Ludvig Beckman (2019), for instance, ASP justifies the claim that minors should be included in the discussion – for instance, by permitting them to access referenda deployed to address the question. Similarly, Ahlhaus (2024a) argues that permanent lottocratic assemblies should represent the claims for inclusion of persons (among them minors) who reside within specific polities but do not have access to their democratic practices.

These perspectives are valuable and offer valid alternatives to operationalize the ideal of democratic boundary-making with reference to the case of minors. Discussing in detail this dimension of operationalization – and then determining whether Beckman's solution should be preferred over Ahlhaus's one or vice versa – is not the purpose of this paper. Therefore, in this context I shall limit myself to integrating

Beckman's and Ahlhaus's proposals with the consideration that democratic inclusion does not require just representation within formal institutions, but also engagement within an informal public sphere. The inclusion of excluded minors within the informal public sphere, indeed, would permit them to participate in the discursive practices that influence the decisions of formal institutions, thus increasing their capability to influence the making of the considered public decision.

This perspective might immediately generate an objection. Indeed, it might be argued that excluded persons may not be in the best position to voice their claims for inclusion in the informal public sphere (Fumagalli, 2022). This is because, for excluded persons, access to the public life of the polity is more difficult and more costly. This point seems to be perfectly applied to the case of minors' disenfranchisement. Indeed, they being a minority within ageing societies, minors might face special difficulties in acquiring recognition and then achieving meaningful participation in the informal public sphere of the polity.

Rather than being understood as a problem of the proposed account, however, this point might be understood as an occasion to increase existing democratic communities' capacity to be inclusive towards those whose claims for political inclusion are more difficult to be heard. In this perspective, it might be argued that the capacity of existing democratic communities to voice the claims of the disenfranchised requires the employment of special measures deployed to reduce the barriers to access to the polity's informal public sphere that they may encounter.

Although detailing this perspective is not possible in this paper, a real-life example might be helpful to clarify how the proposal is meant to work. To this purpose, consider the case of the Canadian discussion concerning the possibility of lowering the voting age to 16, held in 2018 (Milne, 2022). What is interesting in the Canadian case is that 16 years olds have not only been included in the formal democratic discussion of the proposed reform, but also in the design of the reform to be subject to public deliberation. This was made possible thanks to the cooperation between Canadian politicians and youth activists of the #Vote16 movement for the design of the proposed voting age reform (Milne, 2022). In this sense, the cooperation between Canadian politicians and young activists permitted Canadian institutions to reinforce young persons' capacity to join the considered discussion by actively supporting their inclusion in it. This example instantiates a case within which the inclu-

sion of the class of persons whose possible enfranchisement was under discussion within formal and informal public deliberation practices has been actively supported by existing democratic institutions, rather than being simply allowed through recognition of formal participation rights.

The capacity of existing democratic communities to make their boundaries democratic depends to some extent on their capacity to systematically reproduce these forms of active support for the inclusion of disenfranchised persons in the informal discussions related to their possible enfranchisement. The offered discussion seems to suggest that possible solutions to operationalize the desired democratic inclusions exist, thus proving that the ideal of democratic boundary-making has at least its fair chance to be of political significance in the here and now. Before concluding, I shall now turn to consider a possible objection.

6. A Possible Objection: How to Consider Problematic Exclusions?

One obvious objection that might be moved to procedural approaches to BP pertains to the fact that, sometimes, democratic boundary-making processes might produce problematic exclusions. What would happen, for instance, if the imagined process would lead to rediscussing the democratic inclusion of women? In order to reply to this objection, notice first that, as mentioned above, the offered model is supposed to be procedural and substantive at once. And the commitment to the substantive principle that the adoption of this account requires seems to prevent the possibility of accepting the legitimacy of some possible outputs of boundary-making processes. Indeed, the ideal lying at the basis of the offered model seems to include a requirement of equal respect towards any category of person as individuals capable of self-determination. And a definition of democratic boundaries involving the systematic exclusion of women seems to violate this minimal requirement, insofar as it inherently entails a misrecognition of women as persons capable of being authors of their own moral world. From this perspective, it seems possible to identify the following requirement as a corollary of the self-determination-based principle spelled out above:

> Democratic boundaries emerging as the output of boundary-making processes are not legitimate if their composition involves a systematic and blatant misrecognition of the capacity for self-determination of specific classes of persons as related either to unmodifiable (or hardly modifiable) properties they possess or to central and intimate dimensions of their self-identity.

Starting from this point, it seems possible to claim that the discussion of democratic boundaries can be acceptable only within a range of at least minimally reasonable conceptions of democratic inclusion, where such conceptions would be considered reasonable when capable of respecting the minimal requirement above. In this perspective, the options to be discussed do not need to be perfectly justifiable in order to have the right to be considered (and potentially accepted) but should not be patently unreasonable.

To this point, one might wonder why, within the offered model, unreasonable definitions of the demos should not be considered. Indeed, it might be contested that the model involves the view that the capacity for self-determination entails also the capacity to discuss different conceptions of self-determination. From this perspective, it might be argued that the possibility to discuss the conceptions of self-determination entails also the possibility to discuss allegedly undesirable conceptions of the notion which could be used to claim that specific categories of persons – e.g. women – are not capable of self-determination. Denying this possibility in principle might appear to amount to introducing an ad hoc hypothesis just for the purpose of avoiding possible unpleasant implications of the model.

However, it is possible to prove that the above substantive proviso does not constitute an ad hoc argumentative strategy. Indeed, within the offered model, the possibility to discuss different reasonable conceptions of self-determination is grounded in itself on the principle of self-determination. And a conception of self-determination which inherently misrecognizes specific categories of persons as capable of self-determination seems to constitute a denial of the principle in itself. Therefore, its justification within the terms permitted by the model would turn out to be self-defeating. Now, applying the above requirement, gender identity could not be used as a criterion for inclusion or exclusion. Indeed, gen-

der identity – even if not necessarily unmodifiable – constitutes at least apparently a central dimension of a person's identity.

In other cases, the normative implications of the corollary spelled out above might be more subject to disagreement. For instance, which personal properties should be understood as intimate and central to individuals' self-identity? Can the condition of being under a certain age threshold be described in these terms? If so, can the disenfranchisement of minors count as a legitimate output of the boundary-making process? If the duty to include is grounded on the premise that individuals are capable of self-determination, how should we consider the exclusion of persons that allegedly do not possess this capacity – such as newborns? Would such exclusions need to be discussed for being legitimate? If so, who should discuss them?

Probably, when addressing such grey zones, the principle offered would provide just imperfect answers. In this case, the procedural dimension of the principle would intervene, this suggesting that – while some forms of exclusion are clearly unjustifiable and so should not be taken into consideration within the procedure – the boundaries between what can be discussed and what cannot will be to some extent blurred, and then in turn open to democratic contestation. However, detailing how the principle should work in these cases is left for future work. What has been argued above seems enough to conclude that the principle offered would allow democratic boundary-making processes while also granting that the outputs of the process respect at least minimal requirements of justice.

7. Conclusion

Part of the disagreement raised by BP concerns how BP in itself, as a philosophical problem, should be understood. Most scholars understand it in substantive terms. Others propose to understand the problem from a procedural standpoint. Despite substantive and procedural approaches to BP being often conceived as alternatives to each other, they can turn out to be integrative. Indeed, substantive approaches may require democratic approval for their employment to be legitimate, while procedural approaches need to presuppose at least a minimal substantive premise in order to avoid being self-defeating. In the attempt to overcome such

a distinction, this paper has offered a solution to BP, grounded on the notion of self-determination, which can be understood as substantive and procedural at once. To this purpose, I have argued that boundaries interfere with the individual capacity for self-determination. This makes necessary the constant democratic re-discussion of democratic boundaries within never-ending processes of boundary-making occurring on infinite levels.

I have argued that the model requires that both insiders and outsiders should concur in this process. Given its obvious limits of feasibility, this perspective can be understood as defining just an ideal to be approximated. And in order to approximate the offered ideal, I have argued that democratic communities should have institutional instruments capable of including in the discussion of democratic boundaries at least those whose possible enfranchisement is pursuable in the here and now. The last section clarified that the proposed model can reject possible repugnant conclusions that might follow from the endorsement of purely procedural solutions by referring to its substantive core.

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