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Proximity Principle, Adieu*

Robert E. Goodin

Assuming the right to vote is of instrumental value to those possessing it, it is hardly surprising that those who already have it resist extending it to others. Doing so would simply water down the power of their own votes, after all. Such was the history of electoral reform in nineteenth-century Britain. In the run-up to the Great Reform Act of 1832, the *Poor Man's Guardian* editorialized, "We cannot think so ill of human nature as to think that those who will … have gained their own freedom will not aid us to gain ours." But it was not to be. "Middle-class people, once given the vote, wanted to conserve institutions which they had formerly been inclined to attack."[1] Having secured voting rights for themselves, they were in no hurry to extend them to others.

Today, too, principled arguments for letting foreigners who are strongly affected by our elections have a say in them are met with something akin to slack-jawed incredulity.[2] People seem rigidly committed to keeping the franchise just as it is.[3] Pressed for a principled reason, they sometimes say that (all but only) those people who would be bound by a law should get a say in the making of it. But when shown that that principle too would imply a far more extensive franchise than at present,[4] people tend to back off that principle quick-smart. Even benighted ethno-nationalist rationales for expanding the demos meet with the same fate. In 1887, staunchly conservative A. V. Dicey (backed by James Bryce, H. G. Wells, and Andrew Carnegie) proposed a political union of white Anglo-American peoples worldwide. Dicey was dumbfounded when,[5] despite the celebrity of his recently published *Law of the Constitution*,[6] that proposal gained absolutely no traction. The bottom line seems to be this: Principles be damned; people insistently want to keep the electorate just as it is.

It is not unduly cynical to suspect that what's at work behind all those reactions is protection of existing privilege, just as it was in nineteenth-century Britain. But perhaps we can, and should, try to do better than that on behalf of those opposing our principled reasons for expanding the franchise. I think

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there *is* (or anyway once was) a respectable principled reason for a geographically delimited franchise of just the sort that presently prevails and people still seem to cherish. That is the Principle of Proximity.[7]

In the first three sections, I show why the Proximity Principle might once have appealed. But I conclude that proximity was only ever just a proxy for other things that morally matter. In earlier days, physical proximity was indeed a good proxy for those other things, and a geographically bounded franchise was morally broadly justified in consequence.[8] But nowadays physical proximity has ceased to be a particularly good proxy for those other things that morally matter, which now warrant extending the franchise beyond traditional territorial boundaries.

Like the Proximity Principle, its more apt modern rivals – the All-Affected and the All-Subjected Principles – pertain purely to the franchise. They tell us who should have a vote on matters that we should settle by a vote. What those things are, and indeed whether we should settle anything by democratic voting and if so with what structure, must be determined by altogether separate normative principles. Those are the subject of the fourth section.

THE STATUS QUO: GEOGRAPHICALLY DELIMITED ELECTORATES

When political theorists talk about who should properly be allowed to vote in a state's elections, they tellingly refer to that as "the boundary problem."[9] Boundaries are, first and foremost, lines on the map (and all too often fortifications on the ground). They demarcate, first and foremost, territory. They are, first and foremost, geographical concepts. To equate the issue of who should have a right to vote with the issue of where the geographical boundaries should be drawn is to suggest that, first and foremost (if not perhaps exclusively), locational considerations should determine who is included in and who is excluded from the self-governing demos.

Of course, not everyone inside a state's borders is necessarily entitled to vote. Children are not, for one reason; foreigners just passing through are not, for another; aliens who are permanent residents are typically not, for yet another. And, of course, some people outside the state's borders are entitled to vote in that state's elections (initially just the state's soldiers stationed abroad but subsequently extended to pretty much all citizens living abroad).[10] So there is no one-for-one matching of place of residence and right to vote.

Still, those are exceptions that prove the rule. Electorates are, for much the greatest part, geographically determined. Just as the state is defined territorially so too is the demos.[11] From a democratic perspective, the latter might seem to follow straightforwardly from the former. Democratic self-government requires that we have a say in how we are governed, and if the state that governs us is geographically delimited, then who has a democratic say in that government should be likewise. While that logic may have held good in previous times, it does no longer, I shall argue.

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THE RATIONALE: THE PROXIMITY PRINCIPLE

By and large, the people around us are typically like us in various ways that may matter to us. We speak of "our nearest and dearest," as if the simple fact of "being near" makes them "dear" to us.[12] If that were all there was to the matter, the Proximity Principle would reduce without remainder to the Affinity Principle[13] – the reason we should make decisions by voting together with people near to us is that we like being together. Of course, that is not always true (recall that other old adage "good fences make good neighbors"). But maybe it's true often enough to explain away much of the Proximity Principle's apparent appeal.

But there is something else lying behind the Proximity Principle that is of much greater moral importance.[14] Living nearby to one another tends to have four salient consequences. Proximity is likely to increase:

- the *frequency* of your interactions;
- the *range* of your interactions;
- the *depth* of your interactions; and
- the *certainty* of your interacting.

Of course, once again there is no strict necessity in any of that. You might be relatively certain of having frequent, but not remotely deep, interactions with some near neighbors on a wide range of matters. (Relations with the people living next door are often like that.) You might be relatively certain of having only occasional but deep interactions on a narrow range of matters with other near neighbors (your family's mortician, for example). And there may be others who live nearby with whom your interactions have literally none of these features. Conversely, it's perfectly possible for you to be pretty certain of having frequent and deep interactions with distant others on a wide range of matters (your grown children living abroad, for example). So it is just contingently the case that these things are often (but not invariably) associated with, and indeed arise from, living in close proximity to one another. Still, the generalization may be true enough in a wide range of cases.

Each of those features is of consequentialist concern. Each taken separately (still more all of them taken together) is likely to make interactions with those living nearby generally more important to you in purely consequential terms.[15] Again, it's perfectly possible for a one-off, unlikely interaction on some narrow matter (with your oncologist, for example) to be much more important to you, both objectively and subjectively, than other interactions that are more frequent, certain, and wide-ranging. So, again, there is no strict necessity in it. Still, it's a relatively safe generalization that interactions displaying these features – which interactions with those living nearby ordinarily do – are ordinarily more important to us, for purely consequentialist reasons.

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The "Mutual Interest in What One Another Does" Rationale

That, in turn, constitutes a prima facie case for us making decisions shaping the nature and content of those interactions jointly, in one way or another. That need not necessarily be through explicitly joint decision processes, still less by taking a vote. Nevertheless, if it matters a fair bit to me what you do, and it matters a fair bit to you what I do, then there is likely to be some considerable scope for each of us to improve the outcome from our own perspective by making our decisions at least partially in light of one another's preferences. It may be no more than a matter of realizing mutual benefits through simple coordination. Or it may be a matter of gains from trade where our preferences are more divergent.

The point is simply that where it matters to us what others do (as it typically does where people in close proximity are concerned), we are likely to want to make something more like a joint decision as to what each of us will do, in light of the preferences of each for what the others do. One way of accomplishing that is by sharing with one another decisional power (voting rights being one particularly salient form) over enforceable rules that shape the actions of all of us.[16]

That is the first broadly consequentialist argument for thinking that those in close proximity to one another should form a single decision-making body (at least for certain purposes) in which each has a say.[17]

The "Efficiency" Rationale

The second argument for that proposition builds on the efficiencies of having some regularized procedures for making decisions that are binding on a set of people who are relatively certain to be recurringly involved in relatively frequent, deep, and wide-ranging interactions with one another. The argument here is akin to Coase's theory of the firm and Simon's theory of the employment relationship.[18] The root idea in both cases is that instead of buying inputs into our production process (including workers) on a spot market, it can sometimes be more efficient to internalize the production of those inputs within our own firm. That provides a rational for "hiring rather than buying" in the case of Coase's firm, and for entering into a long-term employment contract with workers (rather than hiring day laborers at the employment exchange) in the case of Simon's employment relationship.

An analogous argument might apply to establishing relations of political authority among people who live in close proximity to one another and, because of that, are relatively certain to have frequent, deep, and wide-ranging interactions with one another. Such people could, of course, enter into bilateral negotiations with each of their neighbors on each occasion disputes or opportunities for mutually beneficial cooperative action arise. But if such occasions recur frequently, it is far more efficient to develop some standing rules that will be applied relatively automatically on each occasion as appropriate.[19]

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The same efficiency argument also tells in favor of applying such rules to all those among whom such situations are likely to recur.

This is not yet an argument about whom to give a vote to. So far, it is merely an argument concerning the scope of political authority. It says merely that, purely for reasons of efficiency, people who live proximately to one another should be governed by the same political authority, insofar as their living proximately to one another gives rise to relatively certain, frequent, deep, and wide-ranging interactions recurring among them that it would be mutually advantageous for them to regulate through some system of rules that is common to all of them.[20]

But suppose we also think, for some other sorts of reasons,[21] that people should have a democratic say in the making of the rules governing them. Then that, combined with this argument about the scope of political authority, gives rise to the proposition that everyone governed by that authority should have a right to a vote on what laws are enacted by that authority. And insofar as the earlier argument justified extending the scope of that authority to people who live in relatively close proximity to one another, this argument provides justification for also giving a vote to people who live in relatively close proximity to one another.[22] That is the second broadly consequentialist argument for the Principle of Proximity.

What the Two Rationales Have in Common

Different though these rationales are in other respects, in both cases their justification for giving a right to vote to people who live geographically near to one another hinges on the contingent truth of an empirical proposition about the likely consequences of living in close proximity. Both rationales crucially assume that the interactions among people living in close proximity are empirically likely to be different (more frequent, more wide-ranging, deeper, more certain) than with others living at greater distances.

Where that empirical proposition holds true, those would indeed be good arguments for making decisions together with those living in close proximity to you. But everything depends crucially on whether, and to what extent, that empirical presupposition holds true. Once perhaps it did, but it largely does no longer.

THE WANING SIGNIFICANCE OF PROXIMITY

Imagine a world of closed communities hemmed in by imposing natural barriers that prevent individuals from interacting closely with anyone living more than 1,000 miles away. But suppose that they interact intensively with everyone within that distance. Suppose, too, that (either in consequence of that same natural necessity or as a matter of deliberate policy) the political authorities govern those communities in such a way that nothing they do affects or is

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affected by anyone else outside their territory. Think, perhaps, of Japan in the period just before Commodore Perry's arrival.[23]

In cases like that, the Principle of Proximity, the All-Affected Principle, and the All-Subjected Principle would all point in the same direction. As per the Principle of Proximity, people would interact in the requisite way only with people relatively near to them on the islands of the Japanese homeland. As per the All-Affected Principle, what happens in Japan affects only people in Japan. As per the All-Subjected Principle, the laws of Japan are applied only to people in Japan. So all three principles dictate that, insofar as Japan aspires to be a democracy (which, of course, it did not in that period), everyone in Japan should be entitled to vote in Japanese elections. But none of those principles would say that anyone outside of Japan should be so entitled.[24]

Globalization and Action at a Distance

Just how empirically realistic is that scenario, however? One might easily imagine it to have been true in some mythic past. One might – until one reflects upon all the great empires of antiquity. One might imagine that things were more like that in the Middle Ages.[25] But even then, there were clear exceptions. It's not just the Carolingian Empire and the Hanseatic League. Even the Vikings ranged from Greenland well into Asia Minor, not just as marauders but also as settlers governing their extended community according to shared ancestral traditions and norms.[26] In short, we are all too often tempted to think that "everything changed with globalization," and that that happened only within living memory. But globalization of a recognizably contemporary sort can clearly be found much earlier – certainly in the nineteenth century, if not before.[27]

In any case, globalization is now firmly upon us. In myriad ways, we have increasingly great capacity, increasingly utilized, to impact the lives of others far away.[28] Interdependence is the order of the day.[29] Action at a distance, which Einstein in another context dubbed "spooky," is now a fact of daily life.

The action at a distance that has come to characterize today's globalization may well be driven largely by socioeconomic actors. But states, even when they are not the prime movers, are often essential facilitators; and insofar as they are, what one state does affects a great many people outside its borders. Whenever that is the case, the All-Affected Principle would dictate that all those worldwide who are significantly affected by a state's policy should have a say in the making of that policy. Add to this all those who are directly affected by a state's policy in waging war, dumping agricultural surpluses, and so on. That is why scholars rightly suspect that, given the realities of the globalized world, the All-Affected Principle, systematically applied, would have seriously expansionary effects on the franchise, at least in all the major countries of the world.[30]

The increased capacity for action at a distance, both on the part of would-be perpetrators of offenses against a state and on the part of the state in resisting

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them, has also given rise to an increasing tendency for states to write their laws in such a way that they apply to people who are neither that state's citizens nor in that state's territory.[31] Details vary from state to state, of course. But most states claim at least some rights to criminalize, within their own legal code, actions of distant foreigners that would undermine the state's security. For a quaint example, states have conventionally claimed a right to prosecute anyone found counterfeiting their currency or their seal, wherever that counterfeiting occurs.[32] For a contemporary example, states often now claim a right to prosecute the planning, assisting, or carrying out of acts of terrorism by anyone anywhere in the world – generalizing the long-standing right that states claimed to prosecute people of whatever nationality engaging in piracy anywhere in the world.[33] Given those facts about state practice – the jurisdictional claims that they make, the range of people they purport to bind by their laws – a great many foreigners abroad should, under the All-Subjected Principle as well, have a right to vote in the making of such a state's laws (at least on *those* laws).

Implications for the Proximity Principle

What gives both the All-Affected and the All-Subjected Principles those expansionary implications for the franchise are new capacities for (and realities of) action at a distance. It simply is no longer necessarily the case, if ever it was, that we are only strongly affected by the actions of people geographically proximate to us. It is no longer necessarily the case, if ever it was, that we are subject exclusively to the laws of the state with authority over the physical space that we inhabit.

Those new realities mean that the empirical assumptions upon which the Proximity Principle rests can no longer be taken for granted. It is simply not necessarily true that we are most certain of being most frequently impacted in the deepest and most wide-ranging way by our interactions with those who are physically proximate to us.

Proximity was only ever a mere placeholder for those other features that are (or, rather, used to be) strongly but only contingently associated with it. Those features, and what follows from them, are what really matter morally. Physical proximity, as such, does not. Insofar as proximity has now become disassociated from those other features, and is no longer a good proxy for them, we no longer have any good reason to confine our political jurisdictions or our democratic electorates to people who live physically proximately to one another.

Abandoning proximity as a poor proxy, we are forced back to judging those matters in terms of the features that really matter – the frequency, depth, range, and certainty of interactions among people. If we systematically have interactions with distant others of requisite frequency, depth, range, and certainty (and if we think our collective affairs should be run in a democratic way at all), then we ought to extend a right to vote in our elections to those distant

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others for precisely the same reasons the Principle of Proximity used to tell us to extend such a right to our near neighbors.[34]

It is an empirical question to what extent distant others really are affected in these relevant respects by the laws enacted by any given state. Distant others will, of course, be more affected in these respects by some laws more than others. The same is, however, true of citizens in any existing state. They are more strongly affected by some laws than others, but we nonetheless think they should have a right to a vote, the *same one* vote, on all of their state's laws. Below I shall argue that we may want to apply the same principle within expanded jurisdictional authorities of the sort I propose.

Or, again, it may turn out that distant others are not affected in the relevant ways by a *large enough proportion* of a state's laws to justify giving them a right to vote on all the laws enacted by that state.[35] Even so, there may well be a case for giving the distant others a vote on specific sorts of laws that do systematically affect them in the relevant respects. Federal systems with devolved authority over some matters do that all the time. There may well be a good case for constructing any expanded jurisdictional authority on the same model, as I shall also argue below.

OTHER NORMATIVE PRINCIPLES AND THEIR NATURAL EXTENSIONS

The Proximity, All-Affected, and All-Subjected Principles all fundamentally serve to answer the same question: "*Who* should be governed together with one another, under a common body of laws?" *How* they are to be governed is a separate matter. That must typically be settled by *other* normative principles.[36]

When extending jurisdictional authority beyond tightly confined geographical spaces, as I have argued we must, we should presumably use the same normative principles for determining how that expanded polity is to be governed as we have traditionally used for governing the existing polity. There are three such principles of interest here. One is the principle that that authority should be exercised in a democratic manner. Another is the principle of "limited government," according to which there should be a private realm into which public decisions should not intrude. Third is the principle of decentralization, according to which decisions that can most effectively and efficiently be made and implemented locally should be made locally, and higher levels of government should do only what lower levels of government cannot (or perhaps will not).

Democratic Decision Making

Presumably the expanded polity should be democratic in just the same way and for just the same reasons that the current polity is or should be. Different political theorists specify those differently. Here there is no need to

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enter into those disputes. Choose whichever democratic theory you prefer. All I need to insist upon, for present purposes, is that you should apply those same democratic principles to the rules of governance for new, extended jurisdictional authority as apply to the current, more restricted jurisdictional authority.

If you opt for the All-Affected Principle or the All-Subjected Principle, those might give you an *extra* reason for deciding things democratically.[37] But it is an extra reason, over and above those reasons that we already have for making decisions democratically in polities presently organized around the Principle of Proximity. They may not be entirely superfluous, but neither are they remotely essential.

Under either of those two principles, it might seem natural to suppose that votes ought be apportioned according to the extent to which people are affected by or subject to the law that is being enacted.[38] If so, then insofar as people vary in either respect, their voting power ought to be proportional to their varying stakes in the issue.[39] Many contributors to this volume seem tempted by that thought.[40]

There are fancy ways in which that might be implemented. Various schemes for "point voting" have been devised.[41] The version most consonant with democratic equality would assign each person an identical number of points per year, which the person concerned can use to "weight" their vote on any given proposition.[42]

That is not what is done in any currently existing democracy. The rule is not "one interest one vote" but, rather, "one person one vote."[43] Here is a way to rationalize that practice, notwithstanding the obvious fact that people's interests vary across different issue areas.

In representative democracy, people vote on who is to represent them on a range of matters. Some people will have greater stakes in some of those matters, others in others. But everyone will, hopefully, have broadly the same stakes as everyone else across the full range of matters that will come before the representatives whom they elect. Insofar as that is the case, giving "one person one vote" for their representative would be vindicated.

That is essentially a "consolidation" strategy. It works because the representatives will be deciding a wide range of matters, some more important to some of their constituents and others more important to others in ways that roughly balance out. Were it a special-purpose jurisdiction (a school board or a water board, for example), that consolidation trick might well not work. There, perhaps, we really would have to figure out some way to apportion or weight votes proportionally to people's differing interests in the specific matters handled by that body. That is in some sense a violation of democratic equality (of "one person one vote" anyway).[44] And it is one that may well not be readily resolved by consolidating across merely a few such special-purpose jurisdictions, since some voters may have more at stake in the matters handled by *all* of those special-purpose bodies.

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Hence we might be tempted to assign points in proportion to stakes. Before doing so, however, we had better find some good way of independently assessing how great people's stakes really are. Just asking people to say how great their stakes are would simply invite strategic misrepresentation, designed to get more points with which to (over)weight their votes.

From those reflections follows a clear design desideratum for the new extended polity that I am recommending. To avoid the latter difficulties, it would be better just to give every person one vote and leave it at that. But from the former observation, we know that we can justify doing that only if the new expanded polity has control over a *wide range of matters* across which people's stakes are likely to vary in a suitably counterbalancing way.

Limited Government

Whatever principle we adopt for democratically deciding those things that are to be decided by a vote, there are some things that should not be decided by a vote. Democratic authority is limited authority. Democratic majorities may be sovereign in the public sphere, but there is a private sphere upon which they may not properly intrude.

There are various ways of delimiting and defending that private sphere. Notions of individual rights and autonomy, privacy, and dignity typically come into play there. And some would extend those protections to (at least certain sorts of) associations as well as to natural individuals. Here I need take no stand on any of those issues.[45]

All that matters for present purposes is this. Insofar as we have good reasons for thinking that political authority should be limited in current polities, then those same limitations should continue to apply as we expand political authorities in light of the new realities of globalization and action at a distance.

Decentralization

A final normative desideratum, reflected in current practice virtually everywhere and commended by political theories of many stripes, is that government should be decentralized. That is to say, there should be various tiers of government, some more localized and others less so, standing in some ordered relation with one another; and matters that can efficiently and effectively be handled at the local level should be handled there, with higher-level jurisdictions being responsible only for matters that transcend local boundaries or cannot (or will not) be efficiently and effectively dealt with there.

This is, of course, just the principle of "subsidiarity" familiar from the writings of Althusius and the practice of the European Union.[46] But that makes the principle sound far more arcane than it actually is. Decentralization is the rule

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pretty much everywhere. Even in notionally unitary states, there is typically a tier of local government that enjoys considerable latitude in deciding matters pertaining to that locale alone.[47]

That is just to say that, over many matters, the Proximity Principle is still roughly right. In many respects, people are still frequently, certainly, and wide-rangingly affected by the activities of people physically proximate to them. Decisions governing those activities should still be made by that smaller, geographically delimited set of people in consequence.[48] With globalization and increasing action at a distance, however, people are in other respects frequently, certainly, and wide-rangingly affected by the activities of people at considerable physical distance from themselves. Decisions governing those activities should be made by the more widespread set of people involved.

We have already acknowledged that the Proximity Principle needs to be relaxed in some such way when consolidating and unifying smaller political units into much more extensive polities, sometimes straddling whole continents. As we created larger and larger political units, however, the smaller and more local units not only remain but also retain some considerable authority to manage their own affairs. We should follow the same practice as we move to expand jurisdictional authority yet further.

The Shape of an Extended Jurisdictional Authority

What would the new expanded polity look like, if designed to respect those same three normative requirements that we think rightly apply to current polities?

First, it will be a limited government. There will be some things that no government, at any level, will be permitted to do. Second, it will be decentralized government with a nested hierarchy of jurisdictional authorities. Higher levels will have authority over only those matters that cannot or will not be attended to effectively and efficiently by lower levels of government. Third, decisions all the way up and down that hierarchy of governments will be made democratically, with everyone within each jurisdictional authority having a right to vote on the decisions of that authority.

Hence, when we are expanding the jurisdictional authority and the democratic demos associated with it for some purposes, we would not be expanding it for all purposes. Matters that are genuinely of purely local concern will still be voted upon purely by members of that more local demos.

The only things that everyone in the extended demos would be voting on are matters that are, indeed, of concern to them all. My proposal for a new expanded polity merely prevents states from doing things that affect others outside their borders, or from subjecting them to their laws, without giving those outsiders a proper say in the making of those laws and policies.[49]

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My preferred strategy for doing that, as I have said, is to create a higher tier of limited authority in which everyone extraterritorially affected or subjected has a vote. Assuming that there are sufficiently many and diverse matters with extraterritorial impact of that sort, everyone can just be given a single vote for representatives elected to make laws at that level, precisely as in current representative democracies.[50]

CONCLUSION

To recapitulate, I think the Proximity Principle constitutes the best principled defense that can be given to justify today's geographically delimited franchise. But proximity was only ever a proxy for what is truly of principled concern, and while it may once have been a good proxy, it is no longer. With globalization and the concomitant increase in the capacity for and reality of action at a distance, the same factors that used to tell so strongly in favor of people voting together with those living nearby now tell equally strongly in favor of extending the same rights to distant others who are now similarly affected by and subject to the laws being enacted. As we extend the polity beyond its traditional geographically delimited forms – extending the right to vote as we do, assuming these new polities, like the old, should operate democratically – we can nonetheless retain traditional constraints of limited and multilevel government.

NOTES

* This chapter benefited from discussions with Arash Abizadeh, Jeremy Waldron, and participants at the workshops that generated this book.

1 Michael Brock, *The Great Reform Act* (London: Hutchinson University Library, 1973), p. 319.

2 Robert A. Dahl, *After the Revolution? Authority in a Good Society* (New Haven, CT: Yale University Press, 1970), pp. 64, 68. Cf. Robert E. Goodin, "Enfranchising All Affected Interests, and Its Alternatives," *Philosophy and Public Affairs* 35, no. 1 (2007): 40–68.

3 Others simply deny there are any principled grounds for determining the demos. But then "however impeccable democratic decision-making may be within a given community, the outcomes are … determined by the previous and inescapably undemocratic decisions that defined the community in the first place," as Frederick G. Whelan says in "Democratic Theory and the Boundary Problem," in *Nomos XXV: Liberal Democracy*, ed. J. R. Pennock and J. W. Chapman (New York: New York University Press, 1983), p. 41. The same is true in trumps of Anna Stilz's (see Stilz, this volume) self-determining peoples, insofar as the constitution of the people is (as she claims) endogenous to political institutions rather that prepolitically given.

4 Robert E. Goodin, "Enfranchising All Subjected, Worldwide," *International Theory* 8, no. 3 (2016): 365–89.

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5 See A. V. Dicey, "England and America," *Atlantic Monthly* 82 (1898): 441–5. Quoted in Duncan Bell, "Beyond the Sovereign State: Isopolitan Citizenship, Race and Anglo-American Union," *Political Studies* 62, no. 2 (2014): 418–34, at 428.

6 A. V. Dicey, *The Law of the Constitution*, 8th ed. (London: Macmillan, 1915; originally published 1885).

7 Jeremy Waldron, "The Principle of Proximity," *NYU School of Law, Public Law & Legal Theory Research Paper Series*, Working Paper No. 11-08, 2011; available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1742413. Cf. Waldron, "Kant's Legal Positivism," *Harvard Law Review* 109, no. 7 (1996): 1535–66, at 1555–6; Waldron, "Who Is My Neighbor? Humanity and Proximity," *Monist* 86, no. 3 (2003): 333–54, at 349. Waldron is building on a snippet from Immanuel Kant, *The Metaphysical Elements of Justice*, trans. John Ladd (Indianapolis, IN: Bobbs-Merrill, 1965; originally published in 1797), §42, 71.

8 I understand "proximity" as "being near or close by in space," which the *Oxford English Dictionary* says is "now the dominant sense." Cf. the distinctive sense of "*promimité*" in recent French politics, discussed in note 49. In Anglo-Australian tort jurisprudence, proximity is defined as the effects of one's acts (or omissions) being sufficiently direct upon someone else that you could and should reasonably have foreseen them, and you should be deemed negligent for not doing so. See William Dean, *Jaensch v. Coffey, 155 CLR 549* (1984); Desmond Manderson, *Proximity, Levinas and the Soul of Law* (Montreal: McGill-Queen's University Press, 2006); Linton A. Lewis, *The Theory of Proximity in International Law* (London: Gray's Inn, 2016). In the absence of an independent test of "directness," however, this analysis risks circularity: if we define "proximity" in terms of owing something (a duty of care, or a vote) to someone, then it would be circular to use the fact of proximity thus defined as an argument for why we owe such a duty. Adam Kramer, "Proximity as Principles: Directness, Community Norms and the Tort of Negligence," *Tort Law Review* 11 (2003): 70–103, at 75.

9 Whelan, "Democratic Theory and the Boundary Problem"; David Miller, "Democracy's Domain," *Philosophy and Public Affairs* 37, no. 3 (2009): 201–28.

10 In the UK, by the Representation of the People Act 1918 and the Representation of the People Act 1948 respectively.

11 According to the Montevideo Convention (1934, Article 1) a state must have "a) a permanent population; b) a defined territory; c) government; and d) capacity to enter into relations with the other states." Historically, of course, the territorial state was not the only model on offer, and there was no inevitably that it would eventually prevail; see Hedrick Spruyt, *The Sovereign State and Its Competitors* (Princeton, NJ: Princeton University Press, 1994).

12 Cf. Frank Jackson, "Decision-Theoretic Consequentialism and the Nearest and Dearest Objection," *Ethics* 10, no. 3 (1991): 461–82.

13 Waldron, "The Principle of Proximity."

14 How much moral importance ought we to attach to people's preferences over whom should have a say? The fact that the landed gentry preferred that their agricultural laborers not have a vote surely should carry no moral weight at all in determining who should have a say in affairs affecting both groups. Cf. Robert Nozick's "Utopia," in *Anarchy, State, and Utopia* (New York: Basic Books, 1974), Chapter 10 and Anna Stilz (this volume).

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15 Some would say that they make the relations morally more important in other nonconsequentialist ways as well, giving rise for example to associative duties. Cf. Robert E. Goodin, "What Is So Special about Our Fellow Countrymen?" *Ethics* 98, no. 4 (1988): 663–86. Even those who think that that is true too have no reason to deny that there are also these consequentialist considerations at work here. See Samuel Scheffler, "Membership and Political Obligation," *Journal of Political Philosophy* 26 (2018): 3–23.

16 Markets are another way of accomplishing that without any formally joint decision making – although, of course, a fair bit of the latter is required to structure markets in the first place and to correct their subsequent failures.

17 Note that this is an argument *for* giving a say to those who have strong and recurring interactions with one another of the sort here in view. It does not necessarily give any reason *against* giving a say to people who do not – particularly if doing so would make no material difference to the outcome. On the latter point see Goodin, "Enfranchising All Affected Interests," pp. 58–9.

18 Ronald Coase, "The Nature of the Firm," *Economica* 4 (1937): 386–405; Herbert A. Simon, "A Formal Theory of the Employment Relationship," *Econometrica* 19 (1951): 293–305; Oliver Williamson. *The Economic Institutions of Capitalism: Firms, Markets and Relational Contracting* (New York: Free Press, 1985).

19 John Rawls, "Two Concepts of Rules," *Philosophical Review* 64 (1955): 3–32.

20 And since those local systems of rules will inevitably vary from one another, that gives rise to many of the place-specific rights and duties that Paulina Ochoa Espejo observes in "Taking Place Seriously: Territorial Presence and the Rights of Immigrants," *Journal of Political Philosophy* 24, no. 1 (2016): 67–87.

21 Or maybe the same reasons, since tallying votes is a good way of tapping preferences, whose maximally efficient satisfaction is (on this account) the point of setting up a proximity-based system of governance in the first place.

22 Once again, while this argument provides a reason for people who live proximately to one another having a vote in that place, it provides no argument *against* distant others having a vote there as well. This argument does not itself provide a positive reason for giving distant others a vote, but neither does it provide any negative reason *against* doing so.

23 Although even that is not a perfect case, since, of course, by cutting themselves off from others Japan probably affects those others.

24 Again, while none of them dictate that they *should* be, it's an open question whether any of them say they should *not* be.

25 Russell Hardin discusses what sorts of social norms would emerge, and why, in a place like eleventh-century St. Germaine, in that period "a rural parish distant enough from the center of Paris that many of its inhabitants may never have seen Paris. Virtually everything [someone living there] consumed was produced by about 80 people, all of whom he knew well. Indeed, most of what [he] consumed was produced by his own family. Perhaps no one other than these 80 people touched anything he consumed." Hardin, "The Priority of Social Order," *Rationality and Society* 25, no. 4 (2013): 407–21, at 411. See also Hardin, "From Bodo Ethics to Distributive Justice," *Ethical Theory and Moral Practice* 2 (1999): 399–413.

26 See the British Museum's 2014 exhibition "The Viking World"; available at www.britishmuseum.org/whats_on/exhibitions/vikings/vikings_live/the_viking_world.aspx.

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27 For example, "with the laying of the trans-Atlantic telegraph line in 1866, communications between the major international financial centres became instantaneous. As a result of these linkages, the reliance on overseas investment of European countries and of the newly independent nations of Latin America was greater in 1914 than that of developing countries today." John Quiggin, "Globalization and Economic Sovereignty," *Journal of Political Philosophy* 9, no. 1 (2001): 56–80, at 58.

28 "Whether it is economic, political or cultural relations we have in mind … it cannot seriously be questioned that people belonging to different states frequently have more intense contact than citizens of the same state" as Hans Kelsen wrote at the end of the Second World War; see his *General Theory of Law and State* (Cambridge, MA: Harvard University Press, 1945), p. 183.

29 Robert O. Keohane and Joseph S. Nye, Jr., *Power and Interdependence* (Boston: Little, Brown and Company, 1977); Keohane and Nye, "Power and Interdependence Revisited," *International Organization* 41 (1987): 725–53.

30 Goodin, "Enfranchising All Affected Interests."

31 Insofar as the All-Subjected Principle is supposed to be different from the All-Affected Principle, a person is subject to the law of a state purely insofar as that law purports to bind him – insofar as he could in principle (however unlikely it may be in practice) be prosecuted in that state's courts for violation of that law. Goodin, "Enfranchising All Subjected Worldwide"; Robert E. Goodin and Gustaf Arrhenius, "Enfranchising All Subjected: A Reconstruction and Problematization," *Politics, Philosophy and Economics*, in press.

32 William Blackstone, *Commentaries on the Laws of England* (Oxford: Clarendon Press, 1765), Book 4, Chapter 6, pp. 83–4.

33 See, for example, the USA Patriot Act, 18 US Code §2339(B)(d)(2). Blackstone, *Commentaries*, Book 4, Chapter 5, pp. 71–3. See further: Sarah Song, "The Boundary Problem in Democratic Theory: Why the Demos Should Be Bounded by the State," *International Theory* 4, no. 1 (2012): 39–68; Goodin, "Enfranchising All Subjected Worldwide."

34 What counts as meeting each of those criteria to a "requisite" degree is a matter for judgment: that requires further discussion; there is almost certainly no "bright line" in any of those matters. How those four dimensions interact, and to what extent shortfalls in one dimension can be compensated by overachievement in others, is another matter requiring further discussion.

35 For problems with that proposal, however, see Goodin and Arrhenius, "Enfranchising All Subjected."

36 There is a tendency across some the other chapters of this book to treat the All-Affected Principle as if it were attempting to answer several or indeed all of these other questions, rather than being confined to this one. But that, in my view, is making the poor little principle bear far more weight than can reasonably be expected (cf. Stilz, Valentini, this volume).

37 Anyway, those principles argue for giving people who are affected by or subject to the laws a "say" in the making of those laws. Whether they can be given a "say" in ways that would not qualify as fully "democratic" just depends on how you interpret each of those terms (cf. Gray, Stilz, Macdonald, Lane, Rubenstein, this volume).

38 Cf. Goodin and Arrhenius, "Enfranchising All Subjected."

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39 Harry Brighouse and Marc Fleurbaey, "Democracy and Proportionality," *Journal of Political Philosophy* 18, no. 2 (2010): 137–55.
40 Including Warren, Gray, and Christiano (this volume).
41 Dennis C. Mueller, *Public Choice III* (New York: Cambridge University Press, 2003), pp. 169–74; Aanund Hylland and Richard Zeckhauser, "A Mechanism for Selecting Public Goods When Preferences Must Be Elicited," *KSG Discussion Paper 70D*, Harvard University, August 1979; available at http://home.uchicago.edu/~weyl/hyllandzeckhauser.pdf.
42 A more radical version would give people with more interests more votes altogether. Welfare economists may see advantages in that. See, for example, Mueller, *Public Choice III*, p. 174. Democratic theorists would not. See Robert E. Goodin and Ana Tanasoca, "Double Voting," *Australasian Journal of Philosophy* 92, no. 4 (2014): 743–58.
43 Historically, under British electoral law persisting into the early twentieth century, someone who owned estates in two different constituencies could cast votes for the member of Parliament for each constituency – giving them in effect two votes in deciding what party would form the national government. Over 6 percent of people on the UK electoral register in 1911, for example, were plural voters of that sort. Neal Blewett, "The Franchise in the United Kingdom 1885–1918," *Past & Present* no. 32 (1965): 27–56, at 31, 44–8.
44 Albeit in favor of what Warren (this volume) terms "democratic equity."
45 Beyond noting that there *are* all these principled reasons for excluding some matters from being decided by voting, even if others are affected by those decisions. Stilz (this volume) sees such exclusions as "ad hoc," thinking only in terms of the All-Affected Principle. But they are the very opposite, once we see that principle as being supplemented by these other normative principles.
46 Johannes Althusius, *Politics [Politica Methodice Digesta]*, trans. Frederick S. Carney (Boston: Beacon Press, 1964; originally published in 1603); Andreas Føllesdal, "Subsidiarity," *Journal of Political Philosophy* 6, no. 2 (1998): 190–218; Kees van Kersbergen and Bertjan Verbeek, "Subsidiarity as a Principle of Governance in the European Union," *Comparative European Politics* 2, no. 2 (2004): 142–62.
47 Robert E. Goodin, "World Government Is Here!" in *Varieties of Sovereignty and Citizenship*, ed. Sigal R. Ben-Porath and Rogers M. Smith (Philadelphia: University of Pennsylvania Press, 2013), pp. 149–65, 293–300, at pp. 155ff.
48 There is also, of course, a good argument for politicians to get "closer" to the people, listening to their concerns, rather than remaining aloof from them. In part that is a matter of political style; in part it is an argument for devolution of decisions to lower levels of government where possible. Both figured in the rallying cry of "*promimité*" in recent French political debates. Pierre Rosanvallon, *Democratic Legitimacy: Impartiality, Reflexivity, Proximity*, trans. Arthur Goldhammer (Princeton, NJ: Princeton University Press, 2011; originally published 2008), p. 169 and pt. IV passim; Bernard Pudal, "La 'Proximité' avec 'la France d'en bas'," *Bulletin des Bibliotéques de France* 49, no. 2 (2004): 5–7; available at http://bbf.enssib.fr/consulter/bbf-2004-02-0005-001; Rémi Lefebvre, "Rhétorique de la proximité et 'crise de la représentation'," *Cashiers Lillois d'Économie et de Sociologie* 35–6 (2000): 111–32.
49 Climate change being a paradigm case; see Lane (this volume).

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50 Various other second-best alternatives might be contemplated, should such arrangements prove infeasible. Goodin, "Enfranchising All Affected Interests," pp. 65–7; Goodin, "Enfranchising All Subjected Worldwide," pp. 385–6. But I assume that most of those alternatives would probably prove even more unpalatable to those who find themselves aghast at my primary proposal.

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