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**A Proposed Solution
to the Democratic Boundary
Problem: The Relevant
Coercion Account**

1. *Introduction*

The democratic principle tells us that the demos should exercise self-government. Who, however, is entitled to be considered to be a part of it? This question refers to what is usually called the *democratic boundary problem* (Dahl 2005, 179-198; Whelan 1983), which is the issue of defining criteria that could be used to establish “who are eligible to take part in which decision-making processes” (Arrhenius 2005, 1). One of the most popular hypothesized solutions to this problem is the so-called All Subjected to Coercion (ASC) principle. According to this principle, the relevant demos for every considered decision-making process are composed of all and only those subjected to the coercion of the outcome of the decision-making process itself (Owen 2012, 145-147). Although substantial agreement exists among supporters of ASC that subjection to coercion entails only the right to political inclusion when it relevantly limits the individual ability to be the author of one’s own life, scholars disagree on when this is the case. On the one hand, some views, which I call *systematic coercion accounts*, argue that only pervasive and frequent coercion limits individual autonomy (López-Guerra 2005, 222). Other perspectives, which I call *pluralistic conceptions of coercion*, propose a more nuanced view, arguing that coercion may diminish individual autonomy even when it is not systematic (Abizadeh 2008, 45-48). One example of a case in which this disagreement concerning the right interpretation of ASC emerges is represented by migration norms. Here, supporters of systematic coercion accounts argue that only long-term members of the receiving polities

have a right to inclusion in the making of these norms, insofar as they are the sole individuals who are pervasively subjected to the coercion of the state considered (Song 2019, 70-71). On the other hand, supporters of pluralistic conceptions of coercion argue that even would-be migrants should be included in the making of these norms because even if they are subjected to the coercion of the receiving states only in a marginal way, coercive migration norms deeply affect their capacity to plan their lives (Owen 2012, 146).

To overcome this disagreement on the correct interpretation of ASC, in this paper, I propose that we should define a set of criteria for the relevance of coercion for the individual ability to define a life plan. I argue that the incidence of coercion in individual autonomy should be determined by three criteria: a quantitative criterion, qualitative criterion, and temporal criterion. I propose to implement these criteria in a reformulation of the principle of coercion that I call *the relevant coercion account*. Furthermore, I apply it to the case of migration norms to show how it works and, more importantly, how it can overcome disagreements about the correct interpretation of ASC. To this end, I show that the relevant coercion account prescribes that would-be migrants – and then, substantially, every individual in the world – are included in the making of receiving communities' migration policies because these norms significantly reduce would-be migrants' individual autonomy in the sphere of movement, that is a relevant sphere of life. David Miller has recently contested a similar point; according to Miller, although autonomy in the sphere of movement can be considered relevant, border control cannot be considered a significant limitation of individual autonomy in this sphere, insofar as it only removes a few mobility options to individuals but does not undermine the general possibility for them to consider a plurality of alternative places where to move (Miller 2014, 364-366). However, I will reject this objection, arguing that it stands on a problematic conception of individual autonomy. Indeed, a plurality of options is a necessary but not sufficient condition for individual autonomy: another condition for autonomy is not being subjected to the will of another. Border controls seem to violate this second condition.

I proceed as follows. I start by presenting the general formulation of ASC principles (Section 2). I then illustrate my proposed criteria to evaluate the impact of coercion on individual autonomy (Section 3) and

a reformulation of the ASC principle that implements them (Section 4). Then, I provide an example of the application of my relevant coercion account showing that from this account, it follows a normative claim for the political inclusion of would-be migrants in the making of migration policies (Section 5) and consider the mentioned objection to this normative claim (Section 6). Finally, a short conclusion follows (Section 7).

2. The all subjected to coercion principle

A long tradition in democratic theory states that recipients of a coercive norm should also be coauthors (Benhabib 2006, 174; Rousseau 2005 [1762], 66-68; Habermas 2013, 139). This usually identifies subjection to coercion as a criterion for inclusion in the demos for the decision-making process. Generally, those who follow this intuition claim the following:

Are entitled to be included in the demos all and only those individuals who will be coercively forced to observe the collective decisions that the demos in question approves (Biale 2019, 107-109; Erman 2014, 8-9; López-Guerra 2005, 222-227; Owen 2012, 145-147).

Scholars generally agree that subjection to coercion is morally relevant – and then entails a right to inclusion in the demos – only when it significantly limits individual autonomy. We can express this idea using the notion of the life plan, to which many supporters of ASC implicitly or explicitly refer (Abizadeh 2008, 38-42; Miller 2020, 9). Using this notion, we can make the essentially uncontested claim that coercion entails democratic inclusion if and only if it interferes with the individual's ability to autonomously define and pursue their life plan. The notion of life plans, following the way scholars classically utilize them (Mill 2009 [1858], 77; Rawls 2010, 101-105 and 377-422), can be defined as:

a set of long-term projects, open-ended, and subject to ongoing revision, defined by the individual, that orient her actions in some relevant areas of her life.

Although agreement exists on the fact that the moral significance of coercion relies on it being a limit on individual autonomy, there is still disagreement on when and how coercion invades individual freedom.

And different ways to conceptualize the impact of coercion on individual autonomy determine different conceptions of political inclusion. On the one hand, some authors posit that subjection to coercion limits individual autonomy to relevant extents only when it is pervasive and frequent (Blake 2002, 273; López-Guerra 2005, 222; Erman 2014, 5; Miller 2016, 72; Sager 2014, 198). This interpretation of ASC might be called the *systematic coercion account*. On the other hand, other scholars argue that systematic coercion is not the only case in which coercion relevantly limits individual autonomy and that different kinds of subjection to coercion give grounds to different kinds of political inclusion (Owen 2012, 147; Abizadeh 2008, 48; Honohan 2014, 40-42; Biale 2019, 109-112). I call these views *pluralistic conceptions of coercion*.

What is problematic is the fact that both interpretations of ASC rely on intuitive conceptions of when and how subjection to coercion relevantly limits individual autonomy. These intuitions, nonetheless, may be controversial. As a consequence, this reference to intuitive arguments prevents us from converging on a univocal interpretation of ASC and then prevents us from identifying what idea of political inclusion a correct understanding of the criterion should prescribe. This, in turn, undermines the practical relevance of ASC insofar as it turns out that the principle is not able to indicate what composition of the demos would be required by democratic legitimacy in contested situations. A good example of this point is provided by the different ways in which supporters of the two distinct interpretations of ASC conceptualize the moral relevance of the coercive norms that define the migration policies of receiving communities. Supporters of systematic coercion accounts argue that only long-term members of the receiving community should be included in the definition of migration policies as the receiving state pervasively interferes only with the individual autonomy of its long-term members (Miller 2016, 72-74; Blake 2008, 968; Sager 2014, 198; Song 2019, 70-71; Baubock 2017, 63). In contrast, supporters of pluralistic conceptions of coercion claim that even would-be migrants should be included in the democratic definition of receiving communities' migration norms because even if receiving states do not systematically coerce would-be migrants, the migration norms these states enforce significantly limit would-be migrants' autonomy (Abizadeh 2008, 45-47; Owen 2012, 146; Valentini 2014, 792-793; Veschoor 2018, 15). Therefore, the absence of a

shared account of when subjection to coercion is morally relevant prevents from providing a univocal conceptualization of the conditions of democratic legitimacy of migration policy from the standpoint of ASC, and then undermines the practical relevance of the principle.

This example proves that overcoming disagreements on the correct interpretation of ASC is necessary for the criterion to be able to do a normative work in real circumstances in which the boundary problem emerges. To overcome this disagreement, our conceptualization of the impact of coercion on individual autonomy should be determined by reference to a criterion or set of criteria for the relevance of coercion reasonably shareable for every supporter of ASC. This would permit us to establish, for any given case of subjection to coercion, whether a correct understanding of ASC would require an individual's political inclusion without referring to contested intuitions. To understand which criteria should be used for this purpose, I suggest inquiring about what criteria we intuitively use to evaluate the impact of coercion on individual autonomy in cases where our intuitions are *uncontested*. More precisely, I argue that the criteria we intuitively use to evaluate when coercion matters in cases in which there is not disagreement should be spelled out and included in our formulation of ASC. Fulfilling this task is the aim of the next two sections. In the next section, I will define three criteria that I propose be used to evaluate the relevance of coercion. These criteria entail: 1) what the coercive decision forces the coerced to do or not to do and the importance for the coerced to have the opportunity to choose in the circumstance considered; 2) the number of binding decisions the individual must abide by; and 3) how long the coerced will be subjected to coercion.

3. Three criteria for the relevance of coercion

How can we know when coercion is relevant to an individual's ability to define his or her life plan? In this section, I propose three criteria—qualitative, quantitative, and temporal—that can be used to determine the impact of coercion on individual autonomy. Below, I start by illustrating them.

3.1 The qualitative criterion

First, whether coercion is relevant to our autonomy depends on what it forces us to do or not do: coercion is relevant if it limits our autonomy in a sphere of our life that, for some reason, matters.

However, what determines whether a certain sphere of life is relevant? Here, I would like to define a two-level criterion for establishing the relevance of a sphere of life. On the first level, an objectivist criterion establishes that a sphere of life is considered relevant if autonomy in that sphere is a condition of autonomy in other spheres. For instance, if we consider, as a 'relational sphere', the sphere in which the subject chooses whether to have relations with other human beings and with whom, we might easily understand that a lack of autonomy in this sphere substantially precludes autonomy in every other sphere. If the subject cannot decide with whom to share his or her life, he or she lacks the opportunity to autonomously decide how to live.

However, we cannot make the relevance of every sphere of life entirely dependent on whether the autonomy in that sphere limits the subject's autonomy in other spheres. Indeed, there are spheres that we can justifiably consider relevant simply because people value having autonomy in them. In other words, the well-being and self-esteem of individuals may depend on whether they have autonomy – or at least a sufficient degree of autonomy – in particular spheres of life. Therefore, we need to introduce a second-level criterion stating that the relevance of a sphere of life is determined by the extent to which people consider autonomy in that sphere to be a symbol of dignity and self-esteem. Whether autonomy in a sphere interested in coercion matters from the perspective of this criterion is determined by the social meaning that is associated with autonomy in that sphere by the individuals subjected to coercion. And whether autonomy in a sphere of life matters to individuals is largely an empirical question that should be determined by sociological inquiry into the value that individuals assign to specific spheres.¹ As such, this

¹ Ideally, we should consider relevant any sphere of life that a person considers relevant, thus, interpreting the criterion in purely subjectivist terms. However, since it is plausible to claim that every individual assigns different values to different spheres, this reading of the criterion would risk multiplying the relevant

second-level criterion has to be read as a contextualist criterion, sensitive to individual preferences.²

We can easily understand the logic of this second-level criterion insofar as we already implicitly use it to evaluate the relevance of certain spheres. Consider, for instance, the sphere of food. Obviously, autonomy in this sphere is not a condition for autonomy in other spheres. However, we might consider autonomy in that sphere to be relevant because people generally assign important moral and symbolic values to food. The kind of food one chooses may reflect normative or religious commitments, a national identity, and even social identities (Fielding-Singh 2017, 425-427; Lupton 1994, 666-668; Lyons *et al.* 2001, 201-203; Mintz, Du Bois 2002, 109-110). Then, we may suppose that individuals generally consider being autonomous in this sphere as a part of what it means to be autonomous agents. This example corroborates the reliability of the second-level criterion defined. I next illustrate the second criterion of relevance: the quantitative indicator.

spheres and becoming overinclusive. Thus, it would become substantially inapplicable. To avoid these weaknesses, using sociological inquiry into the meanings that individuals generally assign to specific spheres as a proxy to identify what spheres are more significant to individuals seems justifiable.

² A possible problem of a contextualist criterion is that it might risk failing to identify the real value that individuals assign to any given sphere. This is because from a contextualist standpoint, what spheres of life are relevant should be determined by reference to the practices most held within a certain community. Shared practices, however, do not necessarily reflect real individual preferences, because not always they are freely chosen. Sometimes, for instance, they might be imposed by a majority that exercises domination over others. This is why it must be stressed that the criterion must be sensitive to individual preferences observed by empirical research: this would permit that the criterion avoids overinclusive consequences while avoiding biases toward 'the majority's view'. Indeed, it is plausible to expect that empirical analyses can capture views that achieve some threshold of numerical relevance even when they do not coincide with the majority's view. Therefore, the reading of the criterion proposed seems to qualify as a hybrid between a purely contextualist criterion and a purely subjectivist one that is able to mitigate the weaknesses of both extremes. For this consideration, I am grateful to an anonymous reviewer, who suggested it.

3.2 The quantitative criterion

The relevance of the sphere of life that is limited by coercion is not the only indicator that matters. There is a second quantitative indicator. The state limits my ability to define my life plan depending on how many coercive norms it subjects me to. For instance, from the quantitative perspective, long-term residents of a certain country are more subjected to state coercion than people in any other part of the world, which, as Goodin remarkably noted (Goodin 2016, 376-382), the state might want to subject to coercive norms for the sake of protecting its international security. Indeed, the second group of individuals is only subjected to a specific group of norms approved by the country; it is not subject to all of them. This, according to pluralistic conceptions of coercion, might be enough for the first country to diminish the individual autonomy of the subjects in the second country. Conversely, supporters of systematic coercion accounts would reject this point. What seems to be uncontested, however, is that in this case, the different number of spheres of life in which individuals are subjected to coercion has different impacts on individual autonomy.

3.3 The temporal criterion

The third indicator is temporal. Whether coercion relevantly circumscribes the individual's ability to plan his or her life is dependent on how long the individual is subjected to coercion. To explain this point, let us start with the notion of coercive norms. According to a well-established view presented in the literature, a coercive norm is roughly a conditional proposition that associates a negative consequence (which usually involves violence) with a possible action (Raz 1986, 149; Held 1972, 51-53; Abizadeh 2008, 40; Anderson 2006; Olsaretti 1998, 54; Nozick 1972, 102-109). When we consider how a coercive norm infringes on the individual autonomy of those subjected to it, we are concerned with the incidence on individual autonomy of the threat constituted by the norm itself. Therefore, the temporal indicator applies to the violation of individual autonomy determined by the threat. What matters, namely, is for how long the threat of penalty holds.

The reference to the temporal dimension permits us to make the apparently reasonable claim that, although in a strict sense, a tourist is

subjected to coercion in a foreign country, he or she is not entitled to any form of political inclusion there. Consider the following scenario: an individual visits a country where the law states that smoking must be punished with ten years of imprisonment. This norm associates smoking with a penalty so harsh that the potential cost of smoking is incredibly high. Consequently, it is essentially as if the tourist cannot consider the option of smoking. From a temporal point of view, if we assume that the tourist will remain in the foreign country for only a few days, we conclude that the considered norm has the consequence of denying the tourist the freedom for a few days. This restriction on freedom, if protracted for a prolonged time, may be considered relevant. Indeed, we might think that a stable application of these norms fails to treat individuals as rational agents capable of autonomously evaluating whether the pleasure of smoking compensates for its risks. It seems clear, however, that being denied this freedom for a few days does not relevantly limit the tourist's ability to define and pursue a life plan, insofar as the tourist will be deprived of this liberty only during the stay in the host country; and when the tourist returns home, he or she will reacquire the freedom to smoke. In the next section, I show how these criteria for the relevance of coercion can be implemented in a reformulation of the coercion principle.

4. *The relevant coercion account*

Before presenting the proposed reformulation of the principle of coercion, I think it may be useful to dedicate a few more words to how the indicators of the relevance of coercion just presented relate to each other. More specifically, I would like to point out that coercion cannot significantly interfere with individual autonomy if it is not relevant from the temporal and qualitative point of view. Conversely, quantitative relevance is not a necessary condition for the general relevance of coercion. Below, I clarify these points.

First, the fact that subjection to coercion cannot relevantly limit individual autonomy if it does not take place for a prolonged period of time seems to be proven by the tourist example. The same seems to hold for the qualitative indicator. To corroborate this point, a useful example might be the case of traffic rules. Several rules discipline our behavior

when we drive a car. These rules may potentially hold for a prolonged period of time. Nonetheless, these rules intervene in spheres of life that, per se, do not seem so significant for our global individual autonomy. For instance, it seems that it does not matter so much what speed I can keep on the highway for my general ability to define a life plan. Obviously, there might be exceptions. For example, the British might view driving the car on the left side as a part of their national identity, so that, if the British government approved a norm that establishes that British people must drive on the right, this might be perceived as a relevant violation of their individual autonomy. However, it seems reasonable to consider this as a special case that does not deny the fact that, generally, traffic rules discipline choices that are not central for our long-term projects. Therefore, we can say that coercion determined by traffic rules is quantitatively and temporally relevant but not qualitatively important. Certainly, we would not say that these rules importantly limit our individual autonomy. Therefore, this example seems to suggest that coercion cannot limit global individual autonomy without relevantly diminishing it in the qualitative sphere.

Conversely, it seems that coercion can diminish individual autonomy even without being relevant from the quantitative point of view. Imagine, for instance, that the state approves a norm stating that all citizens are required to wear a uniform every day of their lives. In this case, it seems that citizens' subjection to coercion is not significant from the quantitative point of view: they are subjected to the coercion of a single norm. Nonetheless, the state's interference is relevant both with respect to the temporal and qualitative dimensions. Indeed, citizens will be forced to do something every day of their life, and this seems to be enough to demonstrate the temporal relevance of the interference. On the other hand, the sphere of life in which the state interferes with citizens' freedom can be considered important by referring to the second level of the qualitative criterion. Indeed, although autonomy in the sphere of fashion is not a condition for autonomy in other spheres, it can be considered a significant source of individual well-being. This is because one's style of clothing can be considered a part of his or her personal identity: specific styles of clothing can reflect religious or political commitments, for instance. Therefore, limiting an individual's autonomy in this sphere may amount to limiting an individual's capability to express his or her identi-

ty in everyday life choices. Now, it seems reasonable to claim that in this case, even if the state's interference is not relevant from the quantitative point of view, it constitutes a significant limitation of individual autonomy. Thus, this example seems to prove that quantitative relevance is not a necessary condition for the general relevance of coercion.

This seems to be enough to illustrate the relations among the different criteria of relevance. Once these criteria and how they work are defined, we should turn to inquire into how the reference to these criteria for the evaluation of the impact of coercion on individual autonomy affects our understanding of ASC. For this purpose, I propose implementing the three indicators of the relevance of coercion that I present in our formulation of the principle, which I shall call *the relevant coercion account*. I define the principle as follows:

For every certain set of coercive decisions, individuals are entitled to be included in the demos and to approve or disapprove of it to the extent that is proportional to the degree of relevance that the violation of the individual ability to define their life plan, determined by the set of coercive decisions, will achieve with respect to three criteria: to the qualitative criterion, which indicates the relevance of the spheres of life in which the individual is subjected to coercion; the quantitative criterion, which indicates the relevance of the number of coercive decisions to which the individual is subjected; and the temporal criterion, which indicates the relevance of the period of time during which the individual is subjected to coercion.³

³ The account I propose has much in common with Kim Angell's proposal. Angell maintains that political inclusion in the making of a certain decision *d* should be proportional to the extent to which *d* affects one's own capability to revise and pursue their life plan (Angell 2020, 131). What distinguishes the relevant coercion account from this position, which is called the *life plan principle*, is the fact that, while my account is structured on ASC, Angell's principle is a specification of the so-called All Affected Interests (AAI) Principle (Goodin 2007; Fung 2013). However, what is problematic in the choice to construct a scalar principle as a specification of AAI is the fact that the well-functioning of democracy requires the existence of a demos whose composition is relatively stable over time (Baubock 2018; Biale 2019; Walzer 1983). In addition, since what decisions affect whose life plans is a quite unstable datum subject to frequent mutations, a scalar principle structured on AAI could not guarantee the stability

From what has been said earlier concerning the relations among the three criteria of relevance, it follows that, according to this formulation of the principle, it is sufficient that coercive interference with individual autonomy is temporally and qualitatively relevant in order for it to constitute a globally relevant limitation of freedom. This seems to imply that my account permits the possibility that individuals can have a right to political inclusion even when they are not subjected to the coercion of an entire legal system and then when they are not systematically subjected to coercion. This qualifies my account as a pluralistic conception of coercion. What this account adds to already existing pluralistic conceptions of ASC is that it can determine whether and how nonsystematic coercion can relevantly limit individual autonomy, not in reference to intuitions but rather to the three criteria just presented, which allegedly are reasonably acceptable for every supporter of ASC. The reference to these indicators permits a defense of a pluralistic conception of ASC against systematic coercion accounts on more solid grounds. In the next section, I apply my account to the case of migration norms. Specifically, I will show that, applied to the case of migration norms, the relevant coercion account requires that would-be migrants be included in the making of the migration policies of receiving communities and that this implies that a global demos issue specific to the domain of international migration should exist. Furthermore, I will compare my account to Iseult Honohan's similar domination-based account and consider how it applies to the case of receiving communities' migration policies.

5. The political inclusion of would-be migrants

In this section, I provide an example of the application of my relevant coercion account by showing how it applies to the case of receiving community migration norms. A major debate exists on whether border controls can be

of the demos required by democracy (Baubock 2018). Conversely, the presence of the temporal criterion for the evaluation of the general relevance of coercion permits to my relevant coercion account to avoid the risk of excessive fluidity in the composition of the demos. In this perspective, then, my relevant coercion account seems preferable to the life plan principle.

considered legitimate from the perspective of a liberal-democratic system of values. This debate engages two broad schools of thought, one in favor of open borders (Carens 1987, 255-262; Oberman 2016, 33-34; Kukathas 2012, 655-660) and the other in favor of states' right to control immigration (Walzer 1983, 32; Miller 2014, 369-372; Song 2017, 37-38). The approach I use in this section, as suggested by the work of other scholars (Abizadeh 2008, 35-48; Honohan 2014, 38-39), is different. Indeed, I am not primarily concerned with whether borders should be open or not. Rather, the question I want to address is how to compose the demos that approves receiving community migration policies (regardless of what they prescribe) for decisions to be considered democratically legitimate. As I mentioned in Section 2, migration norms is a case actually discussed by supporters of the two different interpretations of ASC in which the difficulties determined by the absence of a shared set of criteria for the relevance of coercion become evident. Therefore, applying the relevant coercion account to this case is a good opportunity to illustrate how it works and, more importantly, to verify whether it is capable of overcoming disagreements among the two interpretations of ASC.

Let us apply the formulation of ASC defined above to the case of migration policies. These policies usually define a set of coercive norms (i.e., norms that can be coercively enforced) to which every individual in the world is subjected. Indeed, every individual in the world will be coercively forced to observe these norms. Our criteria for the relevance of coercion permit us to infer from this point that every individual in the world should be included in the democratic approval or disapproval of the policy defined by these norms. Indeed, despite not being as relevant with respect to the quantitative dimension, these norms seem undoubtedly relevant with respect to the temporal and qualitative dimensions. They invade a central sphere of life, i.e., that of movement. Having autonomy in other spheres of life depends on having autonomy in the sphere of movement since the possibility of freely choosing where to live depends on the possibility of freely choosing *how* and *with whom* to live. Furthermore, the literature has clarified that individuals value autonomy in the sphere of movement. Indeed, as has been pointed out, movement across borders is not simply a reparation act that individuals perform to remedy a situation of inequality as a result of living in an unjust world. Rather, this movement is an irreplaceable part of a person's life plan (Ot-

tonelli and Torresi 2010, 15-17). This means that having freedom in the sphere of movement is not only functional to having freedom in other spheres but can also be perceived as inherently valuable since ‘humans are not sedentary animals’ (Baubock 2009, 7).

In the way it applies to migration policies, my model is different from that proposed by Honohan (Honohan 2014, 40-43). Honohan develops a domination-based approach that implements a scalar principle that states that the level of political inclusion to which an individual is entitled is proportional to the extent to which the coercive power to which he or she is subject affects his or her life. What differentiates my proposal from this model is that, according to this approach, the degree of domination over individual life is determined by the subject’s will. For instance, a coercive norm that forbids action x is considered to be more coercive toward an individual who actually wants to do x than toward an individual who does not. Suppose we apply this model to the case of migration policies. We conclude that they should be approved by the citizens of the receiving country and all individuals who apply to enter and/or are currently trying to enter that territory. This does not, however, apply to others. Indeed, this is the dominion of individuals who are affected by norms to require political inclusion.

This logic, however, seems to contradict the idea of democratic freedom. As stated above, the democratic principle requires that the individual be included in the making of every collective decision that will lead to an exercise of coercion over him or her regardless of whether the decision removes an alternative he or she values or not. What matters is that the individual can consider the matter. Furthermore, it has already been noted how dangerous it can be to measure our freedom based on whether we can or cannot do what we want (Berlin 2010, 185-191). According to this logic, we should conclude that an ascetic who does not desire anything can be locked up in prison and still be free.

Different objections might be raised against the normative claim I defend in this section.⁴ However, to conserve space, I will not consider all

⁴ One obvious way to reject my normative claim would be to reject ASC as a criterion of inclusion (Baubock 2018, 31-37). Furthermore, David Miller has argued that migration norms do not coerce would-be migrants; thus, ASC does not apply to this case (Miller 2010). Otherwise, the feasibility of this normative proposal might be put into question (Miller 2009, 209-211).

possible objections in this work. Rather, I will focus on a specific concern raised by David Miller that border control does not significantly restrict would-be migrants' freedom of movement (Miller 2014, 365). In the next section, I address this objection.

6. A possible objection: do border controls significantly limit individual autonomy in the sphere of movement?

Against my normative claim for the political inclusion of would-be migrants, some authors might contest that, despite the relevance of freedom in the sphere of movement, border controls do not constitute a significant limitation of this freedom. David Miller advances a similar objection. According to Miller, for an individual to be autonomous, it is not necessary that all possible life options are at his or her disposition. Rather, it is sufficient that he or she has an adequate range of life options from which to choose. According to this line of argument, for me to be autonomous in the sphere of movement, it is sufficient that I can choose from an adequate range of options of places in which I can be. Border controls do not necessarily undermine this plurality of options in the sphere of movement. For instance, citizens of the United States, according to this line of argument, could choose from an adequate range of life options in the sphere of movement even if they cannot cross the borders of the territorial community to which they belong (Miller 2014, 365-366).⁵ Below, I illustrate what I find problematic in Miller's objection.

The premise on which Miller's objection stands is disputable. Indeed, the approach to autonomy Miller defends seems to be in conflict with the classic conception of autonomy as 'not being subject to another's will'. What I mean is that having a plurality of valuable options from which to choose, despite being necessary, does not seem to be a sufficient condition for individual autonomy. In addition, it is necessary that the range of options from which an individual can choose is not intentionally constrained by the action of another agent. This point can be defended by adapting the well-known example of the happy servant

⁵ I would like to thank an anonymous reviewer, who suggested me this possible objection.

(Pettit 2011, 707-708; List and Valentini 2016, 25-27; Abizadeh 2010, 126). Consider the following scenario. Imagine a polity governed by a constitutional monarchy. Constitutional law permits every member of the polity to have a wide range of options from which to choose in every relevant sphere of life. Every individual, for instance, can choose employment from an adequate variety of work options. Furthermore, constitutional law establishes that once individuals are permitted to consider a certain option, this possibility cannot be revoked by the action of the monarch, and if the monarch tries to interfere with individuals' ability to obtain one of these life options, the monarch will be prevented from doing so by a constitutional court. Suppose, nonetheless, that the life options every individual can choose from are initially established by the monarch.

Now, in this scenario, all the members of the polity have an adequate plurality of life options from which to choose. Furthermore, the integrity of this plurality is guaranteed by constitutional law. Nonetheless, it seems problematic to conclude that the members of the polity have the capacity to autonomously lead their lives for the following reason. The range of options every individual can consider is directly constrained by the decisions of another agent, the monarch in this case. In this sense, the members of the community are subject to the will of another agent in their life choices. It might be the case that among the life options that individuals are prevented from considering, there is one they value more. It seems plausible to claim that what the notion of autonomy aims to protect is the individual ability to autonomously decide what is valuable for oneself and what is not. Individuals in the scenario described are denied this opportunity since the options they can consider are unilaterally decided by the monarch; that is, it is as if the monarch arrogated the possibility of deciding which life options an individual can value and then what is (or should be) good for them. Therefore, it seems that individuals in the scenario considered cannot be said to be autonomous in any relevant sense, independent of how many life options they are permitted to consider.

Miller rightly argues that having the ability to do what one desires more is not a necessary condition for individual autonomy (Miller 2014, 364-365). For instance, I might want an Aston Martin, but the fact that I cannot have one does not make me relevantly less autonomous. However, this point does not undermine my argument against Miller. This is

the case because the condition for individual autonomy that I add does not require that I have all the options I value more at my disposal for me to be autonomous. What matters, rather, is what determines whether I can consider a certain option or not. In the account of individual autonomy I use, the fact that I cannot consider an option counts as a relevant violation of individual autonomy only if it is directly and intentionally determined by the action of another agent. It does not if the state of things considered is determined by unintentional consequences of other actions. For instance, the fact that I cannot have an Aston Martin may depend on the fact that I am not wealthy enough to buy it. Alternatively, my inability to buy an Aston Martin might be a consequence of the fact that the company that produces it decided to withdraw it from the market. These do not represent cases of a relevant violation of my individual autonomy. However, the circumstances are different if we imagine that the reason why I cannot have an Aston Martin has nothing to do with the unintentional consequences of some other agent's actions, but with the decision of another agent that I cannot have it. Indeed, in this case, I would be subject to the will of another actor, and then I would not be the author of my choice.

This argumentative passage seems to justify the importance I assign to freedom of movement across borders against Miller's objection. Indeed, the restriction of freedom of movement implies that the range of life options from which an individual can choose is determined by another agent, and then he or she is subject to the will of another (Carens 2013, 248-249). This conclusion seems to justify the thesis that limitations of freedom of movement across borders constitute a relevant violation of individual autonomy and that collective decisions leading to these limitations should be democratically approved by the demos in which those whose freedom of movement is limited by these decisions are included.

7. Conclusion

Despite an agreement among supporters of the principle of coercion that subjection to coercion is morally relevant and entails a right to political inclusion, only when it relevantly infringes on individual auton-

my does a disagreement exist on when this is the case. This disagreement is instantiated by the different views that supporters of different interpretations of ASC offer of the moral relevance of subjection to the coercion of migration norms. To overcome disagreements on the right interpretation of ASC, I propose to use three criteria that are allegedly reasonably acceptable for every supporter of ASC to determine when coercion matters. Furthermore, I propose implementing these criteria in a new formulation of the principle of coercion, which I call the relevant coercion account. After having distinguished my account of the boundary problem from similar positions illustrated in the literature, I apply it to the case of migration norms to illustrate how it works. To this purpose, I show that the interpretation of ASC I suggest prescribes that would-be migrants are included in the making of receiving communities' migration norms. Clearly, this is not the only case in which my inclusion criterion prescribes the existence of democracy beyond borders. Indeed, as mentioned in the paper, some scholars point out that different categories of norms subject every individual in the world to coercion (Goodin 2016; Valentini 2014). If, from the application of the indicators of the relevance of coercion, it results that these norms significantly limit the individual autonomy of individuals beyond borders, my criterion of inclusion would prescribe the inclusion of individuals beyond borders, even in the making of these norms. Furthermore, I address a possible criticism of the applied example of the relevant coercion account, and I argue that this criticism stands on a problematic notion of individual autonomy. What remains to be established is which institutional framework might implement the normative claim that follows from the application of my criterion of inclusion to the case of migration norms. However, answering this question deserves a dedicated paper. Therefore, I set it aside for future work.

References

- Abizadeh A. (2008), "Democratic Theory and Border Coercion", *Political Theory*, vol. 36, n. 1, pp. 37-65.
- (2010), "Democratic Legitimacy and State Coercion: A Reply to David Miller", *Political Theory*, vol. 38, n. 1, pp. 121-130.

- Anderson S. (2006), *Coercion*, Stanford Encyclopedia of Philosophy.
- Angell K. (2020), "A Life Plan Principle of Voting Rights", *Ethical Theory and Moral Practice*, n. 23, pp. 125-139.
- Arrhenius G. (2005), "The Boundary Problem in Democratic Theory", in F. Tersman, *Democracy Unbound*, Stockholm, Stockholm University.
- Baubock R. (2009), "Global Justice, Freedom of Movement and Democratic Citizenship", *European Journal of Sociology*, vol. 50, n. 1, pp. 1-31.
- (2017), "Political Membership and Democratic Boundaries", in A. Shachar, R. Baubock, I. Bloemraad, M. Vink, *The Oxford Handbook of Citizenship*, Oxford, Oxford University Press.
- (2018), *Democratic Inclusion, A Pluralist Theory of Citizenship*. Rainer Baubock in *Dialogue*, Manchester, Manchester University Press.
- Benhabib S. (2006), *I Diritti degli Altri*, edited by S. De Petris, Milano, Raffaello Cortina; or. ed. *The Rights of Others. Aliens, Residents and Citizens*, Cambridge, Cambridge University Press, 2004.
- Berlin I. (2010), "Due Concetti di Libertà", in H. Hardy (ed.), *Libertà*, Milano, Universale Economica Feltrinelli; or. ed. "Two Concepts of Freedom", in *Liberty*, Oxford, Oxford University Press, 2020.
- Biale E. (2019), "A Fluid Demos for a Hypermigration Polity", *Res Publica*, vol. 25, n. 1, pp. 101-117.
- Blake M. (2002), "Distributive Justice, State Coercion, and Autonomy", *Philosophy and Public Affairs*, vol. 30, n. 3, pp. 257-296
- (2008), "Immigration and Political Equality", *San Diego Law Review*, n. 963, pp. 963-979.
- Carens J. (1987), "Aliens and Citizens: The Case for Open Borders", *The Review of Politics*, vol. 49, n. 2, pp. 251-273.
- (2013), *The Ethics of Immigration*, New York, Oxford University Press.
- Dahl R.A. (2005), *La Democrazia e I Suoi Critici*, edited by L. Vagaggini, Roma, Editori Riuniti; or. ed. *Democracy and its Critics*, New Heaven, Yale University Press, 1989.
- Erman E. (2014), "The Boundary Problem and the Democratic Ideal", *Constellations*, vol. 21, n. 4, pp. 1-12.
- Fielding-Singh P. (2017), "A Taste of Inequality: Food's Symbolic Value in the Socioeconomic Spectrum", *Sociological Science*, n. 4, pp. 424-448.
- Fung A. (2013), "The Principle of Affected Interests: An Interpretation and Defence", in J.H. Nagel, J.R. Smith, *Representation: Elections and Beyond*, Philadelphia, University of Pennsylvania Press.
- Goodin R. (2007), "Enfranchising All Affected Interests, and Its Alternatives", *Philosophy and Public Affairs*, vol. 35, n. 1, pp. 40-68.

- (2016), “Enfranchising All Subjected, Worldwide”, *International Theory*, vol. 8, n. 3, pp. 365-389.
- Habermas J. (2013), *Fatti e Norme*, edited by L. Ceppa, Roma-Bari, Laterza; or. ed. *Faktizität und Geltung. Beiträge zur Diskurstheorie des Rechts und des demokratischen Rechtsstaats*, Frankfurt a.M., Suhrkamp, 1992.
- Held V. (1972), “Coercion and Coercive Offers”, in J.R. Pennock, J.W. Chapman, *Coercion*, Chicago - New York, Aldine.
- Honohan I. (2014), “Domination and Migration: An Alternative Approach to the Legitimacy of Migration Controls”, *Critical Review of International Social and Political Philosophy*, vol. 17, n. 1, pp. 31-48.
- Kukathas C. (2012), “Why Open Borders”, *Ethical Perspectives*, vol. 19, n. 4, pp. 650-675.
- List C., Valentini L. (2016), “Freedom as Independence”, *Ethics*, vol. 126, n. 4, pp. 1043-1074.
- López-Guerra C. (2005), “Should Expatriates Vote?”, *The Journal of Political Philosophy*, vol. 13, n. 2, pp. 216-234.
- Lupton D. (1994), “Food, Memory and Meaning: The Symbolic and Social Nature of Food Events”, *The Sociological Review*, vol. 42, n. 4, pp. 664-685.
- Lyons K., Lockie S., Lawrence G. (2001), “Consuming ‘Green’: The Symbolic Construction of Organic Foods”, *Rural Society*, vol. 11, n. 3, pp. 197-210.
- Mill J.S. (2009) [1859], *Saggio Sulla Libertà*, edited by S. Magistretti, Milano, il Saggiatore; *On Liberty*.
- Miller D. (2009), “Democracy’s Domain”, *Philosophy and Public Affairs*, vol. 37, n. 3, pp. 201-209.
- (2010), “Why Migration Controls are not Coercive: A Reply to Arash Abizadeh”, *Political Theory*, vol. 38, n. 1, pp. 111-120.
- (2014), “Immigration: The Case for Limits”, in A. Cohen, C.H. Wellman, *Contemporary Debates in Applied Ethics*, Chichester, Wiley Blackwell.
- (2016), *Strangers in our Midst: The Political Philosophy of Immigration*, Cambridge, Harvard University Press.
- (2020), “Reconceiving the Democratic Boundary Problem”, *Philosophy Compass*, vol. 15, n. 11, pp. 1-9.
- Mintz S., Du Bois C.M. (2002), “The Anthropology of Food and Eating”, *Annual Review of Anthropology*, n. 31, pp. 99-119.
- Nozick R. (1972), “Coercion”, in P. Laslett, W.G. Runciman, Q. Skinner, *Philosophy, Politics and Society*, Oxford, Basil Blackwell.
- Oberman K. (2016), “Immigration as a Human Right”, in S. Fine, L. Ypi, *Migration in Political Theory: The Ethics of Movement and Membership*, Oxford, Oxford University Press.

- Olsaretti S. (1998), "Freedom, Force and Choice: Against the Rights-Based Definition of Voluntariness", *The Journal of Political Philosophy*, vol. 6, n. 1, pp. 53-78.
- Ottonelli V., Torresi T. (2010), "Inclusivist Egalitarian Liberalism and Temporary Migration: A Dilemma", *The Journal of Political Philosophy*, vol. 20, n. 2, pp. 1-23.
- Owen D. (2012), "Constituting the Polity, Constituting the Demos: On the Place of the All Affected Interests Principle in Democratic Theory and in Resolving the Democratic Boundary Problem", *Ethics and Global Politics*, vol. 5, n. 3, pp. 129-152.
- Pettit P. (2011), "The Instability of Freedom as Noninterference: The Case of Isaiah Berlin", *Ethics*, n. 121, pp. 693-716.
- Rawls J. (2010), *Una Teoria della Giustizia*, edited by S. Maffettone, Milano, Universale Economica Feltrinelli; or. ed. *A Theory of Justice*, Cambridge, Harvard University Press, 1971.
- Raz J. (1986), *The Morality of Freedom*, Oxford, Oxford University Press.
- Rousseau J.J. (2005) [1762], *Il Contratto Sociale*, edited by R. Gatti, Milano, Biblioteca Universale Rizzoli; or. ed. *Du Contrat Social, ou Principes du Droit Politique*.
- Sager A. (2014), "Political Rights, Republican Freedom and Temporary Workers", *Critical Review of International Social and Political Philosophy*, vol. 17, n. 2, pp. 189-211.
- Song S. (2017), "Why Does the State Have a Right to Control Immigration?", in J. Knight, *Immigration, Emigration and Migration*, New York, New York University Press.
- (2019), *Immigration and Democracy*, New York, Oxford University Press.
- Valentini L. (2014), "No Global Demos, No Global Democracy? A Systematization and Critique", *Perspectives on Politics*, vol. 12, n. 4, pp. 789-807.
- Verschuur M. (2018), "The Democratic Boundary Problem and Social Contract Theory", *European Journal of Political Theory*, vol. 17, n. 1, pp. 3-22.
- Walzer M. (1983), *Spheres of Justice: A Defense of Pluralism and Equality*, New York, Basic Books.
- Whelan F.G. (1983), "Prologue: Democratic Theory and the Boundary Problem", *Nomos*, n. 25, pp. 13-47.

