

The Scottish independence referendum need not include the rest of the UK, even though they are affected

By Democratic Audit

Scotland's decision in the upcoming independence referendum will have serious implications for the whole UK. It has been argued that all UK citizens outside Scotland should therefore be entitled to vote on Scottish independence, in line with the 'all affected interests' principle of democratic theory. Ben Saunders asks whether we should apply this principle to the referendum, concluding that it is not necessary for the result to be considered legitimate.

As previously discussed on Democratic Audit, the coming referendum on Scottish independence raises a number of important constitutional issues. However, it also raises some more fundamental moral questions. Point four of the Scottish Government's [policy memorandum](#) states that the referendum should "be (and ... be seen to be) a fair, open and truly democratic process", but this invites discussion about what it is for a decision to be taken democratically.

The term 'democracy' derives, etymologically, from the Greek *demokratia*, which translates as something like [people \(*demos*\) power \(*kratos*\)](#). This isn't much help without some account of what people-power means though; for instance, whether democracy requires that the people themselves exercise power directly or whether it is consistent with power being delegated to their elected representatives. One particular puzzle that has exercised theorists of democracy, since at least the 1970s, is just who the 'people' in question are – what's come to be known as the '[boundary problem](#)'.

Often it is taken for granted that 'the people' refers either to the citizens of a given state or residents of a given territory (or perhaps those who '[live and work](#)' there), though these conditions can come apart when we consider expatriate workers and the like. Either understanding of 'the people' has struck many commentators as inadequate though, when it allows the members of one 'people' to take decisions with profound effects upon outsiders.

One popular answer to this puzzle has been that everyone who is affected by a decision should be [granted a say in it](#). In other words, 'the people' consists of everyone with something at stake in a decision. This is known as the [all affected principle](#). It has found favour because of its inclusivity; democracy has always stood for the rule of the many, rather than the few (as in monarchy or aristocracy). This inclusivity is often justified on the grounds that the people should be able to protect their own interests, rather than relying on the good will of others. It seems natural, then, to conclude that all those with interests at stake should be entitled to participate, in order to defend those interests.

If democratic principles require that everyone who is affected by a decision is able to participate in it, then nation-state decision-making is often undemocratic, except where the decision affects only members of that nation or state. Advocates of the all affected principle often embrace this conclusion, arguing that the British have no right to decide to build coal-fired power stations that pollute Scandinavia. Some, like [Bob Goodin](#), go so far as to propose that the best way to satisfy democratic principles is to [enfranchise everyone on all decisions](#).

What relevance does this have to Scottish independence? Well, if everyone affected must be entitled to participate in order to confer democratic legitimacy on a decision, then it seems that a decision made only by the Scots cannot be democratic. There have been popular calls to allow the English (and presumably those in the rest of the UK) to vote on Scottish independence (see [here](#) and the petitions [here](#), [here](#), and [here](#)). Even this, however, would not go far enough.

While the EU membership of an independent Scotland is [currently unclear](#), what does seem clear is that Scottish independence would have knock-on effects for the rest of the EU. In particular, if Scotland successfully secedes from the UK then this may inspire other separatist movements, such as [the Catalans](#). But, if all these groups are affected by the decision, then perhaps they too should be included in the referendum, if it is to be truly democratic.

While the all affected principle does support claims that non-Scots in the rest of the UK should have a say over Scottish independence, it also requires that a say be granted to many outside the UK too. Thus, this principle cannot support the position that all and only those in the UK should decide on the future of the UK. It is not, therefore, as helpful to those calling for an English/rest of UK say as might be supposed.

All of this, however, presupposes that the all affected principle does accurately capture the requirements of democracy: that there is something undemocratic about any group making a decision that affects outsiders without their input. However, this principle seems less sound than its adherents believe. In fact, I think we have good [reasons to reject the all affected principle](#) as a requirement of legitimacy. (That is, either the all affected principle does not tell us what democracy requires or it tells us what democracy requires but democracy can justifiably be overridden in pursuits of other values, like people's rights. The relation between democracy and substantive rights is also a matter of [considerable academic debate](#).)

Consider a contractual relationship. Both parties must agree to the contract in order for it to be binding. Usually, however, either party can unilaterally choose to terminate the contract in line with the terms set out in it. Both parties must consent to a marriage, but only one need file for divorce in order to signal that that mutual consent is no longer ongoing. It even takes two to establish Facebook friendship (one clicks 'add friend' and the other accepts the request), but [either one can later remove the friendship](#).

We might say that all these examples illustrate the principle that it takes two to tango, but only one to stop. If one party no longer consents to the relationship in question, then they have the power to dissolve it unilaterally. Note that this is so even though their doing so will invariably affect the other party. Admittedly, it may be that they have this right only because granted it originally by the other party – that is, because it was part of the contract that they entered in to – but this doesn't change the point.

I've not argued that the Scottish people in fact have a right to terminate their relationship with the rest of the UK. If any group could secede from a larger unit, then perhaps [northern England would also wish to secede](#); indeed we might face a [chain of smaller and smaller breakaway units](#). But if the Scots have such a right, then they're entitled to exercise it, without needing to consult or enfranchise the English or anyone else. That the English are affected by the exercise of such a right does not mean that they must be entitled to vote in the referendum.

Note: This blog post summarises the argument of [an article](#) originally published in Politics. It represents the views of the author, and does not give the position of Politics, Democratic Audit or the LSE. Please read our [comments policy](#) before commenting. Shortlink for this post: <http://buff.ly/1gB170z>

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